

1989

## Session Law 89-034

Florida Senate & House of Representatives

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**H 153 GENERAL BILL/CS/1ST ENG by Criminal Justice; Deutsch; Cosgrove (Identical CS/S 238)**

~~Combat Automobile Theft Programs~~; authorizes counties & municipalities to enact ordinances to establish "combat automobile theft" programs whereby motor vehicle owners may enroll their vehicles by signing consent in advance for law enforcement officer to stop vehicle; provides program components; authorizes fee for administration of program; provides that owner is responsible for removing decal; provides immunity from liability for law enforcement officers. Amends 316.008. Effective Date: 10/01/89.

01/24/89 HOUSE Prefiled  
 01/31/89 HOUSE Referred to Criminal Justice; Appropriations  
 02/17/89 HOUSE Subreferred to Subcommittee on Prosecution and Punishment  
 02/20/89 HOUSE On subcommittee agenda—Criminal Justice, 03/08/89, 8:00 am, 21-HOB  
 03/06/89 HOUSE On Committee agenda—Criminal Justice, 03/21/89, 3:00 pm, 217-HOB—For ratification of subreferral  
 03/09/89 HOUSE Subcommittee Recommendation: Favorable as a proposed Committee Substitute; On Committee agenda; pending subcommittee action—Criminal Justice, 03/21/89, 3:00 pm, 217-HOB  
 03/23/89 HOUSE Preliminary Committee Action by Criminal Justice: Favorable as a CS  
 03/29/89 HOUSE Comm. Report: CS by Criminal Justice; Now in Appropriations  
 04/03/89 HOUSE Subreferred to Subcommittee on Criminal Justice  
 04/04/89 HOUSE Introduced, referred to Criminal Justice; Appropriations -HJ 25; Subreferred to Subcommittee on Prosecution and Punishment; Comm. Report: CS by Criminal Justice -HJ 204; CS read first time -HJ 203; Now in Appropriations -HJ 204; Subreferred to Subcommittee on Criminal Justice  
 04/13/89 HOUSE Subreferred to Subcommittee on Criminal Justice  
 04/19/89 HOUSE Withdrawn from Appropriations -HJ 241; Placed on Calendar  
 04/25/89 HOUSE Placed on Special Order Calendar; Read second time -HJ 270  
 04/27/89 HOUSE Read third time; Amendment adopted; CS passed as amended; YEAS 114 NAYS 0 -HJ 282  
 04/28/89 SENATE In Messages  
 05/05/89 SENATE Received, referred to Transportation; Judiciary-Criminal -SJ 272  
 05/12/89 SENATE Extension of time granted Committee Transportation  
 05/16/89 SENATE Withdrawn from Transportation; Judiciary-Criminal; Substituted for CS/SB 238; CS passed; YEAS 35 NAYS 0 -SJ 371  
 05/18/89 Ordered enrolled  
 05/25/89 Signed by Officers and presented to Governor -HJ 657  
 06/01/89 Approved by Governor; Chapter No. 89-34 -HJ 1123

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

STORAGE NAME: h0153c.cj  
DATE: June 30, 1989

HOUSE OF REPRESENTATIVES  
COMMITTEE ON CRIMINAL JUSTICE  
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: CS/HB 153

RELATING TO: Combat Auto Theft Programs

SPONSOR(S): Criminal Justice, Representatives Deutsch and Cosgrove

EFFECTIVE DATE: October 1, 1989

DATE BECAME LAW: June 1, 1989

CHAPTER #: 89-34, Laws of Florida

COMPANION BILL(S): CS/SB 238

OTHER COMMITTEES OF REFERENCE: (1) Appropriations  
(2)

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I. SUMMARY:

A. PRESENT SITUATION:

Section 316.008, Florida Statutes provides the powers to local authorities as they relate to the streets and highways under their jurisdictions. Counties and municipalities are given discretion when it relates to the control of streets and traffic within their jurisdictions. Interpretations under the Fourth Amendment to the United States Constitution require probable cause before a vehicle can be stopped by law enforcement.

