

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 255 CS Farm Labor Vehicles
SPONSOR(S): Troutman and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 258

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Agriculture Committee	9 Y, 0 N, w/CS	Kaiser	Reese
2) Transportation Committee			
3) State Resources Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

HB 255 CS requires every farm labor vehicle to be equipped at each passenger position with a seatbelt on or before January 1, 2008. Furthermore, the bill requires owners and operators of farm labor vehicles to prominently display standard instructions, to be created by the Department of Highway Safety and Motor Vehicles, advocating the use of the seat belts provided. The bill clarifies liability relating to the use of the seat belts provided and provides penalties for violations.

The bill also 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 bill requires the Department of Highway Safety and Motor Vehicles to provide to the Department of Business and Professional Regulation a copy of each accident report involving a farm labor vehicle.

The effective date of this legislation is July 1, 2006.

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. The bill also requires each farm labor vehicle to be equipped with seat belts at each passenger position.

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 defined as "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 255 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 Chapter 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, 2008. Additionally, owners and operators of farm labor vehicles must prominently display standard instructions, to be created by the Department of Highway Safety and Motor Vehicles, requiring passengers to fasten their seat belts. The bill clarifies liability relating to the use of the seat belts provided.

Violations of this section are deemed to be a noncriminal traffic infraction. As provided in s. 318.18(16), F.S., a fine of one hundred dollars is imposed for:

- failure to display stickers authorizing said vehicle to transport migrant or seasonal farm workers, or
- failure to display notification requiring passengers to wear seat belts.

A fine of two hundred dollars is imposed for:

- operating a farm labor vehicle which fails to conform to vehicle safety standards, or
- failure to provide seat belts at each passenger position.

The bill also requires the Department of Highway Safety and Motor Vehicles to provide a copy of each accident report involving a farm labor vehicle, on a quarterly basis, to the Department of Business and Professional Regulation.

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 amends cross-references for the new definition of "migrant or seasonal farm worker".

C. SECTION DIRECTORY:

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

Section 2: Repeals s. 316.620, F.S.

Section 3: Creates s. 316.622, F.S.; requiring farm labor vehicles to conform to federal and state safety standards; requiring farm labor vehicles to be equipped with seat belts on a date certain; requiring vehicle authorization sticker for using a vehicle to transport farm workers; providing penalties; requiring notification; and, requiring Department of Highway Safety and Motor Vehicles to create notification.

Section 4: Amends s. 318.18, F.S.; creating penalties for non-compliance.

Sections 5, 6 and 7: Amends ss. 320.38, 322.031, and 450.181, F.S.; conforming language.

Section 8: Amends s. 450.28, F.S.; amending a definition for carpool.

Section 9: Amends s. 450.33, F.S.; requiring farm labor contractor to display vehicle authorization sticker on vehicles used to transport migrant or seasonal farm workers.

Section 10: Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

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.

D. FISCAL COMMENTS:

According to the Department of Highway Safety and Motor Vehicles, the revenue impact from operators who are cited for a violation of s. 316.622, F.S., is indeterminate at this time. The cost for producing the safety belt notification instructions is anticipated to be minimal and will most likely be absorbed within existing resources.

According to the Department of Business and Professional Regulation (department), the cost of producing the sticker required by this legislation will be minimal and can be handled within existing resources. The bill also provides for a vehicle authorization program. However, the department currently operates a farm labor vehicle authorization program for the federal government. To create another vehicle authorization program would be duplicative in nature.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This 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:

In the interest of consistency, the term "migrant or seasonal farm worker" should be used in subsection (12) of s. 450.33, F.S., instead of "farm worker".

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On January 25, 2006, the Committee on Agriculture adopted five amendments to HB 255.

- **Amendment 1** requires the Department of Highway Safety and Motor Vehicles, on a quarterly basis, to provide the Department of Business and Professional Regulation with a copy of each accident report involving a farm labor vehicle.
- For the sake of consistency, **Amendment 2** adds the words "migrant or seasonal" to s. 450.33(12), F.S.
- **Amendments 3-4** increases the penalties for violations relating to farm labor vehicles.
- **Amendment 5** clarifies liability relating to the use of seatbelts provided.