

January 30, 2024

DELIVERED VIA EMAIL

The Honorable Paul Renner  
Florida House of Representatives  
417 House Office Building  
402 South Monroe Street  
Tallahassee, FL 32399

**Re: ACLU FL Written Testimony in Opposition to HB 49 - Employment and Curfew of Minors**

Dear Speaker Renner and House members:

The ACLU of Florida submits this written testimony in opposition to HB 49. The ACLU of Florida opposes this bill because of the impacts it would have on children in Florida and its disproportionate harm to marginalized youth, among other reasons.

**Undermining Protections for Florida's Children**

The ACLU of Florida supports equal rights and protections for all people in Florida and this bill would harm young people in our State. The bill would undo decades of labor protections currently in place that are meant to protect young people that are in the workforce. The bill would allow employers to schedule 16 and 17 year olds to work as early as 6:00 a.m. and as late as 11:00 p.m.; for more than eight hours in one day; more than 30 hours in a week; six consecutive days in a row; and without breaks currently required for other children. It would also mandate that curfews enacted by local governments in Florida include the same exceptions, limiting local governments ability to protect youth in the labor force as well. This bill could impact almost 100,000 16 and 17 year olds in Florida, of which an estimated 60,000 balance work and school demands<sup>1</sup>.

This bill would allow employers to undermine the well-being of young people in Florida. For children juggling school and work, this would add to that pressure and force teenagers to make difficult decisions between meeting work and school demands. For those that have no choice but to try and earn money, there should not be further incentives to abandon pursuing their education or make it more difficult to successfully balance both school and work. Employers who may exploit workers should not be given more power to exert this pressure and create difficulty for young people. If an employer asks a teenager to work late, for example, they may oblige solely because they are afraid of losing their job or upsetting their employer. Data shows that child labor violations have increased since the start of the COVID-19 pandemic<sup>2</sup>, and the well-being of

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<sup>1</sup> See

[https://assets-global.website-files.com/5cd5801dfdf7e5927800fb7f/65a7ee9f79054428c2a14d52\\_Fact\\_Sheet\\_HB-49\\_updated\\_FINAL.pdf](https://assets-global.website-files.com/5cd5801dfdf7e5927800fb7f/65a7ee9f79054428c2a14d52_Fact_Sheet_HB-49_updated_FINAL.pdf)

<sup>2</sup> See

<https://www.dol.gov/agencies/whd/data/child-labor#:~:text=In%20FY%202023%2C%20we%20concluded,increase%20from%20the%20previous%20year.>

our children should come before the needs of corporations and employers. The Florida legislature should be working to protect its youth instead of rolling back protections that will lead to further exploitation and harm, and create difficult choices for people so young.

### **Impacts on Marginalized Communities**

This bill would disproportionately impact marginalized communities, such as immigrant families, low-income people, and people of color, who represent a large share of youth who need to enter the workforce at young ages.

In Florida, immigrants comprise more than a quarter of the State's workforce<sup>3</sup> and we have the fourth largest share of children in immigrant families in the nation (34 percent)<sup>4</sup>. In a State with such high immigrant populations, immigrants and their families, such as first and second born Americans trying to build a life in Florida are likely to be disproportionately impacted by this bill. The Florida Department of Health has even indicated that "Hispanics" make up an even higher percentage of young workers than the roughly quarter of overall workers they make up now<sup>5</sup>.

It is a common experience for first and second generation Americans in Florida, some of which are the first to pursue higher education, to have jobs while in high school. In many ways, this is as much a part of the culture for many immigrant families, as well as a necessity, and it is increasingly difficult for these young people to balance it all. Research has supported this as a major barrier to facilitating equity of opportunity at school for immigrant children is a dropout rate related to immigrant children leaving school early to go work<sup>6</sup>. The State has an important role in protecting these youth and should not be considering legislation that further jeopardizes their future or equity in educational opportunities.

Migrant children - part of Florida's workforce supporting our agriculture industry - represent just one community that end up in dangerous jobs that violate child labor laws<sup>7</sup> and already are not afforded the same protections as other youth. This community would not only be disproportionately impacted by this bill, but is overrepresented in Florida given our agriculture industry. Exploitation and targeting of migrant workers is already prevalent<sup>8</sup>, which is why both the U.S. Department of Labor<sup>9</sup> and U.S. Department of Homeland Security<sup>10</sup> have taken recent actions to protect workers. This bill would further expose migrant youth and those in similar industries to exploitation, emboldening employers already putting these people in difficult working conditions.

