

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Latvala, Chair
Senator Evers, Vice Chair

MEETING DATE: Tuesday, November 1, 2011
TIME: 10:30 a.m.—1:00 p.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Latvala, Chair; Senator Evers, Vice Chair; Senators Benacquisto, Bullard, Garcia, Gibson, Joyner, Norman, Storms, and Wise

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Consideration of proposed committee bill: (Interim Project 2012-139 - Review Requirements and Costs for Road Designations):			
1	SPB 7022	Designation of Transportation Facilities ; Limiting the designation of transportation facilities to facilities of the State Highway System; requiring that a natural person must have significantly contributed to the state or community in order to warrant legislative recognition; providing criteria for designating a transportation facility; providing a limitation for the expenditure of funds for costs relating to a designation, etc.	Submitted as Committee Bill
2	SB 196 Altman (Identical H 151)	Child Safety Devices in Motor Vehicles; Providing child restraint requirements for children age 7 years or younger who are less than a specified height; providing exceptions; redefining the term "motor vehicle" to exclude certain vehicles from such requirements; providing a grace period; requiring that a law enforcement officer issue a warning and give educational literature to an operator of a motor vehicle during the grace period, etc.	Favorable Yeas 8 Nays 0
		TR 11/01/2011 Favorable BC	

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Tuesday, November 1, 2011, 10:30 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 226 Margolis (Similar H 27)	Disabled Parking Permits; Providing for a parking enforcement specialist or agency to validate compliance for the disposition of a citation issued for illegally parking in a space provided for people who have disabilities; revising requirements for renewal or replacement of a disabled parking permit; prohibiting applying for a new disabled parking permit for a certain period of time upon a second finding of guilt or plea of nolo contendere to unlawful use of such permit; requiring the Department of Highway Safety and Motor Vehicles to audit disabled parking permit holders, verify certain information, and invalidate the permit of a deceased permit holder; directing the department to implement a means for reporting abuse of disabled parking permits; providing for the department to conduct a public awareness campaign, etc. TR 11/01/2011 Favorable BC	Favorable Yeas 8 Nays 0
4	SB 244 Bennett (Identical H 159)	Motor Vehicles; Cites this act as the "Highway Safety Act;" providing legislative intent relating to road rage and aggressive careless driving; requiring an operator of a motor vehicle to yield the left lane when being overtaken on a multilane highway; revising the number of specified acts necessary to qualify as an aggressive careless driver; providing specified punishments for aggressive careless driving, including imposition of an increased fine; providing that a second or subsequent infraction as an aggressive careless driver requires attendance at a mandatory hearing; requiring the Department of Highway Safety and Motor Vehicles to provide information about the Highway Safety Act in driver's license educational materials, etc. TR 11/01/2011 Temporarily Postponed BC	Temporarily Postponed
5	SB 286 Fasano	Vehicle Crashes Resulting in Personal Injury; Increasing from a third-degree felony to a second-degree felony the penalty imposed for willfully failing to remain at the scene of a crash involving personal injury; conforming provisions of the offense severity ranking chart of the Criminal Punishment Code, etc. TR 11/01/2011 Favorable CJ BC	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Tuesday, November 1, 2011, 10:30 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
6	SB 334 Bullard (Compare S 390)	Bicycle Safety; Revising safety standard requirements for bicycle helmets that must be worn by certain riders and passengers; providing for enforcement of requirements for bicycle lighting equipment; providing penalties for violations; providing for dismissal of the charge following a first offense under certain circumstances, etc. TR 11/01/2011 Favorable BC	Favorable Yeas 8 Nays 0
7	SB 388 Latvala (Identical H 393)	Recreational Vehicle Dealers; Authorizing recreational vehicle dealers to obtain certificates of title for recreational vehicles; providing limitations and requirements, etc. TR 11/01/2011 Favorable BC	Favorable Yeas 8 Nays 0
8	SB 390 Bogdanoff (Similar H 4017, Compare S 334)	Bicycle Regulations; Clarifying provisions relating to when a bicycle operator must ride in a bicycle lane or along the curb or edge of the roadway; removing a requirement to keep one hand on the handlebars while operating a bicycle; providing for enforcement of requirements for bicycle lighting equipment; providing penalties for violations, etc. TR 11/01/2011 Favorable BC	Favorable Yeas 7 Nays 0
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: SPB 7022

INTRODUCER: For consideration by the Transportation Committee

SUBJECT: Designation of Transportation Facilities

DATE: October 25, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Buford		Pre-meeting
2.				
3.				
4.				
5.				
6.				

I. Summary:

The designation of roads, bridges, or other transportation facilities for honorary or memorial purposes is a long-standing practice in Florida and, since 1922, over 1,000 of these designations have been legislatively approved. Passage of an honorary or memorial designation of a transportation facility generally involves erecting signs along the state’s right-of-way reflecting the designation as described in an act of the Legislature; e.g., “John Jones Memorial Highway.” Currently, the Florida Department of Transportation (FDOT or department) bears the costs of erecting and maintaining these signs.

This bill is the result of an interim report providing an overview of the statutory requirements and procedures related to establishing honorary or memorial designations on transportation facilities in Florida. In addition, the report reviews the costs of these designations, including sign production, installation labor, maintenance, and other related costs.

On October 17, 2011, the Senate Committee on Transportation reviewed Interim Report 2012-139 and authorized the committee professional staff to prepare a proposed bill.

Specifically, the proposed bill amends s. 334.071, F.S., to specify honorary or memorial designations of transportation facilities are limited to the State Highway System. The bill provides a transportation facility may not be designated in honor of a natural person unless that natural person’s contribution to the state or community has been of such significance as to warrant legislative recognition. The bill also provides the erection of markers may not:

- violate sign spacing requirements of the Manual on Uniform Traffic Control Devices adopted pursuant to s. 316.0745, F.S.;

- limit or obscure the visibility of an official traffic control device; or
- generate a distraction for a driver.

Lastly, the proposed bill limits the expenditure of funds by FDOT for designation costs to those solely for the costs associated with the fabrication and installation of markers, including routine maintenance and replacement costs.

This bill substantially amends s. 334.071 of the Florida Statutes.

II. Present Situation:

Over the years, the Florida Legislature has designated many roadways in Florida. The designated roads have been under the jurisdiction of either the department or local government.

Records kept in the department's Transportation Statistics Office identify the earliest dedicated roadway as the W.W. Clark Memorial Bridge on State Road 580 between Safety Harbor and Oldsmar. This was dedicated by the State Road Board, the predecessor of FDOT, on July 6, 1922. Since that time, over 1,000 of these designations have been approved and every county and most cities have participated in officially designating some roadway feature. In addition, some roads and bridges have multiple or overlapping designations.

Honorary and Memorial Designations

In 1999, the Legislature enacted ch. 99-385, L.O.F., to clarify the purpose and effect of the designation of roads, bridges, and other transportation facilities for honorary or memorial purposes by the Florida Legislature. Section 334.071, F.S., explains the intent and limitations of legislative designations of transportation facilities for honorary or memorial purposes, or to otherwise, distinguish a particular facility in Florida. Specifically, s. 334.071, F.S., provides:

- Legislative designations of transportation facilities are for honorary or memorial purposes, or to distinguish a particular facility, and may not be construed to require any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes;
- When the Legislature establishes road or bridge designations, the FDOT is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation, and to erect any other markers it deems appropriate for the transportation facility.

The Legislature addressed the transportation facility designation process again during the 2003 Legislative Session, and enacted 2003-286, L.O.F., which specified the FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, resolutions supporting the designations must be passed by each affected local government prior to the erection of markers.

FDOT Guidance

FDOT's Traffic Engineering Manual provides traffic engineering standards and guidelines to be used on the State Highway System by the department's District Traffic Operations Offices. Section 2.35 (Signing for Memorial Roadway Designations) of the manual provides guidance to the districts on the installation of signs when a roadway has been given a memorial designation by the Florida Legislature. Specifically, the manual provides the following:

- **Signing Process**
 - The Florida Legislature designates the roadways based on recommendations from a city or county commission, individual state agencies, or civic groups.
 - Upon official designation by the Florida Legislature, it is the responsibility of the legislative sponsors of the designation to obtain local resolutions in accordance with s. 334.071(3), F.S.
 - After receiving a copy of the local resolution, the department shall begin the process to have the signs installed on the State Highway System.
 - Within the department, the process for the installation of these signs involves the following offices:
 - District Public Information Office
 - District Traffic Operations Office
 - District Maintenance Office
 - State Traffic Engineering and Operations Office
 - Transportation Statistics Office
 - Each district has their own signing process in place, and it varies as to which of the above district offices initiates the process. However, it is important that all the above district offices are notified and kept informed as to the status of roadway designations within their district after each legislative session.
 - Each district will coordinate the installation of the signs with the legislative sponsor of the designation.

- **Sign Installation and Maintenance**
 - Signs shall be installed and maintained by the department on the State Highway System.
 - On non-limited access facilities, one sign per direction shall be installed in accordance with Section 2D.49 of the Manual on Uniform Traffic Control Devices (MUTCD).
 - On limited access facilities, one sign per direction shall be installed in accordance with Section 2E.08 of the MUTCD.

FDOT Costs

The FDOT typically installs two signs per designation at a current estimated cost of \$400 per sign, which includes the cost of materials and labor to manufacture and install the honorary road sign. At a minimum, each designation costs \$800. The FDOT incurs additional costs for dedication ceremonies (when requested by legislative sponsors) to unveil the memorial roadway designation signs.

