

FLORIDA FARM LABOR CONTRACTOR

TEST STUDY GUIDE

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INTRODUCTION

The Florida Farm Labor Registration Law changed in 1990. Beginning July 1, 1992, every Farm Labor Contractor must take and pass the Florida Farm Labor Contractor Test before receiving a Florida Farm Labor Contractor Certificate of Registration.

The information that is on the Florida Farm Labor Contractor Test was identified and approved by committees of Farm Labor Contractors from within the State of Florida, staff of the Bureau of Agricultural Programs, and Compliance Officers. The committees that developed the test used several sources of information: The Florida Farm Labor Registration Law; a survey of contractors, farm workers and agricultural business representatives; pilot tests; the United States Department of Labor, and their own experience and professional judgment.

The Florida Farm Labor Registration Law was last amended by the 2008 Legislature. This study guide incorporates the amendments and has been developed to help you prepare for the test. It provides you everything you will need to know to pass the test. It is not a substitute for the Florida Farm Labor Registration Law.

RECEIVING ASSISTANCE WITH APPLICATIONS:

The Department of Business and Professional Regulation will provide addresses and phone numbers of offices throughout the state that assist contractors with their applications.

WHEN YOU ACCEPT YOUR LICENSE YOU ARE AGREEING TO:

Obey other state and federal laws and regulations related to your job, even if they are not on this test. **EXAMPLES:** traffic laws; health and safety laws; human rights laws, and federal and state tax laws.

HOW TO USE THIS STUDY GUIDE

This study guide covers the most important points of the Florida Farm Labor Registration Law, which are on the Florida Farm Labor Contractor Test. All the information you need to know to answer the test questions is included in this study guide. Be sure to give yourself plenty of time to study and learn this information.

FOUR STEPS TO USING THE GUIDE

As you begin reading this guide, you will notice questions in a box at the bottom of each page. This box is called a “recall box”. Follow these four steps to use the recall box to help you study.

- Step one: Read a section.
- Step two: Cover up the section and read the questions in the recall box.
- Step three: Try to answer the questions. Speaking the answers out loud will help you learn the information.
- Step four: Uncover the section you have read and check to see if you answered the questions correctly.

Repeat these four steps until you are sure you know the information in a section. Then move on to the next section.

Chapter 8 provides sample test questions and an answer key. The answer key gives the correct answer to each sample question and the page number where you can find the answer.

Chapter 9 provides definitions for certain words. It will be helpful for you to review it for a better understanding of this study guide.

When you have studied the entire guide, answer and review the sample test items in Chapter 8. Then review the whole guide several times before you take the test.

CHAPTER 1

REGISTERING AS A FLORIDA FARM LABOR CONTRACTOR (FLC)

WHO MUST APPLY FOR A LICENSE?

You need a valid Florida Farm Labor Contractor (FLC) license if you:

- are paid to recruit, hire, transport, supervise or pay farm workers in Florida;
- are paid by a third party (such as an owner or another FLC) to drive workers to and from work;
- recruit or transport farm workers from Florida to work in another state; or
- hire other Farm Labor Contractors to work for you.

Any crew leader who works for you must have a valid Florida FLC license.

Car-poolers take farm workers to and from work, but they are not paid by a third party. They may be paid by the other farm workers who ride with them; but they do NOT need an FLC license.

APPLYING FOR YOUR FLORIDA FLC LICENSE

You can apply for a Farm Labor Contractor license at designated offices. Contact the Department of Business and Professional Regulation, Customer Call Center (850.487.1395) to find the location of the office nearest you. To apply for a Florida FLC license, you must fill out an application form, and pay \$160.00 for initial licenses and \$125.00 for renewal licenses. This money is non-refundable even if you do not get your license.

You must pass the Florida Farm Labor Contractor Test prior to receiving a Florida license.

Someone else can help you fill out the forms, but you must be sure the forms are filled out correctly. Be sure that everything you write on all of the forms is true. The department can revoke, suspend, refuse to renew or refuse to issue your Florida FLC license if you make any false statement. When you sign your name on the application, it means you agree that everything written on the form is true. **YOUR SIGNED NAME MEANS THAT YOU UNDERSTAND BOTH THE FORM AND THE FLORIDA FARM LABOR REGISTRATION LAW.**

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| <ul style="list-style-type: none">• <i>Who needs a Florida FLC license?</i>• <i>Do car-poolers need a FLC license?</i>• <i>Where can you apply for your license?</i>• <i>What two (2) things must you do to apply?</i>• <i>Can you get your application fee back?</i>• <i>What does your signed name on the application mean?</i> |
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FILLING OUT THE APPLICATION

When you apply for a Florida FLC license, you must fill out an application form. The form asks questions that help identify you. This information is kept by the Department of Business and Professional Regulation in their records.