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<sup>3</sup> See <https://www.americanimmigrationcouncil.org/news/immigrants-are-key-economic-growth-florida>

<sup>4</sup> See <https://datacenter.aecf.org/data/map/115-children-in-immigrant-families?loc=1&loct=2#2/any/true/false/1095/any/446/Orange/>

<sup>5</sup> See [https://www.floridahealth.gov/environmental-health/occupational-health-surveillance/\\_documents/YW.pdf](https://www.floridahealth.gov/environmental-health/occupational-health-surveillance/_documents/YW.pdf)

<sup>6</sup> See <https://www.mdpi.com/2227-7102/5/4/323>

<sup>7</sup> See <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html>

<sup>8</sup> See <https://www.pbs.org/newshour/show/how-child-migrants-are-put-to-work-in-unsafe-and-illegal-conditions>

<sup>9</sup> See <https://www.dol.gov/newsroom/releases/eta/eta20231019-0#:~:text=These%20actions%20include%20better%20protecting,H%2D2%20workers'%20rights>

<sup>10</sup> See <https://www.dhs.gov/enforcement-labor-and-employment-laws>

Low-income youth, many of which also belong to immigrant populations or other marginalized groups, would also be disproportionately impacted by this bill. Nearly 17 percent of Florida's children live below the federal poverty line and a staggering majority of these children - 71 percent - are Black or Latinx<sup>11</sup>. Children from such families are youth that are often forced to work at young ages and balance this with pursuing their education. While entering the labor force may be a short-term financial necessity for these young people and their families, graduating from high school and achieving higher education or a technical degree are crucial steps for ultimately breaking the cycle of poverty. Rolling back child labor protections creates additional barriers for children seeking to balance both these short term financial needs with the goal of working towards a better future for themselves and their families. The burdens of this balance already exist and we should be supporting these communities instead of adding more pressure.

### **Widespread Opposition**

Since its initial introduction, this bill and its companion, have received widespread State-wide and national opposition. Most importantly, over 70 percent of Florida voters oppose this bill<sup>12</sup>. In addition, a group of 100 diverse advocacy organizations sent a letter to the Florida legislature opposing this bill<sup>13</sup>. The national media<sup>14</sup> has covered this bill and unveiled how this is part of a larger lobbying effort to rewrite child labor laws across the country<sup>15</sup>. Other reports comment on how harmful it is for States to rollback child labor laws when violations of these standards are on the rise<sup>16</sup>.

For these reasons, the ACLU of Florida urges you to vote "No" on HB 49 as it would harm Floridians and is opposed by a majority of voters in this State. Please do not hesitate to contact me at (786) 363-4436 or [kgross@aclufl.org](mailto:kgross@aclufl.org) if you have any questions or would like any additional information.

Sincerely,



Kara Gross  
Legislative Director and Senior Policy Counsel

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<sup>11</sup> See <https://iamforkids.org/child-poverty/>

<sup>12</sup> See <https://floridapolitics.com/archives/651346-poll-72-of-florida-voters-oppose-bill-loosening-child-labor-protections/>

<sup>13</sup> See [https://assets-global.website-files.com/5cd5801dfdf7e5927800fb7f/65a7f65bbaa6ea49ce57fd1d\\_LTR\\_Oppose\\_Rollback\\_of\\_Child\\_Labor\\_Law\\_1.17.24.pdf](https://assets-global.website-files.com/5cd5801dfdf7e5927800fb7f/65a7f65bbaa6ea49ce57fd1d_LTR_Oppose_Rollback_of_Child_Labor_Law_1.17.24.pdf)

<sup>14</sup> See <https://www.washingtonpost.com/business/2023/04/23/child-labor-lobbying-fga/>

<sup>15</sup> See <https://www.forbes.com/sites/ariannajohnson/2024/01/19/florida-becomes-newest-state-to-propose-loosened-child-labor-laws-what-to-know/?sh=33ce97d64b21>

<sup>16</sup> See <https://files.epi.org/uploads/263680.pdf>