

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/CS/SB 2954

SPONSOR: Commerce, Economic Opportunities, and Consumer Services Committee, Agriculture Committee, and Senators Alexander, Bullard, and Dockery

SUBJECT: Migrant Labor

DATE: April 1, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Poole	AG	Favorable/CS
2.	Kruse	Maclure	CM	Favorable/CS
3.			AGG	
4.			AP	
5.				
6.				

I. Summary:

Committee Substitute for Committee Substitute for Senate Bill 2954 revises the framework for the regulation of farm labor contractors. The committee substitute also revises the employer-employee relationship between farm labor contractors and migrant farmworkers, by, among other things, providing a migrant farmworker with certain protections from retaliation by a farm labor contractor. The committee substitute also provides a mechanism for an agricultural worker to receive pertinent information regarding pesticides that the worker may have to use or be exposed to in the course of the worker’s employment.

The committee substitute renames and reactivates the Legislative Commission on Migrant and Seasonal Labor, which has not been active for several years. It delineates the commission’s responsibilities and revises the membership of the commission. The committee substitute strengthens the Department of Business and Professional Regulation’s enforcement powers and provides additional protections for farmworkers. It renames part III of ch. 450, F.S., currently cited as the “Farm Labor Registration Law,” to the “Farm Labor Contractor Registration Law.” The committee substitute provides that an applicant for renewal of a certificate of registration as a farm labor contractor is required to retake the competency examination when that person has been convicted of or penalized for committing a major violation within a specified time. The application fee for a certificate of registration is increased from \$75 to \$125.

The committee substitute creates a best practices incentive program for farm labor contractors to promote compliance and to help the public identify farm labor contractors who have demonstrated a firm commitment to responsible and safe labor practices. Farm labor contractors are required to maintain accurate daily field records for each employee actually paid by the farm labor contractor reflecting the hours worked, and are prohibited from taking retaliatory action

against any person that has filed a complaint or aided in an investigation. Also a farm labor contractor may not require that a farmworker purchase goods or services solely from that farm labor contractor or from a person acting as his or her agent.

The committee substitute revises the penalties imposed for violations of part III of ch. 450, F.S. It increases the maximum civil penalty from \$1,000 to \$2,500 for each violation and authorizes civil penalties or the revocation of registration if a farm labor contractor commits one or more minor violations.

This committee substitute also creates the “Florida Agricultural Worker Safety Act” to be administered by the Department of Agriculture and Consumer Services (DACS). The intent of the act is to ensure that agricultural workers are protected from and receive information about agricultural pesticides. It specifies that DACS shall continue to operate under the regulations established by the United States Environmental Protection Agency Labeling Requirement for Pesticides and Devices and the Worker Protection Standards, which DACS adopted by rule during the 1995-1996 fiscal year.

The committee substitute requires an agricultural employer to provide agricultural workers and others with specific written information concerning agricultural pesticides within two working days after being requested. It is unlawful for the employer to fail to provide the required pesticide information or to take any retaliatory action against any agricultural worker. DACS is required to monitor all complaints of retaliation and to report its findings to the Legislature on or before October 1, 2008.

The committee substitute amends the following sections of the Florida Statutes: 381.008, 381.0086, 381.0087, 403.088, 450.191, 450.201, 450.211, 450.231, 450.27, 450.271, 450.28, 450.30, 450.31, 450.33, 450.34, 450.35, 450.37, 450.38, 487.011, 487.012, 487.021, 487.025, 487.031, 487.041, 487.0435, 487.045, 487.046, 487.047, 487.049, 487.051, 487.0615, 487.071, 487.081, 487.091, 487.101, 487.111, 487.13, 487.156, 487.159, 487.161, 487.163, 487.171, 487.175, 482.242, 500.03, and 570.44. The committee substitute also creates sections 450.321, 450.39, and part II of chapter 487, consisting of sections 487.2011, 487.2021, 487.2031, 487.2041, 487.2051, 487.2061, and 487.2071, Florida Statutes.

