

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 712

SPONSOR: Senators Clary and Lynn

SUBJECT: Vehicles/Emergency Lights

DATE: March 14, 2003 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|------------------|----------------|-----------|------------------|
| 1. | <u>McAuliffe</u> | <u>Meyer</u> | <u>TR</u> | <u>Favorable</u> |
| 2. | <u>Wilson</u> | <u>Wilson</u> | <u>GO</u> | <u>Favorable</u> |
| 3. | _____ | _____ | <u>CJ</u> | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ | _____ |

I. Summary:

This bill clarifies the penalty for unlawful display of blue emergency lights while operating a vehicle is a first degree misdemeanor. The bill also increases the penalty for unlawful display of a red emergency light for persons other than authorized fire or emergency personnel from a nonmoving traffic infraction to a second-degree misdemeanor. Volunteer firefighters who unlawfully display a red light will continue to be cited with a nonmoving violation, but will also be prohibited from serving as a firefighter in this state for a one-year period.

This bill substantially amends sections 316.2397 and 316.2398 of the Florida Statutes.

II. Present Situation:

Section 316.2397, 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 316.2398, F.S., authorizes certain volunteer firemen to display a red light on their personal vehicles while en route to the scene of a fire or other emergency. A violation of this section is punishable as a nonmoving violation. 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.

III. Effect of Proposed Changes:

This bill amends s. 316.2397, F.S., to clarify that the penalty for a person who unlawfully displays an emergency blue light on a vehicle is a misdemeanor of the first degree (up to 1 year imprisonment and \$1,000 fine) as provided in s. 843.081, F.S. Other violations of this section would remain a nonmoving traffic infraction.

This bill amends s. 316.2398, F.S., to allow for display of a red light from a red colored lens for volunteer firefighters or medical staff. The bill also increases the penalty for unlawfully displaying an emergency red light for persons other than authorized fire or emergency personnel to a second-degree misdemeanor (up to 60 days imprisonment and \$500 fine). Volunteer firefighters who unlawfully display a red light will continue to be cited with a nonmoving violation but will be prohibited from serving as a firefighter in this state for a one-year period.

If enacted, this bill would enhance the penalties associated with unlawfully displaying emergency blue lights or red lights. According to the Department of Highway Safety and Motor Vehicles, there have been instances when persons have unlawfully displayed blue lights in the commission of criminal acts on unsuspecting motorists.

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:

This bill clarifies or increases the penalties for the unlawful display of emergency blue and red lights. In the case of blue lights, this bill clarifies that the penalty is a first degree misdemeanor. In the case of red lights, the penalty is increased from a nonmoving traffic violation to a second degree misdemeanor.

C. Government Sector Impact:

This bill could increase revenues to local governments as a result of increased penalties for the unlawful display of emergency lights. However, the fiscal impact is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill provides a suspension of the privilege of serving as a firefighter for one year following a conviction of an enumerated offense. Section 633.351, F.S., provides for revocation of firefighter certification if it was improperly or falsely issued. The remaining grounds for disciplinary action cross reference s. 112.011(2)(b), F.S., and provide a suspension period of four years measured from expiration of sentence for a criminal violation directly related to the position.

The appointment or employment rights of a named volunteer firefighter are affected by this bill. Part VIII of ch. 112, F.S., the Firefighters' Bill of Rights, provides procedural due process safeguards for employed firefighters who are alleged to have violated the law. To the extent that this bill provides a summary procedure for the suspension of the employment rights of such a firefighter following an act committed in a volunteer capacity, it may conflict with the employment practices safeguards of ch. 112, F.S.

VIII. Amendments:

None.