Upon the establishment of a designation, these costs are absorbed within the existing budget authority of the department. In addition, FDOT will also incur the recurring costs of maintaining these signs over time, and for future replacement of the signs as necessary. Annual maintenance costs, which the department estimates at \$2 per sign, encompasses mowing around the sign and

the occasional inspection and cleaning of the sign. Sign panel replacement costs are based upon an expected sign life of 15 years and the department's estimate of \$200 per sign panel replacement.

Additional Sign Installation Costs For Dedication Ceremonies

The FDOT is a decentralized agency in accordance with legislative mandates, composed of the Central Office, seven districts, the Florida Turnpike Enterprise, and the Florida Rail Enterprise. Each of the districts is managed by a District Secretary. The districts vary in organizational structure, but in general each has major divisions for Administration, Planning, Production and Operations.

Each district is allocated maintenance funds. The costs of road designation signs, installation and continued maintenance, as well costs associated with ceremonies, comes from these allocated funds. These funds could otherwise be used for the replacement of other roadway signs that are, for example, at the end of their service life or have been knocked down, or for activities such as guardrail repair and roadway striping.

Senate professional staff, with the assistance of the department, asked each district to quantify examples of dedication ceremony costs in their respective district. There is no standard dedication ceremony and each one varies depending on the local support provided and the magnitude of the ceremony requested for the designation.

Although the responses varied, it may be important to note that several districts reported activities and costs which are not included in the \$800 estimate and may not immediately come to mind when considering the overall costs of road designations. For example, districts reported tasks and costs associated with dedication ceremonies at the sign location, including:

- mowing, litter removal, and other landscaping improvements,
- the rental and installation of shade tents, tables, seating, and podium, and
- maintenance of traffic such as lane closures and temporary caution signage.

Some districts also reported that the District Public Information Officer had conducted other ceremony-related activities such as creating and mailing invitation lists, media packets, and composing speeches. These activities, as well as occasional long travel times for department maintenance personnel, can amount to significant costs that have not previously been included in the fiscal impact assessment of roadway designations.

Off-System Designations

Although local governments have the authority to designate their own roads, occasionally, legislation is proposed to designate a segment of roadway which is off the State Highway System. The department tracks proposed legislative roadway designations each session. For each proposal, department staff prepares a small scale map to verify the accuracy of the proposed roadways and to determine whether the proposal is on the State Highway System and if there are previous designations at the proposed location. Exhibit 1 shows the trend since 1998, wherein there have been 27 Off-Highway designations and an additional 3 partial Off-Highway designations that have been enacted.

Off-System designations require state expenditures to cover expenses that are not on a state facility. In addition, FDOT does not have jurisdiction to maintain the designation. Once the signs are erected, the department usually has no further involvement with the designation beyond replacement of the sign, if requested.

Exhibit 1 - Road and Bridge Designations Since 1998

Year	# Designations/ # Installed Signs	Initial Sign Fabrication and Simple Installation Costs/ Designation	# of Off-System Designations
1998	15/30	\$500	0
1999	22/112	\$500	1, 1 partial
2000	1/2	\$500	0
2001	0	\$500	0
2002	0	\$600	0
2003	28/64	\$800	1, 1 partial
2004	44/88	\$800	2
2005	32/64	\$800	4
2006	27/54	\$800	1
2007	38/76	\$800	5
2008	41/82	\$800	6, 1 partial
2009	2/4	\$800	0
2010	61/158	\$800	7
2011	2/4	\$800	0
Total	312/738¹		27, 3 partials

Provided by the Florida Department of Transportation

Dual Roadway Designations

There is currently no provision in law restricting one segment of a state road from having multiple or overlapping designations. In addition, there is no limitation on the number of designations in the same area.

III. Effect of Proposed Changes:

The proposed bill amends s. 334.071, F.S., to provide additional criteria to be considered relating to the designation of roads, bridges, and other transportation facilities by the Florida Legislature.

Subsection (1) specifies honorary or memorial designations of transportation facilities are limited to the State Highway System.

Subsection (2) provides a transportation facility may not be designated in honor of a natural person unless that natural person’s contribution to the state or community has been of such significance as to warrant legislative recognition.

¹ Each legislative session, numerous road and bridge designation bills are filed in the House of Representatives and the Senate. There have been some years when minimal or no designations were enacted. For example, there were no enacted designations during the 2001 and 2002 Sessions; however, approximately 22 and 47 (respectively) were proposed. In addition, although only two designations passed in 2009 and 2011 there were approximately 18 additional proposed designations in 2009 and 47 in 2011 that were not enacted. The trend to designate roads, bridges, and other transportation facilities for honorary or memorial purposes continues to only increase Florida’s proliferation of road and bridge designations.

Subsection (3) provides the erection of markers may not:

- violate sign spacing requirements of the Manual on Uniform Traffic Control Devices adopted pursuant to s. 316.0745, F.S.;
- limit or obscure the visibility of an official traffic control device; or
- generate a distraction for a driver.

Subsection (4) limits the expenditure of funds by FDOT for designations to those solely for the costs associated with the fabrication and installation of markers, including routine maintenance and replacement costs.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Indeterminate. However, minimal positive costs savings are expected.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
11/02/2011	.	
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	.	
	.	

The Committee on Transportation (Joyner) recommended the following:

Senate Amendment

Delete lines 28 - 30
and insert:

honor of a natural person unless that natural person has
made a significant contribution to the state or local community
in civic, business, public service, or other pursuits.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 196
INTRODUCER: Senator Altman
SUBJECT: Child Safety Devices in Motor Vehicles
DATE: October 20, 2011 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Buford	TR	Favorable
2.	_____	_____	BC	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill revises child restraint requirements for children passengers in motor vehicles. Current law requires certain child restraint devices for children through age 5 years, although for ages 4 through 5 years, a seat belt may be used in lieu of a specialized device. Under the bill’s provisions, the upper age is raised to 7 years if the child is less than 4 feet 9 inches in height. A seat belt alone will no longer legally provide sufficient protection for children aged 4 through 7 years if they are less than 4 feet 9 inches in height. The infraction is a moving violation punishable by a fine of \$60 plus court costs and add-ons and by the assessment of 3 points against the driver’s license of the motor vehicle operator.

The bill provides exceptions to the new child restraint requirements for children aged 4 through 7 who are less than 4 feet 9 inches in height when a person is:

- Transporting the child gratuitously and in good faith in response to a declared emergency situation or an immediate emergency involving the child; or
- Transporting a child whose medical condition necessitates an exception as evidenced by appropriate documentation from a health professional.

The court may dismiss a first violation if the operator produces proof of purchase of a federally approved child restraint device. The revised provisions take effect January 1, 2013. Beginning July 1, 2012, law enforcement officers may issue verbal warnings and educational literature to those persons who are in compliance with existing law, but who are violating the provisions which take effect in 2013.

This bill substantially amends s. 316.613 of the Florida Statutes.

II. Present Situation:

Currently, s. 316.613, F.S., requires every motor vehicle operator to properly use a crash-tested, federally approved child restraint device when transporting a child 5 years of age or younger. For children 3 years of age or younger, such restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat. For children aged 4 through 5 years, a separate carrier, an integrated child seat, or a seat belt may be used. These requirements apply to motor vehicles operated on the roadways, streets, and highways of this state. The requirements do not apply to a school bus; a bus used to transport persons for compensation; a farm tractor; a truck of net weight of more than 26,000 pounds; or a motorcycle, moped, or bicycle.¹ A driver who violates this requirement is subject to a \$60 fine, court costs and add-ons, and having 3 points assessed against their driver's license.

A driver who violates this requirement may elect, with the court's approval, to participate in a child restraint safety program. Upon completing such program the above penalties may be waived at the court's discretion and the assessment of points waived. The child restraint safety program must use a course approved by the Department of Highway Safety and Motor Vehicles (DHSMV), and the fee for the course must bear a reasonable relationship to the cost of providing the course.

Section 316.613(4), F.S., provides it is legislative intent that all state, county, and local law enforcement agencies, and safety councils, conduct a continuing safety and public awareness campaign as to the magnitude of the problem with child death and injury from unrestrained occupancy in motor vehicles.

Florida's "\$2 Difference Child Safety Seat Program"

The 1995 Legislature enacted legislation allowing vehicle owners to donate money to help purchase child safety seats for other Floridians who cannot afford them for their children. Vehicle owners have the opportunity to donate \$2 or more to the Highway Safety Operating Trust Fund's \$2 Difference Child Safety Seat Program to help needy residents living in their own county obtain car seats for their children. All monies donated to and collected in a given county are returned to that county in the form of child safety seats. The child safety seats are then distributed in a manner determined by the local tax collector's office.

According to the DHSMV, during the first year of the \$2 Difference Program in 1996, a total of \$37,760 in donations was collected. By early 1999, \$175,000 had been collected for the growing program. The donations for this program have remained steady each year. As of September 2011, the \$2 Difference Child Safety Seat Program has collected a total of \$893,029 in donations from which 24,896 car seats have been purchased for distribution to low-income children and needy families across the state.

¹ s. 316.613(2)(a-e), F.S.

Other States

As of October 2011, 47 States and the District of Columbia have enacted provisions in their child restraint laws mandating booster seat or other appropriate restraint use by children who have outgrown their forward-facing child safety seats, but who are still too small to be appropriately restrained by an adult safety belt system.² Only Arizona, Florida, and South Dakota have yet to enact booster seat use requirements.³

III. Effect of Proposed Changes:

The bill amends s. 316.613, F.S., requiring an operator of a motor vehicle who is transporting a child 7 years of age or younger when that child is less than 4 feet 9 inches in height, to provide for the protection of the child by properly using a crash-tested, federally approved child restraint device. The bill specifies the device must be appropriate for the height and weight of the child, and provides such devices may include:

- A separate carrier;
- A vehicle manufacturer's integrated child seat; or
- A child booster seat that displays the child's weight and height specifications for the seat on the attached manufacturer's label as required by Federal Motor Vehicle Safety Standard No. 213.

Any such device must comply with the standards of the United States Department of Transportation and be secured in the vehicle in accordance with instructions of the manufacturer.

Children through 3 years of age must be transported in an integrated or separate child safety seat, and children aged 4 through 7 years who are less than 4 feet 9 inches in height must be transported in a separate carrier, integrated child seat, or booster seat. Under the provisions of this bill, motorists will no longer be permitted to transport children aged 4 to 7 years who are less than 4 feet 9 inches in height with only a safety belt used as protection.

The bill also provides the term "motor vehicle" as used in s. 316.613, F.S., does not include a passenger vehicle designed to accommodate ten or more persons used for the transportation of persons for compensation, and therefore, exempts such vehicle from the child-restraint requirements for children ages 4 through 7 years.

The infraction is a moving violation punishable by a fine of \$60 plus court costs and add-ons, and by assessment of 3 points against the driver's license. The requirement to use a child restraint device does not apply to a person who is transporting a child aged 4 to 7 years who is less than 4 feet 9 inches in height if the person is:

- Transporting the child gratuitously and in good faith in response to a declared emergency situation or an immediate emergency involving the child; or

² http://www.ghsa.org/html/stateinfo/laws/childsafety_laws.html (last visited October 20, 2011).

³ *Id.*

- Transporting a child whose medical condition necessitates an exception as evidenced by appropriate documentation from a health professional.

Courts may dismiss the charge against a driver for a first violation of the child restraint law upon proof of purchase of or otherwise obtained a federally approved child restraint device.

The new child restraint requirements as provided in the bill will not take effect until January 1, 2013. However, the bill authorizes law enforcement personnel to issue a verbal warning and distribute educational literature beginning July 1, 2012, to a person who is in compliance with current law, but whose actions violate the provisions that take effect January 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Drivers of vehicles must use a separate carrier, an integrated child seat or a child booster seat to transport children through age 7 years if they are less than 4 feet 9 inches in height. Seat belts alone will not satisfy the legal requirements for child restraints for children between the ages of 4 and 7 years who are less than the required height when being transported in a motor vehicle on roadways, streets, or highways in Florida. This will have a fiscal impact to vehicle operators for the cost of acquiring the necessary restraint devices.

However, because the number of additional children who will need restraint devices other than seat belts is unknown, the amount of this impact cannot be determined. Violation of the law would be punishable by a fine of at least \$60 plus court costs and add-ons, and a 3 point assessment on the operator's driver license. The court may dismiss a first violation if the operator purchases an approved device. Furthermore, for six months prior to the new requirements becoming effective, a law enforcement officer may issue verbal

warning and provide informational material to drivers who would violate the requirements after the effective date.

C. Government Sector Impact:

Enactment of the bill may result in increased issuance of traffic citations, resulting in revenue increases to state and local governments. Since the number of additional citations that will be issued is unknown, any resulting positive fiscal impact on state and local governments is indeterminate. Also, the cost to DHSMV of providing an estimated 50,000 educational brochures is expected to be minimal and will be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 226

INTRODUCER: Senator Margolis

SUBJECT: Disabled Parking Permits

DATE: October 26, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Eichin	Buford	TR	Favorable
2.			BC	
3.				
4.				
5.				
6.				

I. Summary:

Senate Bill 226 revises laws relating to disability parking permits. The bill:

- expands the type of officials who may waive citations for disability permit parking violations by including the parking enforcement specialist or agency that issued the citation;
- revises the requirements for renewing or replacing a long-term disabled parking permit and includes prohibitions for certain violations;
- provides for random audits of disabled parking permit holders;
- requires the Department of Highway Safety and Motor Vehicles (DHSMV or department) to develop and implement a system to allow the reporting of abuses of disabled parking permits; and
- requires the department to develop and implement a public awareness campaign regarding how such abuse burdens disabled persons.

This bill substantially amends ss. 318.18 and 320.0848, Florida Statutes. This bill creates an unnumbered section of the Florida Statutes.

II. Present Situation:

Section 320.0848, F.S., authorizes the department and its agents to issue disabled parking permits to persons with impaired mobility. Such permits may be issued for a period of up to 4 years to any person with a long-term mobility impairment. Similarly, persons with a temporary mobility impairment may be issued a temporary disabled parking permit for a period of up to 6 months. A fee may be charged for the permit. However, no person may be charged a fee more frequently than once every 12 months.

A person applying for a disabled parking permit must be currently certified as being legally blind or as having any of the following conditions which would render the person unable to walk 200 feet without stopping to rest:

- The inability to walk without a brace, cane, crutch, prosthetic device, or other assistive device;
- The need to permanently use a wheelchair;
- Lung disease as measured within specified limits;
- Use of portable oxygen;
- A Class III or IV heart condition; or
- A severe limitation in the ability to walk due to an arthritic, neurological, or orthopedic condition.

The certification must be made by a physician, podiatrist, optometrist, advanced registered nurse practitioner, or physician's assistant, any of which must be licensed under one of various chapters of Florida Statute. However, provisions are made to encompass certification by similarly-licensed physicians from other states, as well. The certification must include:

- The disability of the applicant;
- The certifying practitioner's name, address, and certification number;
- The eligibility criteria for the permit;
- Information concerning the penalty for falsification;
- The duration of the condition; and
- Justification for any additional placard issued.

The disabled parking permit must be a placard that can be placed in a motor vehicle so as to be visible from the front and rear of the vehicle. Each side of the placard must have the international symbol of accessibility in a contrasting color in the center so as to be visible. One side of the placard must display the applicant's driver's license number or state identification card number along with a warning the applicant must have such identification at all times while using the parking permit. No person will be required to pay a fee for a parking permit for disabled persons more than once in a 12-month period.

Although a disabled parking permit must be renewed every four years, it does not expire under current law. The department allows for online and mail-in renewals, as well as replacements in the case of stolen or damaged permits, for persons certified as having a long-term disability. Currently, s. 320.0848, F.S., does not require persons who have a long-term disabled parking permit to apply for a renewal or a replacement permit in person or provide an additional certificate of disability.

Section 320.0848, F.S., allows for temporary disabled parking permits to be issued for the period of the disability as stated by the certifying physician, but not to exceed six months. A temporary parking permit for a disabled person must be a different color than the long-term permit (the long-term placard is blue, the temporary placard is red), and, similar to the long-term permit,

must display the permit expiration date, the state identification or driver's license number of the permit holder.

An application for a disabled parking permit is an official state document. The following statement is required to appear on each application immediately below the applicant's name and the certifying practitioner's name:

Knowingly providing false information on this application is a misdemeanor of the first degree, punishable as provided in s. 775.082, Florida Statutes, or s. 775.083, Florida Statutes. The penalty is up to 1 year in jail or a fine of \$1000, or both.

A person who fraudulently obtains or unlawfully displays a disabled parking permit (or uses an unauthorized replica) is guilty of a 2nd degree misdemeanor. The penalty is up to 60 days in jail or a fine of \$500, or both.

A law enforcement officer may confiscate the disabled parking permit from any person who fraudulently obtains or unlawfully uses such a permit, including using the permit while the owner of the permit is not being transported. A law enforcement officer may confiscate any disabled parking permit that is expired, reported as lost or stolen, or defaced, or that does not display a personal identification number. However, the permit owner may apply for a new permit immediately.

The department tracks all disabled parking permits issued since 1999, including confiscations of the permit. According to DHSMV, the department conducts some auditing to ensure that driver licenses are only issued to living persons. However, programming is not specifically tailored to audit the records of persons to whom disabled parking permits have been issued.

III. Effect of Proposed Changes:

Section 1 amends s. 318.18(6), F.S., expanding the list of officials who can waive citations for illegally parking in a disability parking space. The bill allows the parking enforcement specialist or the agency that issued a parking citation to waive citations and sign affidavits of compliance.

Section 2 amends s. 320.0848, F.S., to require holders of disabled parking permits to renew in person and provide a current certificate of disability. Persons obtaining a replacement for a disabled parking permit must appear in person to submit the required application.

Current law allows law enforcement officers to confiscate the disabled parking permit of a person who has obtained it fraudulently or uses it unlawfully. The bill also authorizes parking enforcement specialists to confiscate fraudulently obtained or unlawfully used permits.

The bill requires a person who is found guilty of unlawful use of a permit (or who enters a plea of nolo contendere to the charge) to wait four years before applying for a new disabled permit if he or she had a prior finding of guilt or plea of nolo contendere to the charge.

The bill requires DHSMV to conduct random audits of disabled parking permit holders at least every six months. As a component of this audit, the department is required to:

- review the death records maintained by the Department of Health to ensure the permit holder is not deceased;
- review the number of times the permit has been confiscated or unlawfully used;
- determine if the permit has ever been reported lost or stolen; and
- determine the current status of the permit.

The department is directed to verify, at least annually, that the owner of each disabled parking permit has not died. If a permit owner is found to be deceased, the department is directed to promptly invalidate the decedent's permit. The department is also required to develop and implement a method by which abuse can be reported by telephone hotline, submission of an online form, or by mail.

Section 3 creates an unidentified section of Chapter 320, F.S., to require DHSMV to make a public announcement and conduct a public awareness campaign regarding the abuses of disabled parking permits and the burdens inflicted on disabled persons throughout the state. The campaign is to begin within 30 days after the effective date of this act and continue for not less than six months. Its purpose is to inform the public about:

- the requirement to appear in person to renew an expired disabled parking permit or replace a lost or stolen disabled parking permit;
- the implementation of the periodic disabled parking permit audit system; and
- the new complaint process for reporting abuses of disabled parking permits.