When you apply for a license you must give the following information:

- your permanent address (NOT a post office box)
- your telephone number (if any)
- your social security number
- your driver's license number (for Driving Authorization)
- your mailing address where notices and documents should be sent (may be a post office box)
- your date of birth
- your personal description: hair color, eye color, height, weight, and sex
- your place of birth
- the largest number of workers that will work for you at any one time
- how the workers will get to and from work
- how the workers will be housed
- name and physical address of your Registered Agent
- whether or not you have been convicted of certain crimes and/or felonies.

Naming a Registered Agent: Each applicant must name someone as a Registered Agent. This must be someone other than the person applying who is home on a regular basis, or a business that is open Monday through Friday during normal business hours. You must inform this person or business that you are naming them as your Registered Agent. The address provided should be a physical location (not a post office box).

If you are not a U.S. citizen you must be able to show that you are legally allowed to work in the United States.

If you plan to provide TRANSPORTATION, your vehicles must be approved by the department. (See Chapter 3.)

If you DRIVE a vehicle for transporting workers, you must be approved by the department. (See Chapter 3.)

- *Who keeps the application information on file?*
- *Can a post office box be used as a permanent address?*
- *Can a post office box be used as a mailing address?*
- *Can a post office box be used as a Registered Agent's address?*
- *Name five (5) things that must be included on your application.*

THE FLORIDA FARM LABOR CONTRACTOR TEST

The Florida Farm Labor Contractor Test covers only the Florida Farm Labor Registration Law and Regulations. Everything you need to know to pass the test is included in this guide. But everything you need to know, and everything you need to do, to follow the law is NOT in this guide.

Remember, you are legally responsible for obeying other state and federal laws and regulations related to your job, even if they are not on this test. **EXAMPLES:** traffic laws; health and safety laws; human rights laws; and federal and state tax laws.

The Florida Farm Labor Contractor Test may be taken in English, Spanish or Haitian-Creole. The test is made up of true/false questions. If you think you may have trouble reading the test, our staff will assign someone to read the questions to you. You can take the test as many times as you need to pass it, but each time you take the test you must pay the \$35.00 fee.

You can pay both your application and test fees by certified check, cashier's check, or money order.

Once you pass the test, you may not have to take it again unless:

- you have been fined by the department for a **Major Violation**
- the test changes because of changes in the law
- the department **revokes, suspends, refuses to renew, or refuses to issue your license**

TEST SITES AND SCHEDULING:

Contact the department's Customer Contact Center at 850.487.1395 for information about where you should take the test. Written English and Spanish tests are provided by the department's testing vendor at 21 sites throughout the state, Monday through Saturday. Oral tests and all Haitian-Creole tests are provided at designated offices. The Customer Contact Center can assist you with locating the test site nearest you.

You should arrive at the test site at least 30 minutes early.

You must have two forms of identification. One must be a picture I.D. such as a driver's license.

You will not be allowed to have any other people with you while you are taking the test.

- *Can you use this study guide to tell you everything you must know to follow the law?*
- *Name two (2) ways you can pay for your application fee.*
- *Can you write a personal check to pay for your application fee?*
- *What are six (6) reasons you may have to take the test again?*

FINGERPRINTS

Fingerprints are no longer required for a Florida FLC license. You will, however, be required to submit fingerprints to the United States Department of Labor when you first apply for a license, and every three years with renewal applications.

RENEWING YOUR FLORIDA FLC LICENSE

You should renew your Florida FLC license every year. Your Florida FLC license usually expires (runs out) on the last day of your birth month. The expiration date is printed on your license. **You should reapply at least 30 days before your Florida FLC license expires.** You must fill out a form and pay **\$125.00** every year when you apply to renew your license.

STATE AND FEDERAL LICENSES

You must possess a Federal FLC license before you can get a Florida FLC license. For information about your Federal FLC license you should contact:

U.S. Department of Labor
Wage and Hour Division
Farm Labor Certificate Processing
90 Seventh Street, Suite 13-100
San Francisco, CA 94103
Phone: 1.415.241.3505

You must fill out the application form and pass the Florida Farm Labor Contractor Test before you can be registered as a Florida FLC. You may not work as a Farm Labor Contractor in Florida until you have current State and Federal licenses in hand. For information about your Florida FLC license you should contact:

Department of Business and Professional Regulation
Division of Regulation - Farm labor Program
2601 Blair Stone Road
Tallahassee, FL 32399-0783
Phone: 850.487.1395

When you get both state and federal licenses, sign and date them. Carry them whenever you are working.

- *When does your Florida FLC license expire?*
- *What must you do to renew your license?*
- *Can you begin working as soon as you have applied for your license?*

CHAPTER 2

COMMUNICATING WITH THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Department of Business and Professional Regulation is in charge of keeping records on Farm Labor Contractors, issuing or renewing Florida FLC licenses, and making sure contractors follow the Florida Farm Labor Registration Law. Communicating with the department is very important if you have questions about the law, fines or information you receive by mail. The department's telephone number is 850.487.1395. Department of Business and Professional Regulation (DBPR) Investigators are the field representatives for the department and may be contacted through the number above.

CHANGING YOUR ADDRESS

If you change your mailing or permanent address you must tell the department IMMEDIATELY. You can do this by notifying the department in writing, or you can go to the nearest designated office for assistance.

