

<b>Tab 1</b>	<b>CS/SB 784</b> by <b>TR, Gainer (CO-INTRODUCERS) Rouson;</b> (Similar to CS/CS/H 00545) Department of Highway Safety and Motor Vehicles						
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499186	D	S	RS	ATD, Gainer	Delete everything after	04/18 05:52 PM
<del>824988</del>	AA	S	WD	ATD, Gainer	Delete L.1399 - 1414:	04/18 05:52 PM
726846	SD	S	RCS	ATD, Brandes	Delete everything after	04/18 05:52 PM
291750	ASA	S	L UNFAV	ATD, Artiles	btw L.1812 - 1813:	04/18 05:52 PM

<b>Tab 2</b>	<b>CS/SB 1562</b> by <b>TR, Garcia;</b> (Similar to CS/1ST ENG/H 01049) Expressway Authorities						
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841202	D	S	RCS	ATD, Brandes	Delete everything after	04/18 06:04 PM
269396	AA	S	RCS	ATD, Brandes	Delete L.5 - 26:	04/18 06:04 PM
165746	AA	S	RCS	ATD, Brandes	Delete L.128 - 155:	04/18 06:04 PM
207830	AA	S	L UNFAV	ATD, Artiles	Before L.27:	04/18 06:04 PM

<b>Tab 3</b>	<b>CS/SB 1770</b> by <b>CA, Lee;</b> (Similar to CS/CS/CS/H 00013) Community Redevelopment Agencies						
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176984	A	S	RCS	ATD, Lee	btw L.61 - 62:	04/18 06:31 PM
707546	A	S	L RCS	ATD, Lee	Delete L.243 - 265:	04/18 06:31 PM

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**APPROPRIATIONS SUBCOMMITTEE ON  
TRANSPORTATION, TOURISM, AND ECONOMIC  
DEVELOPMENT**

**Senator Brandes, Chair**  
**Senator Powell, Vice Chair**

**MEETING DATE:** Tuesday, April 18, 2017  
**TIME:** 1:30—3:30 p.m.  
**PLACE:** *Toni Jennings Committee Room*, 110 Senate Office Building

**MEMBERS:** Senator Brandes, Chair; Senator Powell, Vice Chair; Senators Artiles, Benacquisto, Gainer, Gibson, Passidomo, Rader, Simpson, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 784</b> Transportation / Gainer (Similar CS/CS/H 545, Compare CS/S 1022, CS/S 1374, CS/S 1734)	Department of Highway Safety and Motor Vehicles; Revising provisions relating to federal regulations to which owners and drivers of commercial motor vehicles are subject; providing an exemption, beginning on a specified date, of a certain fee for vehicles registered under the International Registration Plan; providing for reimbursement to the department of tuition and other course expenses for certain training under certain circumstances; requiring the department to make available, upon request, a report to each school district of certain information of each student whose driving privileges have been suspended under this section, etc.  TR     03/22/2017 Fav/CS ATD    04/18/2017 Fav/CS AP	Fav/CS Yeas 8 Nays 0
2	<b>CS/SB 1562</b> Transportation / Garcia (Similar CS/H 1049, Compare CS/CS/H 961)	Expressway Authorities; Citing this act as the "Toll Reform Act"; requiring toll increases by authorities in certain counties to be justified by an independent study by a third party; providing that such authorities may only increase tolls to the extent necessary to adjust for inflation pursuant to a certain procedure for toll rate adjustments; requiring authorities in certain counties to reduce toll charges by a specified amount at the time that any toll is incurred for certain SunPass registrants, etc.  TR     03/22/2017 Fav/CS ATD    04/18/2017 Fav/CS AP	Fav/CS Yeas 9 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Subcommittee on Transportation, Tourism, and Economic Development  
Tuesday, April 18, 2017, 1:30—3:30 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	<b>CS/SB 1770</b> Community Affairs / Lee (Similar CS/CS/H 13)	Community Redevelopment Agencies; Requiring ethics training for community redevelopment agency commissioners; providing a phase-out period for existing community redevelopment agencies unless their continued existence is approved by a super majority vote of the governing bodies of the counties or municipalities which created them; requiring the Department of Economic Opportunity to declare inactive community redevelopment agencies that have reported no financial activity for a specified number of years, etc.  CA 03/22/2017 Not Considered CA 04/03/2017 Fav/CS ATD 04/18/2017 Pending reconsider (Unfavorable) AP RC	Unfavorable Yeas 2 Nays 5 <b>-Pending Reconsideration</b>

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Other Related Meeting Documents

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

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BILL: PCS/CS/SB 784 (314566)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development, Transportation Committee and Senator Gainer and others

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: April 20, 2017

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Miller</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Pitts</u>	<u>ATD</u>	<u>Recommended: Fav/CS</u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/CS/SB 784 makes numerous changes relating to the Department of Highway Safety and Motor Vehicles (DHSMV). Specifically, the bill:

- Creates a definition of an autocycle, requires occupants of autocycles to wear safety belts, and exempts drivers of autocycles from being required to have a motorcycle endorsement or motorcycles license, or from completing motorcycle knowledge and skills testing in order to operate the autocycle;
- Allows volunteer firefighters to use red and white, in addition to red, warning signals;
- Updates various commercial motor vehicle (CMV) regulations to address compatibility issues with federal law;
- Allows a person without a driver license to operate an autonomous vehicle in autonomous mode if the person cannot take control of the vehicle;
- Applies certain insurance coverage requirements, should legislation addressing insurance for transportation network companies (TNCs) become law, to autonomous vehicles used by TNCs to provide transportation, regardless of whether a human operator is physically present in the vehicle when the ride occurs;
- Authorizes a board of county commissioners to require, by ordinance, that the clerk of court collect an additional \$5 with each *criminal*, instead of *civil* traffic penalty, which is used to fund driver education programs in schools;
- Changes “construction zone” to “work zone” for the purpose of double speeding penalties in such zones if required signs are posted and workers are present;

- Requires interstate charter buses to register as apportionable vehicles;
- Changes references to the organization “Prevent Blindness Florida” to “Preserve Vision Florida”;
- Requires tax collectors perform the same motor vehicle registration and driver license services for non-county residents as they do for their home county residents;
- Effective July 1, 2018, expands the allowable operations and authorized agents of the DHSMV electronic filing system;
- Increases the time-frame apportionable vehicles must replace their license plates from annually to every five years;
- Allows a person driving a rental vehicle who is stopped by a law enforcement officer or agent of the DHSMV to show an electronic copy of a rental agreement;
- Revises the eligibility requirement for the agricultural restricted license plate to allow certain agricultural trucks that operate within the state, instead of within a 150-mile radius of the truck’s home address, be eligible for the restricted license plate;
- Removes specialty license plates from statute that have been discontinued by the DHSMV;
- Authorizes a trailer to be considered a motor vehicle for purposes of receiving specified license plates;
- Creates a Purple Heart motorcycle license plate and a Bronze Star license plate;
- Clarifies the definition of motor vehicle dealers and motor vehicle brokers;
- Makes numerous changes to transporter license plates, including requiring more information from applicants for transporter plates and adding penalties for the misuse of such plates;
- Requires DHSMV work with the Agency for State Technology to provide digital proof of driver licenses;
- Allows a person diagnosed with posttraumatic stress disorder (PTSD) or traumatic brain injury (TBI) to be eligible to receive a “D” designation on his or her identification (ID) card;
- Increases the amount of time a Florida Highway Patrol (FHP) trooper must stay employed with the FHP to avoid having to reimburse training costs from two years to three years;
- Revises DHSMV reporting requirements relating to driver license suspensions for persons who do not meet school attendance requirements;
- Authorizes tax collectors to retain fees or a portion of fees when they administer subsequent driver license examinations or reinstate licenses;
- Allows the DHSMV to issue a no-fee replacement identification card upon proof to the DHSMV that the card was stolen;
- Provides the option for expedited shipping of a driver license or identification card;
- Removes an obsolete provision relating to specialty driver licenses; and
- Allows for-hire passenger vehicles be insured by an eligible surplus lines insurer and modifies certain insurance limits;
- Prohibits a person from using any device prohibited by the Federal Communications Commission which would cause interference with the legal use of a global positioning system to track vehicles; and
- Amends numerous cross-references to reflect changes made by the bill.

The bill is intended to address a broad range of federal compliance, customer service and administrative efficiency issues; however, these changes have various indeterminate impacts on state revenues and expenditures.

The Revenue Estimating Conference (REC) reviewed identical sections of the bill on March 10, 2017.<sup>1</sup> The REC estimates that replacing stolen identification cards at no charge to a customer (section 36 of the bill) will have an insignificant negative impact to the General Revenue Fund until Fiscal Years 2020 through 2022, when it will have a negative impact of \$100,000 annually.

The REC estimates that allowing local tax collectors to retain fees or portions of fees for administering subsequent driver license examinations or reinstating licenses (sections 34 and 37) will shift approximately \$5 million from the Highway Safety Operating Trust Fund each year to the local tax collectors.

Additionally, the REC estimates, authorizing expedited shipping fees for driver licenses and identification cards (section 37) will have an indeterminate impact in revenues to the extent that expedited shipping is requested.

Except otherwise provided, the bill takes effect October 1, 2017.

## II. Present Situation:

Due to the disparate issues in the bill, the present situation for each section is discussed below in conjunction with the Effect of the Proposed Changes.

## III. Effect of Proposed Changes:

### Autocycles (Sections 1, 6, 11, 29, and 34)

#### *Present Situation*

An autocycle is commonly defined as a three-wheel motorcycle that has a steering wheel and seating that does not require the operator to straddle or sit astride it.<sup>2</sup> The term “autocycle” is not defined in federal law; however, as of February 2016, at least 22 states have created statutory definitions for an autocycle.<sup>3</sup> Currently, the DHSMV registers autocycles as motorcycles.<sup>4</sup> This means operators of autocycles, generally, are not required to maintain insurance<sup>5</sup> or wear safety belts<sup>6</sup>, but are required to:

- Maintain a motorcycle endorsement or motorcycle license;<sup>7</sup>

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<sup>1</sup> Office of Economic and Demographic Research, Revenue Estimating Conference, *Highway Safety Fees – HB 545* (Mar. 10, 2017), available at [http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2017/\\_pdf/Impact0310.pdf](http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2017/_pdf/Impact0310.pdf) at p. 22-30 (last visited Mar. 15, 2017).

<sup>2</sup> American Association of Motor Vehicle Administrators (AAMVA), *Best Practices for the Regulation of Three-Wheel Vehicles* (October 2013), available at <http://www.aamva.org/3wheelvehiclebp/> at p. 4 (last visited Mar. 22, 2017).

<sup>3</sup> National Conference of State Legislatures (NCSL), *Traffic Safety Trends – State Legislative Action 2015* (Feb. 2016), available at [http://www.ncsl.org/Documents/transportation/2015\\_Traffic\\_Safety\\_Trends.pdf](http://www.ncsl.org/Documents/transportation/2015_Traffic_Safety_Trends.pdf) at p. 23 (last visited Mar. 22, 2017).

<sup>4</sup> DHSMV Technical Advisory RS/TL16-015, *Registering the Slingshot* (June 20, 2016), available at [https://www.flhsmv.gov/dmv/bulletins/2016/ta\\_rstl16-015.pdf](https://www.flhsmv.gov/dmv/bulletins/2016/ta_rstl16-015.pdf)

<sup>5</sup> See ch. 324, F.S., on Motor Vehicle Financial Responsibility.

<sup>6</sup> See s. 316.614(3)(a)5., F.S.

<sup>7</sup> Section 322.03(4), F.S.

- Wear a helmet, unless over 21 years of age with at least \$10,000 of medical insurance or riding in an enclosed cab;<sup>8</sup> and
- Wear eye protection<sup>9</sup>;

Since autocycles share more characteristics with passenger motor vehicles than motorcycles, some of the motorcycle requirements, or lack of requirements, may or may not be necessary for autocycles. For example, studies suggest a motorcycle endorsement or motorcycle license should not be required for operating an autocycle.<sup>10</sup> Motorcycle rider courses primarily focus on operating a motorcycle in which the operator sits astride the saddle and uses handlebars, while using his or her body weight, balance, and position on the motorcycle to corner or stop; however, operating an autocycle requires mechanics similar to a passenger motor vehicle. At least 21 states do not require a motorcycle endorsement or motorcycle license to operate an autocycle.<sup>11</sup>

There is little research or crash data available concerning the safety of autocycles. Since autocycles fall under the definition of a motorcycle they are only required to meet the federal safety standards required for motorcycles; thus, autocycles are not required to meet the crash safety standards or occupant safety criteria that a regular passenger motor vehicle is required to meet. The National Highway Traffic Safety Administration (NHTSA) has concerns that the overall appearance of autocycles, being closer to the appearance of a car than a motorcycle, may cause people to think autocycles are as safe as passenger motor vehicles.<sup>12</sup>

### *Effect of Proposed Changes*

Section 1 amends s. 316.003, F.S., defining an autocycle as a three-wheel motorcycle that has two wheels in the front and one wheel in the back, is equipped with a roll cage or roll hoops, safety belts for each occupant, antilock brakes, a steering wheel, and seating that does not require the operator to straddle or sit astride it and is manufactured by a National Highway Traffic Safety Administration (NHTSA) registered manufacturer in accordance with the applicable federal motorcycle safety standards.

Sections 1 and 11 include an autocycle in the definition of a motorcycle. Also, the definition of motorcycle is amended to exempt a vehicle in which the operator is enclosed by a cabin unless the vehicle meets the requirements set forth by the NHTSA for a motorcycle.

Section 6 amends s. 316.614, F.S., to require that the operator, front seat passenger, and any passenger under the age of 18 years old in an autocycle wear a safety belt.

Sections 29 and 34 amend ss. 322.03 and 322.12, F.S., respectively, to exempt operators of an autocycle from needing a motorcycle endorsement or motorcycle license, and from needing to complete motorcycle skills and motorcycle knowledge testing to operate an autocycle.

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<sup>8</sup> Section 316.211, F.S.

<sup>9</sup> Section 316.211(2), F.S.

<sup>10</sup> AAMVA, *supra* note 1 at p. 5 and 9

<sup>11</sup> NCSL, *supra* note 2

<sup>12</sup> AAMVA, *supra* note 2 at p. 2

## **Volunteer Firefighters – Red and White Warning Signals (Sections 2, 3, and 28)**

### ***Present Situation***

Section 316.2397, F.S., authorizes vehicles of the fire department and fire patrol, including vehicles of permitted volunteer firefighters, to show or display red warning signals. Specifically, active volunteer firefighters are authorized to display such red lights or warning signals if the volunteer firefighter has secured a written permit from the chief executive officers of the firefighting organization allowing the use of such signals. This permit is required to be carried at all times while the firefighter displays the red warning signals. The active firefighter may display red lights on their privately owned vehicle while en route to a fire or other emergency in the line of duty, or while en route to the fire station for the purpose of proceeding to a fire or other emergency.<sup>13</sup>

Section 316.2398, F.S., requires that the warning signals must be visible from the front and rear of the vehicle, and requires:

- No more than two red warning signals may be displayed; and
- No inscription of any kind may appear across the face of the lens of the warning signal.

A violation of these requirements is a nonmoving violation, punishable as provided in ch. 318, F.S.<sup>14</sup>, and any volunteer firefighter who violates these requirements shall be dismissed from membership in the firefighting organization.<sup>15</sup>

### ***Effect of Proposed Changes***

Sections 2, 3, and 19 amend ss. 316.2397, 316.2398, and 322.01, F.S., respectively, to provide that volunteer firefighters may use red or *red and white* warning signals where provided by law. Additionally, the bill removes the prohibition on the number of warning signals a volunteer firefighter or medical staff may use; instead, the responding agency may determine the number of warning signals that may be displayed on the responding vehicle to maintain public safety and the safety of the responding vehicle occupants.

## **Wrecker Lights (Section 2)**

### ***Present Situation***

Section 316.2397, F.S., requires wreckers use amber rotating or flashing lights while performing recoveries and loading on the roadside day or night, and they may use such lights while towing a vehicle on wheel lifts, slings, or under reach if the operator deems such lights necessary. Additionally, a flatbed, car carrier, or rollback may not use such lights when hauling a vehicle unless it creates a hazard to other motorists because of protruding objects.

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<sup>13</sup> Section 316.2398(1), F.S.

<sup>14</sup> Chapter 318.18, F.S., provides that a nonmoving traffic violation is a \$30 penalty plus court costs. This could result in a penalty and costs totaling up to \$108.

<sup>15</sup> Section 316.2398(5), F.S.



***Effect of Proposed Changes***

Section 2 amends s. 316.2397, F.S., to remove the prohibition against flatbeds, car carriers, or rollbacks from using amber rotating or flashing lights when hauling vehicles. The section requires such vehicles, when registered as wreckers pursuant to s. 320.08(5)(d) or (e), F.S., use amber rotating or flashing lights while performing recoveries and loading on the roadside, and authorizes the use of such lights if the operator of the wrecker deems such lights necessary.

**Federal Motor Carrier Safety Administration Compatibility (Section 4)*****Present Situation***

The Federal Motor Carrier Safety Administration (FMCSA) was established within the United States Department of Transportation on January 1, 2000. Its primary mission is to prevent commercial motor vehicle (CMV)-related fatalities and injuries.<sup>16</sup>

Section 316.302, F.S., provides that all owners and drivers of CMVs<sup>17</sup> operated on the public highways of this state while engaged in *interstate* commerce are subject to the rules and regulations contained in the following parts of the Federal Motor Carrier Safety Regulations<sup>18</sup>:

- Part 382, Controlled Substance and Alcohol Use and Testing;
- Part 385, Safety Fitness Procedures;
- Part 390, General Federal Motor Carrier Safety Regulations;
- Part 391, Qualifications of Drivers;
- Part 392, Driving of Commercial Motor Vehicles;
- Part 393, Parts and Accessories Necessary for Safe Operation;
- Part 395, Hours of Service of Drivers;
- Part 396, Inspection, Repair, and Maintenance; and
- Part 397, Transportation of Hazardous Materials; Driving and Parking Rules.

Owners and drivers of CMVs engaged in *intrastate* commerce are subject to the same rules and regulations, unless otherwise provided in s. 316.302, F.S., as such rules and regulations existed on December 31, 2012.<sup>19</sup> To remain compatible with the Federal Motor Carrier Safety Regulations, states generally have up to three years from the effective date of new federal requirements to adopt and enforce such requirements.<sup>20</sup> States that remain incompatible risk losing federal funding. A 2007 Florida State Motor Carrier Safety Assistance Program (MCSAP) review found that the Florida Statutes contain multiple compatibility issues.<sup>21</sup>

<sup>16</sup> FMCSA website, *About Us*, available at <https://www.fmcsa.dot.gov/mission/about-us> (last visited Feb. 23, 2017).

<sup>17</sup> Section 316.003(12), F.S., defines “commercial motor vehicle” as “any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle: (a) Has a gross vehicle weight rating of 10,000 pounds or more; (b) Is designed to transport more than 15 passengers, including the driver; or (c) Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 U.S.C. ss. 1801 et seq.)”

<sup>18</sup> 49 C.F.R. ch. III, subchapter B.

<sup>19</sup> Section 316.302(1)(b), F.S.

<sup>20</sup> 49 C.F.R. *Appendix A to Part 355 – Guidelines for the Regulatory Review – State Determinations* (2016)

<sup>21</sup> 2007 Florida State MCSAP Review, *Summary Findings, Recommendations, and Noteworthy Practices* (June 2007) (on file with the Senate Committee on Transportation).

2007 Florida State MCSAP Review Findings

Section 316.302(1)(b), F.S., provides an exception from 49 C.F.R. s. 390.5 as it relates to the definition of a bus, which is defined as “any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs.” Florida law excludes taxicabs from the definition of a bus.<sup>22</sup> The MCSAP Review noted that Florida Statutes “exempting, from the definition of a bus, taxicabs as it applies to the intrastate private transportation of passengers, is not compatible” with Federal law.<sup>23</sup>

Federal law prohibits certain lamps and reflective devices from being obscured on CMVs.<sup>24</sup> However, s. 316.215(5), F.S., provides an exception from this requirement for front-end loading collection vehicles that are engaged in collecting solid waste or recyclable or recovered materials, and are being operated at less than 20 miles per hour with hazard-warning lights activated. According to the MCSAP review, federal law provides no such exemption.<sup>25</sup>

Section 316.302(2)(d), F.S., provides an exemption from compliance with 49 C.F.R. s. 395.8, requiring driver’s record of duty status, for drivers of CMVs if the driver:

- Is operating solely in intrastate commerce;
- Is not transporting any hazardous materials in amounts that require placarding<sup>26</sup>;
- Is within 150-air miles of the vehicle’s base location; and
- Complies with specific federal requirements relating to hours of service.<sup>27</sup>

Additionally, state law provides that if a driver is not released from duty within 12 hours of arriving on duty, the motor carrier must maintain documentation of the driver’s driving times throughout the duty period. The MCSAP review found that the exemption and alternate records requirement contained in s. 316.302(2)(d), F.S., does not comply with federal regulations because the federal exemption also requires that the driver return to the work reporting location and is released from work within 12 consecutive hours.<sup>28</sup>

Federal law allows a state to exempt a CMV from all or part of its laws or regulations relating to intrastate commerce if the vehicle’s gross vehicle weight, gross vehicle weight rating, gross combined weight, or gross combined weight rating is less than 26,001, and the vehicle is not:

- Transporting hazardous materials requiring a placard; or
- Designed or used to transport 16 or more people, including the driver.<sup>29</sup>

However, s. 316.302(2)(f), F.S., provides exemptions from federal laws or regulations for a person who operates a CMV solely in intrastate commerce, having a *declared* gross vehicle weight of less than 26,001 pounds, and who is not transporting hazardous materials in an amount that requires placarding, or who is transporting petroleum products. According to the MCSAP Review, the State interprets this statute as exempting such vehicles transporting petroleum

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<sup>22</sup> Section 316.003(6), F.S.

<sup>23</sup> 2007 Florida State MCSAP Review, *supra* note 20 at p. 2, *FL/FI-1*.

<sup>24</sup> 49 C.F.R. s. 393.9(b)

<sup>25</sup> 2007 Florida State MCSAP Review, *supra* note 20 at p. 4, *FL/FI-7*.

<sup>26</sup> Pursuant to 49 C.F.R. part 172

<sup>27</sup> As provided in 49 C.F.R. s. 395.1(e)(1)(iii) and (v).

<sup>28</sup> 2007 Florida State MCSAP Review, *supra* note 20 at p. 5, *FL/FI-8*.

<sup>29</sup> 49 C.F.R. s. 350.341(a)

products even if a hazardous materials placard is required, which is not in compliance with federal regulations.<sup>30</sup>

#### Maximum Driving Time

Section 316.302(2), F.S., provides prohibitions to length of time CMV drivers may drive, as well as exemptions from federal requirements for specified vehicles. Section 316.302(2)(b), F.S., provides that a person who operates a CMV solely in intrastate commerce without any hazardous materials in amounts requiring placarding may not drive:

- More than 12 hours following 10 consecutive hours off duty; or
- For any period after the end of the 16<sup>th</sup> hour after coming on duty following 10 consecutive hours off duty.

Except as provided in the federal hours of service rules<sup>31</sup>, a person operating a CMV solely in intrastate commerce not transporting any hazardous material may not drive after having been on duty more than 70 hours in any period of seven consecutive days or more than 80 hours in any period of eight consecutive days if the motor carrier operates every day of the week.<sup>32</sup> Upon request of DHSMV, motor carriers are required to furnish time records or other written verification so that DHSMV can determine compliance with the hours of service requirements. Falsification of time records is subject to a civil penalty not to exceed \$100.<sup>33</sup>

#### *Effect of Proposed Changes*

Section 4 amends multiple provisions in s. 316.302, F.S., addressing federal compatibility issues.

This section amends s. 316.302(1), F.S., to clarify that the section applies to all CMVs except as provided in s. 316.302(3), F.S., relating to covered farm vehicles.

This section amends s. 316.302(1)(b), F.S., to remove an exception to federal law as it relates to the definition of a bus.

This section adopts federal laws that intrastate CMV owners and drivers are required to comply with as such federal rules and regulations existed on December 31, 2016.<sup>34</sup> Examples of some of the regulations adopted that directly affect intrastate CMVs include:

- Amending the definition of *gross combination weight rating* to provide clarification;<sup>35</sup> and

<sup>30</sup> 2007 Florida State MCSAP Review, *supra* note 20 at p. 5, *FL/FI-3*.

<sup>31</sup> 49 C.F.R. s. 395.1

<sup>32</sup> Section 316.302(2)(c), F.S.

<sup>33</sup> This penalty is found in 316.302(2)(c), F.S.; However, s. 316.3025, F.S., relating to CMV penalties, provides that a penalty of \$100 may be assessed for a violation of s. 316.302(2)(b) or (c), F.S.

<sup>34</sup> A list of Final Rules adopted as of December 31, 2016, that affect FMCSA rules and regulations are available on the FMCSA website, *Rulemaking Documents*, available at <https://www.fmcsa.dot.gov/regulations/search/rulemaking?keyword=&dt=final&topic=> (last visited Mar. 13, 2017).

<sup>35</sup> Gross Combination Weight Rating; Definition, 79 Fed. Reg. 15245 (Mar. 19, 2014), available at <https://www.federalregister.gov/documents/2014/03/19/2014-05502/gross-combination-weight-rating-definition> (last visited Mar. 13, 2017).

- Requiring the use of a Unified Registration System to submit required registration and biennial update information to the FMCSA.<sup>36</sup>

However, s. 316.302(1)(e), F.S., is created to delay the requirement for electronic logging devices and hours of service support documents<sup>37</sup> for intrastate motor carriers, not carrying hazardous materials in amounts requiring placarding, until December 31, 2018.

This section amends s. 316.302(1)(d), F.S., to remove an exemption from federal law allowing specified CMVs to obscure certain lighting or reflective devices.

Due to changes in federal law, the section amends s. 316.302(2)(a), F.S., to provide clarity that drivers of intrastate CMVs that are not transporting hazardous materials requiring placarding are exempt from 49 C.F.R. s. 395.3, which provides maximum driving times for property-carrying vehicles. These drivers continue to be subject to the maximum driving times required by state law.

This removes a duplicate penalty for falsifying hours of service records from s. 316.302(2)(c), F.S.

Section 316.302(2)(d), F.S., is amended to provide that to be exempt from being required to maintain records of duty status for short-haul drivers the driver must also return to the work reporting location and be released from work within 12 consecutive hours.

Lastly, the section amends s. 316.302(2)(f), F.S., to remove specified exemptions for drivers transporting petroleum products. The section also removes that these exemptions apply when a CMV has a *declared* gross vehicle weight of less than 26,001 pounds. This criterion is changed to CMVs having a *gross vehicle weight, gross vehicle weight rating, and gross combined weight rating* of less than 26,001 pounds.

## **Commercial Motor Vehicle Operator Disqualifications (Sections 5 and 38)**

### ***Present Situation***

Federal and state laws prohibit drivers of commercial motor vehicles from texting while driving a commercial motor vehicle (CMV) and from using a hand-held mobile telephone while driving a CMV.<sup>38</sup> Section 316.3025, F.S., provides that a driver who violates these laws may be assessed a civil penalty of:

- \$500 for the first violation;
- \$1,000 and a 60-day CDL disqualification for a second violation; and
- \$2,750 and a 120-day CDL disqualification for a third and subsequent violation.

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<sup>36</sup> Unified Registration System, 78 Fed. Reg. 52607 (Aug. 23, 2013), available at <https://www.federalregister.gov/documents/2013/08/23/2013-20446/unified-registration-system> (last visited Mar. 13, 2017). However, the system is currently delayed until all necessary data is transferred to the new database and that is compatible with State partners. See 82 Fed. Reg. 5292.

<sup>37</sup> Electronic Logging Devices and Hours of Service Supporting Documents, 80 Fed. Reg. 78291 (Dec. 16, 2015), available at <https://www.federalregister.gov/documents/2015/12/16/2015-31336/electronic-logging-devices-and-hours-of-service-supporting-documents> (last visited Mar. 6, 2017).

<sup>38</sup> See 49 C.F.R. ss. 392.80 and 392.82, and s. 316.3025, F.S.

However, federal law requires the 60 and 120-day CDL disqualification for these offenses to be assessed for any combination of certain serious traffic violations during a 3-year period. Specifically, federal law requires, for offenses occurring within a 3-year period while operating a CMV, a 60-day CDL disqualification for a second conviction and a 120-day CDL disqualification for a third or subsequent conviction of any combination of the following offenses<sup>39</sup>:

- Excessive speeding (15 mph or more over the posted speed limit);
- Reckless driving;
- Improper lane changes;
- Following too closely;
- A violation of any state or local law relating to motor vehicle traffic control arising in connection with a fatal accident;
- Driving a CMV:
  - Without obtaining a CDL;
  - Without a CDL in the driver's possession;
  - Without the proper class of CDL or endorsements required;
- Violating a state or local law or ordinance on motor vehicle traffic control prohibiting:
  - Texting while driving a CMV; or
  - Use of a hand-held mobile telephone while driving a CMV.

With the exception of texting while driving a CMV and the use of a hand-held mobile phone while driving a CMV, the above penalties and offenses are in state law.<sup>40</sup> To align with federal law, these two offenses need to be added to the list of disqualifying offenses in s. 316.3025, F.S. According to the DHSMV, non-compliance could result in a loss of federal highway funds.<sup>41</sup>

### ***Effect of Proposed Changes***

Sections 5 and 38 amend ss. 316.3025 and 322.61, F.S., respectively, to remove the commercial driver license disqualification penalty for texting while driving a CMV and using a hand-held mobile telephone while driving a CMV from s. 316.3025, and adds those offenses to the list of serious disqualifying offenses while operating a commercial motor vehicle listed in s. 322.61, F.S. This change aligns Florida law with federal regulations.

## **Autonomous Vehicle Operation (Section 7)**

### ***Present Situation***

Section 316.003(2), F.S., defines “autonomous vehicle” as any vehicle equipped with autonomous technology. That subsection also includes a definition of “autonomous technology,” which means technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed *without the active control or monitoring by a human*

<sup>39</sup> 49 C.F.R. s. 383.51 (2015), Table 2, available at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-subtitleB-chapIII-subchapB.pdf> at p. 206-207 (last visited Feb 9, 2017).

<sup>40</sup> See s. 322.61(1), F.S.

<sup>41</sup> Meeting with the DHSMV and Senate Transportation Committee Staff (Jan. 23, 2017).

*operator*.<sup>42</sup> If a vehicle is equipped with technology that requires active control or monitoring by a human operator, that vehicle does not meet the definition of “autonomous vehicle” under Florida law.

Section 316.85, F.S., authorizes a person who possesses a valid driver license to operate an autonomous vehicle in autonomous mode on roads in this state if the vehicle is equipped with autonomous technology as defined in s. 316.003(2), F.S. A person is deemed the operator of an autonomous vehicle operating in autonomous mode when the person causes the vehicle’s autonomous technology to engage, regardless of whether the person is physically present in the vehicle while the vehicle is operating in autonomous mode. Thus, under Florida law, an autonomous vehicle may be operated in autonomous mode even if a person is not physically present in the vehicle.

Section 319.145, F.S., requires autonomous vehicles registered in this state to:

- Have a system to safely alert the operator if an autonomous technology failure is detected while the technology is engaged. When an alert is given, the *system* must:
  - Require the operator to take control of the autonomous vehicle; or
  - If the operator does not, or is not able to, take control of the autonomous vehicle, be capable of bringing the vehicle to a complete stop.
- Have a means inside the vehicle to visually indicate when the vehicle is operating in autonomous mode; and
- Be capable of being operated in compliance with the applicable traffic and motor vehicle laws of this state.

### ***Effect of Proposed Changes***

Section 7 amends s. 316.85, F.S., to allow a person who does not possess a valid driver license to engage autonomous technology to operate an autonomous vehicle in autonomous mode only if the person inside the vehicle cannot take control of the vehicle’s operation or disengage the autonomous technology.

## **Autonomous Vehicles/Transportation Network Companies/Insurance (Section 8)**

### ***Present Situation***

Technological advances have led to new methods for consumers to arrange and pay for transportation, including software applications that make use of mobile smartphone applications, Internet web pages, email, and text messages. Ridesharing companies, such as Lyft, Uber, and SideCar, describe themselves as “transportation network companies” (TNCs), rather than as vehicles for hire.

TNCs use smartphone technology to connect individuals who want to ride with private drivers for a fee. A driver logs onto a phone application and indicates the driver is ready to accept

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<sup>42</sup> The latter definition does not include a motor vehicle enabled with active safety systems or driver assistance systems, including, without limitation, a system to provide electronic blind spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keep assistance, lane departure warning, or traffic jam and queuing assistant, unless any such system alone or in combination with other systems enables the vehicle on which the technology is installed *to drive without the active control or monitoring by a human operator*.

passengers. Potential passengers log on, learn which drivers are nearby, see photographs, receive a fare estimate, and decide whether to accept a ride. If the passenger accepts a ride, the driver is notified and drives to pick up the passenger. Once at the destination, payment is made through the phone application.

Drivers generally use their personal vehicles, and personal automobile insurance policies may contain a “livery” exclusion that excludes coverage if the vehicle is carrying passengers for hire.<sup>43</sup> Consequently, personal automobile insurance policies may not cover damage or loss when a car is being used for commercial ridesharing. Some ridesharing companies provide insurance for portions of the time when the driver is transporting passengers, but such insurance is not required. This could lead to situations where drivers and passengers are involved in accidents and there is no insurance coverage. In contrast, taxis and limousines must maintain a motor vehicle liability policy with minimum limits of \$125,000 per person for bodily injury, up to \$250,000 per incident for bodily injury, and \$50,000 for property damage.<sup>44</sup>

Issues relating to insurance coverage for TNCs, and other TNC-related matters, have been under review by the Florida Legislature in recent years. The Florida Senate is currently considering legislation that would create uniform statewide minimum insurance requirements for TNCs and TNC drivers. Generally, when a TNC driver is logged onto the digital network<sup>45</sup> but not engaged in a prearranged ride,<sup>46</sup> the legislation requires:

- Primary automobile liability coverage of at least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily injury per incident, and \$25,000 for property damage;
- Personal Injury Protection (PIP) benefits that meet the minimum coverage amounts required under ss. 627.730-627.7405, F.S.;<sup>47</sup> and
- Uninsured and underinsured vehicle coverage as required by s. 627.727, F.S.<sup>48</sup>

When a TNC driver is engaged in a prearranged ride, the following insurance requirements apply:

- Primary automobile liability coverage of at least \$1 million for death, bodily injury, and property damage;
- PIP benefits that meet the minimum coverage amounts required of a limousine<sup>49</sup> under ss. 627.730-627.7405, F.S.; and

<sup>43</sup> The exclusion in Florida law is mentioned in s. 627.041(8), F.S.

<sup>44</sup> Section 324.032(1)(a), F.S.

<sup>45</sup> CS/CS/SB 340 currently defines “digital network” to mean any online-enabled technology application service, website, or system offered or used by a TNC that enables the prearrangement of rides with TNC drivers.

<sup>46</sup> CS/CS/SB 340 currently defines “prearranged ride” to mean the provision of transportation by a TNC driver to a rider, beginning when a TNC driver accepts a ride requested by a rider through a digital network controlled by a TNC, continuing while the TNC driver transports the rider, and ending when the last rider exits from and is no longer occupying the TNC vehicle.

<sup>47</sup> These provisions, known as the No-Fault Law, require coverage for PIP to the named insured, relatives residing in the same household, persons operating the insured motor vehicle, passengers in the motor vehicle, and other persons struck by the motor vehicle and suffering bodily injury while not an occupant to a limit of \$10,000 in medical and disability benefits and \$5,000 in death benefits.

<sup>48</sup> Section 627.727(1), F.S., requires uninsured motorist vehicle coverage if a policy provides bodily injury coverage unless it is specifically rejected.

<sup>49</sup> Although the legislation currently requires PIP coverage at the same amounts required of limousines, limousines are excluded from PIP requirements under s 627.733(1)(a), F.S. Thus, the effect of this provision should it remain in the TNC

- Uninsured and underinsured vehicle coverage as required by s. 627.727, F.S.<sup>50</sup>

Interest in the use of autonomous vehicles in ridesharing services is increasing, including with respect to fully autonomous vehicles that do not require drivers. General Motors reportedly paid \$500 million for a stake and strategic alliance in Lyft to develop the use of autonomous vehicles in ridesharing and recently spent \$1 billion to buy a technology company that has self-driving cars on roads in California.<sup>51</sup> Current Florida law does not specifically address insurance requirements for autonomous vehicles, or for autonomous vehicles used by TNCs.

***Effect of Proposed Changes:***

Section 8 of the bill creates s. 316.851, F.S., effective on the same date that the TNC legislation currently under consideration, or similar legislation, takes effect, if such legislation is enacted in the 2017 Regular Session or in any extension thereof. In that case, the bill would require an autonomous vehicle used by a TNC *to provide a prearranged ride* to be covered by automobile insurance as required by s. 627.748, F.S., created in that TNC legislation, regardless of whether a human operator is physically present in the vehicle when the ride occurs. As the legislation currently stands, the required coverage would be primary automobile liability coverage of at least \$1 million for death, bodily injury, and property damage, and uninsured and underinsured vehicle coverage as required by s. 627.727, F.S. The coverage ultimately specified in that legislation, if enacted, would be required coverage for an autonomous vehicle used by a TNC to provide prearranged transportation, regardless of the presence or absence of a human driver.

The bill further requires an autonomous vehicle logged on to a digital network but not engaged in a prearranged ride to maintain insurance coverage as defined in s. 627.748(7)(b), F.S. As the TNC legislation currently stands, subsection (7)(b) requires during the identified period of time:

- Primary automobile liability coverage of at least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily injury per incident, and \$25,000 for property damage;
- PIP benefits that meet the minimum coverage amounts required under ss. 627.730-627.7405, F.S.;<sup>52</sup> and
- Uninsured and underinsured vehicle coverage as required by s. 627.727, F.S.

The bill also requires an autonomous vehicle used to provide a transportation service to carry in the vehicle proof of the required coverage at all times while operating in autonomous mode.

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legislation and be enacted would require no PIP coverage when an autonomous vehicle is engaged in a prearranged ride, regardless of whether a human operator is physically present in the vehicle when the ride occurs.

<sup>50</sup> See the CS/CS/SB 340 staff analysis for additional information and details of the legislation, available at <http://www.flsenate.gov/Session/Bill/2017/340/Analyses/2017s00340.rc.PDF>. (last visited April 19, 2017.)

<sup>51</sup> See The Ford Motor Company, *Ford Targets Fully Autonomous Vehicle for RideSharing in 2021; Invests in New Tech Companies, Doubles Silicon Valley Team* (Aug. 16, 2016), available at <https://media.ford.com/content/fordmedia/fna/us/en/news/2016/08/16/ford-targets-fully-autonomous-vehicle-for-ride-sharing-in-2021.html> (last visited April 19, 2017.)

<sup>52</sup> These provisions, known as the No-Fault Law, require coverage for personal injury protection to the named insured, relatives residing in the same household, persons operating the insured motor vehicle, passengers in the motor vehicle, and other persons struck by the motor vehicle and suffering bodily injury while not an occupant to a limit of \$10,000 in medical and disability benefits and \$5,000 in death benefits.



## **Dori Slosberg Driver Education Safety Act (Section 9)**

### ***Present Situation***

Section 318.1215, F.S., the Dori Slosberg Driver Education Safety Act, allows a board of county commissioners to require, by ordinance, that the clerk of court collect an additional \$5 with each civil traffic penalty, which shall be used to fund driver education programs in schools. The funds are required to be used for direct educational expenses, and a minimum of 30 percent of the student's time in the program be behind-the-wheel-training.

According to the Dori Saves Lives non-profit, more than 60 counties in Florida require the additional \$5 with each civil traffic penalty, bringing in approximately \$15 million each year to fund driver education programs in Florida schools.<sup>53</sup>

### ***Effect of Proposed Changes***

Section 9 amends s. 318.1215, F.S., to provide that a board of county commissioners may require, by ordinance, that the clerk of court collect an additional \$5 with each *criminal*, instead of *civil* traffic penalty, which is used to fund driver education programs in schools. This change will likely reduce the amount of such funds collected.

## **Work Zones (Sections 10 and 46)**

### ***Present Situation***

Section 318.18, F.S., provides that a person cited for exceeding the speed limit in a posted construction zone, must pay double the fine for exceeding the speed limit. The posting must include notification of the speed limit and the doubling of fines. Fines are doubled only if construction personnel are present or operating equipment on the road or immediately adjacent to the road under construction. Fines for unlawful speed are:

<i>For speed exceeding the limit by:</i>	<i>Fine:</i>
1-5 m.p.h.	Warning
6-9 m.p.h.	\$25
10-14 m.p.h.	\$100
15-19 m.p.h.	\$150
20-29 m.p.h.	\$175
30 m.p.h. and above	\$250

The term construction zone is not defined in Florida Statutes; however, s. 316.003(97), F.S., defines “work zone” as the area and its approaches on any state-maintained highway, county maintained highway, or municipal street where construction, repair, maintenance, or other street-related or highway-related work is being performed or where one or more lanes are closed to traffic.

<sup>53</sup> Dori Saves Lives, *Teen Driver Education Teachers*, <http://dorisesaveslives.org/driver-education-teachers/> (last visited April 19, 2017).

***Effect of Proposed Changes***

Section 10 amends s. 318.18(3)(d), F.S., to change the term “construction zone” to “work zone.” Persons cited for exceeding the speed limit in a posted work zone must pay double the fine for unlawful speed.

Section 42 provides that this amendment applies upon the adoption by rule of uniform traffic citation forms. The DHSMV shall notify the Division of Law Revision and Information upon the adoption of such forms.

**International Registration Plan – Charter Buses (Section 11)*****Present Situation***

The International Registration Plan (IRP) is a registration reciprocity agreement among all states in the contiguous United States, the District of Columbia, and several Canadian provinces. It provides for the payment of license fees based on fleet operation in various member jurisdictions.<sup>54</sup> This allows carriers to operate inter-jurisdictionally while only needing to register its vehicles in its base jurisdiction, which is the state or province where the registrant has an established place of business<sup>55</sup>.

All apportionable vehicles domiciled in the state are required to be registered in accordance with the IRP and display “Apportioned” license plates.<sup>56</sup> Motor carriers registered under the IRP are also required to maintain specified records for the DHSMV, and may have their registrations and license plates withheld if:<sup>57</sup>

- An identifying number issued by the federal agency responsible for motor carrier safety is not provided for the motor carrier and entity responsible for motor carrier safety for each motor vehicle; or
- A motor carrier or vehicle owner has been prohibited from operating by a federal or state agency responsible for motor carrier safety.

Additionally, the DHSMV has authority to suspend, with notice, any commercial motor vehicle or license plate issued to a motor carrier or vehicle owner who has been prohibited from operating by a federal or state agency responsible for motor carrier safety.<sup>58</sup> Apportionable vehicles that do not regularly operate in a particular jurisdiction also have the option to register for trip permits in order to operate in IRP member jurisdictions for limited periods where they do not pay license taxes.<sup>59</sup>

<sup>54</sup> International Registration Plan, Inc., *About IRP*, <http://www.irponline.org/?page=AboutIRP> (last visited Feb. 1, 2017).

<sup>55</sup> As defined by the IRP, (January 2017) available at [http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/publications/IRP\\_agreement\\_eff\\_january\\_1\\_.pdf](http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/publications/IRP_agreement_eff_january_1_.pdf) at p. 16 (last visited Feb. 1, 2017).

<sup>56</sup> Section 320.0715(1), F.S.

<sup>57</sup> Section 320.0715(4), F.S.

<sup>58</sup> Section 320.0715(4)(c), F.S.

<sup>59</sup> See IRP, Inc., *Trip Permits- Cost/Duration* (May 2016), available at [http://www.irponline.org/resource/resmgr/Jurisdiction\\_Info\\_2/Trip\\_Permits\\_5.19.2016.xlsx](http://www.irponline.org/resource/resmgr/Jurisdiction_Info_2/Trip_Permits_5.19.2016.xlsx) (last visited Feb. 6, 2017).

The IRP defines an apportionable vehicle as:<sup>60</sup>

[A]ny Power Unit that is used or intended for use in two or more Member Jurisdictions and that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and:

- (i) Has two Axles and a gross Vehicle weight or registered gross Vehicle weight in excess of 26,000 pounds, or
- (ii) Has three or more Axles, regardless of weight, or
- (iii) Is used in combination, when the gross Vehicle weight of such combination exceeds 26,000 pounds.

The definition excludes a recreational vehicle, a vehicle displaying restricted plates, or a government-owned vehicle. However, those excluded vehicles may choose to register under the IRP.

Prior to January 1, 2016, charter buses were also excluded from having to register under the IRP, but retained the option to do so. The IRP was amended to remove charter buses from the exemption, requiring charter bus operations to register under the IRP. This registration ensures that charter bus operations will pay license fees to each jurisdiction it operates in, and prevents or suspends the registration of unsafe carriers.<sup>61</sup> As of January 1, 2016, the DHSMV estimates that less than 200 charter bus carriers or companies within the state were required to register under the IRP in order for the state to remain compliant with the reciprocity agreement.<sup>62</sup>

### *Effect of Proposed Changes*

Section 11 amends s. 320.01, F.S., to remove charter buses from the apportionable vehicle exclusion. This change is necessary to align with the requirements of the IRP. All charter buses operating interstate are now required to obtain an IRP registration or purchase trip permits.

### **Prevent Blindness Florida Organization Name Change (Sections 12, 21 and 32)**

#### *Present Situation*

In May of 2016, the organization Prevent Blindness Florida changed their name to Preserve Vision Florida.<sup>63</sup>

<sup>60</sup> International Registration Plan (Jan. 2017), available at [http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/publications/IRP\\_agreement\\_eff\\_january\\_1\\_.pdf](http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/publications/IRP_agreement_eff_january_1_.pdf) at p. 12-13 (last visited Feb. 2, 2017).

<sup>61</sup> See IRP, Inc., *Official Amendment to the International Registration Plan* (June 2014) [http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/irp\\_ballots/ballot\\_391.pdf](http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/irp_ballots/ballot_391.pdf) (last visited Feb. 3, 2017).

<sup>62</sup> Email from the DHSMV (Feb. 17, 2017) (on file with the Senate Committee on Transportation).

<sup>63</sup> Department of State, Division of Corporations – Sunbiz.org, *Preserve Vision Florida, Inc.* (May 4, 2016), <http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2016%5C0509%5C84865905.Tif&documentNumber=706503> (last visited Mar. 22, 2017).

***Effect of Proposed Changes***

Sections 12, 12 and 32 amend ss. 320.02, 320.08068 and 322.08, F.S., respectively, pertaining to the DHSMV to recognize the organization's name change.

**Tax Collector Services and Fee Distributions (Sections 13, 34, 35 and 37)*****Present Situation***

In 2010, the Florida Legislature required all state driver license issuance services be transferred to tax collectors who are constitutional officers under s. 1(d), Art. VIII of the State Constitution by June 30, 2015.<sup>64</sup> As part of that transfer, tax collectors retain portions of specified fees when processing certain driver license services. Additionally, tax collectors charge a \$6.25 service fee for completing such services.<sup>65</sup> However, some tax collectors refuse to offer such services to out-of-county Florida residents.

Tax collectors are not currently able to retain portions of fees for some services that the tax collectors are regularly performing. For example, an applicant who fails an initial driving knowledge or skills test is required to pay a \$10 or \$20 fee, respectively, to be issued a subsequent test. These fees are deposited into the Highway Safety Operating Trust Fund (HSOTF), regardless of whether the DHSMV or the tax collectors administered the exam.<sup>66</sup>

Similarly, service fees for license reinstatements collected pursuant to s. 322.21(8), F.S., are deposited into the General Revenue Fund and HSOTF, regardless of whether the reinstatement was conducted by the DHSMV or tax collectors. Of the \$45 service fee to reinstate a driver license suspension, \$15 is deposited in the General Revenue Fund and \$30 in the HSOTF. Of the \$75 service fee to reinstate a driver license revocation or CDL disqualification, \$35 is deposited in the General Revenue Fund and \$40 in the HSOTF.

***Effect of Proposed Changes***

Sections 13 and 35 amend ss. 320.03 and 322.135, F.S., respectively, to require each tax collector to provide the same motor vehicle registration and driver license services to residents of other counties as it does to residents of its home county.

Sections 34 and 37 amend ss. 322.12 and 322.21, F.S., respectively, to require, for subsequent driver license initial knowledge and skills tests, that the tax collector retain the \$10 or \$20 fee, less an eight percent General Revenue Service Charge<sup>67</sup>, for administering tests to applicants. The bill also requires the tax collectors to retain a portion of service fees when processing driver license reinstatements. If the reinstatement is processed by the tax collector:

- Of the \$45 fee for suspension reinstatement, \$15 shall be retained by the tax collector, less an eight percent General Revenue Service Charge, and \$15 shall be deposited into the HSOTF; and

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<sup>64</sup> Chapter 2010-163, Laws of Florida and s. 322.02(1), F.S.

<sup>65</sup> Section 322.135(1)(c), F.S.

<sup>66</sup> Section 322.12(1), F.S.

<sup>67</sup> Set forth in s. 215.20, F.S.

- Of the \$75 fee for revocation or disqualification reinstatement, \$20 shall be retained by the tax collector, less an eight percent General Revenue Service Charge, \$20 shall be deposited into the HSOTF, and \$35 shall be deposited into the General Revenue Fund.

### **DHSMV's Electronic Filing System (Section 14)**

#### ***Present Situation***

Section 320.03, F.S., provides the duties of tax collectors as it relates to motor vehicle licensing. It provides that jurisdiction over the electronic filing system (EFS) for use by authorized EFS agents for certain purposes is expressly preempted to the state, and DHSMV has regulatory authority over the system. Specifically, the EFS is used to:

- Electronically title or register motor vehicles, vessels, mobile homes, or off-highway vehicles;
- Issue or transfer registration license plates or decals;
- Electronically transfer fees due for the title and registration process; and
- Perform inquiries for title, registration, and lienholder verification and certification of service providers.

The section provides that an entity that, in the normal course of its business, sells products that must be titled or registered, provides title and registration services on behalf of its consumers, *and* meets the requirements established by the DHSMV shall not be precluded from participating in the EFS upon request from the qualified entity.<sup>68</sup> The EFS must be available for use statewide and applied uniformly throughout the state. Additionally, the EFS agents may charge a fee to the customer for use of the EFS.

The EFS is primarily used by Florida's motor vehicle dealers to acquire access to DHSMV registration and title information, and to process title and registration transactions.<sup>69</sup>

#### ***Effect of Proposed Changes***

Section 14 amends s. 320.03(10), F.S., to provide that effective July 1, 2018, the EFS system can be used to process title transactions, derelict motor vehicle certificates, and certificates of destruction for derelict and salvage motor vehicles. The bill adds that an entity that, in the normal course of its business, processes title transactions, derelict motor vehicle certificates, or certificates of destruction for derelict or salvage motor vehicles and meets the requirements established by the DHSMV may be an authorized EFS agent.

The section also reauthorizes DHSMV to adopt rules to administer the section, including, but not limited to, rules establishing participation requirements, certification of service providers, EFS requirements, disclosures, and enforcement authority for noncompliance.

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<sup>68</sup> Fla. Admin. Code R. 15C-16.010 provides DHSMV's requirements to be an EFS agent.

<sup>69</sup> For more information, see DHSMV website, *Electronic Filing System (EFS)*, <https://www.flhsmv.gov/motor-vehicles-tags-titles/electronic-lien-titles/electronic-filing-system-efs/> (last visited April 19, 2017).

## **Issuance of Apportionable Vehicle Plates (Sections 15 and 17)**

### ***Present Situation***

Registration license plates, which bear a graphic symbol and alphanumeric system of identification, are issued for a 10-year period. However, “Apportioned” license plates issued to vehicles registered under the International Registration Plan (IRP), are issued annually.<sup>70</sup> Each original plate costs \$28, which is deposited into the Highway Safety Operating Trust Fund (HSOTF). Apportioned vehicles are also issued an annual cab card that denotes the declared gross vehicle weight for each apportioned jurisdiction where the vehicle is authorized to operate.<sup>71</sup>

### ***Effect of Proposed Changes***

Sections 15 and 17 amend ss. 320.06 and 320.0607, F.S., respectively, to provide that beginning October 1, 2018, apportioned vehicles will be issued license plates valid for a 5-year period, instead of annually. If the license plate is damaged or worn prior to the end of the 5-year period, the DHSMV will replace it, upon application and surrender of the current plate, at no charge. Cab cards and validation stickers will continue to be issued annually, and the \$28 annual fee will apply to the issuance of an original or renewal validation sticker, instead of for the cost of the plate.

## **Electronic Rental Agreements (Section 16)**

### ***Present Situation***

Section 320.0605, F.S., provides that a person who rents or leases a vehicle is required to possess a true copy of rental or lease documentation for the motor vehicle at all times while the vehicle is being operated.<sup>72</sup> The documentation must include the following:

- Date of rental and time of exit from rental facility;
- Rental station identification;
- Rental agreement number;
- Rental vehicle identification number;
- Rental vehicle license plate number and state of registration;
- Vehicle’s make, model, and color;
- Vehicle’s mileage; and
- Authorized renter’s name.

### ***Effect of Proposed Changes***

Section 16 amends s. 320.0605, F.S., to authorize a person to possess an *electronic copy* of the rental or lease documentation to be displayed upon the request of a law enforcement officer or an agent of the DHSMV. The bill provides that displaying the electronic copy does not constitute consent for the officer or agent to access any information on the device other than the displayed

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<sup>70</sup> Section 320.06(1)(b)1., F.S.

<sup>71</sup> See IRP, Inc., *State of Florida Apportioned Cab Card Sample*, [http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/cab\\_cards/fl\\_cc\\_sample.pdf](http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/cab_cards/fl_cc_sample.pdf) (last visited Feb. 8, 2017).

<sup>72</sup> A person who cannot display such documentation upon request from an officer or agent of the DHSMV is guilty of a noncriminal traffic infraction, punishable as a nonmoving violation.

rental or lease documentation. The person who presents the device to the officer assumes liability for any resulting damage to the device.

This section also removes that the rental or lease documentation must include the time of exit from the rental facility.

### **Agricultural Restricted License Plate (Section 18)**

#### ***Present Situation***

Section 320.08(4)(m), F.S., provides a restricted license plate for a flat fee of \$324 available for truck tractors used within a 150-mile radius of its address used for hauling forestry products.

Section 320.08(4)(n), F.S., provides a restricted plate for a flat fee available for truck tractors or heavy trucks, not operated as for-hire vehicles, engaged exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products within a 150-miles of its home address. The fee for such plate is:

- \$87.75 if such vehicle's declared gross weight is less than 44,000 pounds; or
- \$324 if the vehicle's declared gross weight is 44,000 pounds or more and such vehicle only transports from the point of production to the point of primary manufacture; the point of assembly; or to a shipping point.

For these purposes, "not-for-hire" means that the owner of the motor vehicle must also be the owner of the raw, unprocessed, and nonmanufactured agricultural or horticultural product or the user of the farm implements and fertilizer being delivered. The DHSMV may require any documentation deemed necessary to determine eligibility prior to issuance of this license plate.

#### ***Effect of Proposed Changes***

Section 18 amends s. 320.08, F.S., to revise the eligibility requirement for the agricultural restricted plate by removing the 150-mile radius from its home address requirement. Instead, truck tractors or heavy trucks that operate *within the state* and meet the criteria for the restricted plate are eligible for such plate.

Section 18 also makes cross-reference changes to conform to provisions made by the bill.

### **Discontinued Specialty License Plates (Sections 19 and 20)**

#### ***Present Situation***

The DHSMV must discontinue the issuance of any approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months, or discontinue the sale of presale vouchers if the approved plate does not sell at least 1,000 vouchers in 24 months.<sup>73</sup> The specialty license plate must also be discontinued if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.<sup>74</sup>

<sup>73</sup> Sections 320.08056(8)(a) and 320.08053(1)(b), F.S.; Florida collegiate plates are exempt from these requirements.

<sup>74</sup> Section 320.08056(8)(b), F.S.

The following specialty license plates have been discontinued by the DHSMV:

- The American Red Cross plate for failing to meet sales requirements;<sup>75</sup>
- The Donate Organs Pass It On plate because the organization has closed;<sup>76</sup> and
- The St. Johns River plate and Hispanic Achievers plate for not meeting presale requirements.<sup>77</sup>

### *Effect of Proposed Changes*

Sections 19 and 20 amend ss. 320.08056 and 320.08058, F.S., respectively, to remove the American Red Cross plate, the Donate Organs Pass It On plate, the St. Johns River plate, and the Hispanic Achievers plate from law.

## **Ancient, Antique Motor, or Historical Motor Vehicles (Section 22)**

### *Present Situation*

Section 320.086, F.S., provides that *ancient* motor vehicle is defined as a private-use motor vehicle manufactured in 1945 or earlier. An *antique* motor vehicle is defined as a private-use motor vehicle manufactured after 1945 and of the age of 30 years or more after the date of manufacture. Additionally, the section provides requirements for a motor vehicle to be registered as a historical motor vehicle, and an ancient or antique firefighting apparatus or former military vehicle only used in exhibitions. For purposes of this section, “former military vehicle” includes a trailer.

The owner of such vehicles, upon application to the DHSMV and upon payment of the license tax, will be issued a special license plate for the motor vehicle. For *ancient* motor vehicles, the license plate is valid for use without renewal so long as the vehicle is in existence. Owners of antique and ancient motor vehicles pay a reduced, flat license tax of \$7.50.<sup>78</sup>

### *Effect of Proposed Changes*

Section 22 amends s. 320.086, to provide, for purpose of this section, a trailer is considered a motor vehicle. Therefore, if the owner of a trailer qualifies for such license plate upon application to the DHSMV and payment of the license tax, the trailer will be issued the corresponding special license plate.

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<sup>75</sup> DHSMV Technical Advisory RS/TL16-009, *American Red Cross Specialty License Plate* (April 6, 2016), available at [https://www.flhsmv.gov/dmv/bulletins/2016/ta\\_rstl16-009.pdf](https://www.flhsmv.gov/dmv/bulletins/2016/ta_rstl16-009.pdf) (last visited Mar. 22, 2017).

<sup>76</sup> DHSMV Technical Advisory RS/TL16-019, *Deauthorization of Donate Organs Pass It On Specialty License Plate* (July 15, 2016), available at [https://www.flhsmv.gov/dmv/bulletins/2016/ta\\_rstl16-019.pdf](https://www.flhsmv.gov/dmv/bulletins/2016/ta_rstl16-019.pdf) (last visited Mar. 22, 2017).

<sup>77</sup> After 24 months in the presale process, the Hispanic Achievers plate had 26 registrations and the St. Johns River plate had 45 registrations. See DHSMV website, *Pre-Sale Specialty License Plate Vouchers* (June 30, 2016), <http://www.flhsmv.gov/specialtytags/PreSaleData.html> (last visited Mar. 22, 2017).

<sup>78</sup> Section 320.08(2), F.S.



## **Purple Heart Motorcycle Plate (Section 23)**

### ***Present Situation***

DHSMV currently offers multiple military special license plates available to certain military service members or veterans, but only offers two military motorcycle special plates: the Disabled Veteran motorcycle plate and the Paralyzed Vets of America motorcycle plate.<sup>79</sup>

### **Purple Heart Medal**

The Purple Heart is one of the oldest and most recognized American military medals, awarded to service members who were killed or wounded by enemy action. The Purple Heart differs from all other decorations in that an individual is not “recommended” for the decoration; rather he or she is entitled to it upon meeting specific criteria.<sup>80</sup> The Purple Heart is ranked immediately behind the Bronze Star Medal and ahead of the Defense Meritorious Service Medal<sup>81</sup> in order of precedence.

### ***Effect of Proposed Changes***

Section 23 creates s. 320.0875, F.S., to establish a Purple Heart motorcycle special license plate. A Florida resident who owns or leases a motorcycle that is not used for hire or commercial use, and who was awarded a Purple Heart may receive a Purple Heart motorcycle license plate upon:

- Application to the DHSMV;
- Payment of the motorcycle license tax<sup>82</sup>; and
- Documentation acceptable to the DHSMV that he or she is a recipient of the Purple Heart medal.

The Purple Heart motorcycle plate shall be stamped with the words “Combat-wounded Veteran” followed by the serial number, the term “Purple Heart,” and the likeness of the Purple Heart medal.

## **Bronze Star License Plate (Section 24)**

### ***Present Situation***

Currently, there are 21 special military plates authorized in s. 320.089, F.S., available to military service members or veterans.<sup>83</sup> Special military plates authorized under this section are stamped

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<sup>79</sup> For plate samples, see DHSMV, *Military License Plates*, available at <http://www.flhsmv.gov/specialtytags/miltags.html> (last visited Mar. 22, 2017).

<sup>80</sup> Paragraph 1-14(c), Army Regulation 600-8-22.

<sup>81</sup> The Defense Meritorious Service Medal is awarded in the name of the Secretary of Defense to members of the Armed Forces of the United States who, after 3 November 1977, distinguished themselves by noncombat meritorious achievement or service.

<sup>82</sup> Section 320.08(1)(a) and (c), F.S., provide the motorcycles have a flat license tax of \$10 plus a \$2.50 nonrefundable motorcycle education safety fee.

<sup>83</sup> The 21 military special plates currently offered in s. 320.089, F.S., include plates available for the following types of service: Veteran or Woman Veteran of the U.S. Armed Forces, World War II, Korean War, or Vietnam War Veteran, Navy Submariner, Active or retired National Guard member or U.S. Reservists, Pearl Harbor survivor, recipient of the Combat Infantry Badge, Combat Medical Badge, Combat Action Badge, Combat Action Ribbon, Air Force Combat Action Medal, Distinguished Flying Cross, or Purple Heart, former Prisoner of War, and service members or veterans of Operation Desert Shield, Desert Storm, Enduring Freedom, and Iraqi Freedom.

with words consistent with the type of special plate issued, and include a likeness of the related campaign medal or badge, if applicable. Applicants for special military license plates authorized under this section are required to pay the annual license tax in s. 320.08, F.S., with the exception of certain disabled veterans who qualify for the Pearl Harbor, Purple Heart, or Prisoner of War plate, to whom such plates are issued at no cost.<sup>84</sup> With the exception of Woman Veteran plates, the first \$100,000 of revenue generated annually from the sale of special use military plates is deposited into the Grants and Donations Trust Fund under the Veterans' Nursing Homes of Florida Act, as described in s. 296.38(2), F.S. Additional revenue is deposited into the State Homes for Veterans Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans.<sup>85</sup> Proceeds from the Woman Veteran plates must be deposited into the Operations and Maintenance Trust Fund administered by the Department of Veterans' Affairs to be used solely for the purpose of creating and implementing programs that benefit women veterans.<sup>86</sup>

### Bronze Star Medal

The Bronze Star Medal was established on February 4, 1944, to recognize those who served after December 6, 1941, in any capacity in or with the Armed Forces of the United States or a friendly foreign nation. The Bronze Star Medal is awarded to a person who distinguished himself or herself by heroic or meritorious service, not involving participation in aerial flight, in connection with military operations against an armed enemy; or while engaged in military operations involving conflict with an opposing armed force in which the United States is not a belligerent party. Recipients of the Bronze Star Medal must be receiving imminent danger pay while serving in a geographic area authorized for special pay.<sup>87</sup> In order of precedence, the Department of Defense (DoD) places the Bronze Star Medal seventh amongst DoD wide military decorations and awards following the Distinguished Flying Cross and preceding the Purple Heart.<sup>88</sup>

### *Effect of Proposed Changes*

Section 24 creates a special military license plate for recipients of the Bronze Star Medal. The plate will be stamped with the words "Bronze Star" and a likeness of the Bronze Star Medal. To receive a Bronze Star special military license plate, the individual must submit an application for the plate to the DHSMV, provide proof that he or she is a Bronze Star Medal recipient, and pay the appropriate license tax as provided in s. 320.08, F.S. Revenue generated from the sale of the Bronze Star plate is deposited in the Grants and Donations Trust Fund and the State Home for Veterans Trust Fund, both of which are administered by the FDVA.

This section also makes technical changes to s. 320.089, F.S., to provide clarity.

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<sup>84</sup> Section 320.089(1)(c) and (2)(a), F.S.

<sup>85</sup> Section 320.089(1)(b), F.S.

<sup>86</sup> Section 320.089(1)(c), F.S.

<sup>87</sup> Department of the Army, *Military Awards*, Army Regulation 600-8-22 (June 25, 2015).

<sup>88</sup> Department of Defense, *Manual of Military Decorations and Awards: DoD Service Awards – Campaign, Expeditionary, and Service Medals*, Manual No. 1348.33, Vol. 2 (May 15, 2015). The order of precedence for military awards varies by branch of service.

## **Transporter License Plates (Section 25)**

### ***Present Situation***

Section 320.133, F.S., allows the DHSMV to issue transporter license plates. Transporter plates are available for an applicant who, incidental to the conduct of the applicant's business, engages in the transporting of unregistered motor vehicles, and who pays a license tax and provides proof of liability insurance coverage of at least \$100,000. A transporter plate is valid for 1 year, beginning January 1 to December 31, for a flat license tax of \$101.25.<sup>89</sup> To apply for a transporter plate, the business applicant certifies he understands the plate may only be used for motor vehicles in possession of the business that are being transported in the course of the business.<sup>90</sup>

Types of businesses that may require the use of transporter plates include:

- Motor vehicle detail shops;
- Van conversion shops or other shops installing specialized equipment on vehicles;
- Businesses that transport mobile homes and recreational vehicles;
- Licensed repossessors; and
- Businesses that deliver unregistered vehicles (Drive away services).

Currently, there are 8,332 transporter license plates issued by the state, and approximately 4,618 businesses and individuals who have these plates issued to them.<sup>91</sup> There is no requirement for the business applying for the plate to prove it is engaged in transporting unregistered vehicles. The DHSMV has discovered businesses are using transporter license plates on company vehicles rather than on vehicles being transported for the business. According to DHSMV, it has little authority under current law to inquire as to whether the license plates are being used appropriately by applicants.<sup>92</sup>

### ***Effect of Proposed Changes***

Section 25 makes numerous changes to s. 320.133, F.S., concerning transporter license plates, including defining a "transporter license plate eligible business," requiring additional business information from applicants for transporter licenses, and adding penalties for improper use of transporter license plates.

This section also requires applicants for transporter license plates to provide proof satisfactory to the DHSMV that the business is a "transporter license plate eligible business," which is defined as a business engaged in the limited operation of unregistered motor vehicles or a reposessor who contracts with lending institutions to repossess or recover motor vehicles or mobile homes. Additionally, the application for a transporter license plate must include:

- The legal name of the person or persons applying for the license plate;
- The name of the business, and principal or principals of the business;

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<sup>89</sup> Sections 320.08(15) and 320.133(3), F.S.

<sup>90</sup> See DHSMV, *Application for Transporter License Plates* (May 2011), available at <https://www.flhsmv.gov/pdf/forms/83065.pdf> (last visited Feb. 10, 2017).

<sup>91</sup> DHSMV, *Legislative Package Talking Points* (Jan. 24, 2017) (on file with the Senate Committee on Transportation).

<sup>92</sup> *Id.*

- A description of the exact physical location of the place of business within the state;
- Proof of a garage liability insurance policy or a business automobile policy in the amount of \$100,000;
- Proof that the business is registered with the Division of Corporations of the Department of State to conduct business in the state; and
- A description of the business processes the business conducts that requires a need for a transporter license plate.

The business certificate of insurance must also indicate the number of transporter license plates reported to the insurance company, which will be the maximum number the DHSMV will issue to the applicant. The applicant is required to maintain such coverage for the entire transporter license plate registration period. The applicant is also required to maintain for two years, records of use for each transporter license plate. Such records must be at the business's location and open to inspection by the DHSMV or any law enforcement agency during reasonable business hours.

This section clarifies that the transporter license plate is only valid for use on an unregistered motor vehicle being transported in the course of the transporter's business and cannot be used on any motor vehicle that would require registration by the business. The DHSMV has authority to cancel any transporter license plate.

Finally, the section adds penalties for the improper use of transporter license plates. Specifically:

- A person who sells or unlawfully possesses, distributes, or brokers a transporter license plate to be attached to any vehicle commits a second-degree misdemeanor<sup>93</sup>, and the plate is subject to removal;
- A person who fails to maintain true and accurate records of transporter license plate usage commits a second-degree misdemeanor<sup>94</sup>, all transporter plates issued to the person may be subject to cancellation, and the person is disqualified from future transporter license plate issuance;
- A person who operates a motor vehicle with a transporter license plate attached who fails to provide the registration issued for the transporter license plate and proof of required insurance commits a second-degree misdemeanor<sup>95</sup>, and the plate is subject to removal. This penalty does not apply to a person who contracts with dealers and auctions to transport motor vehicles; and
- A person who *knowingly and willfully* sells or unlawfully possesses, distributes, or brokers a transporter plate to avoid registering a vehicle that requires registration commits a first-degree misdemeanor<sup>96</sup>, and all transporter plates issued to the person's business are canceled and must be returned to the DHSMV.

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<sup>93</sup> The second-degree misdemeanor is punishable as provided in ss. 775.082 or 775.083, F.S., which is a definite term of imprisonment not exceeding 60 days or a fine of no more than \$500.

<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

<sup>96</sup> The first-degree misdemeanor is punishable as provided in ss. 775.82 or 775.083, which is a definite term of imprisonment not exceeding one year or a fine of no more than \$1,000.

## Motor Vehicle Dealer and Broker Definitions (Section 26)

### *Present Situation*

Section 320.27(1)(c), F.S., defines a “motor vehicle dealer” as any person engaged in the business of buying, selling, or dealing in motor vehicles or offering or displaying motor vehicles for sale at wholesale or retail, or who may service and repair vehicles pursuant to an agreement as defined in s. 320.60(1), F.S. A person who buys, sells, offers for sale, displays for sale or deals in three or more motor vehicles in any 12-month period is presumed to be a motor vehicle dealer.

Motor vehicle dealers are required to be licensed by the state to conduct business. To become a licensed motor vehicle dealer, a person or persons must have their business site approved by a Division of Motorist Services Regional Office, and submit an application to the DHSMV with required documentation and fees, which may include:<sup>97</sup>

- An original \$25,000 surety bond or a letter of credit;
- A copy of the business location’s lease or proof of ownership;
- A copy of the pre-licensing dealer training course completion certificate;
- A garage liability insurance certificate, or a general liability insurance policy coupled with a business automobile policy;
- A copy of registration of business with Florida’s Secretary of State, Division of Corporations;
- A copy of specified corporate papers;
- A sales tax number and Federal Employer Identification number; and
- Fingerprints of the applicants to be submitted to the Florida Department of Law Enforcement for state processing, and then forwarded to the Federal Bureau of Investigation for federal processing.

Additionally, motor vehicle dealers are required to follow numerous state laws and procedures in order to maintain their dealer license. Any person who violates these license requirements can be found guilty of a second-degree misdemeanor<sup>98</sup>, and could be liable under civil law in violation of Florida’s Deceptive and Unfair Trade Practices Act<sup>99</sup>.

Section 320.27(1)(d), F.S., defines a “motor vehicle broker” as any person engaged in the business of offering to procure or procuring motor vehicles for the general public, including through solicitation or advertisement, but who does not store, display, or take ownership of any vehicle for the purpose of selling the vehicle.

Motor vehicle brokers are not considered motor vehicle dealers; thus, are not required to be licensed.

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<sup>97</sup> See s. 320.27, F.S., and DHSMV website, *Licensing Requirements for Motor Vehicle Dealers*, <http://www.flhsmv.gov/dmv/dealer.html> (last visited April 19, 2017).

<sup>98</sup> Section 320.27(8), F.S.

<sup>99</sup> Part II, ch. 501, F.S.

### *Effect of Proposed Changes*

Section 26 amends the definitions of “motor vehicle dealer” and “motor vehicle broker.” Specifically, it adds that the term “motor vehicle dealer” also includes any person:

- Who engages in possessing, storing, or displaying motor vehicles for retail sale;
- Who advertises motor vehicles for retail sale;
- Who negotiates with consumers regarding the terms of sale for a motor vehicle;
- Who provide test drivers of motor vehicles offered for sale; or
- Who deliver or arrange for delivery a motor vehicle in conjunction with the sale of such motor vehicle.

The section clarifies that a person is not a motor vehicle dealer if his or her sole dealing in motor vehicles is owning a publication or hosting a website that displays vehicles for sale by licensed motor vehicle dealers.

This section amends the term “motor vehicle broker,” which is defined in the bill as any person engaged in the business of assisting the general public in purchasing or leasing a motor vehicle from a licensed dealer, including through solicitation or advertisement, and is not considered a motor vehicle dealer.

The section adds that any advertisement or solicitation by a motor vehicle broker must include a statement that the broker is receiving a fee and that the person is not a licensed motor vehicle dealer.

### **FHP Law Enforcement Training Reimbursement (Section 27)**

#### *Present Situation*

Section 321.25, F.S., authorizes the DHSMV “to provide for the training of law enforcement officials and individuals in matters relating to the duties, functions, and powers of the Florida Highway Patrol...” The DHSMV is authorized to charge a fee for providing authorized training, as well as tuition, lodging, and meals. New FHP troopers receive 28 to 29 weeks of paid Law Enforcement Training at the FHP Training Academy. During this paid training, meals, lodging, equipment, and study materials are provided to FHP Academy trainees at no cost to the trainee.<sup>100</sup> The DHSMV estimates that the cost of training and other course expenses to the DHSMV is approximately \$12,386 per trooper trainee.<sup>101</sup>

In Florida, if an officer trainee who attends an approved training program at the expense of an employing agency terminates employment with such agency within two years after graduation from the basic recruit training program, he or she may be required to reimburse the employing agency for the full cost of tuition and other expenses.<sup>102</sup> Section 943.16, F.S., allows an employing agency to institute a civil action to collect these expenses if it is not reimbursed, provided that the trainee signed acknowledgement of this requirement. Trainees are not required to reimburse the employing agency if they resign their law enforcement certification upon

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<sup>100</sup> FHP, *Be A Trooper- Requirements- Benefits*, available at <http://beatrooper.com/requirements/> (last visited Feb. 10, 2017).

<sup>101</sup> Email from the DHSMV (Feb. 17, 2017) (on file with the Senate Committee on Transportation).

<sup>102</sup> Section 943.16, F.S.

terminating employment. Additionally, an employing agency may waive the reimbursement requirement in part or in full for a trainee who terminates employment due to hardship or extenuating circumstances.<sup>103</sup>

Since 2012, 86 FHP members terminated employment with the FHP within two years of completing training. According to the DHSMV, the FHP only pursues reimbursement if a trooper leaves within the two years to secure employment with another law enforcement agency.<sup>104</sup> An additional 37 FHP members terminated employment within the third year of completing FHP training.

### *Effect of Proposed Changes*

Section 27 amends s. 321.21, F.S., relating specifically to FHP training, is amended to increase the employment period length to which the reimbursement requirement applies from two years to three years. If an FHP trainee terminates employment with FHP prior to completing three years of service, the DHSMV may require the trainee to reimburse the cost of the FHP training tuition and other course expenses.

The amended section retains that the DHSMV may institute a civil action to collect tuition and other related expenses if it is not reimbursed, provided the trainee signed written acknowledgement of the (3-year) requirement. Additionally, the DHSMV retains authority to waive the reimbursement requirement in part or in full if the trainee terminates employment due to hardship or extenuating circumstances. However, the amendment removes the ability of FHP trainees to resign their law enforcement certification upon termination in order to avoid having to reimburse the DHSMV for the cost of tuition and other course expenses.

## **Digital Driver Licenses (Section 30)**

### *Present Situation*

Section 322.032, F.S.,<sup>105</sup> provides for the establishment of a digital proof of driver license. This section requires the DHSMV to begin to review and prepare for the development of a secure and uniform system for issuing an optional digital proof of driver license. DHSMV is authorized to contract with one or more private entities to develop a digital proof of driver license system.

The digital proof of driver license developed by DHSMV or by an entity contracted by the DHSMV is required to be in such a format as to allow law enforcement to verify the authenticity of the digital proof of driver license. DHSMV may adopt rules to ensure valid authentication of digital driver licenses by law enforcement.

A person may not be issued a digital proof of driver license until he or she has satisfied all of the requirements of Ch. 322, F.S., for issuance of a physical driver license.

This section also establishes certain penalties for a person who manufactures or possesses a false digital proof of driver license. Specifically, a person who:

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<sup>103</sup> *Id.*

<sup>104</sup> DHSMV, *Legislative Package Talking Points* (Jan. 24, 2017) (on file with the Senate Committee on Transportation).

<sup>105</sup> This section was created in 2014. *See* ch. 2014-216, Laws of Fla.

- Manufactures a false digital proof of driver license commits a felony of the third degree, punishable by up to five years in prison<sup>106</sup> and a fine not to exceed \$5,000.<sup>107</sup>
- Possesses a false digital proof of driver license commits a misdemeanor of the second degree, punishable by up to 60 days in prison.<sup>108</sup>

#### Agency for State Technology

The Florida Legislature created the Agency for State Technology in 2014 to develop and publish state information technology policy, oversee state technology projects, and manage the State Data Center.<sup>109</sup>

#### *Effect of Proposed Changes*

Section 30 amends s. 322.032, to require the DHSMV to collaborate with the Agency for State Technology to *establish and implement* secure and uniform protocols and standards for issuing an optional digital proof of driver license.

This section requires DHSMV to procure any application programming interface necessary to enable a private entity to securely manufacture a digital proof of driver license.

The bill also provides that displaying the digital proof of driver license does not constitute consent for the officer or agent to access any information on the device other than the digital proof of driver license. The person who presents the device to the officer assumes liability for any resulting damage to the device.

#### **“D” Designation on ID card for Persons with PTSD or TBI (Section 31)**

##### *Present Situation*

DHSMV may issue an identification card to any person who is 5 years of age or older, or any person who has a disability, regardless of age, who applies for a disabled parking permit<sup>110</sup> upon completion of an application and payment of a \$25 fee.<sup>111</sup>

Section 320.051(8)(e), F.S., provides that upon request by a person who has a developmental disability, or by a parent or guardian of a child or ward who has a developmental disability, DHSMV issue an identification card exhibiting a capital “D” for the person, child, or ward if the person or the parent or guardian of the child or ward submits:

- Payment of an additional \$1 fee; and
- Proof acceptable to DHSMV of a diagnosis by a licensed physician of a developmental disability.<sup>112</sup>

<sup>106</sup> Section 775.082, F.S.,

<sup>107</sup> Section 775.083, F.S.

<sup>108</sup> Section 775.082, F.S.

<sup>109</sup> See Agency for State Technology, <http://www.ast.myflorida.com/> (last visited April 19, 2017).

<sup>110</sup> Disabled parking permits are provided under s. 320.0848, F.S.

<sup>111</sup> Section 322.051, F.S.

<sup>112</sup> Section 393.063(12), F.S., defines “developmental disability” as a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, Down syndrome, Phelan-McDermid syndrome, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.



The above provision applies upon implementation of new designs for the driver license and identification card by the DHSMV.<sup>113</sup>

### *Effect of Proposed Changes*

Section 31 amends s. 322.051(8)(e)1., F.S., adding persons with post-traumatic stress disorder (PTSD)<sup>114</sup> or traumatic brain injury (TBI)<sup>115</sup> to those individuals who may receive the “D” designation on his or her identification card. This also applies to a parent or guardian’s request for a child or ward.

### **Truancy Reporting (Section 33)**

#### *Present Situation*

A minor is not eligible for driving privileges unless he or she<sup>116</sup>:

- Is enrolled in a public school, nonpublic school, or home education and satisfies relevant attendance requirements;
- Has received a high school diploma, a high school equivalency diploma, a special diploma, or a certificate of high school completion;
- Is enrolled in a study course in preparation for the high school equivalency examination and satisfies relevant attendance requirements; or
- Has been issued a certificate of exemption or hardship waiver under.

Subsection 322.091(5), F.S., requires the DHSMV to submit a report quarterly to each school district containing the legal name, sex, date of birth, and social security number of each student whose driving privileges have been suspended under this section.

#### *Effect of Proposed Changes*

Section 33 amends subsection 322.091(5), F.S., to remove obsolete language. According to the DHSMV, access to this report is available to school boards electronically on an accessible website.<sup>117</sup> The report via the website is updated in real-time whenever a new student is added.

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<sup>113</sup> Section 3 of Ch. 2016-175, L.O.F.

<sup>114</sup> PTSD is defined as a mental health condition that is triggered by a terrifying event. Symptoms include flashbacks, nightmares and severe anxiety, as well as uncontrollable thoughts about the event. See Mayo Clinic website, <http://www.mayoclinic.org/diseases-conditions/post-traumatic-stress-disorder/home/ovc-20308548> (last visited Mar. 23, 2017).

<sup>115</sup> TBI occurs when an external mechanical force causes brain dysfunction; usually from a violent blow or jolt to the head or body. See Mayo Clinic website, <http://www.mayoclinic.org/diseases-conditions/traumatic-brain-injury/basics/definition/con-20029302> (last visited Mar. 23, 2017).

<sup>116</sup> Section 322.091, F.S.

<sup>117</sup> Meeting with the DHSMV and Senate Transportation Committee Staff (Jan. 23, 2017).

## **Stolen Identification Cards (Section 36)**

### ***Present Situation***

Section 322.17, F.S., provides that in the event that an instruction permit or driver license is stolen from an individual, upon proof of identity and proof satisfactory to the DHSMV that such permit or license was stolen (generally, with copy of a police report), a replacement permit or license will be issued at no cost to the individual.

Replacement driver licenses and identification cards cost \$25. According to the DHSMV, in Fiscal Year 2015-2016, individuals reported approximately 7,123 stolen identification cards to the DHSMV.<sup>118</sup>

### ***Effect of Proposed Changes***

Section 36 amends s. 322.17, F.S., to include that identification cards shall be replaced at no cost to an individual who provides proof of identity and proof satisfactory to the DHSMV that the card was stolen.

## **Specialty Driver License or Identification Cards (Section 37)**

### ***Present Situation***

Section 322.1415, F.S., provided authority for DHSMV to issue specialty driver licenses and identification cards recognizing, at a minimum, Florida universities, Florida professional sports teams, and all branches of the United States Armed Forces. Additionally, s. 322.1415(5), F.S. provided that the section was repealed effective August 31, 2016.

The DHSMV is not currently authorized to offer expedited shipping services for renewal or replacement driver licenses or identification cards. The fastest way to receive a renewal or replacement driver license or identification card is to go in-person to a Florida driver license office. However, for individuals out-of-state or who cannot get to a driver license office, renewals and replacement driver licenses or identification cards may be requested using a convenience service<sup>119</sup>, including the DHSMV's virtual office<sup>120</sup>.

According to the DHSMV, it can take seven to fourteen days to receive a renewal or replacement driver license or identification card after it is ordered from the DHSMV's virtual office.

### ***Effect of Proposed Changes***

Section 37 amends s. 322.21, F.S., to remove an obsolete reference to specialty driver license and identification card costs from s. 322.21, F.S.

This section also provides that an applicant for a renewal or replacement driver license or identification card, when using a convenience service, will have the option to request expedited

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<sup>118</sup> DHSMV, *Legislative Package Talking Points* (Jan. 24, 2017) (on file with the Senate Committee on Transportation).

<sup>119</sup> Section 322.01(10), F.S., defines "convenience service" as "any means whereby an individual conducts a transaction with the department other than in person."

<sup>120</sup> Available at <https://services.flhsmv.gov/virtualoffice/Lobby.aspx> (last visited Feb. 13, 2017).

shipping. If the applicant chooses expedited shipping, the DHSMV shall issue the license or identification card within five working days of receiving the application and will ship the license or card using an expedited mail service. The DHSMV may charge a fee for the expedited shipping that does not exceed the cost of the expedited mail service. This shipping fee is in addition to any fee that would have been charged for the license or card, excluding the expedited shipping. The DHSMV shall deposit expedited shipping fees into the Highway Safety Operating Trust Fund.

### **For-hire Passenger Transportation - Financial Responsibility (Section 39)**

#### ***Present Situation***

Section 324.031, F.S., provides that the owner or operator of a taxicab, limousine, jitney, or any other for-hire passenger transportation vehicle may prove financial responsibility by providing satisfactory evidence of holding a motor vehicle liability policy, which policy is issued by an insurance carrier which is a member of the Florida Insurance Guaranty Association.<sup>121</sup>

The operator or owner of any other vehicle may prove financial responsibility by furnishing satisfactory evidence of holding a motor vehicle liability policy, furnishing a certificate of self-insurance showing a deposit of cash, or furnishing a certificate of self-insurance issued by the DHSMV. However, any person, including a firm, partnership, association, corporation, or other person, other than a natural person, proving financial responsibility by certificate of self-insurance showing a deposit of cash must have a deposit equal to the number of vehicles owned times \$30,000, to a maximum of \$120,000. In addition, such person must maintain insurance providing excess coverage of minimum limits of \$125,000/\$250,000/\$50,000 or \$300,000 combined single limits.

#### ***Effect of Proposed Changes***

Section 39 amends s. 324.031, F.S., providing that a for-hire passenger transportation vehicle's motor vehicle liability policy must be provided by an insurer authorized to do business in this state and who is a member of the Florida Insurance Guaranty Association, or by eligible surplus lines insurer that has a superior, excellent, exceptional or equivalent financial strength rating by a rating agency acceptable to the Office of Insurance Regulation of the Financial Services Commission.

The section also changes the excess minimum insurance limits required for persons proving financial responsibility by certificate of deposit, from \$125,000/\$250,000/\$50,000 to \$100,000/\$300,000/\$50,000.

### **Unauthorized Interference with Global Positioning Systems (Section 40)**

#### ***Present Situation***

Section 877.27, F.S., prohibits a person from making a radio transmission if he or she is not licensed or exempt for licensure by the Federal Communications Commission, or from causing

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<sup>121</sup> The Florida Insurance Guaranty Association is created in s. 631.55, F.S.

an unlicensed radio transmission to interfere with a licensed radio public or commercial radio station. A person who violates this prohibition commits a third degree felony.

Global positioning system (GPS) jammers are devices using radio frequency transmitters in order to intentionally block, jam, or interfere with GPS systems. It is illegal to market, sell, or use GPS jammers in the United States.<sup>122</sup> Such devices have been linked to cargo thefts throughout the United States.<sup>123</sup>

### ***Effect of Proposed Changes***

Section 40 amends s. 877.27, F.S., to clearly prohibit a person from using a device prohibited by the Federal Communications Commission which would cause interference with the legal use of a GPS to track vehicles. A person who violates this prohibition commits a third degree felony.

### **Amending Cross-References (Sections 41-45)**

Sections 41-45 amends numerous cross-references to reflect changes made by the bill.

### **Effective Date (Section 47)**

**Section 8** takes effect upon the same date that SB 340 or similar legislation takes effect.

**Section 10** takes effect upon the adoption by rule of uniform traffic citation forms.

**Section 14** takes effect July 1, 2018.

The remaining sections of the bill take effect October 1, 2017.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

### **C. Trust Funds Restrictions:**

None.

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<sup>122</sup> See GPS.gov, *Information About GPS Jamming*, <http://www.gps.gov/spectrum/jamming/> (last visited April 19, 2017).

<sup>123</sup> Federal Bureau of Investigation, Private Industry Notification 141002-001, *Cargo Thieves use GPS Jammers to Mask GPS Trackers* (Oct. 2, 2014), available at <https://info.publicintelligence.net/FBI-CargoThievesGPS.pdf> (last visited April 19, 2017).

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

The Revenue Estimating Conference (REC) reviewed some provisions in the bill on March 10, 2017.<sup>124</sup> The REC estimates that replacing stolen identification cards at no charge to a customer (section 36 of the bill) will reduce revenues deposited into the General Revenue Fund by an insignificant amount until Fiscal Years 2020 through 2022. Beginning 2020, the lost revenues are anticipated to be \$100,000 annually.

The REC estimates that allowing local tax collectors to retain fees or portions of fees for administering subsequent driver license examinations or reinstating licenses (sections 34 and 37) will shift approximately \$5 million of revenues from the annually to the local tax collectors.

Additionally, the REC estimates that authorizing expedited shipping fees for driver licenses and identification cards (section 11) will have an indeterminate impact in revenues to the extent that expedited shipping is requested.

**B. Private Sector Impact:**

The bill may have a positive impact for individuals who are:

- Issued a free replacement identification card to replace a stolen card (section 36);
- CMV operators who may replace a damaged apportioned license plate at no charge (sections 15 and 17);
- Not-for-hire truck operators within the state who may become eligible for the restricted agricultural special license plate (section 18);
- Businesses who may become eligible to use DHSMV's electronic filing system (section 14);
- Operators of autocycles (sections 20 and 24) who will not be required to obtain a motorcycle license or endorsement license, or to complete a motorcycle safety course and a motorcycle knowledge and skills test currently required to obtain such a license or endorsement; and

**C. Surplus lines insurers (section 39). Government Sector Impact:**

The bill makes changes to address compliance issues with federal laws relating to commercial motor vehicles (sections 1, 5, and 27). According to the DHSMV, if Florida fails to comply with FMCSA compatibility requirements, Florida may experience a reduction of up to four percent of Federal-aid highway funds following the first year of noncompliance and up to eight percent for subsequent years.<sup>125</sup> Noncompliance may also affect the potential award of future grants.

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<sup>124</sup> Office of Economic and Demographic Research, Revenue Estimating Conference, *Highway Safety Fees – HB 545* (Mar. 10, 2017), available at [http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2017/\\_pdf/Impact0310.pdf](http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2017/_pdf/Impact0310.pdf) at p. 22-30 (last visited Mar. 15, 2017).

<sup>125</sup> Email from the DHSMV (Feb. 17, 2017) (on file with the Senate Committee on Transportation).

To the extent that FHP troopers terminate employment for employment with another agency between their second and third year of service, the DHSMV may receive reimbursement for training costs from the individual (section 18). The DHSMV estimates that the cost of training and other course expenses to the DHSMV is approximately \$12,386 per trooper trainee.<sup>126</sup>

The DHSMV will likely incur programming costs associated with changes made by the bill, as well as production costs to create Bronze Star license plates (section 24) and Purple Heart motorcycle plates (section 23). ), and procurement costs to implement a digital proof of driver license (section 30).

The bill is intended to address a broad range of federal compliance, customer service and administrative efficiency issues; however, these changes have various indeterminate impacts to revenues and expenditures and the total fiscal impact of the bill on the government sector is unknown.

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

None.

#### **VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.2397, 316.2398, 316.302, 316.3025, 316.614, 316.85, 318.1215, 318.18, 320.01, 320.02, 320.03, 320.06, 320.0605, 320.0607, 320.08, 320.08056, 320.08058, 320.08068, 320.086, 320.089, 320.133, 320.27, 321.25, 322.01, 322.03, 322.032, 322.051, 322.08, 322.091, 322.12, 322.135, 322.17, 322.21, 322.61, 324.031, and 877.27.

This bill creates the following sections of the Florida Statutes: 316.851 and 320.0875.

This bill amends the following sections of the Florida Statutes to conform cross-references: 212.05, 316.303, 316.545, 316.613, and 655.960.

#### **IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 18, 2017:**

The CS adds the following issues to the bill:

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<sup>126</sup> *Id.*

- Allows a person without a driver license to operate an autonomous vehicle in autonomous mode if the person cannot take control of the vehicle;
- Applies certain insurance coverage requirements, should legislation addressing insurance for transportation network companies (TNCs) become law, to autonomous vehicles used by TNCs to provide transportation, regardless of whether a human operator is physically present in the vehicle when the ride occurs;
- Authorizes a board of county commissioners to require, by ordinance, that the clerk of court collect an additional \$5 with each *criminal*, instead of *civil* traffic penalty, which is used to fund driver education programs in schools;
- Changes “construction zone” to “work zone” for the purpose of double speeding penalties in such zones if required signs are posted and workers are present;
- Requires tax collectors perform the same motor vehicle registration and driver license services for non-county residents as they do for their home county residents;
- Expands the allowable operations and authorized agents of the DHSMV electronic filing system;
- Revises the eligibility requirement for the agricultural restricted license plate to allow certain agricultural trucks that operate within the state, instead of within a 150-mile radius of the truck’s home address, be eligible for the restricted license plate;
- Authorizes a trailer to be considered a motor vehicle for purposes of receiving specified license plates;
- Clarifies the definition of motor vehicle dealers and motor vehicle brokers;
- Requires DHSMV work with the Agency for State Technology to provide digital proof of driver licenses;
- Allows for-hire passenger vehicles be insured by an eligible surplus lines insurer and modifies certain insurance limits; and
- Prohibits a person from using any device prohibited by the Federal Communications Commission which would cause interference with the legal use of a global positioning system to track vehicles.

The CS also:

- Amends the bill to allow the number of warning signals on a volunteer firefighter or medical staff vehicle to be determined by the responding agency;
- Delays the requirements for electronic logging devices and hours of service support documents for certain intrastate motor carriers until December 31, 2018; and
- Provides that tax collectors shall retain subsequent driver examination fees and specified driver license fees, *less the eight percent General Revenue Service Charge*.

**CS by Transportation on March 22, 2017:**

The CS adds several issues to the bill. Specifically, the CS:

- Creates a definition for an autocycle, requires occupants of autocycles to wear safety belts, and exempts drivers of autocycles from being required to have a motorcycle endorsement or motorcycles license, or from completing motorcycle knowledge and skills testing;
- Allows volunteer firefighters to use red and white, in addition to red, warning signals;

- Allows a person driving a rental vehicle who is stopped by a law enforcement officer or agent of the DHSMV to show an electronic copy of a rental agreement;
- Changes references to the organization “Prevent Blindness” to “Preserve Vision”;
- Creates a Purple Heart motorcycle special license plate;
- Creates a Bronze Star license plate;
- Removes specialty license plates from statute that have been discontinued by the DHSMV; and
- Allows a person diagnosed with PTSD or TBI to be eligible to receive a “D” designation on his or her ID card.

The CS modifies changes to the bill sections on the Issuance of Apportionable Vehicle Plates. The CS removes language from current law indicating that the cab card denotes the declared gross vehicle weight *for each jurisdiction in which the vehicle is authorized to operate*. The CS also changes that a \$28 annual fee is for an original and a renewed validation sticker, instead of for the annual cab card.

**B. Amendments:**

None.





499186

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/18/2017	.	
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Appropriations Subcommittee on Transportation, Tourism, and  
Economic Development (Gainer) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present subsections (2) through (97) of section  
316.003, Florida Statutes, are redesignated as subsections (3)  
through (98), respectively, a new subsection (2) is added to  
that section, and present subsections (41) and (55) of that  
section are amended, to read:

316.003 Definitions.—The following words and phrases, when



499186

11 used in this chapter, shall have the meanings respectively  
12 ascribed to them in this section, except where the context  
13 otherwise requires:

14 (2) AUTOCYCLE.—A three-wheel motorcycle that has two wheels  
15 in the front and one wheel in the back, is equipped with a roll  
16 cage or roll hoops, safety belts for each occupant, antilock  
17 brakes, a steering wheel, and seating that does not require the  
18 operator to straddle or sit astride it and is manufactured by a  
19 National Highway Traffic Safety Administration registered  
20 manufacturer in accordance with the applicable federal  
21 motorcycle safety standards under 49 C.F.R. part 571.

22 (42) ~~(41)~~ MOTORCYCLE.—Any motor vehicle that has ~~having~~ a  
23 seat or saddle for the use of the rider which is ~~and~~ designed to  
24 travel on not more than three wheels in contact with the ground,  
25 including an autocycle. The term does not include a tractor, a  
26 moped, or a vehicle in which the operator is enclosed by a cabin  
27 unless the vehicle meets the requirements set forth by the  
28 National Highway Traffic Safety Administration for a motorcycle  
29 but ~~excluding a tractor or a moped.~~

30 (56) ~~(55)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
31 provided in paragraph (78) (b) ~~(77) (b)~~, any privately owned way  
32 or place used for vehicular travel by the owner and those having  
33 express or implied permission from the owner, but not by other  
34 persons.

35 Section 2. Subsections (1) and (3) of section 316.2397,  
36 Florida Statutes, are amended to read:

37 316.2397 Certain lights prohibited; exceptions.—

38 (1) A ~~No~~ person may not ~~shall~~ drive or move or cause to be  
39 moved any vehicle or equipment upon any highway within this



499186

40 state with a ~~any~~ lamp or device thereon showing or displaying a  
41 red, red and white, or blue light visible from directly in front  
42 thereof except for certain vehicles ~~hereinafter~~ provided in this  
43 section.

44 (3) Vehicles of the fire department and fire patrol,  
45 including vehicles of volunteer firefighters as permitted under  
46 s. 316.2398, may show or display red, or red and white, lights.  
47 Vehicles of medical staff physicians or technicians of medical  
48 facilities licensed by the state as authorized under s.  
49 316.2398, ambulances as authorized under this chapter, and buses  
50 and taxicabs as authorized under s. 316.2399 may show or display  
51 red lights. Vehicles of the fire department, fire patrol, police  
52 vehicles, and such ambulances and emergency vehicles of  
53 municipal and county departments, public service corporations  
54 operated by private corporations, the Fish and Wildlife  
55 Conservation Commission, the Department of Environmental  
56 Protection, the Department of Transportation, the Department of  
57 Agriculture and Consumer Services, and the Department of  
58 Corrections as are designated or authorized by their respective  
59 department or the chief of police of an incorporated city or any  
60 sheriff of any county may operate emergency lights and sirens in  
61 an emergency. Wreckers, mosquito control fog and spray vehicles,  
62 and emergency vehicles of governmental departments or public  
63 service corporations may show or display amber lights when in  
64 actual operation or when a hazard exists provided they are not  
65 used going to and from the scene of operation or hazard without  
66 specific authorization of a law enforcement officer or law  
67 enforcement agency. Wreckers, flatbed, car carriers, or  
68 rollbacks registered as wreckers pursuant to s. 320.08(5)(d) or



499186

69 (e) must use amber rotating or flashing lights while performing  
70 recoveries and loading on the roadside day or night, and may use  
71 such lights while towing a vehicle on wheel lifts, slings, ~~or~~  
72 under reach, flatbeds, car carriers, or rollbacks if the  
73 operator of the wrecker deems such lights necessary. ~~A flatbed,~~  
74 ~~car carrier, or rollback may not use amber rotating or flashing~~  
75 ~~lights when hauling a vehicle on the bed unless it creates a~~  
76 ~~hazard to other motorists because of protruding objects.~~

77 Further, escort vehicles may show or display amber lights when  
78 in the actual process of escorting overdimensioned equipment,  
79 material, or buildings as authorized by law. Vehicles owned or  
80 leased by private security agencies may show or display green  
81 and amber lights, with either color being no greater than 50  
82 percent of the lights displayed, while the security personnel  
83 are engaged in security duties on private or public property.

84 Section 3. Section 316.2398, Florida Statutes, is amended  
85 to read:

86 316.2398 Display or use of red, or red and white, warning  
87 signals; motor vehicles of volunteer firefighters or medical  
88 staff.—

89 (1) A privately owned vehicle belonging to an active  
90 firefighter member of a regularly organized volunteer  
91 firefighting company or association, while en route to the fire  
92 station for the purpose of proceeding to the scene of a fire or  
93 other emergency or while en route to the scene of a fire or  
94 other emergency in the line of duty as an active firefighter  
95 member of a regularly organized firefighting company or  
96 association, may display or use red, or red and white, warning  
97 signals. ~~or~~ A privately owned vehicle belonging to a medical



499186

98 staff physician or technician of a medical facility licensed by  
99 the state, while responding to an emergency in the line of duty,  
100 may display or use red warning signals. Warning signals must be  
101 visible from the front and from the rear of such vehicle,  
102 subject to the following restrictions and conditions:

103 (a) Red, or red and white, ~~No more than two red~~ warning  
104 signals may be displayed as determined by the responding agency  
105 in order to maintain public safety and the safety of the  
106 responding vehicle occupants.

107 (b) No inscription of any kind may appear across the face  
108 of the lens of the red, or red and white, warning signal.

109 (c) In order for an active volunteer firefighter to display  
110 such red, or red and white, warning signals on his or her  
111 vehicle, the volunteer firefighter must first secure a written  
112 permit from the chief executive officers of the firefighting  
113 organization to use the red, or red and white, warning signals,  
114 and this permit must be carried by the volunteer firefighter at  
115 all times while the red, or red and white, warning signals are  
116 displayed.

117 (2) ~~A It is unlawful for any person who is not an active~~  
118 firefighter member of a regularly organized volunteer  
119 firefighting company or association or a physician or technician  
120 of the medical staff of a medical facility licensed by the state  
121 may not ~~to~~ display on any motor vehicle owned by him or her, at  
122 any time, any red, or red and white, warning signals as  
123 described in subsection (1).

124 (3) ~~It is unlawful for~~ An active volunteer firefighter may  
125 not ~~to~~ operate any red, or red and white, warning signals as  
126 authorized in subsection (1), except while en route to the fire



499186

127 station for the purpose of proceeding to the scene of a fire or  
128 other emergency, or while at or en route to the scene of a fire  
129 or other emergency, in the line of duty.

130 (4) ~~It is unlawful for~~ A physician or technician of the  
131 medical staff of a medical facility may not ~~to~~ operate any red  
132 warning signals as authorized in subsection (1), except when  
133 responding to an emergency in the line of duty.

134 (5) A violation of this section is a nonmoving violation,  
135 punishable as provided in chapter 318. In addition, a any  
136 volunteer firefighter who violates this section shall be  
137 dismissed from membership in the firefighting organization by  
138 the chief executive officers thereof.

139 Section 4. Subsection (1) and paragraphs (a), (c), (d), and  
140 (f) of subsection (2) of section 316.302, Florida Statutes, are  
141 amended to read:

142 316.302 Commercial motor vehicles; safety regulations;  
143 transporters and shippers of hazardous materials; enforcement.-

144 (1) Except as otherwise provided in subsection (3):

145 (a) All owners and drivers of commercial motor vehicles  
146 that are operated on the public highways of this state while  
147 engaged in interstate commerce are subject to the rules and  
148 regulations contained in 49 C.F.R. parts 382, 385, and 390-397.

149 (b) Except as otherwise provided in this section, all  
150 owners or drivers of commercial motor vehicles that are engaged  
151 in intrastate commerce are subject to the rules and regulations  
152 contained in 49 C.F.R. parts 382, 383, 385, and 390-397, ~~with~~  
153 ~~the exception of 49 C.F.R. s. 390.5 as it relates to the~~  
154 ~~definition of bus,~~ as such rules and regulations existed on  
155 December 31, 2016 ~~2012~~.



499186

156 (c) The emergency exceptions provided by 49 C.F.R. s.  
157 392.82 also apply to communications by utility drivers and  
158 utility contractor drivers during a Level 1 activation of the  
159 State Emergency Operations Center, as provided in the Florida  
160 Comprehensive Emergency Management plan, or during a state of  
161 emergency declared by executive order or proclamation of the  
162 Governor.

163 (d) Except as provided in ~~s. 316.215(5)~~, and ~~except as~~  
164 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging  
165 requirements for intrastate operations, the requirements of this  
166 section supersede all other safety requirements of this chapter  
167 for commercial motor vehicles.

168 (e) The requirement for electronic logging devices and  
169 hours of service support documents will not go into effect for  
170 motor carriers engaged in intrastate commerce, not carrying  
171 hazardous materials in amounts that require placards, until  
172 December 31, 2018.

173 (2) (a) A person who operates a commercial motor vehicle  
174 solely in intrastate commerce not transporting any hazardous  
175 material in amounts that require placarding pursuant to 49  
176 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b)(1)  
177 and 395.3 ~~395.3(a) and (b)~~.

178 (c) Except as provided in 49 C.F.R. s. 395.1, a person who  
179 operates a commercial motor vehicle solely in intrastate  
180 commerce not transporting any hazardous material in amounts that  
181 require placarding pursuant to 49 C.F.R. part 172 may not drive  
182 after having been on duty more than 70 hours in any period of 7  
183 consecutive days or more than 80 hours in any period of 8  
184 consecutive days if the motor carrier operates every day of the



499186

185 week. Thirty-four consecutive hours off duty shall constitute  
186 the end of any such period of 7 or 8 consecutive days. This  
187 weekly limit does not apply to a person who operates a  
188 commercial motor vehicle solely within this state while  
189 transporting, during harvest periods, any unprocessed  
190 agricultural products or unprocessed food or fiber that is  
191 subject to seasonal harvesting from place of harvest to the  
192 first place of processing or storage or from place of harvest  
193 directly to market or while transporting livestock, livestock  
194 feed, or farm supplies directly related to growing or harvesting  
195 agricultural products. Upon request of the Department of Highway  
196 Safety and Motor Vehicles, motor carriers shall furnish time  
197 records or other written verification to that department so that  
198 the Department of Highway Safety and Motor Vehicles can  
199 determine compliance with this subsection. These time records  
200 must be furnished to the Department of Highway Safety and Motor  
201 Vehicles within 2 days after receipt of that department's  
202 request. Falsification of such information is subject to a civil  
203 penalty ~~not to exceed \$100. The provisions of This paragraph~~  
204 does ~~de~~ not apply to operators of farm labor vehicles operated  
205 during a state of emergency declared by the Governor or operated  
206 pursuant to s. 570.07(21), and does ~~de~~ not apply to drivers of  
207 utility service vehicles as defined in 49 C.F.R. s. 395.2.

208 (d) A person who operates a commercial motor vehicle solely  
209 in intrastate commerce not transporting any hazardous material  
210 in amounts that require placarding pursuant to 49 C.F.R. part  
211 172 within a 150 air-mile radius of the location where the  
212 vehicle is based need not comply with 49 C.F.R. s. 395.8, if the  
213 requirements of 49 C.F.R. s. 395.1(e)(1)(ii), (e)(1)(iii)(A) and





499186

214 ~~(C), 395.1(e)(1)(iii) and (e)(1)(v) are met. If a driver is not~~  
215 ~~released from duty within 12 hours after the driver arrives for~~  
216 ~~duty, the motor carrier must maintain documentation of the~~  
217 ~~driver's driving times throughout the duty period.~~

218 (f) A person who operates a commercial motor vehicle having  
219 a ~~declared~~ gross vehicle weight, gross vehicle weight rating,  
220 and gross combined weight rating of less than 26,001 pounds  
221 solely in intrastate commerce and who is not transporting  
222 hazardous materials in amounts that require placarding pursuant  
223 to 49 C.F.R. part 172, ~~or who is transporting petroleum products~~  
224 ~~as defined in s. 376.301,~~ is exempt from subsection (1).  
225 However, such person must comply with 49 C.F.R. parts 382, 392,  
226 and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

227 Section 5. Paragraph (a) of subsection (6) of section  
228 316.3025, Florida Statutes, is amended to read:

229 316.3025 Penalties.—

230 (6) (a) A driver who violates 49 C.F.R. s. 392.80, which  
231 prohibits texting while operating a commercial motor vehicle, or  
232 49 C.F.R. s. 392.82, which prohibits using a handheld mobile  
233 telephone while operating a commercial motor vehicle, may be  
234 assessed a civil penalty and ~~commercial driver license~~  
235 ~~disqualification~~ as follows:

236 1. First violation: \$500.

237 2. Second violation: \$1,000 ~~and a 60-day commercial driver~~  
238 ~~license disqualification pursuant to 49 C.F.R. part 383.~~

239 3. Third and subsequent violations: \$2,750 ~~and a 120-day~~  
240 ~~commercial driver license disqualification pursuant to 49 C.F.R.~~  
241 ~~part 383.~~

242 Section 6. Paragraph (a) of subsection (3) and subsections



499186

243 (4) and (5) of section 316.614, Florida Statutes, are amended to  
244 read:

245 316.614 Safety belt usage.—

246 (3) As used in this section:

247 (a) "Motor vehicle" means a motor vehicle as defined in s.  
248 316.003 which is operated on the roadways, streets, and highways  
249 of this state. The term does not include:

250 1. A school bus.

251 2. A bus used for the transportation of persons for  
252 compensation.

253 3. A farm tractor or implement of husbandry.

254 4. A truck having a gross vehicle weight rating of more  
255 than 26,000 pounds.

256 5. A motorcycle, excluding an autocycle for purposes of  
257 subsections (4) and (5), moped, or bicycle.

258 (4) It is unlawful for any person:

259 (a) To operate a motor vehicle or an autocycle in this  
260 state unless each passenger and the operator of the vehicle  
261 under the age of 18 years are restrained by a safety belt or by  
262 a child restraint device pursuant to s. 316.613, if applicable;  
263 or

264 (b) To operate a motor vehicle or an autocycle in this  
265 state unless the person is restrained by a safety belt.

266 (5) It is unlawful for any person 18 years of age or older  
267 to be a passenger in the front seat of a motor vehicle or an  
268 autocycle unless such person is restrained by a safety belt when  
269 the vehicle is in motion.

270 Section 7. Paragraph (d) of subsection (3) of section  
271 318.18, Florida Statutes, is amended to read:



499186

272           318.18 Amount of penalties.—The penalties required for a  
273 noncriminal disposition pursuant to s. 318.14 or a criminal  
274 offense listed in s. 318.17 are as follows:

275           (3)

276           (d) Notwithstanding paragraph (b), a person cited for  
277 exceeding the speed limit in a posted work ~~construction~~ zone,  
278 which posting must include notification of the speed limit and  
279 the doubling of fines, shall pay a fine double the amount listed  
280 in paragraph (b). The fine shall be doubled for work  
281 ~~construction~~ zone violations only if work ~~construction~~ personnel  
282 are present or operating equipment on the road or immediately  
283 adjacent to the road ~~under construction~~.

284           Section 8. Subsections (24) and (26) of section 320.01,  
285 Florida Statutes, are amended to read:

286           320.01 Definitions, general.—As used in the Florida  
287 Statutes, except as otherwise provided, the term:

288           (24) "Apportionable vehicle" means any vehicle, except  
289 recreational vehicles, vehicles displaying restricted plates,  
290 city pickup and delivery vehicles, ~~buses used in transportation~~  
291 ~~of chartered parties~~, and government-owned vehicles, which is  
292 used or intended for use in two or more member jurisdictions  
293 that allocate or proportionally register vehicles and which is  
294 used for the transportation of persons for hire or is designed,  
295 used, or maintained primarily for the transportation of property  
296 and:

297           (a) Is a power unit having a gross vehicle weight in excess  
298 of 26,000 pounds;

299           (b) Is a power unit having three or more axles, regardless  
300 of weight; or



499186

301 (c) Is used in combination, when the weight of such  
302 combination exceeds 26,000 pounds gross vehicle weight.

303  
304 Vehicles, or combinations thereof, having a gross vehicle weight  
305 of 26,000 pounds or less and two-axle vehicles may be  
306 proportionally registered.

307 (26) "Motorcycle" means any motor vehicle having a seat or  
308 saddle for the use of the rider and designed to travel on not  
309 more than three wheels in contact with the ground, including an  
310 autocycle. The term does not include a tractor, a moped, or  
311 ~~excluding~~ a vehicle in which the operator is enclosed by a cabin  
312 unless the vehicle ~~it~~ meets the requirements set forth by the  
313 National Highway Traffic Safety Administration for a motorcycle.  
314 ~~The term "motorcycle" does not include a tractor or a moped.~~

315 Section 9. Paragraph (a) of subsection (15) of section  
316 320.02, Florida Statutes, is amended to read:

317 320.02 Registration required; application for registration;  
318 forms.-

319 (15) (a) The application form for motor vehicle registration  
320 must ~~shall~~ include language permitting the voluntary  
321 contribution of \$1 per applicant, to be quarterly distributed by  
322 the department to Preserve Vision ~~Prevent Blindness~~ Florida, a  
323 not-for-profit organization, to prevent blindness and preserve  
324 the sight of the residents of this state. A statement providing  
325 an explanation of the purpose of the funds shall be included  
326 with the application form. Prior to the department distributing  
327 the funds collected pursuant to this paragraph, Preserve Vision  
328 ~~Prevent Blindness~~ Florida must submit a report to the department  
329 that identifies how such funds were used during the preceding



499186

330 year.

331

332 For the purpose of applying the service charge provided in  
333 s. 215.20, contributions received under this subsection are not  
334 income of a revenue nature.

335 Section 10. Subsection (1) of section 320.03, Florida  
336 Statutes, is amended to read:

337 320.03 Registration; duties of tax collectors;  
338 International Registration Plan.—

339 (1) (a) The tax collectors in the several counties of the  
340 state, as authorized agents of the department, shall issue  
341 registration certificates, registration license plates,  
342 validation stickers, and mobile home stickers to applicants, and  
343 shall provide to applicants for each the option to register  
344 emergency contact information and the option to be contacted  
345 with information about state and federal benefits available as a  
346 result of military service, subject to the requirements of law,  
347 in accordance with rules of the department. Each tax collector  
348 shall provide the same motor vehicle registration services in  
349 office to residents of other counties that it provides for  
350 residents of its home county.

351 (b) Any person, firm, or corporation representing itself,  
352 through advertising or naming of the business, to be an  
353 authorized agent of the department shall be deemed guilty of an  
354 unfair and deceptive trade practice as defined in part II of  
355 chapter 501. No such person, firm, or corporation shall use  
356 either the state or county name as a part of their business name  
357 when such use can reasonably be interpreted as an official state  
358 or county office.



499186

359 Section 11. Paragraph (b) of subsection (1) of section  
360 320.06, Florida Statutes, is amended to read:

361 320.06 Registration certificates, license plates, and  
362 validation stickers generally.—

363 (1)

364 (b)1. Registration license plates bearing a graphic symbol  
365 and the alphanumeric system of identification shall be issued  
366 for a 10-year period. At the end of the 10-year period, upon  
367 renewal, the plate shall be replaced. The department shall  
368 extend the scheduled license plate replacement date from a 6-  
369 year period to a 10-year period. The fee for such replacement is  
370 \$28, \$2.80 of which shall be paid each year before the plate is  
371 replaced, to be credited toward the next \$28 replacement fee.  
372 The fees shall be deposited into the Highway Safety Operating  
373 Trust Fund. A credit or refund may not be given for any prior  
374 years' payments of the prorated replacement fee if the plate is  
375 replaced or surrendered before the end of the 10-year period,  
376 except that a credit may be given if a registrant is required by  
377 the department to replace a license plate under s.

378 320.08056(8) (a). With each license plate, a validation sticker  
379 shall be issued showing the owner's birth month, license plate  
380 number, and the year of expiration or the appropriate renewal  
381 period if the owner is not a natural person. The validation  
382 sticker shall be placed on the upper right corner of the license  
383 plate. The license plate and validation sticker shall be issued  
384 based on the applicant's appropriate renewal period. The  
385 registration period is 12 months, the extended registration  
386 period is 24 months, and all expirations occur based on the  
387 applicant's appropriate registration period.



499186

388           2. A vehicle that has an apportioned registration shall be  
389 issued an annual license plate and a cab card denoting that  
390 denote the declared gross vehicle weight for each apportioned  
391 jurisdiction in which the vehicle is authorized to operate. This  
392 subparagraph expires October 1, 2018.

393           3. Beginning October 1, 2018, a vehicle registered in  
394 accordance with the International Registration Plan which has an  
395 apportioned registration shall be issued a license plate for a  
396 5-year period, an annual cab card denoting the declared gross  
397 vehicle weight, and an annual validation sticker showing the  
398 month and year of expiration. The validation sticker shall be  
399 placed in the center of the license plate. The license plate and  
400 validation sticker shall be issued based on the applicant's  
401 appropriate renewal period. The registration period is 12  
402 months. The fee for an original and a renewed validation sticker  
403 is \$28. This fee shall be deposited into the Highway Safety  
404 Operating Trust Fund. If the license plate is damaged or worn,  
405 it may be replaced at no charge by applying to the department  
406 and surrendering the current license plate.

407           4.2. In order to retain the efficient administration of the  
408 taxes and fees imposed by this chapter, the 80-cent fee increase  
409 in the replacement fee imposed by chapter 2009-71, Laws of  
410 Florida, is negated as provided in s. 320.0804.

411           Section 12. Section 320.0605, Florida Statutes, is amended  
412 to read:

413           320.0605 Certificate of registration; possession required;  
414 exception.—

415           (1) (a) The registration certificate or an official copy  
416 thereof, a true copy or electronic copy of rental or lease



499186

417 documentation issued for a motor vehicle or issued for a  
418 replacement vehicle in the same registration period, a temporary  
419 receipt printed upon self-initiated electronic renewal of a  
420 registration via the Internet, or a cab card issued for a  
421 vehicle registered under the International Registration Plan  
422 shall, at all times while the vehicle is being used or operated  
423 on the roads of this state, be in the possession of the operator  
424 thereof or be carried in the vehicle for which issued and shall  
425 be exhibited upon demand of any authorized law enforcement  
426 officer or any agent of the department, except for a vehicle  
427 registered under s. 320.0657. ~~The provisions of~~ This section  
428 does ~~de~~ not apply during the first 30 days after purchase of a  
429 replacement vehicle. A violation of this section is a  
430 noncriminal traffic infraction, punishable as a nonmoving  
431 violation as provided in chapter 318.

432 (b)1. The act of presenting to a law enforcement officer or  
433 agent of the department an electronic device displaying an  
434 electronic copy of rental or lease documentation does not  
435 constitute consent for the officer or agent to access any  
436 information on the device other than the displayed rental or  
437 lease documentation.

438 2. The person who presents the device to the officer or  
439 agent assumes the liability for any resulting damage to the  
440 device.

441 (2) Rental or lease documentation that is sufficient to  
442 satisfy the requirement in subsection (1) includes the  
443 following:

- 444 (a) ~~Date of rental~~ and time of ~~exit from~~ rental facility;
- 445 (b) Rental station identification;





499186

- 446 (c) Rental agreement number;
- 447 (d) Rental vehicle identification number;
- 448 (e) Rental vehicle license plate number and state of
- 449 registration;
- 450 (f) Vehicle's make, model, and color;
- 451 (g) Vehicle's mileage; and
- 452 (h) Authorized renter's name.

453 Section 13. Subsection (5) of section 320.0607, Florida  
454 Statutes, is amended to read:

455 320.0607 Replacement license plates, validation decal, or  
456 mobile home sticker.—

457 (5) Upon the issuance of an original license plate, the  
458 applicant shall pay a fee of \$28 to be deposited in the Highway  
459 Safety Operating Trust Fund. Beginning October 1, 2018, this  
460 subsection does not apply to a vehicle registered under the  
461 International Registration Plan.

462 Section 14. Paragraphs (ee), (eee), (qqq), and (rrr) of  
463 subsection (4) and paragraph (a) of subsection (10) of section  
464 320.08056, Florida Statutes, are amended to read:

465 320.08056 Specialty license plates.—

466 (4) The following license plate annual use fees shall be  
467 collected for the appropriate specialty license plates:

- 468 ~~(ee) American Red Cross license plate, \$25.~~
- 469 ~~(eee) Donate Organs—Pass It On license plate, \$25.~~
- 470 ~~(qqq) St. Johns River license plate, \$25.~~
- 471 ~~(rrr) Hispanic Achievers license plate, \$25.~~

472 (10) (a) A specialty license plate annual use fee collected  
473 and distributed under this chapter, or any interest earned from  
474 those fees, may not be used for commercial or for-profit



499186

475 activities nor for general or administrative expenses, except as  
476 authorized by s. 320.08058 or to pay the cost of the audit or  
477 report required by s. 320.08062(1). The fees and any interest  
478 earned from the fees may be expended only for use in this state  
479 unless the annual use fee is derived from the sale of United  
480 States Armed Forces and veterans-related specialty license  
481 plates pursuant to paragraphs (4)(d), (bb), (kk), (iii), and  
482 (uuu) ~~(ll)~~, ~~(kkk)~~, and ~~(yyy)~~ and s. 320.0891.

483 Section 15. Subsections (31), (57), (69), and (70) of  
484 section 320.08058, Florida Statutes, are repealed.

485 Section 16. Paragraph (b) of subsection (4) of section  
486 320.08068, Florida Statutes, is amended to read:

487 320.08068 Motorcycle specialty license plates.—

488 (4) A license plate annual use fee of \$20 shall be  
489 collected for each motorcycle specialty license plate. Annual  
490 use fees shall be distributed to The Able Trust as custodial  
491 agent. The Able Trust may retain a maximum of 10 percent of the  
492 proceeds from the sale of the license plate for administrative  
493 costs. The Able Trust shall distribute the remaining funds as  
494 follows:

495 (b) Twenty percent to Preserve Vision ~~Prevent Blindness~~  
496 Florida.

497 Section 17. Section 320.0875, Florida Statutes, is created  
498 to read:

499 320.0875 Purple Heart motorcycle special license plate.—

500 (1) Upon application to the department and payment of the  
501 license tax for the motorcycle as provided in s. 320.08, a  
502 resident of this state who owns or leases a motorcycle that is  
503 not used for hire or commercial use shall be issued a Purple



499186

504 Heart motorcycle special license plate if he or she provides  
505 documentation acceptable to the department that he or she is a  
506 recipient of the Purple Heart medal.

507 (2) The Purple Heart motorcycle special license plate shall  
508 be stamped with the words "Combat-wounded Veteran" followed by  
509 the serial number of the license plate. The Purple Heart  
510 motorcycle special license plate may have the term "Purple  
511 Heart" stamped on the plate and the likeness of the Purple Heart  
512 medal appearing on the plate.

513 Section 18. Paragraph (a) of subsection (1) of section  
514 320.089, Florida Statutes, is amended to read:

515 ~~320.089 Veterans of the United States Armed Forces; members~~  
516 ~~of National Guard; survivors of Pearl Harbor; Purple Heart medal~~  
517 ~~recipients; active or retired United States Armed Forces~~  
518 ~~reservists; Combat Infantry Badge, Combat Medical Badge, or~~  
519 ~~Combat Action Badge recipients; Combat Action Ribbon recipients;~~  
520 ~~Air Force Combat Action Medal recipients; Distinguished Flying~~  
521 ~~Cross recipients; former prisoners of war; Korean War Veterans;~~  
522 ~~Vietnam War Veterans; Operation Desert Shield Veterans;~~  
523 ~~Operation Desert Storm Veterans; Operation Enduring Freedom~~  
524 ~~Veterans; Operation Iraqi Freedom Veterans; Women Veterans;~~  
525 ~~World War II Veterans; and Navy Submariners; Special license~~  
526 ~~plates for military servicemembers, veterans, and Pearl Harbor~~  
527 ~~survivors; fee.-~~

528 (1) (a) Upon application to the department and payment of  
529 the license tax for the vehicle as provided in s. 320.08, a  
530 resident of this state who owns or leases ~~Each owner or lessee~~  
531 ~~of~~ an automobile or truck for private use or recreational  
532 vehicle as specified in s. 320.08(9)(c) or (d), which is not



499186

533 used for hire or commercial use, shall be issued a license plate  
534 pursuant to the following if the applicant provides the  
535 department with proof he or she meets the qualifications listed  
536 in this section for the applicable license plate:

537 1. A person released or discharged from any branch ~~who is a~~  
538 ~~resident of the state and a veteran~~ of the United States Armed  
539 Forces shall be issued a license plate stamped with the words  
540 "Veteran" or "Woman Veteran" followed by the serial number of  
541 the license plate. ~~a Woman Veteran,~~

542 2. A World War II Veteran shall be issued a license plate  
543 stamped with the words "WWII Veteran" followed by the serial  
544 number of the license plate.

545 3. A Navy Submariner shall be issued a license plate  
546 stamped with the words "Navy Submariner" followed by the serial  
547 number of the license plate.

548 4. An active or retired member of the Florida National  
549 Guard shall be issued a license plate stamped with the words  
550 "National Guard" followed by the serial number of the license  
551 plate.

552 5. A member of the Pearl Harbor Survivors Association or  
553 other person on active military duty in Pearl Harbor on December  
554 7, 1941, shall be issued a license plate stamped with the words  
555 "Pearl Harbor Survivor" followed by the serial number of the  
556 license plate. ~~a survivor of the attack on Pearl Harbor,~~

557 6. A recipient of the Purple Heart medal shall be issued a  
558 license plate stamped with the words "Combat-wounded Veteran"  
559 followed by the serial number of the license plate. The Purple  
560 Heart plate may have the words "Purple Heart" stamped on the  
561 plate and the likeness of the Purple Heart medal appearing on



499186

562 the plate.

563 7. An active or retired member of any branch of the United  
564 States Armed Forces Reserve shall be issued a license plate  
565 stamped with the words "U.S. Reserve" followed by the serial  
566 number of the license plate.

567 8. A member of the Combat Infantrymen's Association, Inc.,  
568 or a recipient of the Combat Infantry Badge, Combat Medical  
569 Badge, Combat Action Badge, Combat Action Ribbon, or Air Force  
570 Combat Action Medal shall be issued a license plate stamped with  
571 the words "Combat Infantry Badge," "Combat Medical Badge,"  
572 "Combat Action Badge," "Combat Action Ribbon," or "Air Force  
573 Combat Action Medal," as appropriate, and a likeness of the  
574 related campaign badge, ribbon, or medal, followed by the serial  
575 number of the license plate.

576 9. A recipient of the, ~~or~~ Distinguished Flying Cross shall  
577 be issued a license plate stamped with the words "Distinguished  
578 Flying Cross" and a likeness of the Distinguished Flying Cross  
579 followed by the serial number of the license plate.

580 10. A recipient of the Bronze Star shall be issued a  
581 license plate stamped with the words "Bronze Star" and a  
582 likeness of the Bronze Star followed by the serial number of the  
583 license plate, ~~upon application to the department, accompanied~~  
584 ~~by proof of release or discharge from any branch of the United~~  
585 ~~States Armed Forces, proof of active membership or retired~~  
586 ~~status in the Florida National Guard, proof of membership in the~~  
587 ~~Pearl Harbor Survivors Association or proof of active military~~  
588 ~~duty in Pearl Harbor on December 7, 1941, proof of being a~~  
589 ~~Purple Heart medal recipient, proof of active or retired~~  
590 ~~membership in any branch of the United States Armed Forces~~



499186

591 ~~Reserve, or proof of membership in the Combat Infantrymen's~~  
592 ~~Association, Inc., proof of being a recipient of the Combat~~  
593 ~~Infantry Badge, Combat Medical Badge, Combat Action Badge,~~  
594 ~~Combat Action Ribbon, Air Force Combat Action Medal, or~~  
595 ~~Distinguished Flying Cross, and upon payment of the license tax~~  
596 ~~for the vehicle as provided in s. 320.08, shall be issued a~~  
597 ~~license plate as provided by s. 320.06 which, in lieu of the~~  
598 ~~serial numbers prescribed by s. 320.06, is stamped with the~~  
599 ~~words "Veteran," "Woman Veteran," "WWII Veteran," "Navy~~  
600 ~~Submariner," "National Guard," "Pearl Harbor Survivor," "Combat-~~  
601 ~~wounded veteran," "U.S. Reserve," "Combat Infantry Badge,"~~  
602 ~~"Combat Medical Badge," "Combat Action Badge," "Combat Action~~  
603 ~~Ribbon," "Air Force Combat Action Medal," or "Distinguished~~  
604 ~~Flying Cross," as appropriate, and a likeness of the related~~  
605 ~~campaign medal or badge, followed by the serial number of the~~  
606 ~~license plate. Additionally, the Purple Heart plate may have the~~  
607 ~~words "Purple Heart" stamped on the plate and the likeness of~~  
608 ~~the Purple Heart medal appearing on the plate.~~

609 Section 19. Section 320.133, Florida Statutes, is amended  
610 to read:

611 320.133 Transporter license plates.—

612 (1) As used in this section, the term "transporter license  
613 plate eligible business" means a business that is engaged in the  
614 limited operation of an unregistered motor vehicle, or a  
615 repossessor that contracts with lending institutions to  
616 repossess or recover motor vehicles or mobile homes.

617 (2) A person is not eligible to purchase or renew a  
618 transporter license plate unless he or she provides proof  
619 satisfactory to the department that his or her business is a



499186

620 transporter license plate eligible business.

621 (3) The application for qualification as a transporter  
622 license plate eligible business must be in such form as is  
623 prescribed by the department and must contain the legal name of  
624 the person or persons applying for the license plate, the name  
625 of the business, and the principal or principals of the  
626 business. The application must describe the exact physical  
627 location of the place of business within the state. This  
628 location must be available at all reasonable hours for  
629 inspection of the transporter license plate records by the  
630 department or any law enforcement agency. The application must  
631 contain proof of a garage liability insurance policy, or a  
632 business automobile policy, in the amount of at least \$100,000.  
633 The certificate of insurance must indicate the number of  
634 transporter license plates reported to the insurance company.  
635 Such coverage shall be maintained for the entire registration  
636 period. Upon seeking initial qualification, the applicant must  
637 provide documentation proving that the business is registered  
638 with the Division of Corporations of the Department of State to  
639 conduct business in this state. The business must indicate how  
640 it meets the qualification as a transporter license plate  
641 eligible business by describing in detail the business processes  
642 that require the use of a transporter license plate.

643 (4) (a) ~~(1)~~ The department may ~~is authorized to~~ issue a  
644 transporter license plate to ~~an~~ any applicant who is not a  
645 licensed dealer and who is qualified as a transporter license  
646 plate eligible business, ~~incidental to the conduct of his or her~~  
647 business, ~~engages in the transporting of motor vehicles which~~  
648 are not currently registered to any owner and which do not have



499186

649 ~~license plates,~~ upon payment of the license tax imposed by s.  
650 320.08(15) for each transporter ~~such~~ license plate and upon  
651 proof of ~~liability~~ insurance as described in subsection (3)  
652 ~~coverage in the amount of \$100,000 or more.~~ The proof of  
653 insurance must indicate the number of transporter license plates  
654 reported to the insurance company, which shall be the maximum  
655 number of transporter license plates issued to the applicant.  
656 ~~Such~~ A transporter license plate is valid only for use on an  
657 unregistered ~~any~~ motor vehicle in the possession of the  
658 transporter while the motor vehicle is being transported in the  
659 course of the transporter's business and must not be attached to  
660 any vehicle owned by the transporter or his or her business for  
661 which registration would otherwise be required. A person who  
662 sells or unlawfully possesses, distributes, or brokers a  
663 transporter license plate to be attached to any vehicle commits  
664 a misdemeanor of the second degree, punishable as provided in s.  
665 775.082 or s. 775.083. Any and all transporter license plates  
666 issued are subject to cancellation by the department.

667 (b) A person who knowingly and willfully sells or  
668 unlawfully possesses, distributes, or brokers a transporter  
669 license plate to avoid registering a vehicle requiring  
670 registration pursuant to this chapter or chapter 319 commits a  
671 misdemeanor of the first degree, punishable as provided in s.  
672 775.082 or s. 775.083, and is disqualified from transporter  
673 license plate usage. All transporter license plates issued to  
674 the person's business shall be canceled and must be returned to  
675 the department immediately upon disqualification. The  
676 transporter license plate is subject to removal as provided in  
677 subsection (9), and any and all transporter plates issued are





499186

678 subject to cancellation by the department.

679 (5) A transporter license plate eligible business issued a  
680 transporter license plate must maintain for 2 years, at its  
681 location, records of each use of each transporter license plate  
682 and evidence that the plate was used as required by this  
683 chapter. Such records must be open to inspection by the  
684 department or its agents or any law enforcement officer during  
685 reasonable business hours. A person who fails to maintain true  
686 and accurate records of any transporter license plate usage or  
687 comply with this subsection commits a misdemeanor of the second  
688 degree, punishable as provided in s. 775.082 or s. 775.083, may  
689 be subject to cancellation of any and all transporter license  
690 plates issued, and is automatically disqualified from future  
691 transporter license plate issuance.

692 (6) When attached to a motor vehicle, a transporter license  
693 plate issued under this section must be accompanied by the  
694 registration issued for the transporter license plate by the  
695 department and proof of insurance as described in subsection  
696 (3). A person who operates a motor vehicle with a transporter  
697 license plate attached who fails to provide the documentation  
698 listed in this subsection commits a misdemeanor of the second  
699 degree, punishable as provided in s. 775.082 or s. 775.083, and  
700 the transporter license plate is subject to removal as provided  
701 in subsection (9). This subsection does not apply to a person  
702 who contracts with dealers and auctions to transport motor  
703 vehicles.

704 (7)~~(2)~~ A transporter license plate issued pursuant to  
705 subsection ~~(4)~~ ~~(1)~~ must be in a distinctive color approved by  
706 the department, and the word "transporter" must appear on the



499186

707 face of the license plate in place of the county name.

708 ~~(8)(3)~~ An initial registration or renewal A license plate  
709 issued under this section is valid for a ~~period of~~ 12 months,  
710 beginning January 1 and ending December 31. A ~~No~~ refund of the  
711 license tax imposed may not be provided for any unexpired  
712 portion of a license period.

713 (9) A transporter license plate attached to a motor vehicle  
714 in violation of subsection (4) or subsection (6) must be  
715 immediately removed by a law enforcement officer from the motor  
716 vehicle to which it was attached and surrendered to the  
717 department by the law enforcement agency for cancellation.

718 Section 20. Subsection (1) of section 320.27, Florida  
719 Statutes, are amended to read:

720 320.27 Motor vehicle dealers.—

721 (1) DEFINITIONS.—The following words, terms, and phrases  
722 when used in this section have the meanings respectively  
723 ascribed to them in this subsection, except where the context  
724 clearly indicates a different meaning:

725 (a) "Department" means the Department of Highway Safety and  
726 Motor Vehicles.

727 (b) "Motor vehicle" means any motor vehicle of the type and  
728 kind required to be registered and titled under chapter 319 and  
729 this chapter, except a recreational vehicle, moped, motorcycle  
730 powered by a motor with a displacement of 50 cubic centimeters  
731 or less, or mobile home.

732 (c) "Motor vehicle dealer" means any person engaged in the  
733 business of buying, selling, or dealing in motor vehicles or  
734 offering or displaying motor vehicles for sale at wholesale or  
735 retail, or who may service and repair motor vehicles pursuant to



499186

736 an agreement as defined in s. 320.60(1). Any person who buys,  
737 sells, or deals in three or more motor vehicles in any 12-month  
738 period or who offers or displays for sale three or more motor  
739 vehicles in any 12-month period shall be prima facie presumed to  
740 be a motor vehicle dealer engaged in such business. Any motor  
741 vehicle broker who possesses, stores, displays, provides test  
742 drives, delivers, or takes ownership of any vehicles for the  
743 purpose of selling, leasing, or exchanging such vehicles shall  
744 be deemed to be a "motor vehicle dealer." The terms "selling"  
745 and "sale" include lease-purchase transactions. A motor vehicle  
746 dealer may, at retail or wholesale, sell a recreational vehicle  
747 as described in s. 320.01(1)(b)1.-6. and 8., acquired in  
748 exchange for the sale of a motor vehicle, provided such  
749 acquisition is incidental to the principal business of being a  
750 motor vehicle dealer. However, a motor vehicle dealer may not  
751 buy a recreational vehicle for the purpose of resale unless  
752 licensed as a recreational vehicle dealer pursuant to s.  
753 320.771. A motor vehicle dealer may apply for a certificate of  
754 title to a motor vehicle required to be registered under s.  
755 320.08(2)(b), (c), and (d), using a manufacturer's statement of  
756 origin as permitted by s. 319.23(1), only if such dealer is  
757 authorized by a franchised agreement as defined in s. 320.60(1),  
758 to buy, sell, or deal in such vehicle and is authorized by such  
759 agreement to perform delivery and preparation obligations and  
760 warranty defect adjustments on the motor vehicle; provided this  
761 limitation shall not apply to recreational vehicles, van  
762 conversions, or any other motor vehicle manufactured on a truck  
763 chassis. The transfer of a motor vehicle by a dealer not meeting  
764 these qualifications shall be titled as a used vehicle. The



499186

765 classifications of motor vehicle dealers are defined as follows:

766 1. "Franchised motor vehicle dealer" means any person who  
767 engages in the business of repairing, servicing, buying,  
768 selling, or dealing in motor vehicles pursuant to an agreement  
769 as defined in s. 320.60(1).

770 2. "Independent motor vehicle dealer" means any person  
771 other than a franchised or wholesale motor vehicle dealer who  
772 engages in the business of buying, selling, or dealing in motor  
773 vehicles, and who may service and repair motor vehicles.

774 3. "Wholesale motor vehicle dealer" means any person who  
775 engages exclusively in the business of buying, selling, or  
776 dealing in motor vehicles at wholesale or with motor vehicle  
777 auctions. Such person shall be licensed to do business in this  
778 state, shall not sell or auction a vehicle to any person who is  
779 not a licensed dealer, and shall not have the privilege of the  
780 use of dealer license plates. Any person who buys, sells, or  
781 deals in motor vehicles at wholesale or with motor vehicle  
782 auctions on behalf of a licensed motor vehicle dealer and as a  
783 bona fide employee of such licensed motor vehicle dealer is not  
784 required to be licensed as a wholesale motor vehicle dealer. In  
785 such cases it shall be prima facie presumed that a bona fide  
786 employer-employee relationship exists. A wholesale motor vehicle  
787 dealer shall be exempt from the display provisions of this  
788 section but shall maintain an office wherein records are kept in  
789 order that those records may be inspected.

790 4. "Motor vehicle auction" means any person offering motor  
791 vehicles or recreational vehicles for sale to the highest bidder  
792 where buyers are licensed motor vehicle dealers. Such person  
793 shall not sell a vehicle to anyone other than a licensed motor



499186

794 vehicle dealer.

795 5. "Salvage motor vehicle dealer" means any person who  
796 engages in the business of acquiring salvaged or wrecked motor  
797 vehicles for the purpose of reselling them and their parts.

798

799 The term "motor vehicle dealer" does not include persons not  
800 engaged in the purchase or sale of motor vehicles as a business  
801 who are disposing of vehicles acquired for their own use or for  
802 use in their business or acquired by foreclosure or by operation  
803 of law, provided such vehicles are acquired and sold in good  
804 faith and not for the purpose of avoiding the provisions of this  
805 law; persons engaged in the business of manufacturing, selling,  
806 or offering or displaying for sale at wholesale or retail no  
807 more than 25 trailers in a 12-month period; public officers  
808 while performing their official duties; receivers; trustees,  
809 administrators, executors, guardians, or other persons appointed  
810 by, or acting under the judgment or order of, any court; banks,  
811 finance companies, or other loan agencies that acquire motor  
812 vehicles as an incident to their regular business; motor vehicle  
813 brokers; and motor vehicle rental and leasing companies that  
814 sell motor vehicles to motor vehicle dealers licensed under this  
815 section. Vehicles owned under circumstances described in this  
816 paragraph may be disposed of at retail, wholesale, or auction,  
817 unless otherwise restricted. A manufacturer of fire trucks,  
818 ambulances, or school buses may sell such vehicles directly to  
819 governmental agencies or to persons who contract to perform or  
820 provide firefighting, ambulance, or school transportation  
821 services exclusively to governmental agencies without processing  
822 such sales through dealers if such fire trucks, ambulances,



499186

823 school buses, or similar vehicles are not presently available  
824 through motor vehicle dealers licensed by the department.

825 (d) "Motor vehicle broker" means any person engaged in the  
826 business of offering to procure or procuring motor vehicles for  
827 the general public for compensation, or who holds himself or  
828 herself out through solicitation, advertisement, or otherwise as  
829 one who offers to procure or procures motor vehicles for the  
830 general public, and who does not store, display, or take  
831 ownership of any vehicles for the purpose of selling, leasing,  
832 or exchanging such vehicles.

833 (e) "Person" means any natural person, firm, partnership,  
834 association, or corporation.

835 (f) "Bona fide employee" means a person who is employed by  
836 a licensed motor vehicle dealer and receives annually an  
837 Internal Revenue Service Form W-2, or an independent contractor  
838 who has a written contract with a licensed motor vehicle dealer  
839 and receives annually an Internal Revenue Service Form 1099, for  
840 the purpose of acting in the capacity of or conducting motor  
841 vehicle sales transactions as a motor vehicle dealer.

842 Section 21. Section 321.25, Florida Statutes, is amended to  
843 read:

844 321.25 Training provided at patrol schools; reimbursement  
845 of tuition and other course expenses.-

846 (1) The Department of Highway Safety and Motor Vehicles may  
847 ~~is authorized to~~ provide for the training of law enforcement  
848 officials and individuals in matters relating to the duties,  
849 functions, and powers of the Florida Highway Patrol in the  
850 schools established by the department for the training of  
851 highway patrol candidates and officers. The Department of



499186

852 Highway Safety and Motor Vehicles may ~~is authorized to~~ charge a  
853 fee for providing the training authorized by this section. The  
854 fee shall be charged to persons attending the training. The fee  
855 shall be based on the Department of Highway Safety and Motor  
856 Vehicles' costs for providing the training, and such costs may  
857 include, but are not limited to, tuition, lodging, and meals.  
858 Revenues from the fees shall be used to offset the Department of  
859 Highway Safety and Motor Vehicles' costs for providing the  
860 training. The cost of training local enforcement officers shall  
861 be paid for by their respective offices, counties, or  
862 municipalities, as the case may be. Such cost shall be deemed a  
863 proper county or municipal expense or a proper expenditure of  
864 the office of sheriff.

865 (2) Notwithstanding s. 943.16, a person who attends  
866 training under subsection (1) at the expense of the Department  
867 of Highway Safety and Motor Vehicles must remain in the  
868 employment or appointment of the Florida Highway Patrol for at  
869 least 3 years. Once employed, if the person fails to remain  
870 employed by the Florida Highway Patrol for at least 3 years from  
871 the first date of employment, the person must pay the cost of  
872 tuition and other course expenses to the Department of Highway  
873 Safety and Motor Vehicles. As used in this section, the term  
874 "other course expenses" may include the cost of meals and  
875 lodging.

876 (3) The Department of Highway Safety and Motor Vehicles may  
877 institute a civil action to collect the cost of tuition and  
878 other course expenses if it is not reimbursed pursuant to  
879 subsection (2), provided that the Florida Highway Patrol gave  
880 written notification to the person of the 3-year employment



499186

881 commitment during the employment screening process and the  
882 person returned signed acknowledgment of receipt of such  
883 notification.

884 (4) Notwithstanding any other provision of this section,  
885 the Department of Highway Safety and Motor Vehicles may waive a  
886 person's requirement of reimbursement in part or in full when  
887 the person terminates employment due to hardship or extenuating  
888 circumstances.

889 Section 22. Subsection (4) of section 322.01, Florida  
890 Statutes, is amended to read:

891 322.01 Definitions.—As used in this chapter:

892 (4) "Authorized emergency vehicle" means a vehicle that is  
893 equipped with extraordinary audible and visual warning devices,  
894 that is authorized by s. 316.2397 to display red, red and white,  
895 or blue lights, and that is on call to respond to emergencies.  
896 The term includes, but is not limited to, ambulances, law  
897 enforcement vehicles, fire trucks, and other rescue vehicles.  
898 The term does not include wreckers, utility trucks, or other  
899 vehicles that are used only incidentally for emergency purposes.

900 Section 23. Subsection (4) of section 322.03, Florida  
901 Statutes, is amended to read:

902 322.03 Drivers must be licensed; penalties.—

903 (4) A person may not operate a motorcycle unless he or she  
904 holds a driver license that authorizes such operation, subject  
905 to the appropriate restrictions and endorsements. A person may  
906 operate an autocycle without a motorcycle endorsement.

907 Section 24. Paragraph (e) of subsection (8) of section  
908 322.051, Florida Statutes, is amended to read:

909 322.051 Identification cards.—





499186

910 (8)  
911 (e)1. Upon request by a person who has posttraumatic stress  
912 disorder, a traumatic brain injury, or a developmental  
913 disability, or by a parent or guardian of a child or ward who  
914 has posttraumatic stress disorder, a traumatic brain injury, or  
915 a developmental disability, the department shall issue an  
916 identification card exhibiting a capital "D" for the person,  
917 child, or ward if the person or the parent or guardian of the  
918 child or ward submits:  
919 a. Payment of an additional \$1 fee; and  
920 b. Proof acceptable to the department of a diagnosis by a  
921 licensed physician of a developmental disability as defined in  
922 s. 393.063, posttraumatic stress disorder, or traumatic brain  
923 injury.  
924 2. The department shall deposit the additional \$1 fee into  
925 the Agency for Persons with Disabilities Operations and  
926 Maintenance Trust Fund under s. 20.1971(2).  
927 3. A replacement identification card that includes the  
928 designation may be issued without payment of the fee required  
929 under s. 322.21(1)(f).  
930 4. The department shall develop rules to facilitate the  
931 issuance, requirements, and oversight of posttraumatic stress  
932 disorder, traumatic brain injury, and developmental disability  
933 identification cards under this section.  
934 Section 25. Paragraph (m) of subsection (8) of section  
935 322.08, Florida Statutes, is amended to read:  
936 322.08 Application for license; requirements for license  
937 and identification card forms.—  
938 (8) The application form for an original, renewal, or



499186

939 replacement driver license or identification card must include  
940 language permitting the following:

941 (m) A voluntary contribution of \$1 per applicant, which  
942 shall be distributed to Preserve Vision ~~Prevent Blindness~~  
943 Florida, a not-for-profit organization, to prevent blindness and  
944 preserve the sight of the residents of this state.

945

946 A statement providing an explanation of the purpose of the  
947 trust funds shall also be included. For the purpose of applying  
948 the service charge provided under s. 215.20, contributions  
949 received under paragraphs (b)-(t) are not income of a revenue  
950 nature.

951 Section 26. Subsection (5) of section 322.091, Florida  
952 Statutes, is amended to read:

953 322.091 Attendance requirements.—

954 (5) REPORTING AND ACCOUNTABILITY.—The department shall make  
955 available, upon request, a report ~~quarterly~~ to each school  
956 district of the legal name, sex, date of birth, and social  
957 security number of each student whose driving privileges have  
958 been suspended under this section.

959 Section 27. Subsections (1) and (5) of section 322.12,  
960 Florida Statutes, are amended to read:

961 322.12 Examination of applicants.—

962 (1) It is the intent of the Legislature that every  
963 applicant for an original driver license in this state be  
964 required to pass an examination pursuant to this section.  
965 However, the department may waive the knowledge, endorsement,  
966 and skills tests for an applicant who is otherwise qualified and  
967 who surrenders a valid driver license from another state or a



499186

968 province of Canada, or a valid driver license issued by the  
969 United States Armed Forces, if the driver applies for a Florida  
970 license of an equal or lesser classification. An ~~Any~~ applicant  
971 who fails to pass the initial knowledge test incurs a \$10 fee  
972 for each subsequent test, to be deposited into the Highway  
973 Safety Operating Trust Fund; however, if a subsequent test is  
974 administered by the tax collector, the tax collector shall  
975 retain the \$10 fee, less the General Revenue Service Charge set  
976 forth in s. 215.20(1). An ~~Any~~ applicant who fails to pass the  
977 initial skills test incurs a \$20 fee for each subsequent test,  
978 to be deposited into the Highway Safety Operating Trust Fund;  
979 however, if a subsequent test is administered by the tax  
980 collector, the tax collector shall retain the \$20 fee, less the  
981 General Revenue Service Charge set forth in s. 215.20(1). A  
982 person who seeks to retain a hazardous-materials endorsement,  
983 pursuant to s. 322.57(1)(e), must pass the hazardous-materials  
984 test, upon surrendering his or her commercial driver license, if  
985 the person has not taken and passed the hazardous-materials test  
986 within 2 years before applying for a commercial driver license  
987 in this state.

988 (5)(a) The department shall formulate a separate  
989 examination for applicants for licenses to operate motorcycles.  
990 Any applicant for a driver license who wishes to operate a  
991 motorcycle, and who is otherwise qualified, must successfully  
992 complete such an examination, which is in addition to the  
993 examination administered under subsection (3). The examination  
994 must test the applicant's knowledge of the operation of a  
995 motorcycle and of any traffic laws specifically relating thereto  
996 and must include an actual demonstration of his or her ability



499186

997 to exercise ordinary and reasonable control in the operation of  
998 a motorcycle. Any applicant who fails to pass the initial  
999 knowledge examination will incur a \$5 fee for each subsequent  
1000 examination, to be deposited into the Highway Safety Operating  
1001 Trust Fund. Any applicant who fails to pass the initial skills  
1002 examination will incur a \$10 fee for each subsequent  
1003 examination, to be deposited into the Highway Safety Operating  
1004 Trust Fund. In the formulation of the examination, the  
1005 department shall consider the use of the Motorcycle Operator  
1006 Skills Test and the Motorcycle in Traffic Test offered by the  
1007 Motorcycle Safety Foundation. The department shall indicate on  
1008 the license of any person who successfully completes the  
1009 examination that the licensee is authorized to operate a  
1010 motorcycle. If the applicant wishes to be licensed to operate a  
1011 motorcycle only, he or she need not take the skill or road test  
1012 required under subsection (3) for the operation of a motor  
1013 vehicle, and the department shall indicate such a limitation on  
1014 his or her license as a restriction. Every first-time applicant  
1015 for licensure to operate a motorcycle must provide proof of  
1016 completion of a motorcycle safety course, as provided for in s.  
1017 322.0255, before the applicant may be licensed to operate a  
1018 motorcycle.

1019 (b) The department may exempt any applicant from the  
1020 examination provided in this subsection if the applicant  
1021 presents a certificate showing successful completion of a course  
1022 approved by the department, which course includes a similar  
1023 examination of the knowledge and skill of the applicant in the  
1024 operation of a motorcycle.

1025 (c) This subsection does not apply to the operation of an



1026 autocycle.

1027 Section 28. Paragraph (d) is added to subsection (1) of  
1028 section 322.135, Florida Statutes, to read:

1029 322.135 Driver license agents.—

1030 (1) The department shall, upon application, authorize by  
1031 interagency agreement any or all of the tax collectors who are  
1032 constitutional officers under s. 1(d), Art. VIII of the State  
1033 Constitution in the several counties of the state, subject to  
1034 the requirements of law, in accordance with rules of the  
1035 department, to serve as its agent for the provision of specified  
1036 driver license services.

1037 (d) Each tax collector shall provide the same driver  
1038 license services in office to residents of other counties that  
1039 it provides for residents of its home county.

1040 Section 29. Paragraph (b) of subsection (1) of section  
1041 322.17, Florida Statutes, is amended to read:

1042 322.17 Replacement licenses, identification cards, and  
1043 permits.—

1044 (1)

1045 (b) In the event that an instruction permit, ~~or~~ driver  
1046 license, or identification card issued under ~~the provisions of~~  
1047 this chapter is stolen, the person to whom the same was issued  
1048 may, at no charge, obtain a replacement upon furnishing proof  
1049 satisfactory to the department that such permit, ~~or~~ license, or  
1050 identification card was stolen and further furnishing the  
1051 person's full name, date of birth, sex, residence and mailing  
1052 address, proof of birth satisfactory to the department, and  
1053 proof of identity satisfactory to the department.

1054 Section 30. Paragraphs (e) and (i) of subsection (1) and



499186

1055 subsection (8) of section 322.21, Florida Statutes, are amended,  
1056 and subsection (10) is added to that section, to read:

1057 322.21 License fees; procedure for handling and collecting  
1058 fees.—

1059 (1) Except as otherwise provided herein, the fee for:

1060 (e) A replacement driver license issued pursuant to s.  
1061 322.17 is \$25. Of this amount, \$7 shall be deposited into the  
1062 Highway Safety Operating Trust Fund and \$18 shall be deposited  
1063 into the General Revenue Fund. ~~Beginning July 1, 2015, or upon~~  
1064 ~~completion of the transition of driver license issuance~~  
1065 ~~services,~~ If the replacement driver license is issued by the tax  
1066 collector, the tax collector shall retain the \$7 that would  
1067 otherwise be deposited into the Highway Safety Operating Trust  
1068 Fund and the remaining revenues shall be deposited into the  
1069 General Revenue Fund.

1070 ~~(i) The specialty driver license or identification card~~  
1071 ~~issued pursuant to s. 322.1415 is \$25, which is in addition to~~  
1072 ~~other fees required in this section. The fee shall be~~  
1073 ~~distributed as follows:~~

1074 ~~1. Fifty percent shall be distributed as provided in s.~~  
1075 ~~320.08058 to the appropriate state or independent university,~~  
1076 ~~professional sports team, or branch of the United States Armed~~  
1077 ~~Forces.~~

1078 ~~2. Fifty percent shall be distributed to the department for~~  
1079 ~~costs directly related to the specialty driver license and~~  
1080 ~~identification card program and to defray the costs associated~~  
1081 ~~with production enhancements and distribution.~~

1082 (8) A Any person who applies for reinstatement following  
1083 the suspension or revocation of the person's driver license must



499186

1084 pay a service fee of \$45 following a suspension, and \$75  
1085 following a revocation, which is in addition to the fee for a  
1086 license. A ~~Any~~ person who applies for reinstatement of a  
1087 commercial driver license following the disqualification of the  
1088 person's privilege to operate a commercial motor vehicle shall  
1089 pay a service fee of \$75, which is in addition to the fee for a  
1090 license. The department shall collect all of these fees at the  
1091 time of reinstatement. The department shall issue proper  
1092 receipts for such fees and shall promptly transmit all funds  
1093 received by it as follows:

1094 (a) Of the \$45 fee received from a licensee for  
1095 reinstatement following a suspension:

1096 1. If the reinstatement is processed by the department, the  
1097 department shall deposit \$15 in the General Revenue Fund and \$30  
1098 in the Highway Safety Operating Trust Fund.

1099 2. If the reinstatement is processed by the tax collector,  
1100 \$15, less the General Revenue Service Charge set forth in s.  
1101 215.20(1), shall be retained by the tax collector, \$15 shall be  
1102 deposited into the Highway Safety Operating Trust Fund, and \$15  
1103 shall be deposited into the General Revenue Fund.

1104 (b) Of the \$75 fee received from a licensee for  
1105 reinstatement following a revocation or disqualification:

1106 1. If the reinstatement is processed by the department, the  
1107 department shall deposit \$35 in the General Revenue Fund and \$40  
1108 in the Highway Safety Operating Trust Fund.

1109 2. If the reinstatement is processed by the tax collector,  
1110 \$20, less the General Revenue Service Charge set forth in s.  
1111 215.20(1), shall be retained by the tax collector, \$20 shall be  
1112 deposited into the Highway Safety Operating Trust Fund, and \$35



499186

1113 shall be deposited into the General Revenue Fund.

1114

1115 If the revocation or suspension of the driver license was for a  
1116 violation of s. 316.193, or for refusal to submit to a lawful  
1117 breath, blood, or urine test, an additional fee of \$130 must be  
1118 charged. However, only one \$130 fee may be collected from one  
1119 person convicted of violations arising out of the same incident.

1120 The department shall collect the \$130 fee and deposit the fee  
1121 into the Highway Safety Operating Trust Fund at the time of  
1122 reinstatement of the person's driver license, but the fee may  
1123 not be collected if the suspension or revocation is overturned.

1124 If the revocation or suspension of the driver license was for a  
1125 conviction for a violation of s. 817.234(8) or (9) or s.  
1126 817.505, an additional fee of \$180 is imposed for each offense.  
1127 The department shall collect and deposit the additional fee into  
1128 the Highway Safety Operating Trust Fund at the time of  
1129 reinstatement of the person's driver license.

1130 (10) An applicant who submits an application for a renewal  
1131 or replacement driver license or identification card to the  
1132 department using a convenience service shall be provided with an  
1133 option for expedited shipping whereby the department, at the  
1134 applicant's request, shall issue the license or identification  
1135 card within 5 working days after receipt of the application and  
1136 ship the license or card using an expedited mail service. A fee  
1137 shall be charged for the expedited shipping option, not to  
1138 exceed the cost of the expedited mail service, which is in  
1139 addition to fees imposed by s. 322.051, this section, or the  
1140 convenience service. Fees collected for the expedited shipping  
1141 option shall be deposited into the Highway Safety Operating





499186

1142 Trust Fund.

1143           Section 31. Subsection (1) of section 322.61, Florida  
1144 Statutes, is amended, and subsection (2) of that section is  
1145 reenacted, to read:

1146           322.61 Disqualification from operating a commercial motor  
1147 vehicle.—

1148           (1) A person who, for offenses occurring within a 3-year  
1149 period, is convicted of two of the following serious traffic  
1150 violations, or any combination thereof, arising in separate  
1151 incidents committed in a commercial motor vehicle shall, in  
1152 addition to any other applicable penalties, be disqualified from  
1153 operating a commercial motor vehicle for a period of 60 days. A  
1154 holder of a commercial driver license or commercial learner's  
1155 permit who, for offenses occurring within a 3-year period, is  
1156 convicted of two of the following serious traffic violations, or  
1157 any combination thereof, arising in separate incidents committed  
1158 in a noncommercial motor vehicle shall, in addition to any other  
1159 applicable penalties, be disqualified from operating a  
1160 commercial motor vehicle for a period of 60 days if such  
1161 convictions result in the suspension, revocation, or  
1162 cancellation of the licenseholder's driving privilege:

1163           (a) A violation of any state or local law relating to motor  
1164 vehicle traffic control, other than a parking violation, arising  
1165 in connection with a crash resulting in death;

1166           (b) Reckless driving, as defined in s. 316.192;

1167           (c) Unlawful speed of 15 miles per hour or more above the  
1168 posted speed limit;

1169           (d) Improper lane change, as defined in s. 316.085;

1170           (e) Following too closely, as defined in s. 316.0895;



499186

1171 (f) Texting while driving a commercial motor vehicle, as  
1172 prohibited by 49 C.F.R. 392.80;

1173 (g) Using a handheld mobile telephone while driving a  
1174 commercial motor vehicle, as prohibited by 49 C.F.R. 392.82;

1175 (h)~~(f)~~ Driving a commercial vehicle without obtaining a  
1176 commercial driver license;

1177 (i)~~(g)~~ Driving a commercial vehicle without the proper  
1178 class of commercial driver license or commercial learner's  
1179 permit or without the proper endorsement; or

1180 (j)~~(h)~~ Driving a commercial vehicle without a commercial  
1181 driver license or commercial learner's permit in possession, as  
1182 required by s. 322.03.

1183 (2) (a) Any person who, for offenses occurring within a 3-  
1184 year period, is convicted of three serious traffic violations  
1185 specified in subsection (1) or any combination thereof, arising  
1186 in separate incidents committed in a commercial motor vehicle  
1187 shall, in addition to any other applicable penalties, including  
1188 but not limited to the penalty provided in subsection (1), be  
1189 disqualified from operating a commercial motor vehicle for a  
1190 period of 120 days.

1191 (b) A holder of a commercial driver license or commercial  
1192 learner's permit who, for offenses occurring within a 3-year  
1193 period, is convicted of three serious traffic violations  
1194 specified in subsection (1) or any combination thereof arising  
1195 in separate incidents committed in a noncommercial motor vehicle  
1196 shall, in addition to any other applicable penalties, including,  
1197 but not limited to, the penalty provided in subsection (1), be  
1198 disqualified from operating a commercial motor vehicle for a  
1199 period of 120 days if such convictions result in the suspension,



499186

1200 revocation, or cancellation of the licenseholder's driving  
1201 privilege.

1202       Section 32. The amendment made by this act to s. 318.18,  
1203 Florida Statutes, shall apply upon the creation of a new  
1204 inventory of uniform traffic citation forms.

1205       Section 33. Paragraph (c) of subsection (1) of section  
1206 212.05, Florida Statutes, is amended to read:

1207       212.05 Sales, storage, use tax.—It is hereby declared to be  
1208 the legislative intent that every person is exercising a taxable  
1209 privilege who engages in the business of selling tangible  
1210 personal property at retail in this state, including the  
1211 business of making mail order sales, or who rents or furnishes  
1212 any of the things or services taxable under this chapter, or who  
1213 stores for use or consumption in this state any item or article  
1214 of tangible personal property as defined herein and who leases  
1215 or rents such property within the state.

1216       (1) For the exercise of such privilege, a tax is levied on  
1217 each taxable transaction or incident, which tax is due and  
1218 payable as follows:

1219       (c) At the rate of 6 percent of the gross proceeds derived  
1220 from the lease or rental of tangible personal property, as  
1221 defined herein; however, the following special provisions apply  
1222 to the lease or rental of motor vehicles:

1223       1. When a motor vehicle is leased or rented for a period of  
1224 less than 12 months:

1225       a. If the motor vehicle is rented in Florida, the entire  
1226 amount of such rental is taxable, even if the vehicle is dropped  
1227 off in another state.

1228       b. If the motor vehicle is rented in another state and



499186

1229 dropped off in Florida, the rental is exempt from Florida tax.

1230         2. Except as provided in subparagraph 3., for the lease or  
1231 rental of a motor vehicle for a period of not less than 12  
1232 months, sales tax is due on the lease or rental payments if the  
1233 vehicle is registered in this state; provided, however, that no  
1234 tax shall be due if the taxpayer documents use of the motor  
1235 vehicle outside this state and tax is being paid on the lease or  
1236 rental payments in another state.

1237         3. The tax imposed by this chapter does not apply to the  
1238 lease or rental of a commercial motor vehicle as defined in s.  
1239 316.003(13)(a) ~~316.003(12)(a)~~ to one lessee or rentee for a  
1240 period of not less than 12 months when tax was paid on the  
1241 purchase price of such vehicle by the lessor. To the extent tax  
1242 was paid with respect to the purchase of such vehicle in another  
1243 state, territory of the United States, or the District of  
1244 Columbia, the Florida tax payable shall be reduced in accordance  
1245 with the provisions of s. 212.06(7). This subparagraph shall  
1246 only be available when the lease or rental of such property is  
1247 an established business or part of an established business or  
1248 the same is incidental or germane to such business.

1249         Section 34. Subsection (1) of section 316.303, Florida  
1250 Statutes, is amended to read:

1251         316.303 Television receivers.—

1252         (1) No motor vehicle may be operated on the highways of  
1253 this state if the vehicle is actively displaying moving  
1254 television broadcast or pre-recorded video entertainment content  
1255 that is visible from the driver's seat while the vehicle is in  
1256 motion, unless the vehicle is equipped with autonomous  
1257 technology, as defined in s. 316.003(3) ~~316.003(2)~~, and is being



499186

1258 operated in autonomous mode, as provided in s. 316.85(2).  
1259 Section 35. Paragraph (b) of subsection (2) of section  
1260 316.545, Florida Statutes, is amended to read:  
1261 316.545 Weight and load unlawful; special fuel and motor  
1262 fuel tax enforcement; inspection; penalty; review.—  
1263 (2)  
1264 (b) The officer or inspector shall inspect the license  
1265 plate or registration certificate of the commercial vehicle to  
1266 determine whether its gross weight is in compliance with the  
1267 declared gross vehicle weight. If its gross weight exceeds the  
1268 declared weight, the penalty shall be 5 cents per pound on the  
1269 difference between such weights. In those cases when the  
1270 commercial vehicle is being operated over the highways of the  
1271 state with an expired registration or with no registration from  
1272 this or any other jurisdiction or is not registered under the  
1273 applicable provisions of chapter 320, the penalty herein shall  
1274 apply on the basis of 5 cents per pound on that scaled weight  
1275 which exceeds 35,000 pounds on laden truck tractor-semitrailer  
1276 combinations or tandem trailer truck combinations, 10,000 pounds  
1277 on laden straight trucks or straight truck-trailer combinations,  
1278 or 10,000 pounds on any unladen commercial motor vehicle. A  
1279 driver of a commercial motor vehicle entering the state at a  
1280 designated port-of-entry location, as defined in s. 316.003 ~~s.~~  
1281 ~~316.003(54)~~, or operating on designated routes to a port-of-  
1282 entry location, who obtains a temporary registration permit  
1283 shall be assessed a penalty limited to the difference between  
1284 its gross weight and the declared gross vehicle weight at 5  
1285 cents per pound. If the license plate or registration has not  
1286 been expired for more than 90 days, the penalty imposed under



499186

1287 this paragraph may not exceed \$1,000. In the case of special  
1288 mobile equipment, which qualifies for the license tax provided  
1289 for in s. 320.08(5)(b), being operated on the highways of the  
1290 state with an expired registration or otherwise not properly  
1291 registered under the applicable provisions of chapter 320, a  
1292 penalty of \$75 shall apply in addition to any other penalty  
1293 which may apply in accordance with this chapter. A vehicle found  
1294 in violation of this section may be detained until the owner or  
1295 operator produces evidence that the vehicle has been properly  
1296 registered. Any costs incurred by the retention of the vehicle  
1297 shall be the sole responsibility of the owner. A person who has  
1298 been assessed a penalty pursuant to this paragraph for failure  
1299 to have a valid vehicle registration certificate pursuant to the  
1300 provisions of chapter 320 is not subject to the delinquent fee  
1301 authorized in s. 320.07 if such person obtains a valid  
1302 registration certificate within 10 working days after such  
1303 penalty was assessed.

1304 Section 36. Paragraph (a) of subsection (2) of section  
1305 316.613, Florida Statutes, is amended to read:

1306 316.613 Child restraint requirements.—

1307 (2) As used in this section, the term "motor vehicle" means  
1308 a motor vehicle as defined in s. 316.003 that is operated on the  
1309 roadways, streets, and highways of the state. The term does not  
1310 include:

1311 (a) A school bus as defined in s. 316.003 ~~s. 316.003(68)~~.

1312 Section 37. Section 320.08, Florida Statutes, is amended to  
1313 read:

1314 320.08 License taxes.—Except as otherwise provided herein,  
1315 there are hereby levied and imposed annual license taxes for the



499186

1316 operation of motor vehicles, mopeds, motorized bicycles as  
1317 defined in s. 316.003(4) ~~s. 316.003(2)~~, tri-vehicles as defined  
1318 in s. 316.003, and mobile homes as defined in s. 320.01, which  
1319 shall be paid to and collected by the department or its agent  
1320 upon the registration or renewal of registration of the  
1321 following:

1322 (1) MOTORCYCLES AND MOPEDS.—

1323 (a) Any motorcycle: \$10 flat.

1324 (b) Any moped: \$5 flat.

1325 (c) Upon registration of a motorcycle, motor-driven cycle,  
1326 or moped, in addition to the license taxes specified in this  
1327 subsection, a nonrefundable motorcycle safety education fee in  
1328 the amount of \$2.50 shall be paid. The proceeds of such  
1329 additional fee shall be deposited in the Highway Safety  
1330 Operating Trust Fund to fund a motorcycle driver improvement  
1331 program implemented pursuant to s. 322.025, the Florida  
1332 Motorcycle Safety Education Program established in s. 322.0255,  
1333 or the general operations of the department.

1334 (d) An ancient or antique motorcycle: \$7.50 flat, of which  
1335 \$2.50 shall be deposited into the General Revenue Fund.

1336 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

1337 (a) An ancient or antique automobile, as defined in s.  
1338 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.

1339 (b) Net weight of less than 2,500 pounds: \$14.50 flat.

1340 (c) Net weight of 2,500 pounds or more, but less than 3,500  
1341 pounds: \$22.50 flat.

1342 (d) Net weight of 3,500 pounds or more: \$32.50 flat.

1343 (3) TRUCKS.—

1344 (a) Net weight of less than 2,000 pounds: \$14.50 flat.



499186

1345 (b) Net weight of 2,000 pounds or more, but not more than  
1346 3,000 pounds: \$22.50 flat.

1347 (c) Net weight more than 3,000 pounds, but not more than  
1348 5,000 pounds: \$32.50 flat.

1349 (d) A truck defined as a "goat," or other vehicle if used  
1350 in the field by a farmer or in the woods for the purpose of  
1351 harvesting a crop, including naval stores, during such  
1352 harvesting operations, and which is not principally operated  
1353 upon the roads of the state: \$7.50 flat. The term "goat" means a  
1354 motor vehicle designed, constructed, and used principally for  
1355 the transportation of citrus fruit within citrus groves or for  
1356 the transportation of crops on farms, and which can also be used  
1357 for hauling associated equipment or supplies, including required  
1358 sanitary equipment, and the towing of farm trailers.

1359 (e) An ancient or antique truck, as defined in s. 320.086:  
1360 \$7.50 flat.

1361 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS  
1362 VEHICLE WEIGHT.—

1363 (a) Gross vehicle weight of 5,001 pounds or more, but less  
1364 than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be  
1365 deposited into the General Revenue Fund.

1366 (b) Gross vehicle weight of 6,000 pounds or more, but less  
1367 than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be  
1368 deposited into the General Revenue Fund.

1369 (c) Gross vehicle weight of 8,000 pounds or more, but less  
1370 than 10,000 pounds: \$103 flat, of which \$27 shall be deposited  
1371 into the General Revenue Fund.

1372 (d) Gross vehicle weight of 10,000 pounds or more, but less  
1373 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited





499186

1374 into the General Revenue Fund.

1375 (e) Gross vehicle weight of 15,000 pounds or more, but less  
1376 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited  
1377 into the General Revenue Fund.

1378 (f) Gross vehicle weight of 20,000 pounds or more, but less  
1379 than 26,001 pounds: \$251 flat, of which \$65 shall be deposited  
1380 into the General Revenue Fund.

1381 (g) Gross vehicle weight of 26,001 pounds or more, but less  
1382 than 35,000: \$324 flat, of which \$84 shall be deposited into the  
1383 General Revenue Fund.

1384 (h) Gross vehicle weight of 35,000 pounds or more, but less  
1385 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited  
1386 into the General Revenue Fund.

1387 (i) Gross vehicle weight of 44,000 pounds or more, but less  
1388 than 55,000 pounds: \$773 flat, of which \$201 shall be deposited  
1389 into the General Revenue Fund.

1390 (j) Gross vehicle weight of 55,000 pounds or more, but less  
1391 than 62,000 pounds: \$916 flat, of which \$238 shall be deposited  
1392 into the General Revenue Fund.

1393 (k) Gross vehicle weight of 62,000 pounds or more, but less  
1394 than 72,000 pounds: \$1,080 flat, of which \$280 shall be  
1395 deposited into the General Revenue Fund.

1396 (l) Gross vehicle weight of 72,000 pounds or more: \$1,322  
1397 flat, of which \$343 shall be deposited into the General Revenue  
1398 Fund.

1399 (m) Notwithstanding the declared gross vehicle weight, a  
1400 truck tractor used within a 150-mile radius of its home address  
1401 is eligible for a license plate for a fee of \$324 flat if:

1402 1. The truck tractor is used exclusively for hauling



499186

1403 forestry products; or

1404         2. The truck tractor is used primarily for the hauling of  
1405 forestry products, and is also used for the hauling of  
1406 associated forestry harvesting equipment used by the owner of  
1407 the truck tractor.

1408  
1409 Of the fee imposed by this paragraph, \$84 shall be deposited  
1410 into the General Revenue Fund.

1411         (n) A truck tractor or heavy truck, not operated as a for-  
1412 hire vehicle, which is engaged exclusively in transporting raw,  
1413 unprocessed, and nonmanufactured agricultural or horticultural  
1414 products within a 150-mile radius of its home address, is  
1415 eligible for a restricted license plate for a fee of:

1416             1. If such vehicle's declared gross vehicle weight is less  
1417 than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be  
1418 deposited into the General Revenue Fund.

1419             2. If such vehicle's declared gross vehicle weight is  
1420 44,000 pounds or more and such vehicle only transports from the  
1421 point of production to the point of primary manufacture; to the  
1422 point of assembling the same; or to a shipping point of a rail,  
1423 water, or motor transportation company, \$324 flat, of which \$84  
1424 shall be deposited into the General Revenue Fund.

1425  
1426 Such not-for-hire truck tractors and heavy trucks used  
1427 exclusively in transporting raw, unprocessed, and  
1428 nonmanufactured agricultural or horticultural products may be  
1429 incidentally used to haul farm implements and fertilizers  
1430 delivered direct to the growers. The department may require any  
1431 documentation deemed necessary to determine eligibility prior to



499186

1432 issuance of this license plate. For the purpose of this  
1433 paragraph, "not-for-hire" means the owner of the motor vehicle  
1434 must also be the owner of the raw, unprocessed, and  
1435 nonmanufactured agricultural or horticultural product, or the  
1436 user of the farm implements and fertilizer being delivered.

1437 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;  
1438 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

1439 (a)1. A semitrailer drawn by a GVW truck tractor by means  
1440 of a fifth-wheel arrangement: \$13.50 flat per registration year  
1441 or any part thereof, of which \$3.50 shall be deposited into the  
1442 General Revenue Fund.

1443 2. A semitrailer drawn by a GVW truck tractor by means of a  
1444 fifth-wheel arrangement: \$68 flat per permanent registration, of  
1445 which \$18 shall be deposited into the General Revenue Fund.

1446 (b) A motor vehicle equipped with machinery and designed  
1447 for the exclusive purpose of well drilling, excavation,  
1448 construction, spraying, or similar activity, and which is not  
1449 designed or used to transport loads other than the machinery  
1450 described above over public roads: \$44 flat, of which \$11.50  
1451 shall be deposited into the General Revenue Fund.

1452 (c) A school bus used exclusively to transport pupils to  
1453 and from school or school or church activities or functions  
1454 within their own county: \$41 flat, of which \$11 shall be  
1455 deposited into the General Revenue Fund.

1456 (d) A wrecker, as defined in s. 320.01, which is used to  
1457 tow a vessel as defined in s. 327.02, a disabled, abandoned,  
1458 stolen-recovered, or impounded motor vehicle as defined in s.  
1459 320.01, or a replacement motor vehicle as defined in s. 320.01:  
1460 \$41 flat, of which \$11 shall be deposited into the General



499186

1461 Revenue Fund.

1462 (e) A wrecker that is used to tow any nondisabled motor  
1463 vehicle, a vessel, or any other cargo unless used as defined in  
1464 paragraph (d), as follows:

1465 1. Gross vehicle weight of 10,000 pounds or more, but less  
1466 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited  
1467 into the General Revenue Fund.

1468 2. Gross vehicle weight of 15,000 pounds or more, but less  
1469 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited  
1470 into the General Revenue Fund.

1471 3. Gross vehicle weight of 20,000 pounds or more, but less  
1472 than 26,000 pounds: \$251 flat, of which \$65 shall be deposited  
1473 into the General Revenue Fund.

1474 4. Gross vehicle weight of 26,000 pounds or more, but less  
1475 than 35,000 pounds: \$324 flat, of which \$84 shall be deposited  
1476 into the General Revenue Fund.

1477 5. Gross vehicle weight of 35,000 pounds or more, but less  
1478 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited  
1479 into the General Revenue Fund.

1480 6. Gross vehicle weight of 44,000 pounds or more, but less  
1481 than 55,000 pounds: \$772 flat, of which \$200 shall be deposited  
1482 into the General Revenue Fund.

1483 7. Gross vehicle weight of 55,000 pounds or more, but less  
1484 than 62,000 pounds: \$915 flat, of which \$237 shall be deposited  
1485 into the General Revenue Fund.

1486 8. Gross vehicle weight of 62,000 pounds or more, but less  
1487 than 72,000 pounds: \$1,080 flat, of which \$280 shall be  
1488 deposited into the General Revenue Fund.

1489 9. Gross vehicle weight of 72,000 pounds or more: \$1,322



499186

1490 flat, of which \$343 shall be deposited into the General Revenue  
1491 Fund.

1492 (f) A hearse or ambulance: \$40.50 flat, of which \$10.50  
1493 shall be deposited into the General Revenue Fund.

1494 (6) MOTOR VEHICLES FOR HIRE.—

1495 (a) Under nine passengers: \$17 flat, of which \$4.50 shall  
1496 be deposited into the General Revenue Fund; plus \$1.50 per cwt,  
1497 of which 50 cents shall be deposited into the General Revenue  
1498 Fund.

1499 (b) Nine passengers and over: \$17 flat, of which \$4.50  
1500 shall be deposited into the General Revenue Fund; plus \$2 per  
1501 cwt, of which 50 cents shall be deposited into the General  
1502 Revenue Fund.

1503 (7) TRAILERS FOR PRIVATE USE.—

1504 (a) Any trailer weighing 500 pounds or less: \$6.75 flat per  
1505 year or any part thereof, of which \$1.75 shall be deposited into  
1506 the General Revenue Fund.

1507 (b) Net weight over 500 pounds: \$3.50 flat, of which \$1  
1508 shall be deposited into the General Revenue Fund; plus \$1 per  
1509 cwt, of which 25 cents shall be deposited into the General  
1510 Revenue Fund.

1511 (8) TRAILERS FOR HIRE.—

1512 (a) Net weight under 2,000 pounds: \$3.50 flat, of which \$1  
1513 shall be deposited into the General Revenue Fund; plus \$1.50 per  
1514 cwt, of which 50 cents shall be deposited into the General  
1515 Revenue Fund.

1516 (b) Net weight 2,000 pounds or more: \$13.50 flat, of which  
1517 \$3.50 shall be deposited into the General Revenue Fund; plus  
1518 \$1.50 per cwt, of which 50 cents shall be deposited into the



499186

1519 General Revenue Fund.  
1520       (9) RECREATIONAL VEHICLE-TYPE UNITS.—  
1521       (a) A travel trailer or fifth-wheel trailer, as defined by  
1522 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27  
1523 flat, of which \$7 shall be deposited into the General Revenue  
1524 Fund.  
1525       (b) A camping trailer, as defined by s. 320.01(1)(b)2.:  
1526 \$13.50 flat, of which \$3.50 shall be deposited into the General  
1527 Revenue Fund.  
1528       (c) A motor home, as defined by s. 320.01(1)(b)4.:  
1529       1. Net weight of less than 4,500 pounds: \$27 flat, of which  
1530 \$7 shall be deposited into the General Revenue Fund.  
1531       2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
1532 which \$12.25 shall be deposited into the General Revenue Fund.  
1533       (d) A truck camper as defined by s. 320.01(1)(b)3.:  
1534       1. Net weight of less than 4,500 pounds: \$27 flat, of which  
1535 \$7 shall be deposited into the General Revenue Fund.  
1536       2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
1537 which \$12.25 shall be deposited into the General Revenue Fund.  
1538       (e) A private motor coach as defined by s. 320.01(1)(b)5.:  
1539       1. Net weight of less than 4,500 pounds: \$27 flat, of which  
1540 \$7 shall be deposited into the General Revenue Fund.  
1541       2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
1542 which \$12.25 shall be deposited into the General Revenue Fund.  
1543       (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;  
1544 35 FEET TO 40 FEET.—  
1545       (a) Park trailers.—Any park trailer, as defined in s.  
1546 320.01(1)(b)7.: \$25 flat.  
1547       (b) A travel trailer or fifth-wheel trailer, as defined in



499186

1548 s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.  
1549 (11) MOBILE HOMES.—  
1550 (a) A mobile home not exceeding 35 feet in length: \$20  
1551 flat.  
1552 (b) A mobile home over 35 feet in length, but not exceeding  
1553 40 feet: \$25 flat.  
1554 (c) A mobile home over 40 feet in length, but not exceeding  
1555 45 feet: \$30 flat.  
1556 (d) A mobile home over 45 feet in length, but not exceeding  
1557 50 feet: \$35 flat.  
1558 (e) A mobile home over 50 feet in length, but not exceeding  
1559 55 feet: \$40 flat.  
1560 (f) A mobile home over 55 feet in length, but not exceeding  
1561 60 feet: \$45 flat.  
1562 (g) A mobile home over 60 feet in length, but not exceeding  
1563 65 feet: \$50 flat.  
1564 (h) A mobile home over 65 feet in length: \$80 flat.  
1565 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised  
1566 motor vehicle dealer, independent motor vehicle dealer, marine  
1567 boat trailer dealer, or mobile home dealer and manufacturer  
1568 license plate: \$17 flat, of which \$4.50 shall be deposited into  
1569 the General Revenue Fund.  
1570 (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or  
1571 official license plate: \$4 flat, of which \$1 shall be deposited  
1572 into the General Revenue Fund.  
1573 (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor  
1574 vehicle for hire operated wholly within a city or within 25  
1575 miles thereof: \$17 flat, of which \$4.50 shall be deposited into  
1576 the General Revenue Fund; plus \$2 per cwt, of which 50 cents



499186

1577 shall be deposited into the General Revenue Fund.

