Purpose

To establish state standards and registration procedures for farm labor contractors (crew chiefs) operating in the State of Florida. For information on corresponding federal regulations of farm labor contractors, see FE406, Migrant Seasonal Agricultural Worker Protection Act (MSPA).

Who Must Register

A Farm Labor Contractor Registration certificate is required by any individual who:

- For a fee or other valuable consideration, recruits, transports into or within the state, supplies, or hires, at any one time in any calendar year, one or more farm workers to work for or under the direction, supervision, or control of a third person.
- Recruits, transports into or within the state, supplies, or hires, at any one time in any calendar year, one or more farm workers and who, for a fee or other valuable consideration, directs, supervises, or controls all or any part of the work of such workers.

License Requirements

All persons wanting to be farm labor contractors in Florida must register and obtain licenses from both the U.S Department of Labor (DOL) and the Florida Department of Business and Professional Regulations (DBPR).


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For someone who is registering for a Florida Farm Labor Contractor (FLC) license for the first time, he or she must:

1. Possess a federal FLC license. (*Note:* Fingerprints are required for the initial federal FLC license and for every three years with renewal applications. Florida no longer requires fingerprints to apply for a state FLC license.)

2. Fill out an application form and pay a non-refundable fee of $125.00.

3. Pass the Florida Farm Labor Contractor Test ($35.00 fee).

Florida FLC licenses must be renewed annually. Licenses expire on the last day of the birth month of the applicant. A contractor must reapply at least thirty days in advance prior to the expiration of the current license. To renew a license, a contractor must fill out the form and pay a $125 re-registration fee.

**Labor Contractor Test**

Applicants for a Certificate of Registration must pass a written examination. The examination may be taken in English, Spanish, or Haitian-Creole. If the applicant has difficulty reading the test, a DBPR staff person will read the questions. The test questions are true/false and are designed for the applicant to demonstrate his or her knowledge of the duties and responsibilities of a farm labor contractor (FLC).

There is a $35 fee to take the test (includes the test and educational materials). If the applicant fails the test, he or she is allowed to retake the test for as many times as necessary to pass. A fee of $35 will be charged for every test re-take. Passing the test is a one-time requirement, except when DBPR revokes the applicant's license or denies his or her application for renewal. Conditions for such actions include:

- Issuances of a final order by DBPR during the previous year where the FLC was assessed a civil money penalty or his license revoked due to regulatory infractions. To be reinstated, a FLC must reapply and retake the test.

- The DBPR determines that any change in the duties and responsibilities of farm labor contractors necessitates a new test. In this situation, all applicants for renewal would be required to be retested.

**Responsibilities of a FLC**

- Carry federal and state FLC licenses at all times when engaged in this activity. These certificates must be produced or displayed to all persons with whom a contractor interacts.

- Promptly pay monies when due workers, and semi-monthly or at the time of payment present each worker with a completed Notice of Payment in writing which must include the amount and rate of compensation, the number of hours worked, the employer's name, the employer's federal employment identification number, and a detailed itemization of all deductions from each worker's wages.

- Prominently display in English and Spanish, if necessary, at the workplace and in vehicles used to transport workers:

  1. A copy of his or her statement of working conditions (LES Form LET 3103). (This form is not required if federally required form WH-516 is already posted.)

  2. A statement indicating the rate of compensation he or she receives from the grower and what rate he or she is paying the workers (LES Form ESF 3101).

- Provide liability insurance coverage on all vehicles used to transport workers in an amount at least equal to that provided by the financial responsibility laws of Florida.

- Submit proof that each vehicle used to transport farm workers is in compliance with the vehicular safety standards of the state in which the vehicle is registered.

- Provide Workers Compensation coverage for all workers, unless exempt under agricultural small employer status.
• Retain, for three years, a copy of each Notice of Payment and other required payroll information. Applicant should be prepared to provide copies of payroll receipts or check stubs if requested by the registering agency.

Note: Unlike MSPA, the State Act does not have a provision for a Farm Labor Contractor Employee Certificate. Therefore, any individuals performing contractor activities in Florida must register as a contractor under the State Act even though they have an Employee Certificate under MSPA.

Enforcement of Farm Labor Laws

For minor infractions, DBPR officials can levy civil penalties on a farm labor contractor (FLC) in $250 increments up to a maximum of $2,500. For a major violation, a civil money penalty of up to $2,500 per violation, per day can be assessed, criminal prosecution as a third-degree felony, and revocation of the FLC's license. A minor infraction constitutes a violation of federal or state rules that do not lead to any physical or economic harm to farmworkers. A major infraction results in physical and/or economic harm to farmworkers. If an FLC's license has been revoked, the offending contractor must reapply and successfully pass the FLC examination.

Exclusions

The Florida Farm Labor Contractor Registration Law does not apply to:

• Any person, or an immediate family member of such person, who is the owner or lessee of a farm or who is the owner or lessee of a packinghouse or food processing plant and who employs workers in planting, cultivating, harvesting, or preparing agricultural products for delivery to such packinghouse or food processing plant.

• Any person who transports workers solely by means of a car pool.

Additional Information

• Chapter 450, Part III, Florida Statutes

• Rule 38H-11, Florida Administrative Code