

## CHAMBER ACTION

---

1 The Agriculture Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to farm labor vehicles; amending s.  
7 316.003, F.S.; providing definitions; repealing s.  
8 316.620, F.S., relating to transportation of migrant farm  
9 workers; creating s. 316.622, F.S.; requiring owners and  
10 operators of farm labor vehicles to conform such vehicles  
11 to certain standards; requiring seat belts at each  
12 passenger position in certain vehicles; requiring certain  
13 operators to display prescribed stickers on their  
14 vehicles; requiring a certain sign to be displayed in such  
15 vehicles; providing for consideration in civil proceedings  
16 of failure to use or require use of installed seat belts;  
17 requiring the Department of Highway Safety and Motor  
18 Vehicles to provide copies of certain accident reports to  
19 the Department of Business and Professional Regulation;  
20 providing a penalty; amending s. 318.18, F.S.; providing  
21 penalties for violation of specified farm labor vehicle  
22 requirements; amending ss. 320.38, 322.031, and 450.181,  
23 F.S.; conforming provisions; amending s. 450.28, F.S.;

24 |       revising a definition; amending s. 450.33, F.S.;

25 |       conforming a cross-reference; requiring the Department of

26 |       Business and Professional Regulation to issue a vehicle

27 |       authorization sticker denoting the authorization of a

28 |       vehicle to transport certain farm workers; requiring the

29 |       display of the sticker; providing an effective date.

30 |

31 | Be It Enacted by the Legislature of the State of Florida:

32 |

33 |       Section 1. Subsections (61) and (62) of section 316.003,

34 |       Florida Statutes, are amended to read:

35 |       316.003 Definitions.--The following words and phrases,

36 |       when used in this chapter, shall have the meanings respectively

37 |       ascribed to them in this section, except where the context

38 |       otherwise requires:

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

40 |       in hand labor operations in the planting, cultivation, or

41 |       harvesting ~~of~~ agricultural crops ~~who is not indigenous to, or~~

42 |       ~~domiciled in, the locale where so employed.~~

43 |       (62) FARM LABOR VEHICLE.--Any vehicle designed, used, or

44 |       maintained for the transportation of nine or more migrant or

45 |       seasonal farm workers, in addition to the driver, to or from a

46 |       place of employment or employment-related activities. The term

47 |       does not include:

48 |       (a) Any vehicle carrying only members of the immediate

49 |       family of the owner or driver.

50 |       (b) Any vehicle being operated by a common carrier of

51 |       passengers.

52            (c) Any carpool as defined in s. 450.28(3). ~~MIGRANT FARM~~  
 53 ~~WORKER CARRIER. Any person who transports, or who contracts or~~  
 54 ~~arranges for the transportation of, nine or more migrant farm~~  
 55 ~~workers to or from their employment by motor vehicle other than~~  
 56 ~~a passenger automobile or station wagon, except a migrant farm~~  
 57 ~~worker transporting himself or herself or the migrant farm~~  
 58 ~~worker's immediate family.~~

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

60            Section 3. Section 316.622, Florida Statutes, is created  
 61 to read:

62            316.622 Farm labor vehicles.--

63            (1) Each owner or operator of a farm labor vehicle that is  
 64 operated on the public highways of this state shall ensure that  
 65 such vehicle conforms to vehicle safety standards prescribed by  
 66 the Secretary of Labor under s. 401(b) of the Migrant and  
 67 Seasonal Agricultural Worker Protection Act, 29 U.S.C. s.  
 68 1841(b), and other applicable federal and state safety  
 69 standards.

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

75            (3) A farm labor contractor may not transport migrant or  
 76 seasonal farm workers in a farm labor vehicle unless the display  
 77 sticker described in s. 450.33 is clearly displayed on the  
 78 vehicle.

79       (4) The owner or operator of a farm labor vehicle must  
80 prominently display in the vehicle standardized notification  
81 instructions requiring passengers to fasten their seat belts.  
82 The Department of Highway Safety and Motor Vehicles shall create  
83 standard notification instructions.

84       (5) Failure of any migrant or seasonal farm worker to use  
85 a seat belt provided by the owner of a farm labor vehicle under  
86 the provisions of this section shall not constitute negligence  
87 per se, and such failure shall not be used as prima facie  
88 evidence of negligence or considered in mitigation of damages;  
89 however, such failure may be considered as evidence of  
90 comparative negligence in any civil action.

91       (6) Failure of any owner or operator of a farm labor  
92 vehicle to require that all passengers be restrained by a seat  
93 belt when the vehicle is in motion may not be considered as  
94 evidence of negligence in any civil action, provided that such  
95 vehicle is otherwise in compliance with this section.