II. Present Situation:

Migrant Labor

A “migrant farmworker” is defined in s. 381.008, F.S., as a person who is or has been employed in hand labor operations in planting, cultivating, or harvesting agricultural crops within the last 12 months and who has changed residence for purposes of employment in agriculture within the last 12 months.

There are between 200,000 and 300,000 migrant farmworkers who harvest crops in Florida. The majority of farmworkers are young (under 44), male, and Latino. Most are recent immigrants and many may be undocumented. Many migrant farmworkers also have very little formal education and have limited literacy and communication skills in English.

Farm Labor Contractors

A farm labor contractor, as defined in s. 450.28(1)(a), F.S., is a person who, for a fee, provides farm worker laborers, who may work directly under his or her control or under the control of a third person. Chapter 450, F.S., regulates activities concerning Minority Labor Groups. One of its requirements, in s. 450.30(1), F.S., is that farm labor contractors obtain a certificate of registration from the Department of Business and Professional Regulation upon completion of a program of education and examination. The chapter imposes duties on farm labor contractors and prohibits them from engaging in misrepresentations in their application for registration and in information about the terms of employment.¹ Violators can be charged with a misdemeanor of the second degree and may be subject to a civil penalty of up to \$1,000 and an injunction.

The Department of Professional Regulation reports that there are 3,600 farm labor contractors registered pursuant to this law. Florida is home to more farm labor contractors than any state in the nation, and also leads the nation in the number of farm labor contractors and assistants currently losing licenses to work because of labor violations.

Agricultural Worker Safety

Federal Laws Related to the Use of Pesticides and Farm Workers

In August 1992, the federal Environmental Protection Agency (EPA) adopted the Worker Protection Standard for Agricultural Pesticides (WPS). The purpose of the standard is to reduce the risks of illness or injury resulting from workers and handlers occupational exposures to pesticides used in the production of agricultural plants on farms or in nurseries, greenhouses, and forests, and also from accidental exposure of workers and other persons to pesticides. The standard also requires workplace practices designed to reduce or eliminate exposures to pesticides and to exposure-related emergencies.

The federal WPS requires employers to adhere to strict regulations designed to ensure the safety of agricultural workers. The standards require employers to:

- provide written or oral information to agricultural workers stating the type of pesticides used on the crops being harvested;
- provide personal protective equipment designed to protect the body from contact with pesticides to each farm worker;
- restrict reentry of the workers into fields after pesticides have been sprayed and advise each worker about the spraying; and
- provide facilities for a farm worker near to the work area so the farm worker may wash his or her hands to clean them of pesticide residue and for emergency rinsing of the eyes and mouth.

The WPS also prohibits employers from exposing farm workers to pesticides through direct spraying or drift-away pesticide spray from airplanes or tractors.

¹ Section 450.31(2)(b) &(c), F.S.

The EPA's Office of Pesticide Programs was established to protect the public health and the environment from the risks posed by pesticides, to promote safer means of pest control, and to ensure that pesticides are fairly and efficiently regulated. The EPA's Office of Enforcement and Compliance Assurance is responsible for ensuring compliance with federal environmental statutes through regional offices across the country.

The federal Occupational Health and Safety Act of 1970 requires that farm workers who work on farms with 11 or more workers must have access to basic field sanitation facilities.

Florida Laws Related to the Use of Pesticides and Farm Workers

The Florida Pesticide Law is governed under ch. 487, F.S. The Department of Agriculture and Consumer Services (DACS) is the primary agency for administering state pesticide laws and regulations. Chapter 487, F.S., regulates the distribution, sale, and use of pesticides [except as provided in ch. 388, F.S., (mosquito control), and ch. 482, F.S., (pest control)] and was created to protect people and the environment from the adverse effects of pesticides. Under s. 487.021(49), F.S., pesticide means "any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses, bacteria, or fungi on or in living humans or other animals, which the department by rule declares to be a pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant."

