

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.)

Prepared By: Criminal Justice Committee

BILL: CS/SB 216

SPONSOR: Transportation Committee and Senators Hill and Lynn

SUBJECT: Motor Vehicles Safety Belt Laws

DATE: April 18, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Evans</u>	<u>Meyer</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This Committee Substitute to SB 216, cited as the “Dori Slosberg Act of 2005¹,” amends the “Florida Safety Belt Law” to provide for primary enforcement of the safety belt law for operators and passengers under the age of 18 years. A person violating this section would be cited for a nonmoving violation, punishable by a \$30 fine. Additionally, the CS requires each law enforcement agency in Florida to adopt a departmental policy to prohibit racial profiling.

This CS substantially amends section 316.614 of the Florida Statutes.

II. Present Situation:

Safety Belt Laws

In 1986, the Legislature enacted the “Florida Safety Belt Law.” Section 316.614, F.S., requires a motor vehicle operator, front seat passengers, and all passengers under 18 years of age to wear safety belts. The law is enforced against any adult driver or adult passenger who is not restrained by a safety belt. If a person under 18 years of age is unrestrained, the law is enforced against the driver. The “Florida Safety Belt Law” is enforced as a secondary offense; that is, law enforcement officers cannot stop motorists solely for not using their safety belts. Instead, the officer must first stop the motorist for a suspected violation of chs. 316, 320, or 322, F.S., before the officer can issue a uniform traffic citation for failure to wear a safety belt.

¹Dori Slosberg was the 14 year-old daughter of state Rep. Irving Slosberg, D-Boca Raton. Dori was killed in a car crash with another teenager driving.

The penalty for failure to wear a safety belt is \$30, plus administrative and court costs. Revenues collected from citations issued for safety belt violations are distributed like other traffic citation revenues, pursuant to s. 318.21, F.S., except \$5 of each citation paid is directed to the Epilepsy Services Trust Fund.

Those not subject to the safety belt law include:

- Persons certified by a physician as having a medical condition that would cause the use of a safety belt to be inappropriate or dangerous;
- Persons delivering newspapers on home delivery routes during the course of their employment;
- Front seat passengers of a pickup truck in excess of the number of safety belts installed;
- Employees of a solid waste or recyclable collection service on designated routes during the course of their employment;
- Persons occupying the living quarters of a recreational vehicle or the space within the body of a truck used for the storage of merchandise.

Although the “Florida Safety Belt Law” is enforced as a secondary offense, the child restraint requirements of s. 316.613, F.S., are enforced as a primary offense. The law requires all children 5 years of age and younger being transported in a motor vehicle to be restrained in a carrier, integrated car seat, or seat belt. Motorists are subject to being stopped by law enforcement officers for failure to comply with this requirement.

According to the National Highway Traffic Safety Administration (NHTSA), Florida had a seat belt usage rate of 76.3 percent in 2004 and has increased the seat belt usage rate by 19.1 percent since 1998. Nationally, Florida is ranked 33rd in seat belt usage. Of those ranked states in the top 5 for seat belt usage, Arizona the state ranked number 1 is the only one which has secondary enforcement of seat belt laws. Also, NHTSA estimates the average rate of safety belt use in jurisdictions permitting primary enforcement of the safety belt law is 11 percentage points higher than in states with secondary enforcement.²

Compiling Racial and Ethnic Data

According to the Department of Highway Safety and Motor Vehicles, the agency currently records racial and ethnic data on each trooper-initiated traffic stop. That data is made public in the department’s quarterly reports and is reported to the governor and cabinet. The department began voluntarily compiling this data in January, 2001. Since that time 3,101,062 reports have been processed.

Law Enforcement Training on Diversity

The Florida Department of Law Enforcement is mandated by statute to develop and teach courses on the subject of “interpersonal skills relating to diverse populations with an emphasis on the awareness of cultural differences.” For a law enforcement officer to obtain initial certification

² <http://www.nhtsa.dot.gov/>

from FDLE, the officer must complete a minimum of eight hours training in interpersonal skills with diverse populations. (s. 943.1715, F.S.) To further maintain his or her certification, each law enforcement officer in the state is required to take a mandatory forty hour retraining course every four years. Within that retraining curriculum are courses on cultural diversity and professional traffic stops. The officer may either take an eight hour course on cultural diversity and a four hour course on professional traffic stops or the officer may opt to take a four hour course on cultural diversity and a four hour course on professional traffic stops. (s. 943.1716, F.S.) Additionally, s. 943.1758, F.S., mandates that by October 1, 2001, FDLE was to teach, as an element of its curriculum, a segment on discriminatory profiling. (s. 943.1758(4), F.S.)

III. Effect of Proposed Changes:

This CS (cited as the “Dori Slosberg Act of 2005”) amends the “Florida Safety Belt Law” to provide for primary enforcement of the safety belt law for operators and passengers under 18 years of age. Law enforcement officers would be authorized to stop motorists and issue citations for a safety belt violation. A person violating this provision would be cited for a nonmoving violation, punishable by a \$30 fine.

Enforcement of the safety belt law for operators and passengers 18 years of age and older would remain secondary. Similarly, primary enforcement of the child restraint requirements provided for in s. 316.613, F.S., would remain in effect.

Additionally, the CS requires each law enforcement agency in Florida to adopt a departmental policy to prohibit racial profiling. The CS also requires law enforcement officers to record the race and ethnicity of the violator when a citation is issued for not wearing a safety belt. This data must be forwarded to the Department of Highway Safety and Motor Vehicles, and the Department of Highway Safety and Motor Vehicles must report this information annually to the Governor and the Legislature.

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:

Primary enforcement of safety belt violations for individuals under the age of 18 may result in the issuance of an increased number of citations, and the assessment of additional traffic penalties and court costs. However, because it is impossible to forecast how many additional violations will be cited, the fiscal impact on state and local government is unknown.

VI. Technical Deficiencies:

The racial data profiling provisions in this bill appear somewhat duplicative to efforts already undertaken by the Department of Highway Safety and Motor Vehicles.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

viii. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
