

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 838

INTRODUCER: Senator Collins

SUBJECT: Proceeds Funding Motorcycle Safety Education

DATE: March 17, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Vickers	TR	Pre-meeting
2.			ATD	
3.			AP	

I. Summary:

SB 838 reallocates \$1 from a \$2.50 annual fee provided to the Department of Highway Safety and Motor Vehicles (DHSMV) to ABATE of Florida, Inc., for a grassroots motorcycle driver improvement program, which consists of activities administered by the organization to increase awareness for all drivers and motorcycle safety for motorcycle operators. The bill authorizes ABATE of Florida, Inc., to use pamphlets, outdoor advertising, and personal contact with the public to enhance motorcycle awareness and safety. The organization must file an annual report to the Senate President and Speaker of the House of Representatives outlining the activities conducted and the number of individuals who had exposure to the materials.

Based on the current number of registered motorcycles, the bill may reallocate approximately \$650,670 annually from DHSMV to ABATE of Florida, Inc.

The bill takes effect July 1, 2023.

II. Present Situation:

Florida Rider Training Program

Upon annual registration of a motorcycle, motor-driven cycle, or moped, in addition to the license taxes,¹ a motorcycle safety education fee of \$2.50 is required. The proceeds of the additional fee are deposited into the Highway Safety Operating Trust Fund, and can be used by DHSMV for the Florida Motorcycle Safety Education Program established by s. 322.0255, F.S., or the general operations of the department.²

¹ The required license tax is \$10 for a motorcycle and \$5 for a moped. Section 320.08(1)(a) and (b), F.S.

² Section 320.08(1)(c), F.S.

Section 322.0255, F.S., requires the DHSMV to establish a Florida Motorcycle Safety Program, to be funded by the \$2.50 motorcycle safety education fee. This law requires the DHSMV to:

- Establish and administer motorcycle safety courses;
- Prescribe the curricula for such courses, which must include a minimum of 12 hours of instruction in which at least half consists of actual motorcycle operation; and
- Prescribe the qualifications for certification of instructors in the program.

Additionally, the DHSMV may approve organizations to conduct motorcycle safety courses determined to be comparable, fulfilling the DHSMV's training requirements.

Based on these requirements, the DHSMV created the Florida Rider Training Program (FRTP) to provide motorcycle safety training, course curriculum and the certification of instructors.³ The FRTP consists of nine statewide members that train, audit and perform quality assurance on the 67 training facilities, which provide educational opportunities for motorcyclists including training required for licensure and continuing education.⁴

According to DHSMV, the DHSMV focuses efforts on motorcycle safety through education, outreach, and enforcement activities, and provides motorcycle safety education by:⁵

- Participating on the Florida Motorcycle Safety Coalition⁶ as the subject matter experts regarding training and licensure of motorcycle riders in Florida.
- Updating the Driver License Handbook to incorporate motorcycle awareness and including several questions on the Driver License knowledge test regarding public interaction with motorcyclists.
- Conducting outreach in high schools throughout Florida providing information on motorcycle safety awareness.

As of February 5, 2023, there were 650,670 registered motorcycles in Florida.⁷ Based on the \$2.50 motorcycle safety education fee, the DHSMV collects approximately \$1,626,675 annually.

ABATE of Florida, Inc.

ABATE⁸ of Florida, Inc., is a nonprofit organization that lobbies and educates government and the public to promote safe motorcycling. ABATE of Florida created the "Motorcycle Safety Awareness Program" to educate the public and help prevent fatalities and crashes and to help save lives.⁹ According to their website, in 2008 a new video was added to the program, which is given to non-motorcyclists or any organization to educate them how to safely share the road with a motorcyclist, and is taught in local schools Drivers Education Programs, and civic

³ Rule 15A-12.001, F.A.C.

⁴ DHSMV, *2023 Agency Legislative Bill Analysis* (February 27, 2023).

⁵ *Id.*

⁶ The coalition is a group of statewide safety partners that meet quarterly to share the common goal of reducing fatalities of motorcycle riders and passengers, using data driven research to develop, implement and evaluate counter measures. See *Id.*

⁷ *Id.*

⁸ ABATE can stand for both "A Brotherhood Against Totalitarian Enactments" and "American Bikers Aiming Toward Education." ABATE of Florida, <https://www.abateflorida.com/> (last visited March 15, 2023).

⁹ ABATE of Florida, Inc., *Motorcycle Safety and Awareness (MSAP)*, <https://abatefloridainc.com/motorcycle-safety-program> (last visited March 15, 2023).

organizations at no charge in hope of reducing motorcycle fatalities and crashes through education not legislation.¹⁰

III. Effect of Proposed Changes:

The bill reallocates \$1 from every \$2.50 received by DHSMV for the Florida Motorcycle Safety Education Program to ABATE of Florida, Inc. The funds shall be paid quarterly. ABATE of Florida must use the funds for a grassroots motorcycle driver improvement program, which consists of activities administered by the organization to increase awareness for all drivers and motorcycle safety for motorcycle operators.

The bill authorizes ABATE of Florida to use pamphlets, outdoor advertising, and personal contact with the public to enhance motorcycle awareness and safety. The organization must file an annual report with the Senate President and Speaker of the House of Representatives outlining the types of activities ABATE of Florida conducted and the number of individuals who had exposure to the materials.

According to the DHSMV, this reduction in revenue to DHSMV's Florida Rider Training Program may require reducing staff, which may lead to decreased quality of the program and safety of the motorcycle riding population in Florida.¹¹

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

¹⁰ *Id.*

¹¹ DHSMV, 2023 Agency Legislative Bill Analysis (February 27, 2023).

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

None.

B. Private Sector Impact:

The bill will have a positive fiscal impact on ABATE of Florida, Inc., which will receive \$1 from every \$2.50 collected when a motorcycle is registered in the state. Based on the number of motorcycles registered in Florida, the organization will receive approximately \$650,670 annually.

C. Government Sector Impact:

The bill will have a negative fiscal impact on the DHSMV, which will receive less funds for the Florida Motorcycle Safety Education Program. DHSMV will receive approximately \$650,670 less in annual funding for this purpose.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The DHSMV recommends the following be added to the bill:

- Provide a 15 percent cap on funds ABATE of Florida may use on administrative expenses and define such administrative activities.
- Prohibit fees, or interest earned from the fees, from being used for the purpose of marketing to, or lobbying, entertaining, or rewarding, an employee of a governmental agency that is responsible for the Florida Motorcycle Safety Education Program or an elected member or employee of the Legislature.
- Require ABATE of Florida provide an annual attestation, under penalties of perjury, to the DHSMV that proceeds were used in compliance with law.
- Authorize DHSMV to discontinue and withhold fees when an attestation is not submitted or funds are not used in compliance with law.
- Authorize the DHSMV to examine all records pertaining to the use of motorcycle education fees by ABATE of Florida.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.08 and 322.025.

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.

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