DACS, under s. 487.0435, F.S., may license and certify applicants to work with restricted-use pesticides. DACS may issue certified applicator licenses for public applicators, private applicators, and commercial applicators. Under s. 487.044(2), F.S., in order for a person to be a licensed certified pesticides applicator, that person must demonstrate competence by way of a written or oral examination that demonstrates adequate knowledge concerning the proper use and application of restricted-use pesticides. The applicant for a certified applicator's license must demonstrate minimum competence as to:

- the proper use of pesticide application equipment;
- the environmental hazards that may be involved in applying restricted-use pesticides;
- calculating the concentration of restricted-use pesticides to be used in particular circumstances;
- identifying common pests to be controlled and the damage caused by such pests;
- using of protective clothing and respiratory equipment required during the handling and application of restricted-use pesticides;
- precautions to be followed in the disposal of containers, as well as cleaning and decontamination of the equipment used in the application of the pesticides;
- applicable state and federal pesticide laws, rules, and regulations; and
- general safety precautions.

DACS is authorized through s. 487.051(2), F.S., to adopt by rule the primary standards established by the U.S. Environmental Protection Agency with respect to pesticides. This section states that should any federal law preempt any provision in ch. 487, F.S., any provision that is not preempted is still applicable.

Section 487.0615, F.S., creates within DACS the Pesticide Review Council. Its purpose is to advise the Commissioner of Agriculture regarding the sale, use, and registration of pesticides and to advise government agencies with respect to activities related to their responsibilities regarding pesticides. The council is comprised of 11 scientific members from state agencies and state universities, and is empowered to do the following:

- Recommend appropriate scientific studies on any registered pesticide when data indicate that the pesticide could pose an unreasonably adverse effect on the environment or human health.
- Recommend actions to be taken by DACS with respect to the sale or use of a pesticide which the council has reviewed.
- Provide advice or information to government agencies with respect to activities related to their responsibilities regarding pesticides.
- Review biological and alternative controls to replace or reduce the use of pesticides.
- Consider the development of appropriate advice or recommendations on a pesticide when data indicate that the pesticide could pose an unreasonably adverse effect on the environment or human health.
- Assist DACS in the review of registered pesticides which are selected for special review based upon potential environmental or human health effects.

Section 487.1585, F.S., provides the duties of a pesticide licensee who supervises unlicensed pesticide applicators and field workers. A licensed pesticide applicator must provide adequate instruction and training on the safety procedures required for applying pesticides. Such training and instruction must include:

- safety procedures to be followed as specified on the label of the pesticide;
- safety clothing and equipment to be worn;
- common symptoms of pesticide poisoning;
- the dangers of eating, drinking, or smoking while handling pesticides; and
- where to obtain medical treatment if needed.

Prior Laws Regarding Agricultural Safety

1994 Florida Agricultural Worker Safety Act

In 1994, the Legislature created the Florida Agricultural Worker Safety Act [ch. 94-233, L.O.F., sections 27 and 28], which was later repealed in January 1998.

The act authorized the Department of Agriculture and Consumer Services (DACCS) to adopt by rule the requirements of the federal Environmental Protection Agency's Labeling Requirement for Pesticides and Devices, and the Worker Protection Standards for Agricultural Pesticides. The act required agricultural employers to provide agricultural workers with specific written information concerning agricultural pesticides. The act provided penalties for agricultural employers who violated any provisions of the act. The act required DACCS to monitor agricultural workers' complaints of retaliation from employers for raising issues related to the act or the federal Worker Protection Standard, and to submit a report to the Legislature on such complaints.

The act required DACS to produce a pesticide safety information sheet for agricultural workers. The act required employers to inform farm workers when pesticides were applied within the previous 30 days and provide detailed information on health and safety issues related to the pesticides. The act also allowed an agricultural worker to seek relief under Florida law if that worker had been retaliated against by an employer for raising issues related to the act.

The act was repealed January 1, 1998, in s. 28 of ch. 94-233, L.O.F.

