



580884

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2017	.	
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Appropriations Subcommittee on Transportation, Tourism, and  
Economic Development (Articles) recommended the following:

1           **Senate Amendment to Amendment (744514) (with title**  
2 **amendment)**

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4           Between lines 147 and 148  
5 insert:

6           Section 7. Effective October 1, 2017, section 335.094,  
7 Florida Statutes, is created to read:

8           335.094 Highway memorial markers; public safety awareness.-  
9           (1) In recognition of the department's mission to provide a  
10 safe transportation system, the Legislature intends that the



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11 department allow the use of highway memorial markers at or near  
12 the location of traffic-related fatalities on the State Highway  
13 System to raise public awareness and remind motorists to drive  
14 safely by memorializing people who have died as a result of a  
15 traffic-related crash.

16 (2) The department shall establish a process, including any  
17 forms deemed necessary by the department, for submitting  
18 applications for installation of a memorial marker as authorized  
19 in this section. Applications may be submitted to the department  
20 by:

21 (a) A member of the decedent's family, which includes the  
22 decedent's spouse; a child, parent, or sibling of the decedent,  
23 whether biological, adopted, or step relation; and any lineal or  
24 collateral descendant of the decedent; or

25 (b) Any individual who is responsible under the laws of  
26 this state for the disposition of the unclaimed remains of the  
27 decedent or for other matters relating to the interment or  
28 memorialization of the decedent.

29 (3) The department shall establish criteria for the design  
30 and fabrication of memorial markers, including, but not limited  
31 to, marker components, fabrication material, and size.

32 (4) (a) The department may install a round aluminum sign  
33 panel with white background and black letters uniformly  
34 inscribed "Drive Safely, In Memory Of" followed by the  
35 decedent's name at no charge to the applicant.

36 (b) Upon the request of the applicant and payment of a  
37 reasonable fee set by the department to offset production costs,  
38 memorial markers may incorporate the available emblems of belief  
39 approved by the United States Department of Veterans Affairs



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40 National Cemetery Administration. For purposes of this section,  
41 an "emblem of belief" means an emblem that represents the  
42 decedent's religious affiliation or sincerely held religious  
43 belief system, or a sincerely held belief system that was  
44 functionally equivalent to a religious belief system in the life  
45 of the decedent. The religion or belief system represented by an  
46 emblem need not be associated with or endorsed by a church,  
47 group, or organized denomination. The term does not include  
48 emblems, graphics, logos, or symbols that relate to social,  
49 cultural, ethnic, civic, fraternal, trade, commercial,  
50 political, professional, or military status.

51 (c) An applicant may request a new emblem of belief not  
52 specifically approved by the United States Department of  
53 Veterans Affairs National Cemetery Administration for  
54 inscription on a memorial marker as follows:

55 1. The applicant must certify that the proposed new emblem  
56 of belief represents the decedent's religious affiliation or  
57 sincerely held religious belief system, or a sincerely held  
58 belief system that was functionally equivalent to a religious  
59 belief system in the life of the decedent.

60 2. In the absence of evidence to the contrary, the  
61 department shall accept as genuine an applicant's statement of  
62 the religious or functionally equivalent belief system of a  
63 decedent.

64 (d) If the department determines that any application under  
65 this section is incomplete, the department must notify the  
66 applicant in writing of any missing information and must notify  
67 the applicant in writing that no further action on the  
68 application will be taken until the missing information is



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69 provided.

70 (5) The department shall place a memorial marker for any  
71 approved application at or near the location of the fatality in  
72 a fashion that reduces driver distraction and positions the  
73 marker as near the right-of-way line as possible.

74 (6) Memorial markers are intended to remind passing  
75 motorists of the dangers of unsafe driving and are not intended  
76 for visitation. The department shall remove a memorial marker if  
77 the department determines the presence of the marker creates a  
78 safety hazard. In such cases, the department shall post a notice  
79 near where the marker was located indicating that the marker has  
80 been removed and provide contact information for pickup of the  
81 marker. The department shall store any removed markers for at  
82 least 60 days. If after 60 days the memorial is not claimed, the  
83 department may dispose of the marker as it deems necessary.

84  
85 ===== T I T L E A M E N D M E N T =====

86 And the title is amended as follows:

87 Delete line 588

88 and insert:

89 by the Federal Highway Administration; creating s.  
90 335.094, F.S.; providing legislative intent; requiring  
91 the department to establish a process, including any  
92 forms deemed necessary by the department, for  
93 submitting applications for installation of a memorial  
94 marker; specifying persons who may submit such  
95 applications to the department; requiring the  
96 department to establish criteria for the design and  
97 fabrication of memorial markers; authorizing the



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98 department to install a certain sign at no charge to  
99 an applicant; providing that memorial markers may  
100 incorporate the available emblems of belief approved  
101 by the United States Department of Veterans Affairs  
102 National Cemetery Administration upon the request of  
103 the applicant and payment of a reasonable fee set by  
104 the department to offset production costs; defining  
105 the term "emblem of belief"; authorizing an applicant  
106 to request a new emblem of belief not specifically  
107 approved by the United States Department of Veterans  
108 Affairs National Cemetery Administration for  
109 inscription on a memorial marker, subject to certain  
110 requirements; requiring the department, under certain  
111 circumstances, to notify an applicant of any missing  
112 information and that no further action on the  
113 application will be taken until the missing  
114 information is provided; providing requirements for  
115 placement of the memorial marker by the department;  
116 requiring the department to remove a memorial marker  
117 if the department determines the presence of the  
118 marker creates a safety hazard, subject to certain  
119 requirements; amending s.