

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

CHILD LABOR PROGRAM

61L-2.006 Employment of Minors by the Entertainment Industry.

(1) General. Rule 61L-2.006, F.A.C., sets forth the work conditions determined necessary by the division to protect minor employees in the entertainment industry. The requirements in this rule are intended to ensure that minors are not employed under conditions that are injurious or detrimental to their health, safety or education.

(2) Permit to Hire and Reporting Requirements for Employers.

(a) Permit to Hire. Employers of minors in the entertainment industry shall obtain a Permit to Hire prior to employing any minor in Florida, or within 60 days of this rule's adoption for productions already in progress. Application for a Permit to Hire shall be made by submitting to the division a completed Application For Permit To Hire, Form DBPR FCL 1001 (Rev. 2/93), available as provided in Rule 61L-2.012, F.A.C. Failure to complete any item in the application form, after being requested to do so, or if the completed application form evinces work conditions that are hazardous or detrimental to the health, morals, or education of the minor employees, shall be grounds to deny the application. Permits shall be limited in duration to the employer's schedule of production, or tour within the state of Florida, not to exceed one (1) year.

(b) Reporting Requirements. Employers of minors in the entertainment industry shall provide the division with information relative to each "shoot" or separate program of a series as required in subsection 450.132(5), F.S. After each production, or upon completion of employment in Florida, the employer shall submit to the Division a completed Final Report, Form DBPR FCL 1003, available as provided in Rule 61L-2.012, F.A.C. Failure to submit such Final Report shall be grounds to deny any future application for Permit to Hire.

(3) Parental Notice and Authorization for Medical Care.

(a) Parental Notice of Terms and Conditions of Employment. Employers of minors in the entertainment industry shall notify the minor's parent(s), guardian, or chaperon, of the terms and conditions of employment, including the activities required of the minor, the place and duration of location work, and the names of the producer and stunt coordinator (if applicable).

(b) Authorization for Medical Care. Prior to the minor's beginning employment, the employer shall obtain written authorization from the minor's parent(s), guardian, or chaperon, to consent for medical treatment on behalf of the minor in case of an emergency.

(4) Child Labor Coordinator. The employer shall designate one (1) individual on each set where minors are employed, or in each touring company which includes minor employees, to act as Coordinator of Child Labor. The coordinator shall respond to all communications from the division regarding the employment of minor(s). The employer shall provide the name of the coordinator(s) to the division, the minor, the minor's parent(s), guardian, and/or chaperon.

(5) Time Limitations.

(a) Work Day. The work day for a minor shall begin no earlier than 7:00 a.m. and shall end no later than 11:30 p.m.

(b) Work Week. A minor shall not be required or permitted to work more than six (6) consecutive days.

(c) Work Hours, and Maximum Hours at Place of Employment per Age Group. Working hours, and hours spent at the place of employment may not exceed the following time limitations in a twenty-four (24) hour period unless a Partial Waiver is granted by the division.

1. Minors Under Two (2) Years. Employers of minors under two (2) years of age shall not require such minors to remain at the place of employment for more than four (4) hours per day, subject to the following limitations:

a. Minors Under Six (6) Months. Minors under six (6) months of age shall not be exposed to light of an intensity greater than one hundred (100) foot candlelight for more than one (1) minute in every fifteen (15) minute period, and shall not be required to work more than twenty (20) minutes per day.

b. Minors Six (6) Months to Under One (1) Year. Minors six (6) months of age to under one (1) year of age shall not be exposed to camera lights for more than two (2) minutes every fifteen (15) minute period, and shall not be required to work more than two (2) hours per day.

c. Minors One (1) to Under Two (2) Years. Minors one (1) year of age to under two (2) years of age shall not be required to work more than three (3) hours per day.

2. Minors Two (2) Years to Under Six (6) Years. Minors two (2) years of age to under six (6) years of age shall not be required to remain at the place of employment more than six (6) hours per day, and shall not be required to work more than four (4) hours per

day.

3. Minors Six (6) Years to Under Nine (9) Years. Minors six (6) years of age to under nine (9) years of age shall not be required to remain at the place of employment more than nine (9) hours per day, and shall not be required to work more than six (6) hours per day.

4. Minors Nine (9) to Under Sixteen (16) Years. Minors nine (9) years of age to under sixteen (16) years of age shall not be required to remain at the place of employment more than ten (10) hours per day, and shall not be required to work more than seven (7) hours per day.

5. Minors Over Sixteen (16) Years. Minors who have reached their sixteenth (16th) birthday shall not be required to remain at the place of employment more than ten (10) hours per day.

(d) Meal Periods. All work hours are exclusive of the meal period. The work hours shall be extended by a meal period not longer than one-half (1/2) hour.

(e) Rest Period After Dismissal. The employer shall set the minor's dismissal on the last day of the minor's employment so that the minor will have a twelve (12) hour rest period between the end of the employment period and the minor's return to his or her regular school. For example, a minor returning to his regular school at 8:30 a.m. shall be dismissed from employment by 8:30 p.m. the previous evening.

(f) After-the-Fact Partial Waiver for Emergency Extension of Work Hours. If unexpected, or emergency situations arise which will result in violation of applicable work hours restrictions for a minor, and prior application for Partial Waiver is not possible, the division shall grant an after-the-fact Partial Waiver for Emergency Extension of Work Hours, provided the employer notifies the division of the situation which required the extended work hours on the next working day, and demonstrates that the situation was resolved with the best interest of the minor in mind.

(6) Sanctions. In addition to the sanctions set out in Sections 450.141 and 450.151, F.S., any violation of the Child Labor Law or these rules shall be grounds for assessing civil money penalties pursuant to Section 450.141, F.S., or for denying, suspending, or revoking any Permit to Hire or Partial Waiver pursuant to Sections 450.095 and 450.132, F.S.

Specific Authority 450.121, 450.132 FS. Law Implemented 450.095, 450.132, 450.141 FS. History—New 10-7-93, Formerly 38H-14.006.