

2009 Handbook of Employment Regulations Affecting Florida Farm Employers and Workers: Transportation of Migrant Farm Workers [State]¹

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Purpose

To provide seat belts for all passengers in a farm labor vehicle and to ensure all such vehicles meet state and federal standards (316.622, Florida Statutes).

Who Must Comply

- Any person who operates a farm labor vehicle, which is defined as any vehicle that transports one or more migrant or seasonal workers to a place of employment or employment-related activities.

- A vehicle is NOT a farm labor vehicle if it:
 - Carries only members of the owner's immediate family.
 - Operates as a common carrier of passengers (i.e., commercial bus for hire).
 - Carpools workers without direction or payment from an employer or other third party.

Transporter Requirements

Transporters must comply with the provisions of Chapter 316.622, Florida Statutes, which provides that:

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- The owner of a farm labor vehicle ensures that the vehicle conforms to safety standards outlined in the Migrant Seasonal Worker Protection Act (MSPA) subsection, *Motor Vehicle Safety and Insurance*. FE418, *Motor Carrier Safety Regulations for Transporting Migrant and Seasonal Farmworker*, outlines the specific details of vehicle safety standards. These standards are described in the U.S. Code of Federal Regulations for MSPA and farm labor vehicles (29 CFR, Chapter V, Part 500, subpart D).
- After January 1, 2008, any vehicle with up to fifteen seats that transports farmworkers must be equipped with a seat belt for every passenger position.
- Instructions must be clearly posted stating the use of seat belts by all passengers is required.
- Failure to use seat belts will not excuse negligence of an operator or farm vehicle owner, but failure to use seat belts may be used as evidence in determining *comparative negligence* in a civil suit.
- The Florida Department of Business and Professional Regulation (DBPR) has the authority to inspect farm labor vehicles for safety standards and issue stickers authorizing specific vehicles for transporting migrant and seasonal farmworkers. A farm labor vehicle must clearly display the authorization sticker issued by DBPR.

Fines and Penalties

- \$100 fine for the failure to display the DBPR authorization sticker.
- \$200 fine for the failure to provide seat belts for all passenger positions.
- A warning may be issued for the first offence of failure to display the DBPR authorization sticker. Fines thereafter start at \$250 increments for the second and third offenses, and could escalate up to \$2,500 per violation, per day.

Responsible Agency

Florida Department of Highway Safety and Motor Vehicles

Neil Kirkman Building, 2900 Apalachee Parkway

Tallahassee, FL 32399-0500

(850) 488-5370

<http://www.hsmv.state.fl.us>

Florida Department of Business and Professional Regulation

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