LETTERS FROM THE DEPARTMENT

The department will notify you when it has information that you should know. You are responsible for all information sent by mail to you. The department assumes notices are accepted and in force once they are sent to your current mailing address on record. You are responsible for the information even if someone else picks up your mail or you refuse to accept your mail.

Each applicant must designate a Registered Agent to receive service of process and other official or legal documents. The agent must be available during regular business hours, Monday through Friday, to accept service on behalf of the Farm Labor Contractor.

This means, before you can receive your Florida license, you must provide the department the name and physical address of a person or business that will be responsible during normal working hours to sign for any legal documents the department may send you. An attempt will be made to deliver letters to your address prior to sending documents to your Registered Agent.

Example of a Registered Agent: A business or an individual who has agreed to accept your mail and meets the requirements of being over 15 years of age and available at the address during normal working hours.

- *When is it important to communicate with the Department of Business and Professional Regulation?*
- *What must you do if you change your mailing or permanent address?*
- *What happens if you refuse to take your mail?*
- *What if someone else picks up your mail?*

CHAPTER 3

TRANSPORTING AND DRIVING

You may provide transportation for farm workers or drive a vehicle as a part of your job.

EVEN IF YOU DO NOT TRANSPORT OR DRIVE WORKERS YOU WILL STILL BE TESTED ON THIS INFORMATION.

DRIVING

You must be approved by the department before you can drive a vehicle that transports farm workers. For this approval you must:

- have a valid Florida Farm Labor Contractor license
- have a current doctor's certificate (good for three years)
- have a valid driver's license (of the correct class)
- be at least 21 years old
- be able to speak and understand English

Doctor's Certificate

You must be examined by a medical doctor to make sure that you are in good enough health to drive a vehicle to transport farm workers. Before you go to the doctor you must get a Doctor's Certificate (Form WH-515) from the department. Make sure that the doctor completes all parts of the form, and signs it. If the form is not completed properly it will be returned to you and you will not be authorized to drive. The Doctor's Certificate is good for three years, and the department will keep a copy of it on file.

Driver's License

All Florida drivers' licenses are labeled A, B, C, E, or CDL to indicate the class of license the driver holds. You must have the correct class of driver's license for the vehicle you will drive to transport workers. For more information, contact your local Division of Driver Licenses, Department of Highway Safety and Motor Vehicles.

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| <ul style="list-style-type: none">• <i>What five (5) requirements must you meet in order to drive farm workers?</i>• <i>A doctor's certificate is good for how long?</i>• <i>How do you know what class of driver's license you need?</i> |
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PROVIDING TRANSPORTATION

Your vehicles must be approved by the department before you can use them to transport workers. For this approval, you must have:

- a valid Florida Farm Labor Contractor license
- proof of commercial auto insurance
- a valid vehicle inspection less than one year old

(Other forms may be required under Federal law. Check with the US Dept. of Labor.)

INSURANCE COVERAGE

Vehicles used to carry workers must be covered by a commercial auto insurance policy. In order to be approved to provide transportation, you must have a certain amount of insurance coverage on every vehicle used to carry workers. You must give the department a copy of your Certificate of Insurance. The certificate will be given to you by your insurance company and must show the amount of coverage, the term of the policy, and the vehicles covered. Check with the department to find out how much coverage you need. The department must be notified at least 30 days before your insurance is stopped. This is required whether you or the insurance company stops the insurance.

VEHICLE INSPECTION

All vehicles used to transport workers must be inspected every year or display a current inspection sticker from another state. A mechanic in a shop or garage, including a fleet mechanic, can inspect your vehicle.

You must have each vehicle inspected every year. You can be fined by the department for transporting in a vehicle with an expired inspection, even if your transportation authorization is still good.

Before you go to the garage for your inspection, you must pick up a vehicle inspection form (Form WH-514) at any designated office. Make sure that the mechanic completes all parts of this form and signs it. After you make two copies of the completed form, keep one copy for yourself, mail the original to the United States Department of Labor (address on page 6), and mail a copy to the Department of Business and Professional Regulation (address on page 6).

- *If you provide transportation, what must you give the department?*
- *Where can you find out how much coverage you need?*
- *When should you notify the department about canceled insurance?*
- *What are two (2) ways to meet the vehicle inspection requirements?*
- *Who can inspect your vehicle?*
- *Where can you get a vehicle inspection form?*

VEHICLE REQUIREMENTS

Vehicles used to transport workers must meet the following inspection requirements in Florida:

Tires-It is very important that tires be kept in good shape. The tread fabric (plies) cannot show on any tire and there must be tread on the part of the tire that touches the road. All tires must be rated to support the vehicle. The front tires cannot be re-grooved, re-capped or re-treaded.

Seating Space- Your vehicle must meet certain seating space requirements:

- **Floors**- Floors must be smooth. There should not be any nails, cracks or holes in the floor. Nothing can stick up from the floor more than two inches because it might injure a worker.
- **Sides**-The side walls and ends must be at least 60 inches high and attached to the permanent part of the vehicle.
- **Seats**-A seat must be available for every worker being carried. The seat must be securely bolted to the floor. If seats are made of wood they must be smooth and free of splinters. Nails, screws and splinters must be removed to prevent injury and protect clothing.

