

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/CS/CS/HB 709 Proceeds Funding Motorcycle Safety Education

**SPONSOR(S):** Infrastructure Strategies Committee, Infrastructure & Tourism Appropriations Subcommittee, Transportation & Modals Subcommittee, Yarkosky and others

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Modals Subcommittee	17 Y, 0 N, As CS	Lewis	Hinshelwood
2) Infrastructure & Tourism Appropriations Subcommittee	15 Y, 0 N, As CS	Hicks	Davis
3) Infrastructure Strategies Committee	14 Y, 6 N, As CS	Lewis	Harrington

**SUMMARY ANALYSIS**

Under Florida law, upon the registration of a motorcycle, motor-driven cycle, or moped, in addition to the annual license tax, a nonrefundable motorcycle safety education fee of \$2.50 is collected. The proceeds of the additional fee are deposited into the Highway Safety Operating Trust Fund to fund a motorcycle driver improvement program implemented pursuant to s. 322.025 F.S.; the Florida Motorcycle Education Program established in s. 322.0255, F.S.; or the general operations of the Department of Highway Safety and Motor Vehicles (DHSMV).

The bill reallocates the \$2.50 motorcycle safety education fee provided to DHSMV to a Florida not-for-profit corporation that meets specified criteria. The bill requires DHSMV to enter into a five-year contract with a qualified program administrator by October 1, 2023. The selected program administrator must use the safety education fee to fund programs that promote motorcycle safety and education. The programs may include pamphlets, advertisements, public service announcements, digital media, social media, a website, participation at grassroots motorcycle events, advocacy, and reasonable administrative expenses.

The bill requires the selected program administrator to submit an annual report to the President of the Senate and the Speaker of the House of Representatives outlining the types of events the program administrator attended, the methods selected to distribute safety awareness and education materials, and the estimated number of individuals who were exposed to the program administrator's educational efforts.

The bill will have a negative fiscal impact to DHSMV and a positive fiscal impact to the private sector.

The bill has an effective date of July 1, 2023.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Florida Rider Training Program

Florida law provides that upon the registration of a motorcycle, motor-driven cycle, or moped, in addition to the annual license tax<sup>1</sup>, a nonrefundable motorcycle safety education fee of \$2.50 is collected. The proceeds of the additional fee are deposited into the Highway Safety Operating Trust Fund to fund a motorcycle driver improvement program implemented pursuant to s. 322.025 F.S.; the Florida Motorcycle Education Program established in s. 322.0255, F.S.; or the general operations of the Department of Highway Safety and Motor Vehicles (DHSMV).<sup>2</sup>

Section 322.025, F.S., authorizes DHSMV to implement programs to improve the driving ability of Florida drivers. These programs include, but are not limited to, public safety awareness campaigns, driver training, and licensing improvement. Funds from the motorcycle safety education fee can be used for these programs when related to *motorcycle* driver improvement.<sup>3</sup>

Section 322.0255, F.S., requires DHSMV to establish a Florida Motorcycle Safety Education Program. The program requires DHSMV to:

- Establish and administer motorcycle safety courses.
- Prescribe the curricula for such courses, which must include a minimum of 12 hours of instruction, with a minimum of six consisting of actual motorcycle operation.
- Prescribe the qualifications for certification of instructors in the program.<sup>4</sup>

When prescribing the curricula, DHSMV has the ability to adopt or include courses, curricula, or materials developed by the Motorcycle Safety Foundation, or by other traffic safety groups, if determined to be comparable to DHSMV's requirements.<sup>5</sup> Related to the certification of instructors, DHSMV can also include qualifications specified by the Motorcycle Safety Foundation, or by other traffic safety groups, determined to be comparable, and can recognize, for purposes of certification, comparable instructor training as fulfilling DHSMV's training requirements.<sup>6</sup>

DHSMV may enter into agreements with approved organizations to provide the motorcycle safety courses. Such agreements must include provisions for compensation to cover the costs of conducting the courses.<sup>7</sup>