Section 4 establishes an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Permit holders will bear costs related to appearing in person at a Tax Collector's office and obtaining a current certification form from their physician every four years.

C. Government Sector Impact:

According to DHSMV, the public awareness provisions of the bill would result in non-recurring start-up costs of approximately \$114,600 for printing and mailing. Implementation of the audit and reporting provisions of the bill would result in recurring costs \$51,172 for salary, benefits, and other expenses accruing to one additional Senior Highway Safety Specialist position.

DHSMV also estimates approximately 60 hours of programming would be needed to implement the provisions of the bill. These costs would be absorbed within existing DHSMV resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 244

INTRODUCER: Senator Bennett

SUBJECT: Motor Vehicles

DATE: October 18, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Eichin	Buford	TR	Pre-meeting
2.			BC	
3.				
4.				
5.				
6.				

I. Summary:

This bill, known as the “Highway Safety Act,” declares the Legislature’s finding that road rage and aggressive driving are a growing threat to the public’s health, safety, and welfare and the Legislature’s intent to reduce road rage and aggressive careless driving, minimize crashes, and promote the orderly free flow of traffic in Florida.

The bill:

- Directs the Department of Highway Safety and Motor Vehicles (DHSMV) to provide information about this act in driver’s license educational materials;
- Prohibits a driver from continuing to operate a vehicle in the left lane of a multi-lane highway when the driver knows, or should reasonably know, he or she is being overtaken (and establishes exceptions to this prohibition);
- Increases from two or more to three or more, the number of driving infractions committed simultaneously in order to qualify as aggressive careless driving;
- Includes the failure to yield to overtaking vehicles to the infractions considered acts of aggressive careless driving;
- Establishes penalties for aggressive careless driving; and
- Provides for the distribution of money received from increased fines associated with penalties, including financial support of trauma centers and emergency medical services organizations throughout Florida.

The effective date of the act is October 1, 2012.

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.083, 316.1923, 318.121, 318.18, and 318.19.

The bill creates two undesignated sections of Florida Law.

Section 316.650, F.S, is reenacted for the purpose of incorporating amendments made by this act.

II. Present Situation:

Road Rage and Aggressive Driving

According to the National Highway Traffic Safety Administration (NHTSA), “aggressive driving” comprises following too closely, driving at excessive speeds, weaving through traffic, running stoplights and signs, and other forms of negligent or inconsiderate driving.¹ Occasionally, aggressive driving transforms into confrontation, physical assault, and even murder. A study on road deaths and injuries shows that:

road death and injury rates are the result, to a considerable extent, of the expression of aggressive behavior. . . Those societies with the greatest amount of violence and aggression in their structure will show this by externalizing some of this violence in the form of dangerous and aggressive driving. . .²

“Road Rage” is the label that has emerged to describe the angry and violent behaviors at the extreme of the aggressive driving continuum. A literature review commissioned by the American Automobile Association (AAA) Foundation for Traffic Safety defines road rage as:

an incident in which an angry or impatient motorist or passenger intentionally injures or kills another motorist, passenger, or pedestrian, or attempts or threatens to injure or kill another motorist, passenger, or pedestrian.³

The willful intent to injure other individuals or to cause damage, although directed at a specific target, presents an immediate danger to all in the vicinity of those engaged in acts of road rage. There are numerous accounts in which road rage incidents inadvertently involve drivers or pedestrians not targeted in the incident.

Aggressive driving maneuvers, such as tailgating and speeding, can also be seen as the result of the driving environment, and they are also connected with the issue of congestion.⁴ Studies show

¹National Highway Traffic Safety Administration, *Aggressive Driving Enforcement: Evaluations of Two Demonstration Programs* (Mar. 2004) (DOT HS 809 707), available at: <http://www.nhtsa.dot.gov/people/injury/research/AggDrivingEnf/images/AggresDrvngEnforce-5.0.pdf> (last visited October 18, 2011).

² Whitlock, F.A., *Death on the Road: A Study in Social Violence*. London (Tavistock Publications 1971).

³ Daniel B. Rathbone and Jorg C. Huckabee, AAA Foundation for Traffic Safety, *Controlling Road Rage: A Literature Review and Pilot Study* (June 1999), available at: <http://www.aaafoundation.org/resources/index.cfm?button=roadrage> (last visited October 18, 2011).

⁴Dominic Connell and Matthew Joint, *Driver Aggression*, Road Safety Unit Group Public Policy (November 1996), available at: <http://www.aaafoundation.org/resources/index.cfm?button=agdrtext#Driver%20Aggression> (last visited October 18, 2011).

most incidents happen between the hours of four and six o'clock in the evening, times in which traffic congestion is more than likely a factor or the primary cause of an accident. In addition, there is strong evidence correlating the number of lane change maneuvers to accidents, and speed to accidents. Some researchers have theorized the root cause of these aggressive behaviors is passive-aggressive driving, i.e., the failure to move to the right from a left lane of a multi-lane highway when being overtaken by faster traffic. The theory contends that because slower moving traffic often refuses to yield to vehicles wishing to pass, those faster moving vehicles resort to aggressive driving such as "bobbing and weaving" from lane to lane.

On most roads, drivers are made relatively equal by the prescribed limits of the law regardless of individual differences in capability and status. The vast majority of cars are fully capable of exceeding 70 mph, yet all cars are directed by law to adhere to the same upper and lower limits. Drivers must adhere to the limitations placed on their speed and movement, prescribed directly (by speed limits, or variations in the number of lanes available) and indirectly (by congestion). For this reason, it is easier for the driver to ascribe frustration at being impeded by an ambiguous source, especially if there is no logical reason for the obstruction (to the impeded driver).⁵ This is an example of the possible escalating frustration, which may transform from driving aggressively into an instance of road rage.

Current Florida law in relation to "driving on right side of roadway" requires vehicles moving at a lesser rate of speed to drive in the right hand lane as soon as it is reasonable to proceed into that lane. Exceptions and exemptions include: when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.⁶ Violations of this law are noncriminal offenses. However, enforcement of these provisions has been minimal.

Aggressive driving is considered a traffic violation, while road rage results in criminal offense(s). Currently nine states have laws pertaining to aggressive driving as described above (including Florida). Most, if not all acts under the umbrella of what is considered road rage, are labeled criminal offenses with applicable punishments. Road rage, if not accompanied by some other type of violation, is not considered a punishable crime in any existing statute. Some crimes considered to be an act of road rage if carried out while driving include: *Criminal Damage; Using Threatening, Abusive, or Insulting Words or Behavior* (thereby causing fear or provocation); *Wounding with Intent; Common Assault; Assault with a Deadly Weapon; Murder; Manslaughter; and Vehicular Homicide.*

Florida Aggressive Driving Laws

Section 316.1923, F.S., describes, "aggressive careless driving" as committing two or more of the following acts simultaneously or in succession:

- Exceeding the posted speed as defined in s. 322.27(3)(d)5.b., F.S.;
- Unsafely or improperly changing lanes as defined in s. 316.085, F.S.;
- Following another vehicle too closely as defined in s. 316.0895(1), F.S.;
- Failing to yield the right-of-way as defined in ss. 316.079, 316.0815, or 316.123, F.S.;

⁵ *Id.*

⁶ Section 316.081(1), (2), and (3), F.S.

- Improperly passing as defined in ss. 316.083, 316.084, or 316.085, F.S.; or
- Violating traffic control and signal devices as defined in ss. 316.074 and 316.075, F.S.

These violations carry separate penalties for each offense. Section 316.1923, F.S., does not, however, provide for any penalties to be administered for the act of aggressive driving itself. Law enforcement officers, by law are to check off a box, which is included on a ticket or an accident report form, when the officer believes the traffic violation or crash was due to aggressive careless driving. This information is recorded and used by DHSMV.

Current law provides that drivers overtaking other drivers must use the proper signal, and those being overtaken must yield the right of way to the overtaking vehicle. In addition, vehicles being overtaken may not increase speed until the attempted pass is complete or it is reasonably safe to do so.⁷ Some of the infractions may require a mandatory court hearing.⁸

Trauma Centers, Emergency Medical Services/Funding from Traffic Violations

Trauma centers are governed by ch. 395, part II, F.S. A trauma center is defined as “a type of hospital that provides trauma surgeons, neurosurgeons and other surgical and non-surgical specialists and medical personnel, equipment and facilities for immediate or follow-up treatment for severely injured patients, 24 hours-a-day, 7-days-a-week.”⁹ Florida currently has 22 trauma centers. There are seven Level I Centers, thirteen Level II Centers (four of which are also Pediatric Centers), and two centers specializing solely in pediatrics. “Florida is divided into 19 trauma service areas to facilitate planning for system development.”¹⁰

Trauma centers are defined in s. 395.4001, F.S. as follows:

A Level I trauma center:

- Has formal research and education programs for the enhancement of trauma care; is verified by the department to be in substantial compliance with Level I trauma center and pediatric trauma center standards; and has been approved by the Department of Health (department) to operate as a Level I trauma center.
- Serves as a resource facility to Level II trauma centers, pediatric trauma centers, and general hospitals through shared outreach, education, and quality improvement activities.
- Participates in an inclusive system of trauma care, including providing leadership, system evaluation, and quality improvement activities.

A Level II trauma center:

- Is verified by the department to be in substantial compliance with Level II trauma center standards and has been approved by the department to operate as a Level II trauma center.
- Serves as a resource facility to general hospitals through shared outreach, education, and quality improvement activities.

⁷ Section 316.083, F.S.

