

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 Appropriations

BILL: CS/CS/SB 838

INTRODUCER: Appropriations Committee; Transportation Committee; and Senator Collins

SUBJECT: Proceeds Funding Motorcycle Safety Education

DATE: April 27, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Vickers</u>	<u>TR</u>	Fav/CS
2.	<u>Wells</u>	<u>Jerrett</u>	<u>ATD</u>	Favorable
3.	<u>Wells</u>	<u>Sadberry</u>	<u>AP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 838 reallocates the \$2.50 annual fee provided to the Department of Highway Safety and Motor Vehicles (DHSMV) for motorcycle safety education to three Florida not-for-profit corporations that meet specified criteria.

The bill requires the DHSMV to select qualified program administrators and enter into five-year contracts by October 1, 2023, for motorcycle safety and education programs. The bill authorizes such programs to include pamphlets, advertisements, public service announcements, digital media, social media, a website, participation at grassroots motorcycle events, advocacy, and reasonable administrative expenses. Additionally, the contracts must require that each program administrator show clear collaboration during and prior to implementation of motorcycle safety and education programs.

The program administrator must file an annual report with the Senate President and Speaker of the House of Representatives outlining the types of events the program administrator attended, the methods selected to distribute safety awareness and education materials, and an estimate of the number of individuals who were exposed to the program administrator's educational efforts.

Based on the current number of registered motorcycles, the bill may reallocate approximately \$1,626,675 annually from the DHSMV to the selected not-for-profit corporation.

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 the DHSMV for the Florida Motorcycle Safety Education Program established by s. 322.0255, F.S., or the general operations of the department.²

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.

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.

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.*

III. Effect of Proposed Changes:

The bill reallocates the \$2.50 motorcycle safety education fee received by the DHSMV for the Florida Motorcycle Safety Education Program to three Florida not-for-profit corporations for a safety and education program. The bill requires the DHSMV to select, by October 1, 2023, and enter into five-year contracts with qualified program administrators to use the safety education fee to promote motorcycle safety and education for the purpose of reducing motorcycle injuries and deaths in Florida. The contracts must require that each program administrator show clear collaboration during and prior to implementation of motorcycle safety and education programs.

To be selected:

- The program administrators must be charities registered with the Department of Agriculture and Consumer Services.
- One of the program administrators must be:
 - A motorcycle grassroots organization that has actively worked with the Florida motorcycle community for at least 30 years with a history of actively advocating for motorcycle safety during that time period; and
 - Able to demonstrate membership geographically dispersed throughout the state of at least 5,000 members as of January 1, 2023.
- Two of the program administrators must be:
 - Motorcycle grassroots organizations that have been in existence for at least 20 years with an established history of advocating for motorcycle safety during that time period; and
 - Able to demonstrate membership geographically dispersed throughout the state of at least 1,000 members as of January 1, 2023.

The DHSMV shall transmit one-third of the funds to each program administrator quarterly beginning October 1, 2023, for motorcycle safety and education programs. The programs may include pamphlets, advertisements, public service announcements, digital media, social media, a website, participation at grassroots motorcycle events, advocacy, and reasonable administrative expenses. The DHSMV shall award the contracts to eligible entities even if a sufficient number of qualified entities have not applied.

The program administrators must file an annual report with the Senate President and Speaker of the House of Representatives, by July 31, outlining the types of events the program administrator attended, the methods selected to distribute safety awareness and education materials, an estimate of the number of individuals who were exposed to the program administrator's educational efforts, and specifying clear collaboration with any other program administrator during and prior to implementation of any safety education programs.

This bill eliminates funding for the DHSMV's Florida Rider Training Program. According to DHSMV, this may lead to decreased quality of the program and safety of the motorcycle riding population in Florida.⁸

The bill takes effect July 1, 2023.

⁸ DHSMV, *2023 Agency Legislative Bill Analysis* (February 27, 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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will have a positive fiscal impact on the selected organization, which will receive the \$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 \$1,626,675 annually.

C. Government Sector Impact:

The bill will have a negative fiscal impact on the DHSMV, which will no longer receive funding for the Florida Motorcycle Safety Education Program. Based on the number of motorcycles registered in Florida, the DHSMV will no longer receive approximately \$1,626,675 annually.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill eliminates the funding provided to the DHSMV for the Florida Motorcycle Safety Education Program, but does not remove the DHSMV's requirements to administer such

program pursuant to s. 322.0255, F.S. The bill does not specify use of the funds if there are not three program administrators qualified for such funding under the requirements of the bill.

The DHSMV recommends the following be added to the bill:

- Provide a 15 percent cap on funds the organization 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 the organization to provide an annual attestation, under penalties of perjury, to the DHSMV that proceeds were used in compliance with law.
- Authorize the 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.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.08 and 320.086.

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 Appropriations on April 25, 2023:

The committee substitute requires DHSMV to contract with three program administrators, instead of one, to utilize the motorcycle safety education fee and changes eligibility requirements for each program administrator. The bill specifies that DHSMV shall award the contracts to eligible entities even if a sufficient number of qualified entities have not applied, and each entity will receive one-third of the total fee.

CS by Transportation on March 20, 2023:

The CS reallocates the entire \$2.50 motorcycle safety education fee from DHSMV to an unnamed Florida not-for-profit corporation that meets specified criteria in the bill, instead of \$1 from the fee being reallocated to ABATE of Florida, Inc.⁹ The DHSMV is required to select a qualified program administrator and enter into a contract as specified in the bill by October 1, 2023.

⁹ ABATE of Florida, Inc., is a nonprofit organization that lobbies and educates government and the public to promote safe motorcycling. Its Motorcycle and Safety Awareness Program 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 organizations at no charge in hope of reducing motorcycle fatalities and crashes through education not legislation. ABATE of Florida, Inc., *Motorcycle Safety and Awareness (MSAP)*, <https://abatefloridainc.com/motorcycle-safety-program> (last visited March 15, 2023).

B. Amendments:

None.

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