

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

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

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Agriculture Committee	9 Y, 0 N, w/CS	Kaiser	Reese
2) Transportation Committee	17 Y, 0 N, w/CS	Thompson	Miller
3) State Resources Council		Kaiser	Hamby
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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### SUMMARY ANALYSIS

HB 255 with 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 addresses liability relating to the use of the seat belts provided and provides penalties for violations.

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 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 bill also allows district school boards to use vehicles other than school buses for trips to and from certain agriculture-related sites and events and also provides certain vehicle, driver, and policy criteria.

This bill does not appear to have a fiscal impact on state or local government. 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 requires each farm labor vehicle to be equipped with seat belts at each passenger position. The bill also requires school boards and charter schools to adopt certain policies related to the use of motor vehicles other than school buses to transport students.

#### 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 or seasonal farm worker". A migrant or 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 with CS 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. For persons over the age of 18, 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. For operators and passengers under the age of 18, the safety belt law is enforced as a primary offense.

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 states that a migrant or seasonal farm worker failing to use a seatbelt provided by the owner of a farm labor vehicle does not constitute negligence per se, and such failure can't be used as prima facie evidence of negligence or considered in mitigation of damages. Such failure may be considered as evidence of comparative negligence in a civil action. The bill further states that an owner or operator of a farm labor vehicle who fails to require all passengers to use a seat belt when the vehicle is in motion may not be considered as evidence of negligence in any civil action, provided that such vehicle is otherwise in compliance with s. 316.622, F.S.

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.

In addition, the bill amends cross-references for the new definition of “migrant or seasonal farm worker.”

Section 1006.22, F.S., currently provides that school buses only be used for “regular transportation,” to and from school or school-related activities that are part of a scheduled event to the same location of students enrolled in the public schools.

Section 1006.22, F.S., also provides the following criteria for motor vehicles other than school buses used by district school boards:

- When the transportation is for physically handicapped or isolated students and the district school board provides for transportation of the student through written or oral contracts or agreements;
- When transportation is a part of a comprehensive contract for a specialized educational program;
- When transportation is provided through a public transit system; and
- When transportation of students is necessary or practical in a motor vehicle owned or operated by a district school board other than a school bus, such transportation must be provided in designated seating positions in a passenger car not to exceed 8 students or in a multipurpose passenger vehicle designed to transport 10 or fewer persons which meets all applicable federal motor vehicle safety standards. The use of multipurpose passenger vehicles, classified as utility vehicles with a wheelbase of 110 inches or less and required by federal motor vehicle standards to display a rollover warning label, are not permitted.

HB 255 with CS provides that district school boards may regularly use motor vehicles other than school buses that are owned, operated, rented, contracted, or leased by a school district or charter school when the transportation is for mid-day trips to and from school sites and agricultural education sites or for trips to and from agricultural education-related events and competitions. The following vehicle, driver, and policy provisions apply:

- The vehicle must be a passenger car, multipurpose passenger vehicle or truck, as defined in Title 49 C.F.R. part 571, designed to transport fewer than 10 students. Students must be transported in designated seating positions and must use the occupant protection system provided by the manufacturer unless the student's physical condition prohibits such use.
- Authorized vehicles may not be driven by students on public rights-of-way. An authorized vehicle may be driven by a student on school or private property without other students in the vehicle as part of the student's educational curriculum.

- Drivers of authorized vehicles transporting students must maintain a valid driver's license and must comply with the requirements of the district's locally adopted safe driver plan, including review of driving records for disqualifying violations.
- The district school board or charter school must adopt a policy that addresses procedures and liability for trips under this paragraph, including a provision that school buses are to be used whenever practical and specifying consequences for violation of the policy.

#### 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 stickers from the Department of Business and Professional Regulation 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 contractors to display vehicle authorization sticker on vehicles used to transport migrant or seasonal farm workers.

**Section 10:** Amends s. 1006.22, F.S., allowing district school boards to use motor vehicles other than school buses to transport students on mid-day trips to agricultural-related sites and events; revising the criteria for use of vehicles other than school buses; and, requiring the district school boards and charter schools to adopt a policy addressing procedures and liability for trips using vehicles other than school buses.

**Section 11:** 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:

Owners or operators of farm labor vehicles may incur costs for bringing such vehicles into compliance with the bill's provisions. The amount of these costs is indeterminate. 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 (DBPR), 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. DBPR currently operates a farm labor vehicle authorization program for the federal government pursuant to a contract with the U.S. Department of Labor.

The district school board or charter school that owns, operates, rents, contracts, or leases motor vehicles other than school buses would incur the cost of developing and adopting a policy that addresses procedures and liability for non-school bus trips.

### 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:

None

### 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.

On March 7, 2006 the Committee on Transportation adopted one amendment to HB 255.

- **Amendment 1** made the following changes to HB 255 with CS:
  - Revised the provisions for the transportation of students in a vehicle other than a school bus;
  - Provided for the use of vehicles other than school buses for mid-day trips to certain agriculture-related sites and events;
  - Revised the criteria for such vehicles and their use; and
  - Required district school boards and charter schools to adopt a policy that addresses procedures and liability.