

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

A pedestrian is defined in s. 316.003(28), F.S., as “any person afoot”. In 2005, 4,881 pedestrians were killed and 64,000 pedestrians were injured in traffic crashes in the United States.¹ The state of Florida accounted for 576 of the national pedestrian fatalities and 7,975 of the national pedestrian injuries in 2005.² Florida ranked second in the nation with its 2005 pedestrian fatality rate, exceeded only by California (with 742 pedestrian fatalities).

Current law found in s. 316.075, F.S., requires a motor vehicle driver with a green light to yield the right-of-way to pedestrians lawfully in the intersection or an adjacent crosswalk. Pedestrians facing a green signal, except a green arrow, are authorized to proceed across the road in the crosswalk. Unless otherwise directed by a pedestrian signal, pedestrians facing a yellow signal are prohibited from starting to cross the road due to insufficient time to do so. Motor vehicle drivers with a red light must stop before entering the crosswalk and must remain standing until a green light is shown. The only exceptions to this provision are drivers turning right or left (from a one-way street onto another one-way street) on a red light, in which case the motor vehicle must yield the right-of-way to pedestrians. Pedestrians facing a red light, unless otherwise directed by a pedestrian signal, are not authorized to enter the roadway. A violation of this section is a noncriminal traffic infraction, punishable as a pedestrian violation (\$15) or a moving violation for the operator of a vehicle (\$60 and 3 points assessed on the driver’s license).

Current law found in s. 316.130, F.S., states that when traffic control signals are not in place, drivers of motor vehicles shall yield the right-of-way by slowing down or stopping if need be to yield to a pedestrian crossing the crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway to be in danger. A violation of this section is a noncriminal traffic infraction, punishable as a pedestrian violation (\$15) or a moving violation for the operator of a vehicle (\$60 and 3 points assessed on the driver’s license).

Proposed Changes:

HB 331 adds language to s. 316.075, F.S., directing the driver of a motor vehicle facing a red signal to “stop before entering the crosswalk and remain stopped” to allow a pedestrian with a permitted signal to cross the roadway when the pedestrian is either in the crosswalk or steps into the crosswalk.

The bill amends the same language into s. 316.130, F.S. In that section, it also directs the driver to “stop and remain stopped” at any crosswalk to allow a pedestrian to cross the roadway where signage so indicates. The bill also specifies that when traffic signals are not in place and there is no signage indicating otherwise, a driver of a vehicle shall yield the right-of-way to a pedestrian crossing the road within a crosswalk.

¹ Traffic Safety Facts, 2005 Data (National Highway Traffic Safety Administration, 2005).

² “Traffic Crash Statistics Report 2005” (Florida Department of Highway Safety and Motor Vehicles, 2005).

A violation of these new provisions would be a noncriminal traffic infraction, punishable as a moving violation for the operator of a vehicle (\$60 and 3 points assessed on the driver's license).

C. SECTION DIRECTORY:

Section 1. Amends s. 316.075, F.S., by requiring a driver to stop and remain stopped at certain intersections to allow a pedestrian to cross a roadway when the pedestrian is either in the crosswalk or steps into the crosswalk; provides penalties.

Section 2. Amends s. 316.130, F.S., by requiring a driver to stop and remain stopped at certain intersections to allow a pedestrian to cross a roadway when the pedestrian is either in the crosswalk or steps into the crosswalk; provides penalties.

Section 3. Provides an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill may generate an indeterminate amount of additional fine revenue for state and local governments.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill may generate an indeterminate amount of additional fine revenue for state and local governments.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Motor vehicle drivers of this state who violate the new provisions of this law are subject to a moving violation fine of \$60 and 3 points assessed on their driver's license.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not address s. 316.075(c)1.a-b, F.S., which relates to motor vehicle drivers turning right or left at a red traffic light signal. To provide a uniform standard in this section of statute, the requirement for a motor vehicle driver to “stop and remain stopped” at a pedestrian crosswalk where the pedestrian has a permitted signal should also be applied to drivers turning at a red light.

The sponsor has indicated he will offer an amendment to address this issue.

D. STATEMENT OF THE SPONSOR

This bill addresses Florida’s growing pedestrian safety crisis. We are consistently ranked number two in the nation in pedestrian fatalities. According to the annual Mean Streets report, Florida cities make up three of the five most dangerous communities to walk in. Ft. Lauderdale, Miami, and the Tampa Bay area consistently join Atlanta and Dallas as the least friendly for pedestrians. In fact, data shows that it is 11 times more dangerous to walk in Ft. Lauderdale than it is to walk in Pittsburgh.

Encouraging walking as an alternative mode of transportation also helps us to address much bigger concerns regarding the environment and personal health. Furthermore, with a large senior population, Florida should be a leader in making our streets safe to cross and therefore protecting our most vulnerable citizens.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES