

Committee Substitute for
Committee Substitute for Senate Bill No. 258

An act relating to farm labor vehicles; amending s. 316.003, F.S.; providing definitions; repealing s. 316.620, F.S., relating to transportation of migrant farm workers; creating s. 316.622, F.S.; requiring owners and operators of farm labor vehicles to conform such vehicles to certain standards; requiring seat belts at each passenger position in certain vehicles; requiring certain operators to display prescribed stickers on their vehicles; requiring a certain sign to be displayed in such vehicles; providing a presumption for injuries sustained by a worker in a vehicle; providing a penalty; requiring the Department of Highway Safety and Motor Vehicles to provide copies of accident reports to the Department of Business and Professional Regulation; amending s. 318.18, F.S.; creating a penalty for violations regarding farm labor vehicles; amending ss. 320.38, 322.031, and 450.181, F.S.; conforming provisions; amending s. 450.28, F.S.; revising a definition; amending s. 450.33, F.S.; conforming a cross-reference; requiring the department to issue a vehicle authorization sticker denoting the authorization of a vehicle to transport farm workers; requiring the display of the sticker; amending s. 318.21, F.S.; providing for the disposition of fines levied for specified violations of s. 316.622, F.S.; providing an effective date.

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

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

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

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

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

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

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

(c) Any carpool as defined in s. 450.28(3). ~~MIGRANT FARM WORKER CARRIER~~.—Any person who transports, or who contracts or arranges for

~~the transportation of, nine or more migrant farm workers to or from their employment by motor vehicle other than a passenger automobile or station wagon, except a migrant farm worker transporting himself or herself or the migrant farm worker's immediate family.~~

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

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

316.622 Farm labor vehicles.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

322.031 Nonresident; when license required.—

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

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

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

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

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

450.28 Definitions.—

(3) “Carpool” means an arrangement made by the workers using one worker’s own vehicle reached by and between farm workers for transportation to and from work and for which the driver or owner of the vehicle is not paid by any third person other than the members of the carpool.

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

450.33 Duties of farm labor contractor.—Every farm labor contractor must:

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

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

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

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

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

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

Approved by the Governor June 7, 2006.

Filed in Office Secretary of State June 7, 2006.