

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Gannon offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 3318 and 3319 insert:

5 Section 92. Subsections (61) and (62) of section 316.003,  
6 Florida Statutes, are amended to read:

7 316.003 Definitions.--The following words and phrases,  
8 when used in this chapter, shall have the meanings respectively  
9 ascribed to them in this section, except where the context  
10 otherwise requires:

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

149755

Amendment No. (for drafter's use only)

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

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

22           (b) Any vehicle being operated by a common carrier of  
23 passengers.

24           (c) Any carpool as defined in s. 450.28(3). ~~MIGRANT FARM~~  
25 ~~WORKER CARRIER.--Any person who transports, or who contracts or~~  
26 ~~arranges for the transportation of, nine or more migrant farm~~  
27 ~~workers to or from their employment by motor vehicle other than~~  
28 ~~a passenger automobile or station wagon, except a migrant farm~~  
29 ~~worker transporting himself or herself or the migrant farm~~  
30 ~~worker's immediate family.~~

31           Section 93. Section 316.620, Florida Statutes, is  
32 repealed.

33           Section 94. Section 316.622, Florida Statutes, is created  
34 to read:

35           316.622 Farm labor vehicles.--

36           (1) Each owner or operator of a farm labor vehicle that is  
37 operated on the public highways of this state shall ensure that  
38 such vehicle conforms to vehicle safety standards prescribed by  
39 the Secretary of Labor under s. 401(b) of the Migrant and  
40 Seasonal Agricultural Worker Protection Act, 29 U.S.C. s.

149755

4/22/2005 10:20:19 AM

Amendment No. (for drafter's use only)

41 1841(b), and other applicable federal and state safety  
42 standards.

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

48 (3) A farm labor contractor may not operate a farm labor  
49 vehicle to transport migrant or seasonal farm workers unless the  
50 display sticker described in s. 450.33 is clearly displayed on  
51 the vehicle.

52 (4) The owner or operator of a farm labor vehicle shall  
53 have prominently displayed in the vehicle at all times, a  
54 standardized notification instructing passengers to fasten their  
55 seatbelts. The Department of Highway Safety and Motor Vehicles  
56 shall create the official notification which shall be a standard  
57 size and design to be used statewide.

58 (5) A violation of the provisions of this section shall  
59 not constitute negligence per se, nor shall such violation be  
60 used as prima facie evidence of negligence or be considered in  
61 mitigation of damages, but such violation may be considered as  
62 evidence of comparative negligence, in any civil action.

63 (6) A violation of this section is a noncriminal traffic  
64 infraction, punishable as a nonmoving violation as provided in  
65 chapter 318.

66 Section 95. Section 320.38, Florida Statutes, is amended  
67 to read:

149755

4/22/2005 10:20:19 AM

Amendment No. (for drafter's use only)

68           320.38 When nonresident exemption not allowed.--The  
69 provisions of s. 320.37 authorizing the operation of motor  
70 vehicles over the roads of this state by nonresidents of this  
71 state when such vehicles are duly registered or licensed under  
72 the laws of some other state or foreign country do not apply to  
73 any nonresident who accepts employment or engages in any trade,  
74 profession, or occupation in this state, except a nonresident  
75 migrant or seasonal farm worker as defined in s. 316.003(61). In  
76 every case in which a nonresident, except a nonresident or  
77 seasonal migrant farm worker as defined in s. 316.003(61),  
78 accepts employment or engages in any trade, profession, or  
79 occupation in this state or enters his or her children to be  
80 educated in the public schools of this state, such nonresident  
81 shall, within 10 days after the commencement of such employment  
82 or education, register his or her motor vehicles in this state  
83 if such motor vehicles are proposed to be operated on the roads  
84 of this state. Any person who is enrolled as a student in a  
85 college or university and who is a nonresident but who is in  
86 this state for a period of up to 6 months engaged in a work-  
87 study program for which academic credits are earned from a  
88 college whose credits or degrees are accepted for credit by at  
89 least three accredited institutions of higher learning, as  
90 defined in s. 1005.02, is not required to have a Florida  
91 registration for the duration of the work-study program if the  
92 person's vehicle is properly registered in another jurisdiction.  
93 Any nonresident who is enrolled as a full-time student in such

149755

4/22/2005 10:20:19 AM

Amendment No. (for drafter's use only)

94 institution of higher learning is also exempt for the duration  
95 of such enrollment.

