

CHAMBER ACTION

1 The State Resources Council recommends the following:

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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.; revising the definition of "migrant farm
8 worker" to include seasonal farm workers; defining the
9 term "farm labor vehicle"; removing the definition of
10 "migrant farm worker carrier"; repealing s. 316.620, F.S.,
11 relating to transportation of migrant farm workers;
12 creating s. 316.622, F.S.; requiring owners and operators
13 of farm labor vehicles to conform such vehicles to certain
14 standards; requiring seat belts at each passenger position
15 in certain vehicles; requiring certain operators to
16 display prescribed stickers on their vehicles; requiring a
17 certain sign to be displayed in such vehicles; providing
18 for consideration in civil proceedings of failure to use
19 or require use of installed seat belts; requiring the
20 Department of Highway Safety and Motor Vehicles to provide
21 copies of certain accident reports to the Department of
22 Business and Professional Regulation; providing a penalty;
23 amending s. 318.18, F.S.; providing penalties for

HB 255 CS

2006
CS

24 violation of specified farm labor vehicle requirements;
 25 amending s. 318.21, F.S.; providing for disposition and
 26 use of the proceeds from the penalties imposed; amending
 27 ss. 320.38, 322.031, and 450.181, F.S.; conforming
 28 provisions; amending s. 450.28, F.S.; revising the
 29 definition of "carpool"; amending s. 450.33, F.S.;
 30 conforming a cross-reference; requiring farm labor
 31 contractors to display on each vehicle used to transport
 32 migrant or seasonal farm workers a vehicle authorization
 33 sticker issued by the Department of Business and
 34 Professional Regulation; providing an effective date.

35

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

37

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

40 316.003 Definitions.--The following words and phrases,
 41 when used in this chapter, shall have the meanings respectively
 42 ascribed to them in this section, except where the context
 43 otherwise requires:

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

48 (62) FARM LABOR VEHICLE.--Any vehicle designed, used, and
 49 maintained for the transportation of nine or more migrant or
 50 seasonal farm workers, in addition to the driver, to or from a

51 place of employment or employment-related activities. The term
52 does not include:

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

55 (b) Any vehicle being operated by a common carrier of
56 passengers.

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

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

65 Section 3. Section 316.622, Florida Statutes, is created
66 to read:

67 316.622 Farm labor vehicles.--

68 (1) Each owner or operator of a farm labor vehicle that is
69 operated on the public highways of this state shall ensure that
70 such vehicle conforms to vehicle safety standards prescribed by
71 the Secretary of Labor under s. 401(b) of the Migrant and
72 Seasonal Agricultural Worker Protection Act, 29 U.S.C. s.
73 1841(b), and other applicable federal and state safety
74 standards.

75 (2) On or after January 1, 2008, a farm labor vehicle
76 having a gross vehicle weight rating of 10,000 pounds or less
77 must be equipped at each passenger position with a seat belt

78 assembly that meets the requirements established under Federal
79 Motor Vehicle Safety Standard No. 208, 49 C.F.R. s. 571.208.

80 (3) A farm labor contractor may not transport migrant or
81 seasonal farm workers in a farm labor vehicle unless the display
82 sticker described in s. 450.33 is clearly displayed on the
83 vehicle.

84 (4) The owner or operator of a farm labor vehicle must
85 prominently display in the vehicle standardized notification
86 instructions requiring passengers to fasten their seat belts.
87 The Department of Highway Safety and Motor Vehicles shall create
88 standard notification instructions.

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

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

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

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

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

109 318.18 Amount of civil penalties.--The penalties required
 110 for a noncriminal disposition pursuant to s. 318.14 are as
 111 follows:

112 (16) (a) Two hundred dollars for a violation of s.
 113 316.622(1) or (2), operating a farm labor vehicle which fails to
 114 conform to vehicle safety standards or lack of seat belt
 115 assemblies at each passenger position.

116 (b) One hundred dollars for a violation of s. 316.622(3)
 117 or (4), failing to display a sticker authorizing the vehicle to
 118 transport migrant or seasonal farm workers or failing to display
 119 standardized notification instructions requiring passengers to
 120 fasten their seat belts.