Protection from the Weather-The roof, ceiling or cover must be at least 80 inches above the floor. Covers or tarps (tarpaulins) must be tied down and closed at the sides to protect the workers from rain.

Exits-People must be able to get on and off the vehicle easily. Exits must not be blocked or sealed shut. The doors must be in working order. An exit, with a gate or door, must be placed either at the rear or on the right side of the vehicle. Doorways or openings must be at least 18 inches wide and 60 inches high.

- *What requirements must tires meet?*
- *Can any tires be re-grooved, re-capped, or re-treaded?*
- *Describe a floor in a vehicle that would pass inspection.*
- *How high must side walls be?*
- *How many seats must the vehicle have?*
- *Do the seats have to be attached to the vehicle?*
- *What must you do with nails, screws, and splinters?*
- *How high must the roof, ceiling, or cover be?*
- *Can you use a tarp?*
- *Describe an exit that would pass inspection.*

Emergency Exits-If the vehicle is enclosed, like a bus, it must also have an emergency exit. This second exit must have a gate or door, a lock, and a handhold. If the regular exit is at the rear of the vehicle, the emergency exit must be on the RIGHT side. If the regular exit is on the right side, the emergency exit must be at the REAR.

Ladders or Steps-These can be used when necessary. The steps cannot be more than 12 inches apart. The lowest step cannot be more than 18 inches above the ground when the truck or bus is empty.

Communication with Driver-If the cab is separate from where workers sit, there must be a way for workers to communicate with the driver (telephone, speaker tubes, buzzers, pull cords or other means). A window or opening is **NOT** required.

Protection from the Cold-People must be protected from cold weather. However, you **CANNOT** use any of the following to heat a vehicle:

Exhaust Heater - a heater sending engine exhaust air through an area where people sit.

Unenclosed Flame Heater - any type of heater with an open flame.

Heaters Permitting Fuel Leakage - any kind of heater that could spill or leak fuel if the bus, truck or vehicle turned over or tilted.

Unattached Heater - any heater that is not attached to the vehicle. Free-standing heaters are **NOT** allowed.

Windshield Wipers- Vehicles must have at least two windshield wipers, one on each side of the center of the windshield.

Fire Extinguishers-If the vehicle will carry workers more than 75 miles; it must have a fire extinguisher.

- *What kind of vehicles must have emergency exits?*
- *Where must emergency exits be located?*
- *When a vehicle is empty, how high can the lowest step be?*
- *Does there have to be a window between the driver and the workers?*
- *What protection must the vehicle provide?*
- *What kind of heaters are NOT allowed?*
- *How many windshield wipers must the vehicle have, and where must they be located?*
- *When must a vehicle carry a fire extinguisher?*

Mirrors-Vehicles must have one outside rearview mirror on the driver's side. They must also have **EITHER** an inside rearview mirror with a clear view out the back **OR** an outside rearview mirror on the passenger side.

Horns-Vehicles must have working horns that can give a loud signal.

Lights- Vehicles must have working headlights (both high and low beams), tail lights, stoplights and turn signals.

Brakes-Vehicles must have both a foot brake and a parking brake, in good working order.

Windshield-The windshield must not have any cracks that block the driver's vision.

NOTE: The Department of Transportation has a complete list of the requirements for vehicles used to transport passengers. See the back of the vehicle inspection form (FORM WH-514) for this information.

- *How many mirrors must the vehicle have, and where must they be located?*
- *What requirement must the horn meet?*
- *Which four (4) lights will be inspected?*
- *What types of brakes must the vehicle have?*
- *Describe a windshield that will pass inspection.*

FIELD INSPECTION OF VEHICLES

Even though you may have a current and valid inspection, a Department of Business and Professional Regulation (DBPR) Investigator can inspect your vehicle for safety violations at any time. You must keep your vehicle in good operating condition at all times.

SAFETY INFORMATION FOR FIFTEEN-PASSENGER VANS

Fifteen passenger vans have a higher frequency of “roll over” accidents than other vehicles. These vehicles are more difficult to handle when steering maneuvers are changed suddenly such as when a tire goes off the pavement, another driver suddenly cuts in front of you, or you hit a puddle. They require more breaking time than other vehicles. Listed below are some rules that should be followed when driving these vans.

1. Never overload the van. This means that there should never be more than fifteen people in the van, including the driver.
2. When carrying fewer passengers seat them toward the front of the van.
3. When carrying fifteen passengers, the most weight should be toward the front of the van.
4. Do not carry equipment or other items on top or on the back of the van.
5. Never drive faster than the speed limit.
6. If the roads are wet or curvy, drive slower.
7. Be sure the tires are in good condition and properly inflated.
8. Be alert. Do not allow yourself to be distracted. Never drive when tired or consuming alcohol or drugs.
9. Take a course in driver safety.
10. Avoid driving on interstate highways. When driving on an interstate highway, drive slower than the speed limit; keep more distance between you and other vehicles; be aware of wind gusts; and always stay alert.
11. Make sure all passengers are wearing seat belts.

