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FE397

EXTENSION

Institute of Food and Agricultural Sciences

2003 Handbook of Employment Regulations Affecting Florida Farm Employers and Workers: Farm Labor Contractor Registration and Testing [State]¹

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Purpose

To establish state standards and registration procedures for farm labor contractors (crew chiefs) operating in the State of Florida.

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.

Program Requirements

Labor contractors must do the following:

- Annually apply for and obtain a certificate of registration from the Department of Business and Professional Regulation. Renewals will be in the birth month of the crew leader or on the date of incorporation if the applicant is a corporation.

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- Pay a nonrefundable fee (\$75.00) for filing an application for a Certificate of Registration.
- Carry his or her certificate of registration at all times and produce or display the certificate to all persons with whom he or she plans to deal as a farm labor contractor.
- Promptly pay monies due workers and semi-monthly or at the time of payment present each worker with a completed Notice of Payment which should 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 farmworkers 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.
- Furnish the Department of Business and Professional Regulation with a set of his or her fingerprints.

- 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.

Labor Contractor Test

Applicants for a Certificate of Registration must take a written or oral examination, in the language of the applicant, which demonstrates his or her knowledge of the duties and responsibilities of a farm labor contractor. A \$35 fee will include the test and educational materials. This will be a one-time test, except that the Department of Business and Professional Regulation (DBPR) may require an applicant for renewal of the Certificate of Registration to retake the test if:

- During the prior certification period the DBPR issued a final order assessing a civil money penalty or revoked or refused to renew or issue a Certificate of Registration.
- 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.

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

Responsible Agency for Registration

Florida Department of Business and Professional
Regulation

Division of Professions

Post Office Box 1698

Tallahassee, FL 32302-1698

(850) 488-3131

<http://fcn.state.fl.us/dbpr>

Responsible Agency for Compliance and Enforcement

Florida Department of Business and Professional
Regulation

Division of Professions

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[http://www.state.fl.us/dbpr/pro/farm/compliance/
farmlabor.index](http://www.state.fl.us/dbpr/pro/farm/compliance/farmlabor.index)