1578 (15) TRANSPORTER.—Any transporter license plate issued to a  
1579 transporter pursuant to s. 320.133: \$101.25 flat, of which  
1580 \$26.25 shall be deposited into the General Revenue Fund.

1581 Section 38. Subsection (1) of section 655.960, Florida  
1582 Statutes, is amended to read:

1583 655.960 Definitions; ss. 655.960-655.965.—As used in this  
1584 section and ss. 655.961-655.965, unless the context otherwise  
1585 requires:

1586 (1) "Access area" means any paved walkway or sidewalk which  
1587 is within 50 feet of any automated teller machine. The term does  
1588 not include any street or highway open to the use of the public,  
1589 as defined in s. 316.003(78) (a) or (b) ~~s. 316.003(77) (a) or (b)~~,  
1590 including any adjacent sidewalk, as defined in s. 316.003.

1591 Section 39. This act shall take effect October 1, 2017.

1592  
1593 ===== T I T L E A M E N D M E N T =====

1594 And the title is amended as follows:

1595 Delete everything before the enacting clause  
1596 and insert:

1597 A bill to be entitled

1598 An act relating to the Department of Highway Safety  
1599 and Motor Vehicles; amending s. 316.003, F.S.;  
1600 defining the term "autocycle"; redefining the term  
1601 "motorcycle"; conforming a cross-reference; amending  
1602 ss. 316.2397 and 316.2398, F.S.; prohibiting vehicles  
1603 or equipment from showing or displaying red and white  
1604 lights while being driven or moved; authorizing  
1605 firefighters to use or display red and white lights





499186

1606 under certain circumstances; authorizing active  
1607 volunteer firefighters to display red and white  
1608 warning signals under certain circumstances; amending  
1609 s. 316.302, F.S.; revising provisions relating to  
1610 federal regulations to which owners and drivers of  
1611 commercial motor vehicles are subject; delaying the  
1612 requirement for electronic logging devices for  
1613 intrastate motor carriers; terminating the maximum  
1614 amount of a civil penalty for falsification of  
1615 information on certain time records; deleting the  
1616 requirement that a motor carrier maintain  
1617 documentation of a driver's driving times throughout a  
1618 duty period if the driver is not released from duty  
1619 within a specified period; providing an exemption from  
1620 specified rules and regulations for a person who  
1621 operates a commercial motor vehicle with a declared  
1622 gross vehicle weight, gross vehicle weight rating, and  
1623 gross combined weight rating of less than a specified  
1624 amount under certain circumstances; amending s.  
1625 316.3025, F.S.; conforming provisions to changes made  
1626 by the act; amending s. 316.614, F.S.; redefining the  
1627 term "motor vehicle"; prohibiting a person from  
1628 operating an auticycle unless certain safety belt or  
1629 child restraint device requirements are met; amending  
1630 s. 318.18, F.S.; changing the term "construction zone"  
1631 to "work zone" as it relates to enhanced penalties for  
1632 unlawful speed; amending s. 320.01, F.S.; redefining  
1633 the term "apportionable vehicle"; redefining the term  
1634 "motorcycle"; amending s. 320.02, F.S.; requiring an



499186

1635 application form for motor vehicle registration to  
1636 include language authorizing a voluntary contribution  
1637 to be distributed to Preserve Vision Florida, rather  
1638 than to Prevent Blindness Florida; amending s. 320.03,  
1639 F.S.; requiring tax collectors to provide motor  
1640 vehicle registration services to residents of other  
1641 counties; amending s. 320.06, F.S.; providing for  
1642 future repeal of issuance of a certain annual license  
1643 plate and cab card to a vehicle that has an  
1644 apportioned registration; providing requirements,  
1645 beginning on a specified date, for license plates, cab  
1646 cards, and validation stickers for vehicles registered  
1647 in accordance with the International Registration  
1648 Plan; authorizing a worn or damaged license plate to  
1649 be replaced at no charge under certain circumstances;  
1650 amending s. 320.0605, F.S.; authorizing presentation  
1651 of electronic documentation of certain information to  
1652 a law enforcement officer or agent of the department;  
1653 providing construction; providing liability; revising  
1654 information required in such documentation; amending  
1655 s. 320.0607, F.S.; providing an exemption, beginning  
1656 on a specified date, of a certain fee for vehicles  
1657 registered under the International Registration Plan;  
1658 amending s. 320.08056, F.S.; deleting the American Red  
1659 Cross, Donate Organs-Pass It On, St. Johns River, and  
1660 Hispanic Achievers license plates; conforming cross-  
1661 references; repealing s. 320.08058(31), (57), (69),  
1662 and (70), F.S., relating to the American Red Cross,  
1663 Donate Organs-Pass It On, St. Johns River, and



1664 Hispanic Achievers license plates, respectively;  
1665 amending s. 320.08068, F.S.; requiring The Able Trust  
1666 to distribute a specified percentage of annual use  
1667 fees from motorcycle specialty license plates to  
1668 Preserve Vision Florida, rather than to Prevent  
1669 Blindness Florida; creating s. 320.0875, F.S.;  
1670 providing for a motorcycle special license plate to be  
1671 issued to a recipient of the Purple Heart; providing  
1672 requirements for the plate; amending s. 320.089, F.S.;  
1673 providing for a special license plate to be issued to  
1674 a recipient of the Bronze Star; making technical  
1675 changes; amending s. 320.133, F.S.; defining the term  
1676 "transporter license plate eligible business";  
1677 providing that a person is not eligible to purchase or  
1678 renew a transporter license plate unless he or she  
1679 provides certain proof that his or her business is a  
1680 transporter license plate eligible business; providing  
1681 application and insurance requirements for  
1682 qualification as a transporter license plate eligible  
1683 business; authorizing the department to issue a  
1684 transporter license plate to an applicant who is not a  
1685 licensed dealer and is qualified as a transporter  
1686 license plate eligible business, under certain  
1687 circumstances; providing that a transporter license  
1688 plate is valid only for use on an unregistered motor  
1689 vehicle in the possession of the transporter, subject  
1690 to certain requirements; providing a criminal penalty  
1691 for a person who sells or unlawfully possesses,  
1692 distributes, or brokers a transporter license plate to



1693 be attached to any vehicle; providing that transporter  
1694 license plates are subject to cancellation by the  
1695 department; providing a criminal penalty and  
1696 disqualification from transporter license plate usage  
1697 for a person who knowingly and willfully sells or  
1698 unlawfully possesses, distributes, or brokers a  
1699 transporter license plate to avoid registering a  
1700 vehicle requiring registration, subject to certain  
1701 requirements; providing recordkeeping requirements for  
1702 a transporter license plate eligible business;  
1703 providing a criminal penalty, cancellation of  
1704 transporter license plates, and disqualification from  
1705 future issuance of the plates for a violation of such  
1706 recordkeeping requirements; requiring a transporter  
1707 license plate issued under this section to be  
1708 accompanied by registration and proof of insurance  
1709 when attached to a motor vehicle; providing a criminal  
1710 penalty and removal of the license plate for a person  
1711 who fails to provide such documentation; providing an  
1712 exemption to persons who contract with dealers and  
1713 auctions to transport motor vehicles; conforming  
1714 provisions to changes made by the act; providing that  
1715 an initial registration or renewal issued under this  
1716 section is valid for a specified period; requiring a  
1717 license plate attached to a motor vehicle in violation  
1718 of specified provision to be removed by a law  
1719 enforcement officer and surrendered to the department  
1720 by the law enforcement agency for cancellation;  
1721 amending s. 320.27, F.S.; revising the definitions of



499186

1722 "motor vehicle dealer" and "motor vehicle broker";  
1723 making technical changes; amending s. 321.25, F.S.;  
1724 providing for reimbursement to the department of  
1725 tuition and other course expenses for certain training  
1726 under certain circumstances; defining the term "other  
1727 course expenses"; authorizing the department to  
1728 institute a civil action under certain circumstances;  
1729 authorizing the department to waive a person's  
1730 requirement of reimbursement when the person  
1731 terminates employment due to hardship or extenuating  
1732 circumstances; amending s. 322.01, F.S.; conforming  
1733 provisions to changes made by the act; amending s.  
1734 322.03, F.S.; authorizing a person to operate an  
1735 autocycle without a motorcycle endorsement; amending  
1736 s. 322.051, F.S.; revising eligibility for a "D"  
1737 designation on an identification card to include  
1738 posttraumatic stress disorder or traumatic brain  
1739 injury; amending s. 322.08, F.S.; requiring an  
1740 application form for an original, renewal, or  
1741 replacement driver license or identification card to  
1742 include language authorizing a voluntary contribution  
1743 to Preserve Vision Florida, rather than to Prevent  
1744 Blindness Florida; amending s. 322.091, F.S.;  
1745 requiring the department to make available, upon  
1746 request, a report to each school district of certain  
1747 information for each student whose driving privileges  
1748 have been suspended under this section; amending s.  
1749 322.12, F.S.; requiring the tax collector to retain  
1750 specified fees if a subsequent knowledge or skills



1751 test is administered by the tax collector; exempting  
1752 the operation of an autocycle from certain examination  
1753 requirements for licenses to operate motorcycles;  
1754 amending 322.135, F.S.; requiring tax collectors to  
1755 provide driver license services to residents of all  
1756 counties; amending s. 322.17, F.S.; providing for  
1757 replacement of a stolen identification card at no  
1758 charge, subject to certain requirements; amending s.  
1759 322.21, F.S.; deleting obsolete provisions; deleting a  
1760 fee for certain specialty driver licenses or  
1761 identification cards; providing disposition of  
1762 specified fees for reinstatement of a driver license  
1763 following a suspension, revocation, or  
1764 disqualification when the reinstatement is processed  
1765 by the department or the tax collector; requiring an  
1766 applicant who submits an application for a renewal or  
1767 replacement driver license or identification card to  
1768 the department using a convenience service to be  
1769 provided with an option for expedited shipping,  
1770 subject to certain requirements; requiring a fee to be  
1771 charged for the expedited shipping option, subject to  
1772 certain requirements; providing for disposition of  
1773 such fee; amending s. 322.61, F.S.; adding violations  
1774 for texting or using a handheld mobile telephone while  
1775 driving a commercial motor vehicle as specified  
1776 offenses that, in certain circumstances, result in  
1777 disqualification from operating a commercial motor  
1778 vehicle for a specified period; providing  
1779 applicability of certain changes made by the act;



1780 amending ss. 212.05, 316.303, 316.545, 316.613,  
1781 320.08, and 655.960, F.S.; conforming cross-  
1782 references; providing an effective date.



824988

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/18/2017	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Gainer) recommended the following:

1           **Senate Amendment to Amendment (499186) (with title**  
2 **amendment)**

3  
4           Delete lines 1399 - 1414  
5 and insert:

6           (m) Notwithstanding the declared gross vehicle weight, a  
7 truck tractor used within the state ~~a 150-mile radius of its~~  
8 ~~home address~~ is eligible for a license plate for a fee of \$324  
9 flat if:

- 10           1. The truck tractor is used exclusively for hauling





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11 forestry products; or

12         2. The truck tractor is used primarily for the hauling of  
13 forestry products, and is also used for the hauling of  
14 associated forestry harvesting equipment used by the owner of  
15 the truck tractor.

16  
17 Of the fee imposed by this paragraph, \$84 shall be deposited  
18 into the General Revenue Fund.

19         (n) A truck tractor or heavy truck, not operated as a for-  
20 hire vehicle, which is engaged exclusively in transporting raw,  
21 unprocessed, and nonmanufactured agricultural or horticultural  
22 products within the state ~~a 150-mile radius of its home address,~~  
23 is

24  
25 ===== T I T L E   A M E N D M E N T =====

26 And the title is amended as follows:

27         Delete line 1781

28 and insert:

29         F.S.; conforming cross-references; amending s. 320.08,  
30         F.S.; conforming cross-references; revising provisions  
31         regarding eligibility for agricultural tags; amending  
32         s. 655.960, F.S.; conforming cross-



726846

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2017	.	
	.	
	.	
	.	

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Appropriations Subcommittee on Transportation, Tourism, and  
Economic Development (Brandes) recommended the following:

1           **Senate Substitute for Amendment (499186) (with title**  
2 **amendment)**

3  
4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. Present subsections (2) through (97) of section  
7 316.003, Florida Statutes, are redesignated as subsections (3)  
8 through (98), respectively, a new subsection (2) is added to  
9 that section, and present subsections (41) and (55) of that  
10 section are amended, to read:



726846

11           316.003 Definitions.—The following words and phrases, when  
12 used in this chapter, shall have the meanings respectively  
13 ascribed to them in this section, except where the context  
14 otherwise requires:

15           (2) AUTOCYCLE.—A three-wheel motorcycle that has two wheels  
16 in the front and one wheel in the back, is equipped with a roll  
17 cage or roll hoops, safety belts for each occupant, antilock  
18 brakes, a steering wheel, and seating that does not require the  
19 operator to straddle or sit astride it and is manufactured by a  
20 National Highway Traffic Safety Administration registered  
21 manufacturer in accordance with the applicable federal  
22 motorcycle safety standards under 49 C.F.R. part 571.

23           (42) ~~(41)~~ MOTORCYCLE.—Any motor vehicle that has ~~having~~ a  
24 seat or saddle for the use of the rider which is ~~and~~ designed to  
25 travel on not more than three wheels in contact with the ground,  
26 including an autocycle. The term does not include a tractor, a  
27 moped, or a vehicle in which the operator is enclosed by a cabin  
28 unless the vehicle meets the requirements set forth by the  
29 National Highway Traffic Safety Administration for a motorcycle  
30 but ~~excluding a tractor or a moped.~~

31           (56) ~~(55)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
32 provided in paragraph (78) (b) ~~(77) (b)~~, any privately owned way  
33 or place used for vehicular travel by the owner and those having  
34 express or implied permission from the owner, but not by other  
35 persons.

36           Section 2. Subsections (1) and (3) of section 316.2397,  
37 Florida Statutes, are amended to read:

38           316.2397 Certain lights prohibited; exceptions.—

39           (1) A ~~No~~ person may not ~~shall~~ drive or move or cause to be



726846

40 moved any vehicle or equipment upon any highway within this  
41 state with a ~~any~~ lamp or device thereon showing or displaying a  
42 red, red and white, or blue light visible from directly in front  
43 thereof except for certain vehicles ~~hereinafter~~ provided in this  
44 section.

45 (3) Vehicles of the fire department and fire patrol,  
46 including vehicles of volunteer firefighters as permitted under  
47 s. 316.2398, may show or display red, or red and white, lights.  
48 Vehicles of medical staff physicians or technicians of medical  
49 facilities licensed by the state as authorized under s.  
50 316.2398, ambulances as authorized under this chapter, and buses  
51 and taxicabs as authorized under s. 316.2399 may show or display  
52 red lights. Vehicles of the fire department, fire patrol, police  
53 vehicles, and such ambulances and emergency vehicles of  
54 municipal and county departments, public service corporations  
55 operated by private corporations, the Fish and Wildlife  
56 Conservation Commission, the Department of Environmental  
57 Protection, the Department of Transportation, the Department of  
58 Agriculture and Consumer Services, and the Department of  
59 Corrections as are designated or authorized by their respective  
60 department or the chief of police of an incorporated city or any  
61 sheriff of any county may operate emergency lights and sirens in  
62 an emergency. Wreckers, mosquito control fog and spray vehicles,  
63 and emergency vehicles of governmental departments or public  
64 service corporations may show or display amber lights when in  
65 actual operation or when a hazard exists provided they are not  
66 used going to and from the scene of operation or hazard without  
67 specific authorization of a law enforcement officer or law  
68 enforcement agency. Wreckers, flatbed, car carriers, or



726846

69 rollbacks registered as wreckers pursuant to s. 320.08(5)(d) or  
70 (e) must use amber rotating or flashing lights while performing  
71 recoveries and loading on the roadside day or night, and may use  
72 such lights while towing a vehicle on wheel lifts, slings, or  
73 under reach, flatbeds, car carriers, or rollbacks if the  
74 operator of the wrecker deems such lights necessary. A flatbed,  
75 car carrier, or rollback may not use amber rotating or flashing  
76 lights when hauling a vehicle on the bed unless it creates a  
77 hazard to other motorists because of protruding objects.

78 Further, escort vehicles may show or display amber lights when  
79 in the actual process of escorting oversized equipment,  
80 material, or buildings as authorized by law. Vehicles owned or  
81 leased by private security agencies may show or display green  
82 and amber lights, with either color being no greater than 50  
83 percent of the lights displayed, while the security personnel  
84 are engaged in security duties on private or public property.

85 Section 3. Section 316.2398, Florida Statutes, is amended  
86 to read:

87 316.2398 Display or use of red, or red and white, warning  
88 signals; motor vehicles of volunteer firefighters or medical  
89 staff.—

90 (1) A privately owned vehicle belonging to an active  
91 firefighter member of a regularly organized volunteer  
92 firefighting company or association, while en route to the fire  
93 station for the purpose of proceeding to the scene of a fire or  
94 other emergency or while en route to the scene of a fire or  
95 other emergency in the line of duty as an active firefighter  
96 member of a regularly organized firefighting company or  
97 association, may display or use red, or red and white, warning



726846

98 signals. ~~or~~ A privately owned vehicle belonging to a medical  
99 staff physician or technician of a medical facility licensed by  
100 the state, while responding to an emergency in the line of duty,  
101 may display or use red warning signals. Warning signals must be  
102 visible from the front and from the rear of such vehicle,  
103 subject to the following restrictions and conditions:

104 (a) Red, or red and white, ~~No more than two red~~ warning  
105 signals may be displayed as determined by the responding agency  
106 in order to maintain public safety and the safety of the  
107 responding vehicle occupants.

108 (b) No inscription of any kind may appear across the face  
109 of the lens of the red, or red and white, warning signal.

110 (c) In order for an active volunteer firefighter to display  
111 such red, or red and white, warning signals on his or her  
112 vehicle, the volunteer firefighter must first secure a written  
113 permit from the chief executive officers of the firefighting  
114 organization to use the red, or red and white, warning signals,  
115 and this permit must be carried by the volunteer firefighter at  
116 all times while the red, or red and white, warning signals are  
117 displayed.

118 (2) ~~A It is unlawful for any person who is not an active~~  
119 firefighter member of a regularly organized volunteer  
120 firefighting company or association or a physician or technician  
121 of the medical staff of a medical facility licensed by the state  
122 may not ~~to~~ display on any motor vehicle owned by him or her, at  
123 any time, any red, or red and white, warning signals as  
124 described in subsection (1).

125 (3) ~~It is unlawful for~~ An active volunteer firefighter may  
126 not ~~to~~ operate any red, or red and white, warning signals as



726846

127 authorized in subsection (1), except while en route to the fire  
128 station for the purpose of proceeding to the scene of a fire or  
129 other emergency, or while at or en route to the scene of a fire  
130 or other emergency, in the line of duty.

131 (4) ~~It is unlawful for~~ A physician or technician of the  
132 medical staff of a medical facility may not ~~to~~ operate any red  
133 warning signals as authorized in subsection (1), except when  
134 responding to an emergency in the line of duty.

135 (5) A violation of this section is a nonmoving violation,  
136 punishable as provided in chapter 318. In addition, a any  
137 volunteer firefighter who violates this section shall be  
138 dismissed from membership in the firefighting organization by  
139 the chief executive officers thereof.

140 Section 4. Subsection (1) and paragraphs (a), (c), (d), and  
141 (f) of subsection (2) of section 316.302, Florida Statutes, are  
142 amended to read:

143 316.302 Commercial motor vehicles; safety regulations;  
144 transporters and shippers of hazardous materials; enforcement.-

145 (1) Except as otherwise provided in subsection (3):

146 (a) All owners and drivers of commercial motor vehicles  
147 that are operated on the public highways of this state while  
148 engaged in interstate commerce are subject to the rules and  
149 regulations contained in 49 C.F.R. parts 382, 385, and 390-397.

150 (b) Except as otherwise provided in this section, all  
151 owners or drivers of commercial motor vehicles that are engaged  
152 in intrastate commerce are subject to the rules and regulations  
153 contained in 49 C.F.R. parts 382, 383, 385, and 390-397, ~~with~~  
154 ~~the exception of 49 C.F.R. s. 390.5 as it relates to the~~  
155 ~~definition of bus,~~ as such rules and regulations existed on



726846

156 December 31, 2016 ~~2012~~.

157 (c) The emergency exceptions provided by 49 C.F.R. s.  
158 392.82 also apply to communications by utility drivers and  
159 utility contractor drivers during a Level 1 activation of the  
160 State Emergency Operations Center, as provided in the Florida  
161 Comprehensive Emergency Management plan, or during a state of  
162 emergency declared by executive order or proclamation of the  
163 Governor.

164 (d) Except as provided in ~~s. 316.215(5)~~, and ~~except as~~  
165 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging  
166 requirements for intrastate operations, the requirements of this  
167 section supersede all other safety requirements of this chapter  
168 for commercial motor vehicles.

169 (e) The requirement for electronic logging devices and  
170 hours of service support documents will not go into effect for  
171 motor carriers engaged in intrastate commerce, not carrying  
172 hazardous materials in amounts that require placards, until  
173 December 31, 2018.

174 (2) (a) A person who operates a commercial motor vehicle  
175 solely in intrastate commerce not transporting any hazardous  
176 material in amounts that require placarding pursuant to 49  
177 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b) (1)  
178 and 395.3 ~~395.3(a) and (b)~~.

179 (c) Except as provided in 49 C.F.R. s. 395.1, a person who  
180 operates a commercial motor vehicle solely in intrastate  
181 commerce not transporting any hazardous material in amounts that  
182 require placarding pursuant to 49 C.F.R. part 172 may not drive  
183 after having been on duty more than 70 hours in any period of 7  
184 consecutive days or more than 80 hours in any period of 8





726846

185 consecutive days if the motor carrier operates every day of the  
186 week. Thirty-four consecutive hours off duty shall constitute  
187 the end of any such period of 7 or 8 consecutive days. This  
188 weekly limit does not apply to a person who operates a  
189 commercial motor vehicle solely within this state while  
190 transporting, during harvest periods, any unprocessed  
191 agricultural products or unprocessed food or fiber that is  
192 subject to seasonal harvesting from place of harvest to the  
193 first place of processing or storage or from place of harvest  
194 directly to market or while transporting livestock, livestock  
195 feed, or farm supplies directly related to growing or harvesting  
196 agricultural products. Upon request of the Department of Highway  
197 Safety and Motor Vehicles, motor carriers shall furnish time  
198 records or other written verification to that department so that  
199 the Department of Highway Safety and Motor Vehicles can  
200 determine compliance with this subsection. These time records  
201 must be furnished to the Department of Highway Safety and Motor  
202 Vehicles within 2 days after receipt of that department's  
203 request. Falsification of such information is subject to a civil  
204 penalty ~~not to exceed \$100. The provisions of~~ This paragraph  
205 does ~~de~~ not apply to operators of farm labor vehicles operated  
206 during a state of emergency declared by the Governor or operated  
207 pursuant to s. 570.07(21)~~7~~ and does ~~de~~ not apply to drivers of  
208 utility service vehicles as defined in 49 C.F.R. s. 395.2.

209 (d) A person who operates a commercial motor vehicle solely  
210 in intrastate commerce not transporting any hazardous material  
211 in amounts that require placarding pursuant to 49 C.F.R. part  
212 172 within a 150 air-mile radius of the location where the  
213 vehicle is based need not comply with 49 C.F.R. s. 395.8~~7~~ if the



726846

214 requirements of 49 C.F.R. s. 395.1(e)(1)(ii), (e)(1)(iii)(A) and  
215 (C), 395.1(e)(1)(iii) and (e)(1)(v) are met. ~~If a driver is not~~  
216 ~~released from duty within 12 hours after the driver arrives for~~  
217 ~~duty, the motor carrier must maintain documentation of the~~  
218 ~~driver's driving times throughout the duty period.~~

219 (f) A person who operates a commercial motor vehicle having  
220 a ~~declared~~ gross vehicle weight, gross vehicle weight rating,  
221 and gross combined weight rating of less than 26,001 pounds  
222 solely in intrastate commerce and who is not transporting  
223 hazardous materials in amounts that require placarding pursuant  
224 to 49 C.F.R. part 172, ~~or who is transporting petroleum products~~  
225 ~~as defined in s. 376.301,~~ is exempt from subsection (1).  
226 However, such person must comply with 49 C.F.R. parts 382, 392,  
227 and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

228 Section 5. Paragraph (a) of subsection (6) of section  
229 316.3025, Florida Statutes, is amended to read:

230 316.3025 Penalties.—

231 (6) (a) A driver who violates 49 C.F.R. s. 392.80, which  
232 prohibits texting while operating a commercial motor vehicle, or  
233 49 C.F.R. s. 392.82, which prohibits using a handheld mobile  
234 telephone while operating a commercial motor vehicle, may be  
235 assessed a civil penalty ~~and commercial driver license~~  
236 ~~disqualification~~ as follows:

237 1. First violation: \$500.

238 2. Second violation: \$1,000 ~~and a 60-day commercial driver~~  
239 ~~license disqualification pursuant to 49 C.F.R. part 383.~~

240 3. Third and subsequent violations: \$2,750 ~~and a 120-day~~  
241 ~~commercial driver license disqualification pursuant to 49 C.F.R.~~  
242 ~~part 383.~~



726846

243           Section 6. Paragraph (a) of subsection (3) and subsections  
244 (4) and (5) of section 316.614, Florida Statutes, are amended to  
245 read:

246           316.614 Safety belt usage.—

247           (3) As used in this section:

248           (a) "Motor vehicle" means a motor vehicle as defined in s.  
249 316.003 which is operated on the roadways, streets, and highways  
250 of this state. The term does not include:

251           1. A school bus.

252           2. A bus used for the transportation of persons for  
253 compensation.

254           3. A farm tractor or implement of husbandry.

255           4. A truck having a gross vehicle weight rating of more  
256 than 26,000 pounds.

257           5. A motorcycle, excluding an autocycle for purposes of  
258 subsections (4) and (5), moped, or bicycle.

259           (4) It is unlawful for any person:

260           (a) To operate a motor vehicle or an autocycle in this  
261 state unless each passenger and the operator of the vehicle  
262 under the age of 18 years are restrained by a safety belt or by  
263 a child restraint device pursuant to s. 316.613, if applicable;  
264 or

265           (b) To operate a motor vehicle or an autocycle in this  
266 state unless the person is restrained by a safety belt.

267           (5) It is unlawful for any person 18 years of age or older  
268 to be a passenger in the front seat of a motor vehicle or an  
269 autocycle unless such person is restrained by a safety belt when  
270 the vehicle is in motion.

271           Section 7. Subsection (1) of section 316.85, Florida



726846

272 Statutes, is amended to read:

273 316.85 Autonomous vehicles; operation.-

274 (1) A person who possesses a valid driver license may  
275 operate an autonomous vehicle, or may engage autonomous  
276 technology to operate an autonomous vehicle, in autonomous mode  
277 on roads in this state if the vehicle is equipped with  
278 autonomous technology, as defined in s. 316.003. A person who  
279 does not possess a valid driver license may engage autonomous  
280 technology to operate an autonomous vehicle in autonomous mode  
281 only if the vehicle is equipped with autonomous technology, as  
282 defined in s. 316.003, and if the vehicle has no capability or  
283 means by which the person inside the vehicle is able to take  
284 control of the vehicle's operation or to disengage the  
285 autonomous technology, regardless of where the person is seated  
286 within the vehicle.

287 Section 8. Effective upon the same date that SB 340 or  
288 similar legislation takes effect, if such legislation is adopted  
289 in the 2017 Regular Session or any extension thereof and becomes  
290 a law, section 316.851, Florida Statutes, is created to read:

291 316.851 Autonomous vehicles; providing prearranged rides.-

292 (1) An autonomous vehicle used by a transportation network  
293 company to provide a prearranged ride must be covered by  
294 automobile insurance as required by s. 627.748, regardless of  
295 whether a human operator is physically present within the  
296 vehicle when the ride occurs. When an autonomous vehicle is  
297 logged on to a digital network but is not engaged in a  
298 prearranged ride, the autonomous vehicle must maintain insurance  
299 coverage as defined in s. 627.748(7)(b).

300 (2) An autonomous vehicle used to provide a transportation



726846

301 service shall carry in the vehicle proof of coverage satisfying  
302 the requirements of this section at all times while operating in  
303 autonomous mode.

304 Section 9. Section 318.1215, Florida Statutes, is amended  
305 to read:

306 318.1215 Dori Slosberg Driver Education Safety Act.—  
307 Notwithstanding the provisions of s. 318.121, a board of county  
308 commissioners may require, by ordinance, that the clerk of the  
309 court collect an additional \$5 with each criminal ~~civil~~ traffic  
310 penalty, which shall be used to fund driver education programs  
311 in public and nonpublic schools. The ordinance shall provide for  
312 the board of county commissioners to administer the funds, which  
313 shall be used for enhancement, and not replacement, of driver  
314 education program funds. The funds shall be used for direct  
315 educational expenses and shall not be used for administration.  
316 Each driver education program receiving funds pursuant to this  
317 section shall require that a minimum of 30 percent of a  
318 student's time in the program be behind-the-wheel training. This  
319 section may be cited as the "Dori Slosberg Driver Education  
320 Safety Act."

321 Section 10. Paragraph (d) of subsection (3) of section  
322 318.18, Florida Statutes, is amended to read:

323 318.18 Amount of penalties.—The penalties required for a  
324 noncriminal disposition pursuant to s. 318.14 or a criminal  
325 offense listed in s. 318.17 are as follows:

326 (3)

327 (d) Notwithstanding paragraph (b), a person cited for  
328 exceeding the speed limit in a posted work ~~construction~~ zone,  
329 which posting must include notification of the speed limit and



726846

330 the doubling of fines, shall pay a fine double the amount listed  
331 in paragraph (b). The fine shall be doubled for work  
332 ~~construction~~ zone violations only if work ~~construction~~ personnel  
333 are present or operating equipment on the road or immediately  
334 adjacent to the road ~~under construction~~.

335 Section 11. Subsections (24) and (26) of section 320.01,  
336 Florida Statutes, are amended to read:

337 320.01 Definitions, general.—As used in the Florida  
338 Statutes, except as otherwise provided, the term:

339 (24) "Apportionable vehicle" means any vehicle, except  
340 recreational vehicles, vehicles displaying restricted plates,  
341 city pickup and delivery vehicles, ~~buses used in transportation~~  
342 ~~of chartered parties~~, and government-owned vehicles, which is  
343 used or intended for use in two or more member jurisdictions  
344 that allocate or proportionally register vehicles and which is  
345 used for the transportation of persons for hire or is designed,  
346 used, or maintained primarily for the transportation of property  
347 and:

348 (a) Is a power unit having a gross vehicle weight in excess  
349 of 26,000 pounds;

350 (b) Is a power unit having three or more axles, regardless  
351 of weight; or

352 (c) Is used in combination, when the weight of such  
353 combination exceeds 26,000 pounds gross vehicle weight.

354  
355 Vehicles, or combinations thereof, having a gross vehicle weight  
356 of 26,000 pounds or less and two-axle vehicles may be  
357 proportionally registered.

358 (26) "Motorcycle" means any motor vehicle having a seat or



726846

359 saddle for the use of the rider and designed to travel on not  
360 more than three wheels in contact with the ground, including an  
361 autocycle. The term does not include a tractor, a moped, or  
362 ~~excluding~~ a vehicle in which the operator is enclosed by a cabin  
363 unless the vehicle ~~it~~ meets the requirements set forth by the  
364 National Highway Traffic Safety Administration for a motorcycle.  
365 ~~The term "motorcycle" does not include a tractor or a moped.~~

366 Section 12. Paragraph (a) of subsection (15) of section  
367 320.02, Florida Statutes, is amended to read:

368 320.02 Registration required; application for registration;  
369 forms.-

370 (15) (a) The application form for motor vehicle registration  
371 must ~~shall~~ include language permitting the voluntary  
372 contribution of \$1 per applicant, to be quarterly distributed by  
373 the department to Preserve Vision ~~Prevent Blindness~~ Florida, a  
374 not-for-profit organization, to prevent blindness and preserve  
375 the sight of the residents of this state. A statement providing  
376 an explanation of the purpose of the funds shall be included  
377 with the application form. Prior to the department distributing  
378 the funds collected pursuant to this paragraph, Preserve Vision  
379 ~~Prevent Blindness~~ Florida must submit a report to the department  
380 that identifies how such funds were used during the preceding  
381 year.

382  
383 For the purpose of applying the service charge provided in s.  
384 215.20, contributions received under this subsection are not  
385 income of a revenue nature.

386 Section 13. Subsection (1) of section 320.03, Florida  
387 Statutes, is amended to read:



726846

388           320.03 Registration; duties of tax collectors;  
389 International Registration Plan.—

390           (1) (a) The tax collectors in the several counties of the  
391 state, as authorized agents of the department, shall issue  
392 registration certificates, registration license plates,  
393 validation stickers, and mobile home stickers to applicants, and  
394 shall provide to applicants for each the option to register  
395 emergency contact information and the option to be contacted  
396 with information about state and federal benefits available as a  
397 result of military service, subject to the requirements of law,  
398 in accordance with rules of the department. Each tax collector  
399 shall provide the same motor vehicle registration services in  
400 office to residents of other counties that it provides for  
401 residents of its home county.

402           (b) Any person, firm, or corporation representing itself,  
403 through advertising or naming of the business, to be an  
404 authorized agent of the department shall be deemed guilty of an  
405 unfair and deceptive trade practice as defined in part II of  
406 chapter 501. No such person, firm, or corporation shall use  
407 either the state or county name as a part of their business name  
408 when such use can reasonably be interpreted as an official state  
409 or county office.

410           Section 14. Effective July 1, 2018, subsection (10) of  
411 section 320.03, Florida Statutes, is amended to read:

412           320.03 Registration; duties of tax collectors;  
413 International Registration Plan.—

414           (10) (a) Jurisdiction over the electronic filing system for  
415 use by authorized electronic filing system agents to  
416 electronically title or register motor vehicles, vessels, mobile





726846

417 homes, or off-highway vehicles; process title transactions,  
418 derelict motor vehicle certificates, and certificates of  
419 destruction for derelict and salvage motor vehicles pursuant to  
420 s. 319.30(2), (3), (7), and (8); issue or transfer registration  
421 license plates or decals; electronically transfer fees due for  
422 the title and registration process; and perform inquiries for  
423 title, registration, and lienholder verification and  
424 certification of service providers is expressly preempted to the  
425 state, and the department shall have regulatory authority over  
426 the system. The electronic filing system shall be available for  
427 use statewide and applied uniformly throughout the state. An  
428 entity that, in the normal course of its business, sells  
429 products that must be titled or registered;7 provides title and  
430 registration services on behalf of its consumers; or processes  
431 title transactions, derelict motor vehicle certificates, or  
432 certificates of destruction for derelict or salvage motor  
433 vehicles pursuant to s. 319.30(2), (3), (7), and (8); and meets  
434 all established requirements may be an authorized electronic  
435 filing system agent and shall not be precluded from  
436 participating in the electronic filing system in any county.  
437 Upon request from a qualified entity, the tax collector shall  
438 appoint the entity as an authorized electronic filing system  
439 agent for that county. ~~The department shall adopt rules in~~  
440 ~~accordance with chapter 120 to replace the December 10, 2009,~~  
441 ~~program standards and to administer the provisions of this~~  
442 ~~section, including, but not limited to, establishing~~  
443 ~~participation requirements, certification of service providers,~~  
444 ~~electronic filing system requirements, and enforcement authority~~  
445 ~~for noncompliance. The December 10, 2009, program standards,~~



726846

446 ~~excluding any standards which conflict with this subsection,~~  
447 ~~shall remain in effect until the rules are adopted.~~ An  
448 authorized electronic filing system agent may charge a fee to  
449 the customer for use of the electronic filing system.

450 (b) The department shall adopt rules to administer this  
451 subsection, including, but not limited to, rules establishing  
452 participation requirements, certification of service providers,  
453 electronic filing system requirements, disclosures, and  
454 enforcement authority for noncompliance.

455 Section 15. Paragraph (b) of subsection (1) of section  
456 320.06, Florida Statutes, is amended to read:

457 320.06 Registration certificates, license plates, and  
458 validation stickers generally.-

459 (1)

460 (b)1. Registration license plates bearing a graphic symbol  
461 and the alphanumeric system of identification shall be issued  
462 for a 10-year period. At the end of the 10-year period, upon  
463 renewal, the plate shall be replaced. The department shall  
464 extend the scheduled license plate replacement date from a 6-  
465 year period to a 10-year period. The fee for such replacement is  
466 \$28, \$2.80 of which shall be paid each year before the plate is  
467 replaced, to be credited toward the next \$28 replacement fee.  
468 The fees shall be deposited into the Highway Safety Operating  
469 Trust Fund. A credit or refund may not be given for any prior  
470 years' payments of the prorated replacement fee if the plate is  
471 replaced or surrendered before the end of the 10-year period,  
472 except that a credit may be given if a registrant is required by  
473 the department to replace a license plate under s.  
474 320.08056(8) (a). With each license plate, a validation sticker



475 shall be issued showing the owner's birth month, license plate  
476 number, and the year of expiration or the appropriate renewal  
477 period if the owner is not a natural person. The validation  
478 sticker shall be placed on the upper right corner of the license  
479 plate. The license plate and validation sticker shall be issued  
480 based on the applicant's appropriate renewal period. The  
481 registration period is 12 months, the extended registration  
482 period is 24 months, and all expirations occur based on the  
483 applicant's appropriate registration period.

484 2. A vehicle that has an apportioned registration shall be  
485 issued an annual license plate and a cab card denoting that  
486 ~~denote~~ the declared gross vehicle weight ~~for each apportioned~~  
487 ~~jurisdiction in which the vehicle is authorized to operate.~~ This  
488 subparagraph expires October 1, 2018.

489 3. Beginning October 1, 2018, a vehicle registered in  
490 accordance with the International Registration Plan which has an  
491 apportioned registration shall be issued a license plate for a  
492 5-year period, an annual cab card denoting the declared gross  
493 vehicle weight, and an annual validation sticker showing the  
494 month and year of expiration. The validation sticker shall be  
495 placed in the center of the license plate. The license plate and  
496 validation sticker shall be issued based on the applicant's  
497 appropriate renewal period. The registration period is 12  
498 months. The fee for an original and a renewed validation sticker  
499 is \$28. This fee shall be deposited into the Highway Safety  
500 Operating Trust Fund. If the license plate is damaged or worn,  
501 it may be replaced at no charge by applying to the department  
502 and surrendering the current license plate.

503 4.2. In order to retain the efficient administration of the



726846

504 taxes and fees imposed by this chapter, the 80-cent fee increase  
505 in the replacement fee imposed by chapter 2009-71, Laws of  
506 Florida, is negated as provided in s. 320.0804.

507 Section 16. Section 320.0605, Florida Statutes, is amended  
508 to read:

509 320.0605 Certificate of registration; possession required;  
510 exception.—

511 (1) (a) The registration certificate or an official copy  
512 thereof, a true copy or electronic copy of rental or lease  
513 documentation issued for a motor vehicle or issued for a  
514 replacement vehicle in the same registration period, a temporary  
515 receipt printed upon self-initiated electronic renewal of a  
516 registration via the Internet, or a cab card issued for a  
517 vehicle registered under the International Registration Plan  
518 shall, at all times while the vehicle is being used or operated  
519 on the roads of this state, be in the possession of the operator  
520 thereof or be carried in the vehicle for which issued and shall  
521 be exhibited upon demand of any authorized law enforcement  
522 officer or any agent of the department, except for a vehicle  
523 registered under s. 320.0657. ~~The provisions of~~ This section  
524 does ~~de~~ not apply during the first 30 days after purchase of a  
525 replacement vehicle. A violation of this section is a  
526 noncriminal traffic infraction, punishable as a nonmoving  
527 violation as provided in chapter 318.

528 (b)1. The act of presenting to a law enforcement officer or  
529 agent of the department an electronic device displaying an  
530 electronic copy of rental or lease documentation does not  
531 constitute consent for the officer or agent to access any  
532 information on the device other than the displayed rental or



726846

533 lease documentation.

534 2. The person who presents the device to the officer or  
535 agent assumes the liability for any resulting damage to the  
536 device.

537 (2) Rental or lease documentation that is sufficient to  
538 satisfy the requirement in subsection (1) includes the  
539 following:

540 (a) ~~Date of rental~~ and time of ~~exit from rental facility~~;

541 (b) Rental station identification;

542 (c) Rental agreement number;

543 (d) Rental vehicle identification number;

544 (e) Rental vehicle license plate number and state of  
545 registration;

546 (f) Vehicle's make, model, and color;

547 (g) Vehicle's mileage; and

548 (h) Authorized renter's name.

549 Section 17. Subsection (5) of section 320.0607, Florida  
550 Statutes, is amended to read:

551 320.0607 Replacement license plates, validation decal, or  
552 mobile home sticker.—

553 (5) Upon the issuance of an original license plate, the  
554 applicant shall pay a fee of \$28 to be deposited in the Highway  
555 Safety Operating Trust Fund. Beginning October 1, 2018, this  
556 subsection does not apply to a vehicle registered under the  
557 International Registration Plan.

558 Section 18. Section 320.08, Florida Statutes, is amended to  
559 read:

560 320.08 License taxes.—Except as otherwise provided herein,  
561 there are hereby levied and imposed annual license taxes for the



726846

562 operation of motor vehicles, mopeds, motorized bicycles as  
563 defined in s. 316.003(4) ~~s. 316.003(2)~~, tri-vehicles as defined  
564 in s. 316.003, and mobile homes as defined in s. 320.01, which  
565 shall be paid to and collected by the department or its agent  
566 upon the registration or renewal of registration of the  
567 following:

568 (1) MOTORCYCLES AND MOPEDS.—

569 (a) Any motorcycle: \$10 flat.

570 (b) Any moped: \$5 flat.

571 (c) Upon registration of a motorcycle, motor-driven cycle,  
572 or moped, in addition to the license taxes specified in this  
573 subsection, a nonrefundable motorcycle safety education fee in  
574 the amount of \$2.50 shall be paid. The proceeds of such  
575 additional fee shall be deposited in the Highway Safety  
576 Operating Trust Fund to fund a motorcycle driver improvement  
577 program implemented pursuant to s. 322.025, the Florida  
578 Motorcycle Safety Education Program established in s. 322.0255,  
579 or the general operations of the department.

580 (d) An ancient or antique motorcycle: \$7.50 flat, of which  
581 \$2.50 shall be deposited into the General Revenue Fund.

582 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

583 (a) An ancient or antique automobile, as defined in s.  
584 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.

585 (b) Net weight of less than 2,500 pounds: \$14.50 flat.

586 (c) Net weight of 2,500 pounds or more, but less than 3,500  
587 pounds: \$22.50 flat.

588 (d) Net weight of 3,500 pounds or more: \$32.50 flat.

589 (3) TRUCKS.—

590 (a) Net weight of less than 2,000 pounds: \$14.50 flat.



726846

591 (b) Net weight of 2,000 pounds or more, but not more than  
592 3,000 pounds: \$22.50 flat.

593 (c) Net weight more than 3,000 pounds, but not more than  
594 5,000 pounds: \$32.50 flat.

595 (d) A truck defined as a "goat," or other vehicle if used  
596 in the field by a farmer or in the woods for the purpose of  
597 harvesting a crop, including naval stores, during such  
598 harvesting operations, and which is not principally operated  
599 upon the roads of the state: \$7.50 flat. The term "goat" means a  
600 motor vehicle designed, constructed, and used principally for  
601 the transportation of citrus fruit within citrus groves or for  
602 the transportation of crops on farms, and which can also be used  
603 for hauling associated equipment or supplies, including required  
604 sanitary equipment, and the towing of farm trailers.

605 (e) An ancient or antique truck, as defined in s. 320.086:  
606 \$7.50 flat.

607 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS  
608 VEHICLE WEIGHT.—

609 (a) Gross vehicle weight of 5,001 pounds or more, but less  
610 than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be  
611 deposited into the General Revenue Fund.

612 (b) Gross vehicle weight of 6,000 pounds or more, but less  
613 than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be  
614 deposited into the General Revenue Fund.

615 (c) Gross vehicle weight of 8,000 pounds or more, but less  
616 than 10,000 pounds: \$103 flat, of which \$27 shall be deposited  
617 into the General Revenue Fund.

618 (d) Gross vehicle weight of 10,000 pounds or more, but less  
619 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited



726846

620 into the General Revenue Fund.

621 (e) Gross vehicle weight of 15,000 pounds or more, but less  
622 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited  
623 into the General Revenue Fund.

624 (f) Gross vehicle weight of 20,000 pounds or more, but less  
625 than 26,001 pounds: \$251 flat, of which \$65 shall be deposited  
626 into the General Revenue Fund.

627 (g) Gross vehicle weight of 26,001 pounds or more, but less  
628 than 35,000: \$324 flat, of which \$84 shall be deposited into the  
629 General Revenue Fund.

630 (h) Gross vehicle weight of 35,000 pounds or more, but less  
631 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited  
632 into the General Revenue Fund.

633 (i) Gross vehicle weight of 44,000 pounds or more, but less  
634 than 55,000 pounds: \$773 flat, of which \$201 shall be deposited  
635 into the General Revenue Fund.

636 (j) Gross vehicle weight of 55,000 pounds or more, but less  
637 than 62,000 pounds: \$916 flat, of which \$238 shall be deposited  
638 into the General Revenue Fund.

639 (k) Gross vehicle weight of 62,000 pounds or more, but less  
640 than 72,000 pounds: \$1,080 flat, of which \$280 shall be  
641 deposited into the General Revenue Fund.

642 (l) Gross vehicle weight of 72,000 pounds or more: \$1,322  
643 flat, of which \$343 shall be deposited into the General Revenue  
644 Fund.

645 (m) Notwithstanding the declared gross vehicle weight, a  
646 truck tractor used within this state ~~a 150-mile radius of its~~  
647 ~~home address~~ is eligible for a license plate for a fee of \$324  
648 flat if:





726846

649           1. The truck tractor is used exclusively for hauling  
650 forestry products; or

651           2. The truck tractor is used primarily for the hauling of  
652 forestry products, and is also used for the hauling of  
653 associated forestry harvesting equipment used by the owner of  
654 the truck tractor.

655

656 Of the fee imposed by this paragraph, \$84 shall be deposited  
657 into the General Revenue Fund.

658           (n) A truck tractor or heavy truck, not operated as a for-  
659 hire vehicle, which is engaged exclusively in transporting raw,  
660 unprocessed, and nonmanufactured agricultural or horticultural  
661 products within this state ~~a 150-mile radius of its home~~  
662 ~~address~~, is eligible for a restricted license plate for a fee  
663 of:

664           1. If such vehicle's declared gross vehicle weight is less  
665 than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be  
666 deposited into the General Revenue Fund.

667           2. If such vehicle's declared gross vehicle weight is  
668 44,000 pounds or more and such vehicle only transports from the  
669 point of production to the point of primary manufacture; to the  
670 point of assembling the same; or to a shipping point of a rail,  
671 water, or motor transportation company, \$324 flat, of which \$84  
672 shall be deposited into the General Revenue Fund.

673

674 Such not-for-hire truck tractors and heavy trucks used  
675 exclusively in transporting raw, unprocessed, and  
676 nonmanufactured agricultural or horticultural products may be  
677 incidentally used to haul farm implements and fertilizers



726846

678 delivered direct to the growers. The department may require any  
679 documentation deemed necessary to determine eligibility prior to  
680 issuance of this license plate. For the purpose of this  
681 paragraph, "not-for-hire" means the owner of the motor vehicle  
682 must also be the owner of the raw, unprocessed, and  
683 nonmanufactured agricultural or horticultural product, or the  
684 user of the farm implements and fertilizer being delivered.

685 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;  
686 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

687 (a)1. A semitrailer drawn by a GVW truck tractor by means  
688 of a fifth-wheel arrangement: \$13.50 flat per registration year  
689 or any part thereof, of which \$3.50 shall be deposited into the  
690 General Revenue Fund.

691 2. A semitrailer drawn by a GVW truck tractor by means of a  
692 fifth-wheel arrangement: \$68 flat per permanent registration, of  
693 which \$18 shall be deposited into the General Revenue Fund.

694 (b) A motor vehicle equipped with machinery and designed  
695 for the exclusive purpose of well drilling, excavation,  
696 construction, spraying, or similar activity, and which is not  
697 designed or used to transport loads other than the machinery  
698 described above over public roads: \$44 flat, of which \$11.50  
699 shall be deposited into the General Revenue Fund.

700 (c) A school bus used exclusively to transport pupils to  
701 and from school or school or church activities or functions  
702 within their own county: \$41 flat, of which \$11 shall be  
703 deposited into the General Revenue Fund.

704 (d) A wrecker, as defined in s. 320.01, which is used to  
705 tow a vessel as defined in s. 327.02, a disabled, abandoned,  
706 stolen-recovered, or impounded motor vehicle as defined in s.



726846

707 320.01, or a replacement motor vehicle as defined in s. 320.01:  
708 \$41 flat, of which \$11 shall be deposited into the General  
709 Revenue Fund.

710 (e) A wrecker that is used to tow any nondisabled motor  
711 vehicle, a vessel, or any other cargo unless used as defined in  
712 paragraph (d), as follows:

713 1. Gross vehicle weight of 10,000 pounds or more, but less  
714 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited  
715 into the General Revenue Fund.

716 2. Gross vehicle weight of 15,000 pounds or more, but less  
717 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited  
718 into the General Revenue Fund.

719 3. Gross vehicle weight of 20,000 pounds or more, but less  
720 than 26,000 pounds: \$251 flat, of which \$65 shall be deposited  
721 into the General Revenue Fund.

722 4. Gross vehicle weight of 26,000 pounds or more, but less  
723 than 35,000 pounds: \$324 flat, of which \$84 shall be deposited  
724 into the General Revenue Fund.

725 5. Gross vehicle weight of 35,000 pounds or more, but less  
726 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited  
727 into the General Revenue Fund.

728 6. Gross vehicle weight of 44,000 pounds or more, but less  
729 than 55,000 pounds: \$772 flat, of which \$200 shall be deposited  
730 into the General Revenue Fund.

731 7. Gross vehicle weight of 55,000 pounds or more, but less  
732 than 62,000 pounds: \$915 flat, of which \$237 shall be deposited  
733 into the General Revenue Fund.

734 8. Gross vehicle weight of 62,000 pounds or more, but less  
735 than 72,000 pounds: \$1,080 flat, of which \$280 shall be



726846

736 deposited into the General Revenue Fund.

737 9. Gross vehicle weight of 72,000 pounds or more: \$1,322  
738 flat, of which \$343 shall be deposited into the General Revenue  
739 Fund.

740 (f) A hearse or ambulance: \$40.50 flat, of which \$10.50  
741 shall be deposited into the General Revenue Fund.

742 (6) MOTOR VEHICLES FOR HIRE.—

743 (a) Under nine passengers: \$17 flat, of which \$4.50 shall  
744 be deposited into the General Revenue Fund; plus \$1.50 per cwt,  
745 of which 50 cents shall be deposited into the General Revenue  
746 Fund.

747 (b) Nine passengers and over: \$17 flat, of which \$4.50  
748 shall be deposited into the General Revenue Fund; plus \$2 per  
749 cwt, of which 50 cents shall be deposited into the General  
750 Revenue Fund.

751 (7) TRAILERS FOR PRIVATE USE.—

752 (a) Any trailer weighing 500 pounds or less: \$6.75 flat per  
753 year or any part thereof, of which \$1.75 shall be deposited into  
754 the General Revenue Fund.

755 (b) Net weight over 500 pounds: \$3.50 flat, of which \$1  
756 shall be deposited into the General Revenue Fund; plus \$1 per  
757 cwt, of which 25 cents shall be deposited into the General  
758 Revenue Fund.

759 (8) TRAILERS FOR HIRE.—

760 (a) Net weight under 2,000 pounds: \$3.50 flat, of which \$1  
761 shall be deposited into the General Revenue Fund; plus \$1.50 per  
762 cwt, of which 50 cents shall be deposited into the General  
763 Revenue Fund.

764 (b) Net weight 2,000 pounds or more: \$13.50 flat, of which



726846

765 \$3.50 shall be deposited into the General Revenue Fund; plus  
766 \$1.50 per cwt, of which 50 cents shall be deposited into the  
767 General Revenue Fund.

768 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

769 (a) A travel trailer or fifth-wheel trailer, as defined by  
770 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27  
771 flat, of which \$7 shall be deposited into the General Revenue  
772 Fund.

773 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:  
774 \$13.50 flat, of which \$3.50 shall be deposited into the General  
775 Revenue Fund.

776 (c) A motor home, as defined by s. 320.01(1)(b)4.:

777 1. Net weight of less than 4,500 pounds: \$27 flat, of which  
778 \$7 shall be deposited into the General Revenue Fund.

779 2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
780 which \$12.25 shall be deposited into the General Revenue Fund.

781 (d) A truck camper as defined by s. 320.01(1)(b)3.:

782 1. Net weight of less than 4,500 pounds: \$27 flat, of which  
783 \$7 shall be deposited into the General Revenue Fund.

784 2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
785 which \$12.25 shall be deposited into the General Revenue Fund.

786 (e) A private motor coach as defined by s. 320.01(1)(b)5.:

787 1. Net weight of less than 4,500 pounds: \$27 flat, of which  
788 \$7 shall be deposited into the General Revenue Fund.

789 2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
790 which \$12.25 shall be deposited into the General Revenue Fund.

791 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;  
792 35 FEET TO 40 FEET.—

793 (a) Park trailers.—Any park trailer, as defined in s.



726846

794 320.01(1)(b)7.: \$25 flat.  
795 (b) A travel trailer or fifth-wheel trailer, as defined in  
796 s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.  
797 (11) MOBILE HOMES.—  
798 (a) A mobile home not exceeding 35 feet in length: \$20  
799 flat.  
800 (b) A mobile home over 35 feet in length, but not exceeding  
801 40 feet: \$25 flat.  
802 (c) A mobile home over 40 feet in length, but not exceeding  
803 45 feet: \$30 flat.  
804 (d) A mobile home over 45 feet in length, but not exceeding  
805 50 feet: \$35 flat.  
806 (e) A mobile home over 50 feet in length, but not exceeding  
807 55 feet: \$40 flat.  
808 (f) A mobile home over 55 feet in length, but not exceeding  
809 60 feet: \$45 flat.  
810 (g) A mobile home over 60 feet in length, but not exceeding  
811 65 feet: \$50 flat.  
812 (h) A mobile home over 65 feet in length: \$80 flat.  
813 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised  
814 motor vehicle dealer, independent motor vehicle dealer, marine  
815 boat trailer dealer, or mobile home dealer and manufacturer  
816 license plate: \$17 flat, of which \$4.50 shall be deposited into  
817 the General Revenue Fund.  
818 (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or  
819 official license plate: \$4 flat, of which \$1 shall be deposited  
820 into the General Revenue Fund.  
821 (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor  
822 vehicle for hire operated wholly within a city or within 25



726846

823 miles thereof: \$17 flat, of which \$4.50 shall be deposited into  
824 the General Revenue Fund; plus \$2 per cwt, of which 50 cents  
825 shall be deposited into the General Revenue Fund.

826 (15) TRANSPORTER.—Any transporter license plate issued to a  
827 transporter pursuant to s. 320.133: \$101.25 flat, of which  
828 \$26.25 shall be deposited into the General Revenue Fund.

829 Section 19. Paragraphs (ee), (eee), (qqq), and (rrr) of  
830 subsection (4) and paragraph (a) of subsection (10) of section  
831 320.08056, Florida Statutes, are amended to read:

832 320.08056 Specialty license plates.—

833 (4) The following license plate annual use fees shall be  
834 collected for the appropriate specialty license plates:

835 ~~(ee) American Red Cross license plate, \$25.~~

836 ~~(eee) Donate Organs—Pass It On license plate, \$25.~~

837 ~~(qqq) St. Johns River license plate, \$25.~~

838 ~~(rrr) Hispanic Achievers license plate, \$25.~~

839 (10) (a) A specialty license plate annual use fee collected  
840 and distributed under this chapter, or any interest earned from  
841 those fees, may not be used for commercial or for-profit  
842 activities nor for general or administrative expenses, except as  
843 authorized by s. 320.08058 or to pay the cost of the audit or  
844 report required by s. 320.08062(1). The fees and any interest  
845 earned from the fees may be expended only for use in this state  
846 unless the annual use fee is derived from the sale of United  
847 States Armed Forces and veterans-related specialty license  
848 plates pursuant to paragraphs (4) (d), (bb), (kk), (iii), and  
849 (uuu) ~~(ll), (kkk), and (yyy)~~ and s. 320.0891.

850 Section 20. Subsections (31), (57), (69), and (70) of  
851 section 320.08058, Florida Statutes, are repealed.



726846

852 Section 21. Paragraph (b) of subsection (4) of section  
853 320.08068, Florida Statutes, is amended to read:

854 320.08068 Motorcycle specialty license plates.—

855 (4) A license plate annual use fee of \$20 shall be  
856 collected for each motorcycle specialty license plate. Annual  
857 use fees shall be distributed to The Able Trust as custodial  
858 agent. The Able Trust may retain a maximum of 10 percent of the  
859 proceeds from the sale of the license plate for administrative  
860 costs. The Able Trust shall distribute the remaining funds as  
861 follows:

862 (b) Twenty percent to Preserve Vision ~~Prevent Blindness~~  
863 Florida.

864 Section 22. Subsection (7) is added to section 320.086,  
865 Florida Statutes, to read:

866 320.086 Ancient or antique motor vehicles; horseless  
867 carriage, antique, or historical license plates; former military  
868 vehicles.—

869 (7) For purposes of this section, a trailer is considered a  
870 motor vehicle.

871 Section 23. Section 320.0875, Florida Statutes, is created  
872 to read:

873 320.0875 Purple Heart motorcycle special license plate.—

874 (1) Upon application to the department and payment of the  
875 license tax for the motorcycle as provided in s. 320.08, a  
876 resident of this state who owns or leases a motorcycle that is  
877 not used for hire or commercial use shall be issued a Purple  
878 Heart motorcycle special license plate if he or she provides  
879 documentation acceptable to the department that he or she is a  
880 recipient of the Purple Heart medal.





726846

881 (2) The Purple Heart motorcycle special license plate shall  
882 be stamped with the words "Combat-wounded Veteran" followed by  
883 the serial number of the license plate. The Purple Heart  
884 motorcycle special license plate may have the term "Purple  
885 Heart" stamped on the plate and the likeness of the Purple Heart  
886 medal appearing on the plate.

