

## 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	9 Y, 0 N, w/CS	Kaiser	Hamby
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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### 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 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 provides for the proceeds from fines imposed for violations relating to the provisions of this bill to be remitted to the law enforcement agency issuing the citation. The funds shall be used for continued education and enforcement of the provisions of this legislation as well as other related safety measures.

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.

#### 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, and 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 provides for proceeds from the fines be remitted to the law enforcement agency issuing the citation. These funds shall be utilized for continued education and enforcement of the farm labor vehicles laws and other related safety measures contained in chapter 316, F.S.

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.”

#### C. SECTION DIRECTORY:

**Section 1:** Amends s. 316.003, F.S.; amends 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.; creates 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.; amends 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. 318.21, F.S.; requiring the proceeds from fines to be remitted to the enforcement agency issuing the citation and used for continued education and enforcement of farm labor vehicles laws.

**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.

## 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.

On March 22, 2006, the State Resources Council adopted two amendments to HB 255.

- **Amendment 1** removes provisions requiring district school boards and charter schools to adopt a policy that addresses procedures and liability. The amendment also requires proceeds from fines for violations of farm labor vehicle laws to be remitted to the law enforcement agency issuing the citation. The funds are to be used for continued education and enforcement of the farm labor vehicle laws.
- **Amendment 2** amends the definition of a farm labor vehicle to mean:  
“any vehicle designed, used, and 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...”