

By Senator Alexander

17-232-06

1 A bill to be entitled

2 An act relating to farm labor vehicles;

3 amending s. 316.003, F.S.; providing

4 definitions; repealing s. 316.620, F.S.,

5 relating to transportation of migrant farm

6 workers; creating s. 316.622, F.S.; requiring

7 owners and operators of farm labor vehicles to

8 conform such vehicles to certain standards;

9 requiring seat belts at each passenger position

10 in certain vehicles; requiring certain

11 operators to display prescribed stickers on

12 their vehicles; requiring a certain sign to be

13 displayed in such vehicles; providing a

14 penalty; amending ss. 320.38, 322.031, and

15 450.181, F.S.; conforming provisions; amending

16 s. 450.28, F.S.; revising a definition;

17 amending s. 450.33, F.S.; conforming a

18 cross-reference; requiring the department to

19 issue a vehicle authorization sticker denoting

20 the authorization of a vehicle to transport

21 farm workers; requiring the display of the

22 sticker; providing an effective date.

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

26 Section 1. Subsections (61) and (62) of section

27 316.003, Florida Statutes, are amended to read:

28 316.003 Definitions.--The following words and phrases,

29 when used in this chapter, shall have the meanings

30 respectively ascribed to them in this section, except where

31 the context otherwise requires:

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

5 (62) FARM LABOR VEHICLE.--Any vehicle designed, used,
6 or maintained for the transportation of nine or more migrant
7 or seasonal farm workers, in addition to the driver, to or
8 from a place of employment or employment-related activities.

9 The term does not include:

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

12 (b) Any vehicle being operated by a common carrier of
13 passengers.

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

21 Section 2. Section 316.620, Florida Statutes, is
22 repealed.

23 Section 3. Section 316.622, Florida Statutes, is
24 created to read:

25 316.622 Farm labor vehicles.--

26 (1) Each owner or operator of a farm labor vehicle
27 that is operated on the public highways of this state shall
28 ensure that such vehicle conforms to vehicle safety standards
29 prescribed by the Secretary of Labor under s. 401(b) of the
30 Migrant and Seasonal Agricultural Worker Protection Act, 29

1 U.S.C. s. 1841(b), and other applicable federal and state
2 safety standards.

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

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

12 (4) The owner or operator of a farm labor vehicle must
13 prominently display in the vehicle standardized notification
14 instructions requiring passengers to fasten their seatbelts.
15 The Department of Highway Safety and Motor Vehicles shall
16 create standard notification instructions.

17 (5) A violation of this section is a noncriminal
18 traffic infraction, punishable as a nonmoving violation as
19 provided in chapter 318.

20 Section 4. Section 320.38, Florida Statutes, is
21 amended to read:

22 320.38 When nonresident exemption not allowed.--The
23 provisions of s. 320.37 authorizing the operation of motor
24 vehicles over the roads of this state by nonresidents of this
25 state when such vehicles are duly registered or licensed under
26 the laws of some other state or foreign country do not apply
27 to any nonresident who accepts employment or engages in any
28 trade, profession, or occupation in this state, except a
29 nonresident migrant or seasonal farm worker as defined in s.
30 316.003(61). In every case in which a nonresident, except a
31 nonresident migrant or seasonal farm worker as defined in s.

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

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

21 322.031 Nonresident; when license required.--

22 (1) In every case in which a nonresident, except a
23 nonresident migrant or seasonal farm worker as defined in s.
24 316.003(61), accepts employment or engages in any trade,
25 profession, or occupation in this state or enters his or her
26 children to be educated in the public schools of this state,
27 such nonresident shall, within 30 days after the commencement
28 of such employment or education, be required to obtain a
29 Florida driver's license if such nonresident operates a motor
30 vehicle on the highways of this state. The spouse or dependent
31 child of such nonresident shall also be required to obtain a

1 Florida driver's license within that 30-day period prior to
2 operating a motor vehicle on the highways of this state.

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

5 450.181 Definitions.--As used in part II, unless the
6 context clearly requires a different meaning:

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

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

11 450.28 Definitions.--

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

17 Section 8. Subsection (9) of section 450.33, Florida
18 Statutes, is amended, and subsection (12) is added to that
19 section, to read:

20 450.33 Duties of farm labor contractor.--Every farm
21 labor contractor must:

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

30 (12) Clearly display on each vehicle used to transport
31 farm workers a display sticker issued by the department, which

1 states that the vehicle is authorized by the department to
2 transport farm workers and the expiration date of the
3 authorization.

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

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7 SENATE SUMMARY

8 Revises the requirements for transporting migrant or
9 seasonal farm workers. Requires seat belts in certain
10 vehicles. Requires that operators display the prescribed
11 stickers on vehicles. Requires the Department of
12 Transportation to issue vehicle-authorization stickers.

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