

**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 Transportation Committee

BILL: CS/SB 1554

INTRODUCER: Transportation Committee and Senator Hays

SUBJECT: Emergency Vehicles

DATE: March 16, 2011      REVISED: \_\_\_\_\_

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

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

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

This bill increases the fine for a violation of s. 316.126(1)(b), F.S., “Move Over Act”, to \$100 plus additional court costs. This increase in fine may deter 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 and pedestrians when approaching an emergency vehicle. Currently, when a driver or pedestrian approaches an emergency vehicle or wrecker with engaged audible or visual signals, drivers and pedestrians 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 that is 20 MPH less than the posted speed. 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 bill will increase the total fine for a violation of s. 316.126, F.S., to \$100 plus additional court costs. According to the Department of Highway Safety and Motor Vehicles (DHSMV), in 2010, there were 2,438 citations written for s. 316.126(1)(b), F.S. At the proposed fine of \$100, revenues would have increased by \$170,660 based on an increased fine from \$30 to \$100. However, due to an increased fine, there could also be a reduction in violations. The net effect is indeterminate.

This bill will take effect July 1, 2011.

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

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

None.

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

None.

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

None.

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

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

None.

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

Violators of s. 316.126(1)(b), F.S., will pay a higher fine. The fine is increased from \$30 plus additional court fees to \$100 plus additional court fees.

#### **C. Government Sector Impact:**

This bill may increase revenue for state and local government because of its higher fines and increased penalties for violators of s. 316.126(1)(b), F.S., relating to the operation of vehicles on approach of an emergency vehicle; however, increased fines may also yield fewer violations.

### **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.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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