⁸ Section 318.19, F.S.

⁹ The Department of Health, Division of Emergency Medical Operations website, *Office of Trauma*, located at: < <http://www.doh.state.fl.us/demo/trauma/center.htm>> (Last visited on October 18, 2011).

¹⁰ Comm. On Appropriations, Fla. Senate, *Review of Trauma Care Planning and Funding in Florida* (Interim Project Report 2004-108)(Nov. 2003).

- Participates in an inclusive system of trauma care.

A Pediatric trauma center is defined as a hospital that is verified by the department to be in substantial compliance with pediatric trauma center standards as established by rule of the department and has been approved by the department to operate as a pediatric trauma center. “Pediatric trauma centers are required to participate in collaborative research and conduct education programs for the enhancement of pediatric trauma care.”¹¹

Emergency Medical Services are defined in s. 401.107, F.S., as the activities or services to prevent or treat a sudden critical illness or injury and to provide emergency medical care and prehospital emergency medical transportation to sick, injured, or otherwise incapacitated persons in this state. “Florida’s trauma system helps to ensure that emergency medical services providers provide pre-hospital care and transport of injured residents and visitors to the nearest trauma center.”¹²

Florida law provides for the distribution of fines from various traffic violations to be deposited into the department’s Administrative Trust Fund and the department’s Emergency Medical Services Trust Fund to support trauma centers and emergency medical services according to various allocation methodologies.¹³

III. Effect of Proposed Changes:

Section 1. Creates the “Highway Safety Act.”

Section 2. Provides findings and expresses the legislative intent of the Highway Safety Act to reduce road rage and aggressive careless driving, reduce the incidence of drivers’ interfering with the movement of traffic, minimize crashes, and promote the orderly, free flow of traffic on the roads and highways of Florida.

Section 3. Amends s. 316.003, F.S., which defines terms used in the “Florida Uniform Traffic Control Law,” by defining the term “road rage” to mean:

The act of a driver or passenger to intentionally or unintentionally, due to a loss of emotional control, injure or kill another driver, passenger, or pedestrian, or to attempt or threaten to injure or kill another driver, passenger, or pedestrian.

Section 4. Amends s. 316.083, F.S., to provide that on roads, streets, or highways having two or more lanes that allow movement in the same direction, a driver may not continue to operate a motor vehicle in the furthestmost left-hand lane if the driver knows, or reasonably should know, that he or she is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed.

¹¹ The Department of Health, Division of Emergency Medical Operations website, *Office of Trauma*, located at: <<http://www.doh.state.fl.us/demo/trauma/center.htm>> (Last visited on October 18, 2011).

¹² *Id.*

¹³ See for example ss. 318.14, 318.18, 318.21, 395.4065, and 401.113, F.S.

The bill provides that this prohibition does not apply to a driver operating a motor vehicle in the furthestmost left-hand lane if:

- The driver is driving the legal speed limit and is not impeding the flow of traffic in the furthestmost left-hand lane;
- The driver is in the process of overtaking a slower motor vehicle in the adjacent right-hand lane for the purpose of passing the slower moving vehicle so that the driver may move to the adjacent right-hand lane;
- Conditions make the flow of traffic substantially the same in all lanes or preclude the driver from moving to the adjacent right-hand lane;
- The driver's movement to the adjacent right-hand lane could endanger the driver or other drivers;
- The driver is directed by a law enforcement officer, road sign, or road crew to remain in the furthestmost left-hand lane; or
- The driver is preparing to make a left turn.

A driver simultaneously violating these provisions and the provisions of s. 316.183, F.S. (relating to Unlawful Speed) shall receive a uniform noncriminal traffic citation for the unlawful speed violation.

Section 5. Amends s. 316.1923, F.S., by adding "failing to yield to overtaking vehicles" to the list of offenses that constitute aggressive careless driving. In addition, the number of acts performed simultaneously, or in succession, constituting aggressive careless driving is increased from two or more to three or more.

The bill provides that any person convicted of aggressive careless driving is to be cited for a moving violation and punished as provided in ch. 318, F.S., and by the accumulation of points as provided in s. 322.27, F.S., for each act of aggressive careless driving. Under s. 322.27(3)(d)7. and 8., F.S., a driver will accumulate 3 points for this moving violation or 4 points if it results in a crash.

Section 6. Amends s. 318.121, F.S. to authorize additional fines for aggressive careless driving provided for in the bill to be included in ch. 318, F.S.

Section 7. Amends s. 318.18, F.S. to include subsection (22), to read:

In addition to any penalties or points imposed under s. 316.9123, F.S., (section 5 of the bill), a person convicted of aggressive careless driving must also pay:

- Upon a first conviction, a fine of \$100.
- Upon a second or subsequent "conviction," a fine of not less than \$250 but not more than \$500 and be subject to a mandatory hearing under s. 318.19, F.S.

The moneys collected from the increased fine are to be remitted by the clerk of court to the Department of Revenue (DOR) for deposit into the department's Administrative Trust Fund. The department is required to transfer \$200,000 in the first year and \$50,000 in the second and third years after this bill takes effect into the Highway Safety Operating Trust Fund to offset the cost of providing educational materials related to the act. The remaining funds deposited into the department's Administrative Trust Fund under this act, are to be allocated as follows:

- Twenty-five percent is to be allocated equally among all Level I, Level II, and pediatric trauma centers in recognition of readiness costs for maintaining trauma services;
- Twenty-five percent is to be allocated among Level I, Level II, and pediatric trauma centers based on each center's relative volume of trauma cases as reported in the department's Trauma Registry;
- Twenty-five percent is to be transferred to the Emergency Medical Services Trust Fund and used by the department for making matching grants to emergency medical services organizations as defined in s. 401.107(4), F.S.; and
- Twenty-five percent is to be transferred to the Emergency Medical Services Trust Fund and made available to rural emergency medical services as defined in s. 401.107(5), F.S., and must be used solely to improve and expand prehospital emergency medical services in Florida. Additionally, these moneys may be used for the improvement, expansion, or continuation of services provided.

Section 8. Amends s. 318.19, F.S., to include second or subsequent violations of s. 316.1923(1), F.S., (Aggressive Careless Driving) in the list of infractions requiring a mandatory court hearing.

Section 9. Requires DHSMV to provide information about the Highway Safety Act in all newly printed driver's license educational materials after October 1, 2011.

Section 10. Reenacts s. 316.650, F.S., for the purpose of incorporating the amendments made by this act.

Section 11. Establishes an effective date of October 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons convicted of aggressive careless driving are to pay \$100 in addition to all fines associated with each individual violation. Upon a second or subsequent conviction, violators will have to pay a fine of no less than \$250 and no more than \$500 in addition to any other fines associated with each individual violation.

C. Government Sector Impact:

The bill requires that \$200,000 will be transferred to the DHSMV Highway Safety Operating Trust Fund in the first year and \$50,000 for the 2 subsequent years to fund the cost of developing educational materials related to this bill. Additional fine revenue collected will be distributed to the DOH Administrative Trust Fund for use by certain trauma centers and emergency medical services organizations, of which the total amount is indeterminate.

VI. Technical Deficiencies:

The bill does not prescribe a funding transfer scenario that would be necessary should less than \$200,000 in fines be collected the first year or less than \$50,000 in years two and three.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 286

INTRODUCER: Senator Fasano

SUBJECT: Vehicle Crashes Resulting in Personal Injury

DATE: October 25, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Abrams	Buford	TR	Favorable
2.	_____	_____	CJ	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill increases the severity of the crime of leaving the scene of a traffic crash which resulted in an injury to a person from a third-degree felony to a second-degree felony.

The bill substantially amends sections 316.027 and 921.0022, Florida Statutes.

II. Present Situation:

Duty to Remain at the Scene of an Accident

Section 316.027(1)(a), F.S., provides that the driver of any vehicle involved in a crash occurring on public or private property that results in the injury of any person must immediately stop the vehicle at the scene of the crash (or as close as possible) and remain at the scene until he or she has fulfilled the requirements of s. 316.062, F.S.¹ Any person who willfully violates this provision commits a third-degree felony.²

¹ Section 316.062, F.S., provides that a driver of a vehicle involved in a crash resulting in death or injury or damage to any vehicle or other property driven or attended by any person must provide his or her name, address, and vehicle registration number, and also a driver's license, to a police officer or other person involved in the crash. The driver of any vehicle involved in a crash must report the incident to the nearest police department. Also, if treatment is necessary, the driver must provide reasonable assistance in carrying or arranging the carrying of the injured person to a physician or the hospital.

² A third-degree felony is punishable by a term of imprisonment not exceeding 5 years and a maximum \$5,000 fine under ss. 775.082(3)(d) and 775.083(1)(c). The court may impose a more severe punishment for a habitual, violent, three-time violent, or career violent felony offender as described in s. 775.084, F.S.

III. Effect of Proposed Changes:

The bill increases the penalty for a driver of a vehicle involved in a crash that involves injury to a person who willfully leaves the scene of the accident. The bill heightens the penalty from a third-degree felony to a second-degree felony.³

The Offense Severity Ranking Chart of the Criminal Punishment Code in s. 921.0022(3)(e), F.S., is amended to reflect the increase from a third-degree felony to a second-degree felony for a violation of s. 316.027(1)(a), F.S. The offense remains a Level 5 offense.

