

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 709 Proceeds Funding Motorcycle Safety Education

SPONSOR(S): Transportation & Modals Subcommittee

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Modals Subcommittee		Lewis	Hinshelwood

SUMMARY ANALYSIS

Under Florida law, upon the registration of a motorcycle, motor-driven cycle, or moped, in addition to the annual license tax, a nonrefundable motorcycle safety education fee of \$2.50 is collected. The proceeds of the additional fee are deposited into the Highway Safety Operating Trust Fund to fund a motorcycle driver improvement program implemented pursuant to s. 322.025 F.S.; the Florida Motorcycle Education Program established in s. 322.0255, F.S.; or the general operations of the Department of Highway Safety and Motor Vehicles (DHSMV).

The bill requires all proceeds from the motorcycle safety education fee to be used for one or more safety and education programs, including the programs under ss. 322.025 and 322.0255, F.S. The programs must be administered by DHSMV or by a private entity focused on promoting motorcycle safety and education in Florida. The bill authorizes any motorcycle safety and education program to include pamphlets, advertisements, public service announcements, digital media, social media, a website, participation in grassroots motorcycle events, advocacy, and reasonable administrative expenses.

The bill requires DHSMV or the private entity selected to submit an annual report to the President of the Senate and the Speaker of the House outlining the types of events offered, an outline of the methods used to distribute materials or expose the public to awareness programs, and an estimate of the number of individuals who were exposed to the educational efforts.

The bill has an indeterminate fiscal impact on state government and the private sector.

The bill takes effect October 1, 2023.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Florida Rider Training Program

Current Situation

Florida law provides that upon the registration of a motorcycle, motor-driven cycle, or moped, in addition to the annual license tax¹, a nonrefundable motorcycle safety education fee of \$2.50 is collected. The proceeds of the additional fee are deposited into the Highway Safety Operating Trust Fund to fund a motorcycle driver improvement program implemented pursuant to s. 322.025 F.S.; the Florida Motorcycle Education Program established in s. 322.0255, F.S.; or the general operations of the Department of Highway Safety and Motor Vehicles (DHSMV).²

Section 322.025, F.S., authorizes DHSMV to implement programs to improve the driving ability of Florida drivers. These programs include, but are not limited to, public safety awareness campaigns, driver training, and licensing improvement. Funds from the motorcycle safety education fee can be used for these programs when related to *motorcycle* driver improvement.³

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

- Establish and administer motorcycle safety courses.
- Prescribe the curricula for such courses, which must include a minimum of 12 hours of instruction, with a minimum of 6 consisting of actual motorcycle operation.
- Prescribe the qualifications for certification of instructors in the program.⁴

When prescribing the curricula, DHSMV has the ability to adopt or include courses, curricula, or materials developed by the Motorcycle Safety Foundation, or by other traffic safety groups, if determined to be comparable to DHSMV's requirements.⁵ Related to the certification of instructors, DHSMV can also include qualifications specified by the Motorcycle Safety Foundation, or by other traffic safety groups, determined to be comparable, and can recognize, for purposes of certification, comparable instructor training as fulfilling DHSMV's training requirements.⁶

DHSMV is authorized to enter into agreements with approved organizations to provide the motorcycle safety courses. Such agreements must include provisions for compensation to cover the costs of conducting the courses.⁷

To implement the requirements of the Florida Motorcycle Safety Education Program, DHSMV created the Florida Rider Training Program (FRTP) to provide motorcycle safety training, course curriculum, and the certification of instructors.⁸ The FRTP consists of 9 statewide members that train, audit, and perform quality assurance on the 67 training facilities across the state. The training facilities provide

¹ The annual license tax for a motorcycle is \$10 and \$5 for a moped, as stated in s. 320.08(1)(a) and (b), F.S.

² S. 320.08(1)(c), F.S.

³ S. 322.025, F.S.

⁴ Ss. 322.0255(2) and (3), F.S.

⁵ S. 322.0255(2), F.S.

⁶ S. 322.0255(3), F.S.

⁷ S. 322.0255(4), F.S.

⁸ R. 15A-12.001, F.A.C.

educational opportunities for motorcyclists, including the required training for licensure⁹ and continuing education.¹⁰

Additionally, DHSMV focuses efforts on motorcycle safety education, outreach, and enforcement activities by:

- Participating in the Florida Motorcycle Safety Coalition¹¹ as the subject matter experts regarding the training and licensure of motorcycle riders in Florida.
- Updating the Class E Driver License Handbook that incorporates motorcycle awareness and including questions on the Class E Driver License knowledge test regarding public interaction with motorcyclists.
- Conducting outreach in Florida high schools to provide information on motorcycle safety awareness.¹²

As of February 4, 2023, there were 650,670 registered motorcyclists in Florida. Based on the \$2.50 motorcycle safety education fee, the DHSMV collects approximately \$1,626,680. According to DHSMV, this money is used for the 9 FTE who monitor and regulate the FRTP Sponsors¹³ and to train the RiderCoaches¹⁴ that teach the motorcycle safety courses.¹⁵

Effect of the Bill

The bill requires all proceeds from the motorcycle safety education fee to be used for one or more safety and education programs, including the programs under ss. 322.025 and 322.0255, F.S. The programs must be administered by DHSMV or by a private entity selected by the department which is primarily focused on promoting motorcycle safety and education in Florida. The bill removes the ability for the motorcycle safety education fee to be used for the general operations of DHSMV.

The bill states that the purpose of any motorcycle safety or education program is to reduce motorcycle injuries and deaths in Florida. Any such program is authorized to include, but is not limited to, pamphlets, advertisements, public service announcements, digital media, social media, a website, participation in grassroots motorcycle events, advocacy, and reasonable administrative expenses.

The bill requires DHSMV or the private entity selected to submit an annual report to the President of the Senate and the Speaker of the House outlining the types of events offered, an outline of the methods used to distribute materials or expose the public to awareness programs, and an estimate of the number of individuals who were exposed to the educational efforts.

The bill takes effect October 1, 2023.

B. SECTION DIRECTORY:

Section 1: Amends s. 320.08, F.S., relating to motorcycle and moped license taxes.

⁹ The motorcycle safety programs train novice motorcycle riders so they can be endorsed to operate a motorcycle in accordance with ss. 322.03(4) and 322.12(5), F.S. Each first-time applicant for licensure to operate a motorcycle who is under 21 must complete a motorcycle education course and show proof of completion to the driver license examining office as provided in s. 322.0255(7), F.S.

¹⁰ Department of Highway Safety and Motor Vehicles Agency Analysis, *House Bill 709*, pg. 2 (Feb. 27, 2023).

¹¹ The Florida Motorcycle Safety Coalition is a group of statewide safety partners that meet quarterly to reduce fatalities of motorcycle riders and passengers, using data driven research to develop, implement, and evaluate counter measures. *Id.*

¹² *Id.*

¹³ R. 15A-12.002, F.A.C., defines "RiderCoach" as a FRTP Certified Rider Course Instructor, as established in r. 15A-12.007, F.A.C.

¹⁴ R. 15A-12.002, F.A.C., defines "Sponsor" as the individual or entity which provides or intends to provide Program services in Florida.

¹⁵ *Supra* note 10.

Section 2: Provides an effective date of October 1, 2023.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Indeterminate. DHSMV will no longer be able to utilize proceeds from the motorcycle safety education fee for general operations.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Indeterminate. Private entities focused on promoting motorcycle safety and education may benefit from the potential to be selected by DHSMV to administer the motorcycle safety and education programs.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES