

By the Committees on Transportation and Economic Development
Appropriations; Transportation; and Senator Alexander

606-1529-06

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 presumption for injuries sustained by a worker

15 in a vehicle; providing a penalty; requiring

16 the Department of Highway Safety and Motor

17 Vehicles to provide copies of accident reports

18 to the Department of Business and Professional

19 Regulation; amending s. 318.18, F.S.; creating

20 a penalty for violations regarding farm labor

21 vehicles; amending ss. 320.38, 322.031, and

22 450.181, F.S.; conforming provisions; amending

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

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

25 cross-reference; requiring the department to

26 issue a vehicle authorization sticker denoting

27 the authorization of a vehicle to transport

28 farm workers; requiring the display of the

29 sticker; providing an effective date.

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

1 Section 1. Subsections (61) and (62) of section
2 316.003, Florida Statutes, are amended to read:

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

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

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

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

18 (b) Any vehicle being operated by a common carrier of
19 passengers.

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

27 Section 2. Section 316.620, Florida Statutes, is
28 repealed.

29 Section 3. Section 316.622, Florida Statutes, is
30 created to read:

31 316.622 Farm labor vehicles.--

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

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

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

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

22 (5) Failure of any migrant or seasonal farm worker to
23 use a seat belt provided by the owner of a farm labor vehicle
24 under this section does not constitute negligence per se, and
25 such failure may not be used as prima facie evidence of
26 negligence or be considered in mitigation of damages, but such
27 failure may be considered as evidence of comparative
28 negligence in a civil action.

29 (6) Failure of any owner or operator of a farm labor
30 vehicle to require that all passengers be restrained by a
31 safety belt when the vehicle is in motion may not be

1 considered as evidence of negligence in any civil action, if
2 such vehicle is otherwise in compliance with this section.

3 (7) A violation of this section is a noncriminal
4 traffic infraction, punishable as provided in s. 318.18(16).

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

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

12 318.18 Amount of civil penalties.--The penalties
13 required for a noncriminal disposition pursuant to s. 318.14
14 are as follows:

15 (16) One hundred dollars for a violation of s.
16 316.622(3) or (4), for a vehicle that fails to display a
17 sticker authorizing it to transport migrant or seasonal farm
18 workers or fails to display standardized notification
19 instructions requiring passengers to fasten their seat belts.
20 Two hundred dollars for a violation of s. 316.622(1) or (2),
21 for operating a farm labor vehicle that fails to conform to
22 vehicle safety standards or lacks seat belt assemblies at each
23 passenger position.

24 Section 5. Section 320.38, Florida Statutes, is
25 amended to read:

26 320.38 When nonresident exemption not allowed.--The
27 provisions of s. 320.37 authorizing the operation of motor
28 vehicles over the roads of this state by nonresidents of this
29 state when such vehicles are duly registered or licensed under
30 the laws of some other state or foreign country do not apply
31 to any nonresident who accepts employment or engages in any

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

23 | Section 6. Subsection (1) of section 322.031, Florida
24 | Statutes, is amended to read:

25 | 322.031 Nonresident; when license required.--

26 | (1) In every case in which a nonresident, except a
27 | nonresident migrant or seasonal farm worker as defined in s.
28 | 316.003(61), accepts employment or engages in any trade,
29 | profession, or occupation in this state or enters his or her
30 | children to be educated in the public schools of this state,
31 | such nonresident shall, within 30 days after the commencement

1 of such employment or education, be required to obtain a
2 Florida driver's license if such nonresident operates a motor
3 vehicle on the highways of this state. The spouse or dependent
4 child of such nonresident shall also be required to obtain a
5 Florida driver's license within that 30-day period prior to
6 operating a motor vehicle on the highways of this state.

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

9 450.181 Definitions.--As used in part II, unless the
10 context clearly requires a different meaning:

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

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

15 450.28 Definitions.--

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

21 Section 9. Subsection (9) of section 450.33, Florida
22 Statutes, is amended, and subsection (12) is added to that
23 section, to read:

24 450.33 Duties of farm labor contractor.--Every farm
25 labor contractor must:

26 (9) Produce evidence to the department that each
27 vehicle he or she uses for the transportation of employees
28 complies with the requirements and specifications established
29 in chapter 316, s. 316.622 ~~316.620~~, or Pub. L. No. 93-518 as
30 amended by Pub. L. No. 97-470 meeting Department of
31 Transportation requirements or, in lieu thereof, bears a valid

1 inspection sticker showing that the vehicle has passed the
2 inspection in the state in which the vehicle is registered.

3 (12) Clearly display on each vehicle used to transport
4 farm workers a display sticker issued by the department, which
5 states that the vehicle is authorized by the department to
6 transport farm workers and the expiration date of the
7 authorization.

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

9
10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 CS/SB 258

13 The Committee Substitute provides that failure of any migrant
14 or seasonal farm worker to use a seat belt provided by the
15 owner of a farm labor vehicle does not constitute negligence
16 per se, and further clarifies the issue of liability when the
17 passenger does not wear a seat belt. The Committee Substitute
18 also provides for fines of \$100 and \$200 for violation of
19 certain safety standard criteria contained in this section.
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