Monitoring of Pesticides

In 1997, the Florida Department of Health began a five-year multi-state project under the National Institute for Occupational Safety and Health named the Sentinel Event Notification System for Occupational Risk Program or SENSOR. The purpose of the SENSOR project was to build and maintain an occupational illness and injury surveillance capacity with state health departments. Acute occupational pesticide-related illnesses and injuries were to be reported under the SENSOR project. Besides maintaining a record of the incidents of occupational pesticide-related cases, SENSOR also provided for in-depth investigations and preventive interventions aimed at particular industries. The surveillance for occupational pesticide-related illness and injury was designed to protect farm workers by determining the underlying causes for overexposure to pesticides in the workplace and to serve as an early warning system of any harmful effects not detected by the manufacturer testing of pesticides.

This pesticide exposure surveillance program was a collaborative effort between state agencies, county health units, the medical establishment, state universities, and farm owners and groups, and farm worker organizations and groups. Short-term goals of the project were to increase the reporting of occupational pesticide-related cases, describe the magnitude and trend of such cases, identify populations at risk, identify emerging pesticide problems, and increase the awareness among farm workers and the public of pesticide-related illnesses. Long-term goals of the project were to reduce exposure to pesticides and reduce the toxicity of pesticide exposure.

According to a 1999 report on the progress of the SENSOR project, the Department of Health reported that the number of cases of acute pesticide-related illnesses detected by the department rose from an average of about 4 cases per year to 171 cases in 1999.

III. Effect of Proposed Changes:

This committee substitute provides a number of changes to various laws governing, among other things, farm laborer contractors and migrant and seasonal farm workers.

Section 1. Amends s. 450.191, F.S., to authorize the Executive Office of the Governor to advise and consult with migrant and seasonal workers and their employers about ways to improve living and working conditions of migrant and seasonal workers. Changes the term “crew leader” to “farm labor contractor.” Authorizes the Executive Office of the Governor to provide coordination for farm labor registration, cooperate with the Department of Business and Professional Regulation (DBPR) on enforcing labor laws, and cooperate with the Agency for Workforce Innovation in recruiting migrant laborers.

Section 2. Amends s. 450.201, F.S., to revise the Legislative Commission on Migrant Labor and rename it the Legislative Commission on Migrant and Seasonal Labor. The renamed commission must make its initial appointments no later than March 1, 2005, and hold its first meeting no later than July 1, 2005. The Legislative Commission on Migrant Labor, a permanent joint committee of the Legislature, was authorized in 1970 with a statutorily prescribed membership of three members of the Senate, appointed by the President of the Senate, and three members of the House of Representatives, appointed by the Speaker of the House. The statutorily prescribed duties, that will now apply to the renamed commission, include:

- To maintain a continuing consultative examination and supervision of the migrant labor programs relating to living conditions; health, housing, and sanitation; labor laws; education; transportation safety; public assistance; and the coordination of federal, state, and local programs administered by agencies of the executive branch of Florida government;
- To cooperate with the executive branch of state government in developing improvements in existing programs in order to discover and establish better coordination of migrant labor programs;
- To cooperate with commissions, agencies, and committees of other states having similar responsibilities, including participation in the Interstate Compact on Migrant Labor hereinafter authorized; and
- In cooperation with commissions, agencies, and committees of other states having similar responsibilities, to develop and enter into agreements for the establishment of cooperative arrangements whereby migrant labor programs shall have a continuing administration, application, and effectiveness from state to state.²

Section 3. Amends s. 450.211, F.S., to revise the membership of the advisory committee to the Legislative Commission on Migrant and Seasonal Labor. The following agencies may appoint one nonvoting member each: Department of Community Affairs; Department of Health; Department of Agriculture and Consumer Services; Department of Education; Department of Business and Professional Regulation; and the Agency for Workforce Innovation. The Executive Office of the Governor may appoint one nonvoting member. The remaining appointments, which have voting privileges of one member each, include: Florida Farm Bureau Federation; United Farm Workers (AFL-CIO); Florida Fruit and Vegetable Association; Florida Citrus Mutual; Farmworker Association of Florida; a non-profit entity that provides social services for migrant workers; representation for migrant non-profit housing interests; Farmworker Self-Help; and the Farm Labor Organizing Committee.

