
ELIGIBILITY REQUIREMENTS

- Must be eighteen years of age.
- Must be a United States (US) citizen or legally authorized for employment in the US.
- Must have not been convicted of the following crimes within the last five years: 1) Any crime relating to gambling or to the sale, distribution or possession of alcoholic beverages; in connection with or incidental to any farm labor contracting activities; or 2) Any felony involving robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, prostitution, peonage, or smuggling or harboring individuals who have entered the US illegally.
- Must have no delinquent Unemployment Compensation (UC) or Internal Revenue Service (IRS) taxes.
- Must have no unpaid federal or state civil money penalties.
- Must possess a current Federal Farm Labor Contractor/Employee License.
- Must have taken and passed the Florida Farm Labor Contractor Test.

FLORIDA FARM LABOR CONTRACTOR TEST

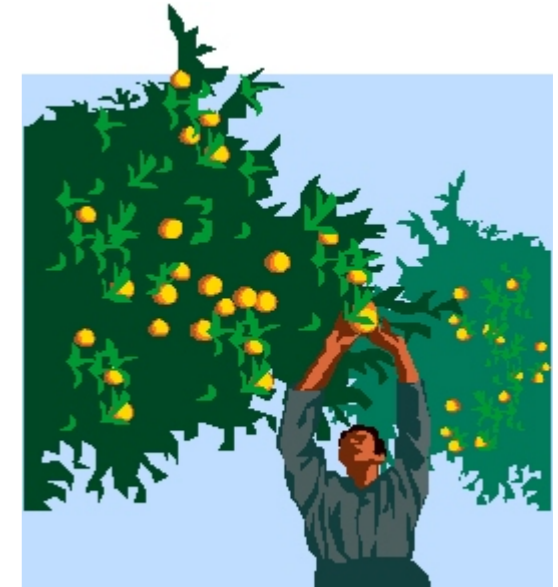
You must take and pass this test before you can obtain a Florida Farm Labor Contractor Certificate of Registration. The test can be taken either written or orally in English, Spanish, or Haitian-Creole. There is a \$35 fee for taking each test. The test consists of 60 true-false questions.

HOW TO REGISTER

To register, submit a completed application along with supporting documents to this agency. There is a \$125 non-refundable application fee for the Florida license. You must also name a Registered Agent on your state application. This is someone who agrees to accept legal documents on your behalf. This person must be available during normal business hours Monday through Friday. Assistance with the application process can be obtained from various offices within the state. Call the Farm Labor Program at 850.488.3131 for more information.

PENALTIES

A minor violation of the Florida Farm Labor Registration Law is a second degree misdemeanor and may be punishable by sixty days in jail and a major violation is a third degree felony and may be punishable by five years in prison. You could be fined by the department up to \$2,500 for each violation. In addition, this agency can revoke or refuse to issue/renew your license.



FARM LABOR CONTRACTING IN FLORIDA

For More Information Contact:

Florida Department of
Business & Professional Regulation

Farm Labor Program
1940 North Monroe Street
Tallahassee, Florida 32399-1041
850.488.3131

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AUTHORITY

Farm Labor Registration Law, Chapter 450, Part III,
Florida Statutes
Migrant and Seasonal Agricultural Worker
Protection Act (MSPA)

PURPOSE

The Farm Labor Program processes and issues certificates of registration to farm labor contractors (FLCs) who engage in farm labor contracting activities in the state. The federal Migrant and Seasonal Agricultural Worker Protection Act (MSPA) and the Florida Farm Labor Registration Law, Chapter 450, Part III, Florida Statutes, requires any person who recruits, transports, supervises, and/or pays workers to perform harvesting activities to obtain a certificate of registration before conducting such activities. The Farm Labor Program administers both the state and federal programs.

WHAT IS A FARM LABOR CONTRACTOR?

Any person 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; or any person who 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.

RESPONSIBILITIES

Responsibilities of a farm labor contractor include, but are not limited to:

- **Obtaining a certificate of registration.** Prior to performing any farm labor contracting activities, a person must obtain a license from this agency. To work in Florida, farm labor contractors must obtain both a state and federal license.
- **Disclosing working conditions and posting requirements.** Workers must be informed on issues regarding pay, crop, transportation and housing arrangements, contractor and grower information, and rights of farmworkers.
- **Paying wages to workers when due.** Workers must be paid at least twice a month and no less than the minimum wage. A federal employer identification number is needed if the farm labor contractor is responsible for the payroll.
- **Ensuring safe transportation of workers.** Whenever a farm labor contractor is involved in the transportation of workers, each vehicle utilized must be authorized by this agency. Proof of automobile liability insurance coverage, Workers' Compensation coverage, and a vehicle safety inspection must be submitted. The driver(s) of the vehicle must also register as a farm labor contractor and be authorized by this agency to drive workers. For those individuals, a doctor's certificate showing they are physically able to drive and proof of a valid driver's license of the proper class must also be submitted. Drivers must be at least 21 years old.
- **Ensuring safe housing of workers.** Whenever the farm labor contractor is involved in the housing of workers, each facility utilized must be authorized by this agency. Proof that the facility meets safety and health standards must be submitted.

- **Providing field sanitation.** Workers must have access to toilets. Water fit for drinking and for washing hands must be available.
- **Workers' Compensation coverage.** The contractor or employer must provide this coverage when liability requirements are met.
- **Unemployment compensation taxes.** The contractor or employer must pay these taxes when liability requirements are met.
- **Hire properly documented workers.** Workers must be legally authorized by the U.S. Citizenship & Immigration Service (USCIS) if not a citizen of the U.S.
- **Obey Child Labor Laws.** Employers who hire workers who are not yet 18 years old must abide by Child Labor Laws which are designed to aid in their protection.
- **Maintain proper records.** Wage and payment records must be retained for three years. Daily field records for each employee must show amount paid, hours worked and, if applicable, number of units harvested and amount paid per unit.

As a farm labor contractor you CANNOT:

- Require workers to buy goods or services solely from you or your agent;
- Charge workers more than cost for goods or services;
- Retaliate against a farmworker for filing a complaint or assisting in an investigation.

BEST PRACTICES INCENTIVE PROGRAM

This program is designed to help the public identify farm labor contractors who have demonstrated a firm commitment to responsible and safe labor practices. Farm labor contractors who seek this designation must meet requirements set forth by the department.