

# FREQUENTLY ASKED QUESTIONS FARM LABOR CONTRACTORS

|  |   |
|--|---|
| 1. Our identity, Types of Licensee, Basic Requirements ..... | 2 |
| 2. Examination Process.....                                  | 3 |
| 3. License Information .....                                 | 5 |
| 4. Fees.....   | 5 |
| 5. Driving and Transporting.....                             | 6 |
| 6. Federal Contact Information .....                         | 7 |

April 15, 2009

## **OUR IDENTITY, TYPES OF LICENSES, BASIC REQUIREMENTS**

1. Q. **Are there any other names farm labor contractors are commonly called?**  
A. Yes. They are often referred to as: Contractor, Crew Leader, Crew Boss, Crew Chief, and FLC.
  
2. Q. **What laws govern farm labor contracting?**  
A. Chapter 450, Part III, Florida Statutes; Chapter 61L-1, Florida Administrative Code; 29 CFR Part 500: Migrant and Seasonal Agricultural Worker Protection Act (MSPA)
  
3. Q. **Who must apply for a license?**  
A. Those who:
  - Are paid to furnish, employ, recruit, hire, transport, supervise, or pay farm workers.
  - 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 to transport workers from another state to work in Florida.
  - Hire other Farm Labor Contractors or their employees to work for them.
  
4. Q. **What are the basic eligibility requirements?**  
A. In addition to submitting a completed application you also must:
  - Have a valid federal contractor or employee certificate of registration (*See contact information below*)\*;
  - Be at least 18 years of age;
  - Be a U.S. Citizen or legally authorized for employment in the U.S.;
  - Have no convictions of certain crimes within the last 5 years;
  - Have a valid Social Security Number;
  - Have taken and passed the Florida Farm Labor Contractor Test;
  - Pay a \$160.00 Initial Application Fee;
  - Have no outstanding state or federal fines unless an installment agreement has been approved; and
  - Have no delinquent Unemployment Compensation taxes or Internal Revenue Service employment or unemployment taxes unless an installment agreement has been approved.

\* United States Department of Labor (USDOL)

Wage & Hour Division

National Certificate Team

Post Office Box 56447

Atlanta, Georgia 30347-0447

1.866.487.9243 (In Washington DC, **ask for the Farm Labor Certificate Team in Atlanta.**)

5. **Q. What are the crimes that would cause me to be ineligible if I was convicted within the last five years?**

A. Any crime relating to gambling, or to the sale, distribution or possession of alcoholic beverages, in connection with or incident to any farm labor contracting activities. 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 United States illegally.

## **EXAMINATION PROCESS**

1. **Q. How do I apply for my Farm Labor Contractor's license?**

A. You must submit your application to the department and be approved to sit for the examination. The application is available on-line at <http://www.myfloridalicense.com/dbpr/index.html> or you can call the department at 850.487.1395.

2. **Q. Where do I take the examination?**

A. Once you are approved by the department to take the examination, you can log on to the testing vendor, Pearson Vue's web site at [www.pearsonvue.com](http://www.pearsonvue.com) and schedule for the examination or call 1.866.936.7782. Additional scheduling information is available at: [http://www.myfloridalicense.com/dbpr/servop/testing/documents/prof\\_reg\\_faq.pdf](http://www.myfloridalicense.com/dbpr/servop/testing/documents/prof_reg_faq.pdf)

3. **Q. What is the application fee?**

A. The initial licensure fee is \$160. This includes an application fee of \$125 and an examination fee of \$35. The certified check or money order must be made payable to the Department of Business and Professional Regulation. Personal checks will not be accepted.

The renewal fee is \$125.00 and must be submitted with the renewal application.

4. **Q. Where can I get an application to apply for my license?**

A. The application is available at the department's web site at [www.MyFlorida.com/dbpr](http://www.MyFlorida.com/dbpr) or you can call the department's Customer Contact Center at 850.487.1395 to receive an application for license.

