

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 Committee on Rules

BILL: CS/CS/SB 858

INTRODUCER: Commerce and Tourism Committee; Community Affairs Committee; and Senator Steube and others

SUBJECT: Time Observances

DATE: February 22, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Present</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/CS</u>
2.	<u>Harmsen</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
3.	<u>Present</u>	<u>Phelps</u>	<u>RC</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 858 creates the Sunshine Protection Act (the Act), which provides that the Legislature intends to adopt daylight saving time as the year-round standard time if the United States Congress amends 15 U.S.C. s. 260a, relating to Daylight Saving Time (DST).

II. Present Situation:

History of Daylight Saving Time in the United States¹

Railroads in the United States and Canada instituted standard time in 1883, but standard time was not established in law until the Act of March 19, 1918, sometimes called the Standard Time Act or the Calder Act. The Standard Time Act also established DST. DST was repealed in 1919, but standard time in time zones remained in law. At that point, DST became a local matter. It was re-established nationally early in World War II, and was continuously observed from February 9, 1942 to September 30, 1945. After World War II, the use of DST varied among states and localities.

The Uniform Time Act of 1966 standardized the beginning and the end of daylight time in the U.S., but allowed for local exemptions from its observance. The Uniform Time Act provides that

¹ United States Naval Observatory, *Daylight Time*, available at http://aa.usno.navy.mil/faq/docs/daylight_time.php (last visited Feb. 12, 2018).

DST begins on the last Sunday in April and ends on the last Sunday in October, with the changeover to occur at 2 a.m. local time. Specifically, clocks are moved forward from 2 a.m. to 3 a.m. in spring, and they are moved back from 2 a.m. to 1 a.m. in fall.

States are not required to observe DST, but if a state chooses to observe DST, it must begin and end on the federally mandated dates. Individual states may exempt themselves from DST and observe standard time² year-round by passing a state law if:

- The state lies entirely within a single time zone, and the exemption applies statewide; or
- The state is divided by a time zone boundary, and the exemptions applies either statewide or to the entire part of the state on one side of the time zone boundary.

Currently, Hawaii, most of Arizona,³ several United States commonwealths and territories,⁴ and various Native American nations⁵ are exempt from DST.

The U.S. Department of Transportation states that DST saves energy, saves lives, prevents traffic injuries, and reduces crime.⁶

Currently, Florida law does not address DST. However, section 1.02, F.S., states that with regard to any act by an officer or department in Florida, “it shall be understood and intended that the...time shall be the United States standard time of the zone within which the act is to be performed...”

Benefits and Drawbacks of Daylight Savings Time

An extension of DST by 4 weeks in 2007 allowed researchers to study the benefits of DST. One study found that robberies decreased during DST by seven percent, which researchers estimated translated into \$59 million per year in avoided social costs.⁷ The effect of DST on energy use is more controversial. One study, based on Indiana’s residential utility use, found that DST resulted in a one percent overall increase in electricity demand.⁸ Conversely, a U.S. Department of Energy (DOE) study found a 0.5 percent, per day decrease in electricity use during DST. The DOE study also found that “some southern portions of the United States exhibited slightly

² Standard time is the official time in the United States, as determined by two federal agencies: the National Institute of Standards and Technology (NIST), an agency within the U.S. Department of Commerce; and its military counterpart, the United States Naval Observatory (USNO). The clocks run by these services are kept synchronized with each other as well as with those of other international timekeeping organizations. See <http://www.usno.navy.mil/USNO/time> and <https://www.nist.gov/pml/time-and-frequency-division> for more information (last visited Feb. 12, 2018).

³ Native American nations within Arizona have the right to use or opt out of DST. The Navajo Nation, which includes land in Arizona, New Mexico, and Utah, has chosen to use DST.

⁴ The commonwealths of the Northern Mariana Islands and Puerto Rico, and the territories of American Samoa, Guam, and the U.S. Virgin Islands do not observe DST.

⁵ The Navajo Nation observes DST, but the Hopi Nation does not.

⁶ U.S. Department of Transportation, *Purpose of Daylight Saving Time*, available at <https://www.transportation.gov/regulations/daylight-saving-time> (last visited Feb. 12, 2018).

⁷ Jennifer Doleac and Nicholas Sanders, The Brookings Institution, *Fighting Crime With Daylight Savings Time* (Oct. 29, 2015), available at <https://www.brookings.edu/blog/brookings-now/2015/10/29/fighting-crime-with-daylight-saving-time/> (last visited Feb. 12, 2018).

⁸ Matthew Kotchen and Laura Grant, National Bureau of Economic Research, *Does Daylight Saving Time Save Energy? Evidence From a Natural Experiment in Indiana* (Oct. 2008), available at <http://www.nber.org/papers/w14429.pdf> (last visited Feb. 12, 2018).

smaller impacts of extended DST on energy savings compared to the northern regions due to a small, offsetting increase in household air conditioning usage.”⁹

III. Effect of Proposed Changes:

Section 1 provides that the Legislature intends to adopt DST as the year-round standard time in the entire state of Florida and all of its political subdivisions if the United States Congress amends 15 U.S.C. s. 260a.

Section 2 provides an effective date of July 1, 2018.

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:

There may be indeterminate costs to reprogram computers and other electronic devices to eliminate the automatic changing of the clocks. However, these costs are likely to be insignificant.

C. Government Sector Impact:

There may be indeterminate costs to reprogram computers and other electronic devices to eliminate the automatic changing of the clocks. However, these costs are likely to be insignificant.

VI. Technical Deficiencies:

None.

⁹ U.S. Department of Energy, *Impact of Extended Daylight Saving Time on National Energy Consumption* (Oct. 2008), available at https://energy.gov/sites/prod/files/2015/05/f22/epact_sec_110_edst_report_to_congress_2008.pdf (last visited Feb. 12, 2018).

VII. Related Issues:

The bill expresses a future intent, but does not require that Florida switch to DST year-round upon congressional amendment of 15 U.S.C. s. 260a. The Legislature cannot bind a future Legislature by effect of law.¹⁰ Therefore, the bill is a nonbinding declaration of legislative intent.

VIII. Statutes Affected:

This bill creates one unnumbered section of the Florida Statutes.

IX. Additional Information:

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

CS/CS by Commerce and Tourism Committee on February 12, 2018:

- Removes the portion of the bill that requires the Florida Legislature to request to redesignate the portions of Florida that currently lie within the Central Time Zone to Eastern Time Zone.

CS by Community Affairs Committee on January 23, 2018:

- Provides that it is the intent of the Legislature to adopt DST as the year-round standard time in Florida if the United States Congress amends 15 U.S.C. s. 260a.
- Provides that the Florida Legislature shall submit a request to the Secretary of the United States Department of Transportation to initiate rulemaking to redesignate the portions of Florida that currently lie within the Central Time Zone to the Eastern Time Zone.

- B. **Amendments:**

None.

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

¹⁰ *Neu v. Miami Herald Pub. Co.*, 462 So. 2d 821, 824 (Fla. 1985).