Section 4. Amends s. 450.231, F.S., to require the Legislative Commission on Migrant and Seasonal Labor to report its findings, recommendations, and proposed legislation to the Legislature no later than February 1 of each year, beginning in 2006.

Section 5. Amends s. 450.27, F.S., to rename part III of ch. 450, F.S., currently cited as the “Farm Labor Registration Law,” to the “Farm Labor Contractor Registration Law.”

² Section 450.221(1)(a)-(d), F.S.

Section 6. Amends s. 450.271, F.S., to substitute the Department of Business and Professional Regulation for the Department of Labor and Employment Security, which no longer exists, as the entity authorized to administer the federal Migrant and Seasonal Agricultural Worker Protection Act.

Section 7. Amends s. 450.28, F.S., to add the following definitions for purposes of the Farm Labor Contractor Registration law:

- \$ **“Minor violation”** means a violation of a specific statute or rule which does not present an imminent threat to the health or welfare of an employee of a farm labor contractor.
- \$ **“Major violation”** means a violation of a specific state or federal statute or rule which presents an imminent threat to the health, safety, or welfare of an employee of a farm labor contractor.

Section 8. Amends s. 450.30, F.S., to require an applicant for renewal of a certificate of registration as a farm labor contractor to retake the competency examination when convicted of or penalized for committing a major violation during the prior certification period. Requires the fees (\$35 for each applicant) received from applicants for the education and examination program to be deposited into the Professional Regulation Trust Fund, rather than the Crew Chief Registration Trust Fund.

Section 9. Amends s. 450.31, F.S., to increase the application fee for a certificate of registration as a farm labor contractor from \$75 to \$125. Requires an applicant for a certificate of registration to designate an agent to receive service of process and other documents. Authorizes the Department of Professional Regulation (DBPR) to revoke, suspend, or deny a certificate of registration under certain specified circumstances. Provides that receipt and acceptance of a certificate of registration constitutes permission by the farm labor contractor for DBPR personnel to inspect books, ledgers, and all other documents related to the performance of the contractor’s farm labor activities.

Section 10. Creates s. 450.321, F.S., to authorize the Department of Business and Professional Regulation (DBPR) to develop and implement a best practices incentive program for farm labor contractors. It provides that:

- \$ DBPR may enter into a partnership agreement with a farm labor contractor regarding the responsibilities of each party;
- \$ Recipients of a designation as a best practices farm labor contractor may use the designation to solicit business;
- \$ DBPR may revoke the designation for failure to comply with requirements; when a designation is revoked, the prior recipient must cease all use of the best practices farm labor contractor designation when soliciting business;
- \$ The grant of a designation as a best practices employer is not an endorsement by DBPR;
- \$ DBPR is exempt from civil liability for damages resulting from the granting, denying, suspending, or revoking of a designation; and
- \$ DBPR is required to establish an incentive program for contractors holding a valid designation.

Section 11. Amends s. 450.33, F.S., to revise the powers of the Department of Business and Professional Regulation regarding revocation of a contractor's certificate of registration. Adds maintenance of certain employee daily field records to the duties a farm labor contractor must perform.

Section 12. Amends s. 450.34, F.S., to prohibit a farm labor contractor from taking retaliatory action against any person who has filed a complaint or aided in an investigation. Prohibits a farm labor contractor from contracting with or employing certain persons who lack a valid certificate of registration issued by the Department of Business and Professional Regulation.

Section 13. Amends s. 450.35, F.S., to prohibit a person from contracting with or employing a farm labor contractor who does not have a certificate of registration. Provides that persons who violate this section are subject to the penalties provided in s. 450.38(1), F.S.

Section 14. Amends s. 450.37, F.S., to authorize the Department of Business and Professional Regulation to cooperate and enter into agreements with other state agencies to administer this chapter or secure uniform rules.