121 Section 5. Subsection (15) is added to section 318.21,
 122 Florida Statutes, to read:

123 318.21 Disposition of civil penalties by county
 124 courts.--All civil penalties received by a county court pursuant
 125 to the provisions of this chapter shall be distributed and paid
 126 monthly as follows:

127 (15) The proceeds from the penalties imposed under s.
 128 318.18(16) shall be remitted to the law enforcement agency
 129 issuing the citation for a violation of s. 316.622. The funds
 130 shall be utilized for continued education and enforcement of the
 131 provisions of s. 316.622 and other related safety measures
 132 contained in chapter 316.

HB 255 CS

2006
CS

133 Section 6. Section 320.38, Florida Statutes, is amended to
134 read:

135 320.38 When nonresident exemption not allowed.--The
136 provisions of s. 320.37 authorizing the operation of motor
137 vehicles over the roads of this state by nonresidents of this
138 state when such vehicles are duly registered or licensed under
139 the laws of some other state or foreign country do not apply to
140 any nonresident who accepts employment or engages in any trade,
141 profession, or occupation in this state, except a nonresident
142 migrant or seasonal farm worker as defined in s. 316.003(61). In
143 every case in which a nonresident, except a nonresident migrant
144 or seasonal farm worker as defined in s. 316.003(61), accepts
145 employment or engages in any trade, profession, or occupation in
146 this state or enters his or her children to be educated in the
147 public schools of this state, such nonresident shall, within 10
148 days after the commencement of such employment or education,
149 register his or her motor vehicles in this state if such motor
150 vehicles are proposed to be operated on the roads of this state.
151 Any person who is enrolled as a student in a college or
152 university and who is a nonresident but who is in this state for
153 a period of up to 6 months engaged in a work-study program for
154 which academic credits are earned from a college whose credits
155 or degrees are accepted for credit by at least three accredited
156 institutions of higher learning, as defined in s. 1005.02, is
157 not required to have a Florida registration for the duration of
158 the work-study program if the person's vehicle is properly
159 registered in another jurisdiction. Any nonresident who is

HB 255 CS

2006
CS

160 enrolled as a full-time student in such institution of higher
161 learning is also exempt for the duration of such enrollment.

162 Section 7. Subsection (1) of section 322.031, Florida
163 Statutes, is amended to read:

164 322.031 Nonresident; when license required.--

165 (1) In every case in which a nonresident, except a
166 nonresident migrant or seasonal farm worker as defined in s.
167 316.003(61), accepts employment or engages in any trade,
168 profession, or occupation in this state or enters his or her
169 children to be educated in the public schools of this state,
170 such nonresident shall, within 30 days after the commencement of
171 such employment or education, be required to obtain a Florida
172 driver's license if such nonresident operates a motor vehicle on
173 the highways of this state. The spouse or dependent child of
174 such nonresident shall also be required to obtain a Florida
175 driver's license within that 30-day period prior to operating a
176 motor vehicle on the highways of this state.

177 Section 8. Subsection (3) of section 450.181, Florida
178 Statutes, is amended to read:

179 450.181 Definitions.--As used in part II, unless the
180 context clearly requires a different meaning:

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

183 Section 9. Subsection (3) of section 450.28, Florida
184 Statutes, is amended to read:

185 450.28 Definitions.--

186 (3) "Carpool" means an arrangement made by the workers
187 using one worker's own vehicle ~~reached by and between farm~~

HB 255 CS

2006
CS

188 ~~workers~~ for transportation to and from work and for which the
189 driver or owner of the vehicle is not paid by any third person
190 other than the members of the carpool.

191 Section 10. Subsection (9) of section 450.33, Florida
192 Statutes, is amended, and subsection (12) is added to that
193 section, to read:

194 450.33 Duties of farm labor contractor.--Every farm labor
195 contractor must:

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

204 (12) Clearly display on each vehicle used to transport
205 migrant or seasonal farm workers a display sticker issued by the
206 department which states that the vehicle is authorized by the
207 department to transport migrant or seasonal farm workers and the
208 expiration date of the authorization.

209 Section 11. This act shall take effect July 1, 2006.