

By Senator Perry

8-00210-18

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1                                   A bill to be entitled  
2       An act relating to highway memorial markers; creating  
3       s. 335.094, F.S.; providing legislative intent;  
4       requiring the Department of Transportation to  
5       establish a process, including the adoption of any  
6       forms deemed necessary by the department, for  
7       submitting applications for installation of a memorial  
8       marker; specifying the persons who may submit such  
9       applications to the department; requiring the  
10      department to establish criteria for the design and  
11      fabrication of memorial markers; authorizing the  
12      department to install a certain sign at no charge to  
13      an applicant; providing that memorial markers may  
14      incorporate the available emblems of belief approved  
15      by the United States Department of Veterans Affairs  
16      National Cemetery Administration upon the request of  
17      the applicant and payment of a reasonable fee set by  
18      the department to offset production costs; authorizing  
19      an applicant to request an emblem of belief not  
20      specifically approved by the United States Department  
21      of Veterans Affairs National Cemetery Administration  
22      for incorporation in a memorial marker, subject to  
23      certain requirements; requiring the department to  
24      notify applicants if additional information is  
25      required and to advise them that no further action on  
26      the application will be taken until the additional  
27      information is provided; providing requirements for  
28      placement of the memorial marker by the department;  
29      requiring the department to remove memorial markers if

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30 the department determines that the presence of a  
31 marker creates a safety hazard; providing for  
32 disposition of such markers; providing an effective  
33 date.

34  
35 Be It Enacted by the Legislature of the State of Florida:

36  
37 Section 1. Section 335.094, Florida Statutes, is created to  
38 read:

39 335.094 Highway memorial markers.—

40 (1) In recognition of the department's mission to provide a  
41 safe transportation system, the Legislature intends that the  
42 department allow the use of highway memorial markers at or near  
43 the location of traffic-related fatalities on the State Highway  
44 System to raise public awareness of highway safety issues and  
45 remind motorists to drive safely by memorializing people who  
46 have died as a result of a traffic-related crash.

47 (2) The department shall establish a process, including the  
48 adoption of any forms it deems necessary, for submitting  
49 applications for installation of a memorial marker as authorized  
50 in this section. Applications may be submitted to the department  
51 by:

52 (a) A member of the decedent's family, including the  
53 decedent's spouse; a child, parent, or sibling of the decedent,  
54 whether biological or adopted or a step relation; and any lineal  
55 or collateral descendant of the decedent; or

56 (b) Any individual who is responsible under the laws of  
57 this state for the disposition of the unclaimed remains of the  
58 decedent or for other matters relating to the interment or

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59 memorialization of the decedent.

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

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

67 (b) Upon the request of the applicant and payment of a  
68 reasonable fee determined by the department to offset production  
69 costs, memorial markers may incorporate the available emblems of  
70 belief approved by the United States Department of Veterans  
71 Affairs National Cemetery Administration.

72 (c) An applicant may request an emblem of belief not  
73 specifically approved by the United States Department of  
74 Veterans Affairs National Cemetery Administration for  
75 incorporation in a memorial marker as follows:

76 1. The applicant must certify that the proposed emblem of  
77 belief represents the decedent's religious affiliation, the  
78 decedent's sincerely held religious belief system, or another  
79 sincerely held belief system embraced by the decedent which was  
80 functionally equivalent to a religious belief system. The  
81 religion or belief system represented by an emblem need not be  
82 associated with or endorsed by a church or organized religious  
83 denomination or other group. However, the emblem or any graphic,  
84 logo, or symbol it contains may not relate to social, cultural,  
85 ethnic, civic, fraternal, trade, commercial, political,  
86 professional, or military status.

87 2. In the absence of evidence to the contrary, the

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88 department shall accept as genuine an applicant's statement of  
89 the religious affiliation, sincerely held religious belief  
90 system, or functionally equivalent belief system of the  
91 decedent.

92 (d) If the department determines that an application for a  
93 memorial marker is incomplete, the department must notify the  
94 applicant in writing as to the additional information required  
95 and that no further action will be taken on the application  
96 until the additional information is provided.

97 (5) The department shall place a memorial marker for any  
98 approved application at or near the location of the fatality as  
99 close to the right-of-way line as possible in a position that is  
100 least likely to cause driver distraction.

101 (6) Memorial markers are intended to remind passing  
102 motorists of the dangers of unsafe driving and are not intended  
103 for visitation. The department shall remove a memorial marker if  
104 the department determines that the presence of the marker  
105 creates a safety hazard and post a notice as close as possible  
106 to the spot where the marker was located which indicates that  
107 the marker has been removed and provides contact information so  
108 that the applicant can arrange to pick up the marker. The  
109 department shall store any such markers for at least 60 days,  
110 after which time it may dispose of the marker as it deems  
111 appropriate.

112 Section 2. This act shall take effect October 1, 2018.