

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Transportation and Economic Development Appropriations Committee

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BILL: CS/CS/SB 258

INTRODUCER: Transportation and Economic Development Appropriations Committee, Transportation Committee and Senator Alexander

SUBJECT: Farm Labor Vehicles

DATE: January 26, 2006

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Meyer</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Gordon</u>	<u>Cooper</u>	<u>CM</u>	<u>Favorable</u>
3.	<u>Noble</u>	<u>Martin</u>	<u>TA</u>	<u>Fav/CS</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

The Committee Substitute (CS) for Senate Bill 258 revises the definition of “migrant farm worker” and “carpool” and adds a definition of “farm labor vehicle” to replace that of “migrant farm worker carrier.” The CS repeals a section of statute relating to the requirements of migrant farm worker carriers and establishes requirements for farm labor vehicles to meet certain safety standards. The CS authorizes monetary fines for failure to meet certain safety standard criteria related to farm labor vehicles as outlined in the bill. The CS prohibits a farm labor contractor from operating a farm labor vehicle unless authorized to do so by the Department of Business and Professional Regulation (DBPR).

This CS amends sections 316.003, 318.18, 320.38, 322.031, 450.181, 450.28 and 450.33, F.S. Section 316.620, F.S. is repealed and s. 316.622, F.S., is created.

## II. Present Situation:

Section 316.003, F.S., provides definitions relating to state traffic control. The current definition of “migrant farm worker” is any person employed in the planting, cultivation, or harvesting of agricultural crops who is not indigenous to, or domiciled in, the locale where so employed. The definition of “migrant farm worker carrier” is any person who transports, or who contracts or arranges for the transportation of, nine or more migrant farm workers to or from their employment by motor vehicle other than a passenger automobile or station wagon, except a migrant farm worker transporting himself or herself or the migrant farm worker’s immediate family.

Section 316.620, F.S., 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 such motor vehicles and accessories are in safe and proper operating condition. There is no provision or requirement relating to safety belts.

Section 318.18, F. S., establishes the monetary amount of civil penalties of traffic infractions.

Section 320.37, F.S., permits a nonresident to operate a motor vehicle in Florida as long as the nonresident complies with the vehicle registration and licensing laws of his/her place of residence and conspicuously displays the appropriate vehicle registration. However, this exemption does not apply to the following entities and vehicles:

- a foreign corporation doing business in this state;
- motor vehicles operated for hire (such as those transporting agricultural products or supplies);
- recreational vehicles or mobile homes located in this state for at least 6 consecutive months; and
- commercial vehicles as defined in s. 316.003, F.S.

Section 320.38, F.S., further limits the applicability of these exemptions by requiring that a nonresident who becomes employed in this state or enrolls his or her children in school in this state register his/her vehicle. However, the statute excludes migrant farm workers and certain others (e.g., college students engaged in a work-study program for up to 6 months) from the same requirement.

Section 322.031, F.S., exempts migrant farm workers from the requirement to obtain a Florida driver license.

Section 450.181, F.S., defines "migrant laborer" as a migrant farm worker.

Section 450.28, F.S., provides a definition of "carpool" as it applies to farm workers.

Section 450.33, F.S., outlines duties of farm labor contractors regarding, for example, payment of wages, compliance with vehicle registration requirement and insurance coverage.

### III. Effect of Proposed Changes:

**Section 1** amends s. 316.003, F.S., to revise definitions. The term "migrant farm worker" is revised to read "migrant or seasonal farm worker." The definition is then revised to limit that term to any person employed in hand labor operations in planting, cultivation, or harvesting of agricultural crops and deleting the reference to a worker's domicile. A definition of "[f]arm labor vehicle" is created to read "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." Vehicles carrying only the immediate family of the owner or driver, vehicles operated as a common carrier, and carpools are excluded. This definition replaces that of "migrant farm worker carrier."

**Section 2** repeals s. 316.620, F.S., relating to the requirements of migrant farm worker carriers. This provision is unnecessary as it is preempted by 29 U.S.C. 1841 which directs the United States Secretary of Labor to prescribe those requirements.

**Section 3** creates s. 316.622, F.S., requiring each owner or operator of a farm labor vehicle operated on a public highway to ensure the vehicle conforms to certain vehicle safety standards prescribed by the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1841(b), and other applicable federal and state safety standards. After January 1, 2008, every farm labor vehicle weighing 10,000 pounds or less will be required to be equipped with a seat belt for each passenger. Farm labor contractors are prohibited from operating farm labor vehicles unless authorized to do so by DBPR as evidenced by a permit sticker issued by DBPR and displayed on the vehicle. Standardized notification instructing passengers to fasten their seatbelts must be displayed at all times. This section, also, provides a presumption for injuries sustained by a worker in a farm labor vehicle and clarifies the issue of liability when the passenger does not wear a seat belt. The Department of Highway Safety and Motor Vehicles is required to provide to DBPR, a copy of each crash report involving a farm labor vehicle for the preceding quarter.

**Section 4** amends s. 318.18, F. S. to provide for a \$100 civil fine for failure to display notification instructions requiring passengers to fasten seat belts per s. 316.622 (3) or (4), F. S. and provides a \$200 civil fine for operating a farm labor vehicle that fails to conform to safety standards or lacks seat belt assemblies at each passenger position per s. 316.622 (1) or (2), F. S.

**Section 5** amends s. 320.38, F.S., to replace “migrant farm worker” with the term “migrant *or seasonal* farmworker.” (Emphasis added). This conforms the reference to the change in section 1 of the bill.

**Section 6** amends s. 322.031, F.S., to replace “migrant farm worker” with the term “migrant *or seasonal* farmworker.” (Emphasis added). This conforms the reference to the change in section 1 of the bill.

**Section 7** amends s. 450.181, F.S., to replace “migrant farm worker” with the term “migrant *or seasonal* farmworker.” (Emphasis added). This conforms the reference to the change in section 1 of the bill.

**Section 8** amends s. 450.28, F.S., to clarify the definition of “carpool.” Currently, “carpool” is defined as an arrangement made between the workers themselves for transportation to and from work and for which the driver or owner of the vehicle is not paid by any third person other than the members of the carpool. The bill retains that definition, but specifies that the term is applicable when one of the worker’s own vehicles is to be used in this arrangement.

**Section 9** amends s. 450.33, F.S., to require farm labor contractors to display a sticker on each farm labor vehicle which indicates the vehicle has been authorized by DBPR for use in transporting farm workers as well as the date the authorization expires. Currently, no such requirement exists in that statute. This section also replaces a reference to a statute repealed in section 2 of the bill with a reference to its replacement created in section 3.

**Section 10** establishes an effective date of July 1, 2006.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

An indeterminate number of farm labor contractors and farm labor vehicle owners may incur costs associated with bringing farm labor vehicles into compliance with the new requirements of this act. Generally, the act imposes seat belt and compliance sticker requirements. Violators will pay fines of \$100 and \$200 for violation of certain safety standard criteria as outlined in the bill.

## C. Government Sector Impact:

DBPR will be required to produce farm worker transportation authorization stickers and to promulgate rules related to those stickers. The CS does not address a fee for acquiring the sticker, allocate any funding to DBPR for establishing and maintaining a database, nor grant rulemaking authority. DBPR currently operates a farm labor vehicle authorization program for the federal government. The department anticipates that the cost of producing the sticker will be minimal and can be accommodated using existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

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None. This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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