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| <ul style="list-style-type: none">• <i>Name five ways to make 15-passenger vans safer for passengers.</i>• <i>Is it safe to carry equipment on the back or top of a 15-passenger van?</i>• <i>If I drive slower than the speed limit will the van be more stable?</i> |
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CHAPTER 4

SHOWING AND POSTING DOCUMENTS

SHOWING YOUR LICENSE

Any time you do business as a Farm Labor Contractor in Florida, you must have your Federal and Florida FLC licenses with you. You must show them before you can recruit workers or drivers. Any time you are asked to show your Florida FLC license to someone from the department, you must do so.

POSTING OF STATEMENT OF WORKING CONDITIONS

A copy of the Statement of Working Conditions must be posted at the job site and in each vehicle used to transport workers. It should be posted where it can be easily seen. The form must be filled out completely. It must describe the work that is being done at that time.

All information on the form must be correct and up to date. If the information changes daily, you must change the form daily. The information must be written in English and in the language(s) of the workers. All workers should be able to read or understand the information. The following information must be on the form:

- how much the workers will be paid
- where workers will be paid
- whether workers are to be paid by the day or by the week
- workers' compensation information
- what transportation arrangements have been made for the workers
- the Farm Labor Contractor's Florida FLC license number
- the name of the grower for whom the Farm Labor Contractor is working
- the beginning and ending dates of the work period
- housing information if housing is provided
- the Farm Labor Contractor's name and mailing address
- how much the grower is paying the Farm Labor Contractor

You can get a copy of the Statement of Working Conditions at designated offices, from the department, or from a Department of Business and Professional Regulation (DBPR) Investigator.

- *When must you carry your FLC license with you?*
- *Who must you show your FLC license to?*
- *Where must the Statement of Working Conditions be posted?*
- *Can you leave some sections of the form blank?*
- *How often must you change the information on the Statement of Working Conditions?*
- *In what language must the form be written?*
- *What information must be on the Statement of Working Conditions?*
- *Where can you get a copy of the form?*

CHAPTER 5

HEALTH AND SAFETY RULES

The health and safety of your workers are important in getting the job done. Florida requires you to follow certain health and safety guidelines as a Farm Labor Contractor.

FIELD SANITATION

Toilets, a place to wash their hands, and drinking-water must be provided for the workers.

Number of Persons	Toilets	Hand Washing Units
5-20	1	1
21-40	2	2
41-60	3	3
Etc. every 20 workers		

Toilets- Toilets must be within a ¼-mile walk (440 yards) of where most people are working. The toilets must have self-closing doors that can be locked from the inside. Toilets must be built so that there is complete privacy. Toilets must be clean and toilet paper provided.

Hand-Washing Units- The units must be portable and must use water that is safe to drink. You must supply soap or cleanser, disposable paper towels and a waste basket for used towels. The used water from the hand-washing units should not cause a sanitary problem in the field.

Housing – If you take workers to a camp, house, or other type of migrant housing, you must make sure that the housing is safe for the workers. Even if you are not the person responsible for the housing, you can be charged a fine for allowing the workers to stay in unsafe housing.

Housing of farm workers is subject to approval by the United States Department of Labor. The housing must be inspected and approved by the Florida Department of Health before it can be approved by the United States Department of Labor.

- *How many toilets and hand washing units must be provided for the workers?*
- *Where must the toilets be located?*
- *Must toilets have locks on the doors?*
- *What must you provide along with hand-washing units?*
- *Why must you be careful with the used water from hand-washing units?*
- *Can you be fined for placing workers in unsafe housing?*

Drinking-Water- Drinking-water must be in portable containers made of smooth material that will not rust or leak. These containers must be marked **DRINKING-WATER** in English or in the language most of the workers speak.

Provide disposable, single-use cups so that workers will not drink after each other from the same cup. You do NOT have to provide cups if the water comes from a drinking fountain. The water must be cooled. If ice is used to cool the water, it must be made from water that is safe to drink.

FOLLOWING THE CHILD LABOR LAW

As a Farm Labor Contractor you must know and follow the regulations of the Florida Child Labor Law. Workers must be at least 14 years old. Workers who are between 14 and 16 must attend school because Florida has a Compulsory School Attendance Law. No one under 18 may work during school hours unless they are ENROLLED in a co-op high school program, or possess a waiver from the school or child labor enforcement section, or hold a General Education Diploma (GED). No minor (18 or under) can work with pesticides or other toxic materials. Children under 14 may only work for their own parents on their own farm.

Farm Labor Contractors must keep copies of proof of age on file for any workers 18 years of age and under. You can use any of the following to prove a worker's age; driver's license, birth certificate, passport, visa, or an age certificate from the worker's school. If an Investigator asks to see this proof, you must show it.

