

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: Transportation Committee

BILL: SB 642

SPONSOR: Senator Rich

SUBJECT: Mobility-impaired Pedestrians/Dogs

DATE: January 28, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Evans	Meyer	TR	Favorable
2.	_____	_____	CA	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill expands the definition of pedestrians who are mobility-impaired to include those pedestrians using guide dogs or service animals.

This bill substantially amends section 316.1303 of the Florida Statutes.

II. Present Situation:

Section 413.081 (5)(a), F.S., defines the term guide dog which means a dog trained for the purpose of guiding blind persons or a dog trained for the purpose of assisting hearing impaired persons, and s. 413.081 (5)(b), F.S., defines service animal which means an animal which is trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability.

Section 316.1301(2), F.S., requires the operator of a motor vehicle to bring his or her vehicle to a full stop before arriving at an intersection or a place of crossing and, before proceeding, to take such precautions as may be necessary to avoid injuring a pedestrian whenever a pedestrian is crossing, or attempting to cross, a public street or highway, guided by a dog guide or carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red.

Section 316.1303, F.S., requires the operator of a motor vehicle to bring his or her vehicle to a full stop before arriving at an intersection and, before proceeding, shall take such precautions as may be necessary to avoid injuring such pedestrian whenever a pedestrian is in the process of crossing a public street or highway and the pedestrian is mobility-impaired (using a walker, or a crutch, or an orthopedic cane, or a wheelchair).

Persons violating ss. 316.1302(2) or 316.1303, F.S. must pay a fine of \$60 and, if the violation results in an injury to the pedestrian or damage to the property of the pedestrian then an additional fine of up to \$250 shall be paid under s. 318.18(3)(a) and (e), F.S. If another person dies as a result of the noncriminal infraction, the person cited may be required to perform 120 community service hours under s. 316.027(4), in addition to any other penalties.

III. Effect of Proposed Changes:

Section 1 of the bill amends s.316.1303, F.S., to expand the definition of pedestrians who are mobility-impaired to include pedestrians using guide dogs and service animals.

Section 2 of the bill provides the effective date of the bill is July 1, 2005.

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.

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.

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