The bill provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons convicted of violating s. 316.027(1)(a), Florida Statutes, are subject to the greater penalties associated with second-degree felonies instead of third-degree felonies. For example, the maximum punishment for a second-degree felony is 15 years of imprisonment and a \$10,000 fine while the maximum punishment for a third-degree felony is 5 years of imprisonment and a \$5,000 fine. According to the Department of Highway Safety and Motor Vehicles, an increased awareness of the law could deter people from leaving the scene of a traffic accident that resulted in an injury.⁴

³ A second-degree felony is punishable by a term of imprisonment not exceeding 15 years and a maximum \$10,000 fine under ss. 775.082(3)(c) and 775.083(1)(b). The court may impose a more severe punishment for a habitual, violent, three-time violent, or career violent felony offender as described in s. 775.084, F.S.

⁴ Florida Department of Highway Safety and Motor Vehicles, *Senate Bill 286 Bill Analysis* (October 25, 2011) (on file with the Senate Transportation Committee).

C. Government Sector Impact:

The Florida Department of Corrections believes that this bill may result in an increase of inmates sentenced to prison instead of supervision. Thus, the bill may impose costs to the state associated with hosting additional inmates and could have an impact on prison beds. The Criminal Justice Impact Conference has not yet met to consider the prison impact of SB 286.⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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

⁵ Florida Department of Corrections, *SB 286—Vehicle Crashes Resulting in Injury* (October 10, 2011) (on file with the Senate Transportation Committee).

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 334

INTRODUCER: Senator Bullard

SUBJECT: Bicycle Safety

DATE: October 26, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Eichin	Buford	TR	Favorable
2.			BC	
3.				
4.				
5.				
6.				

I. Summary:

This bill revises safety standard requirements for bicycle helmets worn by minor riders and passengers to require the helmets to meet certain federal safety standards. The use of helmets purchased before October 1, 2012, in compliance with current statutory standards will be permitted until January 1, 2016.

The bill also amends s. 316.2065(8), F.S., to allow law enforcement officers to issue bicycle safety brochures and verbal warnings to bicycle riders and passengers who violate bicycle lighting equipment standards in lieu of issuing a citation. At the discretion of the law enforcement officer, a bicycle rider who violates the bicycle lighting equipment standards may still be issued a citation and assessed a fine. However, the amendment requires the court to dismiss the charge against a bicycle rider for a first violation of this offense upon proof of purchase and installation of the proper lighting equipment.

II. Present Situation:

Current Helmet Requirements

Under current law, a bicycle rider or passenger who is less than 16 years of age must wear a bicycle helmet properly fitted and fastened securely by a strap. The helmet must meet the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the Department of Highway Safety and Motor Vehicles. The term “passenger” includes a child who is riding in a trailer or semi trailer attached to a bicycle. A law enforcement officer or school

crossing guard is specifically authorized to issue a bicycle safety brochure and a verbal warning to a rider or passenger who violates the helmet law. A law enforcement officer is authorized to issue a citation and the violator will be assessed a \$15 fine plus applicable court costs and fees. An officer may issue a traffic citation for a violation of this provision only if the violation occurs on a bicycle path or road. A court is required to dismiss the charge against a bicycle rider or passenger for a first violation of the provision upon proof of purchase of a bicycle helmet in compliance with the law. Further, a court is authorized to waive, reduce or suspend payment of any fine imposed for a violation of the helmet law.

Current Bicycle Lighting Requirements

Currently, every bicycle in use between sunset and sunrise must be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear, each exhibiting a red light visible from a distance of 600 feet to the rear. A bicycle or its rider may be equipped with lights or reflectors in addition to those required by law. Violation of bicycle lighting requirements is a non-criminal traffic infraction punishable as a pedestrian violation by a \$15 fine plus applicable court costs and fees.

Law enforcement officers are authorized to issue noncriminal traffic citations for violations of s. 316.2065, F.S. Pedestrian and bicycle infractions overall accounted for 15,293 of the 4.3 million tickets issued statewide in 2010.¹

Standards for Bicycle Helmet Manufacturing

Nearly 17 years ago, the United States Congress passed the Child Safety Protection Act of 1994, requiring the Consumer Product Safety Commission (CPSC) to develop mandatory bicycle helmet standards. The CPSC published 16 CFR Part 1203 in March, 1998 to apply to all helmets manufactured since March, 1999. The rule mandates several performance requirements related to impact protection, children's helmets head coverage, and chin strap strength and stability. Helmets meeting the requirements display a label indicating compliance with the standards.

III. Effect of Proposed Changes:

This bill amends bicycle helmet regulations effective October 1, 2012, to require compliance with the federal safety standard for bicycle helmets contained in 16 C.F.R., part 1203. Helmets purchased prior to October 1, 2012, in compliance with the existing statutory standards may continue to be worn legally by riders or passengers until January 1, 2016.

The bill also amends s. 316.2065(8), F.S., to allow law enforcement officers to issue bicycle safety brochures and verbal warnings to bicycle riders and passengers who violate bicycle lighting equipment standards in lieu of issuing a citation. At the discretion of the law enforcement officer, a bicycle rider who violates the bicycle lighting equipment standards may still be issued a citation and assessed a fine as described above. However, the bill requires the court to dismiss the against a bicycle rider for a first violation of this offense upon proof of purchase and installation of the proper lighting equipment.

¹ Department of Highway Safety and Motor Vehicles, *2010 Annual Report Uniform Traffic Citation Statistics* (September 1, 2011) available at http://www.flhsmv.gov/reports/2010UTCStats/2010_UTC.pdf, last accessed October 28, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Since the CPSC standards were established more than 10 years ago, the number of helmets not meeting the standards has diminished significantly. Further, the bill allows helmets purchased before the effective date to be used without penalty until 2016. The bill will likely have minimal fiscal impact to individuals since helmets not meeting current standards are difficult to obtain and existing non-compliant helmets are likely to have already been replaced.

The provisions of the bill allowing a law enforcement officer to issue a warning and safety brochure in lieu of a citation to cyclists who violate bicycle lighting requirements will likely result in fewer fines being levied against violators.

C. Government Sector Impact:

Although there is likely to be a small reduction in revenues accruing from fines levied for bicycle lighting violations, there is a likely positive yet indeterminate fiscal impact due to a presumed reduction of public health costs associated with an increase in compliance of both the helmet and lighting requirements.

The bill does not provide for the printing of bicycle safety brochures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 388

INTRODUCER: Senator Latvala

SUBJECT: Recreational Vehicle Dealers

DATE: October 20, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Buford	TR	Pre-meeting
2.	_____	_____	BC	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill amends s. 320.771, F.S., to specify circumstances under which a recreational vehicle (RV) dealer may apply for a certificate of title to an RV using a manufacturer’s statement of origin. The bill provides that RV dealers may apply for a certificate of title on RVs within a given line-make only if:

- The dealer is authorized by a manufacturer/dealer agreement, as defined in s. 320.3202, F.S., on file with the Department of Highway Safety and Motor Vehicles (DHSMV or department), to buy, sell, or deal in that line-make, and
- The dealer is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on that line-make.

This bill substantially amends s. 320.771, F.S.

II. Present Situation:

Section 320.771, F.S., requires recreational vehicle dealers to be licensed by DHSMV, and provides a number of regulations for RV dealers relating to dealer licensing and RV titling. Currently, s. 320.771, F.S., provides no specific guidance to DHSMV regarding the authorization of an RV dealer to apply for a title for certain RVs by providing a manufacturer’s statement of origin to the department.

According to DHSMV, as of September 30, 2011, the department has issued licenses to 117 RV manufacturers, distributors or importers, and 84 RV dealers. These manufacturers, distributors or importers are licensed for particular line-make(s) and most of them have more than one model

under each line-make. The department authorizes the sale of models under each line-make by an agreement signed by both the dealer and manufacturer.

III. **Effect of Proposed Changes:**

The bill amends s. 320.771, F.S., to specify circumstances under which a RV dealer may apply for a certificate of title to an RV using a manufacturer's statement of origin. The bill provides that RV dealers may apply for a certificate of title on RVs within a given line-make only if:

- The dealer is authorized by a manufacturer/dealer agreement, as defined in s. 320.3202, F.S., on file with DHSMV, to buy, sell, or deal in that line-make, and
- The dealer is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on that line-make.

Other Potential Implications:

Dealers will be required to have a manufacturer/dealer agreement specifying each model they are authorized to buy, sell, or deal within a specific line-make. Dealers will be able to apply for titles only if the dealer is authorized for a specific model.

Dealers having a manufacturer/dealer agreement will be able to open an establishment within the same geographic area as an existing dealer. The new dealer may only be authorized to buy, sell, or deal in specific models that the existing dealer is not authorized to buy, sell or deal in within a specific line-make. This could place some dealers at a competitive disadvantage, especially if they are in the same geographic area selling the same line-make but different models.¹

IV. **Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

¹ Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 388*, (October 12, 2011, on file with the Transportation Committee).

B. Private Sector Impact:

According to DHSMV, there is an indeterminate fiscal impact. Dealers having a manufacturer/dealer agreement will be able to open an establishment within the same geographic area as an existing dealer. The new dealer may only be authorized to buy, sell, or deal in specific models that the existing dealer is not authorized to buy, sell or deal in within a specific line-make. This would place some dealers at a competitive disadvantage, especially if he or she is in the same geographic area selling the same line-make but different models.

C. Government Sector Impact:

According to the department, programming will be required to capture all brand or model names under a line-make for each of the manufacturers and their associated recreational vehicle dealers. This would require Information Systems Administration (ISA) to:

- Provide additional fields in the line-make code table in the Florida Real-Time Vehicle Information System (FRVIS) to capture the brands or models under a line-make for a manufacturer, importer, or distributor.
- Provide a drop down box of brands or models under a line-make to select from while licensing new franchise dealers.
- Provide a method to add the brands under a line-make for existing franchise dealers.
- Enhance existing reports on manufacturers and dealers for particular line-makes to also be generated by models.²

Programming costs to implement the provisions of this bill will be absorbed within existing resources.

