

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1059

Farm Labor Vehicles

SPONSOR(S): Gannon

TIED BILLS:

IDEN./SIM. BILLS: SB 1874

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Agriculture Committee		Kaiser	Reese
2) Transportation Committee			
3) State Resources Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

HB 1059 requires every farm labor vehicle to be equipped at each passenger position with a seatbelt, with the owner maintaining said seatbelt assemblies in good working order. Furthermore, the bill requires all persons to be restrained by a seatbelt assembly when the farm labor vehicle is in operation. A definition for farm labor vehicle is provided in the bill. The bill provides that, unless exempted by rule, all farm labor vehicles must be equipped with a seatbelt assembly at each passenger position by January 1, 2007.

In addition, the bill requires farm labor contractors to display a farm worker transportation authorization sticker, obtainable from the Department of Business and Professional Regulation, on all farm labor vehicles.

The Department of Highway Safety and Motor Vehicles and the Department of Business and Professional Regulation are given rule-making authority to carry out the provisions of this legislation.

This legislation appears to have a minor fiscal impact on state government.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government: The bill requires the Department of Business and Professional Regulation to develop a farm worker transportation authorization sticker denoting the authorization of a vehicle to transport farm workers.

B. EFFECT OF PROPOSED CHANGES:

Section 316.003, F.S., provides definitions relating to state traffic control. The current definition of "migrant farm worker" is amended to "farm worker". A farm worker is defined as any person employed in the planting, cultivation, or harvesting of agricultural crops. The definition of "migrant farm worker carrier" is amended to "farm labor vehicle". A farm labor vehicle is any vehicle designed, used, or maintained for the transportation of nine or more farm workers, in addition to the driver, to or from a place of employment or employment-related activities. The term does not include any vehicle carrying only members of the immediate family of the owner or driver, or any vehicle being operated by a common carrier of passengers.

Current law requires all carriers of migrant farm workers to systematically inspect and maintain all motor vehicles and their accessories subject to the carriers' control to ensure that such motor vehicles and accessories are in safe and proper operating condition in accordance with the provisions of Chapter 316, F.S. HB 1059 requires owners and operators of farm labor vehicles operating on the public highways of the state to ensure that said vehicles are in safe and proper operating condition in accordance with the provisions of Chapter 316, F.S. In addition, owners and operators of farm labor vehicles are required to comply and be conversant with the requirements and specifications of s. 316.620, F.S.

In 1986, the Legislature enacted the "Florida Safety Belt Law." Section 316.614, F.S., requires a motor vehicle operator, front seat passengers, and all passengers less than 18 years of age to wear safety belts. The law is enforced against any adult driver or adult passenger who is not restrained by a safety belt. If a person under 18 years of age is unrestrained, the law is enforced against the driver. The "Florida Safety Belt Law" is enforced as a secondary offense; that is, law enforcement officers cannot stop motorists solely for not using their safety belts. Instead, the officer must first stop the motorist for a suspected violation of Chapters 316, 320, or 322, F.S., before the officer can issue a uniform traffic citation for failure to wear a safety belt.

This legislation creates a new subsection (l), dealing with seatbelts, in s. 316.620, F.S. The bill requires every farm labor vehicle to be equipped at each passenger position with a seatbelt. The owner must maintain said seatbelt assemblies in good working order. Furthermore, the bill requires all persons to be restrained by a seatbelt assembly when the farm labor vehicle is in operation.

The bill provides that, unless exempted by rule, all farm labor vehicles must be equipped with a seatbelt assembly at each passenger position by January 1, 2007.

The Department of Highway Safety and Motor Vehicles is given authority to adopt rules necessary to implement s. 316.620(l), F.S.

The bill requires farm labor contractors to obtain a farm worker transportation authorization sticker from the Department of Business and Professional Regulation before transporting farm workers in a farm labor vehicle. The sticker is to be displayed on the vehicle. The Department of Business and Professional Regulation is given rule-making authority to develop and implement the transportation authorization sticker.

C. SECTION DIRECTORY:

Section 1: Amending s. 316.003, F.S.; amends definitions for farm worker and farm labor vehicle.

Section 2: Amending s. 316.620, F.S.; requires owners and operators of farm labor vehicles to ensure said vehicles are in safe and proper operating condition; requiring farm labor vehicles to conform to specified standards; requires seatbelts in farm labor vehicles at each passenger position conforming to federal standards; requires seatbelts to be maintained in good working order; requires use of seatbelts during operation of vehicle; provides an exemption; authorizes Department of Highway Safety and Motor Vehicles to adopt rules; requires authorization from the Department of Business and Professional Regulation to operate a farm labor vehicle; and, requires display of authorization sticker.

Sections 3, 4 and 5: Amending ss. 320.38, 322.031, and 450.181, F.S.; conforms language.

Section 6: Amending s. 450.33, F.S.; amends duties of farm labor contractor.

Section 7: Providing an effective date of July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

	FY 2005-06	FY 2006-07	FY 2007-08
Department of Business and Professional Regulation			
Non-recurring :			
Expenses	\$20,230		
Operating capital outlay	<u>1,800</u>		
	22,030		
Recurring:			
Salaries/benefits: 1 FTE position (AAll)	34,449	35,482	36,546
Expenses	<u>6,512</u>	<u>6,512</u>	<u>6,512</u>
	<u>40,961</u>	<u>41,994</u>	<u>43,058</u>
Total expenses	<u>\$62,991</u>	<u>\$41,994</u>	<u>\$43,058</u>

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill will potentially enhance the safety of farm workers when being transported in farm labor vehicles.

By January 1, 2007, vehicles that meet the definition of farm labor vehicles are required to be refitted with seat belt assemblies in each passenger position. The cost of refitting and the number of vehicles to be refitted can not be determined at this time.

D. FISCAL COMMENTS:

This legislation will have no fiscal impact on the Department of Highway Safety and Motor Vehicles.

The Department of Business and Professional Regulation (DBPR) states HB 1059 requires them to produce farm worker transportation authorization stickers, as well as promulgate rules relating to such. The bill does not address a fee for acquiring the sticker, nor allocate any funding to DBPR for establishing and maintaining a database. DBPR notes that the Farm Labor Contractor program fees do not support the program. DBPR anticipates that the General Revenue Fund budget will need to be increased to supplement the program to perform this additional function.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenues in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

In section 316.620, F.S., the bill authorizes the Department of Highway Safety and Motor Vehicles to adopt rules relating to the implementation of seatbelts in farm labor vehicles.

In section 450.33, F.S., the bill authorizes the Department of Business and Professional Regulation to adopt rules relating to the implementation of a farm worker transportation authorization sticker.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES