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Making Streets Safer for Blind Pedestrians: Proposed Amendments to Florida's White Cane Law

PURPOSE

To amend the current White Cane Law (316.1301) to increase the penalty for violation; to add sections which would require the Department of Motor Vehicles to publish this law in all appropriate training materials and to include such questions on all driver license exams; to make the appropriate department responsible for publicizing this law.

BACKGROUND

Today, the white cane works both, as a tool for the blind as well as a symbol of our mobility and independence. But, this has not always been the case. Throughout history, the cane, staff, and stick have existed as traveling aids for the blind and visually impaired. For centuries, the "cane" was used merely as a tool for travel and it was not until the twentieth century that the cane, as we know it today, was promoted for use by the blind as a symbol to alert others to the fact that an individual was blind. This new role for the white cane had its origins in the decades between the two World Wars, beginning in Europe and then spreading to North America. James Biggs of Bristol claimed to have invented the white cane in 1921.

It was, however, not until ten years later the white cane established its presence in society. In February, 1931, Guilly d'Herbement launched a scheme for a national white stick movement for blind people in France. The campaign was reported in British newspapers leading to a similar scheme being sponsored by Rotary Clubs throughout the United Kingdom. In North America the introduction of the white cane has been attributed to the Lion's Clubs International. In 1931, the Lion's Clubs International began a national program promoting the use of white canes for persons who are blind, as the white cane offered improved visibility and recognition by motorists. Throughout the 1920s and 1930s, blind persons had walked with their

canes held diagonally in a fixed position, and the role of the white cane took on a symbolic role as an identifier.

But when the blind veterans of World War II returned to America, the form and the use of the white cane was further altered in an attempt to help return veterans to participatory lifestyles at home. Doctor Richard Hoover developed the "long cane" or "Hoover" method of cane travel. These white canes were designed to be used as mobility devices and returned the cane to its original role as a tool for mobility, but maintained the symbolic role as an identifier of blind independence. During this period, the white cane began to make its way into government policy as a symbol for the blind.

The first special White Cane Ordinance was passed in December 1930 in Peoria, Illinois. It granted blind pedestrians protections and the right-of-way while carrying a white cane. Our original "Florida White Cane" Law was passed in 1949. The Florida law has only been amended a couple of times.

The most recent statistics gathered from the Florida Highway Safety Motor Vehicle Department at www.hsmv.state.fl.us show over the past ten years approximately 8500 people have been struck and 500 people have been killed by motor vehicles. No statistics have been kept showing how many of these persons have been disabled as a result of being struck by a moving automobile. Also the statistic for the number of persons struck who were disabled prior to the accident does not exist. The State of Florida has four of the top ten deadliest counties in the United States for pedestrians including the three deadliest counties for all types of pedestrians.

EXISTING LAW

Florida's White Cane Law 316.1301 Traffic Regulations to Assist Blind Persons states:

(1) It is unlawful for any person, unless totally or partially blind or otherwise incapacitated, while on any public street or highway, to carry in a raised or extended position a cane or walking stick which is white in color or white tipped with red. A person who is convicted of a violation of this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Whenever a pedestrian is crossing, or attempting to cross, a public street or highway, guided by a dog guide or carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, the driver of every vehicle approaching the intersection or place where the

pedestrian is attempting to cross shall bring his or her vehicle to a full stop before arriving at such intersection or place of crossing and, before proceeding, shall take such precautions as may be necessary to avoid injuring such pedestrian. A person who is convicted of a violation of this subsection is guilty of a moving violation punishable as provided in chapter 318.

(3) Nothing contained in this section shall be construed to deprive any totally or partially blind or otherwise incapacitated person not carrying such a cane or walking stick, or not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing streets or highways. The failure of any such person to carry a cane or walking stick or to be guided by a dog shall not be considered comparative negligence, nor shall such failure be admissible as evidence in the trial of any civil action with regard to negligence.

NEED FOR LEGISLATION

There is a need to enhance the current legislation due to the rapidly increasing number of persons who are disabled and elderly who are getting struck and/or becoming disabled. There currently is little incentive for drivers to follow the law since many law enforcement agencies do not know the law or see it as a low priority issue. Furthermore, the problem is compounded by the fact that the White Cane Law is not included in the statute books that are commonly carried by law enforcement officers.

REQUESTED ACTION

We are asking that the following actions be taken:

Language should be added to an existing Bill to:

(1) Raise the fines for violation of the White Cane Law to be the same as the Maximum fine for illegally parking in a Handicapped Parking place, (\$250.00). Also raise the fines for striking such pedestrians or their Guide Dogs, to \$500.00 for each subject struck by a motorist plus 3 points on his or her driver's license for 3 years.

(2) Place 65 per cent of these funds from such fines, into an existing Trust Fund with the Florida State Division of Blind Services for Grants and Donations with the balance being distributed under the provisions of s 318 21 to be used by non-profit organizations that represent the Blind, Elderly and Disabled, to fund grants from this

Trust Fund to increase both General and specific awareness of the White Cane Laws and Guide Dog Access Laws to both Law enforcement agencies and the General Public at Large.

(3) Copies of the Florida White Cane Law should mandatorially be required to be placed in all Florida Statute Books and reference books commonly used by law enforcement officers, including the Statute books carried in all law enforcement vehicles, and an awareness program begun, statewide, to inform and educate all law enforcement officers and drivers as to the White Cane and Guide Dog Laws and the importance of their enforcement.

(4) The White Cane Law should also be considered violated, and a fine assessed to drivers who stop or block crosswalks and curb cuts or fail to come to a complete stop when making a Right on Red turn where a child or elderly, blind or disabled person is attempting to cross a street or driveway.

(5) Require that the Department of Transportation, highway Safety, begin keeping statistics on how many minor children, persons over 65, and Blind and Disabled persons are struck by vehicles in the State of Florida and require that all levels of local, county and state law enforcement agencies begin collecting such data and distributing it to the DOT yearly for tracking purposes. Also track and collect the types and makes of vehicles in this information, such as identifying the vehicle as a bus, truck, car, van, SUV or Hybrid electric vehicle.

Note: New hybrid electric vehicles , because they are so quiet, pose a new threat to the elderly and the Blind who cannot hear their approach and cannot see them or are unable to judge how fast they the vehicle is approaching, in time to make a decision to avoid them. Currently, 69.7 per cent of all Blind people are over the age of 65. This number will rise to 74% in the next ten to twelve years as “baby boomers” come into retirement age.

(6) Require at least two questions about the White Cane Laws to be placed in the upper one third of questions in every State of Florida Driver’s License written exam for both new drivers and those renewing their licenses.

For more information on this matter or other issues affecting the blind of Florida, ,
please feel free to contact:

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