In addition, capturing the brands under a line-make for a licensed manufacturer and its associated dealers will be great assistance to the department to ensure that the correct brands stated in the single franchise agreement for the dealer are being sold.³

VI. Technical Deficiencies:

None.

VII. Related Issues:

In order to allow sufficient time for implementation of necessary programming modifications, the department recommends the effective date of the bill be changed to October 1, 2012.

² *Id.*

³ *Id.*

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 390

INTRODUCER: Senator Bogdanoff

SUBJECT: Bicycle Regulations

DATE: October 26, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Abrams	Buford	TR	Favorable
2.	_____	_____	BC	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Section 316.2065(5), F.S., is amended to clarify situations in which a bicyclist is not required to ride in the marked bicycle lane (if such a lane is present) or as close as practicable to the right-hand curb or edge of the roadway. The amendment explains that a bicyclist is exempt from this requirement when a “potential conflict” or a turn lane interrupts the roadway or bicycle lane.

This bill removes the requirement in s. 316.2065(7), F.S., to keep at least one hand on a handlebar while operating a bicycle.

The bill amends s. 316.2065(8), F.S., to allow law enforcement officers to issue bicycle safety brochures and verbal warnings to bicycle riders and passengers who violate bicycle lighting equipment standards in lieu of issuing a citation. At the discretion of the law enforcement officer, a bicycle rider who violates the bicycle lighting equipment standards may still be issued a citation and assessed a fine. However, the amendment requires the court to dismiss the charge against a bicycle rider for a first violation of this offense upon proof of purchase and installation of the proper lighting equipment.

This bill substantially amends ss. 316.2065 and 322.27 of the Florida Statutes.

II. Present Situation:

Operating Procedures

Bicyclists are considered vehicle operators; they are required to obey the same rules of the road as other vehicle operators, including obeying traffic signs, signals, and lane markings.¹ Each year, more than 500,000 people in the US are treated in emergency departments, and more than 700 people die as a result of bicycle-related injuries.² In 2009, 630 pedalcyclists³ were killed and an additional 51,000 were injured in motor vehicle traffic crashes. Pedalcyclist deaths accounted for two percent of all motor vehicle traffic fatalities, and made up two percent of all the people injured in traffic crashes during the year.⁴

Section 316.2065, F.S., requires bicyclists on the roadway to ride in the marked bicycle lane if the roadway is marked for bicycle use or if no lane is marked, as close as practicable to the right-hand curb or edge of the roadway, with the following exceptions:

- When overtaking and passing another bicycle or vehicle moving in the same direction;
- When preparing to turn left; or
- When “reasonably necessary” to avoid unsafe conditions such as fixed objects, surface hazards, parked vehicles, etc.

Section 316.2065(7), F.S., specifies that operators of a bicycle must keep at least one hand upon the handlebars. Violators of this section are subject to a general civil traffic violation for pedestrian/bicycle infractions. The base fine is \$15 plus \$8.50 in required fees. Other fees depend upon the county in which the violation occurs, either because only certain counties are eligible to assess the fee by statute or because the option and amount is determined by ordinance.⁵ The total cost of the violation generally varies between \$56.50 and \$82.50.⁶

Current Bicycle Lighting Requirements

Currently, every bicycle in use between sunset and sunrise must be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear, each exhibiting a red light visible from a distance of 600 feet to the rear. A bicycle or its rider may be equipped with lights or reflectors in addition to those required by law. Violation of bicycle lighting requirements is a non-criminal traffic infraction punishable as a pedestrian violation by a \$15 fine plus applicable court costs and fees.

¹ U.S. Department of Transportation, National Highway Traffic Safety Administration, Traffic Safety Facts: 2009 Data, available at <http://www-nrd.nhtsa.dot.gov/Pubs/811386.pdf>, (Last visited on October 25, 2011).

² Bicycle Related Injuries, Centers for Disease Control and Prevention, available at <http://www.cdc.gov/HomeandRecreationalSafety/bikeinjuries.html>, (Last visited on October 25, 2011).

³ The term pedalcyclists includes operators of two-wheel nonmotorized vehicles, tricycles, and unicycles powered solely by pedals. *Supra* note 1.

⁴ *Supra* note 1.

⁵ These fees are authorized by ss. 318.1215, 318.18, 938.15, and 938.19, F.S.

⁶ Florida Association of Court Clerks and Comptrollers, *Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs, and Fines Effective July 2010*, 15 (July 24, 2010), http://www.flclerks.com/Pub_info/2010_Pub_Info/2010_Distribution_Schedule_of_Court_Related_Funds_FACC_0610FIN_AL.pdf, (Last visited October 25, 2011).

Law enforcement officers are authorized to issue noncriminal traffic citations for violations of s. 316.2065, F.S. Pedestrian and bicycle infractions overall accounted for 15,293 of the 4.3 million tickets issued statewide in 2010.⁷

III. Effect of Proposed Changes:

Section 1 amends Section 316.2065(5), F.S., to clarify situations in which a bicyclist is not required to ride in the marked bicycle lane (if such a lane is present) or as close as practicable to the right-hand curb or edge of the roadway. The bill clarifies that a bicyclist is exempt from this requirement when a “potential conflict” or a turn lane interrupts the roadway or bicycle lane.

Section 1 removes the requirement for having at least one hand on the handlebars when operating a bicycle as specified in s. 316.2065(7), F.S. The section also renumbers subsections (8) through (20), F.S., and cross-references contained therein. According to the Florida Department of Transportation (FDOT) it is unsafe not to keep at least one hand on the handlebars when riding a bicycle. Because this regulatory change may disincentivise the safe operation of bicycles by some users, the FDOT believes it could result in an increased number of injuries due to bicycle accidents and an increase in related personal injury costs and possibly litigation costs.⁸ The Florida Department of Highway Safety and Motor Vehicles (HSMV) likewise believes that the change “will result in bicycles being operated in a less safe manner, which could increase bicycle accidents.”⁹

Section 1 also amends s. 316.2065(8), F.S., to allow law enforcement officers to issue bicycle safety brochures and verbal warnings to bicycle riders and passengers who violate bicycle lighting equipment standards in lieu of issuing a citation. At the discretion of the law enforcement officer, a bicycle rider who violates the bicycle lighting equipment standards may still be issued a citation and assessed a fine as described above. However, the bill requires the court to dismiss the against a bicycle rider for a first violation of this offense upon proof of purchase and installation of the proper lighting equipment.

Section 2 amends cross-references in s. 322.27, F.S., to reflect the renumbering of s. 316.2065(7) done in Section 1.

Section 3 provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

⁷ Department of Highway Safety and Motor Vehicles, *2010 Annual Report Uniform Traffic Citation Statistics* (September 1, 2011) available at http://www.flhsmv.gov/reports/2010UTCStats/2010_UTC.pdf, last accessed October 28, 2011.

⁸ E-mail from Florida Department of Transportation, March 15, 2011 (on file with the Senate Transportation Committee).

⁹ Department of Highway Safety and Motor Vehicles, *Senate Bill 390 Bill Analysis* (October 20, 2011) (on file with the Senate Transportation Committee).

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

According to the HSMV, this change will result in bicycles being operated in a less safe manner and could increase bicycle accidents.¹⁰

The bill may cause an increase in bicyclists purchasing lighting and/or reflective equipment to comply with the provisions of this bill. Violators may be subject to a fine for failure to comply with the provisions of this bill.¹¹

C. Government Sector Impact:

The HSMV states that the state and local governments may see additional revenues as a result of possible fines for pedestrian violations.¹²

There may be additional costs for increased emergency medical services if bicycle-related accidents increase.¹³

The bill does not provide for the printing of bicycle safety brochures. However, profits from the Florida "Share the Road" specialty tag program inure to the benefit of the Florida Bicycle Association¹⁴ and Bike Florida.¹⁵ These organizations use a portion of these proceeds to create educational materials and may be able to provide the requisite number of bicycle safety brochures.

VI. Technical Deficiencies:

None.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ Florida Bicycle Association, <http://www.floridabicycle.org/programs/sharetheroad.html>, last accessed November 1, 2011.

¹⁵ Bike Florida, Inc., <http://www.bikeflorida.org/about.php>, last accessed November 1, 2011.

VII. Related Issues:

In order to allow sufficient time for implementation of necessary programming modifications, the department recommends the effective date of the bill be changed to October 1, 2012.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Criminal Justice, *Chair*
Transportation, *Vice Chair*
Budget - Subcommittee on Criminal and Civil Justice
Appropriations
Budget - Subcommittee on Transportation, Tourism,
and Economic Development Appropriations
Communications, Energy, and Public Utilities
Reapportionment
Rules - Subcommittee on Ethics and Elections

SENATOR GREG EVERS

2nd District

October 31, 2011

Senator Jack Latvala, Chair
Committee on Transportation
410 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Senator Latvala,

Please excuse my absence from the Committee on Transportation meeting scheduled for 10:30am on Tuesday November 1, 2011. I have a personal issue that requires my attention in the district.

Sincerely,

A handwritten signature in cursive script that reads "Greg Evers".

Greg Evers

Cc: Rivers H. Buford III

REPLY TO:

- 598 North Ferdon Boulevard, Crestview, Florida 32536 (850) 689-0556
- 5224 Willing Street, Milton, Florida 32570 (850) 983-5550
- 24 North Tarragona, Pensacola, Florida 32502 (850) 595-0213
- 308 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5000

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Health Regulation, *Chair*
Agriculture
Budget - Subcommittee on Health and Human Services
Appropriations
Governmental Oversight and Accountability
Reapportionment
Transportation

SENATOR RENE GARCIA

40th District

Octoberber 28, 2011

The Honorable Jack Latvala
410 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Latvala:

Do to unforeseen circumstances; I will not able to attend Tuesday morning's Transportation Committee meeting. Please do not hesitate to contact my office if you have any questions. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "René García".

