

1 respectively ascribed to them in this section, except where
2 the context otherwise requires:

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

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

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

14 (b) Any vehicle being operated by a common carrier of
15 passengers.

16 (c) Any carpool as defined in s. 450.28(3). ~~MIGRANT~~
17 ~~FARM WORKER CARRIER. Any person who transports, or who~~
18 ~~contracts or arranges for the transportation of, nine or more~~
19 ~~migrant farm workers to or from their employment by motor~~
20 ~~vehicle other than a passenger automobile or station wagon,~~
21 ~~except a migrant farm worker transporting himself or herself~~
22 ~~or the migrant farm worker's immediate family.~~

23 Section 2. Section 316.620, Florida Statutes, is
24 repealed.

25 Section 3. Section 316.622, Florida Statutes, is
26 created to read:

27 316.622 Farm labor vehicles.--

28 (1) Each owner or operator of a farm labor vehicle
29 that is operated on the public highways of this state shall
30 ensure that such vehicle conforms to vehicle safety standards
31 prescribed by the Secretary of Labor under s. 401(b) of the

1 Migrant and Seasonal Agricultural Worker Protection Act, 29
2 U.S.C. s. 1841(b), and other applicable federal and state
3 safety standards.

4 (2) On or after January 1, 2007, every farm labor
5 vehicle with a gross vehicle weight rating of 10,000 pounds or
6 less shall be equipped at each passenger position with a seat
7 belt assembly that meets the requirements established under
8 Federal Motor Vehicle Safety Standard No. 208, 49 C.F.R. s.
9 571.208.

10 (3) A farm labor contractor may not operate a farm
11 labor vehicle to transport migrant or seasonal farm workers
12 unless the display sticker described in s. 450.33 is clearly
13 displayed on the vehicle.

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

20 (5) A violation of this section is a noncriminal
21 traffic infraction, punishable as a nonmoving violation as
22 provided in chapter 318.

23 Section 4. Section 320.38, Florida Statutes, is
24 amended to read:

25 320.38 When nonresident exemption not allowed.--The
26 provisions of s. 320.37 authorizing the operation of motor
27 vehicles over the roads of this state by nonresidents of this
28 state when such vehicles are duly registered or licensed under
29 the laws of some other state or foreign country do not apply
30 to any nonresident who accepts employment or engages in any
31 trade, profession, or occupation in this state, except a

1 nonresident migrant or seasonal farm worker as defined in s.
2 316.003(61). In every case in which a nonresident, except a
3 nonresident migrant or seasonal farm worker as defined in s.
4 316.003(61), accepts employment or engages in any trade,
5 profession, or occupation in this state or enters his or her
6 children to be educated in the public schools of this state,
7 such nonresident shall, within 10 days after the commencement
8 of such employment or education, register his or her motor
9 vehicles in this state if such motor vehicles are proposed to
10 be operated on the roads of this state. Any person who is
11 enrolled as a student in a college or university and who is a
12 nonresident but who is in this state for a period of up to 6
13 months engaged in a work-study program for which academic
14 credits are earned from a college whose credits or degrees are
15 accepted for credit by at least three accredited institutions
16 of higher learning, as defined in s. 1005.02, is not required
17 to have a Florida registration for the duration of the
18 work-study program if the person's vehicle is properly
19 registered in another jurisdiction. Any nonresident who is
20 enrolled as a full-time student in such institution of higher
21 learning is also exempt for the duration of such enrollment.

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

24 322.031 Nonresident; when license required.--

25 (1) In every case in which a nonresident, except a
26 nonresident migrant or seasonal farm worker as defined in s.
27 316.003(61), accepts employment or engages in any trade,
28 profession, or occupation in this state or enters his or her
29 children to be educated in the public schools of this state,
30 such nonresident shall, within 30 days after the commencement
31 of such employment or education, be required to obtain a

1 Florida driver's license if such nonresident operates a motor
2 vehicle on the highways of this state. The spouse or dependent
3 child of such nonresident shall also be required to obtain a
4 Florida driver's license within that 30-day period prior to
5 operating a motor vehicle on the highways of this state.

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

8 450.181 Definitions.--As used in part II, unless the
9 context clearly requires a different meaning:

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

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

14 450.28 Definitions.--

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

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

23 450.33 Duties of farm labor contractor.--Every farm
24 labor contractor must:

25 (9) Produce evidence to the department that each
26 vehicle he or she uses for the transportation of employees
27 complies with the requirements and specifications established
28 in chapter 316, s. 316.622 ~~316.620~~, or Pub. L. No. 93-518 as
29 amended by Pub. L. No. 97-470 meeting Department of
30 Transportation requirements or, in lieu thereof, bears a valid
31

1 inspection sticker showing that the vehicle has passed the
2 inspection in the state in which the vehicle is registered.

3 (12) Clearly display on each vehicle used to transport
4 farm workers a display sticker issued by the department. This
5 display sticker shall indicate that the vehicle is authorized
6 by the department for use in transporting farm workers and the
7 expiration date of the authorization.

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

9

10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 CS/SB 1874

12

13 This committee substitute corrects an error in the bill,
14 replacing the term "non-resident or seasonal migrant
15 farmworker" with "non-resident migrant or seasonal
16 farmworker."
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