To implement the requirements of the Florida Motorcycle Safety Education Program, DHSMV created the Florida Rider Training Program (FRTP) to provide motorcycle safety training, course curriculum, and the certification of instructors.<sup>8</sup> The FRTP consists of nine statewide members that train, audit, and perform quality assurance on the 67 training facilities across the state. The training facilities provide educational opportunities for motorcyclists, including the required training for licensure<sup>9</sup> and continuing education.<sup>10</sup>

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<sup>1</sup> The annual license tax for a motorcycle is \$10 and \$5 for a moped, as stated in s. 320.08(1)(a) and (b), F.S.

<sup>2</sup> S. 320.08(1)(c), F.S.

<sup>3</sup> S. 322.025, F.S.

<sup>4</sup> S. 322.0255(2) and (3), F.S.

<sup>5</sup> S. 322.0255(2), F.S.

<sup>6</sup> S. 322.0255(3), F.S.

<sup>7</sup> S. 322.0255(4), F.S.

<sup>8</sup> R. 15A-12.001, F.A.C.

<sup>9</sup> The motorcycle safety programs train novice motorcycle riders so they can be endorsed to operate a motorcycle in accordance with ss. 322.03(4) and 322.12(5), F.S. Each first-time applicant for licensure to operate a motorcycle who is under 21 must complete a motorcycle education course and show proof of completion to the driver license examining office as provided in s. 322.0255(7), F.S.

<sup>10</sup> Department of Highway Safety and Motor Vehicles Agency Analysis, *House Bill 709*, pg. 2 (Feb. 27, 2023).

Additionally, DHSMV focuses efforts on motorcycle safety education, outreach, and enforcement activities by:

- Participating in the Florida Motorcycle Safety Coalition<sup>11</sup> as the subject matter experts regarding the training and licensure of motorcycle riders in Florida.
- Updating the Class E Driver License Handbook that incorporates motorcycle awareness and including questions on the Class E Driver License knowledge test regarding public interaction with motorcyclists.
- Conducting outreach in Florida high schools to provide information on motorcycle safety awareness.<sup>12</sup>

As of February 5, 2023, there were 650,670 registered motorcyclists in Florida. Based on the \$2.50 motorcycle safety education fee, DHSMV collects approximately \$1,626,680. According to DHSMV, this money is used to fund the nine staff who monitor and regulate the FRTP Sponsors<sup>13</sup> and to train the RiderCoaches<sup>14</sup> that teach the motorcycle safety courses.<sup>15</sup>

## Effect of the Bill

The bill reallocates the \$2.50 motorcycle safety education fee provided to DHSMV to a Florida not-for-profit corporation to fund motorcycle safety and education programs. The bill requires DHSMV to enter into a five-year contract with a qualified program administrator to use the safety education fee to fund programs that promote motorcycle safety and education for the purpose of reducing motorcycle injuries and deaths in Florida. The programs may include pamphlets, advertisements, public service announcements, digital media, social media, a website, participation at grassroots motorcycle events, advocacy, and reasonable administrative expenses.

To qualify as the program administrator, the Florida not-for-profit corporation must:

- Be a charity registered with the Department of Agriculture and Consumer Services;
- Have a history of actively advocating for motorcycle safety and education in Florida for at least 30 years;
- Be a motorcycle grassroots organization that has actively worked with the Florida motorcycle community for at least 30 years;
- Be focused primarily on promoting motorcycle safety and education throughout Florida; and
- Have at least 3,000 active members from the motorcycle community throughout Florida.

The bill requires the selected program administrator to submit an annual report to the President of the Senate and the Speaker of the House of Representatives outlining the types of events the program administrator attended, the methods selected to distribute safety awareness and education materials, and the estimated number of individuals who were exposed to the program administrator's educational efforts.

By October 1, 2023, DHSMV must select a qualified program administrator and enter into a contract. On October 1, 2023, DHSMV must transmit the first quarterly payment of the safety education fee to the administrator.

