

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; amending s. 318.21, F.S.; providing  
30          for the disposition of fines levied for  
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1 specified violations of s. 316.622, F.S.;

2 providing an effective date.

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

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

7 316.003, Florida Statutes, are amended to read:

8 316.003 Definitions.--The following words and phrases,

9 when used in this chapter, shall have the meanings

10 respectively ascribed to them in this section, except where

11 the context otherwise requires:

12 (61) MIGRANT OR SEASONAL FARM WORKER.--Any person

13 employed in hand labor operations in the planting,

14 cultivation, or harvesting ~~of~~ agricultural crops ~~who is not~~

15 ~~indigenous to, or domiciled in, the locale where so employed.~~

16 (62) FARM LABOR VEHICLE.--Any vehicle designed, used,

17 or maintained for the transportation of nine or more migrant

18 or seasonal farm workers, in addition to the driver, to or

19 from a place of employment or employment-related activities.

20 The term does not include:

21 (a) Any vehicle carrying only members of the immediate

22 family of the owner or driver.

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

24 passengers.

25 (c) Any carpool as defined in s. 450.28(3). ~~MIGRANT~~

26 ~~FARM WORKER CARRIER. Any person who transports, or who~~

27 ~~contracts or arranges for the transportation of, nine or more~~

28 ~~migrant farm workers to or from their employment by motor~~

29 ~~vehicle other than a passenger automobile or station wagon,~~

30 ~~except a migrant farm worker transporting himself or herself~~

31 ~~or the migrant farm worker's immediate family.~~

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2 repealed.

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

5           316.622 Farm labor vehicles.--

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

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

18           (3) A farm labor contractor may not transport migrant  
19 or seasonal farm workers in a farm labor vehicle unless the  
20 display sticker described in s. 450.33 is clearly displayed on  
21 the vehicle.

22           (4) The owner or operator of a farm labor vehicle must  
23 prominently display in the vehicle standardized notification  
24 instructions requiring passengers to fasten their seatbelts.  
25 The Department of Highway Safety and Motor Vehicles shall  
26 create standard notification instructions.

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

1 failure may be considered as evidence of comparative  
2 negligence in a civil action.

3 (6) Failure of any owner or operator of a farm labor  
4 vehicle to require that all passengers be restrained by a  
5 safety belt when the vehicle is in motion may not be  
6 considered as evidence of negligence in any civil action, if  
7 such vehicle is otherwise in compliance with this section.

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

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

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

17 318.18 Amount of civil penalties.--The penalties  
18 required for a noncriminal disposition pursuant to s. 318.14  
19 are as follows:

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

29 Section 5. Section 320.38, Florida Statutes, is  
30 amended to read:

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1           320.38 When nonresident exemption not allowed.--The  
2 provisions of s. 320.37 authorizing the operation of motor  
3 vehicles over the roads of this state by nonresidents of this  
4 state when such vehicles are duly registered or licensed under  
5 the laws of some other state or foreign country do not apply  
6 to any nonresident who accepts employment or engages in any  
7 trade, profession, or occupation in this state, except a  
8 nonresident migrant or seasonal farm worker as defined in s.  
9 316.003(61). In every case in which a nonresident, except a  
10 nonresident migrant or seasonal farm worker as defined in s.  
11 316.003(61), accepts employment or engages in any trade,  
12 profession, or occupation in this state or enters his or her  
13 children to be educated in the public schools of this state,  
14 such nonresident shall, within 10 days after the commencement  
15 of such employment or education, register his or her motor  
16 vehicles in this state if such motor vehicles are proposed to  
17 be operated on the roads of this state. Any person who is  
18 enrolled as a student in a college or university and who is a  
19 nonresident but who is in this state for a period of up to 6  
20 months engaged in a work-study program for which academic  
21 credits are earned from a college whose credits or degrees are  
22 accepted for credit by at least three accredited institutions  
23 of higher learning, as defined in s. 1005.02, is not required  
24 to have a Florida registration for the duration of the  
25 work-study program if the person's vehicle is properly  
26 registered in another jurisdiction. Any nonresident who is  
27 enrolled as a full-time student in such institution of higher  
28 learning is also exempt for the duration of such enrollment.

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

31           322.031 Nonresident; when license required.--

1           (1) In every case in which a nonresident, except a  
2 nonresident migrant or seasonal farm worker as defined in s.  
3 316.003(61), accepts employment or engages in any trade,  
4 profession, or occupation in this state or enters his or her  
5 children to be educated in the public schools of this state,  
6 such nonresident shall, within 30 days after the commencement  
7 of such employment or education, be required to obtain a  
8 Florida driver's license if such nonresident operates a motor  
9 vehicle on the highways of this state. The spouse or dependent  
10 child of such nonresident shall also be required to obtain a  
11 Florida driver's license within that 30-day period prior to  
12 operating a motor vehicle on the highways of this state.

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

15           450.181 Definitions.--As used in part II, unless the  
16 context clearly requires a different meaning:

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

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

21           450.28 Definitions.--

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

27           Section 9. Subsection (9) of section 450.33, Florida  
28 Statutes, is amended, and subsection (12) is added to that  
29 section, to read:

30           450.33 Duties of farm labor contractor.--Every farm  
31 labor contractor must:

1           (9) Produce evidence to the department that each  
2 vehicle he or she uses for the transportation of employees  
3 complies with the requirements and specifications established  
4 in chapter 316, s. 316.622 ~~316.620~~, or Pub. L. No. 93-518 as  
5 amended by Pub. L. No. 97-470 meeting Department of  
6 Transportation requirements or, in lieu thereof, bears a valid  
7 inspection sticker showing that the vehicle has passed the  
8 inspection in the state in which the vehicle is registered.

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

14           Section 10. Subsection (15) is added to section  
15 318.21, Florida Statutes, to read:

16           318.21 Disposition of civil penalties by county  
17 courts.--All civil penalties received by a county court  
18 pursuant to the provisions of this chapter shall be  
19 distributed and paid monthly as follows:

20           (15) The proceeds from the fines described in s.  
21 318.18(16) shall be remitted to the law enforcement agency  
22 that issues the citation for a violation of s. 316.622. The  
23 funds must be used for continued education and enforcement of  
24 s. 316.622 and other related safety measures contained in  
25 chapter 316.

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