Section 15. Amends s. 450.38, F.S., to revise the penalties imposed for violations of part III of ch. 450, F.S. A minor violation is a misdemeanor of the second degree and a major violation is a felony of the third degree. Clarifies applicability of penalties to a firm, association, or corporation that commits a major violation. Increases the maximum civil penalty from \$1,000 to \$2,500 for each violation. Authorizes civil penalties or the revocation of registration if a contractor commits one or more minor violations. Provides that a farm labor contractor who commits a major violation of a specific statute or rule may be assessed a civil penalty of at least \$750 for the first violation. A contractor who commits another major violation within two years after the first violation may be assessed at least \$1,500 for the second violation, and no more than \$2,500 for the third violation. DBPR may revoke the certificate of registration of a farm labor contractor who commits a major violation of a specific statute or rule four times within two years.

Section 16. Creates s. 450.39, F.S., to prohibit a farm labor contractor from requiring a farmworker to purchase goods or services solely from that farm labor contractor or a person acting as an agent for that farm labor contractor. Prohibits a farm labor contractor from charging a farmworker more than a reasonable cost for any commodity. Specifies that the term "reasonable cost" does not include a profit to the farm labor contractor or to any other person acting as an agent for the farm labor contractor.

Section 17. Amends s. 381.0087, F.S., to clarify that a person who willfully refuses a citation from personnel of the Department of Health commits a second-degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, F.S. Requires the Department of Health to notify the proper enforcing entity of suspected violations.

Section 18. Amends s. 381.008, F.S., to redefine the term "residential migrant housing" to include structures rented or reserved for occupancy by five or more *seasonal* or migrant farmworkers. Excludes from that definition a single-family residence or mobile home that is occupied only by a single family.

Section 19. Amends s. 381.0086, F.S., to require the Department of Health to include certain provisions relative to plan review of residential migrant housing in rules. Prohibits a structural variance for the purpose of filing an interstate clearance order with the Agency for Workforce Innovation.

Section 20. Amends s. 487.011, F.S., to provide that part I of ch. 487, F.S., may be cited as the “Florida Pesticide Law” and is to be administered by the Department of Agriculture and Consumer Services.

Sections 21-44. Amend ss. 487.012-487.175, F.S., making technical corrections changing the term “chapter” to “part,” and make these sections conform to the portion of the committee substitute which creates part II of ch. 487, F.S.

Sections 45-48. Amend subsection (1) of s. 403.088, F.S., subsection (1) of s. 482.242, F.S., paragraph (x) of subsection (1) of s. 500.03, F.S., and subsections (1) and (6) of s. 570.44, F.S., to make technical corrections referring to part II of ch. 487, F.S., as created by the committee substitute.

Section 49. Creates s. 487.2011, F.S., to provide that part II of ch. 487, F.S., may be cited as the “Florida Agricultural Worker Safety Act,” to be administered by the Department of Agriculture and Consumer Services (DACS).

This section also:

- Creates s. 487.2021, F.S., providing that it is the intent of the Legislature to ensure that agricultural workers are protected from and receive information about pesticides.
- Creates s. 487.2031, F.S., to provide definitions for the terms “agricultural employer,” “agricultural establishment,” “agricultural plant,” “department,” “designated representative,” “fact sheet,” “material safety data sheet,” “retaliatory action,” “trainer,” and “worker.”
- Creates s. 487.2041, F.S., to require DACS to continue, to the extent that resources are available, to operate under the regulations established by the federal Environmental Protection Agency’s Labeling Requirement for Pesticides and Devices and the Worker Protection Standard.
- Creates s. 487.2051, F.S., to require agricultural employers to make available to a worker certain information on agricultural pesticides. Requires the information to be in the form of a fact sheet or a material safety data sheet. Requires that such information be provided to a worker within two working days after the request by a worker, a designated representative of the worker, or medical personnel treating the worker. Upon the initial purchase of a product and with the first purchase after the material safety data sheet is updated, the distributor, manufacturer, or importer of any agricultural pesticide shall obtain or develop and provide each direct purchaser of an agricultural pesticide with a material safety data sheet. Requires DACS to design and make available to a trainer a one-page general agricultural pesticide safety sheet. Requires the safety sheet to be in a language understood by the worker and must include, but need not be limited to, illustrated instructions on prevention of agricultural pesticide exposure and toll-free numbers to the Florida Poison Control Centers.
- Creates s. 487.2061, F.S., to prohibit any person covered by this part to fail to provide required pesticide information or to take any retaliatory action.