The bill has an effective date of July 1, 2023.

## B. SECTION DIRECTORY:

**Section 1:** Amends s. 320.08, F.S., relating to motorcycle and moped license taxes.

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<sup>11</sup> The Florida Motorcycle Safety Coalition is a group of statewide safety partners that meet quarterly to reduce fatalities of motorcycle riders and passengers, using data driven research to develop, implement, and evaluate counter measures. *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> R. 15A-12.002, F.A.C., defines "RiderCoach" as a FRTP Certified Rider Course Instructor, as established in r. 15A-12.007, F.A.C.

<sup>14</sup> R. 15A-12.002, F.A.C., defines "Sponsor" as the individual or entity which provides or intends to provide Program services in Florida.

<sup>15</sup> *Supra* note 10.

**Section 2:** Provides deadlines for DHSMV to select an administrator, enter a contract, and transmit payments.

**Section 3:** Provides an effective date of July 1, 2023.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The bill will have a negative fiscal impact on DHSMV, which will no longer receive funding for the statutorily required Florida Motorcycle Safety Education Program and driver improvement program. Based on the number of motorcycles registered in Florida, the DHSMV will no longer receive approximately \$1,626,675 annually to support these motorcycle safety education and driver improvement programs and the nine FTE assigned to administer the programs.

#### 2. Expenditures:

The bill eliminates a revenue source provided to DHSMV for a motorcycle driver improvement program implemented pursuant to s. 322.025, F.S., and funding provided to DHSMV for the Florida Motorcycle Safety Education Program established in s. 322.0255, F.S. However, the bill does not remove DHSMV's requirements to administer such programs pursuant to ss. 322.025 and 322.0255, F.S. Therefore, DHSMV must still administer such programs but, under the bill, will no longer receive proceeds from the motorcycle safety education fee in order to do so.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill will have a positive fiscal impact on the selected program administrator, which will receive the \$2.50 collected each time a motorcycle is registered in this state. Based on the number of motorcycles registered in Florida, the organization will receive approximately \$1,626,675 annually.

The selected program administrator will incur costs related to the requirement to submit an annual report to the President of the Senate and the Speaker of the House of Representatives.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

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

Not applicable. This bill does not appear to affect county or municipal governments.

#### 2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

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

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On March 29, 2023, the Transportation & Modals Subcommittee considered a proposed committee substitute and reported the bill favorably as a committee substitute. The committee substitute differs from HB 709 in the following ways:

- Requires all proceeds from the motorcycle safety education fee to be used for one or more safety and education programs, including the programs under ss. 322.025 and 322.0255, F.S.
- Requires programs to be administered by DHSMV or by a private entity selected by the department which is primarily focused on promoting motorcycle safety and education in Florida.
- Authorizes proceeds from the motorcycle safety education fee to be used by programs for specified activities.

On April 11, 2023, the Infrastructure & Tourism Appropriations Subcommittee adopted one amendment to the bill and reported the bill favorably as a committee substitute. The amendment:

- Removes language that allows DHSMV to select a private entity to administer the motorcycle safety and education awareness programs under ss. 322.025 and 322.0255, F.S.
- Removes language that specifically prescribes program requirements.
- Modifies language establishing the components that must be included in the annual report submitted by DHSMV to the Legislature.

On April 17, 2023, the Infrastructure Strategies Committee adopted one amendment and reported the bill favorably as a committee substitute. The amendment:

- Reallocates the entire \$2.50 motorcycle safety education fee from DHSMV to an unnamed Florida not-for-profit corporation that meets specified criteria.
- Requires the selected program administrator to submit an annual report to the President of the Senate and the Speaker of the House of Representatives.
- Requires DHSMV to select a qualified program administrator and enter into a contract by October 1, 2023.

This analysis is drafted to the committee substitute as adopted by the Infrastructure Strategies Committee.