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A bill to be entitled  
 An act relating to farm labor vehicles; amending s.  
 316.003, F.S.; revising the terms "migrant farm worker"  
 and "migrant farm worker carrier"; amending s. 316.620,  
 F.S.; requiring owners and operators of farm labor  
 vehicles to conform such vehicles to certain standards;  
 requiring certain seatbelts at each passenger position in  
 the vehicle; requiring owners of such vehicles to properly  
 maintain the seatbelts; requiring use of the seatbelts  
 during operation of the vehicle; providing for exemption;  
 requiring the Department of Highway Safety and Motor  
 Vehicles to adopt certain rules; requiring certain  
 operators to have departmental authorization to operate  
 the vehicle; requiring certain operators to display a  
 certain sticker on the vehicle; providing penalties;  
 amending ss. 320.38, 322.031, and 450.181, F.S.;  
 conforming language; amending s. 450.33, F.S.; requiring  
 the department to create a vehicle authorization sticker  
 denoting the authorization of a vehicle for use in the  
 transportation of farm workers; requiring the display of  
 the sticker; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (61) and (62) of section 316.003,  
 Florida Statutes, are amended to read:

316.003 Definitions.--The following words and phrases,  
 when used in this chapter, shall have the meanings respectively

29 ascribed to them in this section, except where the context  
 30 otherwise requires:

31 (61) ~~MIGRANT FARM WORKER.~~--Any person employed in the  
 32 planting, cultivation, or harvesting of agricultural crops ~~who~~  
 33 ~~is not indigenous to, or domiciled in, the locale where so~~  
 34 ~~employed.~~

35 (62) FARM LABOR VEHICLE ~~MIGRANT FARM WORKER CARRIER.~~--Any  
 36 vehicle designed, used, or maintained for the transportation of  
 37 nine or more farm workers, in addition to the driver, to or from  
 38 a place of employment or employment-related activities. The term  
 39 does not include any vehicle carrying only members of the  
 40 immediate family of the owner or driver, or any vehicle being  
 41 operated by a common carrier of passengers. ~~Any person who~~  
 42 ~~transports, or who contracts or arranges for the transportation~~  
 43 ~~of, nine or more migrant farm workers to or from their~~  
 44 ~~employment by motor vehicle other than a passenger automobile or~~  
 45 ~~station wagon, except a migrant farm worker transporting himself~~  
 46 ~~or herself or the migrant farm worker's immediate family.~~

47 Section 2. Section 316.620, Florida Statutes, is amended  
 48 to read:

49 316.620 Farm labor vehicles ~~Transportation of migrant farm~~  
 50 ~~workers.~~--All owners and operators of farm labor vehicles that  
 51 operate on the public highways of this state shall ensure that  
 52 such vehicles ~~Every carrier of migrant farm workers shall~~  
 53 ~~systematically inspect and maintain, or cause to be~~  
 54 ~~systematically maintained, all motor vehicles and their~~  
 55 ~~accessories subject to its control to ensure that such motor~~

56 ~~vehicles and accessories~~ are in safe and proper operating  
 57 condition in accordance with the provisions of this chapter.

58 (1) COMPLIANCE.--All owners and operators of farm labor  
 59 vehicles ~~Every carrier of migrant farm workers, and its~~  
 60 ~~officers, agents, drivers, representatives and employees~~  
 61 ~~directly concerned with the installation and maintenance of~~  
 62 ~~equipment and accessories,~~ shall comply and be conversant with  
 63 the requirements and specifications of this section, and no farm  
 64 labor vehicle shall be operated, or caused or permitted to be  
 65 operated, ~~carrier of migrant farm workers shall operate any~~  
 66 ~~motor vehicle~~ over the public highways of this state, ~~or cause~~  
 67 ~~or permit it to be operated,~~ unless it is equipped in accordance  
 68 with said requirements and specifications.

