

1 A bill to be entitled
 2 An act relating to farm labor vehicles; amending s.
 3 316.003, F.S.; providing definitions; repealing s.
 4 316.620, F.S., relating to transportation of migrant farm
 5 workers; creating s. 316.622, F.S.; requiring owners and
 6 operators of farm labor vehicles to conform such vehicles
 7 to certain standards; requiring seat belts at each
 8 passenger position in certain vehicles; requiring certain
 9 operators to display prescribed stickers on their
 10 vehicles; requiring a certain sign to be displayed in such
 11 vehicles; providing a penalty; amending ss. 320.38,
 12 322.031, and 450.181, F.S.; conforming provisions;
 13 amending s. 450.28, F.S.; revising a definition; amending
 14 s. 450.33, F.S.; conforming a cross-reference; requiring
 15 the department to issue a vehicle authorization sticker
 16 denoting the authorization of a vehicle to transport farm
 17 workers; requiring the display of the sticker; providing
 18 an effective date.

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 20 Be It Enacted by the Legislature of the State of Florida:

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

24 316.003 Definitions.--The following words and phrases,
 25 when used in this chapter, shall have the meanings respectively
 26 ascribed to them in this section, except where the context
 27 otherwise requires:

28 (61) MIGRANT OR SEASONAL FARM WORKER.--Any person employed

29 in hand labor operations in ~~the~~ planting, cultivation, or
 30 harvesting of agricultural crops ~~who is not indigenous to, or~~
 31 ~~domiciled in, the locale where so employed.~~

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

37 (a) Any vehicle carrying only members of the immediate
 38 family of the owner or driver.

39 (b) Any vehicle being operated by a common carrier of
 40 passengers.

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

48 Section 2. Section 316.620, Florida Statutes, is repealed.

49 Section 3. Section 316.622, Florida Statutes, is created
 50 to read:

51 316.622 Farm labor vehicles.--

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

57 1841(b), and other applicable federal and state safety
 58 standards.

59 (2) On or after January 1, 2008, a farm labor vehicle
 60 having a gross vehicle weight rating of 10,000 pounds or less
 61 must be equipped at each passenger position with a seat belt
 62 assembly that meets the requirements established under Federal
 63 Motor Vehicle Safety Standard No. 208, 49 C.F.R. s. 571.208.

64 (3) A farm labor contractor may not transport migrant or
 65 seasonal farm workers in a farm labor vehicle unless the display
 66 sticker described in s. 450.33 is clearly displayed on the
 67 vehicle.

68 (4) The owner or operator of a farm labor vehicle must
 69 prominently display in the vehicle standardized notification
 70 instructions requiring passengers to fasten their seat belts.
 71 The Department of Highway Safety and Motor Vehicles shall create
 72 standard notification instructions.

73 (5) A violation of this section is a noncriminal traffic
 74 infraction, punishable as a nonmoving violation as provided in
 75 chapter 318.

76 Section 4. Section 320.38, Florida Statutes, is amended to
 77 read:

78 320.38 When nonresident exemption not allowed.--The
 79 provisions of s. 320.37 authorizing the operation of motor
 80 vehicles over the roads of this state by nonresidents of this
 81 state when such vehicles are duly registered or licensed under
 82 the laws of some other state or foreign country do not apply to
 83 any nonresident who accepts employment or engages in any trade,
 84 profession, or occupation in this state, except a nonresident

85 | migrant or seasonal farm worker as defined in s. 316.003(61). In
86 | every case in which a nonresident, except a nonresident migrant
87 | or seasonal farm worker as defined in s. 316.003(61), accepts
88 | employment or engages in any trade, profession, or occupation in
89 | this state or enters his or her children to be educated in the
90 | public schools of this state, such nonresident shall, within 10
91 | days after the commencement of such employment or education,
92 | register his or her motor vehicles in this state if such motor
93 | vehicles are proposed to be operated on the roads of this state.
94 | Any person who is enrolled as a student in a college or
95 | university and who is a nonresident but who is in this state for
96 | a period of up to 6 months engaged in a work-study program for
97 | which academic credits are earned from a college whose credits
98 | or degrees are accepted for credit by at least three accredited
99 | institutions of higher learning, as defined in s. 1005.02, is
100 | not required to have a Florida registration for the duration of
101 | the work-study program if the person's vehicle is properly
102 | registered in another jurisdiction. Any nonresident who is
103 | enrolled as a full-time student in such institution of higher
104 | learning is also exempt for the duration of such enrollment.

105 | Section 5. Subsection (1) of section 322.031, Florida
106 | Statutes, is amended to read:

107 | 322.031 Nonresident; when license required.--

108 | (1) In every case in which a nonresident, except a
109 | nonresident migrant or seasonal farm worker as defined in s.
110 | 316.003(61), accepts employment or engages in any trade,
111 | profession, or occupation in this state or enters his or her
112 | children to be educated in the public schools of this state,

113 such nonresident shall, within 30 days after the commencement of
 114 such employment or education, be required to obtain a Florida
 115 driver's license if such nonresident operates a motor vehicle on
 116 the highways of this state. The spouse or dependent child of
 117 such nonresident shall also be required to obtain a Florida
 118 driver's license within that 30-day period prior to operating a
 119 motor vehicle on the highways of this state.

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

122 450.181 Definitions.--As used in part II, unless the
 123 context clearly requires a different meaning:

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

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

128 450.28 Definitions.--

129 (3) "Carpool" means an arrangement made by the workers
 130 using one worker's own vehicle ~~reached by and between farm~~
 131 ~~workers~~ for transportation to and from work and for which the
 132 driver or owner of the vehicle is not paid by any third person
 133 other than the members of the carpool.

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

137 450.33 Duties of farm labor contractor.--Every farm labor
 138 contractor must:

139 (9) Produce evidence to the department that each vehicle
 140 he or she uses for the transportation of employees complies with

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141 the requirements and specifications established in chapter 316,
142 s. 316.622 ~~316.620~~, or Pub. L. No. 93-518 as amended by Pub. L.
143 No. 97-470 meeting Department of Transportation requirements or,
144 in lieu thereof, bears a valid inspection sticker showing that
145 the vehicle has passed the inspection in the state in which the
146 vehicle is registered.

147 (12) Clearly display on each vehicle used to transport
148 farm workers a display sticker issued by the department, which
149 states that the vehicle is authorized by the department to
150 transport farm workers and the expiration date of the
151 authorization.

152 Section 9. This act shall take effect July 1, 2006.