

By Senator Holzendorf

2-1289A-98

1                                   A bill to be entitled  
2           An act relating to minority labor groups (RAB);  
3           amending s. 450.121, F.S.; authorizing the  
4           Division of Jobs and Benefits to adopt rules  
5           that define terms, prescribe documentation for  
6           proof of age, prescribe procedure with respect  
7           to removal of disability of nonage, require  
8           safety equipment and a safe workplace,  
9           prescribe deadlines for responses to records  
10          requests, and state an official address;  
11          amending s. 450.30, F.S.; authorizing the  
12          division to adopt rules prescribing procedures  
13          for registering as a farm labor contractor;  
14          amending s. 450.33, F.S.; authorizing the  
15          division to adopt rules requiring insurance  
16          carriers to notify the division of impending  
17          cancellation of insurance on vehicles that  
18          transport farm workers; amending s. 450.38,  
19          F.S.; authorizing the division to adopt rules  
20          containing criteria for determining the amount  
21          of civil penalties; providing an effective  
22          date.

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24 Be It Enacted by the Legislature of the State of Florida:  
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26           Section 1. Subsection (5) is added to section 450.121,  
27 Florida Statutes, to read:

28           450.121 Enforcement of Child Labor Law.--

29           (5) The division may adopt rules:  
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1           (a) Defining words, phrases, or terms used in the  
2 child labor rule or in this part, as long as the word, phrase,  
3 or term is not a word, phrase, or term defined in s. 450.012.

4           (b) Prescribing additional documents that may be used  
5 to prove the age of a minor and the procedure to be followed  
6 before a person who claims his or her disability of nonage has  
7 been removed by a court of competent jurisdiction may be  
8 employed.

9           (c) Requiring safety equipment and a safe work place  
10 environment.

11           (d) Prescribing the deadlines applicable to a response  
12 to a request for records under subsection (2).

13           (e) Providing an official address from which child  
14 labor forms, rules, laws, and posters may be requested and  
15 prescribing the forms to be used in connection with this part.

16           Section 2. Subsection (8) is added to section 450.30,  
17 Florida Statutes, to read:

18           450.30 Requirement of certificate of registration;  
19 education and examination program.--

20           (8) The division may adopt rules prescribing the  
21 procedures to be followed to register as a farm labor  
22 contractor.

23           Section 3. Subsection (5) of section 450.33, Florida  
24 Statutes, is amended to read:

25           450.33 Duties of farm labor contractor.--Every farm  
26 labor contractor must:

27           (5) Take out a policy of insurance with any insurance  
28 carrier which policy insures such registrant against liability  
29 for damage to persons or property arising out of the operation  
30 or ownership of any vehicle or vehicles for the transportation  
31 of individuals in connection with his or her business,

1 activities, or operations as a farm labor contractor. In no  
2 event may the amount of such liability insurance be less than  
3 that required by the provisions of the financial  
4 responsibility law of this state. The division may adopt rules  
5 requiring any insurance carrier that is licensed to operate in  
6 this state and that has issued a policy of liability insurance  
7 to operate a vehicle used to transport farm workers to notify  
8 the division when it intends to cancel such policy.

9 Section 4. Subsection (2) of section 450.38, Florida  
10 Statutes, is amended to read:

11 450.38 Enforcement of farm labor contractor laws.--

12 (2) Any person who, on or after June 19, 1985, commits  
13 a violation of this part or of any rule adopted thereunder may  
14 be assessed a civil penalty of not more than \$1,000 for each  
15 such violation. Such assessed penalties shall be paid in cash,  
16 certified check, or money order and shall be deposited into  
17 the General Revenue Fund. The division shall not institute or  
18 maintain any administrative proceeding to assess a civil  
19 penalty under this subsection when the violation is the  
20 subject of a criminal indictment or information under this  
21 section which results in a criminal penalty being imposed, or  
22 of a criminal, civil, or administrative proceeding by the  
23 United States government or an agency thereof which results in  
24 a criminal or civil penalty being imposed. The division may  
25 adopt rules prescribing the criteria to be used to determine  
26 the amount of the civil penalty.

27 Section 5. This act shall take effect upon becoming a  
28 law.

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SENATE SUMMARY

Authorizes the Division of Jobs and Benefits of the Department of Labor and Employment Security to adopt rules to carry out its duties under ch. 450, F.S., relating to minority labor groups, particularly with relation to farm labor and child labor.