

Bill No. SB 1874

Barcode 484204

CHAMBER ACTION

Senate

House

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The Committee on Transportation (Klein) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

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

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

(62) FARM LABOR VEHICLE.--Any vehicle designed, used, or maintained for the transportation of nine or more migrant or seasonal farm workers, in addition to the driver, to or from a place of employment or employment-related activities.

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1 The term does not include:

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

4       (b) Any vehicle being operated by a common carrier of  
5 passengers.

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

13       Section 2. Section 316.620, Florida Statutes, is  
14 repealed.

15       Section 3. Section 316.622, Florida Statutes, is  
16 created to read:

17       316.622 Farm labor vehicles.--

18       (1) Each owner or operator of a farm labor vehicle  
19 that is operated on the public highways of this state shall  
20 ensure that such vehicle conforms to vehicle safety standards  
21 prescribed by the Secretary of Labor under s. 401(b) of the  
22 Migrant and Seasonal Agricultural Worker Protection Act, 29  
23 U.S.C. s. 1841(b), and other applicable federal and state  
24 safety standards.

25       (2) On or after January 1, 2007, every farm labor  
26 vehicle with a gross vehicle weight rating of 10,000 pounds or  
27 less shall be equipped at each passenger position with a seat  
28 belt assembly that meets the requirements established under  
29 Federal Motor Vehicle Safety Standard No. 208, 49 C.F.R. s.  
30 571.208.

31       (3) A farm labor contractor may not operate a farm

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1 labor vehicle to transport migrant or seasonal farm workers  
2 unless the display sticker described in s. 450.33 is clearly  
3 displayed on the vehicle.

4 (4) The owner or operator of a farm labor vehicle  
5 shall have prominently displayed in the vehicle at all times,  
6 a standardized notification instructing passengers to fasten  
7 their seatbelts. The Department of Highway Safety and Motor  
8 Vehicles shall create the official notification that shall be  
9 a standard size and design to be used statewide.

10 (5) A violation of this section is a noncriminal  
11 traffic infraction, punishable as a nonmoving violation as  
12 provided in chapter 318.

13 Section 4. Section 320.38, Florida Statutes, is  
14 amended to read:

15 320.38 When nonresident exemption not allowed.--The  
16 provisions of s. 320.37 authorizing the operation of motor  
17 vehicles over the roads of this state by nonresidents of this  
18 state when such vehicles are duly registered or licensed under  
19 the laws of some other state or foreign country do not apply  
20 to any nonresident who accepts employment or engages in any  
21 trade, profession, or occupation in this state, except a  
22 nonresident migrant or seasonal farm worker as defined in s.  
23 316.003(61). In every case in which a nonresident, except a  
24 nonresident or seasonal migrant farm worker as defined in s.  
25 316.003(61), accepts employment or engages in any trade,  
26 profession, or occupation in this state or enters his or her  
27 children to be educated in the public schools of this state,  
28 such nonresident shall, within 10 days after the commencement  
29 of such employment or education, register his or her motor  
30 vehicles in this state if such motor vehicles are proposed to  
31 be operated on the roads of this state. Any person who is

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1 enrolled as a student in a college or university and who is a  
 2 nonresident but who is in this state for a period of up to 6  
 3 months engaged in a work-study program for which academic  
 4 credits are earned from a college whose credits or degrees are  
 5 accepted for credit by at least three accredited institutions  
 6 of higher learning, as defined in s. 1005.02, is not required  
 7 to have a Florida registration for the duration of the  
 8 work-study program if the person's vehicle is properly  
 9 registered in another jurisdiction. Any nonresident who is  
 10 enrolled as a full-time student in such institution of higher  
 11 learning is also exempt for the duration of such enrollment.

12 Section 5. Subsection (1) of section 322.031, Florida  
 13 Statutes, is amended to read:

14 322.031 Nonresident; when license required.--

15 (1) In every case in which a nonresident, except a  
 16 nonresident migrant or seasonal farm worker as defined in s.  
 17 316.003(61), accepts employment or engages in any trade,  
 18 profession, or occupation in this state or enters his or her  
 19 children to be educated in the public schools of this state,  
 20 such nonresident shall, within 30 days after the commencement  
 21 of such employment or education, be required to obtain a  
 22 Florida driver's license if such nonresident operates a motor  
 23 vehicle on the highways of this state. The spouse or dependent  
 24 child of such nonresident shall also be required to obtain a  
 25 Florida driver's license within that 30-day period prior to  
 26 operating a motor vehicle on the highways of this state.

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

29 450.181 Definitions.--As used in part II, unless the  
 30 context clearly requires a different meaning:

31 (3) The term "migrant laborer" has the same meaning as

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1 migrant or seasonal farm workers as defined in s. 316.003(61).

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

4 450.28 Definitions.--

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

10 Section 8. Subsection (9) of section 450.33, Florida  
11 Statutes, is amended, and subsection (12) is added to that  
12 section, to read:

13 450.33 Duties of farm labor contractor.--Every farm  
14 labor contractor must:

15 (9) Produce evidence to the department that each  
16 vehicle he or she uses for the transportation of employees  
17 complies with the requirements and specifications established  
18 in chapter 316, s. 316.622 ~~316.620~~, or Pub. L. No. 93-518 as  
19 amended by Pub. L. No. 97-470 meeting Department of  
20 Transportation requirements or, in lieu thereof, bears a valid  
21 inspection sticker showing that the vehicle has passed the  
22 inspection in the state in which the vehicle is registered.

23 (12) Clearly display on each vehicle used to transport  
24 farm workers a display sticker issued by the department. This  
25 display sticker shall indicate that the vehicle is authorized  
26 by the department for use in transporting farm workers and the  
27 expiration date of the authorization.

28 Section 9. This act shall take effect July 1, 2005.  
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1 ===== T I T L E    A M E N D M E N T =====

2 And the title is amended as follows:

3           Delete everything before the enacting clause

4

5 and insert:

6

                  A bill to be entitled

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          An act relating to farm labor vehicles;

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          amending s. 316.003, F.S.; revising and

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          providing definitions; repealing s. 316.620,

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          F.S., relating to transportation of migrant

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          farm workers; creating s. 316.622, F.S.;

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          requiring owners and operators of farm labor

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          vehicles to conform such vehicles to certain

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          standards; requiring seat belts at each

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          passenger position in certain vehicles;

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          requiring certain operators to display a

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          certain sticker on the vehicle; requiring a

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          certain sign to be displayed in the vehicle;

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          providing a penalty; amending ss. 320.38,

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          322.031, and 450.181, F.S.; conforming

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          provisions; amending s. 450.28, F.S.; revising

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          a definition; amending s. 450.33, F.S.;

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          conforming a cross-reference; requiring the

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          department to issue a vehicle authorization

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          sticker denoting the authorization of a vehicle

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          for use in the transportation of farm workers;

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          requiring the display of the sticker; providing

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          an effective date.

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