

1 A bill to be entitled
 2 An act relating to registration of farm labor contractors
 3 and employees; amending s. 450.28, F.S.; defining the term
 4 "timely application for renewal" for purposes of federal
 5 certificates of registration as farm labor contractors and
 6 employees; amending s. 450.31, F.S.; requiring the renewal
 7 of farm labor contractor and employee certificates of
 8 registration under certain circumstances; requiring the
 9 Department of Business and Professional Regulation to
 10 suspend, revoke, or refuse to issue or renew certificates
 11 of registration under certain circumstances; amending ss.
 12 316.003 and 450.34, F.S.; conforming cross-references;
 13 providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

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 17 Section 1. Section 450.28, Florida Statutes, is amended to
 18 read:

19 450.28 Definitions.—As used in this part, the term:

20 (1)~~(3)~~ "Carpool" means an arrangement made by the workers
 21 using one worker's own vehicle for transportation to and from
 22 work and for which the driver or owner of the vehicle is not
 23 paid by any third person other than the members of the carpool.

24 (2) "Department" means the Department of Business and
 25 Professional Regulation.

26 (3)~~(1)~~ "Farm labor contractor" means:

27 (a) Any person who, for a fee or other valuable
 28 consideration, recruits, transports into or within the state,

29 supplies, or hires at any one time in any calendar year one or
 30 more farm workers to work for, or under the direction,
 31 supervision, or control of, a third person; or

32 (b) Any person who recruits, transports into or within the
 33 state, supplies, or hires at any one time in any calendar year
 34 one or more farm workers and who, for a fee or other valuable
 35 consideration, directs, supervises, or controls all or any part
 36 of the work of such workers.

37 (4) "Immediate family member" means a person having one of
 38 the following relationships to another: husband, wife, father,
 39 mother, son, or daughter.

40 ~~(5)+(6)~~ "Major violation" means a violation of a specific
 41 state or federal law or rule that results in economic or
 42 physical harm to any person recruited, transported, supplied, or
 43 hired by a farm labor contractor or creates a significant threat
 44 of such harm.

45 ~~(6)+(5)~~ "Minor violation" means a violation of a specific
 46 state or federal law or rule that does not result in economic or
 47 physical harm to any person recruited, transported, supplied, or
 48 hired by a farm labor contractor or create a significant threat
 49 of such harm.

50 (7) "Timely application for renewal" of a federal
 51 certificate of registration as a farm labor contractor or farm
 52 labor contractor employee means an application for renewal of
 53 such a certificate that is filed as defined by federal law with
 54 the United States Department of Labor at least 30 days before
 55 the certificate's expiration.

56 Section 2. Paragraph (b) of subsection (1) and paragraphs
 57 (e), (f), and (g) of subsection (2) of section 450.31, Florida
 58 Statutes, are amended, subsections (3) through (7) are
 59 renumbered as subsections (4) through (8), respectively, and a
 60 new subsection (3) is added to that section, to read:

61 450.31 Issuance, revocation, and suspension of, and
 62 refusal to issue or renew, certificate of registration.—

63 (1) The department shall not issue to any person a
 64 certificate of registration as a farm labor contractor, nor
 65 shall it renew such certificate, until:

66 (b) Such person has obtained and holds a valid federal
 67 certificate of registration as a farm labor contractor, or a
 68 farm labor contractor employee, unless exempt by federal law.

69 However, the department shall renew a certificate of
 70 registration after such person's federal certificate of
 71 registration expires if such person files a timely application
 72 for renewal with the United States Department of Labor.

73 (2) The department may revoke, suspend, or refuse to issue
 74 or renew any certificate of registration when it is shown that
 75 the farm labor contractor has:

76 (e) Failed to pay unemployment compensation taxes as
 77 determined by the Agency for Workforce Innovation; or

78 ~~(f) Been denied, or had suspended or revoked, a federal~~
 79 ~~certificate of registration as a farm labor contractor; or~~

80 (f) ~~(g)~~ Failed to pay federal employee taxes as determined
 81 by the Internal Revenue Service.

82 (3) The department shall suspend, revoke, or refuse to
 83 issue or renew a certificate of registration upon receipt from

84 the United States Department of Labor of a final order of
 85 suspension, revocation, or refusal to issue or renew the federal
 86 certificate of registration.

87 Section 3. Paragraph (c) of subsection (62) of section
 88 316.003, Florida Statutes, is amended to read:

89 316.003 Definitions.—The following words and phrases, when
 90 used in this chapter, shall have the meanings respectively
 91 ascribed to them in this section, except where the context
 92 otherwise requires:

93 (62) FARM LABOR VEHICLE.—Any vehicle equipped and used for
 94 the transportation of nine or more migrant or seasonal farm
 95 workers, in addition to the driver, to or from a place of
 96 employment or employment-related activities. The term does not
 97 include:

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

99 Section 4. Subsection (5) of section 450.34, Florida
 100 Statutes, is amended to read:

101 450.34 Prohibited acts of farm labor contractor.—A
 102 licensee may not:

103 (5) Contract with or employ any person acting in the
 104 capacity of a farm labor contractor, or performing activities
 105 defined in s. 450.28~~(3)~~(1), when that person does not have a
 106 current certificate of registration issued by the department
 107 pursuant to the requirements of this part.

108 Section 5. This act shall take effect July 1, 2010.