5. **Q. Do I need to get my fingerprints done before taking the examination?**

A. You do not need to get fingerprinted or submit a fingerprint card to get your Florida Farm Labor Contractors license.

6. **Q. Will the testing vendor help me to complete and submit my application?**

A. The testing vendor, Pearson Vue, will not assist you with your application submission. You are responsible for completing and submitting the application to the department.

7. **Q. I have never taken a computer based examination. How do I take this exam?**  
A. Once you have scheduled for the examination, please make sure you arrive to the exam site on time, with two forms of identification, at least 15 minutes before the scheduled time. You will be given a tutorial on how to take the examination. Even if you are not familiar with the use of a computer, taking the exam is very simple. The testing vendor will help you to get oriented with the process.
8. **Q. How long will I get to complete the examination?**  
A. You will receive 90 minutes to complete the examination.
9. **Q. Can I ask questions during the examination?**  
A. You can only ask questions if there is a technical issue. The testing vendor cannot assist you with answering the questions or reading the questions out loud to you.
10. **Q. Can I bring a friend or a family member to the exam site?**  
A. No. Only the applicant will be allowed into the examination room.
11. **Q. Can I bring my Study Guide to the exam?**  
A. No. The examination is a closed book exam and you cannot use any reference or study material during the examination.
12. **Q. How long does it take for my examination results to get to the Department?**  
A. The testing vendor will make the exam results available to DBPR within 48 hours. You will be given you grade report on-site.
13. **Q. If I fail, can I re-take the examination?**  
A. Yes; however, you must apply to the department and be approved to sit for the examination before contacting Pearson Vue for scheduling for the test. The re-exam fee of \$35 must be submitted with the application. You can schedule through Pearson Vue to re-take the examination.
14. **Q. How will I know when to take the examination?**  
A. If you are taking the written computer based examination, you will receive a notification from the Pearson Vue to schedule for the test.
15. **Q. Can I take the test in any language other than English?**  
A. Yes, the computer based examination is also offered in Spanish. (If you need to take the test in Haitian/Creole, the department will assist you in scheduling your test at designated offices that provide this service; however, it will not be offered as a computer based examination.)
16. **Q. Can the test be read to me?**  
A. If you require an oral English, Spanish, or Haitian/Creole test, the department will assist you in scheduling your test at designated offices that provide this service. However, the oral exam will not be offered as a computer based examination. Please call the department at 850.487.9514

**17. Q. How do I check on the status of my license?**

A. Contact the Departments Customer Contact Center at 850.487.1395 or visit us on- line @ <https://www.myfloridalicense.com/dbpr/index.html>

**18. Q. I am scheduled to take my examination next week, however an emergency has arisen. Can I reschedule my exam without penalty?**

A. You must contact the vendor to cancel and reschedule within 48 hours of your scheduled exam to avoid penalty.

**19. Q. I was scheduled to take my exam yesterday, but was unable to cancel due to an unforeseen emergency? Can I reschedule my exam without penalty?**

A. Under very strict circumstances you may be rescheduled without penalty. Please contact the Bureau of Education and Testing, CBT Unit at 850.488.5952. You will be required to submit adequate documentation to substantiate your claim.

**20. Q. My exam was scheduled for this morning; however I could not find the testing site. Can I be rescheduled without penalty?**

A. No. You will be considered a "No Show" with the vendor and will be required to reapply and pay the exam fee to the department. It is the candidate's responsibility to know where they will be testing in advance of their test date.

**21. Q. How can I get special accommodation due to a disability?**

A. The department will provide special accommodations to applicants who qualify under the Americans with Disabilities Act. Please visit our web site at <http://www.myfloridalicense.com/dbpr/servop/testing/ADA.html> for additional information.

**The Testing Vendors Telephone Number for Scheduling an Examination is 1.866.936.7782**

**LICENSURE INFORMATION**

**1. Q. When can I start working?**

A. You can perform the duties of a Farm Labor Contractor only after receipt of your license.

**2. Q. When will my license expire?**

A. The normal expiration for a license is the licensee's next birthday on the last day of that month or incorporation date, if registered as a company.

No license is issued for less than 90 days, if there are no other factors affecting expiration. In those cases where expiration would be less than 90 days the expiration date is taken to the following year but must not be over 15 months in duration.

