

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1217 Persons with Disabilities  
**SPONSOR(S):** Taylor  
**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 1974

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	10 Y, 0 N	Williams	Cunningham
2) Transportation & Highway Safety Subcommittee			
3) Appropriations Committee			
4) Judiciary Committee			

### SUMMARY ANALYSIS

Section 322.12, F.S., requires every applicant for a Florida driver's license to pass an examination and specifies what such exam must include.

HB 1217 amends s. 322.12, F.S., to require Class E and commercial driver's license exams to include one question testing the applicant's knowledge of traffic regulations to assist blind persons. This question must emphasize pedestrian right of way when a driver is making a right turn at an intersection and must be answered correctly in order for the applicant to pass the examination.

This bill also:

- Requires the curricula of traffic law and substance abuse education programs and certain driver education courses to include the study of traffic laws to assist blind persons;
- Requires law enforcement agencies to report certain criminal activity and enforcement of regulations to assist blind persons to the Florida Department of Law Enforcement (FDLE) and the Florida Department of Highway Safety and Motor Vehicles (DHSMV); and
- Requires the law enforcement officer basic recruit training course curricula to include the study of traffic laws to assist blind persons.

This bill may have a fiscal impact on the FDLE and the DHSMV. See Fiscal section.

The bill is effective July 1, 2011.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Driver's License Handbook**

The Florida Driver's Handbook provides basic information on safe driving and Florida's traffic laws and regulations. This handbook includes facts and procedures on obtaining a driver's license, driving privileges, and driving safety. The handbook also includes safety rules for drivers on sharing the road with pedestrians, bicyclists, and persons who are blind. For example, section 5.16.2, entitled "Persons Who are Blind," includes advice on how to recognize a blind pedestrian and states that "[d]rivers must always yield the right-of-way to persons who are blind. When a pedestrian is crossing a street or highway guided by a dog or carrying a white cane (or a white cane with a red tip), vehicles must come to a complete stop."<sup>1</sup>

Copies of the Florida Driver's Handbook are available at the Florida Department of Highway Safety and Motor Vehicles (DHSMV) or online,<sup>2</sup> to assist applicants in preparation for the Florida driver's license examination.

#### **Examination**

Section 322.12, F.S., requires every applicant for an original Florida driver's license to pass an examination.<sup>3</sup> An examination for a Class E<sup>4</sup> driver's license includes the following:

- A test of the applicant's eyesight;
- A test of the applicant's hearing;
- A test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated;
- A test of the applicant's knowledge of the effects of alcohol and controlled substances upon persons and the dangers of driving a motor vehicle while under the influence of alcohol or controlled substances; and
- An actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.<sup>5</sup>

In addition to the above, an examination for a commercial driver's license<sup>6</sup> must also include:

- A test of the applicant's knowledge of the traffic laws of this state pertaining to the class of motor vehicle which he or she is applying to be licensed to operate;
- A test of the applicant's knowledge of any special skills, requirements, or precautions necessary for the safe operation of the class of vehicle the applicant is applying to be licensed to operate; and
- An actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle or combination of vehicles of the type covered by the

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<sup>1</sup> 2011 Florida Driver's Handbook. Department of Highway Safety and Motor Vehicle. Revised September 2010.

([http://www.fpts.us/documents/Florida\\_Driver\\_Handbook.pdf](http://www.fpts.us/documents/Florida_Driver_Handbook.pdf)) (last assessed April 1, 2011).

<sup>2</sup> [http://www.fpts.us/documents/Florida\\_Driver\\_Handbook.pdf](http://www.fpts.us/documents/Florida_Driver_Handbook.pdf)

<sup>3</sup> Section 322.12(1), F.S.

<sup>4</sup> Class E is for drivers of non-commercial vehicles. 2011 Florida Driver's Handbook. Department of Highway Safety and Motor Vehicle. Revised September 2010. Section 2.2 - Florida Classified Driver Licenses.

([http://www.fpts.us/documents/Florida\\_Driver\\_Handbook.pdf](http://www.fpts.us/documents/Florida_Driver_Handbook.pdf)) (last assessed April 1, 2011).

<sup>5</sup> Section 322.12(3), F.S.

