

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.)

Prepared By: Transportation Committee

BILL: CS/SB 258

INTRODUCER: Transportation Committee and Senator Alexander

SUBJECT: Farm Labor Vehicles

DATE: November 28, 2005 REVISED: _____

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

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 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CS substantially amends sections 316.003, 320.38, 322.031, 450.181, 450.28 and 450.33, F.S. Section 316.620, F.S. is repealed and s. 316.622, F.S. is created.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 320.38, F.S., provides exemptions from vehicle registration requirements for migrant farm workers.

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

Section 450.181, F.S., provides a definition of “migrant laborer.”

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

Section 450.33, F.S., provides requirements for farm labor contractors.

III. Effect of Proposed Changes:

Section 1 amends s. 316.003, F.S., to revise definitions. The definition of “migrant farm worker” is redefined as “migrant or seasonal farm worker,” limiting the definition 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. “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.” 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.

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. Violation of this section is a noncriminal traffic violation, punishable as a nonmoving violation (\$30). 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. 320.38, F.S., to correct a reference.

Section 5 amends s. 322.031, F.S., to correct a reference.

Section 6 amends s. 450.181, F.S., to correct a reference.

Section 7 amends s. 450.28, F.S., clarifying the definition of “carpool” to mean an arrangement made by the workers themselves using one worker’s own vehicle 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.

Section 8 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.

Section 9 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 bringing farm labor vehicles into compliance.

C. Government Sector Impact:

DBPR will be required to produce farm worker transportation authorization stickers, as well as promulgate rules relating to such. The CS does not address a fee for acquiring the sticker, nor 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 and anticipates the cost of producing the sticker will be minimal and can be accommodated using existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

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