

CHAMBER ACTION

1 The Agriculture Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to farm labor vehicles; amending s.
7 316.003, F.S.; revising and providing definitions;
8 repealing s. 316.620, F.S., relating to transportation of
9 migrant farm workers; creating s. 316.622, F.S.; requiring
10 owners and operators of farm labor vehicles to conform
11 such vehicles to certain standards; requiring seat belts
12 at each passenger position in certain vehicles; requiring
13 certain operators to display a certain sticker on the
14 vehicle; requiring a certain sign to be posted in the
15 vehicle; providing a presumption for injuries sustained by
16 a worker in a vehicle; providing a rebuttal to the
17 presumption; providing penalties; amending ss. 320.38,
18 322.031, and 450.181, F.S.; conforming language; amending
19 s. 450.28, F.S.; revising a definition; amending s.
20 450.33, F.S.; conforming a cross reference; requiring the
21 department to issue a vehicle authorization sticker
22 denoting the authorization of a vehicle for use in the

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23 transportation of farm workers; requiring the display of
24 the sticker; providing an effective date.

25

26 Be It Enacted by the Legislature of the State of Florida:

27

28 Section 1. Subsections (61) and (62) of section 316.003,
29 Florida Statutes, are amended to read:

30 316.003 Definitions.--The following words and phrases,
31 when used in this chapter, shall have the meanings respectively
32 ascribed to them in this section, except where the context
33 otherwise requires:

34 (61) MIGRANT OR SEASONAL FARM WORKER.--Any person employed
35 in hand labor operations in the planting, cultivation, or
36 harvesting of agricultural crops ~~who is not indigenous to, or~~
37 ~~domiciled in, the locale where so employed.~~

38 (62) FARM LABOR VEHICLE.--Any vehicle designed, used, or
39 maintained for the transportation of nine or more migrant or
40 seasonal farm workers, in addition to the driver, to or from a
41 place of employment or employment-related activities. The term
42 does not include:

43 (a) Any vehicle carrying only members of the immediate
44 family of the owner or driver thereof.

45 (b) Any vehicle being operated by a common carrier of
46 passengers.

47 (c) Any carpool as defined in s. 450.28(3). ~~MIGRANT FARM~~
48 ~~WORKER CARRIER.~~ ~~Any person who transports, or who contracts or~~
49 ~~arranges for the transportation of, nine or more migrant farm~~
50 ~~workers to or from their employment by motor vehicle other than~~

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51 ~~a passenger automobile or station wagon, except a migrant farm~~
 52 ~~worker transporting himself or herself or the migrant farm~~
 53 ~~worker's immediate family.~~

54 Section 2. Section 316.620, Florida Statutes, is repealed.

55 Section 3. Section 316.622, Florida Statutes, is created
 56 to read:

57 316.622 Farm labor vehicles.--

58 (1) Each owner or operator of a farm labor vehicle that is
 59 operated on the public highways of this state shall ensure that
 60 such vehicle conforms to vehicle safety standards prescribed by
 61 the Secretary of Labor under s. 401(b) of the Migrant and
 62 Seasonal Agricultural Worker Protection Act, 29 U.S.C. s.
 63 1841(b), and other applicable federal and state safety
 64 standards.

65 (2) On or after January 1, 2007, every farm labor vehicle
 66 with a gross vehicle weight rating of 10,000 pounds or less
 67 shall be equipped at each passenger position with a seat belt
 68 assembly that meets the requirements established under Federal
 69 Motor Vehicle Safety Standard No. 208, 49 C.F.R. s. 571.208.

70 (3) A farm labor contractor may not operate a farm labor
 71 vehicle to transport migrant or seasonal farm workers unless the
 72 display sticker described in s. 450.33 is clearly displayed on
 73 the vehicle.

74 (4) The owner or operator of a farm labor vehicle shall
 75 have posted in the vehicle at all times a sign, in English and
 76 Spanish, instructing passengers to fasten their seat belts.

77 (5) Failure of any migrant or seasonal farm worker to use
 78 a seat belt provided by the owner of a farm labor vehicle under

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79 | the provisions of this section shall establish a presumption
 80 | that subsequent injuries sustained by such migrant or seasonal
 81 | farm worker were caused by the failure to use a seat belt as
 82 | required in this section. This presumption may be rebutted by
 83 | clear and convincing evidence that such migrant or seasonal farm
 84 | worker's injuries were caused by the negligence of the owner or
 85 | operator of the farm labor vehicle.

