

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

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

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

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 838

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
4) Appropriations Committee	26 Y, 0 N, As CS	Hicks	Pridgeon

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 section 322.025 F.S.; the Florida Motorcycle Education Program established in section 322.0255, F.S.; or the general operations of the Department of Highway Safety and Motor Vehicles (DHSMV).

The bill removes the authorization allowing the motorcycle safety education fee proceeds to be used to fund the general operations of DHSMV. The bill requires DHSMV to submit an annual report to the President of the Senate and the Speaker of the House of Representatives outlining the revenues collected, funds and methods used to administer motorcycle safety and awareness programs, and an estimate of the number of individuals exposed to the educational efforts.

The bill will have an insignificant negative fiscal impact to the Highway Safety Operating Trust Fund associated with compilation and submission of the annual report. The cost can be absorbed within DHSMV's existing resources.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Florida Rider Training Program

Current Situation

Florida law provides that upon the registration of a motorcycle, motor-driven cycle, or moped, in addition to the annual license tax¹, 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 section 322.025 F.S.; the Florida Motorcycle Education Program established in section 322.0255, F.S.; or the general operations of the Department of Highway Safety and Motor Vehicles (DHSMV).²

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.³

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.⁴

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.⁵ 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.⁶

DHSMV is authorized to 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.⁷

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.⁸ 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

¹ 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.

² Section 320.08(1)(c), F.S.

³ Section 322.025, F.S.

⁴ Sections 322.0255(2) and (3), F.S.

⁵ Section 322.0255(2), F.S.

⁶ Section 322.0255(3), F.S.

⁷ Section 322.0255(4), F.S.

⁸ Rule 15A-12.001, F.A.C.

educational opportunities for motorcyclists, including the required training for licensure⁹ and continuing education.¹⁰

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

- Participating in the Florida Motorcycle Safety Coalition¹¹ 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.¹²

As of February 5, 2023, there were 650,670 registered motorcyclists in Florida. Based on the \$2.50 motorcycle safety education fee, the DHSMV collects approximately \$1,626,680. According to DHSMV, this money is used to fund the nine FTE who monitor and regulate the FRTP Sponsors¹³ and to train the RiderCoaches¹⁴ that teach the motorcycle safety courses.¹⁵

Effect of the Bill

The bill removes the authorization for the motorcycle safety education fee to be used for the general operations of DHSMV; therefore, requiring all proceeds to be used for the safety and education programs created under sections 322.025 and 322.0255, F.S.

The bill requires DHSMV to submit an annual report to the President of the Senate and the Speaker of the House of Representatives outlining the revenues collected by the fee, funds and methods used to administer motorcycle safety and awareness programs, and an estimate of the number of individuals exposed to the educational efforts.

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

B. SECTION DIRECTORY:

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

Section 2: Provides an effective date of October 1, 2023.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

⁹ 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.

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

¹¹ 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.*
¹² *Id.*

¹³ Rule 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.

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

¹⁵ *Supra* note 10.

2. Expenditures:

The bill prohibits DHSMV from utilizing the proceeds from the motorcycle safety education fee for the general operations of the department. DHSMV reports that approximately \$1,626,680 is collected annually to support these motorcycle safety education and driver improvement programs and the nine FTE assigned to administer the programs. The funds are not used for general operations of the department.

The bill requires DHSMV to submit an annual report to the President of the Senate and the Speaker of the House of Representatives. DHSMV states that this requirement can be completed using existing departmental resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

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.

On April 21, 2023, the Appropriations Committee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment:

- Removes the authorization allowing the motorcycle safety education fee proceeds to be used to fund the general operations of DHSMV.
- Removes language that reallocates the entire \$2.50 motorcycle safety education fee from DHSMV to an unnamed Florida not-for-profit corporation that meets specified criteria.
- Removes language that requires DHSMV to select a qualified program administrator and enter into a contract by October 1, 2023.
- Removes language that specifies contractual arrangements with the program administrator and the transmission of the proceeds from the motorcycle safety education fee.
- Requires DHSMV to submit an annual report to the President of the Senate and the Speaker of the House of Representatives.

The bill analysis is drafted to the committee substitute as adopted by the Appropriations Committee.