

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2004

SPONSOR: Senator Dawson

SUBJECT: Funeral Vehicle Lights

DATE: April 8, 2003

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| 1. | <u>Davis</u> | <u>Meyer</u> | <u>TR</u> | <u>Favorable</u> |
| 2. | <u> </u> | <u> </u> | <u>CP</u> | <u> </u> |
| 3. | <u> </u> | <u> </u> | <u>RC</u> | <u> </u> |
| 4. | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| 5. | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| 6. | <u> </u> | <u> </u> | <u> </u> | <u> </u> |

I. Summary:

This bill amends s. 316.2397, F.S., to authorize vehicles used by funeral homes or members of the clergy to display purple flashing lights while in a funeral procession.

This bill substantially amends section 316.2397 of the Florida Statutes.

II. Present Situation:

Section 316.2397(2), F.S., provides it is unlawful for any vehicle or equipment, except police vehicles, to show or display blue lights. A violation of this section is currently punishable as a nonmoving traffic violation (\$30 fine, no points). However, s. 843.081, F.S., provides it is unlawful for a person to use in or on any non-governmentally owned vehicle or vessel any flashing or rotating blue light unless such person is a law enforcement officer or special officer appointed by the Governor. A violation of this section is currently a misdemeanor of the first degree.

Section 316.2397(3), F.S., authorizes vehicles of the fire department, fire patrol, police vehicles, ambulances and emergency vehicles of municipal and county departments, public service corporations operated by private corporations, the Department of Environmental Protection, the Department of Transportation, and the Department of Agriculture and Consumer Services as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any county to operate emergency lights and sirens in an emergency.

This section authorizes wreckers, mosquito control fog and spray vehicles, and emergency vehicles of governmental departments or public services corporations to display amber lights when in actual operation or when a hazard exists. Also, wreckers may use amber rotating or

flashing lights while performing recoveries and loading on the roadside day or night, and while towing a vehicle on wheel lifts or slings.

Also, this section authorizes escort vehicles to display amber lights when in actual process of escorting oversized equipment, material, or buildings. This section further authorizes vehicles of private watch, guard, or patrol agencies to display amber lights while patrolling condominium, cooperative, and private residential and business communities by which employed and which traverse public streets or highways.

Section 316.2397(4), F.S., provides road or street maintenance equipment, road or street maintenance vehicles, road service vehicles, refuse collection vehicles, petroleum tankers, and mail carrier vehicles may display or use amber lights when in operation or a hazard exists.

Section 316.2397(5), F.S., provides road maintenance and construction equipment and vehicles may display or use flashing white lights or flashing white strobe lights when in operation and where a hazard exists. Additionally, school buses and vehicles used to transport farm workers may display flashing white strobe lights.

Section 316.2398(1), F.S., provides a privately owned vehicle belonging to an active firefighter member of a regularly organized volunteer firefighting company or association, while en route to the fire station for the purpose of proceeding to the scene of a fire or other emergency or while en route to the scene of a fire or other emergency in the line of duty as an active firefighter member of a regularly organized firefighting company or association, or a privately owned vehicle belonging to a medical staff physician or technician of a medical facility licensed by the state, while responding to an emergency in the line of duty, may display or use a red light visible from the front and from the rear of such vehicle. In addition, any volunteer firefighter found in violation of this section is subject to dismissal from membership in the fire fighting organization by the chief executive officers.

Section 316.2399, F.S., provides a bus or taxicab may be equipped with two flashing devices for the purpose of warning the operators of other vehicles and law enforcement agents an emergency situation exists within the bus or taxicab. The devices must be mounted one at the front and one at the rear of the bus or taxicab and must display flashing red lights which shine on the road way under the vehicle.

A violation of the above sections are currently punishable as a nonmoving traffic violation (\$30 fine, no points).

III. Effect of Proposed Changes:

This bill authorizes vehicles used by funeral homes or members of the clergy to display purple flashing lights while in a funeral procession.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.