86 | (6) A violation of this section is a noncriminal traffic
 87 | infraction, punishable as a nonmoving violation as provided in
 88 | chapter 318.

89 | Section 4. Section 320.38, Florida Statutes, is amended to
 90 | read:

91 | 320.38 When nonresident exemption not allowed.--The
 92 | provisions of s. 320.37 authorizing the operation of motor
 93 | vehicles over the roads of this state by nonresidents of this
 94 | state when such vehicles are duly registered or licensed under
 95 | the laws of some other state or foreign country do not apply to
 96 | any nonresident who accepts employment or engages in any trade,
 97 | profession, or occupation in this state, except a nonresident
 98 | migrant or seasonal farm worker as defined in s. 316.003(61). In
 99 | every case in which a nonresident, except a nonresident or
 100 | seasonal migrant farm worker as defined in s. 316.003(61),
 101 | accepts employment or engages in any trade, profession, or
 102 | occupation in this state or enters his or her children to be
 103 | educated in the public schools of this state, such nonresident
 104 | shall, within 10 days after the commencement of such employment
 105 | or education, register his or her motor vehicles in this state
 106 | if such motor vehicles are proposed to be operated on the roads

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107 | of this state. Any person who is enrolled as a student in a
 108 | college or university and who is a nonresident but who is in
 109 | this state for a period of up to 6 months engaged in a work-
 110 | study program for which academic credits are earned from a
 111 | college whose credits or degrees are accepted for credit by at
 112 | least three accredited institutions of higher learning, as
 113 | defined in s. 1005.02, is not required to have a Florida
 114 | registration for the duration of the work-study program if the
 115 | person's vehicle is properly registered in another jurisdiction.
 116 | Any nonresident who is enrolled as a full-time student in such
 117 | institution of higher learning is also exempt for the duration
 118 | of such enrollment.

119 | Section 5. Subsection (1) of section 322.031, Florida
 120 | Statutes, is amended to read:

121 | 322.031 Nonresident; when license required.--

122 | (1) In every case in which a nonresident, except a
 123 | nonresident migrant or seasonal farm worker as defined in s.
 124 | 316.003(61), accepts employment or engages in any trade,
 125 | profession, or occupation in this state or enters his or her
 126 | children to be educated in the public schools of this state,
 127 | such nonresident shall, within 30 days after the commencement of
 128 | such employment or education, be required to obtain a Florida
 129 | driver's license if such nonresident operates a motor vehicle on
 130 | the highways of this state. The spouse or dependent child of
 131 | such nonresident shall also be required to obtain a Florida
 132 | driver's license within that 30-day period prior to operating a
 133 | motor vehicle on the highways of this state.

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134 Section 6. Subsection (3) of section 450.181, Florida
135 Statutes, is amended to read:

136 450.181 Definitions.--As used in part II, unless the
137 context clearly requires a different meaning:

138 (3) The term "migrant laborer" has the same meaning as
139 migrant or seasonal farm workers as defined in s. 316.003(61).

140 Section 7. Subsection (3) of section 450.28, Florida
141 Statutes, is amended to read:

142 450.28 Definitions.--

143 (3) "Carpool" means an arrangement made by the workers
144 themselves using one such worker's own vehicle ~~reached by and~~
145 ~~between farm workers~~ for transportation to and from work and for
146 which the driver or owner of the vehicle is not paid by any
147 third person other than the members of the carpool.

148 Section 8. Subsection (9) of section 450.33, Florida
149 Statutes, is amended, and subsection (12) is added to said
150 section, to read:

151 450.33 Duties of farm labor contractor.--Every farm labor
152 contractor must:

153 (9) Produce evidence to the department that each vehicle
154 he or she uses for the transportation of employees complies with
155 the requirements and specifications established in chapter 316,
156 s. 316.622 ~~316.620~~, or Pub. L. No. 93-518 as amended by Pub. L.
157 No. 97-470 meeting Department of Transportation requirements or,
158 in lieu thereof, bears a valid inspection sticker showing that
159 the vehicle has passed the inspection in the state in which the
160 vehicle is registered.

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161 (12) Clearly display on each vehicle used to transport
162 farm workers a display sticker issued by the department. This
163 display sticker shall indicate that the vehicle is authorized by
164 the department for use in transporting farm workers and the
165 expiration date of the authorization.

166 Section 9. This act shall take effect July 1, 2005.