887 Section 24. Paragraph (a) of subsection (1) of section  
888 320.089, Florida Statutes, is amended to read:

889 ~~320.089 Veterans of the United States Armed Forces; members~~  
890 ~~of National Guard; survivors of Pearl Harbor; Purple Heart medal~~  
891 ~~recipients; active or retired United States Armed Forces~~  
892 ~~reservists; Combat Infantry Badge, Combat Medical Badge, or~~  
893 ~~Combat Action Badge recipients; Combat Action Ribbon recipients;~~  
894 ~~Air Force Combat Action Medal recipients; Distinguished Flying~~  
895 ~~Cross recipients; former prisoners of war; Korean War Veterans;~~  
896 ~~Vietnam War Veterans; Operation Desert Shield Veterans;~~  
897 ~~Operation Desert Storm Veterans; Operation Enduring Freedom~~  
898 ~~Veterans; Operation Iraqi Freedom Veterans; Women Veterans;~~  
899 ~~World War II Veterans; and Navy Submariners; Special license~~  
900 plates for military servicemembers, veterans, and Pearl Harbor  
901 survivors; fee.-

902 (1) (a) Upon application to the department and payment of  
903 the license tax for the vehicle as provided in s. 320.08, a  
904 resident of this state who owns or leases ~~Each owner or lessee~~  
905 ~~of~~ an automobile or truck for private use or recreational  
906 vehicle as specified in s. 320.08(9)(c) or (d), which is not  
907 used for hire or commercial use, shall be issued a license plate  
908 pursuant to the following if the applicant provides the  
909 department with proof he or she meets the qualifications listed



726846

910 in this section for the applicable license plate:

911 1. A person released or discharged from any branch ~~who is a~~  
912 ~~resident of the state and a veteran~~ of the United States Armed  
913 Forces shall be issued a license plate stamped with the words  
914 "Veteran" or "Woman Veteran" followed by the serial number of  
915 the license plate.~~, a Woman Veteran,~~

916 2. A World War II Veteran shall be issued a license plate  
917 stamped with the words "WWII Veteran" followed by the serial  
918 number of the license plate.

919 3. A Navy Submariner shall be issued a license plate  
920 stamped with the words "Navy Submariner" followed by the serial  
921 number of the license plate.

922 4. An active or retired member of the Florida National  
923 Guard shall be issued a license plate stamped with the words  
924 "National Guard" followed by the serial number of the license  
925 plate.

926 5. A member of the Pearl Harbor Survivors Association or  
927 other person on active military duty in Pearl Harbor on December  
928 7, 1941, shall be issued a license plate stamped with the words  
929 "Pearl Harbor Survivor" followed by the serial number of the  
930 license plate.~~, a survivor of the attack on Pearl Harbor,~~

931 6. A recipient of the Purple Heart medal shall be issued a  
932 license plate stamped with the words "Combat-wounded Veteran"  
933 followed by the serial number of the license plate. The Purple  
934 Heart plate may have the words "Purple Heart" stamped on the  
935 plate and the likeness of the Purple Heart medal appearing on  
936 the plate.

937 7. An active or retired member of any branch of the United  
938 States Armed Forces Reserve shall be issued a license plate



726846

939 stamped with the words "U.S. Reserve" followed by the serial  
940 number of the license plate.

941 8. A member of the Combat Infantrymen's Association, Inc.,  
942 or a recipient of the Combat Infantry Badge, Combat Medical  
943 Badge, Combat Action Badge, Combat Action Ribbon, or Air Force  
944 Combat Action Medal shall be issued a license plate stamped with  
945 the words "Combat Infantry Badge," "Combat Medical Badge,"  
946 "Combat Action Badge," "Combat Action Ribbon," or "Air Force  
947 Combat Action Medal," as appropriate, and a likeness of the  
948 related campaign badge, ribbon, or medal, followed by the serial  
949 number of the license plate.

950 9. A recipient of the, ~~or~~ Distinguished Flying Cross shall  
951 be issued a license plate stamped with the words "Distinguished  
952 Flying Cross" and a likeness of the Distinguished Flying Cross  
953 followed by the serial number of the license plate.

954 10. A recipient of the Bronze Star shall be issued a  
955 license plate stamped with the words "Bronze Star" and a  
956 likeness of the Bronze Star followed by the serial number of the  
957 license plate, ~~upon application to the department, accompanied~~  
958 ~~by proof of release or discharge from any branch of the United~~  
959 ~~States Armed Forces, proof of active membership or retired~~  
960 ~~status in the Florida National Guard, proof of membership in the~~  
961 ~~Pearl Harbor Survivors Association or proof of active military~~  
962 ~~duty in Pearl Harbor on December 7, 1941, proof of being a~~  
963 ~~Purple Heart medal recipient, proof of active or retired~~  
964 ~~membership in any branch of the United States Armed Forces~~  
965 ~~Reserve, or proof of membership in the Combat Infantrymen's~~  
966 ~~Association, Inc., proof of being a recipient of the Combat~~  
967 ~~Infantry Badge, Combat Medical Badge, Combat Action Badge,~~



726846

968 ~~Combat Action Ribbon, Air Force Combat Action Medal, or~~  
969 ~~Distinguished Flying Cross, and upon payment of the license tax~~  
970 ~~for the vehicle as provided in s. 320.08, shall be issued a~~  
971 ~~license plate as provided by s. 320.06 which, in lieu of the~~  
972 ~~serial numbers prescribed by s. 320.06, is stamped with the~~  
973 ~~words "Veteran," "Woman Veteran," "WWII Veteran," "Navy~~  
974 ~~Submariner," "National Guard," "Pearl Harbor Survivor," "Combat-~~  
975 ~~wounded veteran," "U.S. Reserve," "Combat Infantry Badge,"~~  
976 ~~"Combat Medical Badge," "Combat Action Badge," "Combat Action~~  
977 ~~Ribbon," "Air Force Combat Action Medal," or "Distinguished~~  
978 ~~Flying Cross," as appropriate, and a likeness of the related~~  
979 ~~campaign medal or badge, followed by the serial number of the~~  
980 ~~license plate. Additionally, the Purple Heart plate may have the~~  
981 ~~words "Purple Heart" stamped on the plate and the likeness of~~  
982 ~~the Purple Heart medal appearing on the plate.~~

983 Section 25. Section 320.133, Florida Statutes, is amended  
984 to read:

985 320.133 Transporter license plates.—

986 (1) As used in this section, the term "transporter license  
987 plate eligible business" means a business that is engaged in the  
988 limited operation of an unregistered motor vehicle, or a  
989 repossessor that contracts with lending institutions to  
990 repossess or recover motor vehicles or mobile homes.

991 (2) A person is not eligible to purchase or renew a  
992 transporter license plate unless he or she provides proof  
993 satisfactory to the department that his or her business is a  
994 transporter license plate eligible business.

995 (3) The application for qualification as a transporter  
996 license plate eligible business must be in such form as is



726846

997 prescribed by the department and must contain the legal name of  
998 the person or persons applying for the license plate, the name  
999 of the business, and the principal or principals of the  
1000 business. The application must describe the exact physical  
1001 location of the place of business within the state. This  
1002 location must be available at all reasonable hours for  
1003 inspection of the transporter license plate records by the  
1004 department or any law enforcement agency. The application must  
1005 contain proof of a garage liability insurance policy, or a  
1006 business automobile policy, in the amount of at least \$100,000.  
1007 The certificate of insurance must indicate the number of  
1008 transporter license plates reported to the insurance company.  
1009 Such coverage shall be maintained for the entire registration  
1010 period. Upon seeking initial qualification, the applicant must  
1011 provide documentation proving that the business is registered  
1012 with the Division of Corporations of the Department of State to  
1013 conduct business in this state. The business must indicate how  
1014 it meets the qualification as a transporter license plate  
1015 eligible business by describing in detail the business processes  
1016 that require the use of a transporter license plate.

1017 (4) (a) ~~(1)~~ The department may ~~is authorized to~~ issue a  
1018 transporter license plate to ~~an any~~ applicant who ~~is not a~~  
1019 licensed dealer and who is qualified as a transporter license  
1020 plate eligible business, ~~incidental to the conduct of his or her~~  
1021 ~~business, engages in the transporting of motor vehicles which~~  
1022 ~~are not currently registered to any owner and which do not have~~  
1023 ~~license plates, upon payment of the license tax imposed by s.~~  
1024 320.08(15) for each transporter ~~such~~ license plate and upon  
1025 proof of ~~liability~~ insurance as described in subsection (3)



726846

1026 ~~coverage in the amount of \$100,000 or more.~~ The proof of  
1027 insurance must indicate the number of transporter license plates  
1028 reported to the insurance company, which shall be the maximum  
1029 number of transporter license plates issued to the applicant.  
1030 ~~Such~~ A transporter license plate is valid only for use on an  
1031 unregistered any motor vehicle in the possession of the  
1032 transporter while the motor vehicle is being transported in the  
1033 course of the transporter's business and must not be attached to  
1034 any vehicle owned by the transporter or his or her business for  
1035 which registration would otherwise be required. A person who  
1036 sells or unlawfully possesses, distributes, or brokers a  
1037 transporter license plate to be attached to any vehicle commits  
1038 a misdemeanor of the second degree, punishable as provided in s.  
1039 775.082 or s. 775.083. Any and all transporter license plates  
1040 issued are subject to cancellation by the department.

1041 (b) A person who knowingly and willfully sells or  
1042 unlawfully possesses, distributes, or brokers a transporter  
1043 license plate to avoid registering a vehicle requiring  
1044 registration pursuant to this chapter or chapter 319 commits a  
1045 misdemeanor of the first degree, punishable as provided in s.  
1046 775.082 or s. 775.083, and is disqualified from transporter  
1047 license plate usage. All transporter license plates issued to  
1048 the person's business shall be canceled and must be returned to  
1049 the department immediately upon disqualification. The  
1050 transporter license plate is subject to removal as provided in  
1051 subsection (9), and any and all transporter plates issued are  
1052 subject to cancellation by the department.

1053 (5) A transporter license plate eligible business issued a  
1054 transporter license plate must maintain for 2 years, at its



726846

1055 location, records of each use of each transporter license plate  
1056 and evidence that the plate was used as required by this  
1057 chapter. Such records must be open to inspection by the  
1058 department or its agents or any law enforcement officer during  
1059 reasonable business hours. A person who fails to maintain true  
1060 and accurate records of any transporter license plate usage or  
1061 comply with this subsection commits a misdemeanor of the second  
1062 degree, punishable as provided in s. 775.082 or s. 775.083, may  
1063 be subject to cancellation of any and all transporter license  
1064 plates issued, and is automatically disqualified from future  
1065 transporter license plate issuance.

1066 (6) When attached to a motor vehicle, a transporter license  
1067 plate issued under this section must be accompanied by the  
1068 registration issued for the transporter license plate by the  
1069 department and proof of insurance as described in subsection  
1070 (3). A person who operates a motor vehicle with a transporter  
1071 license plate attached who fails to provide the documentation  
1072 listed in this subsection commits a misdemeanor of the second  
1073 degree, punishable as provided in s. 775.082 or s. 775.083, and  
1074 the transporter license plate is subject to removal as provided  
1075 in subsection (9). This subsection does not apply to a person  
1076 who contracts with dealers and auctions to transport motor  
1077 vehicles.

1078 (7)~~(2)~~ A transporter license plate issued pursuant to  
1079 subsection (4) ~~(1)~~ must be in a distinctive color approved by  
1080 the department, and the word "transporter" must appear on the  
1081 face of the license plate in place of the county name.

1082 (8)~~(3)~~ An initial registration or renewal A license plate  
1083 issued under this section is valid for a ~~period of~~ 12 months,



726846

1084 beginning January 1 and ending December 31. A ~~No~~ refund of the  
1085 license tax imposed may not be provided for any unexpired  
1086 portion of a license period.

1087 (9) A transporter license plate attached to a motor vehicle  
1088 in violation of subsection (4) or subsection (6) must be  
1089 immediately removed by a law enforcement officer from the motor  
1090 vehicle to which it was attached and surrendered to the  
1091 department by the law enforcement agency for cancellation.

1092 Section 26. Subsections (1) and (2) of section 320.27,  
1093 Florida Statutes, are amended to read:

1094 320.27 Motor vehicle dealers.—

1095 (1) DEFINITIONS.—The following words, terms, and phrases  
1096 when used in this section have the meanings respectively  
1097 ascribed to them in this subsection, except where the context  
1098 clearly indicates a different meaning:

1099 (a) "Department" means the Department of Highway Safety and  
1100 Motor Vehicles.

1101 (b) "Motor vehicle" means any motor vehicle of the type and  
1102 kind required to be registered and titled under chapter 319 and  
1103 this chapter, except a recreational vehicle, moped, motorcycle  
1104 powered by a motor with a displacement of 50 cubic centimeters  
1105 or less, or mobile home.

1106 (c) "Motor vehicle dealer" means any person engaged in the  
1107 business of buying, selling, or dealing in motor vehicles or  
1108 offering or displaying motor vehicles for sale at wholesale or  
1109 retail, or who may service and repair motor vehicles pursuant to  
1110 an agreement as defined in s. 320.60(1). Any person who buys,  
1111 sells, or deals in three or more motor vehicles in any 12-month  
1112 period or who offers or displays for sale three or more motor





726846

1113 vehicles in any 12-month period shall be prima facie presumed to  
1114 be a motor vehicle dealer. Any person who engages in possessing,  
1115 storing, or displaying motor vehicles for retail sale;  
1116 advertising motor vehicles for retail sale; negotiating with  
1117 consumers regarding the terms of sale for a motor vehicle;  
1118 providing test drives of motor vehicles offered for sale; or  
1119 delivering or arranging for the delivery of a motor vehicle in  
1120 conjunction with the sale of such motor vehicle is deemed to be  
1121 dealing in motor vehicles engaged in such business. The terms  
1122 "selling" and "sale" include lease-purchase transactions. A  
1123 motor vehicle dealer may, at retail or wholesale, sell a  
1124 recreational vehicle as described in s. 320.01(1)(b)1.-6. and  
1125 8., acquired in exchange for the sale of a motor vehicle,  
1126 provided such acquisition is incidental to the principal  
1127 business of being a motor vehicle dealer. However, a motor  
1128 vehicle dealer may not buy a recreational vehicle for the  
1129 purpose of resale unless licensed as a recreational vehicle  
1130 dealer pursuant to s. 320.771. A motor vehicle dealer may apply  
1131 for a certificate of title to a motor vehicle required to be  
1132 registered under s. 320.08(2)(b), (c), and (d), using a  
1133 manufacturer's statement of origin as permitted by s. 319.23(1),  
1134 only if such dealer is authorized by a franchised agreement as  
1135 defined in s. 320.60(1), to buy, sell, or deal in such vehicle  
1136 and is authorized by such agreement to perform delivery and  
1137 preparation obligations and warranty defect adjustments on the  
1138 motor vehicle; provided this limitation shall not apply to  
1139 recreational vehicles, van conversions, or any other motor  
1140 vehicle manufactured on a truck chassis. The transfer of a motor  
1141 vehicle by a dealer not meeting these qualifications shall be



726846

1142 titled as a used vehicle. The classifications of motor vehicle  
1143 dealers are defined as follows:

1144 1. "Franchised motor vehicle dealer" means any person who  
1145 engages in the business of repairing, servicing, buying,  
1146 selling, or dealing in motor vehicles pursuant to an agreement  
1147 as defined in s. 320.60(1).

1148 2. "Independent motor vehicle dealer" means any person  
1149 other than a franchised or wholesale motor vehicle dealer who  
1150 engages in the business of buying, selling, or dealing in motor  
1151 vehicles, and who may service and repair motor vehicles.

1152 3. "Wholesale motor vehicle dealer" means any person who  
1153 engages exclusively in the business of buying, selling, or  
1154 dealing in motor vehicles at wholesale or with motor vehicle  
1155 auctions. Such person shall be licensed to do business in this  
1156 state, shall not sell or auction a vehicle to any person who is  
1157 not a licensed dealer, and shall not have the privilege of the  
1158 use of dealer license plates. Any person who buys, sells, or  
1159 deals in motor vehicles at wholesale or with motor vehicle  
1160 auctions on behalf of a licensed motor vehicle dealer and as a  
1161 bona fide employee of such licensed motor vehicle dealer is not  
1162 required to be licensed as a wholesale motor vehicle dealer. In  
1163 such cases it shall be prima facie presumed that a bona fide  
1164 employer-employee relationship exists. A wholesale motor vehicle  
1165 dealer shall be exempt from the display provisions of this  
1166 section but shall maintain an office wherein records are kept in  
1167 order that those records may be inspected.

1168 4. "Motor vehicle auction" means any person offering motor  
1169 vehicles or recreational vehicles for sale to the highest bidder  
1170 where buyers are licensed motor vehicle dealers. Such person



726846

1171 shall not sell a vehicle to anyone other than a licensed motor  
1172 vehicle dealer.

1173 5. "Salvage motor vehicle dealer" means any person who  
1174 engages in the business of acquiring salvaged or wrecked motor  
1175 vehicles for the purpose of reselling them and their parts.

1176  
1177 Notwithstanding anything in this subsection to the contrary, the  
1178 term "motor vehicle dealer" does not include persons not engaged  
1179 in the purchase or sale of motor vehicles as a business who are  
1180 disposing of vehicles acquired for their own use or for use in  
1181 their business or acquired by foreclosure or by operation of  
1182 law, provided such vehicles are acquired and sold in good faith  
1183 and not for the purpose of avoiding the provisions of this law;  
1184 persons engaged in the business of manufacturing, selling, or  
1185 offering or displaying for sale at wholesale or retail no more  
1186 than 25 trailers in a 12-month period; public officers while  
1187 performing their official duties; receivers; trustees,  
1188 administrators, executors, guardians, or other persons appointed  
1189 by, or acting under the judgment or order of, any court; banks,  
1190 finance companies, or other loan agencies that acquire motor  
1191 vehicles as an incident to their regular business; motor vehicle  
1192 brokers; persons whose sole dealing in motor vehicles is owning  
1193 a publication in which, or hosting a website on which, licensed  
1194 motor vehicle dealers display vehicles for sale; and motor  
1195 vehicle rental and leasing companies that sell motor vehicles to  
1196 motor vehicle dealers licensed under this section. Vehicles  
1197 owned under circumstances described in this paragraph may be  
1198 disposed of at retail, wholesale, or auction, unless otherwise  
1199 restricted. A manufacturer of fire trucks, ambulances, or school



726846

1200 buses may sell such vehicles directly to governmental agencies  
1201 or to persons who contract to perform or provide firefighting,  
1202 ambulance, or school transportation services exclusively to  
1203 governmental agencies without processing such sales through  
1204 dealers if such fire trucks, ambulances, school buses, or  
1205 similar vehicles are not presently available through motor  
1206 vehicle dealers licensed by the department.

1207 (d) "Motor vehicle broker" means any person engaged in the  
1208 business of, or who holds himself or herself out through  
1209 solicitation, advertisement, or who otherwise holds himself or  
1210 herself out as being in the business of, ~~offering to procure or~~  
1211 ~~procuring motor vehicles for~~ assisting the general public in  
1212 purchasing or leasing a motor vehicle from a licensed motor  
1213 vehicle dealer, ~~or who holds himself or herself out through~~  
1214 ~~solicitation, advertisement, or otherwise as one who offers to~~  
1215 ~~procure or procures motor vehicles for the general public, and~~  
1216 who does not deal in motor vehicles as provided in paragraph  
1217 (1) (c) ~~store, display, or take ownership of any vehicles for the~~  
1218 ~~purpose of selling such vehicles. Any advertisement or~~  
1219 solicitation by a motor vehicle broker must include a statement  
1220 that the broker is receiving a fee and must clearly state that  
1221 the person is not a licensed motor vehicle dealer.

1222 (e) "Person" means any natural person, firm, partnership,  
1223 association, or corporation.

1224 (f) "Bona fide employee" means a person who is employed by  
1225 a licensed motor vehicle dealer and receives annually an  
1226 Internal Revenue Service Form W-2, or an independent contractor  
1227 who has a written contract with a licensed motor vehicle dealer  
1228 and receives annually an Internal Revenue Service Form 1099, for



726846

1229 the purpose of acting in the capacity of or conducting motor  
1230 vehicle sales transactions as a motor vehicle dealer.

1231 (2) LICENSE REQUIRED.—No person shall engage in business  
1232 as, serve in the capacity of, or act as a motor vehicle dealer  
1233 in this state without first obtaining a license therefor in the  
1234 appropriate classification as provided in this section. With the  
1235 exception of transactions with motor vehicle auctions, no person  
1236 other than a licensed motor vehicle dealer may advertise for  
1237 sale any motor vehicle belonging to another party unless as a  
1238 direct result of a bona fide legal proceeding, court order,  
1239 settlement of an estate, or by operation of law. However, owners  
1240 of motor vehicles titled in their names may advertise and offer  
1241 vehicles for sale on their own behalf. It shall be unlawful for  
1242 a licensed motor vehicle dealer to allow any person other than a  
1243 bona fide employee to use the motor vehicle dealer license for  
1244 the purpose of acting in the capacity of or conducting motor  
1245 vehicle sales transactions as a motor vehicle dealer. Any person  
1246 acting selling or offering a motor vehicle for sale in violation  
1247 of the licensing requirements of this subsection, or who  
1248 misrepresents to any person its relationship with any  
1249 manufacturer, importer, or distributor, in addition to the  
1250 penalties provided herein, is shall be deemed to have committed  
1251 guilty of an unfair and deceptive trade practice in violation of  
1252 as defined part II of chapter 501 and is shall be subject to the  
1253 provisions of subsections (8) and (9).

1254 Section 27. Section 321.25, Florida Statutes, is amended to  
1255 read:

1256 321.25 Training provided at patrol schools; reimbursement  
1257 of tuition and other course expenses.—



726846

1258           (1) The Department of Highway Safety and Motor Vehicles may  
1259 ~~is authorized to~~ provide for the training of law enforcement  
1260 officials and individuals in matters relating to the duties,  
1261 functions, and powers of the Florida Highway Patrol in the  
1262 schools established by the department for the training of  
1263 highway patrol candidates and officers. The Department of  
1264 Highway Safety and Motor Vehicles may ~~is authorized to~~ charge a  
1265 fee for providing the training authorized by this section. The  
1266 fee shall be charged to persons attending the training. The fee  
1267 shall be based on the Department of Highway Safety and Motor  
1268 Vehicles' costs for providing the training, and such costs may  
1269 include, but are not limited to, tuition, lodging, and meals.  
1270 Revenues from the fees shall be used to offset the Department of  
1271 Highway Safety and Motor Vehicles' costs for providing the  
1272 training. The cost of training local enforcement officers shall  
1273 be paid for by their respective offices, counties, or  
1274 municipalities, as the case may be. Such cost shall be deemed a  
1275 proper county or municipal expense or a proper expenditure of  
1276 the office of sheriff.

1277           (2) Notwithstanding s. 943.16, a person who attends  
1278 training under subsection (1) at the expense of the Department  
1279 of Highway Safety and Motor Vehicles must remain in the  
1280 employment or appointment of the Florida Highway Patrol for at  
1281 least 3 years. Once employed, if the person fails to remain  
1282 employed by the Florida Highway Patrol for at least 3 years from  
1283 the first date of employment, the person must pay the cost of  
1284 tuition and other course expenses to the Department of Highway  
1285 Safety and Motor Vehicles. As used in this section, the term  
1286 "other course expenses" may include the cost of meals and



726846

1287 lodging.

1288 (3) The Department of Highway Safety and Motor Vehicles may  
1289 institute a civil action to collect the cost of tuition and  
1290 other course expenses if it is not reimbursed pursuant to  
1291 subsection (2), provided that the Florida Highway Patrol gave  
1292 written notification to the person of the 3-year employment  
1293 commitment during the employment screening process and the  
1294 person returned signed acknowledgment of receipt of such  
1295 notification.

1296 (4) Notwithstanding any other provision of this section,  
1297 the Department of Highway Safety and Motor Vehicles may waive a  
1298 person's requirement of reimbursement in part or in full when  
1299 the person terminates employment due to hardship or extenuating  
1300 circumstances.

1301 Section 28. Subsection (4) of section 322.01, Florida  
1302 Statutes, is amended to read:

1303 322.01 Definitions.—As used in this chapter:

1304 (4) "Authorized emergency vehicle" means a vehicle that is  
1305 equipped with extraordinary audible and visual warning devices,  
1306 that is authorized by s. 316.2397 to display red, red and white,  
1307 or blue lights, and that is on call to respond to emergencies.  
1308 The term includes, but is not limited to, ambulances, law  
1309 enforcement vehicles, fire trucks, and other rescue vehicles.  
1310 The term does not include wreckers, utility trucks, or other  
1311 vehicles that are used only incidentally for emergency purposes.

1312 Section 29. Subsection (4) of section 322.03, Florida  
1313 Statutes, is amended to read:

1314 322.03 Drivers must be licensed; penalties.—

1315 (4) A person may not operate a motorcycle unless he or she



726846

1316 holds a driver license that authorizes such operation, subject  
1317 to the appropriate restrictions and endorsements. A person may  
1318 operate an autocycle without a motorcycle endorsement.

1319 Section 30. Subsections (1) and (2) of section 322.032,  
1320 Florida Statutes, are amended to read

1321 322.032 Digital proof of driver license.—

1322 (1) The department, in collaboration with the Agency for  
1323 State Technology, shall establish and implement ~~begin to review~~  
1324 ~~and prepare for the development of a~~ secure and uniform  
1325 protocols and standards system for issuing an optional digital  
1326 proof of driver license and shall procure any application  
1327 programming interface necessary to enable a private entity to  
1328 securely manufacture a digital proof of driver license. The  
1329 department may contract with one or more private entities to  
1330 develop a digital proof of driver license system.

1331 (2) (a) A ~~The~~ digital proof of driver license ~~developed by~~  
1332 ~~the department or by an entity contracted by the department~~ must  
1333 be in such a format as to allow law enforcement to verify the  
1334 authenticity of the digital proof of driver license. The  
1335 department may adopt rules to ensure valid authentication of a  
1336 digital proof of driver license licenses by law enforcement.

1337 (b) The act of presenting to a law enforcement officer an  
1338 electronic device displaying a digital proof of driver license  
1339 does not constitute consent for the officer to access any  
1340 information on the device other than the digital proof of driver  
1341 license.

1342 (c) A person who presents such device to the officer  
1343 assumes liability for any resulting damage to the device.

1344 Section 31. Paragraph (e) of subsection (8) of section





726846

1345 322.051, Florida Statutes, is amended to read:  
1346 322.051 Identification cards.—  
1347 (8)  
1348 (e)1. Upon request by a person who has posttraumatic stress  
1349 disorder, a traumatic brain injury, or a developmental  
1350 disability, or by a parent or guardian of a child or ward who  
1351 has posttraumatic stress disorder, a traumatic brain injury, or  
1352 a developmental disability, the department shall issue an  
1353 identification card exhibiting a capital "D" for the person,  
1354 child, or ward if the person or the parent or guardian of the  
1355 child or ward submits:  
1356 a. Payment of an additional \$1 fee; and  
1357 b. Proof acceptable to the department of a diagnosis by a  
1358 licensed physician of a developmental disability as defined in  
1359 s. 393.063, posttraumatic stress disorder, or traumatic brain  
1360 injury.  
1361 2. The department shall deposit the additional \$1 fee into  
1362 the Agency for Persons with Disabilities Operations and  
1363 Maintenance Trust Fund under s. 20.1971(2).  
1364 3. A replacement identification card that includes the  
1365 designation may be issued without payment of the fee required  
1366 under s. 322.21(1)(f).  
1367 4. The department shall develop rules to facilitate the  
1368 issuance, requirements, and oversight of posttraumatic stress  
1369 disorder, traumatic brain injury, and developmental disability  
1370 identification cards under this section.  
1371 Section 32. Paragraph (m) of subsection (8) of section  
1372 322.08, Florida Statutes, is amended to read:  
1373 322.08 Application for license; requirements for license



726846

1374 and identification card forms.-

1375 (8) The application form for an original, renewal, or  
1376 replacement driver license or identification card must include  
1377 language permitting the following:

1378 (m) A voluntary contribution of \$1 per applicant, which  
1379 shall be distributed to Preserve Vision ~~Prevent Blindness~~  
1380 Florida, a not-for-profit organization, to prevent blindness and  
1381 preserve the sight of the residents of this state.

1382

1383 A statement providing an explanation of the purpose of the trust  
1384 funds shall also be included. For the purpose of applying the  
1385 service charge provided under s. 215.20, contributions received  
1386 under paragraphs (b)-(t) are not income of a revenue nature.

1387 Section 33. Subsection (5) of section 322.091, Florida  
1388 Statutes, is amended to read:

1389 322.091 Attendance requirements.-

1390 (5) REPORTING AND ACCOUNTABILITY.-The department shall make  
1391 available, upon request, a report ~~quarterly~~ to each school  
1392 district of the legal name, sex, date of birth, and social  
1393 security number of each student whose driving privileges have  
1394 been suspended under this section.

1395 Section 34. Subsections (1) and (5) of section 322.12,  
1396 Florida Statutes, are amended to read:

1397 322.12 Examination of applicants.-

1398 (1) It is the intent of the Legislature that every  
1399 applicant for an original driver license in this state be  
1400 required to pass an examination pursuant to this section.  
1401 However, the department may waive the knowledge, endorsement,  
1402 and skills tests for an applicant who is otherwise qualified and



726846

1403 who surrenders a valid driver license from another state or a  
1404 province of Canada, or a valid driver license issued by the  
1405 United States Armed Forces, if the driver applies for a Florida  
1406 license of an equal or lesser classification. An ~~Any~~ applicant  
1407 who fails to pass the initial knowledge test incurs a \$10 fee  
1408 for each subsequent test, to be deposited into the Highway  
1409 Safety Operating Trust Fund; however, if a subsequent test is  
1410 administered by the tax collector, the tax collector shall  
1411 retain the \$10 fee, less the General Revenue Service Charge set  
1412 forth in s. 215.20(1). An ~~Any~~ applicant who fails to pass the  
1413 initial skills test incurs a \$20 fee for each subsequent test,  
1414 to be deposited into the Highway Safety Operating Trust Fund;  
1415 however, if a subsequent test is administered by the tax  
1416 collector, the tax collector shall retain the \$20 fee, less the  
1417 General Revenue Service Charge set forth in s. 215.20(1). A  
1418 person who seeks to retain a hazardous-materials endorsement,  
1419 pursuant to s. 322.57(1)(e), must pass the hazardous-materials  
1420 test, upon surrendering his or her commercial driver license, if  
1421 the person has not taken and passed the hazardous-materials test  
1422 within 2 years before applying for a commercial driver license  
1423 in this state.

1424 (5)(a) The department shall formulate a separate  
1425 examination for applicants for licenses to operate motorcycles.  
1426 Any applicant for a driver license who wishes to operate a  
1427 motorcycle, and who is otherwise qualified, must successfully  
1428 complete such an examination, which is in addition to the  
1429 examination administered under subsection (3). The examination  
1430 must test the applicant's knowledge of the operation of a  
1431 motorcycle and of any traffic laws specifically relating thereto



726846

1432 and must include an actual demonstration of his or her ability  
1433 to exercise ordinary and reasonable control in the operation of  
1434 a motorcycle. Any applicant who fails to pass the initial  
1435 knowledge examination will incur a \$5 fee for each subsequent  
1436 examination, to be deposited into the Highway Safety Operating  
1437 Trust Fund. Any applicant who fails to pass the initial skills  
1438 examination will incur a \$10 fee for each subsequent  
1439 examination, to be deposited into the Highway Safety Operating  
1440 Trust Fund. In the formulation of the examination, the  
1441 department shall consider the use of the Motorcycle Operator  
1442 Skills Test and the Motorcycle in Traffic Test offered by the  
1443 Motorcycle Safety Foundation. The department shall indicate on  
1444 the license of any person who successfully completes the  
1445 examination that the licensee is authorized to operate a  
1446 motorcycle. If the applicant wishes to be licensed to operate a  
1447 motorcycle only, he or she need not take the skill or road test  
1448 required under subsection (3) for the operation of a motor  
1449 vehicle, and the department shall indicate such a limitation on  
1450 his or her license as a restriction. Every first-time applicant  
1451 for licensure to operate a motorcycle must provide proof of  
1452 completion of a motorcycle safety course, as provided for in s.  
1453 322.0255, before the applicant may be licensed to operate a  
1454 motorcycle.

1455 (b) The department may exempt any applicant from the  
1456 examination provided in this subsection if the applicant  
1457 presents a certificate showing successful completion of a course  
1458 approved by the department, which course includes a similar  
1459 examination of the knowledge and skill of the applicant in the  
1460 operation of a motorcycle.



726846

1461           (c) This subsection does not apply to the operation of an  
1462 autocycle.

1463           Section 35. Paragraph (d) is added to subsection (1) of  
1464 section 322.135, Florida Statutes, to read:

1465           322.135 Driver license agents.—

1466           (1) The department shall, upon application, authorize by  
1467 interagency agreement any or all of the tax collectors who are  
1468 constitutional officers under s. 1(d), Art. VIII of the State  
1469 Constitution in the several counties of the state, subject to  
1470 the requirements of law, in accordance with rules of the  
1471 department, to serve as its agent for the provision of specified  
1472 driver license services.

1473           (d) Each tax collector shall provide the same driver  
1474 license services in office to residents of other counties that  
1475 it provides for residents of its home county.

1476           Section 36. Paragraph (b) of subsection (1) of section  
1477 322.17, Florida Statutes, is amended to read:

1478           322.17 Replacement licenses, identification cards, and  
1479 permits.—

1480           (1)

1481           (b) In the event that an instruction permit, ~~or~~ driver  
1482 license, or identification card issued under ~~the provisions of~~  
1483 this chapter is stolen, the person to whom the same was issued  
1484 may, at no charge, obtain a replacement upon furnishing proof  
1485 satisfactory to the department that such permit, ~~or~~ license, or  
1486 identification card was stolen and further furnishing the  
1487 person's full name, date of birth, sex, residence and mailing  
1488 address, proof of birth satisfactory to the department, and  
1489 proof of identity satisfactory to the department.



726846

1490 Section 37. Paragraphs (e) and (i) of subsection (1) and  
1491 subsection (8) of section 322.21, Florida Statutes, are amended,  
1492 and subsection (10) is added to that section, to read:

1493 322.21 License fees; procedure for handling and collecting  
1494 fees.—

1495 (1) Except as otherwise provided herein, the fee for:

1496 (e) A replacement driver license issued pursuant to s.  
1497 322.17 is \$25. Of this amount, \$7 shall be deposited into the  
1498 Highway Safety Operating Trust Fund and \$18 shall be deposited  
1499 into the General Revenue Fund. ~~Beginning July 1, 2015, or upon~~  
1500 ~~completion of the transition of driver license issuance~~  
1501 ~~services,~~ If the replacement driver license is issued by the tax  
1502 collector, the tax collector shall retain the \$7 that would  
1503 otherwise be deposited into the Highway Safety Operating Trust  
1504 Fund and the remaining revenues shall be deposited into the  
1505 General Revenue Fund.

1506 ~~(i) The specialty driver license or identification card~~  
1507 ~~issued pursuant to s. 322.1415 is \$25, which is in addition to~~  
1508 ~~other fees required in this section. The fee shall be~~  
1509 ~~distributed as follows:~~

1510 ~~1. Fifty percent shall be distributed as provided in s.~~  
1511 ~~320.08058 to the appropriate state or independent university,~~  
1512 ~~professional sports team, or branch of the United States Armed~~  
1513 ~~Forces.~~

1514 ~~2. Fifty percent shall be distributed to the department for~~  
1515 ~~costs directly related to the specialty driver license and~~  
1516 ~~identification card program and to defray the costs associated~~  
1517 ~~with production enhancements and distribution.~~

1518 (8) A Any person who applies for reinstatement following



726846

1519 the suspension or revocation of the person's driver license must  
1520 pay a service fee of \$45 following a suspension, and \$75  
1521 following a revocation, which is in addition to the fee for a  
1522 license. A ~~Any~~ person who applies for reinstatement of a  
1523 commercial driver license following the disqualification of the  
1524 person's privilege to operate a commercial motor vehicle shall  
1525 pay a service fee of \$75, which is in addition to the fee for a  
1526 license. The department shall collect all of these fees at the  
1527 time of reinstatement. The department shall issue proper  
1528 receipts for such fees and shall promptly transmit all funds  
1529 received by it as follows:

1530 (a) Of the \$45 fee received from a licensee for  
1531 reinstatement following a suspension:

1532 1. If the reinstatement is processed by the department, the  
1533 department shall deposit \$15 in the General Revenue Fund and \$30  
1534 in the Highway Safety Operating Trust Fund.

1535 2. If the reinstatement is processed by the tax collector,  
1536 \$15, less the General Revenue Service Charge set forth in s.  
1537 215.20(1), shall be retained by the tax collector, \$15 shall be  
1538 deposited into the Highway Safety Operating Trust Fund, and \$15  
1539 shall be deposited into the General Revenue Fund.

1540 (b) Of the \$75 fee received from a licensee for  
1541 reinstatement following a revocation or disqualification:

1542 1. If the reinstatement is processed by the department, the  
1543 department shall deposit \$35 in the General Revenue Fund and \$40  
1544 in the Highway Safety Operating Trust Fund.

1545 2. If the reinstatement is processed by the tax collector,  
1546 \$20, less the General Revenue Service Charge set forth in s.  
1547 215.20(1), shall be retained by the tax collector, \$20 shall be



726846

1548 deposited into the Highway Safety Operating Trust Fund, and \$35  
1549 shall be deposited into the General Revenue Fund.

1550  
1551 If the revocation or suspension of the driver license was for a  
1552 violation of s. 316.193, or for refusal to submit to a lawful  
1553 breath, blood, or urine test, an additional fee of \$130 must be  
1554 charged. However, only one \$130 fee may be collected from one  
1555 person convicted of violations arising out of the same incident.  
1556 The department shall collect the \$130 fee and deposit the fee  
1557 into the Highway Safety Operating Trust Fund at the time of  
1558 reinstatement of the person's driver license, but the fee may  
1559 not be collected if the suspension or revocation is overturned.  
1560 If the revocation or suspension of the driver license was for a  
1561 conviction for a violation of s. 817.234(8) or (9) or s.  
1562 817.505, an additional fee of \$180 is imposed for each offense.  
1563 The department shall collect and deposit the additional fee into  
1564 the Highway Safety Operating Trust Fund at the time of  
1565 reinstatement of the person's driver license.

1566 (10) An applicant who submits an application for a renewal  
1567 or replacement driver license or identification card to the  
1568 department using a convenience service shall be provided with an  
1569 option for expedited shipping whereby the department, at the  
1570 applicant's request, shall issue the license or identification  
1571 card within 5 working days after receipt of the application and  
1572 ship the license or card using an expedited mail service. A fee  
1573 shall be charged for the expedited shipping option, not to  
1574 exceed the cost of the expedited mail service, which is in  
1575 addition to fees imposed by s. 322.051, this section, or the  
1576 convenience service. Fees collected for the expedited shipping





726846

1577 option shall be deposited into the Highway Safety Operating  
1578 Trust Fund.

1579 Section 38. Subsection (1) of section 322.61, Florida  
1580 Statutes, is amended, and subsection (2) of that section is  
1581 reenacted, to read:

1582 322.61 Disqualification from operating a commercial motor  
1583 vehicle.-

1584 (1) A person who, for offenses occurring within a 3-year  
1585 period, is convicted of two of the following serious traffic  
1586 violations, or any combination thereof, arising in separate  
1587 incidents committed in a commercial motor vehicle shall, in  
1588 addition to any other applicable penalties, be disqualified from  
1589 operating a commercial motor vehicle for a period of 60 days. A  
1590 holder of a commercial driver license or commercial learner's  
1591 permit who, for offenses occurring within a 3-year period, is  
1592 convicted of two of the following serious traffic violations, or  
1593 any combination thereof, arising in separate incidents committed  
1594 in a noncommercial motor vehicle shall, in addition to any other  
1595 applicable penalties, be disqualified from operating a  
1596 commercial motor vehicle for a period of 60 days if such  
1597 convictions result in the suspension, revocation, or  
1598 cancellation of the licenseholder's driving privilege:

1599 (a) A violation of any state or local law relating to motor  
1600 vehicle traffic control, other than a parking violation, arising  
1601 in connection with a crash resulting in death;

1602 (b) Reckless driving, as defined in s. 316.192;

1603 (c) Unlawful speed of 15 miles per hour or more above the  
1604 posted speed limit;

1605 (d) Improper lane change, as defined in s. 316.085;



726846

1606 (e) Following too closely, as defined in s. 316.0895;  
1607 (f) Texting while driving a commercial motor vehicle, as  
1608 prohibited by 49 C.F.R. 392.80;  
1609 (g) Using a handheld mobile telephone while driving a  
1610 commercial motor vehicle, as prohibited by 49 C.F.R. 392.82;  
1611 (h)~~(f)~~ Driving a commercial vehicle without obtaining a  
1612 commercial driver license;  
1613 (i)~~(g)~~ Driving a commercial vehicle without the proper  
1614 class of commercial driver license or commercial learner's  
1615 permit or without the proper endorsement; or  
1616 (j)~~(h)~~ Driving a commercial vehicle without a commercial  
1617 driver license or commercial learner's permit in possession, as  
1618 required by s. 322.03.  
1619 (2) (a) Any person who, for offenses occurring within a 3-  
1620 year period, is convicted of three serious traffic violations  
1621 specified in subsection (1) or any combination thereof, arising  
1622 in separate incidents committed in a commercial motor vehicle  
1623 shall, in addition to any other applicable penalties, including  
1624 but not limited to the penalty provided in subsection (1), be  
1625 disqualified from operating a commercial motor vehicle for a  
1626 period of 120 days.  
1627 (b) A holder of a commercial driver license or commercial  
1628 learner's permit who, for offenses occurring within a 3-year  
1629 period, is convicted of three serious traffic violations  
1630 specified in subsection (1) or any combination thereof arising  
1631 in separate incidents committed in a noncommercial motor vehicle  
1632 shall, in addition to any other applicable penalties, including,  
1633 but not limited to, the penalty provided in subsection (1), be  
1634 disqualified from operating a commercial motor vehicle for a



726846

1635 period of 120 days if such convictions result in the suspension,  
1636 revocation, or cancellation of the licenseholder's driving  
1637 privilege.

1638 Section 39. Section 324.031, Florida Statutes, is amended  
1639 to read:

1640 324.031 Manner of proving financial responsibility.—The  
1641 owner or operator of a taxicab, limousine, jitney, or any other  
1642 for-hire passenger transportation vehicle may prove financial  
1643 responsibility by providing satisfactory evidence of holding a  
1644 motor vehicle liability policy as defined in s. 324.021(8) or s.  
1645 324.151, which policy is provided by an insurer authorized to do  
1646 business in this state ~~issued by an insurance carrier~~ which is a  
1647 member of the Florida Insurance Guaranty Association or is an  
1648 eligible surplus lines insurer that has a superior, excellent,  
1649 exceptional, or equivalent financial strength rating by a rating  
1650 agency acceptable to the Office of Insurance Regulation of the  
1651 Financial Services Commission. The operator or owner of any  
1652 other vehicle may prove his or her financial responsibility by:

1653 (1) Furnishing satisfactory evidence of holding a motor  
1654 vehicle liability policy as defined in ss. 324.021(8) and  
1655 324.151;

1656 (2) Furnishing a certificate of self-insurance showing a  
1657 deposit of cash in accordance with s. 324.161; or

1658 (3) Furnishing a certificate of self-insurance issued by  
1659 the department in accordance with s. 324.171.

1660  
1661 Any person, including any firm, partnership, association,  
1662 corporation, or other person, other than a natural person,  
1663 electing to use the method of proof specified in subsection (2)



726846

1664 shall furnish a certificate of deposit equal to the number of  
1665 vehicles owned times \$30,000, to a maximum of \$120,000; in  
1666 addition, any such person, other than a natural person, shall  
1667 maintain insurance providing coverage in excess of limits of  
1668 \$10,000/20,000/10,000 or \$30,000 combined single limits, and  
1669 such excess insurance shall provide minimum limits of  
1670 \$100,000/\$300,000 ~~\$125,000/250,000~~ /50,000 or \$300,000 combined  
1671 single limits. These increased limits shall not affect the  
1672 requirements for proving financial responsibility under s.  
1673 324.032(1).

1674 Section 40. Section 877.27, Florida Statutes, is amended to  
1675 read:

1676 877.27 Unauthorized transmissions to, or interference with,  
1677 a public or commercial radio station licensed by the Federal  
1678 Communications Commission or global positioning system  
1679 prohibited; penalties.—

1680 (1) A person may not:

1681 (a) Make, or cause to be made, a radio transmission in this  
1682 state unless the person obtains a license or an exemption from  
1683 licensure from the Federal Communications Commission under 47  
1684 U.S.C. s. 301, or other applicable federal law or regulation; or

1685 (b) Do any act, whether direct or indirect, to cause an  
1686 unlicensed radio transmission to, or interference with, a public  
1687 or commercial radio station licensed by the Federal  
1688 Communications Commission or to enable the radio transmission or  
1689 interference to occur.

1690 (c) Use a device prohibited by the Federal Communications  
1691 Commission which would cause interference with the legal use of  
1692 a global positioning system (GPS) to track vehicles.



726846

1693 (2) A person who violates this section commits a felony of  
1694 the third degree, punishable as provided in s. 775.082, s.  
1695 775.083, or s. 775.084.

1696 Section 41. Paragraph (c) of subsection (1) of section  
1697 212.05, Florida Statutes, is amended to read:

1698 212.05 Sales, storage, use tax.—It is hereby declared to be  
1699 the legislative intent that every person is exercising a taxable  
1700 privilege who engages in the business of selling tangible  
1701 personal property at retail in this state, including the  
1702 business of making mail order sales, or who rents or furnishes  
1703 any of the things or services taxable under this chapter, or who  
1704 stores for use or consumption in this state any item or article  
1705 of tangible personal property as defined herein and who leases  
1706 or rents such property within the state.

1707 (1) For the exercise of such privilege, a tax is levied on  
1708 each taxable transaction or incident, which tax is due and  
1709 payable as follows:

1710 (c) At the rate of 6 percent of the gross proceeds derived  
1711 from the lease or rental of tangible personal property, as  
1712 defined herein; however, the following special provisions apply  
1713 to the lease or rental of motor vehicles:

1714 1. When a motor vehicle is leased or rented for a period of  
1715 less than 12 months:

1716 a. If the motor vehicle is rented in Florida, the entire  
1717 amount of such rental is taxable, even if the vehicle is dropped  
1718 off in another state.

1719 b. If the motor vehicle is rented in another state and  
1720 dropped off in Florida, the rental is exempt from Florida tax.

1721 2. Except as provided in subparagraph 3., for the lease or



726846

1722 rental of a motor vehicle for a period of not less than 12  
1723 months, sales tax is due on the lease or rental payments if the  
1724 vehicle is registered in this state; provided, however, that no  
1725 tax shall be due if the taxpayer documents use of the motor  
1726 vehicle outside this state and tax is being paid on the lease or  
1727 rental payments in another state.

1728 3. The tax imposed by this chapter does not apply to the  
1729 lease or rental of a commercial motor vehicle as defined in s.  
1730 316.003(13)(a) ~~s. 316.003(12)(a)~~ to one lessee or rentee for a  
1731 period of not less than 12 months when tax was paid on the  
1732 purchase price of such vehicle by the lessor. To the extent tax  
1733 was paid with respect to the purchase of such vehicle in another  
1734 state, territory of the United States, or the District of  
1735 Columbia, the Florida tax payable shall be reduced in accordance  
1736 with the provisions of s. 212.06(7). This subparagraph shall  
1737 only be available when the lease or rental of such property is  
1738 an established business or part of an established business or  
1739 the same is incidental or germane to such business.

1740 Section 42. Subsection (1) of section 316.303, Florida  
1741 Statutes, is amended to read:

1742 316.303 Television receivers.—

1743 (1) No motor vehicle may be operated on the highways of  
1744 this state if the vehicle is actively displaying moving  
1745 television broadcast or pre-recorded video entertainment content  
1746 that is visible from the driver's seat while the vehicle is in  
1747 motion, unless the vehicle is equipped with autonomous  
1748 technology, as defined in s. 316.003(3) ~~s. 316.003(2)~~, and is  
1749 being operated in autonomous mode, as provided in s. 316.85(2).

1750 Section 43. Paragraph (b) of subsection (2) of section



726846

1751 316.545, Florida Statutes, is amended to read:

1752 316.545 Weight and load unlawful; special fuel and motor  
1753 fuel tax enforcement; inspection; penalty; review.—

1754 (2)

1755 (b) The officer or inspector shall inspect the license  
1756 plate or registration certificate of the commercial vehicle to  
1757 determine whether its gross weight is in compliance with the  
1758 declared gross vehicle weight. If its gross weight exceeds the  
1759 declared weight, the penalty shall be 5 cents per pound on the  
1760 difference between such weights. In those cases when the  
1761 commercial vehicle is being operated over the highways of the  
1762 state with an expired registration or with no registration from  
1763 this or any other jurisdiction or is not registered under the  
1764 applicable provisions of chapter 320, the penalty herein shall  
1765 apply on the basis of 5 cents per pound on that scaled weight  
1766 which exceeds 35,000 pounds on laden truck tractor-semitrailer  
1767 combinations or tandem trailer truck combinations, 10,000 pounds  
1768 on laden straight trucks or straight truck-trailer combinations,  
1769 or 10,000 pounds on any unladen commercial motor vehicle. A  
1770 driver of a commercial motor vehicle entering the state at a  
1771 designated port-of-entry location, as defined in s. 316.003 ~~s.~~  
1772 ~~316.003(54)~~, or operating on designated routes to a port-of-  
1773 entry location, who obtains a temporary registration permit  
1774 shall be assessed a penalty limited to the difference between  
1775 its gross weight and the declared gross vehicle weight at 5  
1776 cents per pound. If the license plate or registration has not  
1777 been expired for more than 90 days, the penalty imposed under  
1778 this paragraph may not exceed \$1,000. In the case of special  
1779 mobile equipment, which qualifies for the license tax provided



726846

1780 for in s. 320.08(5)(b), being operated on the highways of the  
1781 state with an expired registration or otherwise not properly  
1782 registered under the applicable provisions of chapter 320, a  
1783 penalty of \$75 shall apply in addition to any other penalty  
1784 which may apply in accordance with this chapter. A vehicle found  
1785 in violation of this section may be detained until the owner or  
1786 operator produces evidence that the vehicle has been properly  
1787 registered. Any costs incurred by the retention of the vehicle  
1788 shall be the sole responsibility of the owner. A person who has  
1789 been assessed a penalty pursuant to this paragraph for failure  
1790 to have a valid vehicle registration certificate pursuant to the  
1791 provisions of chapter 320 is not subject to the delinquent fee  
1792 authorized in s. 320.07 if such person obtains a valid  
1793 registration certificate within 10 working days after such  
1794 penalty was assessed.

1795 Section 44. Paragraph (a) of subsection (2) of section  
1796 316.613, Florida Statutes, is amended to read:

1797 316.613 Child restraint requirements.—

1798 (2) As used in this section, the term "motor vehicle" means  
1799 a motor vehicle as defined in s. 316.003 that is operated on the  
1800 roadways, streets, and highways of the state. The term does not  
1801 include:

1802 (a) A school bus as defined in s. 316.003 ~~s. 316.003(68)~~.

1803 Section 45. Subsection (1) of section 655.960, Florida  
1804 Statutes, is amended to read:

1805 655.960 Definitions; ss. 655.960-655.965.—As used in this  
1806 section and ss. 655.961-655.965, unless the context otherwise  
1807 requires:

1808 (1) "Access area" means any paved walkway or sidewalk which





726846

1809 is within 50 feet of any automated teller machine. The term does  
1810 not include any street or highway open to the use of the public,  
1811 as defined in s. 316.003(78) (a) or (b) ~~s. 316.003(77) (a) or (b)~~,  
1812 including any adjacent sidewalk, as defined in s. 316.003.

1813 Section 46. The amendments made by this act to s. 318.18,  
1814 Florida Statutes, shall apply upon the adoption by rule of  
1815 uniform traffic citation forms. The Department of Highway Safety  
1816 and Motor Vehicles shall notify the Division of Law Revision and  
1817 Information upon the adoption of such forms.

1818 Section 47. Except as otherwise provided in this act, this  
1819 act shall take effect October 1, 2017.

1820  
1821 ===== T I T L E A M E N D M E N T =====

1822 And the title is amended as follows:

1823 Delete everything before the enacting clause  
1824 and insert:

1825 A bill to be entitled  
1826 An act relating to motor vehicles; amending s.  
1827 316.003, F.S.; defining the term "autocycle";  
1828 redefining the term "motorcycle"; conforming a cross-  
1829 reference; amending ss. 316.2397 and 316.2398, F.S.;  
1830 prohibiting vehicles or equipment from showing or  
1831 displaying red and white lights while being driven or  
1832 moved; authorizing firefighters to use or display red  
1833 and white lights under certain circumstances;  
1834 authorizing active volunteer firefighters to display  
1835 red and white warning signals under certain  
1836 circumstances; amending s. 316.302, F.S.; revising  
1837 provisions relating to federal regulations to which



1838 owners and drivers of commercial motor vehicles are  
1839 subject; delaying the requirement for electronic  
1840 logging devices for intrastate motor carriers;  
1841 terminating the maximum amount of a civil penalty for  
1842 falsification of information on certain time records;  
1843 deleting the requirement that a motor carrier maintain  
1844 documentation of a driver's driving times throughout a  
1845 duty period if the driver is not released from duty  
1846 within a specified period; providing an exemption from  
1847 specified rules and regulations for a person who  
1848 operates a commercial motor vehicle with a declared  
1849 gross vehicle weight, gross vehicle weight rating, and  
1850 gross combined weight rating of less than a specified  
1851 amount under certain circumstances; amending s.  
1852 316.3025, F.S.; conforming provisions to changes made  
1853 by the act; amending s. 316.614, F.S.; redefining the  
1854 term "motor vehicle"; prohibiting a person from  
1855 operating an autocycle unless certain safety belt or  
1856 child restraint device requirements are met; amending  
1857 s. 316.85, F.S.; authorizing a person who possesses a  
1858 valid driver license to engage autonomous technology  
1859 to operate an autonomous vehicle under a specified  
1860 circumstance; authorizing a person who does not  
1861 possess a valid driver license to engage autonomous  
1862 technology to operate an autonomous vehicle in  
1863 autonomous mode under certain circumstances; creating  
1864 s. 316.851, F.S.; requiring an autonomous vehicle used  
1865 by a transportation network company to be covered by  
1866 automobile insurance, subject to certain requirements;



726846

1867 requiring an autonomous vehicle used to provide a  
1868 transportation service to carry in the vehicle proof  
1869 of coverage satisfying certain requirements at all  
1870 times while operating in autonomous mode; amending s.  
1871 318.1215, F.S.; authorizing a board of county  
1872 commissioners to require, by ordinance, that the clerk  
1873 of the court collect an additional specified fee with  
1874 each criminal, rather than each civil, traffic  
1875 penalty; amending s. 318.18, F.S.; changing the term  
1876 "construction zone" to "work zone" as it relates to  
1877 enhanced penalties for unlawful speed; amending s.  
1878 320.01, F.S.; redefining the terms "apportionable  
1879 vehicle" and "motorcycle"; amending s. 320.02, F.S.;  
1880 requiring an application form for motor vehicle  
1881 registration to include language authorizing a  
1882 voluntary contribution to be distributed to Preserve  
1883 Vision Florida, rather than to Prevent Blindness  
1884 Florida; amending s. 320.03, F.S.; requiring tax  
1885 collectors to provide motor vehicle registration  
1886 services to residents of other counties; providing  
1887 that jurisdiction over the electronic filing system  
1888 for use by authorized electronic filing system agents  
1889 to process title transactions, derelict motor vehicle  
1890 certificates, and certificates of destruction for  
1891 derelict and salvage motor vehicles is preempted to  
1892 the state; authorizing an entity that, in the normal  
1893 course of its business, processes title transactions,  
1894 derelict motor vehicle certificates, or certificates  
1895 of destruction for derelict or salvage motor vehicles



726846

1896 to be an authorized electronic filing system agent;  
1897 authorizing the department to adopt rules to  
1898 administer specified provisions; amending s. 320.06,  
1899 F.S.; providing for future repeal of issuance of a  
1900 certain annual license plate and cab card to a vehicle  
1901 that has an apportioned registration; providing  
1902 requirements, beginning on a specified date, for  
1903 license plates, cab cards, and validation stickers for  
1904 vehicles registered in accordance with the  
1905 International Registration Plan; authorizing a worn or  
1906 damaged license plate to be replaced at no charge  
1907 under certain circumstances; amending s. 320.0605,  
1908 F.S.; authorizing presentation of electronic  
1909 documentation of certain information to a law  
1910 enforcement officer or agent of the department;  
1911 providing construction; providing liability; revising  
1912 information required in such documentation; amending  
1913 s. 320.0607, F.S.; providing an exemption, beginning  
1914 on a specified date, of a certain fee for vehicles  
1915 registered under the International Registration Plan;  
1916 amending s. 320.08, F.S.; requiring a truck tractor  
1917 used within this state to be eligible for a license  
1918 plate for a specified fee under certain circumstances;  
1919 requiring a truck tractor or heavy truck, not operated  
1920 as a for-hire vehicle, which is engaged exclusively in  
1921 transporting raw, unprocessed, and nonmanufactured  
1922 agricultural or horticultural products within this  
1923 state to be eligible for a restricted license for a  
1924 certain fee; conforming cross-references; amending s.



