

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 1059 CS                      Farm Labor Vehicles  
**SPONSOR(S):** Gannon  
**TIED BILLS:**                              **IDEN./SIM. BILLS:** SB 1874

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| REFERENCE                   | ACTION          | ANALYST | STAFF DIRECTOR |
|-----------------------------|-----------------|---------|----------------|
| 1) Agriculture Committee    | 10 Y, 0 N, w/CS | Kaiser  | Reese          |
| 2) Transportation Committee |                 |         |                |
| 3) State Resources Council  |                 |         |                |
| 4) _____                    | _____           | _____   | _____          |
| 5) _____                    | _____           | _____   | _____          |

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**SUMMARY ANALYSIS**

HB 1059 requires every farm labor vehicle to be equipped at each passenger position with a seatbelt on or before January 1, 2007. Furthermore, the bill requires owners and operators of farm labor vehicles to post signs, in English and Spanish, advocating the use of the seat belts provided. A definition for farm labor vehicle is provided in the bill.

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.

And lastly, the bill clarifies liability relating to the use of the seat belts provided.

The fiscal impact on state government is forthcoming.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Provide limited government:** The bill authorizes the Department of Business and Professional Regulation to issue a transportation authorization sticker for farm labor vehicles carrying migrant and seasonal 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 "migrant and seasonal farm worker". A migrant and seasonal farm worker is defined as any person employed in hand labor operations 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 migrant or seasonal 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, any vehicle being operated by a common carrier of passengers, or any carpool as defined in s. 450.28(3), F.S.

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 state and federal standards.

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.

The bill provides that all farm labor vehicles must be equipped with a seatbelt assembly at each passenger position by January 1, 2007. Additionally, owners and operators of farm labor vehicles must post a sign, in English and Spanish, informing passengers to fasten their seat belts.

The bill requires farm labor contractors to obtain a farm worker transportation authorization sticker from the Department of Business and Professional Regulation before transporting migrant farm and seasonal workers in a farm labor vehicle. The sticker is to be displayed on the vehicle.

And lastly, the bill clarifies liability relating to the use of the seat belts provided.

#### C. SECTION DIRECTORY:

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

**Section 2:** Repealing s. 316.620, F.S.

**Section 3:** Creating s. 316.622, F.S.; requires farm labor vehicles to conform to federal and state safety standards; requires farm labor vehicles to be equipped with seat belts on a date certain; requires vehicle authorization sticker for using a vehicle to transport farm workers; providing penalties; requires sign to be posted; and, clarifies liability for non-compliance.

**Sections 4, 5 and 6:** Amending ss. 320.38, 322.031, and 450.181, F.S.; conforms language.

**Section 7:** Amending s. 450.28, F.S.; amends definition for carpool.

**Section 8:** Amending s. 450.33, F.S.; requires farm labor contractor to display vehicle authorization sticker on vehicles used to transport migrant or seasonal farm workers.

**Section 9:** 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:

None

### 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 migrant and seasonal 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.

### 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:

None

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 23, 2005, the Committee on Agriculture adopted a strike-all amendment, along with 3 amendments to the strike-all amendment. This analysis reflects the adoption of the amended strike-all amendment.