69 (2) COUPLING DEVICES; FIFTH WHEEL MOUNTING AND  
 70 LOCKING.--The lower half of every fifth wheel mounted on any  
 71 truck tractor or dolly shall be securely affixed to the frame  
 72 thereof by U-bolts of adequate size, securely tightened, or by  
 73 other means providing at least equivalent security. Such U-bolts  
 74 shall not be of welded construction. The installation shall be  
 75 such as not to cause cracking, warping, or deformation of the  
 76 frames. Adequate means shall be provided positively to prevent  
 77 the shifting of the lower half of a fifth wheel on the frame to  
 78 which it is attached. The upper half of every fifth wheel shall  
 79 be fastened to the motor vehicle with at least the security  
 80 required for the securing of the lower half to a truck tractor  
 81 or dolly. Locking means shall be provided in every fifth wheel  
 82 mechanism including adaptors when used, so that the upper and  
 83 lower halves may not be separated without the operation of a

84 positive manual release. A release mechanism operated by the  
85 driver from the cab shall be deemed to meet this requirement. On  
86 fifth wheels designed and constructed as to be readily  
87 separable, the fifth wheel locking devices shall apply  
88 automatically on coupling for any motor vehicle the date of  
89 manufacture of which is subsequent to December 31, 1952.

90 (3) TIRES.--Every motor vehicle shall be equipped with  
91 tires of adequate capacity to support its gross weight. No motor  
92 vehicle shall be operated on tires which have been worn so  
93 smooth as to expose any tread fabric or which have any other  
94 defect likely to cause failure. No vehicle shall be operated  
95 while transporting passengers while using any tire which does  
96 not have tread configurations on that part of the tire which is  
97 in contact with the road surface. No vehicle transporting  
98 passengers shall be operated with regrooved, recapped, or  
99 retreaded tires on front wheels.

100 (4) PASSENGER COMPARTMENT.--Every motor vehicle  
101 transporting passengers, other than a bus, shall have a  
102 passenger compartment meeting the following requirements:

103 (a) Floors.--There shall be a substantially smooth floor,  
104 without protruding obstructions more than 2 inches high, except  
105 as are necessary for securing seats or other devices to the  
106 floor, and without cracks or holes.

107 (b) Sides.--Sidewalls and ends shall be above the floor at  
108 least 60 inches high, by attachment of sideboards to the  
109 permanent body construction if necessary. Stake body  
110 construction shall be construed to comply with this requirement

111 only if all 6-inch or larger spaces between stakes are suitably  
112 closed to prevent passengers from falling off the vehicle.

113 (c) Nails, screws, splinters.--The floor and the interior  
114 of the sides and ends of the passenger-carrying space shall be  
115 free of inwardly protruding nails, screws, splinters, or other  
116 projecting objects, likely to be injurious to passengers or  
117 their apparel.

118 (d) Seats.--A seat shall be provided for each worker  
119 transported. The seats shall be securely attached to the vehicle  
120 during the course of transportation; not less than 16 inches nor  
121 more than 19 inches above the floor; at least 13 inches deep;  
122 equipped with back rests extending to a height of at least 36  
123 inches above the floor, with at least 24 inches of space between  
124 the back rests or between the edges of the opposite seats when  
125 face-to-face; designed to provide at least 18 inches of seat for  
126 each passenger; without cracks more than 1/4-inch wide, and the  
127 back rest, if slatted, without cracks more than 2 inches wide;  
128 and the exposed surfaces, if made of wood, planed or sanded  
129 smooth and free of splinters.

130 (e) Protection from the weather.--Whenever necessary to  
131 protect the passengers from inclement weather conditions, the  
132 passenger compartment shall be equipped with a top at least 80  
133 inches high above the floor and facilities for closing the sides  
134 and ends of the passenger-carrying compartment. Tarpaulins or  
135 other such removable devices for protection from the weather  
136 shall be secured in place.

137 (f) Exit.--Adequate means of ingress and egress to and  
138 from the passenger space shall be provided on the rear or at the

139 right side Such means of ingress and egress shall be at least 18  
140 inches wide. The top and the clear opening shall be at least 60  
141 inches high, or as high as the sidewall of the passenger space  
142 if less than 60 inches. The bottom shall be at the floor of the  
143 passenger space.