726846

1925 320.08056, F.S.; deleting the American Red Cross,  
1926 Donate Organs-Pass It On, St. Johns River, and  
1927 Hispanic Achievers license plates; conforming cross-  
1928 references; repealing s. 320.08058(31), (57), (69),  
1929 and (70), F.S., relating to the American Red Cross,  
1930 Donate Organs-Pass It On, St. Johns River, and  
1931 Hispanic Achievers license plates, respectively;  
1932 amending s. 320.08068, F.S.; requiring The Able Trust  
1933 to distribute a specified percentage of annual use  
1934 fees from motorcycle specialty license plates to  
1935 Preserve Vision Florida, rather than to Prevent  
1936 Blindness Florida; amending s. 320.086, F.S.;  
1937 providing that, for purposes of this section, a  
1938 trailer is considered a motor vehicle; creating s.  
1939 320.0875, F.S.; providing for a motorcycle special  
1940 license plate to be issued to a recipient of the  
1941 Purple Heart; providing requirements for the plate;  
1942 amending s. 320.089, F.S.; providing for a special  
1943 license plate to be issued to a recipient of the  
1944 Bronze Star; making technical changes; amending s.  
1945 320.133, F.S.; defining the term "transporter license  
1946 plate eligible business"; providing that a person is  
1947 not eligible to purchase or renew a transporter  
1948 license plate unless he or she provides certain proof  
1949 that his or her business is a transporter license  
1950 plate eligible business; providing application and  
1951 insurance requirements for qualification as a  
1952 transporter license plate eligible business;  
1953 authorizing the department to issue a transporter



1954 license plate to an applicant who is not a licensed  
1955 dealer and is qualified as a transporter license plate  
1956 eligible business, under certain circumstances;  
1957 providing that a transporter license plate is valid  
1958 only for use on an unregistered motor vehicle in the  
1959 possession of the transporter, subject to certain  
1960 requirements; providing a criminal penalty for a  
1961 person who sells or unlawfully possesses, distributes,  
1962 or brokers a transporter license plate to be attached  
1963 to any vehicle; providing that transporter license  
1964 plates are subject to cancellation by the department;  
1965 providing a criminal penalty and disqualification from  
1966 transporter license plate usage for a person who  
1967 knowingly and willfully sells or unlawfully possesses,  
1968 distributes, or brokers a transporter license plate to  
1969 avoid registering a vehicle requiring registration,  
1970 subject to certain requirements; providing  
1971 recordkeeping requirements for a transporter license  
1972 plate eligible business; providing a criminal penalty,  
1973 cancellation of transporter license plates, and  
1974 disqualification from future issuance of the plates  
1975 for a violation of such recordkeeping requirements;  
1976 requiring a transporter license plate issued under  
1977 this section to be accompanied by registration and  
1978 proof of insurance when attached to a motor vehicle;  
1979 providing a criminal penalty and removal of the  
1980 license plate for a person who fails to provide such  
1981 documentation; providing an exemption to persons who  
1982 contract with dealers and auctions to transport motor



1983 vehicles; conforming provisions to changes made by the  
1984 act; providing that an initial registration or renewal  
1985 issued under this section is valid for a specified  
1986 period; requiring a license plate attached to a motor  
1987 vehicle in violation of specified provision to be  
1988 removed by a law enforcement officer and surrendered  
1989 to the department by the law enforcement agency for  
1990 cancellation; amending s. 320.27, F.S.; revising the  
1991 definitions of "motor vehicle dealer" and "motor  
1992 vehicle broker"; requiring any person acting in  
1993 violation of specified licensing requirements to be  
1994 deemed to have committed an unfair and deceptive trade  
1995 practice in violation of specified provisions; making  
1996 technical changes; amending s. 321.25, F.S.; providing  
1997 for reimbursement to the department of tuition and  
1998 other course expenses for certain training under  
1999 certain circumstances; defining the term "other course  
2000 expenses"; authorizing the department to institute a  
2001 civil action under certain circumstances; authorizing  
2002 the department to waive a person's requirement of  
2003 reimbursement when the person terminates employment  
2004 due to hardship or extenuating circumstances; amending  
2005 s. 322.01, F.S.; conforming provisions to changes made  
2006 by the act; amending s. 322.03, F.S.; authorizing a  
2007 person to operate an autocycle without a motorcycle  
2008 endorsement; amending s. 322.032, F.S.; requiring the  
2009 department, in collaboration with the Agency for State  
2010 Technology, to establish and implement certain  
2011 protocols and standards related to digital proofs of



726846

2012 driver licenses and to procure an application  
2013 programming interface for a specified purpose;  
2014 conforming a provision to changes made by the act;  
2015 providing construction relating to a person's  
2016 presentation of an electronic device displaying a  
2017 digital proof of driver license to a law enforcement  
2018 officer; amending s. 322.051, F.S.; revising  
2019 eligibility for a "D" designation on an identification  
2020 card to include posttraumatic stress disorder or  
2021 traumatic brain injury; amending s. 322.08, F.S.;  
2022 requiring an application form for an original,  
2023 renewal, or replacement driver license or  
2024 identification card to include language authorizing a  
2025 voluntary contribution to Preserve Vision Florida,  
2026 rather than to Prevent Blindness Florida; amending s.  
2027 322.091, F.S.; requiring the department to make  
2028 available, upon request, a report to each school  
2029 district of certain information for each student whose  
2030 driving privileges have been suspended under this  
2031 section; amending s. 322.12, F.S.; requiring the tax  
2032 collector to retain specified fees if a subsequent  
2033 knowledge or skills test is administered by the tax  
2034 collector; exempting the operation of an autocycle  
2035 from certain examination requirements for licenses to  
2036 operate motorcycles; amending s. 322.135, F.S.;  
2037 requiring tax collectors to provide driver license  
2038 services to residents of all counties; amending s.  
2039 322.17, F.S.; providing for replacement of a stolen  
2040 identification card at no charge, subject to certain





726846

2041 requirements; amending s. 322.21, F.S.; deleting  
2042 obsolete provisions; deleting a fee for certain  
2043 specialty driver licenses or identification cards;  
2044 providing disposition of specified fees for  
2045 reinstatement of a driver license following a  
2046 suspension, revocation, or disqualification when the  
2047 reinstatement is processed by the department or the  
2048 tax collector; requiring an applicant who submits an  
2049 application for a renewal or replacement driver  
2050 license or identification card to the department using  
2051 a convenience service to be provided with an option  
2052 for expedited shipping, subject to certain  
2053 requirements; requiring a fee to be charged for the  
2054 expedited shipping option, subject to certain  
2055 requirements; providing for disposition of such fee;  
2056 amending s. 322.61, F.S.; adding violations for  
2057 texting or using a handheld mobile telephone while  
2058 driving a commercial motor vehicle as specified  
2059 offenses that, in certain circumstances, result in  
2060 disqualification from operating a commercial motor  
2061 vehicle for a specified period; amending s. 324.031,  
2062 F.S.; revising insurer requirements for a motor  
2063 vehicle liability policy held by the owner or operator  
2064 of a taxicab, limousine, jitney, or any other for-hire  
2065 passenger transportation vehicle; revising certain  
2066 excess insurance minimum limits for an operator or  
2067 owner of any other vehicle proving his or her  
2068 financial responsibility by furnishing a certain  
2069 certificate of self-insurance showing a deposit of



726846

2070 cash; amending s. 877.27, F.S.; prohibiting a person  
2071 from using a device prohibited by the Federal  
2072 Communications Commission which would cause  
2073 interference with the legal use of a global  
2074 positioning system to track vehicles; amending ss.  
2075 212.05, 316.303, 316.545, 316.613, and 655.960, F.S.;  
2076 conforming cross-references; providing applicability  
2077 of certain changes made by the act; providing  
2078 effective dates, one of which is contingent.



291750

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
04/18/2017	.	
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Appropriations Subcommittee on Transportation, Tourism, and  
Economic Development (Artiles) recommended the following:

1           **Senate Amendment to Substitute Amendment (726846) (with**  
2 **title amendment)**

3  
4           Between lines 1812 and 1813  
5 insert:

6           Section 338.2225, Florida Statutes, is created to read:  
7           338.2225 Express lanes on any part of the turnpike system;  
8 prohibition -

9           (1) Except for express lanes that, before July 1, 2017,  
10 exist, or are under construction, on any part of the turnpike



291750

11 system, no express lanes shall be on any part of the turnpike  
12 system.

13 (2) The department may collect a toll on express lanes that  
14 before July 1, 2017, exist, or are under construction on any  
15 part of the turnpike system, but such collection may be only for  
16 the discharge of any bond indebtedness that relates to the  
17 expense of constructing the express lanes. After the discharge  
18 of such bond indebtedness, the toll on the express lane must be  
19 eliminated.

20  
21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 Delete line 2076

24 and insert:

25 Conforming cross-references; creating s. 338.2225,

26 F.S.; prohibiting express lanes on the turnpike system

By the Committee on Transportation; and Senators Gainer and Rouson

596-02740-17

2017784c1

1 A bill to be entitled  
 2 An act relating to the Department of Highway Safety  
 3 and Motor Vehicles; amending s. 316.003, F.S.;  
 4 defining the term "autocycle"; redefining the term  
 5 "motorcycle"; conforming a cross-reference; amending  
 6 ss. 316.2397 and 316.2398, F.S.; prohibiting vehicles  
 7 or equipment from showing or displaying red and white  
 8 lights while being driven or moved; authorizing  
 9 firefighters to use or display red and white lights  
 10 under certain circumstances; authorizing active  
 11 volunteer firefighters to display red and white  
 12 warning signals under certain circumstances; amending  
 13 s. 316.302, F.S.; revising provisions relating to  
 14 federal regulations to which owners and drivers of  
 15 commercial motor vehicles are subject; terminating the  
 16 maximum amount of a civil penalty for falsification of  
 17 information on certain time records; deleting the  
 18 requirement that a motor carrier maintain  
 19 documentation of a driver's driving times throughout a  
 20 duty period if the driver is not released from duty  
 21 within a specified period; providing an exemption from  
 22 specified rules and regulations for a person who  
 23 operates a commercial motor vehicle with a declared  
 24 gross vehicle weight, gross vehicle weight rating, and  
 25 gross combined weight rating of less than a specified  
 26 amount under certain circumstances; amending s.  
 27 316.3025, F.S.; conforming provisions to changes made  
 28 by the act; amending s. 316.614, F.S.; redefining the  
 29 term "motor vehicle"; prohibiting a person from

Page 1 of 55

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596-02740-17

2017784c1

30 operating an autocycle unless certain safety belt or  
 31 child restraint device requirements are met; amending  
 32 s. 320.01, F.S.; redefining the term "apportionable  
 33 vehicle"; redefining the term "motorcycle"; amending  
 34 s. 320.02, F.S.; requiring an application form for  
 35 motor vehicle registration to include language  
 36 authorizing a voluntary contribution to be distributed  
 37 to Preserve Vision Florida, rather than to Prevent  
 38 Blindness Florida; amending s. 320.06, F.S.; providing  
 39 for future repeal of issuance of a certain annual  
 40 license plate and cab card to a vehicle that has an  
 41 apportioned registration; providing requirements,  
 42 beginning on a specified date, for license plates, cab  
 43 cards, and validation stickers for vehicles registered  
 44 in accordance with the International Registration  
 45 Plan; authorizing a worn or damaged license plate to  
 46 be replaced at no charge under certain circumstances;  
 47 amending s. 320.0605, F.S.; authorizing presentation  
 48 of electronic documentation of certain information to  
 49 a law enforcement officer or agent of the department;  
 50 providing construction; providing liability; revising  
 51 information required in such documentation; amending  
 52 s. 320.0607, F.S.; providing an exemption, beginning  
 53 on a specified date, of a certain fee for vehicles  
 54 registered under the International Registration Plan;  
 55 amending s. 320.08056, F.S.; deleting the American Red  
 56 Cross, Donate Organs-Pass It On, St. Johns River, and  
 57 Hispanic Achievers license plates; conforming cross-  
 58 references; repealing s. 320.08058(31), (57), (69),

Page 2 of 55

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596-02740-17

2017784c1

59 and (70), F.S., relating to the American Red Cross,  
 60 Donate Organs-Pass It On, St. Johns River, and  
 61 Hispanic Achievers license plates, respectively;  
 62 amending s. 320.08068, F.S.; requiring The Able Trust  
 63 to distribute a specified percentage of annual use  
 64 fees from motorcycle specialty license plates to  
 65 Preserve Vision Florida, rather than to Prevent  
 66 Blindness Florida; creating s. 320.0875, F.S.;

67 providing for a motorcycle special license plate to be  
 68 issued to a recipient of the Purple Heart; providing  
 69 requirements for the plate; amending s. 320.089, F.S.;

70 providing for a special license plate to be issued to  
 71 a recipient of the Bronze Star; making technical  
 72 changes; amending s. 320.133, F.S.; defining the term  
 73 "transporter license plate eligible business";

74 providing that a person is not eligible to purchase or  
 75 renew a transporter license plate unless he or she  
 76 provides certain proof that his or her business is a  
 77 transporter license plate eligible business; providing  
 78 application and insurance requirements for  
 79 qualification as a transporter license plate eligible  
 80 business; authorizing the department to issue a  
 81 transporter license plate to an applicant who is not a  
 82 licensed dealer and is qualified as a transporter  
 83 license plate eligible business, under certain  
 84 circumstances; providing that a transporter license  
 85 plate is valid only for use on an unregistered motor  
 86 vehicle in the possession of the transporter, subject  
 87 to certain requirements; providing a criminal penalty

Page 3 of 55

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596-02740-17

2017784c1

88 for a person who sells or unlawfully possesses,  
 89 distributes, or brokers a transporter license plate to  
 90 be attached to any vehicle; providing that transporter  
 91 license plates are subject to cancellation by the  
 92 department; providing a criminal penalty and  
 93 disqualification from transporter license plate usage  
 94 for a person who knowingly and willfully sells or  
 95 unlawfully possesses, distributes, or brokers a  
 96 transporter license plate to avoid registering a  
 97 vehicle requiring registration, subject to certain  
 98 requirements; providing recordkeeping requirements for  
 99 a transporter license plate eligible business;

100 providing a criminal penalty, cancellation of  
 101 transporter license plates, and disqualification from  
 102 future issuance of the plates for a violation of such  
 103 recordkeeping requirements; requiring a transporter  
 104 license plate issued under this section to be  
 105 accompanied by registration and proof of insurance  
 106 when attached to a motor vehicle; providing a criminal  
 107 penalty and removal of the license plate for a person  
 108 who fails to provide such documentation; providing an  
 109 exemption to persons who contract with dealers and  
 110 auctions to transport motor vehicles; conforming  
 111 provisions to changes made by the act; providing that  
 112 an initial registration or renewal issued under this  
 113 section is valid for a specified period; requiring a  
 114 license plate attached to a motor vehicle in violation  
 115 of specified provision to be removed by a law  
 116 enforcement officer and surrendered to the department

Page 4 of 55

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596-02740-17

2017784c1

117 by the law enforcement agency for cancellation;  
 118 amending s. 321.25, F.S.; providing for reimbursement  
 119 to the department of tuition and other course expenses  
 120 for certain training under certain circumstances;  
 121 defining the term "other course expenses"; authorizing  
 122 the department to institute a civil action under  
 123 certain circumstances; authorizing the department to  
 124 waive a person's requirement of reimbursement when the  
 125 person terminates employment due to hardship or  
 126 extenuating circumstances; amending s. 322.01, F.S.;  
 127 conforming provisions to changes made by the act;  
 128 amending s. 322.03, F.S.; authorizing a person to  
 129 operate an autocycle without a motorcycle endorsement;  
 130 amending s. 322.051, F.S.; revising eligibility for a  
 131 "D" designation on an identification card to include  
 132 posttraumatic stress disorder or traumatic brain  
 133 injury; amending s. 322.08, F.S.; requiring an  
 134 application form for an original, renewal, or  
 135 replacement driver license or identification card to  
 136 include language authorizing a voluntary contribution  
 137 to Preserve Vision Florida, rather than to Prevent  
 138 Blindness Florida; amending s. 322.091, F.S.;  
 139 requiring the department to make available, upon  
 140 request, a report to each school district of certain  
 141 information for each student whose driving privileges  
 142 have been suspended under this section; amending s.  
 143 322.12, F.S.; requiring the tax collector to retain  
 144 specified fees if a subsequent knowledge or skills  
 145 test is administered by the tax collector; exempting

596-02740-17

2017784c1

146 the operation of an autocycle from certain examination  
 147 requirements for licenses to operate motorcycles;  
 148 amending s. 322.17, F.S.; providing for replacement of  
 149 a stolen identification card at no charge, subject to  
 150 certain requirements; amending s. 322.21, F.S.;  
 151 deleting obsolete provisions; deleting a fee for  
 152 certain specialty driver licenses or identification  
 153 cards; providing disposition of specified fees for  
 154 reinstatement of a driver license following a  
 155 suspension, revocation, or disqualification when the  
 156 reinstatement is processed by the department or the  
 157 tax collector; requiring an applicant who submits an  
 158 application for a renewal or replacement driver  
 159 license or identification card to the department using  
 160 a convenience service to be provided with an option  
 161 for expedited shipping, subject to certain  
 162 requirements; requiring a fee to be charged for the  
 163 expedited shipping option, subject to certain  
 164 requirements; providing for disposition of such fee;  
 165 amending s. 322.61, F.S.; adding violations for  
 166 texting or using a handheld mobile telephone while  
 167 driving a commercial motor vehicle as specified  
 168 offenses that, in certain circumstances, result in  
 169 disqualification from operating a commercial motor  
 170 vehicle for a specified period; amending ss. 212.05,  
 171 316.303, 316.545, 316.613, 320.08, and 655.960, F.S.;  
 172 conforming cross-references; providing an effective  
 173 date.  
 174

596-02740-17

2017784c1

175 Be It Enacted by the Legislature of the State of Florida:

176

177 Section 1. Present subsections (2) through (97) of section  
178 316.003, Florida Statutes, are redesignated as subsections (3)  
179 through (98), respectively, a new subsection (2) is added to  
180 that section, and present subsections (41) and (55) of that  
181 section are amended, to read:

182 316.003 Definitions.—The following words and phrases, when  
183 used in this chapter, shall have the meanings respectively  
184 ascribed to them in this section, except where the context  
185 otherwise requires:

186 (2) AUTOCYCLE.—A three-wheel motorcycle that has two wheels  
187 in the front and one wheel in the back, is equipped with a roll  
188 cage or roll hoops, safety belts for each occupant, antilock  
189 brakes, a steering wheel, and seating that does not require the  
190 operator to straddle or sit astride it and is manufactured by a  
191 National Highway Traffic Safety Administration registered  
192 manufacturer in accordance with the applicable federal  
193 motorcycle safety standards under 49 C.F.R. part 571.

194 (42)(41) MOTORCYCLE.—Any motor vehicle that has ~~having~~ a  
195 seat or saddle for the use of the rider which is ~~and~~ designed to  
196 travel on not more than three wheels in contact with the ground,  
197 including an autocycle. The term does not include a tractor, a  
198 moped, or a vehicle in which the operator is enclosed by a cabin  
199 unless the vehicle meets the requirements set forth by the  
200 National Highway Traffic Safety Administration for a motorcycle  
201 but excluding a tractor or a moped.

202 (56)(55) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
203 provided in paragraph (78)(b) ~~(77)(b)~~, any privately owned way

Page 7 of 55

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596-02740-17

2017784c1

204 or place used for vehicular travel by the owner and those having  
205 express or implied permission from the owner, but not by other  
206 persons.

207 Section 2. Subsections (1) and (3) of section 316.2397,  
208 Florida Statutes, are amended to read:

209 316.2397 Certain lights prohibited; exceptions.—

210 (1) A ~~No~~ person may not ~~shall~~ drive or move or cause to be  
211 moved any vehicle or equipment upon any highway within this  
212 state with a any lamp or device thereon showing or displaying a  
213 red, red and white, or blue light visible from directly in front  
214 thereof except for certain vehicles ~~hereinafter~~ provided in this  
215 section.

216 (3) Vehicles of the fire department and fire patrol,  
217 including vehicles of volunteer firefighters as permitted under  
218 s. 316.2398, may show or display red, or red and white, lights.  
219 Vehicles of medical staff physicians or technicians of medical  
220 facilities licensed by the state as authorized under s.  
221 316.2398, ambulances as authorized under this chapter, and buses  
222 and taxicabs as authorized under s. 316.2399 may show or display  
223 red lights. Vehicles of the fire department, fire patrol, police  
224 vehicles, and such ambulances and emergency vehicles of  
225 municipal and county departments, public service corporations  
226 operated by private corporations, the Fish and Wildlife  
227 Conservation Commission, the Department of Environmental  
228 Protection, the Department of Transportation, the Department of  
229 Agriculture and Consumer Services, and the Department of  
230 Corrections as are designated or authorized by their respective  
231 department or the chief of police of an incorporated city or any  
232 sheriff of any county may operate emergency lights and sirens in

Page 8 of 55

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596-02740-17 2017784c1

233 an emergency. Wreckers, mosquito control fog and spray vehicles,  
 234 and emergency vehicles of governmental departments or public  
 235 service corporations may show or display amber lights when in  
 236 actual operation or when a hazard exists provided they are not  
 237 used going to and from the scene of operation or hazard without  
 238 specific authorization of a law enforcement officer or law  
 239 enforcement agency. Wreckers must use amber rotating or flashing  
 240 lights while performing recoveries and loading on the roadside  
 241 day or night, and may use such lights while towing a vehicle on  
 242 wheel lifts, slings, or under reach if the operator of the  
 243 wrecker deems such lights necessary. A flatbed, car carrier, or  
 244 rollback may not use amber rotating or flashing lights when  
 245 hauling a vehicle on the bed unless it creates a hazard to other  
 246 motorists because of protruding objects. Further, escort  
 247 vehicles may show or display amber lights when in the actual  
 248 process of escorting overdimensioned equipment, material, or  
 249 buildings as authorized by law. Vehicles owned or leased by  
 250 private security agencies may show or display green and amber  
 251 lights, with either color being no greater than 50 percent of  
 252 the lights displayed, while the security personnel are engaged  
 253 in security duties on private or public property.

254 Section 3. Section 316.2398, Florida Statutes, is amended  
 255 to read:

256 316.2398 Display or use of red, or red and white, warning  
 257 signals; motor vehicles of volunteer firefighters or medical  
 258 staff.—

259 (1) A privately owned vehicle belonging to an active  
 260 firefighter member of a regularly organized volunteer  
 261 firefighting company or association, while en route to the fire

596-02740-17 2017784c1

262 station for the purpose of proceeding to the scene of a fire or  
 263 other emergency or while en route to the scene of a fire or  
 264 other emergency in the line of duty as an active firefighter  
 265 member of a regularly organized firefighting company or  
 266 association, may display or use red, or red and white, warning  
 267 signals. ~~or~~ A privately owned vehicle belonging to a medical  
 268 staff physician or technician of a medical facility licensed by  
 269 the state, while responding to an emergency in the line of duty,  
 270 may display or use red warning signals. Warning signals must be  
 271 visible from the front and from the rear of such vehicle,  
 272 subject to the following restrictions and conditions:

273 (a) No more than two red, or red and white, warning signals  
 274 may be displayed.

275 (b) No inscription of any kind may appear across the face  
 276 of the lens of the red, or red and white, warning signal.

277 (c) In order for an active volunteer firefighter to display  
 278 such red, or red and white, warning signals on his or her  
 279 vehicle, the volunteer firefighter must first secure a written  
 280 permit from the chief executive officers of the firefighting  
 281 organization to use the red, or red and white, warning signals,  
 282 and this permit must be carried by the volunteer firefighter at  
 283 all times while the red, or red and white, warning signals are  
 284 displayed.

285 (2) ~~A~~ A ~~It is unlawful for any~~ person who is not an active  
 286 firefighter member of a regularly organized volunteer  
 287 firefighting company or association or a physician or technician  
 288 of the medical staff of a medical facility licensed by the state  
 289 may not ~~to~~ display on any motor vehicle owned by him or her, at  
 290 any time, any red, or red and white, warning signals as

596-02740-17

2017784c1

291 described in subsection (1).

292 (3) ~~It is unlawful for~~ An active volunteer firefighter may  
 293 ~~not to~~ operate any red, or red and white, warning signals as  
 294 authorized in subsection (1), except while en route to the fire  
 295 station for the purpose of proceeding to the scene of a fire or  
 296 other emergency, or while at or en route to the scene of a fire  
 297 or other emergency, in the line of duty.

298 (4) ~~It is unlawful for~~ A physician or technician of the  
 299 medical staff of a medical facility may not ~~to~~ operate any red  
 300 warning signals as authorized in subsection (1), except when  
 301 responding to an emergency in the line of duty.

302 (5) A violation of this section is a nonmoving violation,  
 303 punishable as provided in chapter 318. In addition, a any  
 304 volunteer firefighter who violates this section shall be  
 305 dismissed from membership in the firefighting organization by  
 306 the chief executive officers thereof.

307 Section 4. Subsection (1) and paragraphs (a), (c), (d), and  
 308 (f) of subsection (2) of section 316.302, Florida Statutes, are  
 309 amended to read:

310 316.302 Commercial motor vehicles; safety regulations;  
 311 transporters and shippers of hazardous materials; enforcement.—

312 (1) Except as otherwise provided in subsection (3):

313 (a) All owners and drivers of commercial motor vehicles  
 314 that are operated on the public highways of this state while  
 315 engaged in interstate commerce are subject to the rules and  
 316 regulations contained in 49 C.F.R. parts 382, 385, and 390-397.

317 (b) Except as otherwise provided in this section, all  
 318 owners or drivers of commercial motor vehicles that are engaged  
 319 in intrastate commerce are subject to the rules and regulations

596-02740-17

2017784c1

320 contained in 49 C.F.R. parts 382, 383, 385, and 390-397, ~~with~~  
 321 ~~the exception of 49 C.F.R. s. 390.5 as it relates to the~~  
 322 ~~definition of bus,~~ as such rules and regulations existed on  
 323 December 31, 2016 ~~2012~~.

324 (c) The emergency exceptions provided by 49 C.F.R. s.  
 325 392.82 also apply to communications by utility drivers and  
 326 utility contractor drivers during a Level 1 activation of the  
 327 State Emergency Operations Center, as provided in the Florida  
 328 Comprehensive Emergency Management plan, or during a state of  
 329 emergency declared by executive order or proclamation of the  
 330 Governor.

331 (d) Except as provided in ~~s. 316.215(5), and except as~~  
 332 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging  
 333 requirements for intrastate operations, the requirements of this  
 334 section supersede all other safety requirements of this chapter  
 335 for commercial motor vehicles.

336 (2) (a) A person who operates a commercial motor vehicle  
 337 solely in intrastate commerce not transporting any hazardous  
 338 material in amounts that require placarding pursuant to 49  
 339 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b) (1)  
 340 and 395.3 ~~395.3(a) and (b)~~.

341 (c) Except as provided in 49 C.F.R. s. 395.1, a person who  
 342 operates a commercial motor vehicle solely in intrastate  
 343 commerce not transporting any hazardous material in amounts that  
 344 require placarding pursuant to 49 C.F.R. part 172 may not drive  
 345 after having been on duty more than 70 hours in any period of 7  
 346 consecutive days or more than 80 hours in any period of 8  
 347 consecutive days if the motor carrier operates every day of the  
 348 week. Thirty-four consecutive hours off duty shall constitute

596-02740-17

2017784c1

349 the end of any such period of 7 or 8 consecutive days. This  
 350 weekly limit does not apply to a person who operates a  
 351 commercial motor vehicle solely within this state while  
 352 transporting, during harvest periods, any unprocessed  
 353 agricultural products or unprocessed food or fiber that is  
 354 subject to seasonal harvesting from place of harvest to the  
 355 first place of processing or storage or from place of harvest  
 356 directly to market or while transporting livestock, livestock  
 357 feed, or farm supplies directly related to growing or harvesting  
 358 agricultural products. Upon request of the Department of Highway  
 359 Safety and Motor Vehicles, motor carriers shall furnish time  
 360 records or other written verification to that department so that  
 361 the Department of Highway Safety and Motor Vehicles can  
 362 determine compliance with this subsection. These time records  
 363 must be furnished to the Department of Highway Safety and Motor  
 364 Vehicles within 2 days after receipt of that department's  
 365 request. Falsification of such information is subject to a civil  
 366 penalty ~~not to exceed \$100. The provisions of~~ This paragraph  
 367 does de not apply to operators of farm labor vehicles operated  
 368 during a state of emergency declared by the Governor or operated  
 369 pursuant to s. 570.07(21), and does de not apply to drivers of  
 370 utility service vehicles as defined in 49 C.F.R. s. 395.2.

371 (d) A person who operates a commercial motor vehicle solely  
 372 in intrastate commerce not transporting any hazardous material  
 373 in amounts that require placarding pursuant to 49 C.F.R. part  
 374 172 within a 150 air-mile radius of the location where the  
 375 vehicle is based need not comply with 49 C.F.R. s. 395.8, if the  
 376 requirements of 49 C.F.R. s. 395.1(e)(1)(ii), (e)(1)(iii)(A) and  
 377 (C), 395.1(e)(1)(iii) and (e)(1)(v) are met. ~~If a driver is not~~

Page 13 of 55

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596-02740-17

2017784c1

378 ~~released from duty within 12 hours after the driver arrives for~~  
 379 ~~duty, the motor carrier must maintain documentation of the~~  
 380 ~~driver's driving times throughout the duty period.~~

381 (f) A person who operates a commercial motor vehicle having  
 382 a ~~declared~~ gross vehicle weight, gross vehicle weight rating,  
 383 and gross combined weight rating of less than 26,001 pounds  
 384 solely in intrastate commerce and who is not transporting  
 385 hazardous materials in amounts that require placarding pursuant  
 386 to 49 C.F.R. part 172, ~~or who is transporting petroleum products~~  
 387 ~~as defined in s. 376.301,~~ is exempt from subsection (1).  
 388 However, such person must comply with 49 C.F.R. parts 382, 392,  
 389 and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

390 Section 5. Paragraph (a) of subsection (6) of section  
 391 316.3025, Florida Statutes, is amended to read:

392 316.3025 Penalties.—

393 (6)(a) A driver who violates 49 C.F.R. s. 392.80, which  
 394 prohibits texting while operating a commercial motor vehicle, or  
 395 49 C.F.R. s. 392.82, which prohibits using a handheld mobile  
 396 telephone while operating a commercial motor vehicle, may be  
 397 assessed a civil penalty ~~and commercial driver license~~  
 398 ~~disqualification~~ as follows:

- 399 1. First violation: \$500.
- 400 2. Second violation: \$1,000 ~~and a 60-day commercial driver~~  
 401 ~~license disqualification pursuant to 49 C.F.R. part 383.~~
- 402 3. Third and subsequent violations: \$2,750 ~~and a 120-day~~  
 403 ~~commercial driver license disqualification pursuant to 49 C.F.R.~~  
 404 ~~part 383.~~

405 Section 6. Paragraph (a) of subsection (3) and subsections  
 406 (4) and (5) of section 316.614, Florida Statutes, are amended to

Page 14 of 55

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596-02740-17

2017784c1

407 read:

408 316.614 Safety belt usage.—

409 (3) As used in this section:

410 (a) "Motor vehicle" means a motor vehicle as defined in s.  
411 316.003 which is operated on the roadways, streets, and highways  
412 of this state. The term does not include:

413 1. A school bus.

414 2. A bus used for the transportation of persons for  
415 compensation.

416 3. A farm tractor or implement of husbandry.

417 4. A truck having a gross vehicle weight rating of more  
418 than 26,000 pounds.

419 5. A motorcycle, excluding an autocycle for purposes of  
420 subsections (4) and (5), moped, or bicycle.

421 (4) It is unlawful for any person:

422 (a) To operate a motor vehicle or an autocycle in this  
423 state unless each passenger and the operator of the vehicle  
424 under the age of 18 years are restrained by a safety belt or by  
425 a child restraint device pursuant to s. 316.613, if applicable;  
426 or

427 (b) To operate a motor vehicle or an autocycle in this  
428 state unless the person is restrained by a safety belt.

429 (5) It is unlawful for any person 18 years of age or older  
430 to be a passenger in the front seat of a motor vehicle or an  
431 autocycle unless such person is restrained by a safety belt when  
432 the vehicle is in motion.

433 Section 7. Subsections (24) and (26) of section 320.01,  
434 Florida Statutes, are amended to read:

435 320.01 Definitions, general.—As used in the Florida

Page 15 of 55

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596-02740-17

2017784c1

436 Statutes, except as otherwise provided, the term:

437 (24) "Apportionable vehicle" means any vehicle, except  
438 recreational vehicles, vehicles displaying restricted plates,  
439 city pickup and delivery vehicles, ~~buses used in transportation~~  
440 ~~of chartered parties,~~ and government-owned vehicles, which is  
441 used or intended for use in two or more member jurisdictions  
442 that allocate or proportionally register vehicles and which is  
443 used for the transportation of persons for hire or is designed,  
444 used, or maintained primarily for the transportation of property  
445 and:

446 (a) Is a power unit having a gross vehicle weight in excess  
447 of 26,000 pounds;

448 (b) Is a power unit having three or more axles, regardless  
449 of weight; or

450 (c) Is used in combination, when the weight of such  
451 combination exceeds 26,000 pounds gross vehicle weight.

452 Vehicles, or combinations thereof, having a gross vehicle weight  
453 of 26,000 pounds or less and two-axle vehicles may be  
454 proportionally registered.

456 (26) "Motorcycle" means any motor vehicle having a seat or  
457 saddle for the use of the rider and designed to travel on not  
458 more than three wheels in contact with the ground, including an  
459 autocycle. The term does not include a tractor, a moped, or  
460 ~~excluding~~ a vehicle in which the operator is enclosed by a cabin  
461 unless the vehicle ~~it~~ meets the requirements set forth by the  
462 National Highway Traffic Safety Administration for a motorcycle.  
463 ~~The term "motorcycle" does not include a tractor or a moped.~~

464 Section 8. Paragraph (a) of subsection (15) of section

Page 16 of 55

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596-02740-17

2017784c1

465 320.02, Florida Statutes, is amended to read:

466 320.02 Registration required; application for registration;  
467 forms.-

468 (15) (a) The application form for motor vehicle registration  
469 ~~must shall~~ include language permitting the voluntary  
470 contribution of \$1 per applicant, to be quarterly distributed by  
471 the department to Preserve Vision ~~Prevent Blindness~~ Florida, a  
472 not-for-profit organization, to prevent blindness and preserve  
473 the sight of the residents of this state. A statement providing  
474 an explanation of the purpose of the funds shall be included  
475 with the application form. Prior to the department distributing  
476 the funds collected pursuant to this paragraph, Preserve Vision  
477 ~~Prevent Blindness~~ Florida must submit a report to the department  
478 that identifies how such funds were used during the preceding  
479 year.

480  
481 For the purpose of applying the service charge provided in s.  
482 215.20, contributions received under this subsection are not  
483 income of a revenue nature.

484 Section 9. Paragraph (b) of subsection (1) of section  
485 320.06, Florida Statutes, is amended to read:

486 320.06 Registration certificates, license plates, and  
487 validation stickers generally.-

488 (1)

489 (b)1. Registration license plates bearing a graphic symbol  
490 and the alphanumeric system of identification shall be issued  
491 for a 10-year period. At the end of the 10-year period, upon  
492 renewal, the plate shall be replaced. The department shall  
493 extend the scheduled license plate replacement date from a 6-

Page 17 of 55

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596-02740-17

2017784c1

494 year period to a 10-year period. The fee for such replacement is  
495 \$28, \$2.80 of which shall be paid each year before the plate is  
496 replaced, to be credited toward the next \$28 replacement fee.  
497 The fees shall be deposited into the Highway Safety Operating  
498 Trust Fund. A credit or refund may not be given for any prior  
499 years' payments of the prorated replacement fee if the plate is  
500 replaced or surrendered before the end of the 10-year period,  
501 except that a credit may be given if a registrant is required by  
502 the department to replace a license plate under s.

503 320.08056(8) (a). With each license plate, a validation sticker  
504 shall be issued showing the owner's birth month, license plate  
505 number, and the year of expiration or the appropriate renewal  
506 period if the owner is not a natural person. The validation  
507 sticker shall be placed on the upper right corner of the license  
508 plate. The license plate and validation sticker shall be issued  
509 based on the applicant's appropriate renewal period. The  
510 registration period is 12 months, the extended registration  
511 period is 24 months, and all expirations occur based on the  
512 applicant's appropriate registration period.

513 2. A vehicle that has an apportioned registration shall be  
514 issued an annual license plate and a cab card ~~denoting that~~  
515 ~~denote~~ the declared gross vehicle weight for each apportioned  
516 ~~jurisdiction in which the vehicle is authorized to operate. This~~  
517 subparagraph expires October 1, 2018.

518 3. Beginning October 1, 2018, a vehicle registered in  
519 accordance with the International Registration Plan which has an  
520 apportioned registration shall be issued a license plate for a  
521 5-year period, an annual cab card denoting the declared gross  
522 vehicle weight, and an annual validation sticker showing the

Page 18 of 55

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596-02740-17 2017784c1

523 month and year of expiration. The validation sticker shall be  
 524 placed in the center of the license plate. The license plate and  
 525 validation sticker shall be issued based on the applicant's  
 526 appropriate renewal period. The registration period is 12  
 527 months. The fee for an original and a renewed validation sticker  
 528 is \$28. This fee shall be deposited into the Highway Safety  
 529 Operating Trust Fund. If the license plate is damaged or worn,  
 530 it may be replaced at no charge by applying to the department  
 531 and surrendering the current license plate.

532 4.2- In order to retain the efficient administration of the  
 533 taxes and fees imposed by this chapter, the 80-cent fee increase  
 534 in the replacement fee imposed by chapter 2009-71, Laws of  
 535 Florida, is negated as provided in s. 320.0804.

536 Section 10. Section 320.0605, Florida Statutes, is amended  
 537 to read:

538 320.0605 Certificate of registration; possession required;  
 539 exception.-

540 (1) (a) The registration certificate or an official copy  
 541 thereof, a true copy or electronic copy of rental or lease  
 542 documentation issued for a motor vehicle or issued for a  
 543 replacement vehicle in the same registration period, a temporary  
 544 receipt printed upon self-initiated electronic renewal of a  
 545 registration via the Internet, or a cab card issued for a  
 546 vehicle registered under the International Registration Plan  
 547 shall, at all times while the vehicle is being used or operated  
 548 on the roads of this state, be in the possession of the operator  
 549 thereof or be carried in the vehicle for which issued and shall  
 550 be exhibited upon demand of any authorized law enforcement  
 551 officer or any agent of the department, except for a vehicle

596-02740-17 2017784c1

552 registered under s. 320.0657. ~~The provisions of~~ This section  
 553 ~~does de~~ not apply during the first 30 days after purchase of a  
 554 replacement vehicle. A violation of this section is a  
 555 noncriminal traffic infraction, punishable as a nonmoving  
 556 violation as provided in chapter 318.

557 (b)1. The act of presenting to a law enforcement officer or  
 558 agent of the department an electronic device displaying an  
 559 electronic copy of rental or lease documentation does not  
 560 constitute consent for the officer or agent to access any  
 561 information on the device other than the displayed rental or  
 562 lease documentation.

563 2. The person who presents the device to the officer or  
 564 agent assumes the liability for any resulting damage to the  
 565 device.

566 (2) Rental or lease documentation that is sufficient to  
 567 satisfy the requirement in subsection (1) includes the  
 568 following:

- 569 (a) ~~Date of rental and time of exit from rental facility;~~
- 570 (b) Rental station identification;
- 571 (c) Rental agreement number;
- 572 (d) Rental vehicle identification number;
- 573 (e) Rental vehicle license plate number and state of
- 574 registration;
- 575 (f) Vehicle's make, model, and color;
- 576 (g) Vehicle's mileage; and
- 577 (h) Authorized renter's name.

578 Section 11. Subsection (5) of section 320.0607, Florida  
 579 Statutes, is amended to read:

580 320.0607 Replacement license plates, validation decal, or

596-02740-17

2017784c1

581 mobile home sticker.-

582 (5) Upon the issuance of an original license plate, the  
583 applicant shall pay a fee of \$28 to be deposited in the Highway  
584 Safety Operating Trust Fund. Beginning October 1, 2018, this  
585 subsection does not apply to a vehicle registered under the  
586 International Registration Plan.

587 Section 12. Paragraphs (ee), (eee), (qqq), and (rrr) of  
588 subsection (4) and paragraph (a) of subsection (10) of section  
589 320.08056, Florida Statutes, are amended to read:

590 320.08056 Specialty license plates.-

591 (4) The following license plate annual use fees shall be  
592 collected for the appropriate specialty license plates:

593 ~~(ee) American Red Cross license plate, \$25.~~

594 ~~(eee) Donate Organs-Pass It On license plate, \$25.~~

595 ~~(qqq) St. Johns River license plate, \$25.~~

596 ~~(rrr) Hispanic Achievers license plate, \$25.~~

597 (10) (a) A specialty license plate annual use fee collected  
598 and distributed under this chapter, or any interest earned from  
599 those fees, may not be used for commercial or for-profit  
600 activities nor for general or administrative expenses, except as  
601 authorized by s. 320.08058 or to pay the cost of the audit or  
602 report required by s. 320.08062(1). The fees and any interest  
603 earned from the fees may be expended only for use in this state  
604 unless the annual use fee is derived from the sale of United  
605 States Armed Forces and veterans-related specialty license  
606 plates pursuant to paragraphs (4) (d), (bb), (kk), (iii), and  
607 (uuu) ~~(ll), (kkk), and (yyy)~~ and s. 320.0891.

608 Section 13. Subsections (31), (57), (69), and (70) of  
609 section 320.08058, Florida Statutes, are repealed.

Page 21 of 55

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596-02740-17

2017784c1

610 Section 14. Paragraph (b) of subsection (4) of section  
611 320.08068, Florida Statutes, is amended to read:

612 320.08068 Motorcycle specialty license plates.-

613 (4) A license plate annual use fee of \$20 shall be  
614 collected for each motorcycle specialty license plate. Annual  
615 use fees shall be distributed to The Able Trust as custodial  
616 agent. The Able Trust may retain a maximum of 10 percent of the  
617 proceeds from the sale of the license plate for administrative  
618 costs. The Able Trust shall distribute the remaining funds as  
619 follows:

620 (b) Twenty percent to Preserve Vision ~~Prevent Blindness~~  
621 Florida.

622 Section 15. Section 320.0875, Florida Statutes, is created  
623 to read:

624 320.0875 Purple Heart motorcycle special license plate.-

625 (1) Upon application to the department and payment of the  
626 license tax for the motorcycle as provided in s. 320.08, a  
627 resident of this state who owns or leases a motorcycle that is  
628 not used for hire or commercial use shall be issued a Purple  
629 Heart motorcycle special license plate if he or she provides  
630 documentation acceptable to the department that he or she is a  
631 recipient of the Purple Heart medal.

632 (2) The Purple Heart motorcycle special license plate shall  
633 be stamped with the words "Combat-wounded Veteran" followed by  
634 the serial number of the license plate. The Purple Heart  
635 motorcycle special license plate may have the term "Purple  
636 Heart" stamped on the plate and the likeness of the Purple Heart  
637 medal appearing on the plate.

638 Section 16. Paragraph (a) of subsection (1) of section

Page 22 of 55

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596-02740-17

2017784c1

639 320.089, Florida Statutes, is amended to read:

640 320.089 ~~Veterans of the United States Armed Forces; members~~  
 641 ~~of National Guard; survivors of Pearl Harbor; Purple Heart medal~~  
 642 ~~recipients; active or retired United States Armed Forces~~  
 643 ~~reservists; Combat Infantry Badge, Combat Medical Badge, or~~  
 644 ~~Combat Action Badge recipients; Combat Action Ribbon recipients;~~  
 645 ~~Air Force Combat Action Medal recipients; Distinguished Flying~~  
 646 ~~Cross recipients; former prisoners of war; Korean War Veterans;~~  
 647 ~~Vietnam War Veterans; Operation Desert Shield Veterans;~~  
 648 ~~Operation Desert Storm Veterans; Operation Enduring Freedom~~  
 649 ~~Veterans; Operation Iraqi Freedom Veterans; Women Veterans;~~  
 650 ~~World War II Veterans; and Navy Submariners; Special license~~  
 651 ~~plates for military servicemembers, veterans, and Pearl Harbor~~  
 652 ~~survivors; fee.-~~

653 (1) (a) Upon application to the department and payment of  
 654 the license tax for the vehicle as provided in s. 320.08, a  
 655 resident of this state who owns or leases ~~Each owner or lessee~~  
 656 ~~of~~ an automobile or truck for private use or recreational  
 657 vehicle as specified in s. 320.08(9) (c) or (d), which is not  
 658 used for hire or commercial use, shall be issued a license plate  
 659 pursuant to the following if the applicant provides the  
 660 department with proof he or she meets the qualifications listed  
 661 in this section for the applicable license plate:

662 1. A person released or discharged from any branch ~~who is a~~  
 663 ~~resident of the state and a veteran~~ of the United States Armed  
 664 Forces shall be issued a license plate stamped with the words  
 665 "Veteran" or "Woman Veteran" followed by the serial number of  
 666 the license plate. ~~, a Woman Veteran,~~

667 2. A World War II Veteran shall be issued a license plate

Page 23 of 55

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596-02740-17

2017784c1

668 stamped with the words "WWII Veteran" followed by the serial  
 669 number of the license plate. ~~r~~

670 3. A Navy Submariner shall be issued a license plate  
 671 stamped with the words "Navy Submariner" followed by the serial  
 672 number of the license plate. ~~r~~

673 4. An active or retired member of the Florida National  
 674 Guard shall be issued a license plate stamped with the words  
 675 "National Guard" followed by the serial number of the license  
 676 plate.

677 5. A member of the Pearl Harbor Survivors Association or  
 678 other person on active military duty in Pearl Harbor on December  
 679 7, 1941, shall be issued a license plate stamped with the words  
 680 "Pearl Harbor Survivor" followed by the serial number of the  
 681 license plate. ~~, a survivor of the attack on Pearl Harbor,~~

682 6. A recipient of the Purple Heart medal shall be issued a  
 683 license plate stamped with the words "Combat-wounded Veteran"  
 684 followed by the serial number of the license plate. The Purple  
 685 Heart plate may have the words "Purple Heart" stamped on the  
 686 plate and the likeness of the Purple Heart medal appearing on  
 687 the plate. ~~r~~

688 7. An active or retired member of any branch of the United  
 689 States Armed Forces Reserve shall be issued a license plate  
 690 stamped with the words "U.S. Reserve" followed by the serial  
 691 number of the license plate.

692 8. A member of the Combat Infantrymen's Association, Inc.,  
 693 or a recipient of the Combat Infantry Badge, Combat Medical  
 694 Badge, Combat Action Badge, Combat Action Ribbon, or Air Force  
 695 Combat Action Medal shall be issued a license plate stamped with  
 696 the words "Combat Infantry Badge," "Combat Medical Badge,"

Page 24 of 55

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596-02740-17 2017784c1

697 ~~"Combat Action Badge," "Combat Action Ribbon," or "Air Force~~  
 698 ~~Combat Action Medal," as appropriate, and a likeness of the~~  
 699 ~~related campaign badge, ribbon, or medal, followed by the serial~~  
 700 ~~number of the license plate.~~

701 9. A recipient of the, or Distinguished Flying Cross shall  
 702 be issued a license plate stamped with the words "Distinguished  
 703 Flying Cross" and a likeness of the Distinguished Flying Cross  
 704 followed by the serial number of the license plate.

705 10. A recipient of the Bronze Star shall be issued a  
 706 license plate stamped with the words "Bronze Star" and a  
 707 likeness of the Bronze Star followed by the serial number of the  
 708 license plate, upon application to the department, accompanied  
 709 by proof of release or discharge from any branch of the United  
 710 States Armed Forces, proof of active membership or retired  
 711 status in the Florida National Guard, proof of membership in the  
 712 Pearl Harbor Survivors Association or proof of active military  
 713 duty in Pearl Harbor on December 7, 1941, proof of being a  
 714 Purple Heart medal recipient, proof of active or retired  
 715 membership in any branch of the United States Armed Forces  
 716 Reserve, or proof of membership in the Combat Infantrymen's  
 717 Association, Inc., proof of being a recipient of the Combat  
 718 Infantry Badge, Combat Medical Badge, Combat Action Badge,  
 719 Combat Action Ribbon, Air Force Combat Action Medal, or  
 720 Distinguished Flying Cross, and upon payment of the license tax  
 721 for the vehicle as provided in s. 320.08, shall be issued a  
 722 license plate as provided by s. 320.06 which, in lieu of the  
 723 serial numbers prescribed by s. 320.06, is stamped with the  
 724 words "Veteran," "Woman Veteran," "WWII Veteran," "Navy  
 725 Submariner," "National Guard," "Pearl Harbor Survivor," "Combat-

Page 25 of 55

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596-02740-17 2017784c1

726 ~~wounded veteran," "U.S. Reserve," "Combat Infantry Badge,"~~  
 727 ~~"Combat Medical Badge," "Combat Action Badge," "Combat Action~~  
 728 ~~Ribbon," "Air Force Combat Action Medal," or "Distinguished~~  
 729 ~~Flying Cross," as appropriate, and a likeness of the related~~  
 730 ~~campaign medal or badge, followed by the serial number of the~~  
 731 ~~license plate. Additionally, the Purple Heart plate may have the~~  
 732 ~~words "Purple Heart" stamped on the plate and the likeness of~~  
 733 ~~the Purple Heart medal appearing on the plate.~~

734 Section 17. Section 320.133, Florida Statutes, is amended  
 735 to read:

736 320.133 Transporter license plates.—

737 (1) As used in this section, the term "transporter license  
 738 plate eligible business" means a business that is engaged in the  
 739 limited operation of an unregistered motor vehicle, or a  
 740 repossessor that contracts with lending institutions to  
 741 repossess or recover motor vehicles or mobile homes.

742 (2) A person is not eligible to purchase or renew a  
 743 transporter license plate unless he or she provides proof  
 744 satisfactory to the department that his or her business is a  
 745 transporter license plate eligible business.

746 (3) The application for qualification as a transporter  
 747 license plate eligible business must be in such form as is  
 748 prescribed by the department and must contain the legal name of  
 749 the person or persons applying for the license plate, the name  
 750 of the business, and the principal or principals of the  
 751 business. The application must describe the exact physical  
 752 location of the place of business within the state. This  
 753 location must be available at all reasonable hours for  
 754 inspection of the transporter license plate records by the

Page 26 of 55

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596-02740-17

2017784c1

755 department or any law enforcement agency. The application must  
 756 contain proof of a garage liability insurance policy, or a  
 757 business automobile policy, in the amount of at least \$100,000.  
 758 The certificate of insurance must indicate the number of  
 759 transporter license plates reported to the insurance company.  
 760 Such coverage shall be maintained for the entire registration  
 761 period. Upon seeking initial qualification, the applicant must  
 762 provide documentation proving that the business is registered  
 763 with the Division of Corporations of the Department of State to  
 764 conduct business in this state. The business must indicate how  
 765 it meets the qualification as a transporter license plate  
 766 eligible business by describing in detail the business processes  
 767 that require the use of a transporter license plate.

768 (4) (a) (4) The department may is authorized to issue a  
 769 transporter license plate to an any applicant who is not a  
 770 licensed dealer and who is qualified as a transporter license  
 771 plate eligible business, incidental to the conduct of his or her  
 772 business, engages in the transporting of motor vehicles which  
 773 are not currently registered to any owner and which do not have  
 774 license plates, upon payment of the license tax imposed by s.  
 775 320.08(15) for each transporter such license plate and upon  
 776 proof of liability insurance as described in subsection (3)  
 777 coverage in the amount of \$100,000 or more. The proof of  
 778 insurance must indicate the number of transporter license plates  
 779 reported to the insurance company, which shall be the maximum  
 780 number of transporter license plates issued to the applicant.  
 781 Such A transporter license plate is valid only for use on an  
 782 unregistered any motor vehicle in the possession of the  
 783 transporter while the motor vehicle is being transported in the

Page 27 of 55

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596-02740-17

2017784c1

784 course of the transporter's business and must not be attached to  
 785 any vehicle owned by the transporter or his or her business for  
 786 which registration would otherwise be required. A person who  
 787 sells or unlawfully possesses, distributes, or brokers a  
 788 transporter license plate to be attached to any vehicle commits  
 789 a misdemeanor of the second degree, punishable as provided in s.  
 790 775.082 or s. 775.083. Any and all transporter license plates  
 791 issued are subject to cancellation by the department.

792 (b) A person who knowingly and willfully sells or  
 793 unlawfully possesses, distributes, or brokers a transporter  
 794 license plate to avoid registering a vehicle requiring  
 795 registration pursuant to this chapter or chapter 319 commits a  
 796 misdemeanor of the first degree, punishable as provided in s.  
 797 775.082 or s. 775.083, and is disqualified from transporter  
 798 license plate usage. All transporter license plates issued to  
 799 the person's business shall be canceled and must be returned to  
 800 the department immediately upon disqualification. The  
 801 transporter license plate is subject to removal as provided in  
 802 subsection (9), and any and all transporter plates issued are  
 803 subject to cancellation by the department.

804 (5) A transporter license plate eligible business issued a  
 805 transporter license plate must maintain for 2 years, at its  
 806 location, records of each use of each transporter license plate  
 807 and evidence that the plate was used as required by this  
 808 chapter. Such records must be open to inspection by the  
 809 department or its agents or any law enforcement officer during  
 810 reasonable business hours. A person who fails to maintain true  
 811 and accurate records of any transporter license plate usage or  
 812 comply with this subsection commits a misdemeanor of the second

Page 28 of 55

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596-02740-17 2017784c1

813 degree, punishable as provided in s. 775.082 or s. 775.083, may  
 814 be subject to cancellation of any and all transporter license  
 815 plates issued, and is automatically disqualified from future  
 816 transporter license plate issuance.

817 (6) When attached to a motor vehicle, a transporter license  
 818 plate issued under this section must be accompanied by the  
 819 registration issued for the transporter license plate by the  
 820 department and proof of insurance as described in subsection  
 821 (3). A person who operates a motor vehicle with a transporter  
 822 license plate attached who fails to provide the documentation  
 823 listed in this subsection commits a misdemeanor of the second  
 824 degree, punishable as provided in s. 775.082 or s. 775.083, and  
 825 the transporter license plate is subject to removal as provided  
 826 in subsection (9). This subsection does not apply to a person  
 827 who contracts with dealers and auctions to transport motor  
 828 vehicles.

829 (7)(2) A transporter license plate issued pursuant to  
 830 subsection (4) (1) must be in a distinctive color approved by  
 831 the department, and the word "transporter" must appear on the  
 832 face of the license plate in place of the county name.

833 (8)(3) An initial registration or renewal A license plate  
 834 issued under this section is valid for a period of 12 months,  
 835 beginning January 1 and ending December 31. A No refund of the  
 836 license tax imposed may not be provided for any unexpired  
 837 portion of a license period.

838 (9) A transporter license plate attached to a motor vehicle  
 839 in violation of subsection (4) or subsection (6) must be  
 840 immediately removed by a law enforcement officer from the motor  
 841 vehicle to which it was attached and surrendered to the

596-02740-17 2017784c1

842 department by the law enforcement agency for cancellation.

843 Section 18. Section 321.25, Florida Statutes, is amended to  
 844 read:

845 321.25 Training provided at patrol schools; reimbursement  
 846 of tuition and other course expenses.-

847 (1) The Department of Highway Safety and Motor Vehicles may  
 848 ~~is authorized to~~ provide for the training of law enforcement  
 849 officials and individuals in matters relating to the duties,  
 850 functions, and powers of the Florida Highway Patrol in the  
 851 schools established by the department for the training of  
 852 highway patrol candidates and officers. The Department of  
 853 Highway Safety and Motor Vehicles may is authorized to charge a  
 854 fee for providing the training authorized by this section. The  
 855 fee shall be charged to persons attending the training. The fee  
 856 shall be based on the Department of Highway Safety and Motor  
 857 Vehicles' costs for providing the training, and such costs may  
 858 include, but are not limited to, tuition, lodging, and meals.  
 859 Revenues from the fees shall be used to offset the Department of  
 860 Highway Safety and Motor Vehicles' costs for providing the  
 861 training. The cost of training local enforcement officers shall  
 862 be paid for by their respective offices, counties, or  
 863 municipalities, as the case may be. Such cost shall be deemed a  
 864 proper county or municipal expense or a proper expenditure of  
 865 the office of sheriff.

866 (2) Notwithstanding s. 943.16, a person who attends  
 867 training under subsection (1) at the expense of the Department  
 868 of Highway Safety and Motor Vehicles must remain in the  
 869 employment or appointment of the Florida Highway Patrol for at  
 870 least 3 years. Once employed, if the person fails to remain

596-02740-17

2017784c1

871 employed by the Florida Highway Patrol for at least 3 years from  
 872 the first date of employment, the person must pay the cost of  
 873 tuition and other course expenses to the Department of Highway  
 874 Safety and Motor Vehicles. As used in this section, the term  
 875 "other course expenses" may include the cost of meals and  
 876 lodging.

877 (3) The Department of Highway Safety and Motor Vehicles may  
 878 institute a civil action to collect the cost of tuition and  
 879 other course expenses if it is not reimbursed pursuant to  
 880 subsection (2), provided that the Florida Highway Patrol gave  
 881 written notification to the person of the 3-year employment  
 882 commitment during the employment screening process and the  
 883 person returned signed acknowledgment of receipt of such  
 884 notification.

885 (4) Notwithstanding any other provision of this section,  
 886 the Department of Highway Safety and Motor Vehicles may waive a  
 887 person's requirement of reimbursement in part or in full when  
 888 the person terminates employment due to hardship or extenuating  
 889 circumstances.

890 Section 19. Subsection (4) of section 322.01, Florida  
 891 Statutes, is amended to read:

892 322.01 Definitions.—As used in this chapter:

893 (4) "Authorized emergency vehicle" means a vehicle that is  
 894 equipped with extraordinary audible and visual warning devices,  
 895 that is authorized by s. 316.2397 to display red, red and white,  
 896 or blue lights, and that is on call to respond to emergencies.  
 897 The term includes, but is not limited to, ambulances, law  
 898 enforcement vehicles, fire trucks, and other rescue vehicles.  
 899 The term does not include wreckers, utility trucks, or other

Page 31 of 55

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596-02740-17

2017784c1

900 vehicles that are used only incidentally for emergency purposes.

901 Section 20. Subsection (4) of section 322.03, Florida  
 902 Statutes, is amended to read:

903 322.03 Drivers must be licensed; penalties.—

904 (4) A person may not operate a motorcycle unless he or she  
 905 holds a driver license that authorizes such operation, subject  
 906 to the appropriate restrictions and endorsements. A person may  
 907 operate an auticycle without a motorcycle endorsement.

908 Section 21. Paragraph (e) of subsection (8) of section  
 909 322.051, Florida Statutes, is amended to read:

910 322.051 Identification cards.—

911 (8)

912 (e)1. Upon request by a person who has posttraumatic stress  
 913 disorder, a traumatic brain injury, or a developmental  
 914 disability, or by a parent or guardian of a child or ward who  
 915 has posttraumatic stress disorder, a traumatic brain injury, or  
 916 a developmental disability, the department shall issue an  
 917 identification card exhibiting a capital "D" for the person,  
 918 child, or ward if the person or the parent or guardian of the  
 919 child or ward submits:

920 a. Payment of an additional \$1 fee; and

921 b. Proof acceptable to the department of a diagnosis by a  
 922 licensed physician of a developmental disability as defined in  
 923 s. 393.063, posttraumatic stress disorder, or traumatic brain  
 924 injury.

925 2. The department shall deposit the additional \$1 fee into  
 926 the Agency for Persons with Disabilities Operations and  
 927 Maintenance Trust Fund under s. 20.1971(2).

928 3. A replacement identification card that includes the

Page 32 of 55

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596-02740-17 2017784c1

929 designation may be issued without payment of the fee required  
930 under s. 322.21(1)(f).

931 4. The department shall develop rules to facilitate the  
932 issuance, requirements, and oversight of posttraumatic stress  
933 disorder, traumatic brain injury, and developmental disability  
934 identification cards under this section.

935 Section 22. Paragraph (m) of subsection (8) of section  
936 322.08, Florida Statutes, is amended to read:

937 322.08 Application for license; requirements for license  
938 and identification card forms.—

939 (8) The application form for an original, renewal, or  
940 replacement driver license or identification card must include  
941 language permitting the following:

942 (m) A voluntary contribution of \$1 per applicant, which  
943 shall be distributed to Preserve Vision ~~Prevent Blindness~~  
944 Florida, a not-for-profit organization, to prevent blindness and  
945 preserve the sight of the residents of this state.

946  
947 A statement providing an explanation of the purpose of the trust  
948 funds shall also be included. For the purpose of applying the  
949 service charge provided under s. 215.20, contributions received  
950 under paragraphs (b)-(t) are not income of a revenue nature.

951 Section 23. Subsection (5) of section 322.091, Florida  
952 Statutes, is amended to read:

953 322.091 Attendance requirements.—

954 (5) REPORTING AND ACCOUNTABILITY.—The department shall make  
955 available, upon request, a report ~~quarterly~~ to each school  
956 district of the legal name, sex, date of birth, and social  
957 security number of each student whose driving privileges have

596-02740-17 2017784c1

958 been suspended under this section.

959 Section 24. Subsections (1) and (5) of section 322.12,  
960 Florida Statutes, are amended to read:

961 322.12 Examination of applicants.—

962 (1) It is the intent of the Legislature that every  
963 applicant for an original driver license in this state be  
964 required to pass an examination pursuant to this section.  
965 However, the department may waive the knowledge, endorsement,  
966 and skills tests for an applicant who is otherwise qualified and  
967 who surrenders a valid driver license from another state or a  
968 province of Canada, or a valid driver license issued by the  
969 United States Armed Forces, if the driver applies for a Florida  
970 license of an equal or lesser classification. An ~~Any~~ applicant  
971 who fails to pass the initial knowledge test incurs a \$10 fee  
972 for each subsequent test, to be deposited into the Highway  
973 Safety Operating Trust Fund; however, if a subsequent test is  
974 administered by the tax collector, the tax collector shall  
975 retain the \$10 fee. An ~~Any~~ applicant who fails to pass the  
976 initial skills test incurs a \$20 fee for each subsequent test,  
977 to be deposited into the Highway Safety Operating Trust Fund;  
978 however, if a subsequent test is administered by the tax  
979 collector, the tax collector shall retain the \$20 fee. A person  
980 who seeks to retain a hazardous-materials endorsement, pursuant  
981 to s. 322.57(1)(e), must pass the hazardous-materials test, upon  
982 surrendering his or her commercial driver license, if the person  
983 has not taken and passed the hazardous-materials test within 2  
984 years before applying for a commercial driver license in this  
985 state.

986 (5) (a) The department shall formulate a separate

596-02740-17 2017784c1

987 examination for applicants for licenses to operate motorcycles.  
 988 Any applicant for a driver license who wishes to operate a  
 989 motorcycle, and who is otherwise qualified, must successfully  
 990 complete such an examination, which is in addition to the  
 991 examination administered under subsection (3). The examination  
 992 must test the applicant's knowledge of the operation of a  
 993 motorcycle and of any traffic laws specifically relating thereto  
 994 and must include an actual demonstration of his or her ability  
 995 to exercise ordinary and reasonable control in the operation of  
 996 a motorcycle. Any applicant who fails to pass the initial  
 997 knowledge examination will incur a \$5 fee for each subsequent  
 998 examination, to be deposited into the Highway Safety Operating  
 999 Trust Fund. Any applicant who fails to pass the initial skills  
 1000 examination will incur a \$10 fee for each subsequent  
 1001 examination, to be deposited into the Highway Safety Operating  
 1002 Trust Fund. In the formulation of the examination, the  
 1003 department shall consider the use of the Motorcycle Operator  
 1004 Skills Test and the Motorcycle in Traffic Test offered by the  
 1005 Motorcycle Safety Foundation. The department shall indicate on  
 1006 the license of any person who successfully completes the  
 1007 examination that the licensee is authorized to operate a  
 1008 motorcycle. If the applicant wishes to be licensed to operate a  
 1009 motorcycle only, he or she need not take the skill or road test  
 1010 required under subsection (3) for the operation of a motor  
 1011 vehicle, and the department shall indicate such a limitation on  
 1012 his or her license as a restriction. Every first-time applicant  
 1013 for licensure to operate a motorcycle must provide proof of  
 1014 completion of a motorcycle safety course, as provided for in s.  
 1015 322.0255, before the applicant may be licensed to operate a

596-02740-17 2017784c1

1016 motorcycle.  
 1017 (b) The department may exempt any applicant from the  
 1018 examination provided in this subsection if the applicant  
 1019 presents a certificate showing successful completion of a course  
 1020 approved by the department, which course includes a similar  
 1021 examination of the knowledge and skill of the applicant in the  
 1022 operation of a motorcycle.  
 1023 (c) This subsection does not apply to the operation of an  
 1024 autocycle.  
 1025 Section 25. Paragraph (b) of subsection (1) of section  
 1026 322.17, Florida Statutes, is amended to read:  
 1027 322.17 Replacement licenses, identification cards, and  
 1028 permits.—  
 1029 (1)  
 1030 (b) In the event that an instruction permit, ~~or~~ driver  
 1031 license, or identification card issued under ~~the provisions of~~  
 1032 this chapter is stolen, the person to whom the same was issued  
 1033 may, at no charge, obtain a replacement upon furnishing proof  
 1034 satisfactory to the department that such permit, ~~or~~ license, or  
 1035 identification card was stolen and further furnishing the  
 1036 person's full name, date of birth, sex, residence and mailing  
 1037 address, proof of birth satisfactory to the department, and  
 1038 proof of identity satisfactory to the department.  
 1039 Section 26. Paragraphs (e) and (i) of subsection (1) and  
 1040 subsection (8) of section 322.21, Florida Statutes, are amended,  
 1041 and subsection (10) is added to that section, to read:  
 1042 322.21 License fees; procedure for handling and collecting  
 1043 fees.—  
 1044 (1) Except as otherwise provided herein, the fee for:

596-02740-17

2017784c1

1045 (e) A replacement driver license issued pursuant to s.  
 1046 322.17 is \$25. Of this amount, \$7 shall be deposited into the  
 1047 Highway Safety Operating Trust Fund and \$18 shall be deposited  
 1048 into the General Revenue Fund. ~~Beginning July 1, 2015, or upon~~  
 1049 ~~completion of the transition of driver license issuance~~  
 1050 ~~services~~. If the replacement driver license is issued by the tax  
 1051 collector, the tax collector shall retain the \$7 that would  
 1052 otherwise be deposited into the Highway Safety Operating Trust  
 1053 Fund and the remaining revenues shall be deposited into the  
 1054 General Revenue Fund.

1055 ~~(i) The specialty driver license or identification card~~  
 1056 ~~issued pursuant to s. 322.1415 is \$25, which is in addition to~~  
 1057 ~~other fees required in this section. The fee shall be~~  
 1058 ~~distributed as follows:~~

1059 1. ~~Fifty percent shall be distributed as provided in s.~~  
 1060 ~~320.08058 to the appropriate state or independent university,~~  
 1061 ~~professional sports team, or branch of the United States Armed~~  
 1062 ~~Forces.~~

1063 2. ~~Fifty percent shall be distributed to the department for~~  
 1064 ~~costs directly related to the specialty driver license and~~  
 1065 ~~identification card program and to defray the costs associated~~  
 1066 ~~with production enhancements and distribution.~~

1067 (8) ~~A~~ Any person who applies for reinstatement following  
 1068 the suspension or revocation of the person's driver license must  
 1069 pay a service fee of \$45 following a suspension, and \$75  
 1070 following a revocation, which is in addition to the fee for a  
 1071 license. ~~A~~ Any person who applies for reinstatement of a  
 1072 commercial driver license following the disqualification of the  
 1073 person's privilege to operate a commercial motor vehicle shall

596-02740-17

2017784c1

1074 pay a service fee of \$75, which is in addition to the fee for a  
 1075 license. The department shall collect all of these fees at the  
 1076 time of reinstatement. The department shall issue proper  
 1077 receipts for such fees and shall promptly transmit all funds  
 1078 received by it as follows:

1079 (a) Of the \$45 fee received from a licensee for  
 1080 reinstatement following a suspension:

1081 1. If the reinstatement is processed by the department, the  
 1082 department shall deposit \$15 in the General Revenue Fund and \$30  
 1083 in the Highway Safety Operating Trust Fund.

1084 2. If the reinstatement is processed by the tax collector,  
 1085 \$15 shall be retained by the tax collector, \$15 shall be  
 1086 deposited into the Highway Safety Operating Trust Fund, and \$15  
 1087 shall be deposited into the General Revenue Fund.

1088 (b) Of the \$75 fee received from a licensee for  
 1089 reinstatement following a revocation or disqualification:

1090 1. If the reinstatement is processed by the department, the  
 1091 department shall deposit \$35 in the General Revenue Fund and \$40  
 1092 in the Highway Safety Operating Trust Fund.

1093 2. If the reinstatement is processed by the tax collector,  
 1094 \$20 shall be retained by the tax collector, \$20 shall be  
 1095 deposited into the Highway Safety Operating Trust Fund, and \$35  
 1096 shall be deposited into the General Revenue Fund.

1097 If the revocation or suspension of the driver license was for a  
 1098 violation of s. 316.193, or for refusal to submit to a lawful  
 1099 breath, blood, or urine test, an additional fee of \$130 must be  
 1100 charged. However, only one \$130 fee may be collected from one  
 1101 person convicted of violations arising out of the same incident.  
 1102

596-02740-17

2017784c1

1103 The department shall collect the \$130 fee and deposit the fee  
 1104 into the Highway Safety Operating Trust Fund at the time of  
 1105 reinstatement of the person's driver license, but the fee may  
 1106 not be collected if the suspension or revocation is overturned.  
 1107 If the revocation or suspension of the driver license was for a  
 1108 conviction for a violation of s. 817.234(8) or (9) or s.  
 1109 817.505, an additional fee of \$180 is imposed for each offense.  
 1110 The department shall collect and deposit the additional fee into  
 1111 the Highway Safety Operating Trust Fund at the time of  
 1112 reinstatement of the person's driver license.

1113 (10) An applicant who submits an application for a renewal  
 1114 or replacement driver license or identification card to the  
 1115 department using a convenience service shall be provided with an  
 1116 option for expedited shipping whereby the department, at the  
 1117 applicant's request, shall issue the license or identification  
 1118 card within 5 working days after receipt of the application and  
 1119 ship the license or card using an expedited mail service. A fee  
 1120 shall be charged for the expedited shipping option, not to  
 1121 exceed the cost of the expedited mail service, which is in  
 1122 addition to fees imposed by s. 322.051, this section, or the  
 1123 convenience service. Fees collected for the expedited shipping  
 1124 option shall be deposited into the Highway Safety Operating  
 1125 Trust Fund.

1126 Section 27. Subsection (1) of section 322.61, Florida  
 1127 Statutes, is amended, and subsection (2) of that section is  
 1128 reenacted, to read:

1129 322.61 Disqualification from operating a commercial motor  
 1130 vehicle.—

1131 (1) A person who, for offenses occurring within a 3-year

596-02740-17

2017784c1

1132 period, is convicted of two of the following serious traffic  
 1133 violations, or any combination thereof, arising in separate  
 1134 incidents committed in a commercial motor vehicle shall, in  
 1135 addition to any other applicable penalties, be disqualified from  
 1136 operating a commercial motor vehicle for a period of 60 days. A  
 1137 holder of a commercial driver license or commercial learner's  
 1138 permit who, for offenses occurring within a 3-year period, is  
 1139 convicted of two of the following serious traffic violations, or  
 1140 any combination thereof, arising in separate incidents committed  
 1141 in a noncommercial motor vehicle shall, in addition to any other  
 1142 applicable penalties, be disqualified from operating a  
 1143 commercial motor vehicle for a period of 60 days if such  
 1144 convictions result in the suspension, revocation, or  
 1145 cancellation of the licenseholder's driving privilege:

1146 (a) A violation of any state or local law relating to motor  
 1147 vehicle traffic control, other than a parking violation, arising  
 1148 in connection with a crash resulting in death;

1149 (b) Reckless driving, as defined in s. 316.192;

1150 (c) Unlawful speed of 15 miles per hour or more above the  
 1151 posted speed limit;

1152 (d) Improper lane change, as defined in s. 316.085;

1153 (e) Following too closely, as defined in s. 316.0895;

1154 (f) Texting while driving a commercial motor vehicle, as  
 1155 prohibited by 49 C.F.R. 392.80;

1156 (g) Using a handheld mobile telephone while driving a  
 1157 commercial motor vehicle, as prohibited by 49 C.F.R. 392.82;

1158 ~~(h)(f)~~ Driving a commercial vehicle without obtaining a  
 1159 commercial driver license;

1160 ~~(i)(g)~~ Driving a commercial vehicle without the proper



596-02740-17

2017784c1

1161 class of commercial driver license or commercial learner's  
1162 permit or without the proper endorsement; or

1163 (j)~~(h)~~ Driving a commercial vehicle without a commercial  
1164 driver license or commercial learner's permit in possession, as  
1165 required by s. 322.03.

1166 (2) (a) Any person who, for offenses occurring within a 3-  
1167 year period, is convicted of three serious traffic violations  
1168 specified in subsection (1) or any combination thereof, arising  
1169 in separate incidents committed in a commercial motor vehicle  
1170 shall, in addition to any other applicable penalties, including  
1171 but not limited to the penalty provided in subsection (1), be  
1172 disqualified from operating a commercial motor vehicle for a  
1173 period of 120 days.

1174 (b) A holder of a commercial driver license or commercial  
1175 learner's permit who, for offenses occurring within a 3-year  
1176 period, is convicted of three serious traffic violations  
1177 specified in subsection (1) or any combination thereof arising  
1178 in separate incidents committed in a noncommercial motor vehicle  
1179 shall, in addition to any other applicable penalties, including,  
1180 but not limited to, the penalty provided in subsection (1), be  
1181 disqualified from operating a commercial motor vehicle for a  
1182 period of 120 days if such convictions result in the suspension,  
1183 revocation, or cancellation of the licenseholder's driving  
1184 privilege.

1185 Section 28. Paragraph (c) of subsection (1) of section  
1186 212.05, Florida Statutes, is amended to read:

1187 212.05 Sales, storage, use tax.—It is hereby declared to be  
1188 the legislative intent that every person is exercising a taxable  
1189 privilege who engages in the business of selling tangible

Page 41 of 55

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596-02740-17

2017784c1

1190 personal property at retail in this state, including the  
1191 business of making mail order sales, or who rents or furnishes  
1192 any of the things or services taxable under this chapter, or who  
1193 stores for use or consumption in this state any item or article  
1194 of tangible personal property as defined herein and who leases  
1195 or rents such property within the state.

1196 (1) For the exercise of such privilege, a tax is levied on  
1197 each taxable transaction or incident, which tax is due and  
1198 payable as follows:

1199 (c) At the rate of 6 percent of the gross proceeds derived  
1200 from the lease or rental of tangible personal property, as  
1201 defined herein; however, the following special provisions apply  
1202 to the lease or rental of motor vehicles:

1203 1. When a motor vehicle is leased or rented for a period of  
1204 less than 12 months:

1205 a. If the motor vehicle is rented in Florida, the entire  
1206 amount of such rental is taxable, even if the vehicle is dropped  
1207 off in another state.

1208 b. If the motor vehicle is rented in another state and  
1209 dropped off in Florida, the rental is exempt from Florida tax.

1210 2. Except as provided in subparagraph 3., for the lease or  
1211 rental of a motor vehicle for a period of not less than 12  
1212 months, sales tax is due on the lease or rental payments if the  
1213 vehicle is registered in this state; provided, however, that no  
1214 tax shall be due if the taxpayer documents use of the motor  
1215 vehicle outside this state and tax is being paid on the lease or  
1216 rental payments in another state.

1217 3. The tax imposed by this chapter does not apply to the  
1218 lease or rental of a commercial motor vehicle as defined in s.

Page 42 of 55

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596-02740-17

2017784c1

1219 316.003(13)(a) ~~316.003(12)(a)~~ to one lessee or rentee for a  
 1220 period of not less than 12 months when tax was paid on the  
 1221 purchase price of such vehicle by the lessor. To the extent tax  
 1222 was paid with respect to the purchase of such vehicle in another  
 1223 state, territory of the United States, or the District of  
 1224 Columbia, the Florida tax payable shall be reduced in accordance  
 1225 with the provisions of s. 212.06(7). This subparagraph shall  
 1226 only be available when the lease or rental of such property is  
 1227 an established business or part of an established business or  
 1228 the same is incidental or germane to such business.

1229 Section 29. Subsection (1) of section 316.303, Florida  
 1230 Statutes, is amended to read:

1231 316.303 Television receivers.—

1232 (1) No motor vehicle may be operated on the highways of  
 1233 this state if the vehicle is actively displaying moving  
 1234 television broadcast or pre-recorded video entertainment content  
 1235 that is visible from the driver's seat while the vehicle is in  
 1236 motion, unless the vehicle is equipped with autonomous  
 1237 technology, as defined in s. 316.003(3) ~~316.003(2)~~, and is being  
 1238 operated in autonomous mode, as provided in s. 316.85(2).

1239 Section 30. Paragraph (b) of subsection (2) of section  
 1240 316.545, Florida Statutes, is amended to read:

1241 316.545 Weight and load unlawful; special fuel and motor  
 1242 fuel tax enforcement; inspection; penalty; review.—

1243 (2)

1244 (b) The officer or inspector shall inspect the license  
 1245 plate or registration certificate of the commercial vehicle to  
 1246 determine whether its gross weight is in compliance with the  
 1247 declared gross vehicle weight. If its gross weight exceeds the

596-02740-17

2017784c1

1248 declared weight, the penalty shall be 5 cents per pound on the  
 1249 difference between such weights. In those cases when the  
 1250 commercial vehicle is being operated over the highways of the  
 1251 state with an expired registration or with no registration from  
 1252 this or any other jurisdiction or is not registered under the  
 1253 applicable provisions of chapter 320, the penalty herein shall  
 1254 apply on the basis of 5 cents per pound on that scaled weight  
 1255 which exceeds 35,000 pounds on laden truck tractor-semitrailer  
 1256 combinations or tandem trailer truck combinations, 10,000 pounds  
 1257 on laden straight trucks or straight truck-trailer combinations,  
 1258 or 10,000 pounds on any unladen commercial motor vehicle. A  
 1259 driver of a commercial motor vehicle entering the state at a  
 1260 designated port-of-entry location, as defined in s. 316.003 ~~or~~  
 1261 ~~316.003(54)~~, or operating on designated routes to a port-of-  
 1262 entry location, who obtains a temporary registration permit  
 1263 shall be assessed a penalty limited to the difference between  
 1264 its gross weight and the declared gross vehicle weight at 5  
 1265 cents per pound. If the license plate or registration has not  
 1266 been expired for more than 90 days, the penalty imposed under  
 1267 this paragraph may not exceed \$1,000. In the case of special  
 1268 mobile equipment, which qualifies for the license tax provided  
 1269 for in s. 320.08(5)(b), being operated on the highways of the  
 1270 state with an expired registration or otherwise not properly  
 1271 registered under the applicable provisions of chapter 320, a  
 1272 penalty of \$75 shall apply in addition to any other penalty  
 1273 which may apply in accordance with this chapter. A vehicle found  
 1274 in violation of this section may be detained until the owner or  
 1275 operator produces evidence that the vehicle has been properly  
 1276 registered. Any costs incurred by the retention of the vehicle

596-02740-17 2017784c1

1277 shall be the sole responsibility of the owner. A person who has  
 1278 been assessed a penalty pursuant to this paragraph for failure  
 1279 to have a valid vehicle registration certificate pursuant to the  
 1280 provisions of chapter 320 is not subject to the delinquent fee  
 1281 authorized in s. 320.07 if such person obtains a valid  
 1282 registration certificate within 10 working days after such  
 1283 penalty was assessed.

1284 Section 31. Paragraph (a) of subsection (2) of section  
 1285 316.613, Florida Statutes, is amended to read:

1286 316.613 Child restraint requirements.—

1287 (2) As used in this section, the term "motor vehicle" means  
 1288 a motor vehicle as defined in s. 316.003 that is operated on the  
 1289 roadways, streets, and highways of the state. The term does not  
 1290 include:

1291 (a) A school bus as defined in s. 316.003 ~~s. 316.003(68)~~.

1292 Section 32. Section 320.08, Florida Statutes, is amended to  
 1293 read:

1294 320.08 License taxes.—Except as otherwise provided herein,  
 1295 there are hereby levied and imposed annual license taxes for the  
 1296 operation of motor vehicles, mopeds, motorized bicycles as  
 1297 defined in s. 316.003(4) ~~s. 316.003(2)~~, tri-vehicles as defined  
 1298 in s. 316.003, and mobile homes as defined in s. 320.01, which  
 1299 shall be paid to and collected by the department or its agent  
 1300 upon the registration or renewal of registration of the  
 1301 following:

1302 (1) MOTORCYCLES AND MOPEDS.—

1303 (a) Any motorcycle: \$10 flat.

1304 (b) Any moped: \$5 flat.

1305 (c) Upon registration of a motorcycle, motor-driven cycle,

596-02740-17 2017784c1

1306 or moped, in addition to the license taxes specified in this  
 1307 subsection, a nonrefundable motorcycle safety education fee in  
 1308 the amount of \$2.50 shall be paid. The proceeds of such  
 1309 additional fee shall be deposited in the Highway Safety  
 1310 Operating Trust Fund to fund a motorcycle driver improvement  
 1311 program implemented pursuant to s. 322.025, the Florida  
 1312 Motorcycle Safety Education Program established in s. 322.0255,  
 1313 or the general operations of the department.

1314 (d) An ancient or antique motorcycle: \$7.50 flat, of which  
 1315 \$2.50 shall be deposited into the General Revenue Fund.

1316 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

1317 (a) An ancient or antique automobile, as defined in s.

1318 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.

1319 (b) Net weight of less than 2,500 pounds: \$14.50 flat.

1320 (c) Net weight of 2,500 pounds or more, but less than 3,500  
 1321 pounds: \$22.50 flat.

1322 (d) Net weight of 3,500 pounds or more: \$32.50 flat.

1323 (3) TRUCKS.—

1324 (a) Net weight of less than 2,000 pounds: \$14.50 flat.

1325 (b) Net weight of 2,000 pounds or more, but not more than  
 1326 3,000 pounds: \$22.50 flat.

1327 (c) Net weight more than 3,000 pounds, but not more than  
 1328 5,000 pounds: \$32.50 flat.

1329 (d) A truck defined as a "goat," or other vehicle if used  
 1330 in the field by a farmer or in the woods for the purpose of  
 1331 harvesting a crop, including naval stores, during such  
 1332 harvesting operations, and which is not principally operated  
 1333 upon the roads of the state: \$7.50 flat. The term "goat" means a  
 1334 motor vehicle designed, constructed, and used principally for

596-02740-17 2017784c1

1335 the transportation of citrus fruit within citrus groves or for  
 1336 the transportation of crops on farms, and which can also be used  
 1337 for hauling associated equipment or supplies, including required  
 1338 sanitary equipment, and the towing of farm trailers.

1339 (e) An ancient or antique truck, as defined in s. 320.086:  
 1340 \$7.50 flat.

1341 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS  
 1342 VEHICLE WEIGHT.—

1343 (a) Gross vehicle weight of 5,001 pounds or more, but less  
 1344 than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be  
 1345 deposited into the General Revenue Fund.

1346 (b) Gross vehicle weight of 6,000 pounds or more, but less  
 1347 than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be  
 1348 deposited into the General Revenue Fund.

1349 (c) Gross vehicle weight of 8,000 pounds or more, but less  
 1350 than 10,000 pounds: \$103 flat, of which \$27 shall be deposited  
 1351 into the General Revenue Fund.

1352 (d) Gross vehicle weight of 10,000 pounds or more, but less  
 1353 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited  
 1354 into the General Revenue Fund.

1355 (e) Gross vehicle weight of 15,000 pounds or more, but less  
 1356 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited  
 1357 into the General Revenue Fund.

1358 (f) Gross vehicle weight of 20,000 pounds or more, but less  
 1359 than 26,001 pounds: \$251 flat, of which \$65 shall be deposited  
 1360 into the General Revenue Fund.

1361 (g) Gross vehicle weight of 26,001 pounds or more, but less  
 1362 than 35,000: \$324 flat, of which \$84 shall be deposited into the  
 1363 General Revenue Fund.

596-02740-17 2017784c1

1364 (h) Gross vehicle weight of 35,000 pounds or more, but less  
 1365 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited  
 1366 into the General Revenue Fund.

1367 (i) Gross vehicle weight of 44,000 pounds or more, but less  
 1368 than 55,000 pounds: \$773 flat, of which \$201 shall be deposited  
 1369 into the General Revenue Fund.

1370 (j) Gross vehicle weight of 55,000 pounds or more, but less  
 1371 than 62,000 pounds: \$916 flat, of which \$238 shall be deposited  
 1372 into the General Revenue Fund.

1373 (k) Gross vehicle weight of 62,000 pounds or more, but less  
 1374 than 72,000 pounds: \$1,080 flat, of which \$280 shall be  
 1375 deposited into the General Revenue Fund.

1376 (l) Gross vehicle weight of 72,000 pounds or more: \$1,322  
 1377 flat, of which \$343 shall be deposited into the General Revenue  
 1378 Fund.

1379 (m) Notwithstanding the declared gross vehicle weight, a  
 1380 truck tractor used within a 150-mile radius of its home address  
 1381 is eligible for a license plate for a fee of \$324 flat if:

1382 1. The truck tractor is used exclusively for hauling  
 1383 forestry products; or

1384 2. The truck tractor is used primarily for the hauling of  
 1385 forestry products, and is also used for the hauling of  
 1386 associated forestry harvesting equipment used by the owner of  
 1387 the truck tractor.

1388  
 1389 Of the fee imposed by this paragraph, \$84 shall be deposited  
 1390 into the General Revenue Fund.

1391 (n) A truck tractor or heavy truck, not operated as a for-  
 1392 hire vehicle, which is engaged exclusively in transporting raw,

596-02740-17 2017784c1

1393 unprocessed, and nonmanufactured agricultural or horticultural  
 1394 products within a 150-mile radius of its home address, is  
 1395 eligible for a restricted license plate for a fee of:

1396 1. If such vehicle's declared gross vehicle weight is less  
 1397 than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be  
 1398 deposited into the General Revenue Fund.

1399 2. If such vehicle's declared gross vehicle weight is  
 1400 44,000 pounds or more and such vehicle only transports from the  
 1401 point of production to the point of primary manufacture; to the  
 1402 point of assembling the same; or to a shipping point of a rail,  
 1403 water, or motor transportation company, \$324 flat, of which \$84  
 1404 shall be deposited into the General Revenue Fund.

1405

1406 Such not-for-hire truck tractors and heavy trucks used  
 1407 exclusively in transporting raw, unprocessed, and  
 1408 nonmanufactured agricultural or horticultural products may be  
 1409 incidentally used to haul farm implements and fertilizers  
 1410 delivered direct to the growers. The department may require any  
 1411 documentation deemed necessary to determine eligibility prior to  
 1412 issuance of this license plate. For the purpose of this  
 1413 paragraph, "not-for-hire" means the owner of the motor vehicle  
 1414 must also be the owner of the raw, unprocessed, and  
 1415 nonmanufactured agricultural or horticultural product, or the  
 1416 user of the farm implements and fertilizer being delivered.

1417 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;  
 1418 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

1419 (a)1. A semitrailer drawn by a GVW truck tractor by means  
 1420 of a fifth-wheel arrangement: \$13.50 flat per registration year  
 1421 or any part thereof, of which \$3.50 shall be deposited into the

596-02740-17 2017784c1

1422 General Revenue Fund.

1423 2. A semitrailer drawn by a GVW truck tractor by means of a  
 1424 fifth-wheel arrangement: \$68 flat per permanent registration, of  
 1425 which \$18 shall be deposited into the General Revenue Fund.

1426 (b) A motor vehicle equipped with machinery and designed  
 1427 for the exclusive purpose of well drilling, excavation,  
 1428 construction, spraying, or similar activity, and which is not  
 1429 designed or used to transport loads other than the machinery  
 1430 described above over public roads: \$44 flat, of which \$11.50  
 1431 shall be deposited into the General Revenue Fund.

1432 (c) A school bus used exclusively to transport pupils to  
 1433 and from school or school or church activities or functions  
 1434 within their own county: \$41 flat, of which \$11 shall be  
 1435 deposited into the General Revenue Fund.

1436 (d) A wrecker, as defined in s. 320.01, which is used to  
 1437 tow a vessel as defined in s. 327.02, a disabled, abandoned,  
 1438 stolen-recovered, or impounded motor vehicle as defined in s.  
 1439 320.01, or a replacement motor vehicle as defined in s. 320.01:  
 1440 \$41 flat, of which \$11 shall be deposited into the General  
 1441 Revenue Fund.

1442 (e) A wrecker that is used to tow any nondisabled motor  
 1443 vehicle, a vessel, or any other cargo unless used as defined in  
 1444 paragraph (d), as follows:

1445 1. Gross vehicle weight of 10,000 pounds or more, but less  
 1446 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited  
 1447 into the General Revenue Fund.

1448 2. Gross vehicle weight of 15,000 pounds or more, but less  
 1449 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited  
 1450 into the General Revenue Fund.

596-02740-17

2017784c1

1451 3. Gross vehicle weight of 20,000 pounds or more, but less  
 1452 than 26,000 pounds: \$251 flat, of which \$65 shall be deposited  
 1453 into the General Revenue Fund.

1454 4. Gross vehicle weight of 26,000 pounds or more, but less  
 1455 than 35,000 pounds: \$324 flat, of which \$84 shall be deposited  
 1456 into the General Revenue Fund.

1457 5. Gross vehicle weight of 35,000 pounds or more, but less  
 1458 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited  
 1459 into the General Revenue Fund.

1460 6. Gross vehicle weight of 44,000 pounds or more, but less  
 1461 than 55,000 pounds: \$772 flat, of which \$200 shall be deposited  
 1462 into the General Revenue Fund.

1463 7. Gross vehicle weight of 55,000 pounds or more, but less  
 1464 than 62,000 pounds: \$915 flat, of which \$237 shall be deposited  
 1465 into the General Revenue Fund.

1466 8. Gross vehicle weight of 62,000 pounds or more, but less  
 1467 than 72,000 pounds: \$1,080 flat, of which \$280 shall be  
 1468 deposited into the General Revenue Fund.

1469 9. Gross vehicle weight of 72,000 pounds or more: \$1,322  
 1470 flat, of which \$343 shall be deposited into the General Revenue  
 1471 Fund.

1472 (f) A hearse or ambulance: \$40.50 flat, of which \$10.50  
 1473 shall be deposited into the General Revenue Fund.

1474 (6) MOTOR VEHICLES FOR HIRE.—

1475 (a) Under nine passengers: \$17 flat, of which \$4.50 shall  
 1476 be deposited into the General Revenue Fund; plus \$1.50 per cwt,  
 1477 of which 50 cents shall be deposited into the General Revenue  
 1478 Fund.

1479 (b) Nine passengers and over: \$17 flat, of which \$4.50

Page 51 of 55

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

596-02740-17

2017784c1

1480 shall be deposited into the General Revenue Fund; plus \$2 per  
 1481 cwt, of which 50 cents shall be deposited into the General  
 1482 Revenue Fund.

1483 (7) TRAILERS FOR PRIVATE USE.—

1484 (a) Any trailer weighing 500 pounds or less: \$6.75 flat per  
 1485 year or any part thereof, of which \$1.75 shall be deposited into  
 1486 the General Revenue Fund.

1487 (b) Net weight over 500 pounds: \$3.50 flat, of which \$1  
 1488 shall be deposited into the General Revenue Fund; plus \$1 per  
 1489 cwt, of which 25 cents shall be deposited into the General  
 1490 Revenue Fund.

1491 (8) TRAILERS FOR HIRE.—

1492 (a) Net weight under 2,000 pounds: \$3.50 flat, of which \$1  
 1493 shall be deposited into the General Revenue Fund; plus \$1.50 per  
 1494 cwt, of which 50 cents shall be deposited into the General  
 1495 Revenue Fund.

1496 (b) Net weight 2,000 pounds or more: \$13.50 flat, of which  
 1497 \$3.50 shall be deposited into the General Revenue Fund; plus  
 1498 \$1.50 per cwt, of which 50 cents shall be deposited into the  
 1499 General Revenue Fund.

1500 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

1501 (a) A travel trailer or fifth-wheel trailer, as defined by  
 1502 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27  
 1503 flat, of which \$7 shall be deposited into the General Revenue  
 1504 Fund.

1505 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:  
 1506 \$13.50 flat, of which \$3.50 shall be deposited into the General  
 1507 Revenue Fund.

1508 (c) A motor home, as defined by s. 320.01(1)(b)4.:

Page 52 of 55

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596-02740-17 2017784c1

1509 1. Net weight of less than 4,500 pounds: \$27 flat, of which  
 1510 \$7 shall be deposited into the General Revenue Fund.

1511 2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
 1512 which \$12.25 shall be deposited into the General Revenue Fund.

1513 (d) A truck camper as defined by s. 320.01(1)(b)3.:

1514 1. Net weight of less than 4,500 pounds: \$27 flat, of which  
 1515 \$7 shall be deposited into the General Revenue Fund.

1516 2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
 1517 which \$12.25 shall be deposited into the General Revenue Fund.

1518 (e) A private motor coach as defined by s. 320.01(1)(b)5.:

1519 1. Net weight of less than 4,500 pounds: \$27 flat, of which  
 1520 \$7 shall be deposited into the General Revenue Fund.

1521 2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
 1522 which \$12.25 shall be deposited into the General Revenue Fund.

1523 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;  
 1524 35 FEET TO 40 FEET.—

1525 (a) Park trailers.—Any park trailer, as defined in s.  
 1526 320.01(1)(b)7.: \$25 flat.

1527 (b) A travel trailer or fifth-wheel trailer, as defined in  
 1528 s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.

1529 (11) MOBILE HOMES.—

1530 (a) A mobile home not exceeding 35 feet in length: \$20  
 1531 flat.

1532 (b) A mobile home over 35 feet in length, but not exceeding  
 1533 40 feet: \$25 flat.

1534 (c) A mobile home over 40 feet in length, but not exceeding  
 1535 45 feet: \$30 flat.

1536 (d) A mobile home over 45 feet in length, but not exceeding  
 1537 50 feet: \$35 flat.

596-02740-17 2017784c1

1538 (e) A mobile home over 50 feet in length, but not exceeding  
 1539 55 feet: \$40 flat.

1540 (f) A mobile home over 55 feet in length, but not exceeding  
 1541 60 feet: \$45 flat.

1542 (g) A mobile home over 60 feet in length, but not exceeding  
 1543 65 feet: \$50 flat.

1544 (h) A mobile home over 65 feet in length: \$80 flat.

1545 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised  
 1546 motor vehicle dealer, independent motor vehicle dealer, marine  
 1547 boat trailer dealer, or mobile home dealer and manufacturer  
 1548 license plate: \$17 flat, of which \$4.50 shall be deposited into  
 1549 the General Revenue Fund.

1550 (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or  
 1551 official license plate: \$4 flat, of which \$1 shall be deposited  
 1552 into the General Revenue Fund.

1553 (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor  
 1554 vehicle for hire operated wholly within a city or within 25  
 1555 miles thereof: \$17 flat, of which \$4.50 shall be deposited into  
 1556 the General Revenue Fund; plus \$2 per cwt, of which 50 cents  
 1557 shall be deposited into the General Revenue Fund.

1558 (15) TRANSPORTER.—Any transporter license plate issued to a  
 1559 transporter pursuant to s. 320.133: \$101.25 flat, of which  
 1560 \$26.25 shall be deposited into the General Revenue Fund.

1561 Section 33. Subsection (1) of section 655.960, Florida  
 1562 Statutes, is amended to read:

1563 655.960 Definitions; ss. 655.960-655.965.—As used in this  
 1564 section and ss. 655.961-655.965, unless the context otherwise  
 1565 requires:

1566 (1) "Access area" means any paved walkway or sidewalk which

596-02740-17

2017784c1

1567 is within 50 feet of any automated teller machine. The term does  
1568 not include any street or highway open to the use of the public,  
1569 as defined in s. 316.003(78) (a) or (b) ~~s. 316.003(77) (a) or (b)~~,  
1570 including any adjacent sidewalk, as defined in s. 316.003.

1571 Section 34. This act shall take effect October 1, 2017.



THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/18/2017  
Meeting Date

784  
Bill Number (if applicable)

Topic 784 Tax Collectors

Amendment Barcode (if applicable)

Name Scott Randolph

Job Title Orange County Tax Collector

Address 200 S Orange Ave  
Street  
Orlando FL 32801  
City State Zip

Phone 407-836-2705

Email taxcollector@ocftaxcol.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing self

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-18

Meeting Date

784

Bill Number (if applicable)

726846 SDA

Amendment Barcode (if applicable)

Topic DHSMV Amendment

Name Ted Smith

Job Title President

Address 400 N MERIDIAN ST

Street

Phone 850 274 2580

TALL FL 323 01

City

State

Zip

Email teds@fladv.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FL AUTOMOBILE DEALERS ASSOC

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/18/17

Meeting Date

784

Bill Number (if applicable)

726846

Amendment Barcode (if applicable)

Topic AV Rec framework

Name Jay Lyles

Job Title \_\_\_\_\_

Address PO Box 6870

Phone 850/294-5004

Tallahassee FL 32317

City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Seaside Institute

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/18/17

Meeting Date

SB 784

Bill Number (if applicable)

726846

Amendment Barcode (if applicable)

Topic DHSMV Package

Name Larry Hart

Job Title President - Florida Tax Collectors Association

Address 216 S. Monroe

Phone 850-222-7206

Street

Tallahassee

City

FL

State

32301

Zip

Email Larryh@Lctc.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FL Tax Collectors Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic  
Development

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BILL: PCS/CS/SB 1562 (424970)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development;  
Transportation Committee and Senator Garcia

SUBJECT: Expressway Authorities

DATE: April 19, 2017                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	<b>Fav/CS</b>
2.	Pitts	Pitts	ATD	<b>Recommend: Fav/CS</b>
3.			AP	

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**Please see Section IX. for Additional Information:**  
COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/CS/SB 1562 prohibits the Miami-Dade County Expressway Authority (MDX), subject to certain requirements, from increasing its tolls unless justified by an independent traffic and revenue study, except to the extent necessary to adjust for inflation. The MDX must approve toll increases by a two-thirds vote of its board members. The bill limits the amount of toll revenues used by the MDX for administrative expenses to not greater than ten percent above the annual state average of administrative costs. The Florida Transportation Commission (FTC) is directed to determine the annual state average of administrative costs based on the annual administrative expenses, as defined, of all expressway authorities of this state. Subject to any bond covenants, the bill authorizes the MDX to reduce by up to ten percent the toll charged for SunPass users of its facilities at the time the toll is incurred.

The bill requires the MDX to dedicate at least 10 percent, but not greater than 30 percent, of certain surplus revenues to transportation- and transit-related expenses for projects in municipalities and counties in which the MDX operates, with the MDX determining which expenses to fund from submitted proposals. These expenses must have a rational nexus to the transportation facilities of the MDX. The MDX is required to have periodic audits conducted by an independent third party, which audit reports must be made publicly available on the MDX's website, and to post other specified financial and operating information on its website.

Additionally, the bill authorizes the FDOT to require use of an electronic transponder interoperable with the FDOT's electronic toll collection system for the use of high-occupancy toll (HOT) lanes or express lanes. Effective July 1, 2018, the bill requires the FDOT to charge a customer the minimum express lane toll if the customer's average travel speed falls below 40 miles per hour.

The FTE is authorized to require use of an electronic transponder interoperable with the FDOT's electronic toll collection system for the use of express lanes on the turnpike system. Implementation of variable pricing in express lanes on the turnpike system is restricted based on certain level-of-service or highway capacity criteria. Effective July 1, 2018, the bill requires that a customer be charged a general toll lane toll amount plus 25 cents if the customer's average travel speed falls below 40 miles per hour.

The bill also extends the time frame during which the FDOT is required to program sufficient funds in the tentative work program such that the percentage of turnpike toll and bond financed commitments in Miami-Dade, Broward, and Palm Beach Counties are at least 90 percent of the share of net toll collections attributable to users of the turnpike system in those counties, as compared to total net toll collections attributable to users of the turnpike system.

The bill may reduce FDOT revenues related to the reduced toll for certain travelers of HOT lanes. The fiscal impact of the bill to the MDX is indeterminate. See Section V., "Fiscal Impact Statement," for further details.

The bill takes effect July 1, 2017, except as otherwise provided.

## **II. Present Situation:**

**Due to the disparate issues in the bill, the present situation for each section is discussed below in conjunction with the effect of proposed changes.**

## **III. Effect of Proposed Changes:**

### **Miami-Dade County (Sections 4 and 5)**

#### ***Present Situation:***

Section 125.011(1), F.S. defines a county as: "[A]ny county operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred."

The local governments authorized to operate under a home rule charter by the State Constitutions of 1885 and 1968 are the City of Key West and Monroe County,<sup>1</sup> Dade County,<sup>2</sup> and

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<sup>1</sup> FLA. CONST. art. VIII, s. 6, n. 2.

<sup>2</sup> FLA. CONST. art. VIII, s. 6, n. 3.

Hillsborough County.<sup>3</sup> Of these, only Miami-Dade County operates under a home-rule charter, which was adopted on May 21, 1957, under this constitutional provision.<sup>4</sup>

### **Miami-Dade County Expressway Authority**

The Florida Expressway Authority Act (Act),<sup>5</sup> authorizes any county or two or more contiguous counties within a single Florida Department of Transportation (FDOT) district, by resolution adopted by the board of county commissioners, to form an expressway authority, which is an agency of the state.<sup>6</sup> The Miami-Dade County Commission adopted ordinance 94-215 in 1994 creating the Miami-Dade County Expressway Authority (MDX).<sup>7</sup> MDX is the only expressway authority created under the Act.

MDX's system<sup>8</sup> consists of the following roadways in Miami-Dade County:

- Airport Expressway (SR 112);
- Dolphin Expressway (SR 836);
- Don Shula Expressway (SR 874);
- Snapper Creek Expressway (SR 878); and
- Gratigny Parkway (SR 924).

### ***MDX Governing Board***

Section 348.0003(2)(d), F.S., F.S., provides that in any county as defined in s. 125.011(1), the authority's governing body consists of up to nine members, and the following provisions specifically apply. Except for the district secretary of the FDOT, authority members must be residents of the county. Five voting members are appointed by the governing body of the county. At the discretion of the governing body of the county, up to two of these members may be elected officials residing in the county. Three voting members are appointed by the Governor. One member is the FDOT district secretary in the district that contains such county, who is an ex officio voting member of the authority.

### ***Purposes and Powers***

Section 348.0004, F.S., provides the purposes and powers of expressway authority's created in part I of Ch. 348, F.S. Section 348.0004(2)(e), F.S., gives expressway authorities created under the Act the power to fix, alter, charge, establish, and collect tolls, rates, fees, rentals, and other charges for the services and facilities system, which tolls, rates, fees, rentals, and other charges must always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to the Florida Expressway Authority Act.<sup>9</sup> However, such right and power may

---

<sup>3</sup> FLA. CONST. art. VIII, s. 6, n. 4.

<sup>4</sup> Florida Association of Counties, Charter County Information, <https://www.fl-counties.com/charter-county-information#>. (Last visited March 19, 2017.)

<sup>5</sup> Part I of Ch. 348, F.S.

<sup>6</sup> Section 348.0003(1), F.S.

<sup>7</sup> A copy of the ordinance is available at [http://miamidadefl.elaws.us/code/coor/coor\\_ptiii\\_ch2\\_artxviii/](http://miamidadefl.elaws.us/code/coor/coor_ptiii_ch2_artxviii/). (Last visited March 19, 2017.)

<sup>8</sup> See MDX System Map available at [http://mdxway.com/about/expressway-map\(last](http://mdxway.com/about/expressway-map(last) visited March 19, 2017).

<sup>9</sup> Section 348.0010, F.S., provides a covenant of the state relating to the Florida Expressway Authority Act. In that statute the state pledges that it will not limit or alter the rights vested in an authority and FDOT until all bonds, together with their interest, are fully paid and discharged.

be assigned or delegated by the authority to the FDOT. As provided in s. 348.004(7), F.S., and after a public hearing and county approval, MDX may use surplus toll revenues to fund:

- County public transportation facilities;
- Intermodal facilities;
- Multimodal corridors, including bicycle facilities or greenways that improve transportation services in the county; or
- Any programs or projects that improve the expressway system's level of service.

These expenditures must be consistent with the metropolitan planning organization's adopted long-range plan.

### ***MDX Frequent Drivers Rewards Program***

The MDX currently offers frequent users a rewards program, the operation of which the MDX describes as follows:

Each fiscal year (July 1st to June 30th) after the close of its financial books, MDX will declare a toll distribution of dividends to members of the Frequent Driver Rewards Program. This is after the agency meets its financial obligations, including making its annual principal and interest payments, meeting its senior debt coverage ratio, and covering its operation and maintenance costs. MDX will give back those savings generated by operational efficiencies of the agency directly to its customers through the Frequent Driver Rewards Program.<sup>10</sup>

To participate in the program, MDX customers must register each year, be a SunPass customer in good standing, have a two-axle vehicle, and spend at least \$100 annually between July 1st to June 30 in tolls per transponder on any of the MDX's five expressways. Any tolls paid using Toll-By-Plate<sup>11</sup> or Image Toll transactions (IToll) are considered ineligible for the annual calculation. Eligibility of SunPass tolls paid during the fiscal year is determined solely by the MDX. The most recent registration period for tolls paid between July 1, 2016, to June 30, 2017, ended on March 31, 2017. Reward checks to eligible recipients are expected in December of 2017.<sup>12</sup>

### **Procedure for Toll Rate Adjustments for Inflation**

Section 338.165(3), F.S., requires the FDOT and the Florida Turnpike Enterprise (FTE) to index toll rates on their existing toll facilities to the annual Consumer Price Index or similar inflation indicators. Toll adjustments for inflation may be made no more than once a year, and no less than once every five years, as necessary to accommodate cash toll rate schedules. Toll rates may be increased beyond these limits as directed by bond documents, covenants, or governing body authorization or pursuant to an FDOT rule.

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<sup>10</sup> See the MDX website available at: <http://mdxway.com/frequentdriver/faqs>. (Last visited March 19, 2017.)

<sup>11</sup> Toll-By-Plate is an FDOT image-based electronic toll collection system that uses photographic images of the vehicles license plate to identify the customer responsible for payment. This feature is available on the Homestead Extension of Florida's Turnpike from Florida City to Miramar in Miami-Dade County. See the FDOT website available at: <https://www.tollbyplate.com/index>. (Last visited March 20, 2017.)

<sup>12</sup> *Supra* note 22.



*Effect of Proposed Changes:*

**Section 4** amends s. 348.0004(2)(e), F.S., to provide that the MDX, notwithstanding any law to the contrary, and subject to any contractual requirements contained in documents securing indebtedness outstanding on July 1, 2017:

- May not increase a toll unless the increase is justified to the MDX's satisfaction by a traffic and revenue study conducted by an independent third party.
- May only otherwise increase tolls to the extent necessary to adjust for inflation under the toll rate adjustment procedure in s. 338.165, F.S.; and
- Must approve a toll increase by a two-thirds vote of the MDX governing board.

The amount of toll revenues used by the MDX for administrative expenses may not be more than 10 percent above the annual state average of administrative costs, determined as follows: The FTC is directed to determine the annual state average of administrative costs based on the annual administrative expenses of all the expressway authorities of this state. Administrative expenses include, but are not limited to:

- Employee salaries and benefits;
- Small business outreach;
- Insurance;
- Professional service contracts not directly related to the operation and maintenance of the expressway system; and
- Other overhead costs.

The FTC is authorized to adopt rules necessary to implement these provisions.

The bill limits the MDX's authority to increase tolls and, therefore, decreases its ability to raise revenues. According to the MDX, this revision impacts the MDX's ability to issue future bonds and eliminates the MDX's ability to set tolls as may be operationally needed.<sup>13</sup> The bill also limits the MDX's use of its toll revenues for administrative expenses to not more than ten percent above the annual state average of administrative costs, as determined by the FTC. No other expressway authority is subject to similar statutory restrictions on administrative expenses.

The bill creates a new subsection (6) of s. 348.0004, F.S. Subject to compliance with bond covenants, the MDX is authorized, at the time that any toll is incurred, to reduce the toll charged on any of the MDX's toll facilities by up to ten percent for each SunPass registrant having an account in good standing and having the license plate of the vehicle or vehicles incurring the toll registered to the SunPass account at the time the toll is incurred. The bill prohibits the MDX from imposing additional requirements for receipt of the reduced toll amount.

This revision would reduce the amount of MDX's toll revenues, if it chooses to reduce tolls for the specified users in an amount that exceeds distributions under its current Frequent Drivers Rewards Program. The amount of the reduction is dependent on the percentage of the toll reduction granted and on the number of eligible trips on the MDX's facilities.

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<sup>13</sup> The MDX email to committee staff April 18, 2017. (On file in the Senate Transportation Committee.)

The bill creates a new subsection (11) of s. 348.0004, F.S. The MDX is directed to determine its surplus revenues as defined in s. 348.0002(2), F.S.,<sup>14</sup> and deduct from the surplus revenues a prudent reserve as determined by the MDX board. The MDX must then dedicate at least ten percent, but not greater than 30 percent, of the remaining surplus revenues after the deduction of a prudent reserve to transportation- and transit-related expenses for projects in municipalities and counties in which the MDX operates. The MDX is authorized to determine which specific transportation- or transit-related expenses to fund from proposals submitted by municipalities and counties.

Funded transportation- and transit-related expenses must have a rational nexus to the MDX's transportation facilities and may include, but are not limited to:

- Expenses associated with the planning, design, acquisition, construction, extension, rehabilitation, equipping, preservation, maintenance, or improvement of public transportation facilities, transit facilities, intermodal facilities, or multimodal corridors owned or operated by such municipality or county; and
- Transit-related expenses that impact the capacity or use of the MDX's transportation facilities.

A rational nexus must demonstrate that the proposed transportation expenditure makes a substantial impact on the capacity or use of the MDX's transportation facilities, or that the proposed transit expenditure complements the operation of, or expands the access to, the MDX's transportation facilities.

This revision will reduce the amount of surplus revenues available to the MDX for use on the MDX's facilities, to the extent that a portion of the surplus revenues is used to fund transportation- or transit-related expenses in proposals submitted by municipalities and counties.

The bill creates a new subsection (12) of s. 348.0004, F.S. The new provision requires the MDX to have an audit<sup>15</sup> conducted by an independent third party not less than biennially, and the audit report must be posted on the MDX's website.

**Section 5** creates s. 348.00115, F.S., to require the MDX to post the following information on its website:

- Audited financial statements and any interim financial reports;
- Board and committee meeting agendas, meeting packets, and minutes;
- Bond covenants for any outstanding bonds issues;

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<sup>14</sup> That section defines "surplus revenues" to mean revenues in any county as defined in s. 125.011(1) derived from rates, fees, rentals, tolls, and other charges for the services and facilities of an expressway system as may exist at the end of a fiscal year after payment of all annually required operating and maintenance expenses for the fiscal year and all debt service payable in the fiscal year on bonds issued or other debts incurred for any purpose in connection with an expressway system, including debt incurred to finance the construction, extension, repair, or maintenance of an expressway system.

<sup>15</sup> The MDX advises it is currently subject to an annual external audit conducted by a certified public accounting firm that is posted on the MDX website and filed with the auditor general, the Securities Exchange Commission, the bondholders trustee, and the Florida Transportation Commission. The MDX email to committee staff April 18, 2017. (On file in the Senate Transportation Committee.) As the MDX is a special district, it appears it is subject to the annual financial audit report requirements of s. 218.39, F.S.

- Authority budgets;
- Authority contracts;<sup>16</sup>
- Authority expenditure data, which must include the name of the payee, the date of the expenditure, and the amount of the expenditure; be searchable by name of the payee, name of the paying agency, and fiscal year; and be in a downloadable format allowing offline access; and
- Information relating to current, recently completed, and future projects on authority facilities.

The MDX advises the majority of these requirements are already in place.<sup>17</sup>

## **High-Occupancy Toll Lanes and Express Lanes (Sections 1 and 2)**

### ***Present Situation:***

A high-occupancy-vehicle (HOV) lane is a lane of a public roadway designated for use by vehicles in which there is more than one occupant.<sup>18</sup> A high-occupancy toll lane is an HOV lane, the use of which requires payment of a toll. Tolled HOV lanes are referred to as high-occupancy toll lanes, or HOT lanes.<sup>19</sup>

Current law does not define the terms “HOT lane” or “express lane.” However, the FDOT’s Topic No. 525-030-020-a, *Tolling for New and Existing Facilities on the State Highway System*,<sup>20</sup> provides the following definitions:

- “Managed Lanes” - Highway facilities or sets of lanes within a highway facility where operational strategies are proactively implemented and managed in response to changing conditions with a combination of tools. These tools may include accessibility, vehicle eligibility, pricing, or a combination thereof. Types of managed lanes include high occupancy vehicle (HOV) lanes, high occupancy toll (HOT) lanes, truck only lanes, truck only toll lanes, bus rapid transit lanes, reversible lanes, and express lanes.
- “Express Lanes” - A type of managed lane where dynamic pricing through electronic tolling is applied to lanes with through traffic, having fewer access points. Express lanes can co-locate within an existing non tolled facility to manage congestion and provide a more reliable trip time.

Section 338.166, F.S., authorizes the FDOT to request the Division of Bond Finance to issue bonds secured by toll revenues collected on HOT lanes or express lanes established on FDOT-owned facilities. The FDOT is authorized to continue to collect the tolls on HOT lanes or express lanes after any bond debt is discharged. Such tolls must first be used to pay the annual cost of operation, maintenance, and improvement of the HOT lanes or express lanes project or associated transportation system. Section 338.166(4), F.S., authorizes variable rate tolling.

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<sup>16</sup> The bill defines “contract” as a written agreement or purchase order issued for the purchase of goods or services or a written agreement for the receipt of state or federal financial assistance.

<sup>17</sup> The MDX email to committee staff April 18, 2017. (On file in the Senate Transportation Committee.)

<sup>18</sup> Section 316.0741(1)(a), F.S.

<sup>19</sup> Except that vehicles in HOT lanes must have three or more occupants. *See* the FDOT’s SB 250 (2012) Agency Bill Analysis at 2. (On file in the Senate Transportation Committee.)

<sup>20</sup> On file in the Senate Transportation Committee. The directive expressly does not apply to Florida Turnpike facilities.

The FDOT must use any remaining toll revenue from HOT lanes or express lanes for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the toll revenues were collected or to support express bus service on the facility where the toll revenues were collected.

Section 338.166, F.S.,<sup>21</sup> expressly does not apply to the Turnpike System.<sup>22</sup> However, s. 338.2216(1)(d), F.S., directs the FTE to pursue and implement new technologies and processes in its operations and collection of tolls and other amounts associated with road infrastructure usage. Such technologies and processes must include variable pricing.<sup>23</sup>

### *Express Lane Management*

A number of express lane projects in Florida are either in operation, under construction, or proposed.<sup>24</sup> These projects have or are planned to have express lanes with adjacent general use lanes (with no tolls) and, on the turnpike system, express lanes adjacent to general toll lanes (lanes that generally have fixed tolls). The FDOT describes its management of express lanes as follows:

The express lanes are managed using a combination of eligibility, access, and pricing. Only two axle vehicles are eligible with buses eligible regardless of number of axles. This reduces the number of vehicles that can choose to use the express lanes. The access (entry and exit points on the express lanes) is limited to certain locations, providing a choice for users making longer distance trips to the major origin and destination patterns in the area. Trips that are shorter and more local must use the general use lanes. As the volume in the express lanes increases, the price to use the express lanes increases. The toll amount posted on the sign is dynamically priced based on the congestion in the express lanes with a goal of providing a free flow condition [in the express lanes].

The traffic density, which is a combination of speed and volume, is used to determine the toll amount needed to optimize traffic flow in the express lanes. Volume and speed data is collected from roadside detectors and used to calculate the traffic density by dividing the volume in the express lanes by the speed in the express lanes. The toll amount is not related to the amount of congestion, speed, or performance of the general use lanes. Where there is no congestion in the express lanes, regardless of the performance or amount of congestion in the general use lanes, the minimum toll amount in the express lanes is \$0.50.<sup>25</sup>

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<sup>21</sup> Section 338.166(6), F.S.

<sup>22</sup> Section 338.2216(1)(a), F.S., grants to the FTE, in addition to the powers granted to the FDOT, full authority to exercise all powers granted to the FTE under chapter 338, F.S. Section 338.2216(4), F.S., provides the powers conferred upon the FTE under the Florida Turnpike Enterprise Law (ss. 338.22 – 338.241) are in addition and supplemental to the existing powers of the FDOT and the FTE.

<sup>23</sup> The FTE is not currently operating any express lanes. See the FDOT's SB 1570 (2012) Agency Bill Analysis, at 8. (On file in the Senate Transportation Committee.)

<sup>24</sup> See the project map with links to express lane project information available on the FDOT's website at: <http://www.floridaexpresslanes.com/projects/project-map/>. (Last visited March 19, 2017.)

<sup>25</sup> *Supra* note 6 at 2.

The FDOT's general goal is that a driver in an express lane should be able to maintain an average speed of 45 miles per hour or greater while in the lane.<sup>26</sup>

### *Toll Collection Interoperability*

Interoperable toll collection allows drivers to establish a single toll account that allows for payments on a variety of tolled facilities, regardless of the facility's ownership. An interoperable system recognizes a customer at any given toll collection facility participating in the system, and each toll facility owner or operator receives proper payment for use of the owner's or operator's facility.

The 2012 Moving Ahead for Progress in the 21<sup>st</sup> Century Act, MAP-21,<sup>27</sup> requires all toll facilities on Federal-aid highways to implement technologies or business practices that provide for the interoperability of electronic toll collection programs no later than four years after its enactment. Current Florida law requires all new limited access facilities and existing transportation facilities on which new or replacement electronic toll collection systems are installed to be interoperable with the FDOT's electronic toll-collection system.<sup>28</sup>

### *Level of Service*

The Transportation Research Board (Board) is a division of the National Research Council, "which serves as an independent adviser to the federal government and others on scientific and technical questions of national importance, and which is jointly administered by the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine." The Board's mission "is to provide leadership in transportation innovation and progress through research and information exchange, conducted within a setting that is objective, interdisciplinary, and multimodal."<sup>29</sup>

The Board's 2010 Highway Capacity Manual (Manual), along with multiple other items, addresses level of service criteria for basic highway segments. Generally, level of service is a measure of traffic conditions "using a quantitative stratification of a performance measure or measures."<sup>30</sup> According to the Manual, "A basic freeway segment can be characterized by three performance measures: density in passenger cars per mile per lane, space mean speed in miles per hour, and the ratio of demand flow rate to capacity." The Manual indicates that each measure "is an indication of how well traffic is being accommodated by the basic freeway segment."<sup>31</sup>

A letter grade is assigned to a given highway segment level of service, ranging from best performance at Level A to worst performance at Level F. The Manual describes the levels as follows:

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<sup>26</sup> The FDOT email to committee staff April 18, 2017. (On file in the Senate Transportation Committee.)

<sup>27</sup> Section 1512(b), P.L. 112-141.

<sup>28</sup> Section 338.01(7), F.S.

<sup>29</sup> See the National Academy website available at: <http://www.trb.org/GetInvolvedwithTRB/GetInvolvedwithTRB.aspx>. (Last visited April 19, 2017.)

<sup>30</sup> See the Federal Highway Administration's website, at 3.3.3, available at: [https://safety.fhwa.dot.gov/road\\_diets/info\\_guide/ch3.cfm](https://safety.fhwa.dot.gov/road_diets/info_guide/ch3.cfm). (Last visited April 19, 2017.)

<sup>31</sup> *Highway Capacity Manual 2010*, at 11-7. (Copy on file in the Senate Transportation Committee.)

- Level A: Free-flow operations. Free-flow speed (FFS) prevails on the freeway, and vehicles are almost completely unimpeded in their ability to maneuver within the traffic stream.
- Level B: Reasonably free-flow operations. FFS is maintained. The ability to maneuver is only slightly restricted.
- Level C: FFSs near the FFS of the freeway. Freedom to Maneuver is noticeably restricted.
- Level D: Speeds begin to decline with increasing flows, with density increasing more quickly. Freedom to maneuver is seriously limited.
- Level E: Operation at capacity. Operations on the freeway are highly volatile because there are virtually no usable gaps within the traffic stream, leaving little room to maneuver within the traffic.
- Level F: Breakdown, or unstable flow.<sup>32</sup>

***Effect of Proposed Changes:***

**Section 1** amends s. 338.166(4), F.S., to authorize the FDOT to require use of an electronic transponder that is interoperable with the FDOT's electronic toll collection system for the use of HOT lanes or express lanes. Should the FDOT impose the requirement, all users of the FDOT's HOT lanes or express lanes must have the specified transponder to use the FDOT's HOT lanes or express lanes.<sup>33</sup>

The bill also creates a new subsection (5) of s. 338.166, F.S. Effective July 1, 2018, if a customer's average travel speed for a trip in an express lane falls below 40 miles per hour, the customer must be charged the minimum express lane toll. The bill defines a customer's express lane average travel speed as the customer's average travel speed from the customer's entry point to the customer's exit point. This revision will reduce the FDOT's toll collection revenues, dependent on the number of trips and the number of times a customer's average travel speed falls below 40 miles per hour.