96       (7) Beginning the first quarter of the 2006-2007 fiscal  
97 year, and each quarter thereafter, the department shall provide  
98 to the Department of Business and Professional Regulation a copy  
99 of each accident report involving a farm labor vehicle.

100       (8) A violation of this section is a noncriminal traffic  
101 infraction, punishable as provided in s. 318.18(16).

102       Section 4. Subsection (16) is added to section 318.18,  
103 Florida Statutes, to read:

104       318.18 Amount of civil penalties.--The penalties required  
105 for a noncriminal disposition pursuant to s. 318.14 are as  
106 follows:

HB 255

2006  
CS

107        (16) (a) Two hundred dollars for a violation of s.  
 108 316.622(1) or (2), operating a farm labor vehicle which fails to  
 109 conform to vehicle safety standards or lack of seat belt  
 110 assemblies at each passenger position.

111        (b) One hundred dollars for a violation of s. 316.622(3)  
 112 or (4), failing to display a sticker authorizing the vehicle to  
 113 transport migrant or seasonal farm workers or failing to display  
 114 standardized notification instructions requiring passengers to  
 115 fasten their seat belts.

116        Section 5. Section 320.38, Florida Statutes, is amended to  
 117 read:

118        320.38 When nonresident exemption not allowed.--The  
 119 provisions of s. 320.37 authorizing the operation of motor  
 120 vehicles over the roads of this state by nonresidents of this  
 121 state when such vehicles are duly registered or licensed under  
 122 the laws of some other state or foreign country do not apply to  
 123 any nonresident who accepts employment or engages in any trade,  
 124 profession, or occupation in this state, except a nonresident  
 125 migrant or seasonal farm worker as defined in s. 316.003(61). In  
 126 every case in which a nonresident, except a nonresident migrant  
 127 or seasonal farm worker as defined in s. 316.003(61), accepts  
 128 employment or engages in any trade, profession, or occupation in  
 129 this state or enters his or her children to be educated in the  
 130 public schools of this state, such nonresident shall, within 10  
 131 days after the commencement of such employment or education,  
 132 register his or her motor vehicles in this state if such motor  
 133 vehicles are proposed to be operated on the roads of this state.  
 134 Any person who is enrolled as a student in a college or

HB 255

2006  
CS

135 university and who is a nonresident but who is in this state for  
136 a period of up to 6 months engaged in a work-study program for  
137 which academic credits are earned from a college whose credits  
138 or degrees are accepted for credit by at least three accredited  
139 institutions of higher learning, as defined in s. 1005.02, is  
140 not required to have a Florida registration for the duration of  
141 the work-study program if the person's vehicle is properly  
142 registered in another jurisdiction. Any nonresident who is  
143 enrolled as a full-time student in such institution of higher  
144 learning is also exempt for the duration of such enrollment.

145 Section 6. Subsection (1) of section 322.031, Florida  
146 Statutes, is amended to read:

147 322.031 Nonresident; when license required.--

148 (1) In every case in which a nonresident, except a  
149 nonresident migrant or seasonal farm worker as defined in s.  
150 316.003(61), accepts employment or engages in any trade,  
151 profession, or occupation in this state or enters his or her  
152 children to be educated in the public schools of this state,  
153 such nonresident shall, within 30 days after the commencement of  
154 such employment or education, be required to obtain a Florida  
155 driver's license if such nonresident operates a motor vehicle on  
156 the highways of this state. The spouse or dependent child of  
157 such nonresident shall also be required to obtain a Florida  
158 driver's license within that 30-day period prior to operating a  
159 motor vehicle on the highways of this state.

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

HB 255

2006  
CS

162 450.181 Definitions.--As used in part II, unless the  
163 context clearly requires a different meaning:

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

166 Section 8. Subsection (3) of section 450.28, Florida  
167 Statutes, is amended to read:

168 450.28 Definitions.--

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

174 Section 9. Subsection (9) of section 450.33, Florida  
175 Statutes, is amended, and subsection (12) is added to that  
176 section, to read:

177 450.33 Duties of farm labor contractor.--Every farm labor  
178 contractor must:

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

187 (12) Clearly display on each vehicle used to transport  
188 migrant or seasonal farm workers a display sticker issued by the  
189 department which states that the vehicle is authorized by the

HB 255

2006  
CS

190 department to transport migrant or seasonal farm workers and the  
191 expiration date of the authorization.

192 Section 10. This act shall take effect July 1, 2006.