144 (g) Gates or doors.--Gates or doors shall be provided to  
145 close the means of ingress and egress, and each such gate or  
146 door shall be equipped with at least one latch or other  
147 fastening device of such construction as to keep the gate or  
148 door securely closed during the course of transportation and  
149 readily operative without the use of tools.

150 (h) Ladders or steps.--Ladders or steps for the purpose of  
151 ingress or egress shall be used when necessary. The maximum  
152 vertical spacing of footholes shall not exceed 12 inches, except  
153 that the lowest step may be not more than 18 inches above the  
154 ground when the vehicle is empty.

155 (i) Handholds.--Handholds or devices for similar purpose  
156 shall be provided to permit ingress and egress without hazard to  
157 passengers.

158 (j) Emergency exit.--Vehicles with permanently affixed  
159 roofs shall be equipped with at least one emergency exit having  
160 a gate or door, latch, and handhold as prescribed in paragraphs  
161 (g) and (i) and located on a side or rear not equipped with the  
162 exit prescribed in paragraph (f).

163 (k) Communication with driver.--Means shall be provided to  
164 enable the passengers to communicate with the driver. Such means  
165 may include telephone, speaker tubes, buzzers, pull cords, or  
166 other mechanical or electrical means.

167       (1) Seatbelts.--

168       1. Except as authorized under sub-subparagraph 4.a., every  
 169 farm labor vehicle shall be equipped at each passenger position  
 170 with a Type 1 or Type 2 seatbelt assembly, conforming to the  
 171 specifications set forth in Section 571.209 of Title 49 of the  
 172 Code of Federal Regulations, anchored to the vehicle in a manner  
 173 that conforms to the specifications of Section 571.210 of Title  
 174 49 of the Code of Federal Regulations.

175       2. The owner of a farm labor vehicle shall maintain all  
 176 seatbelt assemblies and seatbelt assembly anchorages in good  
 177 working order for the use of passengers.

178       3. Except as authorized under sub-subparagraph 4.a., no  
 179 person may operate a farm labor vehicle on a highway unless that  
 180 person and all passengers are properly restrained by a seatbelt  
 181 assembly that conforms to this paragraph.

182       4.a. On or before December 31, 2006, this paragraph does  
 183 not apply to a farm labor vehicle that meets all state and  
 184 federal standards for safety and construction and is not  
 185 currently required to have seatbelts in use.

186       b. On or after January 1, 2007, any farm labor vehicle  
 187 that meets the conditions set forth in sub-subparagraph a. shall  
 188 be equipped at each passenger position with a seatbelt assembly  
 189 as described in subparagraph 1., unless exempted from this  
 190 requirement by rule.

191       5. The department shall adopt rules to implement this  
 192 paragraph.

193       (5) PROTECTION FROM COLD.--Every motor vehicle shall be  
 194 provided with a safe means of protecting passengers from cold or

195 undue exposure, but in no event shall heaters of the following  
 196 types be used:

197 (a) Exhaust heaters.--Any type of exhaust heater in which  
 198 the engine exhaust gases are conducted into or through any space  
 199 occupied by persons or any heater which conducts engine  
 200 compartment air into such space.

201 (b) Unenclosed flame heaters.--Any type of heater  
 202 employing a flame which is not fully enclosed.

203 (c) Heaters permitting fuel leakage.--Any type of heater  
 204 from the burner of which there could be spillage or leakage of  
 205 fuel from the tilting or overturning of the vehicle in which it  
 206 is mounted.

207 (d) Heaters permitting air contamination.--Any heater  
 208 taking air, heated or to be heated, from the engine compartment  
 209 or from direct contact with any portion of the exhaust system;  
 210 or any heater taking air in ducts from the outside atmosphere to  
 211 be conveyed through the engine compartment, unless said ducts  
 212 are so constructed and installed as to prevent contamination of  
 213 the air so conveyed by exhaust or engine compartment gases.

214 (e) Heaters not attached.--Any heater not securely  
 215 fastened to the vehicle.