FOLLOWING THE WORKERS' COMPENSATION LAW

Farm workers must be covered by Workers' Compensation insurance. Check with the Florida Division of Workers' Compensation, Department of Financial Services, Office of Insurance Regulation to make sure you are following the law.

- *How must water containers be marked?*
- *What kind of cups must you provide with water?*
- *Can you use ice to cool the water?*
- *How old must farm workers be?*
- *How old must workers be if they will work with toxic materials?*
- *Can children under 14 ever work on a farm?*
- *What documents can be used as proof of age?*
- *Do farm workers have to be covered by Workers' Compensation insurance?*

CHAPTER 6

PAYING FARM WORKERS

This chapter applies to Farm Labor Contractors who pay workers.

EVEN IF YOU DO NOT PAY WORKERS YOU WILL STILL BE TESTED ON THIS INFORMATION.

As a Farm Labor Contractor, you must provide your workers with pay information on a regular basis. At least twice a month, you must give each worker a Notice of Payment form or a wage receipt (pay stub).

FIELD RECORDS

Farm Labor Contractors who supervise or pay workers must keep accurate daily field records for each employee showing the hours worked and/or units harvested and amount paid per unit.

NOTICE OF PAYMENT

The notice of payment (either the form or the pay stub) must show all of the following:

- the amount paid to the worker
- the number of hours worked
- the hourly rate the worker is paid, OR (if paid a piece rate) the name of the crop, the piece rate and the number of units picked
- the Farm Labor Contractor's name
- the Farm Labor Contractor's Federal and Florida Farm Labor Contractor license numbers
- each and every deduction made from the worker's paycheck
- the beginning and ending dates of the pay period
- the date of payment
- a separate deduction for lodging, housing or food (if one is made)

The Farm Labor Contractor must keep exact copies of either the Notice of Payment Form or the pay stub for three years. These records are open to inspection by the department and must be kept in a neat, orderly condition. They must be kept in alphabetical order by the workers' last names.

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| <ul style="list-style-type: none">• <i>At least twice a month, what must you give workers?</i>• <i>What pay information must be given to workers?</i>• <i>What copies must the FLC keep?</i>• <i>How long must you keep copies of pay records?</i>• <i>Can anyone see your records?</i>• <i>In what kind of order must the records be kept?</i> |
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PAYMENT RECORDS

Farm Labor Contractors must keep all payment records for three years. This includes, but is not limited to:

- social security payments
- amount of income tax withheld
- transportation costs
- food costs

UNEMPLOYMENT COMPENSATION

Farm Labor Contractors who pay workers must pay into the State Unemployment Compensation Trust Fund. Payments must be made at least every **quarter** but can be made more often. If your payroll is more than \$10,000 in any **quarter** during the calendar year OR you employ five or more workers in any 20 weeks during a calendar year, you must pay unemployment compensation taxes for the entire year.

OTHER PAYMENT RESPONSIBILITIES

You are legally responsible for following other state and federal laws relating to paying workers. You must deduct withholding taxes (income tax) from farm workers' pay, as well as social security payments. You must also follow the Federal Fair Labor Standards Act.

If you have any questions about paying farm workers, or following these laws, the Florida Department of Revenue, Unemployment Compensation office is a good place to go for help.

- *What payment records must the FLC keep?*
- *How often must unemployment compensation payments be made?*
- *Who must pay into the unemployment compensation fund?*
- *What are two (2) federal deductions you must make from workers' pay?*
- *Does the Federal Fair Labor Standards Act apply to Florida Farm Labor Contractors?*

CHAPTER 7

PROHIBITED ACTS, COMPLAINTS, HEARINGS AND PENALTIES

PROHIBITED ACTS

A Farm Labor Contractor cannot employ any person acting in the capacity of a Farm Labor Contractor or performing activities of a Farm Labor Contractor unless that person has a current certificate of registration issued by the department (State Farm Labor Contractor License).

A Farm Labor Contractor may not require any farm worker to purchase goods or services solely from the Farm Labor Contractor or from a person acting as an agent for the Farm Labor Contractor.

A Farm Labor Contractor or the contractor's agent (supervisor/foreman/field walker) cannot profit from charging a farm worker more than the cost of any commodity, including housing, food, water, or other consumables.

A Farm Labor Contractor cannot retaliate against any person who has filed a complaint or aided in an investigation of the Farm Labor Contractor.

A Farm Labor Contractor cannot place a farm worker in any kind of danger; at work, in a vehicle, or in housing.

FARM WORKER COMPLAINTS

If someone thinks you have broken the Florida Farm Labor Registration Law, you can be reported to the department. The complaint can come from a worker or from anyone else. The department will check out any complaint it receives.

As a Farm Labor Contractor, all of your records are open for inspection by department representatives. When a complaint is received, the department will investigate. It is important to cooperate with the investigation.

- *Name five (5) prohibited acts.*
- *Can workers complain to the department?*
- *What does the department do with complaints it receives?*
- *Who can inspect your records?*

ADMINISTRATIVE COMPLAINTS

If the department finds that you have broken the law, an administrative complaint will be sent to you. You have a right to a hearing. If you do not answer the department in writing within 21 days, you will lose your right to a hearing.