State Senator René García
District 40

CC: Rivers Buford III, Staff Director

REPLY TO:

- 3814 West 12th Avenue, Hialeah, Florida 33012 (305) 824-5058
- 310 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5106

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/1/2011

Meeting Date

✓
388

Bill Number (if applicable)

Topic Vehicle dealers

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH

Phone 727-897-9291

Street
SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

For officially noticed committee meetings, pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.
If designated employee:
Time: from _____ to _____

This form is part of the public record for this meeting.

S-001 (08/24/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/1/11

Meeting Date

✓

Topic Recreational vehicle dealers

Bill Number 388 (if applicable)

Name Steven Fiddler

Amendment Barcode _____ (if applicable)

Job Title Leg Aff Adm.

Address 200 Apalachee Pkwy

Phone 917-3195

Street
Tall FL
City State Zip

E-mail _____

Speaking: For Against Information

Representing DHS MV

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/1/11
Meeting Date

Topic Recreational vehicle dealers

Bill Number 388
(if applicable)

Name Josh Aubuchon

Amendment Barcode _____
(if applicable)

Job Title Attorney

Address 215 S. Monroe St., Suite 200
Street

Phone 222-3533

Tallahassee FL 32301
City State Zip

E-mail josh@penningtonlaw.com

Speaking: For Against Information

Representing Florida RV Trade Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver to Senator or Senate Professional Staff conducting the meeting)

11/1/2011
Meeting Date

7022
Bill Number *(if applicable)*

Topic Designations

Amendment Barcode *(if applicable)*

Name BRIAN PITTS

Job Title TRUSTEE

Address 1119 NEWTON AVE SOUTH
Street

Phone 727/897-9291

Saint Petersburg florida 33705
City State Zip

E-mail justice2jesus@yahoo.com

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

For officially noticed committee meetings, pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee:

Time: from _____ to _____

This form is part of the public record for this meeting.

S-001 (04/19/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver to Senator or Senate Professional Staff conducting the meeting)

11/1 /2011
Meeting Date

196
Bill Number (if applicable)

Topic child safety

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title TRUSTEE

Address 1119 NEWTON AVE SOUTH

Phone 727/897-9291

Street
Saint Petersburg
City florida 33705
State *Zip*

E-mail justice2jesus@yahoo.com

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

For officially noticed committee meetings, pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.
If designated employee:
Time: from _____ to _____

This form is part of the public record for this meeting.

S-001 (04/19/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/1 /2011
Meeting Date

390
Bill Number (if applicable)

Topic Bicycle Regulations

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH

Phone 727-897-9291

Street
SAINT PETERSBURG
City FLORIDA 33705
State *Zip*

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

For officially noticed committee meetings, pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.
If designated employee:
Time: from _____ to _____

This form is part of the public record for this meeting.

S-001 (08/24/11)

CourtSmart Tag Report

Room: LL 37
Caption: Transportation

Case:
Judge:

Type:

Started: 11/1/2011 10:34:21 AM
Ends: 11/1/2011 11:46:50 AM Length: 01:12:30

10:34:32 AM Roll Call, Administrative Assistant
10:35:32 AM Pledge of Allegiance
10:35:43 AM Comments from the Chair
10:35:52 AM Senate Bill 390, Senator Bogdanoff
10:36:19 AM Comments from Chairman Latvala
10:36:51 AM Question from Senator Bullard
10:37:10 AM Comment from Senator Bogdanoff
10:37:38 AM Question from Senator Bullard
10:38:10 AM Answer from Senator Bogdanoff
10:38:30 AM Comment from Chairman Latvala
10:38:46 AM First Speaker - Mike Lasche', FL Walks and Bikes, waived
10:39:43 AM Second Speaker - Brian Pitts, Justice-2-Jesus
10:41:49 AM Comments from Chairman Latvala
10:42:03 AM Senator Bogdanoff closed on bill
10:42:14 AM Roll call by the Administrative Assistant
10:42:30 AM SB 390 reported favorably
10:42:44 AM Senate Bill 286 - Senator Fasano
10:43:18 AM Question from Senator Joyner
10:43:45 AM Answer from Senator Fasano
10:44:00 AM Follow-up question by Senator Joyner
10:44:40 AM Answer from Senator Fasano
10:45:36 AM Follow-up question from Senator Joyner
10:46:07 AM Answer from Senator Fasano
10:46:52 AM Comment from Senator Joyner
10:47:07 AM Comments from Senator Bullard
10:47:51 AM Answer from Senator Fasano
10:49:10 AM Comments from Chairman Latvala
10:49:34 AM Comment from Senator Fasano
10:49:43 AM Comment from Senator Bullard
10:50:55 AM Comments from Senator Joyner
10:51:14 AM Welcome to committee, Senator Gibson from Chairman Latvala
10:51:24 AM Question from Senator Gibson
10:51:55 AM Answer from Senator Fasano
10:52:27 AM Comments from Senator Benacquisto
10:53:20 AM Answer from Senator Fasano
10:54:28 AM Comments from Senator Storms
10:55:51 AM Comment from Senator Latvala
10:56:02 AM Senator Fasano waived closure
10:56:17 AM Senate Bill 286 reported favorably
10:56:32 AM Senate Bill 244 passed until next meeting
10:57:06 AM Senator Storms voted favorably for SB 390
10:57:31 AM Senate Bill 226 presented by House sponsor, Representative Julian
10:58:56 AM Comments from the chair
10:59:11 AM Question from Senator Bullard
10:59:47 AM Answer from the Representative
10:59:56 AM Question from Senator Gibson
11:00:17 AM Answer from the Representative
11:00:30 AM Speaker - Jess McCarty waived in support
11:00:41 AM Question from Senator Joyner
11:01:12 AM Answer from the Representative
11:01:25 AM Comment from Senator Storms
11:02:10 AM Comments from the Chair

11:02:20 AM Roll call, Administrative Assistant
11:02:38 AM SB226 reported favorably
11:02:53 AM SB 196, Senator Altman
11:04:30 AM Question from Senator Bullard
11:05:20 AM Answer from Senator Altman
11:05:51 AM Follow-up question from Senator Bullard
11:06:42 AM Answer from Senator Altman
11:08:07 AM Speakers, H.Lee Moffitt, Leslie Kroeger, Rebecca O'Hara, Sam Bell, Wendy Hedrick waived in support
11:09:09 AM Comments by Brian Pitts, Justice-2-Jesus
11:10:12 AM Comments from the Chair
11:10:25 AM Comments from Senator Benacquisto
11:10:41 AM Sen. Altman waived closure
11:10:48 AM Roll call by the Administrative Assistant
11:11:00 AM SB196 reported favorably
11:11:13 AM Comment from the Chair, Senators Evers and Norman are on excused absences
11:11:42 AM SB 334, Senator Bullard
11:13:54 AM Comment by the Chairman
11:14:15 AM Mike Lasche' and Brian Pitts waived
11:14:26 AM Sen. Bullard waived closure
11:14:35 AM Roll Call - Administrative Assistant
11:14:43 AM SB334 reported favorably
11:14:57 AM SPB 7022, Proposed Committee Bill, Niki Davis committee analyst
11:16:41 AM Comment from the Chair - Handwritten Amendment from Senator Joyner
11:17:06 AM Comments from Senator Joyner regarding Amendment
11:18:19 AM Question from Senator Bullard
11:21:32 AM Comments from the Chair
11:21:39 AM Comments from Senator Gibson
11:22:53 AM Comments from the Chairman regarding the Amendment - passed
11:23:23 AM Comments from Senator Gibson
11:23:42 AM Comments from Senator Latvala
11:23:58 AM Comments from committee analyst Kurt Eichin
11:24:56 AM Comments from Chairman Latvala
11:26:23 AM Comments from Senator Bullard
11:27:47 AM Comments from Chairman Latvala
11:27:57 AM Comments from Senator Norman
11:28:19 AM Comments from Chairman Latvala
11:28:57 AM Speaker - Brian Pitts, Justice-2-Jesus
11:31:12 AM Comments from Senator Bullard
11:31:33 AM Senator Storms moves that the committee move on the bill
11:31:51 AM Roll call, Administrative Assistant
11:32:04 AM Chairman Latvala passed chair to Senator Wise that he may present his bill
11:32:22 AM SB 388 by Senator Latvala
11:33:09 AM Comments from Senator Wise
11:33:20 AM First Speaker - Brian Pitts, Justice-2-Jesus
11:35:52 AM Comments from Senator Gibson
11:36:24 AM Comments from Brian Pitts
11:37:51 AM 2nd Speaker, Steven Fielder, Legislative Director, Department of Highway Safety and Motor Vehicle
11:39:01 AM Question from Senator Joyner
11:39:34 AM Comments from Senator Wise
11:39:41 AM Josh Aubuchon - waived in support
11:40:11 AM Question from Senator Joyner
11:40:28 AM Comments from Josh Aubuchon
11:41:23 AM Question from Senator Bullard
11:42:34 AM Comments from Senator Latvala
11:43:21 AM Comments from Senator Bullard
11:45:14 AM Comments from Chairman Wise
11:45:43 AM Senator Latvala waived closure
11:45:50 AM Roll Call, Administrative Assistant
11:46:05 AM Chairman Wise, Bill, 388 passed
11:46:24 AM Comments from Chairman
11:46:33 AM Senator Benacquisto moved adjournment