B. EFFECT OF PROPOSED CHANGES:

This bill would allow a county or municipality to enact an ordinance providing for a "combat automobile theft" program within its jurisdiction and charge a fee for the administration of the program and the cost of the decal. The program would allow those automobile owners who wish to enroll to place bright yellow decals on the windows of their automobiles. The placement of a bright yellow decal on the window would authorize a law enforcement officer to stop the car without probable cause when it is being driven between the hours of 1 a.m. and 5 a.m. Automobile owners would sign a consent form to enroll in the program and would be responsible for the removal of the decal. Law enforcement officers are provided immunity from liability in connection with the program.

C. SECTION-BY-SECTION ANALYSIS:

Section 1 provides the authorization for the establishment of a

combat automobile theft program and the imposition of a fee by local government ordinance.

This section describes where the decal shall be affixed and provides that the owner of the automobile assumes responsibility for the removal of the decal when the program terminates. Law enforcement officers are granted immunity from civil liability when acting in accordance with the provisions of this law.

Section 2 provides an effective date of October 1, 1989.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

There could be some costs associated with processing the consent forms and printing of the bright yellow decals. Such costs are unknown. The bill authorizes the local government to assess a fee for administration of the program and cost of the decal.

2. Recurring or Annualized Continuation Effects:

Such costs are unknown.

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

The program is designed to reduce automobile theft which would be a private sector benefit.

3. Effects on Competition, Private Enterprise, and Employment Markets:

None

D. FISCAL COMMENTS:

III. LONG RANGE CONSEQUENCES:

IV. COMMENTS:

The PBA does not anticipate any fiscal impact of the bill.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

Elizabeth A. Miller  
Elizabeth A. Miller

Staff Director:

Robin S. Hassler  
Robin S. Hassler

SECOND COMMITTEE OF REFERENCE:

Prepared by:

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Staff Director:

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APPROPRIATIONS:

Prepared by:

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Staff Director:

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REVISED: \_\_\_\_\_

BILL NO. CS/SB 238

DATE: May 1, 1989

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Meredith	Gargiulo	1. TR	FAV/CS
2. <del>Spadley</del>	Liepshutz <i>ML</i>	2. JCR	FAV
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

"Combat Automobile Theft Program"

BILL NO. AND SPONSOR:

CS/SB 238 by  
Committee on Transportation  
and Senator Weinstein

I. SUMMARY:

A. Present Situation:

Section 316.008, F.S., provides the powers of local governments to regulate the streets and highways under their jurisdiction through the reasonable use of the police power and the authority for the subsequent disposition of violations of these regulations.

This section also provides for a county or municipality to enact ordinances to assess fines for violations of certain specified sections in chapters 316 and 318.

B. Effect of Proposed Changes:

This bill would allow a county or municipality to enact an ordinance establishing a "combat automobile theft" program and to charge a fee to be used for program administration. Those persons enrolling in the program would sign a consent form and receive a bright yellow decal.

Law enforcement officers would be given advance consent to stop motor vehicles between the hours of 1:00 a.m. and 5:00 a.m. if a bright yellow decal is affixed to the bottom left corner of the back window of the vehicle. Removal of the decal would be required of the owner when ownership changes or program participation ends.

No civil liabilities would arise from the actions of a law enforcement officer when stopping a vehicle bearing the yellow decal when the driver is not enrolled in the program, provided the stop is made in accordance with program requirements.

The bill would take effect October 1, 1989.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Costs associated with the enrollment in the combat automobile theft program would be incurred by those persons electing to participate in the program.

B. Government:

Local governmental agencies may experience some start-up costs which could be recovered through charging an enrollment fee to participants.

III. COMMENTS:

None.

REVISED: \_\_\_\_\_

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IV. AMENDMENTS:

None.