

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 Transportation

BILL: SB 1646

INTRODUCER: Senator Torres

SUBJECT: Hit-and-Run Alerts

DATE: March 23, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	Pre-meeting
2.			ATD	
3.			AP	

I. Summary:

SB 1646 authorizes the use of dynamic message signs located along the state’s highways to post alerts containing certain information about a hit-and-run incident resulting in serious bodily injury to a pedestrian to assist law enforcement in apprehending a suspect.

The bill appears to have no significant fiscal impact on state or local government.

The bill takes effect July 1, 2017.

II. Present Situation:

The Florida Department of Transportation (FDOT) defines the term, “dynamic message signs,” also known as changeable or variable message signs, as “programmable traffic control devices that display messages composed of letters, symbols or graphics, or both.”¹ The primary purpose of these signs is to provide information to travelers about changing highway conditions. The signs may inform drivers of a need to change travel speed, change lanes, take a different route, or to otherwise be aware of changing traffic conditions.² However, Florida law currently authorizes AMBER Alerts, Silver Alerts, and Blue Alerts to be displayed on dynamic message signs.

Section 937.021, F.S., directs law enforcement agencies in this state to adopt written policies that specify the procedures to be used to investigate reports of missing children and missing adults.

¹ See the FDOT’s *Guidelines for the Use of Dynamic Message Signs on the Florida State Highway System*, at 3., available at: http://www.fdot.gov/traffic/ITS/Projects_Deploy/Special_Projects/080925%20DMS%20Guidelines_V1_4_final.pdf. (Last visited March 23, 2017.)

² *Id.*

A Missing Child Alert is intended to enable law enforcement to quickly communicate information when a child is missing and believed to be in life-threatening danger, but there is no indication that the child has been abducted. Local law enforcement contacts the FDLE, and the FDLE, working with the local agency, prepares information for distribution primarily to the public via text message and email.³

A Missing Child Alert may result in an AMBER Alert if investigation produces an indication that the child has been abducted.⁴ Ultimately, the appropriate FDOT Regional Transportation Management Center is responsible for displaying the AMBER Alert messages on the dynamic message signs. According to the Amber Plan Policy, the FDOT will display the message until the child is recovered or for a maximum of six hours, or unless a traffic emergency occurs that requires an individual or group of dynamic message signs to display a motorist safety message.⁵

A Silver Alert is intended to aid law enforcement in the rescue or recovery of a missing elderly person who suffers from irreversible deterioration of intellectual faculties. According to the FDLE, Silver Alerts are issued at both the local and state levels. A local Silver Alert is issued when the person is missing on foot. A state Silver Alert is issued when the missing person is in a vehicle. The FDLE ensures that the information is broadcast through highway dynamic message signs.⁶ Again, the appropriate FDOT Regional Transportation Management Center is ultimately responsible for displaying the Silver Alert messages on the dynamic message signs.⁷ According to the Silver Alert Plan Policy, the FDOT will display the message until the missing elderly person is recovered or rescued, or for a maximum of six hours, unless a traffic emergency occurs that requires an individual or group of dynamic message signs to display a motorist safety message.⁸

Dynamic message signs are also used to display Blue Alerts. These alerts use the technologies employed for Amber Alerts.⁹ At the request of a law enforcement agency, the FDLE must issue a Blue Alert if a law enforcement officer has been killed, has suffered serious bodily injury, or has been assaulted with a deadly weapon; or is missing while in the line of duty; and the suspect has fled the scene and poses an imminent threat to the public or to other law enforcement officers.¹⁰ The FDLE works with the FDOT's Regional Transportation Management Center, which is ultimately responsible for displaying the Blue Alert messages on the dynamic message signs. According to the FDLE, the FDOT will display the message until the offender is captured or for a maximum of six hours, unless a traffic emergency occurs that requires a motorist safety message to be displayed.¹¹

³ See the FDLE's website available at: <http://www.fdle.state.fl.us/cms/Amber-Plan/Missing-Child-Alert.aspx>. (Last visited March 23, 2017.)

⁴ See the Florida Department of Law Enforcement website available at: <https://www.fdle.state.fl.us/mcicsearch/MCApage.asp>. (Last visited March 23, 2017.)

⁵ Amber Policy, *supra* note 3.

⁶ See the FDLE website available at: <http://www.fdle.state.fl.us/cms/Silver-Alert-Plan/Activation-Steps.aspx>. (Last visited March 23, 2017.)

⁷ Silver Policy, *supra* note 3.

⁸ *Id.*

⁹ See the FDLE website available at: <http://floridabluealert.com/>. (Last visited March 23, 2017.)

¹⁰ Section 784.071, F.S.

¹¹ See the FDLE website available at: <https://www.fdle.state.fl.us/cms/Publications/Documents/Brochures/Florida-Blue-Alert-2012.aspx>. (Last visited March 23, 2017.)

III. Effect of Proposed Changes:

The bill creates s. 316.02703, F.S., relating to alerts for hit-and-run incidents involving serious bodily injury to a pedestrian. The bill defines the following terms for purposes of the newly created section:

- “Hit and run” means an incident in which the driver of a motor vehicle involved in an accident fails to stop at the scene of the accident.
- “Serious bodily injury” means injury to a person which involves, either at the time of the actual injury or at a later time, a substantial risk of:
 - Death;
 - Serious permanent disfigurement;
 - Protracted loss or impairment of the function of any part or organ of the body; or
 - Breaks, fractures, or burns of the second or third degree.

The bill authorizes use of dynamic message signs located along the state’s highways to post alerts containing information about a hit-and-run incident resulting in serious bodily injury to a pedestrian, to assist law enforcement in apprehending a suspect involved in the incident.

The information authorized by the bill for posting in such alerts includes, but is not limited to:

- A complete or partial license plate number of a suspect’s vehicle;
- The make, style, and color of the suspect’s vehicle; and
- The identity of the suspect.

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:

The bill may result in administrative expenses to state and local government. However, because policies and processes for display of various types of alerts on highway dynamic message signs are already in place, the bill appears to pose no significant fiscal impact on government.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 316.02703.

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

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

None.

B. Amendments:

None.