

By Senator Alexander

17-1440-05

1 A bill to be entitled
2 An act relating to farm workers; amending s.
3 316.003, F.S.; changing the term "migrant farm
4 worker" to "farm worker"; modifying the
5 definition accordingly; deleting the definition
6 of "migrant farm worker carrier"; defining the
7 term "farm labor vehicle" as any vehicle
8 designed, used, or maintained for the
9 transportation of nine or more farm workers to
10 or from a place of employment or
11 employment-related activities; amending s.
12 316.614, F.S.; providing that on or after
13 January 1, 2006, the term "motor vehicle" also
14 means any farm labor vehicle for purposes of
15 the Florida Safety Belt Law; repealing s.
16 316.620, F.S., relating to rules for the safe
17 transportation of migrant farm workers;
18 creating s. 316.622, F.S.; requiring that farm
19 labor vehicles operating on public state
20 highways conform to applicable vehicle federal
21 and state safety standards; providing that only
22 an authorized labor contractor may operate a
23 farm labor vehicle; requiring that such
24 contractor display an inspection sticker;
25 providing that a violation constitutes a
26 noncriminal traffic infraction, punishable as a
27 nonmoving violation; amending s. 450.33, F.S.;
28 conforming a cross-reference; requiring that
29 the Department of Business and Professional
30 Regulation develop by rule a display sticker
31 for vehicles used to transport farm workers;

1 requiring that such sticker indicate that the
2 vehicle is authorized for use in transporting
3 farm workers and include an expiration date of
4 the authorization; providing an effective date.
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6 Be It Enacted by the Legislature of the State of Florida:
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8 Section 1. Subsections (61) and (62) of section
9 316.003, Florida Statutes, are amended to read:

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

14 (61) ~~MIGRANT FARM WORKER~~.--Any person employed in the
15 planting, cultivation, or harvesting of agricultural crops ~~who~~
16 ~~is not indigenous to, or domiciled in, the locale where so~~
17 ~~employed.~~

18 (62) FARM LABOR VEHICLE.--

19 (a) A "farm labor vehicle" is any vehicle designed,
20 used, or maintained for the transportation of nine or more
21 farm workers, in addition to the driver, to or from a place of
22 employment or employment-related activities.

23 (b) "Farm labor vehicle" does not include:

24 1. Any vehicle carrying only members of the immediate
25 family of the owner or driver thereof.

26 2. Any vehicle while being operated by a common
27 carrier of passengers. ~~MIGRANT FARM WORKER CARRIER. Any~~
28 ~~person who transports, or who contracts or arranges for the~~
29 ~~transportation of, nine or more migrant farm workers to or~~
30 ~~from their employment by motor vehicle other than a passenger~~
31 ~~automobile or station wagon, except a migrant farm worker~~

1 ~~transporting himself or herself or the migrant farm worker's~~
2 ~~immediate family.~~

3 Section 2. Paragraph (d) is added to subsection (3) of
4 section 316.614, Florida Statutes, to read:

5 316.614 Safety belt usage.--

6 (3) As used in this section:

7 (d) On or after January 1, 2006, "motor vehicle" also
8 means any farm labor vehicle.

9 Section 3. Section 316.620, Florida Statutes, is
10 repealed.

11 Section 4. Section 316.622, Florida Statutes, is
12 created to read:

13 316.622 Farm labor vehicles.--

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

21 (2) A farm labor contractor may not operate a farm
22 labor vehicle to transport farm workers unless authorized to
23 do so by the Department of Business and Professional
24 Regulation and unless the display sticker described in s.
25 450.33 is clearly displayed on the vehicle.

26 (3) A violation of this section is a noncriminal
27 traffic infraction, punishable as a nonmoving violation as
28 provided in chapter 318.

29 Section 5. Subsection (9) of section 450.33, Florida
30 Statutes, is amended, and subsection (12) is added to that
31 section, to read:

1 450.33 Duties of farm labor contractor.--Every farm
2 labor contractor must:

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

11 (12) Clearly display on each vehicle used to transport
12 farm workers a display sticker developed by the department by
13 rule. This display sticker shall indicate that the vehicle is
14 authorized by the department for use in transporting farm
15 workers and the expiration date of the authorization.

16 Section 6. This act shall take effect July 1, 2005.

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19 SENATE SUMMARY

20 Deletes the term "migrant farm worker," replacing it with
21 the term "farm worker." Deletes the term "migrant farm
22 worker carrier" and replaces it with the term "farm labor
23 vehicle." Defines the term "farm labor vehicle" as any
24 vehicle used, designed, or maintained for the purpose of
25 carrying 9 or more workers, not including the driver, to
26 or from a place of employment. Requires owners and
27 operators of farm labor vehicles to comply with
28 applicable state and federal safety requirements.
29 Requires that farm labor contractors display a sticker on
30 all farm labor vehicles stating that the vehicle is
31 authorized by the Department of Business and Professional
Regulation to be used as a farm labor vehicle.