The Division of Administrative Hearings will try to assign the hearing to the hearing officer closest to your current Florida mailing address on record. The hearing will allow both sides a chance to present their stories. If you think that you did NOT break the law, you can ask for a formal hearing. If you agree you broke the law, you can ask for an informal hearing, even if it is a serious matter. Either way, it is important to cooperate if there is an administrative complaint against you. You can bring a lawyer to any hearing, but you will have to pay for your lawyer.

PENALTIES

The department can suspend, revoke, refuse to renew, or refuse to issue your Florida FLC license. The department can also charge you a fine of up to \$2,500 per violation based on the level of the violation. Money collected from these fines is placed in the State of Florida General Revenue Fund. (DBPR Investigators do not keep the money.)

A **MINOR VIOLATION** of the Florida Farm Labor Registration Law is a second-degree misdemeanor and can result in a criminal fine of up to \$500 or 60 days in prison (in addition to the department's fines).

A **MAJOR VIOLATION** of the Florida Farm Labor Registration Law is a third-degree felony and can result in criminal fines up to \$5,000 or five (5) years in jail (in addition to the department's fines).

If your license was revoked or suspended, and you were under contract with a grower, you would be allowed to finish the growing season.

- *What must you do to have a hearing?*
- *Where are hearings held?*
- *Why are hearings held?*
- *When can you ask for an informal hearing?*
- *Can you bring a lawyer to a hearing?*
- *If you break any part of the Florida law, what can you be charged with?*
- *Could you be sent to jail?*
- *What penalties can the department apply?*
- *How would your contracts with growers be affected?*

ACCEPTING MAIL

Be sure you accept all mail from the department. Notices of penalties from the department are always in writing and are sent by Certified Mail or hand-delivered. You are always responsible for acting on the contents of the notice. The department assumes notices are accepted (and in force) once they are sent. The notice will state the reasons for any penalty and the amount of any fine. It will also advise you of your right to a hearing.

DESIGNATING A REGISTERED AGENT

Each applicant must designate an agent to receive service of process and other official or legal documents. The agent must be available during regular business hours, Monday through Friday, to accept service on behalf of the Farm Labor Contractor.

Before you can receive your Florida FLC license, you must provide the department with the name and physical address of a person or business that will be responsible during normal business hours to sign for any legal documents the department may send to you.

EXAMPLE OF A REGISTERED AGENT: A grower, a company such as an employee leasing agency, a bookkeeping service or accountant, an insurance company.

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| <ul style="list-style-type: none">• <i>How will the Department notify you of a pending administrative action (penalty)?</i>• <i>Once you have received the notification, what is your responsibility?</i> |
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CHAPTER 8

TEST FORMAT, SAMPLE ITEMS AND GENERAL TEST-TAKING ADVICE

TEST FORMAT

The Florida Farm Labor Contractor Test is made up of true-false questions. It may be taken in English, Spanish and Haitian-Creole. You may take the test aloud if you have trouble reading it yourself. You will have two hours to finish the test. You will mark your answers “T” for true or “F” for false.

SAMPLE ITEMS

The following sample test items do not cover the same information that will appear on the actual test. They are given here to show you how the test will look and the kinds of questions you will be asked. The correct answer to each question is given and explained on page 26.

NOTE: Words such as NOT, ALL, EVERY, or NEVER are capitalized. Be sure to read questions that contain these words very carefully.

Directions: Answer each question true or false and then check your answers.

1. You do NOT need a valid Florida Farm Labor Contractor’s license if you recruit workers from Florida to work in another state.
2. You must give your date of birth when you apply for a Florida FLC license.
3. If the department has refused to renew your license, you may have to take the Farm Labor Contractor test again before the license can be re-issued.
4. You may ONLY change your mailing address by going to the nearest designated office.
5. The department will notify you when it has information that you should know.
6. A doctor’s certificate is good for ONLY two years.
7. The class of driver’s license you must have depends on the type of vehicle you will drive.
8. If seats in a vehicle used to transport workers are made of wood, they must be smooth and free of splinters.

9. Vehicles used to transport farm workers may use exhaust heaters to protect riders from cold weather.
10. The Statement of Working Conditions must ALWAYS show how much the workers will be paid.
11. The Statement of Working Conditions must ALWAYS show the Farm Labor Contractor's Florida FLC license number.
12. You must provide field hand-washing units, no matter how few workers are on the job.
13. Drinking-water cups must be provided unless the water comes from a drinking fountain.
14. A person under 16 may work during school hours if she or he holds a GED.
15. A driver's license may NOT be used as proof of age.
16. The notice of payment must show the Farm Labor Contractor's Federal Employer Identification Number (FEIN).
17. The notice of payment must show the Farm Labor Contractor's name.
18. The department can suspend your Florida FLC license if you break any part of the Florida Farm Labor Registration Law.

