

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Health Regulation Committee

BILL: CS/SB 1554

INTRODUCER: Transportation Committee and Senator Hays

SUBJECT: Emergency Vehicles

DATE: April 1, 2011                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sookhoo	Spalla	TR	<b>Fav/CS</b>
2.	Fernandez	Stovall	HR	<b>Pre-meeting</b>
3.			MS	
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

This bill increases the fine for a violation of section 316.126(1)(b)<sup>1</sup> of the Florida Statutes, from \$30 to \$100 in addition to any additional court costs. This increased fine has the potential to decrease the number of violations of s. 316.126(1)(b), F.S., and may increase the safety of parked emergency vehicle and wrecker operators.

This bill amends s. 318.18 of the Florida Statutes.

**II. Present Situation:**

Section 316.126(1)(b), F.S., relates to the operation of vehicles when approaching a parked emergency vehicle or a wrecker that is performing a recovery or a loading on the roadside. Currently, when a driver approaches an emergency vehicle or wrecker with engaged visual signals, drivers must yield the right-of-way and proceed to vacate the lane nearest the emergency vehicle or wrecker and move over if driving on a highway of two or more lanes moving in the same direction. Should this condition not be feasible, drivers are instructed to slow to a speed

<sup>1</sup> Section 316.126(1)(b), Florida Statutes, is more commonly known as the "Move Over Act" which passed during the 2002 Legislation.

that is 20 MPH less than the posted speed limit. If the posted speed is 20 MPH or less, drivers must slow to 5 MPH.

The current fine for a violation of s. 316.126(1)(b), F.S., is \$30.

### **III. Effect of Proposed Changes:**

This CS will increase the total fine for a violation of s. 316.126, F.S., from \$30 to \$100 plus additional court costs. In 2010, there were 2,438 citations written for s. 316.126(1)(b), F.S.<sup>2</sup>. At the proposed fine of \$100, revenues would increase by \$170,660 based on the current level of citations being issued. However, due to an increased fine, there is a potential for a reduction in violations.

This bill will take effect July 1, 2011.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

The provisions of this CS have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

#### **B. Public Records/Open Meetings Issues:**

The provisions of this CS have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

#### **C. Trust Funds Restrictions:**

The provisions of this CS have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

Individuals violating s. 316.126(1)(b), F.S., will pay an increased fine of \$100 for this offense.

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<sup>2</sup> Department of Highway Safety and Motor Vehicles, *Senate Bill 1554 Agency Bill Analysis* (March 30, 2011) (on file with the Senate Committee on Health Regulation).

C. **Government Sector Impact:**

The proposed \$70 fine increase is estimated to increase revenues for state and local government by \$170,660 based on the current level of citations being issued. This bill has no fiscal impact on the Department of Highway Safety and Motor Vehicles.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on March 16, 2011:**

This committee substitute decreased the proposed fine from \$200 to \$100 plus applicable court costs and fees.

B. **Amendments:**

None.