216 (6) FARM LABOR CONTRACTORS NOT APPLICABLE TO COMMON  
 217 CARRIERS.--No farm labor contractor may operate a farm labor  
 218 vehicle to transport farm workers unless the contractor:

219 (a) Is authorized to do so by the Department of Business  
 220 and Professional Regulation.



221           (b) Clearly displays the authorization sticker as  
 222 described in s. 450.33(12) on the vehicle. ~~This section shall~~  
 223 ~~not apply to common carriers of passengers.~~

224           (7) VIOLATIONS.--A violation of this section is a  
 225 noncriminal traffic infraction, punishable as a nonmoving  
 226 violation as provided in chapter 318.

227           Section 3. Section 320.38, Florida Statutes, is amended to  
 228 read:

229           320.38 When nonresident exemption not allowed.--The  
 230 provisions of s. 320.37 authorizing the operation of motor  
 231 vehicles over the roads of this state by nonresidents of this  
 232 state when such vehicles are duly registered or licensed under  
 233 the laws of some other state or foreign country do not apply to  
 234 any nonresident who accepts employment or engages in any trade,  
 235 profession, or occupation in this state, except a nonresident  
 236 ~~migrant~~ farm worker as defined in s. 316.003(61). In every case  
 237 in which a nonresident, except a nonresident ~~migrant~~ farm worker  
 238 as defined in s. 316.003(61), accepts employment or engages in  
 239 any trade, profession, or occupation in this state or enters his  
 240 or her children to be educated in the public schools of this  
 241 state, such nonresident shall, within 10 days after the  
 242 commencement of such employment or education, register his or  
 243 her motor vehicles in this state if such motor vehicles are  
 244 proposed to be operated on the roads of this state. Any person  
 245 who is enrolled as a student in a college or university and who  
 246 is a nonresident but who is in this state for a period of up to  
 247 6 months engaged in a work-study program for which academic  
 248 credits are earned from a college whose credits or degrees are

249 | accepted for credit by at least three accredited institutions of  
 250 | higher learning, as defined in s. 1005.02, is not required to  
 251 | have a Florida registration for the duration of the work-study  
 252 | program if the person's vehicle is properly registered in  
 253 | another jurisdiction. Any nonresident who is enrolled as a full-  
 254 | time student in such institution of higher learning is also  
 255 | exempt for the duration of such enrollment.

256 | Section 4. Subsection (1) of section 322.031, Florida  
 257 | Statutes, is amended to read:

258 | 322.031 Nonresident; when license required.--

259 | (1) In every case in which a nonresident, except a  
 260 | nonresident ~~migrant~~ farm worker as defined in s. 316.003(61),  
 261 | accepts employment or engages in any trade, profession, or  
 262 | occupation in this state or enters his or her children to be  
 263 | educated in the public schools of this state, such nonresident  
 264 | shall, within 30 days after the commencement of such employment  
 265 | or education, be required to obtain a Florida driver's license  
 266 | if such nonresident operates a motor vehicle on the highways of  
 267 | this state. The spouse or dependent child of such nonresident  
 268 | shall also be required to obtain a Florida driver's license  
 269 | within that 30-day period prior to operating a motor vehicle on  
 270 | the highways of this state.

271 | Section 5. Subsection (3) of section 450.181, Florida  
 272 | Statutes, is amended to read:

273 | 450.181 Definitions.--As used in part II, unless the  
 274 | context clearly requires a different meaning:

275 | (3) The term "migrant laborer" has the same meaning as  
 276 | ~~migrant~~ farm workers as defined in s. 316.003(61).

HB 1059

2005

277 Section 6. Subsection (12) is added to section 450.33,  
278 Florida Statutes, to read:

279 450.33 Duties of farm labor contractor.--Every farm labor  
280 contractor must:

281 (12) Clearly display on each vehicle used to transport  
282 farm workers a farm worker transportation authorization sticker  
283 that is to be developed along with any application by the  
284 department by rule. This sticker shall state that the vehicle is  
285 authorized by the department for use in transporting farm  
286 workers as well as the expiration date of the authorization.

287 Section 7. This act shall take effect July 1, 2005.