ANSWER KEY FOR SAMPLE TEST ITEMS

1. False. You will still need a valid Florida license (page 3).
2. True (page 4).
3. True (page 5).
4. False. You may also notify the department (page 7).
5. True. However, remember that the department assumes you have received any notices it sends out (page 7).
6. False. The certificate is good for three years (page 8).
7. True (page 8).
8. True (page 10).
9. False. Although you ARE required to protect riders from the cold, you may NOT use a heater that sends exhaust air through an area where people sit. (page 11).
10. True (page 14).
11. True (page 14).
12. False. You are not required to provide these units unless you have five or more workers on the job (page 15).
13. True (page 16).
14. True. GED stands for General Equivalency Diploma (page 16).
15. False. A driver's license is acceptable (page 16).
16. True (page 17).
17. True (page 17).
18. True (page 20).

GENERAL TEST-TAKING ADVICE

Before the test:

Go to the test prepared, alert and well rested.

Arrive early so you don't have to rush.

Dress comfortably and bring a sweater or jacket in case the room is too cool.

Take two forms of identification. One must be a picture I.D.

Arrive at the test site early.

(Remove statement about bringing \$35.00 money order.)

During the test:

Read each question carefully before you answer. Pay attention to all the details, especially negative words and absolute words (words in all caps).

Go through the test once and answer all the questions you know. Then go back and work on the rest of the questions.

Answer every question. Do not leave any answers blank. They will be marked wrong.

When you finish the test, go back and check every question. Make sure you have answered all the questions and that you have marked your answers correctly.

CHAPTER 9

DEFINITIONS

Administrative Complaint – the first notice by the department’s legal office describing the violation(s) found and the penalty for each violation.

Calendar Year – the twelve-month period that begins January 1 and ends December 31.

Cashier’s/Certified Check – an official, guaranteed check you get from a bank.

Certified Mail – a means of sending a letter that gives the sender proof of mailing and delivery. A record of delivery is kept at the post office.

Compulsory School Attendance Law – a Florida law requiring that children go to school until they are 16 years old.

Co-Op Program – an agreement between a school system and an employer that allows students to be released for part of the school day in order to work.

Designated Office – an office that has staff who are trained to assist with registration and/or administer tests.

Department - Department of Business and Professional Regulation.

Doctor’s Certificate – a form, signed by a doctor, which states that a contractor is physically qualified to drive a vehicle used to transport farm workers.

Driving Authorized – the Farm Labor Contractor has been approved to drive vehicles transporting workers.

Federal Fair Labor Standards Act – the United States Department of Labor law which deals with working conditions, pay and employment of workers.

Felony – a crime of a serious nature. Punishment is usually a fine or prison term up to 5 years for a third-degree felony.

Field Records – a daily log of each worker’s hours worked and/or units harvested and the amount paid per unit.

Field Representative – a person who serves as a contact between the Department of Business and Professional Regulation and crew leaders, contractors, growers, farm workers, owners, etc. An Investigator is a Field Representative.

Florida Child Labor Law – the law enforced by the Florida Department of Business and Professional Regulation, that deals with the safety and welfare of all children under 18 who work.

Formal Hearing – a chance to present all sides of a case when everyone does not agree on what happened. Testimony is taken under oath and witnesses may be cross-examined.

(GED) General Equivalency Diploma – a high school diploma that is earned outside of high school. It requires passing an examination.

Hand Washing Units – a portable container, or unit of water (separate from drinking-water) to wash hands. It must meet conditions set by the Florida Department of Health.

Informal Hearing – a chance to discuss the penalties in a case when everyone agrees on what occurred.

Investigator – a designated (official) representative of the Department of Business and Professional Regulation. Formerly called Compliance Officer; also called “Labor Man.”

Misdemeanor – a type of crime that is not as serious as a felony. Punishment is usually a fine and/or jail time of less than one year.

Pesticides – chemicals or substances used to destroy (kill) pests. Can be harmful to humans.

Portable - able to be carried or moved from one place or another.

Proof of Insurance – an official paper from an insurance company saying that your vehicle is insured.

Quarter – one-fourth of a year. Unemployment Compensation quarters are listed below:

First Quarter: January, February, March
Second Quarter: April, May, June
Third Quarter: July, August, September
Fourth Quarter: October, November, December

Recruit – to actively look for people to work for you, as in “recruit farm workers.”

Registered Agent - someone who can accept mail for you during working hours Monday through Friday.

Renew - to extend for a longer time.

Revoke - to take back or cancel.

Service of Process – a legal notification of action the department will take against you if you violated the Florida Farm Labor Registration Law.

Suspend – take away for a while.

Third Party – a person, other than the contractor or farm worker, such as another contractor, grower, or owner.

Toxic Materials – poisonous chemicals, sprays, etc.

Transport – to provide vehicles used to carry farm workers.

Transportation Authorized – vehicles used to transport workers that have been approved by the department.

Valid Driver's License – a license that is still good.

Vehicle Inspection Form – the paper (Form WH-514) that must be filled out by a mechanic who has checked your vehicle.

VISA – an official stamp or statement that says a passport has been checked by the proper immigration authorities.