- Creates s. 487.2071, F.S., to provide for penalties against any person who violates the provisions of this part. Provides that a worker who has been subject to retaliatory action and seeks relief may file a complaint with DACS. Requires DACS to monitor complaints of retaliation and to report its findings to the Legislature on or before October 1, 2008. Requires the report to include the number of complaints received, the circumstances surrounding the complaints, and the action taken concerning the complaints.

Section 50. Requests the Division of Statutory Revision to designate s. 487.011 through s. 487.175, F.S., as part I of ch. 487, F.S., entitled the “Florida Pesticide Law,” and s. 487.2011, F.S., through s. 487.2071, F.S., as created by this act, as part II of that chapter, entitled the “Florida Agricultural Worker Safety Act.”

Section 51. Provides that this act shall take effect July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

See Private Sector Impact, below.

B. Private Sector Impact:

The committee substitute increases the application fee for a certificate of registration as a farm labor contractor from \$75 to \$125. It also increases the maximum civil penalty from \$1,000 to \$2,500 for each violation of part III of ch. 450, F.S.

Agricultural employers will be required to furnish general pesticide safety information and a written document that provides technical information about specific agricultural pesticides to workers. Estimated costs for these requirements are unknown.

C. Government Sector Impact:

The migrant labor program has not been self-supporting under the current fee level and has been supplemented with General Revenue funding. An increase in the farm labor contractor certificate of registration fee from \$75 to \$125 will increase revenue to the

Professional Regulation Trust Fund. According to the Department of Business and Professional Regulation, up to 15 percent of the current licensees may opt not to register as a result of this fee increase. Using the department’s figures, since there are 3,600 current licensees, this would translate to a decrease of about 540 license applications.

Department of Business and Professional Regulation

	Fund	FY 2004-05	FY 2005-06	FY 2006-07
REVENUES:				
Certificate of registration fee increase of \$50 x 3,060	PRTF	\$153,000	\$153,000	\$153,000
EXPENDITURES:				
<u>Non-Operating:</u>				
Service Charge General Revenue		Increase of \$11,169	Increase of \$11,169	Increase of \$11,169

The committee substitute also raises the civil penalties for major violations from \$1,000 to \$2,500 and creates penalties for minor violations that, to the extent imposed, will increase revenue deposited into the General Revenue Fund.

The Department of Agriculture and Consumer Services is requesting six FTE positions and associated costs to: (1) provide investigation and enforcement response staff to handle an anticipated increase in complaints; (2) proactively provide training and outreach to the regulated community for program implementation; (3) prepare and develop safety information and manage program information relating to complaints, investigations and enforcement actions; and (4) handle requests for information, correspondence, mailings and other related administrative matters.

Department of Agriculture and Consumer Services

	Fund	FY 2004-05	FY 2005-06	FY 2006-07
REVENUES:				
		0	0	0
EXPENDITURES:				
<u>Recurring:</u>				
2 Environmental Specialist III	GR	102,284	102,284	102,284
4 Environmental Specialist II	GR	184,906	184,906	184,906
6 Standard Expense Packages	GR	59,490	41,124	41,124
4 Motor Vehicles	GR	80,000	0	0
Technology Maintenance Costs	GR	2,700	2,700	2,700
<u>Non-Recurring:</u>				
6 Standard Professional Pkg. Application Development for Pesticide Complaints	GR	9,000	0	0
	GR	31,510	0	0
TOTAL EXPENDITURES:	GR	\$469,890	\$331,014	\$331,014

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
