

1 316.003 Definitions.--The following words and phrases,
2 when used in this chapter, shall have the meanings
3 respectively ascribed to them in this section, except where
4 the context otherwise requires:

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

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

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

16 (b) Any vehicle being operated by a common carrier of
17 passengers.

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

25 Section 2. Section 316.620, Florida Statutes, is
26 repealed.

27 Section 3. Section 316.622, Florida Statutes, is
28 created to read:

29 316.622 Farm labor vehicles.--

30 (1) Each owner or operator of a farm labor vehicle
31 that is operated on the public highways of this state shall

1 ensure that such vehicle conforms to vehicle safety standards
2 prescribed by the Secretary of Labor under s. 401(b) of the
3 Migrant and Seasonal Agricultural Worker Protection Act, 29
4 U.S.C. s. 1841(b), and other applicable federal and state
5 safety standards.

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

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

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

20 (5) A violation of this section is a noncriminal
21 traffic infraction, punishable as a nonmoving violation as
22 provided in chapter 318.

23 (6) The department shall provide to the Department of
24 Business and Professional Regulation each quarter a copy of
25 each accident report involving a farm labor vehicle, as
26 defined in s. 316.003(62), commencing with the first quarter
27 of the 2006-2007 fiscal year.

28 Section 4. Section 320.38, Florida Statutes, is
29 amended to read:

30 320.38 When nonresident exemption not allowed.--The
31 provisions of s. 320.37 authorizing the operation of motor

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

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

29 | 322.031 Nonresident; when license required.--

30 | (1) 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 30 days after the commencement
5 | of such employment or education, be required to obtain a
6 | Florida driver's license if such nonresident operates a motor
7 | vehicle on the highways of this state. The spouse or dependent
8 | child of such nonresident shall also be required to obtain a
9 | Florida driver's license within that 30-day period prior to
10 | operating a motor vehicle on the highways of this state.

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

13 | 450.181 Definitions.--As used in part II, unless the
14 | context clearly requires a different meaning:

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

17 | Section 7. Subsection (3) of section 450.28, Florida
18 | Statutes, is amended to read:

19 | 450.28 Definitions.--

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

25 | Section 8. Subsection (9) of section 450.33, Florida
26 | Statutes, is amended, and subsection (12) is added to that
27 | section, to read:

28 | 450.33 Duties of farm labor contractor.--Every farm
29 | labor contractor must:

30 | (9) Produce evidence to the department that each
31 | vehicle he or she uses for the transportation of employees

1 | complies with the requirements and specifications established
2 | in chapter 316, s. ~~316.622~~ ~~316.620~~, or Pub. L. No. 93-518 as
3 | amended by Pub. L. No. 97-470 meeting Department of
4 | Transportation requirements or, in lieu thereof, bears a valid
5 | inspection sticker showing that the vehicle has passed the
6 | inspection in the state in which the vehicle is registered.

7 | (12) Clearly display on each vehicle used to transport
8 | farm workers a display sticker issued by the department, which
9 | states that the vehicle is authorized by the department to
10 | transport farm workers and the expiration date of the
11 | authorization.

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

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14 | STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
15 | COMMITTEE SUBSTITUTE FOR
16 | Senate Bill 258

17 | This CS requires the Department of Highway Safety and Motor
18 | Vehicles to submit quarterly accident reports to the
19 | Department of Business and Professional Regulation for each
20 | crash involving a farm labor vehicle.
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