96 Section 96. Subsection (1) of section 322.031, Florida  
97 Statutes, is amended to read:

98 322.031 Nonresident; when license required.--

99 (1) In every case in which a nonresident, except a  
100 nonresident migrant or seasonal farm worker as defined in s.  
101 316.003(61), accepts employment or engages in any trade,  
102 profession, or occupation in this state or enters his or her  
103 children to be educated in the public schools of this state,  
104 such nonresident shall, within 30 days after the commencement of  
105 such employment or education, be required to obtain a Florida  
106 driver's license if such nonresident operates a motor vehicle on  
107 the highways of this state. The spouse or dependent child of  
108 such nonresident shall also be required to obtain a Florida  
109 driver's license within that 30-day period prior to operating a  
110 motor vehicle on the highways of this state.

111 Section 97. Subsection (3) of section 450.181, Florida  
112 Statutes, is amended to read:

113 450.181 Definitions.--As used in part II, unless the  
114 context clearly requires a different meaning:

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

117 Section 98. Subsection (3) of section 450.28, Florida  
118 Statutes, is amended to read:

119 450.28 Definitions.--

149755

4/22/2005 10:20:19 AM

Amendment No. (for drafter's use only)

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

125 Section 99. Subsection (9) of section 450.33, Florida  
 126 Statutes, is amended, and subsection (12) is added to that  
 127 section, to read:

128 450.33 Duties of farm labor contractor.--Every farm labor  
 129 contractor must:

130 (9) Produce evidence to the department that each vehicle  
 131 he or she uses for the transportation of employees complies with  
 132 the requirements and specifications established in chapter 316,  
 133 s. 316.622 ~~316.620~~, or Pub. L. No. 93-518 as amended by Pub. L.  
 134 No. 97-470 meeting Department of Transportation requirements or,  
 135 in lieu thereof, bears a valid inspection sticker showing that  
 136 the vehicle has passed the inspection in the state in which the  
 137 vehicle is registered.

138 (12) Clearly display on each vehicle used to transport  
 139 farm workers a display sticker issued by the department. This  
 140 display sticker shall indicate that the vehicle is authorized by  
 141 the department for use in transporting farm workers and the  
 142 expiration date of the authorization.

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 145 ===== T I T L E A M E N D M E N T =====

146 Remove line 266 and insert:

149755

HOUSE AMENDMENT

Bill No. HB 1697

Amendment No. (for drafter's use only)

147 municipality; revising penalties; amending s. 316.003,  
148 F.S.; revising and providing definitions; repealing s.  
149 316.620, F.S., relating to transportation of migrant farm  
150 workers; creating s. 316.622, F.S.; requiring owners and  
151 operators of farm labor vehicles to conform such vehicles  
152 to certain standards; requiring seat belts at each  
153 passenger position in certain vehicles; requiring certain  
154 operators to display a certain sticker on the vehicle;  
155 requiring a certain sign to be displayed in the vehicle;  
156 providing that a violation shall not constitute negligence  
157 and shall not be considered in mitigation of damages;  
158 providing for consideration of a violation as evidence of  
159 comparative fault in a civil action; providing penalties;  
160 amending ss. 320.38, 322.031, and 450.181, F.S.;  
161 conforming provisions; amending s. 450.28, F.S.; revising  
162 a definition; amending s. 450.33, F.S.; conforming a cross  
163 reference; requiring the department to issue a vehicle  
164 authorization sticker denoting the authorization of a  
165 vehicle for use in the transportation of farm workers;  
166 requiring the display of the sticker; providing effective

149755

4/22/2005 10:20:19 AM