<sup>6</sup> "Commercial driver's license" means a Class A, Class B, or Class C driver's license issued in accordance with the requirements of s. 322.01(7).

license classification which the applicant is seeking, including an examination of the applicant's ability to perform an inspection of his or her vehicle.<sup>7</sup>

Driver's License exams are currently formulated by pulling random questions from a pool and scrambling the order of the pulled questions.<sup>8</sup> Twenty road signs, to be identified by color, shape or meaning, and 20 questions regarding Florida traffic laws are selected for each applicant taking the exam.<sup>9</sup> Questions about blind pedestrians may be, but are not guaranteed to be, tested on current driver's license examinations. To pass an examination an applicant must receive a test score of 80% or above.<sup>10</sup>

#### *Effect of the Bill*

HB 1217 amends s. 322.12, F.S., to require the examinations given for a Class E driver's license and a commercial driver's license to include one question testing the applicant's knowledge of traffic regulations to assist blind persons. The question must emphasize pedestrian right of way when a driver is making a right turn at an intersection. The bill requires the applicant to answer the question correctly in order for the applicant to pass the examination.

#### **Educational Courses**

Section 322.095, F.S., requires the DHSMV to approve traffic law and substance abuse education courses that must be completed by applicants for Florida driver's license. The curricula for the courses must provide instruction on the physiological and psychological consequences of the abuse of alcohol and other drugs, the societal and economic costs of alcohol and drug abuse, the effects of alcohol and drug abuse on the driver of a motor vehicle,<sup>11</sup> and the laws of this state relating to the operation of a motor vehicle.<sup>12</sup> Similarly s. 1003.48, F.S., requires each district school board of secondary schools in Florida to provide a course of study and instruction on the safe and lawful operation of a motor vehicle including motorcycles and mopeds.

Currently, the courses required by ss. 322.095 and 1003.48, F.S., are not required to include the study of traffic laws relating to blind persons. However, traffic law and substance abuse education courses do address the importance of being alert of all pedestrians on the roadway.<sup>13</sup>

#### *Effect of the Bill*

HB 1217 amends ss. 322.095 and 1003.48, F.S., to require the curricula of the courses required by these sections to include the study of traffic laws to assist blind persons.

#### **Law Enforcement**

In Florida, the Criminal Justice Standards and Training Commission (CJSTC), housed within the Florida Department of Law Enforcement (FDLE), establishes uniform minimum standards for the employment and training of full-time, part-time, and auxiliary law enforcement, correctional, and correctional probation officers. Every prospective law enforcement officer, correctional officer, and correctional

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<sup>7</sup> Section 322.12(4), F.S.

<sup>8</sup> Email from Stephen Fielder, Department of Highway Safety and Motor Vehicles. March 31, 2011. (On file with the House Criminal Justice Subcommittee).

<sup>9</sup> 2011 Florida Driver's Handbook. Department of Highway Safety and Motor Vehicle. Revised September 2010. ([http://www.fpts.us/documents/Florida\\_Driver\\_Handbook.pdf](http://www.fpts.us/documents/Florida_Driver_Handbook.pdf)) (last assessed April 1, 2011).

<sup>10</sup> Department of Highway Safety and Motor Vehicle, Agency Bill Analysis. March 17, 2011. (On file with House Criminal Justice Subcommittee staff).

<sup>11</sup> "Motor vehicle" means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, or mopeds. s. 320.01(1)(a), F.S.

<sup>12</sup> Section 322.095(1), F.S.

<sup>13</sup> Department of Highway Safety and Motor Vehicle, Agency Bill Analysis. March 17, 2011. (On file with House Criminal Justice Subcommittee staff).

probation officer must successfully complete a CJSTC-developed Basic Recruit Training Program in order to receive their certification.<sup>14</sup>

Section 943.17, F.S., requires the CJSTC, in consultation with the Florida Violent Crime and Drug Council,<sup>15</sup> to establish standards for basic and advance training programs on investigating and preventing violent crimes for law enforcement officers. The statute also requires every law enforcement officer basic recruit training course to include training on violent crime prevention and investigations.<sup>16</sup>

#### *Effect of the Bill*

HB 1217 also amends s. 943.17, F.S., to require the law enforcement officer basic recruit training course curricula to include the study of traffic laws to assist blind persons.

The bill creates an unnumbered section of statute to require each law enforcement agency of this state to report crimes which affect persons with disabilities to the FDLE and to report the agency's enforcement of traffic regulations to assist blind persons to the DHSMV. The report to the DHSMV must include incidents of crashes involving blind persons. These reports must be provided each month.

The bill also requires the FDLE and the DHSMV to provide procedures for collecting and maintaining the reports from the law enforcement agencies in the same manner in which other criminal activity and enforcement reports are currently collected and maintained within each department.

#### B. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of the Florida Statutes relating to law enforcement reports.

Section 2. Amends s. 322.12, F.S., relating to examination of applicants.

Section 3. Amends s. 322.095, F.S., relating to traffic law and substance abuse education program for driver's license applicants.

