

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.
.
.

1 Representative(s) Gannon offered the following:

2
3 **Amendment (with directory and title amendments)**

4 Remove line(s) 205 and insert:

5 Section 9. Effective July 1, 2005, subsections (61) and
6 (62) of section 316.003, 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.~~

844057

4/19/2005 8:21:07 AM

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 10. Effective July 1, 2005, section 316.620,
32 Florida Statutes, is repealed.

33 Section 11. Effective July 1, 2005, section 316.622,
34 Florida Statutes, is created 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.

844057

4/19/2005 8:21:07 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 12. Effective July 1, 2005, section 320.38,
67 Florida Statutes, is amended to read:

844057

4/19/2005 8:21:07 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

844057

4/19/2005 8:21:07 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 13. Effective July 1, 2005, subsection (1) of
97 section 322.031, Florida 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 14. Effective July 1, 2005, subsection (3) of
112 section 450.181, Florida 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 15. Effective July 1, 2005, subsection (3) of
118 section 450.28, Florida Statutes, is amended to read:

119 450.28 Definitions.--

844057

4/19/2005 8:21:07 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 16. Effective July 1, 2005, subsection (9) of
126 section 450.33, Florida Statutes, is amended, and subsection
127 (12) is added to that 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.

143 Section 17. Except as otherwise provided herein, this act
144 shall take effect October 1, 2005.

145
146

844057

4/19/2005 8:21:07 AM

Amendment No. (for drafter's use only)

147 | ===== T I T L E A M E N D M E N T =====
148 | Remove line 32 and insert:
149 | an appropriation; amending s. 316.003, F.S.; revising and
150 | providing definitions; repealing s. 316.620, F.S.,
151 | relating to transportation of migrant farm workers;
152 | creating s. 316.622, F.S.; requiring owners and operators
153 | of farm labor vehicles to conform such vehicles to certain
154 | standards; requiring seat belts at each passenger position
155 | in certain vehicles; requiring certain operators to
156 | display a certain sticker on the vehicle; requiring a
157 | certain sign to be displayed in the vehicle; providing
158 | that a violation shall not constitute negligence and shall
159 | not be considered in mitigation of damages; providing for
160 | consideration of a violation as evidence of comparative
161 | fault in a civil action; providing penalties; amending ss.
162 | 320.38, 322.031, and 450.181, F.S.; conforming provisions;
163 | amending s. 450.28, F.S.; revising a definition; amending
164 | s. 450.33, F.S.; conforming a cross reference; requiring
165 | the department to issue a vehicle authorization sticker
166 | denoting the authorization of a vehicle for use in the
167 | transportation of farm workers; requiring the display of
168 | the sticker; providing effective dates.

844057

4/19/2005 8:21:07 AM