

HOUSE OF REPRESENTATIVES STAFF FINAL BILL 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/CS/SB 838

FINAL HOUSE FLOOR ACTION: 114 Y's 0 N's **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

CS/CS/CS/CS/HB 709 passed the House on May 3, 2023, as CS/CS/SB 838.

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 three Florida not-for-profit corporations that meet specified criteria. The bill requires DHSMV to enter into a five-year contract with each of the qualified program administrators by October 1, 2023. The selected program administrators 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. Additionally, the contracts must require that each program administrator show clear collaboration during and prior to the implementation of motorcycle safety and education programs.

The bill requires each of the selected program administrators 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 used to distribute safety awareness and education materials, an estimate of the number of individuals who were exposed to the program administrator's educational efforts, and collaboration with any other program administrator.

The bill will have a negative fiscal impact on the state, a positive fiscal impact on the private sector, and no fiscal impact on local governments.

The bill was approved by the Governor on May 24, 2023, ch. 2023-118, L.O.F., and will become effective on July 1, 2023.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF 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,¹ 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).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 DHSMV can recognize, for purposes of certification, comparable instructor training as fulfilling DHSMV's training requirements.⁶

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

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

² S. 320.08(1)(c), F.S.

³ S. 322.025, F.S.

⁴ S. 322.0255(2) and (3), F.S.

⁵ S. 322.0255(2), F.S.

⁶ S. 322.0255(3), F.S.

⁷ S. 322.0255(4), F.S.

⁸ R. 15A-12.001, F.A.C.

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 DHSMV 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 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, DHSMV collects approximately \$1,626,675. According to DHSMV, this money is used to fund the nine staff 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 reallocates the \$2.50 motorcycle safety education fee provided to DHSMV to three Florida not-for-profit corporations to fund motorcycle safety and education programs. The bill requires DHSMV to enter into a five-year contract with each 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. The contracts must require that each program administrator show clear collaboration during and prior to implementation of motorcycle safety and education programs. Such collaboration may include collaboration regarding advertising, management of the safety education fee funds, and motorcycle safety and education programs.

Qualifying program administrators, must meet the following criteria:

- They must be Florida not-for-profit corporations and must be charities registered with the Department of Agriculture and Consumer Services;
- One of the program administrators must be:
 - A motorcycle grassroots organization that has been in existence for at least 30 years with an established history of advocating for motorcycle safety during that time period; and
 - Able to demonstrate membership of at least 5,000 members as of January 1, 2023, which are geographically dispersed throughout Florida.
- Two of the program administrators must be:
 - Motorcycle grassroots organizations that have been in existence for at least 20 years with an established history of advocating for motorcycle safety during that time period; and
 - Able to demonstrate membership of at least 1,000 members as of January 1, 2023, which are geographically dispersed throughout Florida.

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 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.

¹⁴ R. 15A-12.002, F.A.C., defines "Sponsor" as the individual or entity which provides or intends to provide Program services in Florida. The term "Program" refers to the Florida Motorcycle Safety Education Program or Florida Rider Training Program. *Id.*

¹⁵ DHSMV Agency Analysis, *supra* note 10.

By October 1, 2023, DHSMV must select three qualified program administrators and enter into contracts. On October 1, 2023, DHSMV must transmit the first quarterly payment to each program administrator. DHSMV must award contracts by October 1, 2023, even if a sufficient number of qualified entities have not applied.

The bill requires the selected program administrators 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 used to distribute safety awareness and education materials, an estimate of the number of individuals who were exposed to the program administrator's educational efforts, and collaboration with any other program administrator during and prior to implementation of any safety education programs.

The bill has 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, 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 administrators, which will receive one-third of 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 one-third of approximately \$1,626,675 annually.

The selected program administrators 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.