*Example: License is issued January 1, 2009 and applicant's birth month is*

*February. License will expire February 28, 2010.*

If you have an authorization to work in the U.S. and it expires before what would be the normal expiration of your license, the employment authorization expiration will be your license expiration date.

3. Q. **Do I have to provide any other documents with my application?**
  - A. Yes. The following items are required:
    - Fingerprints – **No longer required in Florida.**
    - Alien Documentation – Applicants born outside of the U.S. must provide proof that they are eligible to work in the United States.
    - Form 8821 Tax Information Authorization (If responsible for payroll.) Form available at:
      - <http://www.myflorida.com/dbpr/reg/forms>

## **DRIVING AND TRANSPORTATION AUTHORIZATIONS**

1. Q. **What is the difference between a driving authorization (DA) and a transportation authorization (TA)?**
  - A. A driving authorization is granted to an individual to certify that he/she meets the requirements needed to safely drive a vehicle authorized to transport migrant workers.  
A transportation authorization is granted on a vehicle(s) which meets the requirements needed to safely transport workers.
2. Q. **What is required to obtain a driving authorization?**
  - A. The farm labor contractor must:
    - Be at least 21 years old.
    - Have a valid driver's license of the proper class.
    - Have passed a physical examination within the last three years. Evidence must be in the form of a Doctor's Certificate (Form WH-515) or Medical Examiners Certificate.
    - **Florida accepts copies of the Doctor's Certificate.**
3. Q. **What is the proper class of driver's license?**
  - A. In order to drive a vehicle that is designated to carry 15 or fewer passengers, a regular driver's license is required.  
In order to drive a vehicle that is designed to carry 16 or more passengers (including the driver) you must have a Commercial Driver's License (CDL) with a Passenger (P) endorsement.
4. Q. **What is required to obtain a transportation authorization?**
  - A. **Florida accepts copies of all transportation forms.**

- A Certificate of Insurance or Auto Liability Declaration Page. Automobile liability insurance limits MUST be: \$100,000 per seat (passenger capacity) in the vehicle (Passenger Hazard included), not to exceed \$5,000,000; or insurance that includes \$50,000 property damage and supplemental Workers' Compensation Insurance. Form good for policy period.
- If supplementing auto liability insurance with Workers' Compensation, the appropriate form must be completed as proof of Workers' Compensation Insurance:
  - If an employer provides your coverage, your employer must complete Form 3111 and the insurance agent must certify the policy information. Completed form good for employment period or policy expiration, whichever occurs first.
  - If you purchase your own coverage, Form 3100A is required and must be completed by your insurance agent. Completed form good for policy period.
- An Insurance Cancellation Agreement Form must be signed and forwarded to the state office. This is not required when the insurance company agrees to provide thirty days written notice of cancellation and list DBPR as certificate holder. Completed form good for only one year from date of licensee's signature.
- Vehicle Inspections (Form WH-514) must be submitted on each vehicle used for transporting workers. Vehicle inspections from other states which require annual inspections are acceptable. Completed form good for only one year from date of inspection.

Additionally, each vehicle authorized by the department to transport workers must display a vehicle sticker.

Forms available by calling the Customer Contact Center.850.487.1395

**5. Q. Where do I obtain the sticker for my vehicle?**

A. The sticker will be sent to you automatically by the program office when you add a vehicle to your fleet that has not been previously authorized..

**6. Q. What if my sticker is lost or stolen?**

A. You may obtain a replacement sticker upon written request, with a brief explanation of why you need a replacement. Request can be faxed to 850.488.0512 or mailed to:

Farm Labor  
 1940 North Monroe  
 Tallahassee, Florida 32399-0786

## **FEDERAL CONTACT INFORMATION**

. **Q. Who do I talk to about a federal license?**

A. United States Department of Labor (USDOL)

Wage & Hour Division

National Certificate Team

Post Office Box 56447

Atlanta, Georgia 30347-0447

1.866.487.9243 (In Washington DC, **ask for the Farm Labor Certificate Team in Atlanta.**)

April 15, 2009