Section 4. Amends s. 943.17, F.S., relating to basic recruit, advanced, and career development training programs; participation; cost; evaluation.

Section 5. Amends s. 1003.48, F.S., relating to instruction in operation of motor vehicles.

Section 6. Provides an effective date of July 1, 2011.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

HB 1217 requires one question, emphasizing a pedestrian's right of way when a driver is making a right turn at an intersection, to be answered correctly by an applicant in order to pass a driver's examination.

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<sup>14</sup> See (<http://www.fdle.state.fl.us/Content/getdoc/91a75023-5a74-40ef-814d-8e7e5b622d4d/CJSTC-Home-Page.aspx>) (last accessed March 31, 2011).

<sup>15</sup> The Florida Violent Crime and Drug Council was established in 1993, to financially assist local law enforcement agencies in finding solutions to combat drug and violent crime; these solutions often include legislative recommendations, technology innovations, improved investigative techniques, enhanced communication, and advanced training for law enforcement officers and criminal justice agencies. See (<http://www.fdle.state.fl.us/Content/getdoc/5bcffc57-b3f4-4190-833b-0236a4608d1e/Home.aspx>) (last accessed March 31, 2011).

<sup>16</sup> Section 943.17(5), F.S.

The Florida Handbook provides that an applicant that fails the examination must pay a \$10 fee to take another exam. Therefore, additional revenue may be collected if an increased number of applicants fail the exam due to the question requirement of the bill. According to the DHSMV, this revenue will be deposited into the DHSMV's operating trust fund, but the amount is indeterminate.<sup>17</sup>

## 2. Expenditures:

This bill requires the FDLE to provide procedures for collecting and maintaining reports of crimes affecting persons of disabilities. Currently crime data is submitted to the FDLE on paper by the reporting agencies.<sup>18</sup> According to the FDLE programming changes would be required to create a database capable of collecting crimes against persons with disabilities.<sup>19</sup> FDLE would require 512 hours of contract programming (\$38,400) and equipment in the amount of \$2,000 to complete this project.<sup>20</sup>

This bill also requires the curricula of every law enforcement office basic recruit training course to include the study of traffic laws to assist blind persons. According to the FDLE, there is no cost associated with this provision because the existing curriculum of basic recruit training courses already addresses the issue.<sup>21</sup>

Additionally, the bill requires the examinations given for a Class E driver's license and a commercial driver's license, to include one question testing the applicant's knowledge of traffic regulations to assist blind persons. This question must emphasize pedestrian right of way when a driver is making a right turn at an intersection and must also be answered correctly by the applicant in order to pass the examination.

According to the DHSMV, modification of their system to include the question required by the bill would be simple.<sup>22</sup> However, the process required to disqualify someone for incorrectly answering the specific question required by the bill, even if they score 80% of the questions correctly, would require extensive programming.<sup>23</sup>

## B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

### 1. Revenues:

None.

### 2. Expenditures:

See "Fiscal Comments."

## C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill requires the traffic law and substance abuse education courses to include a study of traffic laws to assist blind persons. The DHSMV reports that there are currently 12 different organizations that provide traffic law and substance abuse education courses. According to the DHSMV, the direct cost to the private sector would be that needed to incorporate the curricula requirements of the bill into their courses.<sup>24</sup>

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<sup>17</sup> Department of Highway Safety and Motor Vehicle, Agency Bill Analysis. March 17, 2011. (On file with House Criminal Justice Subcommittee staff).

<sup>18</sup> Department of the Florida Department of Law Enforcement, Agency Bill Analysis. April 4, 2011. (On file with House Criminal Justice Subcommittee staff).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Email from Rachel Truxell, Florida Department of Law Enforcement, Office of Legislative Affairs. April 4, 2011. (On file with House Criminal Justice Subcommittee staff).

<sup>22</sup> Department of Highway Safety and Motor Vehicle, Agency Bill Analysis. March 17, 2011. (On file with House Criminal Justice Subcommittee staff).

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

**D. FISCAL COMMENTS:**

Section 1003.48, F.S., requires each district school board of secondary schools in Florida to provide a course of study and instruction on the safe and lawful operation of a motor vehicle including motorcycles and mopeds. The bill requires the curricula of such course to include a study of traffic laws to assist blind persons. This may have a fiscal impact on vendors who produce the educational materials or on district school boards of secondary schools.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

The bill does not appear to require counties or municipalities to spend funds or take any action requiring the expenditure of funds; reduce the authority that municipalities or counties have to raise revenue in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

**2. Other:**

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**