**Section 2** amends s. 338.2216(1)(d), F.S., to authorize the FTE to require use of an electronic transponder that is interoperable with the FDOT's electronic toll collection system for the use of express lanes on the turnpike system. Should the FTE impose the requirement, all users of express lanes on the turnpike system must have the specified transponder to use the express lanes.<sup>34</sup>

The bill prohibits variable pricing in express lanes when the level of service in the express lane, determined in accordance with the Transportation Research Board Highway Capacity Manual (5<sup>th</sup> Edition, HCM 2010), as amended, is equal to level of service A. When the level of service in the express lane is level of service B, variable pricing in the express lane may only be implemented by charging the general toll lane toll amount plus 25 cents. Pricing in express lanes

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<sup>32</sup> *Id.*

<sup>33</sup> SunPass registrants may already use HOT lanes and express lanes. The FDOT announced in 2014 that Florida's SunPass, Georgia's Peach Pass, and North Carolina's Quick Pass are interoperable and valid in all three states. *See* the FDOT's November 2014 News Release available at: <https://www.sunpass.com/pdf/FLGANCVValid.pdf>. (Last visited April 19, 2017.) Should the requirement be imposed, holders of the associated transponders would appear to be able to use HOT lanes or express lanes. If a user wishing to use HOT lanes or express lanes holds no pass from an interoperable state, it appears that user would have to register and create a SunPass account in order to receive a transponder.

<sup>34</sup> *Id.*

when the level of service is other than level of service A or service B may vary in the manner established by the FTE to manage congestion in the express lanes, with an exception: Effective July 1, 2018, if a customer's average travel speed for a trip in an express lane falls below 40 miles per hour, the customer must be charged the general toll lane toll amount plus 25 cents. A customer's express lane average travel speed is also defined as the customer's average travel speed from the customer's entry point to the customer's exit point.

This revision will reduce the FTE's, and therefore the FDOT's, toll collection revenues, dependent on the number of trips, the frequency of the existence of Level of Service A or B in the express lanes on the turnpike system, and the number of times a customer's average travel speed falls below 40 miles per hour.

### **Turnpike Toll Revenues/Miami-Dade, Broward, and Palm Beach Counties (Section 3)**

#### ***Present Situation:***

Section 338.231, F.S., directs the FDOT at all times to fix, adjust, charge, and collect such tolls and amounts for the use of the turnpike system as are required in order to provide a fund sufficient with other revenues of the turnpike system to pay the cost of maintaining, improving, repairing, and operating such turnpike system; to pay the principal of and interest on all bonds issued to finance or refinance any portion of the turnpike system; and to create reserves for these purposes.

In 1997, the Legislature enacted legislation<sup>35</sup> currently located in s. 338.231(3)(a), F.S. For the period July 1, 1998, through June 30, 2017, the FDOT is required, to the maximum extent feasible, to program sufficient funds in the tentative work program such that the percentage of turnpike toll and bond financed commitments in Miami-Dade County, Broward County, and Palm Beach County, compared to total turnpike toll and bond financed commitments, is at least 90 percent of the share of net toll collections attributable to users of the turnpike system in those counties, as compared to total net toll collections attributable to users of the turnpike system.<sup>36</sup>

#### ***Effect of Proposed Changes:***

**Section 3** amends s. 338.231(3)(a), F.S., currently set to expire on June 30 of this year, by extending the expiration date to June 30, 2027. The FDOT advises this revision requires no change in its current programming practice

**Section 6** provides the bill take effect on July 1, 2017.

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<sup>35</sup> Chapter 97-280, L.O.F.

<sup>36</sup> This provision expressly does not apply when its application would violate any bond covenant relating to the issuance of turnpike bonds.

**IV. Constitutional Issues:**

- A. Municipality/County Mandates Restrictions:
- B. None.Public Records/Open Meetings Issues:  
None.
- C. Trust Funds Restrictions:  
None.

**V. Fiscal Impact Statement:**

- A. Tax/Fee Issues:

None.

- B. Private Sector Impact:

Users of the MDX's facilities may see a reduction in the frequency and amount of toll increases. Eligible SunPass users of the MDX 's toll facilities would benefit from a reduction in toll charges up to 10 percent, should the MDX chose to grant the reduction. The amount of this reduction is dependent on the number of eligible trips on MDX toll facilities, and is therefore unknown.

Users of facilities in Miami-Dade County may benefit from municipal or county transportation- or transit-related expenses funded by a portion of the MDX's surplus revenues. The MDX system may benefit from the same funded expenses. The amount, however, is indeterminate, as the funds available for such expenses are indeterminate.

Users of the FDOT's HOT lanes or express lanes, and users of the FTE's express lanes, may experience reduced tolls. The amount of this reduction with respect to the FDOT's HOT lanes or express lanes is dependent on the number of trips and the number of times a customer's average travel speed falls below 40 miles per hour, and is therefore unknown. The amount of this reduction with respect to express lanes on the turnpike system is dependent on the number of trips, the frequency of the existence of Level of Service A or B in the express lanes, and the number of times a customer's average travel speed falls below 40 miles per hour; and is therefore unknown.

- C. Government Sector Impact:

MDX is an independent agency of the state. The bill will potentially make it more difficult for the MDX to increase its tolls, making it more difficult to increase its revenues. According to the MDX, the bill limits its ability to set toll rates, which may



make its bonds less favorable in the financial markets.<sup>37</sup> If the MDX chooses to grant up to a 10 percent reduction in toll charges for eligible SunPass users of the MDX's toll facilities, the MDX may experience reduced toll collections in an indeterminate amount.

The bill also limits the MDX's administrative expenses to ten percent above the annual state average of administrative costs, as determined by the FTC. The impact of this revision to the MDX is unknown. The FTC will incur administrative expenses associated with determining the annual state average of administrative costs and with any rulemaking.

The bill will reduce the amount of surplus revenues available to the MDX for use on the MDX's facilities, to the extent that a portion of the surplus revenues is used to fund transportation- or transit-related expenses in proposals submitted by municipalities and counties. The amount, however, is indeterminate, as it is dependent on the percentage of the surplus revenues dedicated to the specified expenses.

The MDX may incur expenses associated with the required traffic and revenue studies and placing the required documents on its website.

The bill may FDOT revenues. FDOT will be required to charge the minimum express lane toll for HOT lanes if the customer's average travel speed for a trip in an express lane falls below 40 miles per hour, the customer must be charged the minimum express lane toll.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends the following sections of the Florida Statutes: 338.166, 338.2216, 338.231, and 348.0004.

This bill creates the following sections of the Florida Statutes: 348.00115. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 18, 2017:**

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<sup>37</sup> See the MDX email to House Transportation & Infrastructure Committee Staff, March 10, 2017. (On file in the Senate Transportation Committee.)

The CS adds the following provisions to the bill:

- The FDOT is authorized to require use of an electronic transponder interoperable with the FDOT's electronic toll collection system for the use of its HOT lanes or express lanes.
- Effective July 1, 2018, if a customer's average travel speed for a trip in an express lane falls below 40 miles per hour, the customer must be charged the minimum express lane toll.
- The FTE is authorized to require use of an electronic transponder interoperable with the FDOT's electronic toll collection system for the use of express lanes on the turnpike system.
- Variable pricing may not be implemented in express lanes on the turnpike system when the level of service in the express lane is equal to level of service A, and may only be implemented when the level of service in the express lane is level of service B by charging the general toll lane toll amount plus 25 cents.
- Effective July 1, 2018, if a customer's average travel speed for a trip in an express lane on the turnpike system falls below 40 miles per hour, the customer must be charged the general toll lane toll amount plus 25 cents.
- The amount of toll revenues used for administrative expenses by the MDX may not be greater than ten percent above the annual state average of administrative costs based on the annual administrative expenses of all the expressway authorities of the state, as determined by the FTC. The FTC is authorized to adopt necessary rules to implement this provision.
- The MDX is authorized to reduce the toll charged at the time that any toll is incurred by up to ten percent for certain SunPass registrants and prohibited from imposing requirements not specified in the bill for receipt of the reduced toll amount.
- The MDX is required to determine its surplus revenues, calculated as specified, and dedicate at least ten percent, but not more than 30 percent, of the remaining surplus revenues to transportation- and transit-related expenses for projects in municipalities and counties in which the MDX operates under specified conditions.
- The MDX is required to have an audit conducted by an independent third party not less than biennially.

**CS by Transportation on March 22, 2017:**

The CS makes the following changes to the bill:

- Clarifies that the distance of five miles is required between main through-lane tolling points, excluding entry and exit ramps;
- Requires the MDX to reduce the toll charged on any of its toll facilities by 25 percent for SunPass registrants in good standing; and
- Prohibits the MDX from imposing additional requirements for receipt of the reduced toll amount.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2017	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Present subsections (5) and (6) of section 338.166, Florida Statutes, are redesignated as subsections (6) and (7), respectively, and a new subsection (5) is added to that section, to read:

338.166 High-occupancy toll lanes or express lanes.—

(5) Effective July 1, 2018, if a customer's average travel



841202

11 speed for a trip in an express lane falls below 40 miles per  
12 hour, the customer shall be charged the minimum express lane  
13 toll. A customer's express lane average travel speed is his or  
14 her average travel speed from the customer's entry point to the  
15 customer's exit point.

16 Section 2. Paragraph (e) is added to subsection (1) of  
17 section 338.2216, Florida Statutes, to read:

18 338.2216 Florida Turnpike Enterprise; powers and  
19 authority.—

20 (1)

21 (e) Effective July 1, 2018, if a customer's average travel  
22 speed for a trip in an express lane falls below 40 miles per  
23 hour, the customer shall be charged the general toll lane toll  
24 amount plus 25 cents. A customer's express lane average travel  
25 speed is his or her average travel speed from the customer's  
26 entry point to the customer's exit point.

27 Section 3. Paragraph (a) of subsection (3) of section  
28 338.231, Florida Statutes, is amended to read:

29 338.231 Turnpike tolls, fixing; pledge of tolls and other  
30 revenues.—The department shall at all times fix, adjust, charge,  
31 and collect such tolls and amounts for the use of the turnpike  
32 system as are required in order to provide a fund sufficient  
33 with other revenues of the turnpike system to pay the cost of  
34 maintaining, improving, repairing, and operating such turnpike  
35 system; to pay the principal of and interest on all bonds issued  
36 to finance or refinance any portion of the turnpike system as  
37 the same become due and payable; and to create reserves for all  
38 such purposes.

39 (3) (a) For the period July 1, 1998, through June 30, 2027



841202

40 ~~2017~~, the department shall, to the maximum extent feasible,  
41 program sufficient funds in the tentative work program such that  
42 the percentage of turnpike toll and bond financed commitments in  
43 Miami-Dade County, Broward County, and Palm Beach County as  
44 compared to total turnpike toll and bond financed commitments  
45 shall be at least 90 percent of the share of net toll  
46 collections attributable to users of the turnpike system in  
47 Miami-Dade County, Broward County, and Palm Beach County as  
48 compared to total net toll collections attributable to users of  
49 the turnpike system. This subsection does not apply when the  
50 application of such requirements would violate any covenant  
51 established in a resolution or trust indenture relating to the  
52 issuance of turnpike bonds. The department may at any time for  
53 economic considerations establish lower temporary toll rates for  
54 a new or existing toll facility for a period not to exceed 1  
55 year, after which the toll rates adopted pursuant to s. 120.54  
56 shall become effective.

57 Section 4. Present subsections (6) through (9) of section  
58 348.0004, Florida Statutes, are redesignated as subsections (7)  
59 through (10), respectively, paragraph (e) of subsection (2) of  
60 that section is amended, and new subsections (6), (11), and (12)  
61 are added to that section, to read:

62 348.0004 Purposes and powers.—

63 (2) Each authority may exercise all powers necessary,  
64 appurtenant, convenient, or incidental to the carrying out of  
65 its purposes, including, but not limited to, the following  
66 rights and powers:

67 (e) To fix, alter, charge, establish, and collect tolls,  
68 rates, fees, rentals, and other charges for the services and



841202

69 facilities system, which tolls, rates, fees, rentals, and other  
70 charges must always be sufficient to comply with any covenants  
71 made with the holders of any bonds issued pursuant to the  
72 Florida Expressway Authority Act. However, such right and power  
73 may be assigned or delegated by the authority to the department.

74 1. Notwithstanding any other provision of law to the  
75 contrary, but subject to any contractual requirements contained  
76 in documents securing any indebtedness outstanding on July 1,  
77 2017, in any county as defined in s. 125.011(1):

78 a. The authority may not increase a toll unless the  
79 increase is justified to the satisfaction of the authority by a  
80 traffic and revenue study conducted by an independent third  
81 party, except for an increase to the extent necessary to adjust  
82 for inflation pursuant to the procedure for toll rate  
83 adjustments provided in s. 338.165.

84 b. A toll increase must be approved by a two-thirds vote of  
85 the expressway authority board.

86 c. The amount of toll revenues used for administrative  
87 expenses by the authority may not be greater than 10 percent  
88 above the annual state average of administrative costs  
89 determined as provided in this sub-subparagraph. The Florida  
90 Transportation Commission shall determine the annual state  
91 average of administrative costs based on the annual  
92 administrative expenses of all the expressway authorities of  
93 this state. For purposes of this sub-subparagraph,  
94 administrative expenses include, but are not limited to,  
95 employee salaries and benefits, small business outreach,  
96 insurance, professional service contracts not directly related  
97 to the operation and maintenance of the expressway system, and



841202

98 other overhead costs. The commission may adopt rules necessary  
99 for the implementation of this sub-subparagraph.

100 2. Notwithstanding s. 338.165 or any other provision of law  
101 to the contrary, in any county as defined in s. 125.011(1), to  
102 the extent surplus revenues exist, they may be used for purposes  
103 enumerated in subsection (8) ~~(7)~~, provided the expenditures are  
104 consistent with the metropolitan planning organization's adopted  
105 long-range plan.

106 3. Notwithstanding any other provision of law to the  
107 contrary, but subject to any contractual requirements contained  
108 in documents securing any outstanding indebtedness payable from  
109 tolls, in any county as defined in s. 125.011(1), the board of  
110 county commissioners may, by ordinance adopted on or before  
111 September 30, 1999, alter or abolish existing tolls and  
112 currently approved increases thereto if the board provides a  
113 local source of funding to the county expressway system for  
114 transportation in an amount sufficient to replace revenues  
115 necessary to meet bond obligations secured by such tolls and  
116 increases.

117 (6) Subject to compliance with any covenants made with the  
118 holders of any bonds issued pursuant to the Florida Expressway  
119 Authority Act, an authority in any county as defined in s.  
120 125.011(1) may, at the time that any toll is incurred, reduce  
121 the toll charged on any of the authority's toll facilities by up  
122 to 10 percent for each SunPass registrant having an account in  
123 good standing and having the license plate of the vehicle or  
124 vehicles incurring the toll registered to the SunPass account at  
125 the time the toll is incurred. The authority may not impose  
126 additional requirements for receipt of the reduced toll amount.



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127       (11) Notwithstanding any other provision of the Florida  
128 Expressway Authority Act, at least 10 percent, but not greater  
129 than 30 percent, of the surplus revenue as defined in s.  
130 348.0002(12), as well as the establishment of prudent reserves  
131 as determined by the board, shall be dedicated to  
132 transportation- and transit-related expenses for projects in  
133 municipalities and counties in which the authority operates. The  
134 authority may determine which specific transportation- and  
135 transit-related expenses to fund from proposals submitted by  
136 municipalities and counties. Transportation- and transit-related  
137 expenses funded pursuant to this subsection must have a rational  
138 nexus to the transportation facilities of the authority and may  
139 include, but are not limited to, expenses associated with the  
140 planning, design, acquisition, construction, extension,  
141 rehabilitation, equipping, preservation, maintenance, or  
142 improvement of public transportation facilities, transit  
143 facilities, intermodal facilities, or multimodal corridors owned  
144 or operated by such municipality or county, and transit-related  
145 expenses that impact the capacity or use of the transportation  
146 facilities of the authority. For the purpose of this subsection,  
147 a rational nexus must demonstrate that the proposed  
148 transportation expenditure makes a substantial impact on the  
149 capacity or use of the transportation facilities of the  
150 authority, or that the proposed transit expenditure complements  
151 the operation of, or expands the access to, the transportation  
152 facilities of the authority.

153       (12) An authority established in any county as defined in  
154 125.011(1) must have an audit conducted by an independent third  
155 party not less than biannually, and the audit report must be





841202

156 made publicly available on the authority's website.

157 Section 5. Section 348.00115, Florida Statutes, is created  
158 to read:

159 348.00115 Public accountability.—An expressway authority in  
160 a county as defined in s. 125.011(1) shall post the following  
161 information on its website:

162 (1) Audited financial statements and any interim financial  
163 reports.

164 (2) Board and committee meeting agendas, meeting packets,  
165 and minutes.

166 (3) Bond covenants for any outstanding bond issues.

167 (4) Authority budgets.

168 (5) Authority contracts. For purposes of this subsection,  
169 the term "contract" means a written agreement or purchase order  
170 issued for the purchase of goods or services or a written  
171 agreement for the receipt of state or federal financial  
172 assistance.

173 (6) Authority expenditure data, which must include the name  
174 of the payee, the date of the expenditure, and the amount of the  
175 expenditure. Such data must be searchable by name of the payee,  
176 name of the paying agency, and fiscal year and must be  
177 downloadable in a format that allows offline analysis.

178 (7) Information relating to current, recently completed,  
179 and future projects on authority facilities.

180 Section 6. This act shall take effect July 1, 2017.

181  
182 ===== T I T L E A M E N D M E N T =====

183 And the title is amended as follows:

184 Delete everything before the enacting clause



841202

185 and insert:

186                   A bill to be entitled  
187           An act relating to limited access and toll facilities;  
188           amending s. 338.166, F.S.; requiring, as of a  
189           specified date, that a customer be charged the minimum  
190           express lane toll if his or her average travel speed  
191           for a trip in an express lane falls below a specified  
192           rate; providing for measurement of a customer's  
193           express lane average travel speed; amending s.  
194           338.2216, F.S.; requiring, as of a specified date,  
195           that a customer be charged a general toll lane toll  
196           amount plus a specified amount if his or her average  
197           travel speed for a trip in an express lane falls below  
198           a specified rate; providing for measurement of a  
199           customer's express lane average travel speed; amending  
200           s. 338.231, F.S.; extending the timeframe during which  
201           the Department of Transportation must program  
202           sufficient funds in the tentative work program such  
203           that the percentage of turnpike toll and bond financed  
204           commitments in Miami-Dade County, Broward County, and  
205           Palm Beach County are at least a specified percent of  
206           a certain share of certain net toll collections;  
207           amending s. 348.0004, F.S.; providing applicability;  
208           requiring toll increases by authorities in certain  
209           counties to be justified by an independent study by a  
210           third party; providing an exception for an increase to  
211           adjust for inflation pursuant to a specified procedure  
212           for toll rate adjustments; requiring toll increases to  
213           be approved by a specified margin in a vote of the



214 expressway authority board; prohibiting the amount of  
215 toll revenues used for administrative expenses by the  
216 authority from being greater than a specified percent  
217 above the annual state average of administrative  
218 costs; requiring the Florida Transportation Commission  
219 to determine the annual state average of  
220 administrative costs based on the annual  
221 administrative expenses of all the expressway  
222 authorities of this state; authorizing the commission  
223 to adopt certain rules; conforming a cross-reference;  
224 authorizing authorities in certain counties to reduce  
225 toll charges up to a specified amount at the time that  
226 any toll is incurred for certain SunPass registrants,  
227 subject to certain requirements; prohibiting such  
228 authorities from imposing additional requirements for  
229 receipt of the reduced toll amount; requiring a  
230 certain amount of the surplus revenue, as well as the  
231 establishment of prudent reserves as determined by the  
232 board, be dedicated to transportation- and transit-  
233 related expenses for projects in municipalities and  
234 counties in which the authority operates; authorizing  
235 the authority to determine which specific  
236 transportation- and transit-related expenses to fund  
237 from proposals submitted by municipalities and  
238 counties; requiring the transportation- and transit-  
239 related expenses funded to have a rational nexus to  
240 the transportation facilities of the authority;  
241 requiring a rational nexus to demonstrate that the  
242 proposed transportation expenditure makes a



841202

243 substantial impact on the capacity or use of the  
244 transportation facilities of the authority or that the  
245 proposed transit expenditure complements the operation  
246 of, or expands the access to, the transportation  
247 facilities of the authority; requiring an authority  
248 established in a certain county to conduct an audit by  
249 an independent third party not less than biannually;  
250 requiring such audit be made publicly available on the  
251 authority's website; creating s. 348.00115, F.S.;  
252 requiring authorities in certain counties to post  
253 certain information on a website; defining the term  
254 "contract"; providing an effective date.



269396

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2017	.	
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Appropriations Subcommittee on Transportation, Tourism, and  
Economic Development (Brandes) recommended the following:

1           **Senate Amendment to Amendment (841202) (with title**  
2 **amendment)**

3  
4           Delete lines 5 - 26  
5 and insert:

6           Section 1. Present subsections (5) and (6) of section  
7 338.166, Florida Statutes, are redesignated as subsections (6)  
8 and (7), respectively, subsection (4) is amended, and a new  
9 subsection (5) is added to that section, to read:

10           338.166 High-occupancy toll lanes or express lanes.—



269396

11 (4) The department may implement variable rate tolls on  
12 high-occupancy toll lanes or express lanes. The department may  
13 require use of an electronic transponder interoperable with the  
14 department's electronic toll collection system for the use of  
15 high-occupancy toll lanes or express lanes.

16 (5) Effective July 1, 2018, if a customer's average travel  
17 speed for a trip in an express lane falls below 40 miles per  
18 hour, the customer must be charged the minimum express lane  
19 toll. A customer's express lane average travel speed is his or  
20 her average travel speed from the customer's entry point to the  
21 customer's exit point.

22 Section 2. Paragraph (d) of subsection (1) of section  
23 338.2216, Florida Statutes, is amended, and paragraph (e) is  
24 added to that subsection, to read:

25 338.2216 Florida Turnpike Enterprise; powers and  
26 authority.—

27 (1)

28 (d) The Florida Turnpike Enterprise shall pursue and  
29 implement new technologies and processes in its operations and  
30 collection of tolls and the collection of other amounts  
31 associated with road and infrastructure usage. Such technologies  
32 and processes must include, without limitation, video billing  
33 and variable pricing. The Florida Turnpike Enterprise may  
34 require use of an electronic transponder interoperable with the  
35 department's electronic toll collection system for the use of  
36 express lanes on the turnpike system. Variable pricing may not  
37 be implemented in express lanes when the level of service in the  
38 express lane, determined in accordance with the criteria  
39 established by the Transportation Research Board Highway



269396

40 Capacity Manual (5th Edition, HCM 2010), as amended from time to  
41 time, is equal to level of service A. Variable pricing in  
42 express lanes when the level of service in the express lane is  
43 level of service B may only be implemented by charging the  
44 general toll lane toll amount plus 25 cents. Except as otherwise  
45 provided in this subsection, pricing in express lanes when the  
46 level of service is other than level of service A or service B  
47 may vary in the manner established by the Florida Turnpike  
48 Enterprise to manage congestion in the express lanes.

49 (e) Effective July 1, 2018, if a customer's average travel  
50 speed for a trip in an express lane falls below 40 miles per  
51 hour, the customer must be charged the general toll lane toll  
52 amount plus 25 cents. A customer's express lane average travel  
53 speed is his or her average travel speed from the customer's  
54 entry point to the customer's exit point.

55  
56 ===== T I T L E A M E N D M E N T =====

57 And the title is amended as follows:

58 Delete lines 188 - 199

59 and insert:

60 amending s. 338.166, F.S.; authorizing the department  
61 to require use of an electronic transponder  
62 interoperable with the department's electronic toll  
63 collection system for the use of high-occupancy toll  
64 lanes or express lanes; requiring, as of a specified  
65 date, that a customer be charged the minimum express  
66 lane toll if his or her average travel speed for a  
67 trip in an express lane falls below a specified rate;  
68 providing for measurement of a customer's express lane



269396

69 average travel speed; amending s. 338.2216, F.S.;

70 authorizing the Florida Turnpike Enterprise to require

71 use of an electronic transponder interoperable with

72 the department's electronic toll collection system for

73 the use of express lanes on the turnpike system;

74 prohibiting variable pricing from being implemented in

75 express lanes when the level of service in the express

76 lane, determined in accordance with specified

77 criteria, is equal to level of service A; specifying

78 that variable pricing in express lanes when the level

79 of service in the express lane is level of service B

80 may only be implemented by charging the general toll

81 lane toll amount plus a specified amount; providing

82 that pricing in express lanes when the level of

83 service is other than level of service A or B may vary

84 in the manner established by the Florida Turnpike

85 Enterprise to manage congestion in the express lanes;

86 requiring, as of a specified date, that a customer be

87 charged a general toll lane toll amount plus a

88 specified amount if his or her average travel speed

89 for a trip in an express lane falls below a specified

90 rate; providing for measurement of a customer's

91 express lane average travel speed; amending





165746

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2017	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

**Senate Amendment to Amendment (841202) (with title amendment)**

Delete lines 128 - 155  
and insert:

Expressway Authority Act, an authority in any county as defined in s. 125.011(1) shall determine its surplus revenues as defined in s. 348.0002(12) and deduct from the surplus revenues a prudent reserve as determined by the board. The authority shall then dedicate at least 10 percent, but not greater than 30



165746

11 percent, of the remaining surplus revenues after the deduction  
12 of a prudent reserve to transportation- and transit-related  
13 expenses for projects in municipalities and counties in which  
14 the authority operates. The authority may determine which  
15 specific transportation- and transit-related expenses to fund  
16 from proposals submitted by municipalities and counties.  
17 Transportation- and transit-related expenses funded pursuant to  
18 this subsection must have a rational nexus to the transportation  
19 facilities of the authority and may include, but are not limited  
20 to, expenses associated with the planning, design, acquisition,  
21 construction, extension, rehabilitation, equipping,  
22 preservation, maintenance, or improvement of public  
23 transportation facilities, transit facilities, intermodal  
24 facilities, or multimodal corridors owned or operated by such  
25 municipality or county, and transit-related expenses that impact  
26 the capacity or use of the transportation facilities of the  
27 authority. For the purpose of this subsection, a rational nexus  
28 must demonstrate that the proposed transportation expenditure  
29 makes a substantial impact on the capacity or use of the  
30 transportation facilities of the authority, or that the proposed  
31 transit expenditure complements the operation of, or expands the  
32 access to, the transportation facilities of the authority.

33 (12) An authority established in any county as defined in  
34 125.011(1) must have an audit conducted by an independent third  
35 party not less than biennially, and the audit report must be  
36

37 ===== T I T L E A M E N D M E N T =====

38 And the title is amended as follows:

39 Delete line 249



165746

40 and insert:

41 an independent third party not less than biennially;



207830

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
04/18/2017	.	
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Appropriations Subcommittee on Transportation, Tourism, and  
Economic Development (Articles) recommended the following:

**Senate Amendment to Amendment (841202) (with title  
amendment)**

Before line 27  
insert:

Section 3. Section 338.2225, Florida Statutes, is created  
to read:

338.2225 Express lanes on any part of the turnpike system;  
prohibition.-

(1) Except for express lanes that, before July 1, 2017,



207830

11 exist, or are under construction on any part of the turnpike  
12 system, no express lanes shall be on any part of the turnpike  
13 system.

14 (2) The department may collect a toll on express lanes  
15 that, before July 1, 2017, exist, or are under construction, on  
16 any part of the turnpike system, but such collection may be only  
17 for the discharge of any bond indebtedness that relates to the  
18 expense of constructing the express lanes. After the discharge  
19 of such bond indebtedness, the toll on the express lane must be  
20 eliminated.

21  
22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Delete line 199

25 and insert:

26 customer's express lane average travel speed; creating  
27 s. 338.2225, F.S.; amending

By the Committee on Transportation; and Senator Garcia

596-02748-17

20171562c1

A bill to be entitled

An act relating to expressway authorities; providing a short title; amending s. 348.0004, F.S.; providing applicability; requiring toll increases by authorities in certain counties to be justified by an independent study by a third party; providing that such authorities may only increase tolls to the extent necessary to adjust for inflation pursuant to a certain procedure for toll rate adjustments; requiring toll increases to be approved by a vote of the expressway authority boards; limiting the amount of toll revenues such authorities may use for administrative expenses; requiring a certain minimum distance between main through-lane tolling points on transportation facilities constructed after a specified date, subject to a certain restriction; providing applicability; conforming a cross-reference; requiring authorities in certain counties to reduce toll charges by a specified amount at the time that any toll is incurred for certain SunPass registrants; prohibiting authorities in certain counties from imposing additional requirements for receipt of the reduced toll amount; creating s. 348.00115, F.S.; requiring authorities in certain counties to post certain information on a website; defining the term "contract"; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Page 1 of 5

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

596-02748-17

20171562c1

Section 1. This act may be cited as the "Toll Reform Act."

Section 2. Present subsections (6) through (9) of section 348.0004, Florida Statutes, are redesignated as subsections (7) through (10), respectively, paragraph (e) of subsection (2) of that section is amended, and a new subsection (6) is added to that section, to read:

348.0004 Purposes and powers.—

(2) Each authority may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of its purposes, including, but not limited to, the following rights and powers:

(e) To fix, alter, charge, establish, and collect tolls, rates, fees, rentals, and other charges for the services and facilities system, which tolls, rates, fees, rentals, and other charges must always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to the Florida Expressway Authority Act. However, such right and power may be assigned or delegated by the authority to the department.

1. Notwithstanding any other provision of law to the contrary, but subject to any contractual requirements contained in documents securing any indebtedness outstanding on July 1, 2017, in any county as defined in s. 125.011(1):

a. The authority may not increase a toll unless the increase is justified to the satisfaction of the authority by a traffic and revenue study conducted by an independent third party.

b. The authority may only increase tolls to the extent necessary to adjust for inflation pursuant to the procedure for toll rate adjustments provided in s. 338.165.

Page 2 of 5

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

596-02748-17 20171562c1

59 c. A toll increase must be approved by a two-thirds vote of  
60 the expressway authority board.

61 d. The authority may not use more than 10 percent of its  
62 toll revenues for administrative expenses. For purposes of this  
63 sub-subparagraph, administrative expenses include, but are not  
64 limited to, employee salaries and benefits, small business  
65 outreach, insurance, professional service contracts not directly  
66 related to the operation and maintenance of the expressway  
67 system, and other overhead costs.

68 e. On transportation facilities constructed after July 1,  
69 2017, there must be a distance of at least 5 miles between main  
70 through-lane tolling points. The distance requirement of this  
71 sub-subparagraph does not apply to entry and exit ramps. The  
72 authority may not increase a toll on an individual toll facility  
73 to implement this sub-subparagraph.

74 2. Notwithstanding s. 338.165 or any other provision of law  
75 to the contrary, in any county as defined in s. 125.011(1), to  
76 the extent surplus revenues exist, they may be used for purposes  
77 enumerated in subsection (8) ~~(7)~~, provided the expenditures are  
78 consistent with the metropolitan planning organization's adopted  
79 long-range plan.

80 3. Notwithstanding any other provision of law to the  
81 contrary, but subject to any contractual requirements contained  
82 in documents securing any outstanding indebtedness payable from  
83 tolls, in any county as defined in s. 125.011(1), the board of  
84 county commissioners may, by ordinance adopted on or before  
85 September 30, 1999, alter or abolish existing tolls and  
86 currently approved increases thereto if the board provides a  
87 local source of funding to the county expressway system for

596-02748-17 20171562c1

88 transportation in an amount sufficient to replace revenues  
89 necessary to meet bond obligations secured by such tolls and  
90 increases.

91 (6) An authority in any county as defined in s. 125.011(1)  
92 shall, at the time that any toll is incurred, reduce the toll  
93 charged on any of the authority's toll facilities by 25 percent  
94 for each SunPass registrant having an account in good standing  
95 and having the license plate of the vehicle or vehicles  
96 incurring the toll registered to the SunPass account at the time  
97 the toll is incurred. The authority may not impose additional  
98 requirements for receipt of the reduced toll amount.

99 Section 3. Section 348.00115, Florida Statutes, is created  
100 to read:

101 348.00115 Public accountability.—An expressway authority in  
102 a county as defined in s. 125.011(1) shall post the following  
103 information on its website:

104 (1) Audited financial statements and any interim financial  
105 reports.

106 (2) Board and committee meeting agendas, meeting packets,  
107 and minutes.

108 (3) Bond covenants for any outstanding bond issues.

109 (4) Authority budgets.

110 (5) Authority contracts. For purposes of this subsection,  
111 "contract" means a written agreement or purchase order issued  
112 for the purchase of goods or services or a written agreement for  
113 the receipt of state or federal financial assistance.

114 (6) Authority expenditure data, which must include the name  
115 of the payee, the date of the expenditure, and the amount of the  
116 expenditure. Such data must be searchable by name of the payee,

596-02748-17

20171562c1

117 name of the paying agency, and fiscal year and must be  
118 downloadable in a format that allows offline analysis.

119 (7) Information relating to current, recently completed,  
120 and future projects on authority facilities.

121 Section 4. This act shall take effect July 1, 2017.



THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/18/17

Meeting Date

1562

Bill Number (if applicable)

841202

Amendment Barcode (if applicable)

Topic EXPRESSWAY AUTHORITIES/TOLLS

Name DAPHNEE SAINUIL

Job Title LEGISLATIVE COORDINATOR

Address 115 S. ~~W~~ ANDREWS AVE

Phone 954-253-7320

Street

FT. LAUDERDALE

City

FL

State

33301

Zip

Email dsainuil@broward.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing

BROWARD COUNTY

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/18/17  
Meeting Date

1562  
Bill Number (if applicable)

841202  
Amendment Barcode (if applicable)

Topic Expressway Authorizes / tolls

Name Candice Ericks

Job Title

Address 205 S. Adams St  
Tallahassee FL 32301  
Street City State Zip

Phone 954-648-1204

Email Candice@tollsconsultants.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Broward + Palm Beach Counties

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 1770

INTRODUCER: Community Affairs Committee and Senator Lee

SUBJECT: Community Redevelopment Agencies

DATE: April 6, 2017                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	<b>Fav/CS</b>
2.	Pitts	Pitts	ATD	<b>Pre-meeting</b>
3.			AP	
4.			RC	

**Please see Section IX. for Additional Information:**

PLEASE MAKE SELECTION

**I. Summary:**

CS/SB 1770 makes numerous changes to ch. 163, F.S., relating to Community Redevelopment Agencies (CRAs).

The bill provides that unless the governing body of the county or municipality which created the CRA approves its continued existence by a super majority vote of the governing body members, CRAs in existence on July 1, 2017, will terminate at the earlier of the expiration date stated in the CRA’s charter or on September 30, 2037. However, even if a governing body of the county or municipality which created the CRA does not approve its continued existence by super majority vote, CRAs with outstanding bonds remain in existence until the bonds mature regardless if the maturation date is after the expiration date in the charter or September 30, 2037. Additionally, on or after July 1, 2017, the governing body of a county or municipality may create a CRA only by a super majority vote of the members of the governing body of the county or municipality.

The bill increases accountability and transparency for CRAs by:

- Requiring the commissioners of a CRA to undergo 4 hours of ethics training annually;
- Requiring each CRA to use the same procurement and purchasing processes as the creating county or municipality;

- Expanding the annual reporting requirements for CRAs to include audit information and performance data and requiring the information and data to be published on the agency website;
- Providing that moneys in the local government redevelopment trust fund may only be expended pursuant to an annual budget adopted by the board of commissioners for the CRA and only for those purposes specified in current law beginning October 1, 2017;
- Requiring a CRA created by a municipality to provide its proposed budget, and any amendments to the budget, to the board of county commissioners for the county in which the CRA is located 60 days before the start of the CRA's fiscal year; and
- Requiring counties and municipalities to include CRA data in their annual financial report.

The bill also provides a process for the Department of Economic Opportunity (DEO) to declare a CRA inactive if it has no revenue, expenditures, and debt for 3 consecutive fiscal years.

The bill may have an indeterminate, but insignificant impact on state expenditures to the Department of Financial Services if additional staff are necessary to comply with duties created by the bill. The bill is expected to impact local government expenditures by an insignificant amount. See section V, "Fiscal Impact Statement", for details.

The bill has an effective date of July 1, 2017.

## II. Present Situation:

### The Community Redevelopment Act

The Community Redevelopment Act of 1969 (Act) authorizes a county or municipality to create a community redevelopment agency (CRA) as a means of redeveloping slums and blighted areas.<sup>1</sup> The Act defines a "blighted area" as an area in which there are a substantial number of deteriorated structures causing economic distress or endangerment to life or property and two or more of the factors listed in s. 163.340(8), F.S., are present. However, an area may also be classified as blighted if one factor is present and all taxing authorities with jurisdiction over the area agree that the area is blighted by interlocal agreement or by passage of a resolution by the governing bodies.<sup>2</sup>

The Act defines a "slum area" as "an area having physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because there is a predominance of buildings or improvements" in poor states of repair with one of the following factors present:

- Inadequate provision for ventilation, light, air, sanitation, or open spaces;
- High density of population, compared to the population density of adjacent areas within the county or municipality, and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code; or
- The existence of conditions that endanger life or property by fire or other causes.<sup>3</sup>

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<sup>1</sup> Chapter 163, F.S., part III.

<sup>2</sup> Section 163.340(8), F.S.

<sup>3</sup> Section 163.340(7), F.S.

## Creation of Community Redevelopment Agencies

Either a county or a municipal government may create a CRA.<sup>4</sup> Before creating a CRA, a county or municipal government must adopt a resolution with a “finding of necessity.”<sup>5</sup> This resolution must make legislative findings “supported by data and analysis” that the area to be included in the CRA’s jurisdiction is either blighted or a slum and that redevelopment of the area is necessary to promote “the public health, safety, morals, or welfare” of residents.

A county or municipality may create a CRA upon the adoption of a finding of necessity and a finding that a CRA is necessary for carrying out the community redevelopment goals embodied by the Act.<sup>6</sup> A CRA created by a county may only operate within the boundaries of a municipality when the municipality has concurred by resolution with the community redevelopment plan adopted by the county. A CRA created by a municipality may not include more than 80 percent of the municipality if it was created after July 1, 2006.<sup>7</sup>

The ability to create, expand, or modify a CRA is also determined by the county’s status as a charter or non-charter county, as summarized below:

- If a CRA is created in a charter county after the adoption of the charter, the county possesses authority to create CRAs within the county, but may delegate authority to a municipality via interlocal agreement.<sup>8</sup>
- If a CRA is created in a charter county before the adoption of the charter, the county does not have authority over CRA operations, including modification of the redevelopment plan or expansion of CRA boundaries.<sup>9</sup>
- If a CRA is created in a non-charter county, the county does not have authority over CRA operations, including modification of the redevelopment plan or expansion of CRA boundaries.<sup>10</sup>

As of March 1, 2017, there are 222 CRAs in Florida, which is a 30 percent increase over the past decade.<sup>11</sup>

## Community Redevelopment Agency Boards

The Act allows the local governing body creating a CRA to choose between two structures for the agency governing board.

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<sup>4</sup> See s. 163.355, F.S. (prohibiting counties and municipalities from exercising powers under the Act without a finding of necessity).

<sup>5</sup> *Id.*

<sup>6</sup> Section 163.356(1), F.S.

<sup>7</sup> Section 163.340(10), F.S.

<sup>8</sup> Section 163.410, F.S.

<sup>9</sup> *Id.*

<sup>10</sup> Section 163.415, F.S.

<sup>11</sup> Compare Dept. of Economic Opportunity, Special District Accountability Program, Official List of Special Districts Online, <https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/> (last visited Mar. 17, 2017) (222 active CRAs as of Mar. 1, 2017) with Bill Analysis for HB 1583 (2006) (stating there were 171 CRAs in operation as of Mar. 26, 2006).

One option is to appoint a board of commissioners consisting of five to nine members serving 4-year terms.<sup>12</sup> The local governing body may appoint any person as a commissioner who lives in or is engaged in business in the agency's area of operation.<sup>13</sup> The local governing body making the appointment selects the chair and vice chair of the commission.<sup>14</sup> Commissioners are not entitled to compensation for their services, but may receive reimbursement for expenses incurred in the discharge of their official duties.<sup>15</sup> Commissioners and employees of an agency are subject to the code of ethics for public officers and employees under ch. 112, F.S.<sup>16</sup>

The second option is for the local governing body to appoint itself as the agency board of commissioners.<sup>17</sup> If the local governing body consists of five members, the local governing body may appoint two additional members to 4-year terms.<sup>18</sup> The additional members must meet the selection criteria for appointed board members under s. 163.356, F.S., or be representatives of another taxing authority within the agency's area of operation, subject to an interlocal agreement between the local governing body creating the CRA and the other taxing authority.<sup>19</sup>

As of March 1, 2017, the local governing body creating the CRA serves as the CRA board for 155 of the 222 active CRAs.<sup>20</sup>

### **Community Redevelopment Agency Operations**

The CRA board of commissioners is responsible for exercising the powers of the agency.<sup>21</sup> A majority of the board's members are required for a quorum. An agency is authorized to employ an executive director, technical experts, legal counsel, and other agents and employees necessary to fulfill its duties.<sup>22</sup>

A CRA exercising its powers under the Act must file an annual report to the governing body of the creating local government entity.<sup>23</sup> The report must contain a complete financial statement of the assets, liabilities, income, and operating expenses of the agency. The CRA must publish a notice in a newspaper of general circulation in the community that the report has been filed and is available for inspection during business hours in the office of the clerk of the city or county commission and the office of the agency.<sup>24</sup>

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<sup>12</sup> Section 163.356(2), F.S.

<sup>13</sup> Section 163.356(3)(b), F.S. A person is "engaged in business" if he or she owns a business, performs services for compensation, or serves as an officer or director of a business that owns property or performs services in the agency's area of operation.

<sup>14</sup> Section 163.356(3)(c), F.S.

<sup>15</sup> Section 163.356(3)(a), F.S.

<sup>16</sup> Section 163.367(1), F.S, but cf. s. 112.3142, F.S. (requiring ethics training for specific constitutional officers and elected municipal officers).

<sup>17</sup> Section 163.357(1)(a), F.S.

<sup>18</sup> Section 163.357(1)(c), F.S.

<sup>19</sup> Section 163.357(1)(c)-(d), F.S.

<sup>20</sup> Dept. of Economic Opportunity, Special District Accountability Program, Official List of Special Districts Online, <https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/> (last visited Mar. 17, 2017).

<sup>21</sup> Section 163.356(3)(b), F.S.

<sup>22</sup> Section 163.356(3)(c), F.S.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

### Community Redevelopment Plans

A community redevelopment plan must be in place before a CRA can engage in operations.<sup>25</sup> Each community redevelopment plan must provide a time certain for completing all redevelopment financed by increment revenues.<sup>26</sup> The time certain must occur no later than 30 years after the fiscal year in which the plan is approved, adopted, or amended pursuant to s. 163.361(1), F.S.<sup>27</sup> However, for any agency created after July 1, 2002, the time certain for completing all redevelopment financed by increment revenues must occur within 40 years after the fiscal year in which the plan is approved or adopted.<sup>28</sup>

The county, municipality, the CRA itself, or members of the public may submit the plan and the CRA then chooses which plan it will use as its community redevelopment plan.<sup>29</sup> Next, the CRA must submit the plan to the local planning agency for review before the plan can be considered.<sup>30</sup> The local planning agency must complete its review within 60 days.

The CRA must submit the community redevelopment plan to the governing body that created the CRA as well as each taxing authority that levies ad valorem taxes on taxable real property contained in the boundaries of the CRA.<sup>31</sup> The local governing body that created the CRA must hold a public hearing before the plan is approved.<sup>32</sup>

To approve the plan, the local governing body must make findings as specified in s. 163.360(7), F.S. The community redevelopment plan must also:

- Conform to the comprehensive plan for the county or municipality;
- Indicate land acquisition, demolition, and removal of structures; redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community redevelopment area; zoning and planning changes, if any; land uses; maximum densities; and building requirements; and
- Provide for the development of affordable housing in the area, or state the reasons for not addressing in the plan the development of affordable housing.<sup>33</sup>

### Redevelopment Trust Fund

CRAs are not permitted to levy or collect taxes; however, the local governing body is permitted to establish a community redevelopment trust fund that is funded through tax increment financing (TIF). The amount of TIF available to the agency in a given year is equal to 95 percent of the difference between:

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<sup>25</sup> Section 163.360(1), F.S.

<sup>26</sup> Section 163.362(10), F.S.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> Section 163.360(4), F.S.

<sup>30</sup> *Id.*

<sup>31</sup> Section 163.360(5), F.S.

<sup>32</sup> Section 163.360(6), F.S.

<sup>33</sup> Section 163.360(2), F.S.

- The amount of ad valorem taxes levied in the current year by each taxing authority, excluding any debt service millage, on taxable real property within the boundaries of the community redevelopment area; and
- The amount of ad valorem taxes that would have been produced by levying the current year's millage rate for each taxing authority, excluding any debt service millage, on taxable real property within the boundaries of the community redevelopment area at the total assessed value of the taxable real property prior to the effective rate of the ordinance providing for the redevelopment trust fund.<sup>34</sup>

A CRA created by a county on or after July 1, 1994, may set the amount of funding provided at less than 95 percent, with a floor of 50 percent.

The TIF authority of a CRA may be limited in certain circumstances.<sup>35</sup>

Each taxing authority must transfer TIF funds to the redevelopment trust fund of the CRA by January 1 of each year.<sup>36</sup> For CRAs created before July 1, 2002, each taxing authority must make an annual appropriation to the trust fund for the lesser of 60 years from when the community redevelopment plan was adopted or 30 years from when it was amended. For CRAs created on or after July 1, 2002, each taxing authority must make an annual appropriation to the trust fund for 40 years from when the community redevelopment plan was adopted. If there are any outstanding loans, advances, or indebtedness at the conclusion of these time periods, the local governing body that created the CRA must continue transfers to the redevelopment trust fund until the debt has been paid.<sup>37</sup>

If a taxing authority does not transfer the TIF funds to the redevelopment trust fund, the taxing authority is required to pay a penalty of 5 percent of the TIF amount to the trust fund as well as 1 percent interest per month for the outstanding amount.<sup>38</sup> A CRA may choose to waive these penalties in whole or in part.

Certain taxing authorities are exempt from contributing to the redevelopment trust fund.<sup>39</sup>

Additionally, the local governing body creating the CRA may choose to exempt other special districts levying ad valorem taxes in the community redevelopment area.<sup>40</sup>

Any revenue bonds issued by the CRA are payable from revenues pledged to and received by the CRA and deposited into the redevelopment trust fund.<sup>41</sup> The lien created by the revenue bonds does not attach to the bonds until the revenues are deposited in the redevelopment trust fund and do not grant bondholders any right to require taxation in order to retire the bond. Revenue bonds

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<sup>34</sup> Section 163.387(1)(a), F.S.

<sup>35</sup> Section 163.387(1)(b)1. and 2., F.S.

<sup>36</sup> Section 163.387(2)(a), F.S.

<sup>37</sup> Section 163.387(3)(a), F.S.

<sup>38</sup> Section 163.387(2)(b), F.S.

<sup>39</sup> Section 163.387(2)(c), F.S.

<sup>40</sup> Section 163.387(2)(d), F.S.

<sup>41</sup> Section 163.387(4), F.S.



issued by a CRA are not a liability of the state or any political subdivision of the state and this status must be made clear on the face of the bond.<sup>42</sup>

A CRA may spend funds deposited in its redevelopment trust fund for purposes, including, but not limited to those listed in s. 163.387(6), F.S.

If any funds remain in the redevelopment trust fund on the last day of the fiscal year, the funds must be:

- Returned to each taxing authority on a pro rata basis;
- Used to reduce the amount of any indebtedness to which increment revenues are pledged;
- Deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or
- Appropriated to a specific redevelopment project pursuant to an approved community redevelopment plan and the project must be completed within 3 years from the date of such appropriation.<sup>43</sup>

Each CRA is required to provide for an annual audit of its redevelopment trust fund, conducted by an independent certified public accountant or firm.<sup>44</sup>

### **CRA Oversight and Accountability**

#### ***Miami-Dade County Grand Jury Report***

A Miami-Dade County grand jury issued a report in 2016 after “learning of several examples of mismanagement of large amounts of public dollars” by CRAs.<sup>45</sup> The report found that some CRA boards were “spending large amounts of taxpayer dollars on what appeared to be pet projects of elected officials” and “there is a significant danger of CRA funds being used as a slush fund for elected officials.”<sup>46</sup> In the event funds were misused, the report found that the Act lacked any accountability and enforcement measures.

The report noted that while county and municipal governments may not pledge ad valorem tax proceeds to finance bonds without voter approval, the board of a CRA can pledge TIF funds to finance bonds without any public input.<sup>47</sup>

The grand jury found that redevelopment trust fund money was often used “without the exercise of any process of due diligence, without justification and without recourse.”<sup>48</sup> The report notes that the Act does not provide guidelines for the proper use of CRA funds, resulting in questionable expenditures.<sup>49</sup> For example, one CRA highlighted in the report spent \$300,000 of its \$400,000 budget on administrative expenses. The report also found examples of the CRA

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<sup>42</sup> Section 163.387(5), F.S.

<sup>43</sup> Section 163.387(7), F.S.

<sup>44</sup> Section 163.387(8), F.S.

<sup>45</sup> Miami-Dade County Grand Jury, Final Report for Spring Term A.D. 2015, at 1, available at [https://www.miamisao.com/publications/grand\\_jury/2000s/gj2015s.pdf](https://www.miamisao.com/publications/grand_jury/2000s/gj2015s.pdf) (filed Feb. 3, 2016).

<sup>46</sup> *Id.* at 7.

<sup>47</sup> *Id.* at 9.

<sup>48</sup> *Id.* at 14.

<sup>49</sup> *Id.* at 15.

funds being used to fund fairs, carnivals, and other community entertainment events.<sup>50</sup> Additionally, the report found that funds may have been misused as part of the CRA contracting process since there is no specified procurement process for CRAs.<sup>51</sup>

While the Act states affordable housing is one of the three primary purposes for the existence of CRAs, the report found that the provision of affordable housing by CRAs “appears to be the exception and not the rule.”<sup>52</sup> The report stated that while CRAs cite prohibitive costs as a reason for not developing affordable housing, funds are often used for other purposes.<sup>53</sup> Some CRAs have requested that their boundaries be extended to include areas for low-income housing while not providing any affordable housing.<sup>54</sup> Some CRA board members have stated the agencies do not focus on affordable housing because it does not produce sufficient revenue.<sup>55</sup>

Another area of concern for the grand jury was a focus on removing blight by improving the appearance of commercial areas, but leaving slum conditions in place, particularly in the form of multi-family housing that is “unsafe, unsanitary, and overcrowded.”<sup>56</sup> The grand jury points to news coverage of some apartment buildings with overflowing toilets and frequent losses of power due to the need for repairs. The report notes the contrast between these conditions and the use of some CRA proceeds to “fund ball stadiums, performing arts centers[,] and dog parks.”<sup>57</sup>

The grand jury report also notes that while a finding of necessity is required for creating a CRA, there is no process for determining whether the mission of the CRA has been fulfilled.<sup>58</sup>

The report concludes by making 29 recommendations for ensuring transparency and accountability in the operation of CRAs, including:

- Requiring all CRA boards to contain members of the community;
- Imposing a cap on annual CRA expenditures used for administrative costs;
- Requiring CRAs to adopt procurement guidelines that mirror those of the associated county or municipality;
- Requiring each CRA to submit its budget to the county commission with sufficient time for full consideration;
- Setting aside a percentage of TIF revenue for affordable housing; and
- Imposing ethics training requirements.<sup>59</sup>

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<sup>50</sup> *Id.* at 16.

<sup>51</sup> *Id.* at 17.

<sup>52</sup> *Id.* at 19.

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.* at 20.

<sup>56</sup> *Id.* at 22.

<sup>57</sup> *Id.*

<sup>58</sup> *Id.* at 32.

<sup>59</sup> *Id.* at 34-36.

### ***Broward County Inspector General Reports***

The Broward County Office of the Inspector General has conducted two investigations into CRA operations in the past five years: Hallandale Beach CRA in 2013<sup>60</sup> and Margate CRA in 2014.<sup>61</sup> The investigation into the Hallandale Beach CRA showed that the agency failed to create a trust fund and that the city commission failed to operate the CRA as an entity separate from the city.<sup>62</sup> The former executive director of the CRA stated the city had “free reign” to use funds from the CRA’s account.<sup>63</sup> The report found over \$2 million of questionable expenditures by the Hallandale Beach CRA between 2007 and 2012, including \$125,000 in inappropriate loans and \$152,494 spent on “civic promotions such as festivals and fireworks displays.”<sup>64</sup> After some of these issues were brought to the attention of the city and the CRA, the CRA continued working on a funding plan that included spending \$5,347,000 on two parks outside of the boundaries of the CRA. The report also found that CRA paid “substantially more than its appraised value” to purchase a property owned by a church whose pastor was a city commissioner at the time.<sup>65</sup>

The investigation of the Margate CRA showed a failure to properly allocate TIF funds received from the county and other taxing authorities.<sup>66</sup> While the CRA stated unused funds were not returned because they were allocated for a specific project, the investigation showed the agency had a pattern of intentionally retaining excess unallocated funds for later use.<sup>67</sup> This pattern of misuse had resulted in a debt to the county of approximately \$2.7 million for fiscal years 2008-2012.<sup>68</sup>

### ***Auditor General Report***

The Auditor General is required to conduct a performance audit of the local government financial information reporting system every 3 years.<sup>69</sup> As part of the most recent performance audit, the Auditor General made five findings concerning CRAs:

- Current law could be enhanced to be more specific as to the types of expenditures that qualify for undertakings of a CRA.
- Current law could be enhanced to provide county taxing authorities more control over expenditures of CRAs created by municipalities to help ensure that CRA trust fund moneys are used appropriately.

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<sup>60</sup> Broward Office of the Inspector Gen., Final Report Re: Gross Mismanagement of Public Funds by the City of Hallandale Beach and the Hallandale Beach Community Redevelopment Agency, OIG 11-020, available at <http://www.broward.org/InspectorGeneral/PublicationsPress/Documents/OIG11020-201405219-BrownMemo.pdf> (Apr. 18, 2013).

<sup>61</sup> Broward Office of the Inspector Gen., Final Report Re: Misconduct by the Margate Community Redevelopment Agency in the Handling of Taxpayer Funds, OIG 13-015A, available at <http://www.broward.org/InspectorGeneral/Documents/OIG13015AMargateCRAFinalReport.pdf> (July 22, 2014).

<sup>62</sup> City of Hallandale Beach, *supra* note 62, at 1.

<sup>63</sup> *Id.* at 28.

<sup>64</sup> *Id.* at 1.

<sup>65</sup> *Id.* at 2.

<sup>66</sup> Margate Community Redevelopment Agency, *supra* note 63, at 1.

<sup>67</sup> *Id.*

<sup>68</sup> *Id.* at 2.

<sup>69</sup> Section 11.45(2)(g), F.S.

- Current law could be revised to require all CRAs, including those created before October 1, 1984, to follow the statutory requirements governing the specific authorized uses of CRA trust fund moneys.
- Current law could be enhanced to allow CRAs to provide for reserves of unexpended CRA trust fund balances to be used during financial downturns.
- Current law could be enhanced to promote compliance with the audit requirement in s. 163.387(8), F.S., and to require such audits to include a determination of compliance with laws pertaining to expenditure of, and disposition of unused, CRA trust fund moneys.<sup>70</sup>

### **Ethics Training Requirements for Public Officials**

Constitutional officers and all elected municipal officers must complete 4 hours of ethics training on an annual basis.<sup>71</sup> The required ethics training must include instruction on Art. II, s. 8 of the Florida Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws. This requirement may be met by attending a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.

### **Inactive Special Districts**

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary. Whether dependent or independent, when a special district no longer fully functions or fails to meet its statutory responsibilities, DEO must declare that district inactive by following a specified process.<sup>72</sup> The DEO must first document the factual basis for declaring the district inactive.

A special district may be declared inactive if it meets one of the following criteria:

- The registered agent of the district, the chair of the district governing body, or the governing body of the appropriate local general-purpose government:
  - Provides DEO with written notice that the district has taken no action for 2 or more years;
  - Provides DEO with written notice that the district has not had any members on its governing body or insufficient numbers to constitute a quorum for 2 or more years; or
  - Fails to respond to an inquiry by DEO within 21 days.<sup>73</sup>
- Following statutory procedure,<sup>74</sup> DEO determines the district failed to file specified reports,<sup>75</sup> including required financial reports.<sup>76</sup>
- For more than 1 year, no registered office or agent for the district was on file with DEO.<sup>77</sup>

<sup>70</sup> Florida Auditor Gen., Report No. 2015-037, p. 1, available at [http://www.myflorida.com/audgen/pages/pdf\\_files/2015-037.pdf](http://www.myflorida.com/audgen/pages/pdf_files/2015-037.pdf) (Oct. 2014).

<sup>71</sup> Section 112.3142, F.S. A "constitutional officer" is defined as the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools.

<sup>72</sup> Section 189.062(1), F.S.

<sup>73</sup> Section 189.062(1)(a)1.-3., F.S.

<sup>74</sup> Section 189.067, F.S.

<sup>75</sup> Section 189.066, F.S.

<sup>76</sup> Section 189.062(1)(a)4., F.S. See, ss. 189.016(9), 218.32, 218.39, F.S.

<sup>77</sup> Section 189.062(1)(a)5., F.S.

- The governing body of the district unanimously adopts a resolution declaring the district inactive and provides documentation of the resolution to DEO.<sup>78</sup>

Once DEO determines which criterion applies to the district, notice of the proposed declaration of inactive status is published by DEO, the local general-purpose government for the area where the district is located, or the district itself.<sup>79</sup> After declaring certain special districts inactive, DEO must send written notice of the declaration to the authorities that created the district. The property and assets of a special district declared inactive by DEO are first used to pay any debts of the district and any remaining property or assets then escheat to the county or municipality in which the district was located. If the district's assets are insufficient to pay its outstanding debts, the local general-purpose government in which the district was located may assess and levy within the territory of the inactive district such taxes as necessary to pay the remaining debt.<sup>80</sup>

A district declared inactive may not collect taxes, fees, or assessments.<sup>81</sup> This prohibition continues until the declaration of invalid status is withdrawn or revoked by DEO<sup>82</sup> or invalidated in an administrative proceeding<sup>83</sup> or civil action<sup>84</sup> timely brought by the governing body of the special district.<sup>85</sup> Failure of the special district to challenge (or prevail against) the declaration of inactive status enables DEO to enforce the statute through a petition for enforcement in circuit court.<sup>86</sup>

Declaring a special district to be inactive does not dissolve the district or otherwise cease its legal existence. Subsequent action is required to repeal the legal authority creating the district, whether by the Legislature<sup>87</sup> or the entity that created the district.<sup>88</sup>

### **Annual Financial Reports for Local Government Entities**

Counties, municipalities, and special districts must submit an annual financial report for the previous fiscal year to the Department of Financial Services (DFS).<sup>89</sup> The report must include component units of the local government entity submitting the report. If a local government entity is required to conduct an audit under s. 218.39, F.S., for the fiscal year, the annual financial report, as well as a copy of the audit report, must be submitted to DFS within 45 days of completion of the audit report, but no later than 9 months after the end of the fiscal year. If the

<sup>78</sup> Section 189.062(1)(a)6., F.S.

<sup>79</sup> Publication must be in a newspaper of general circulation in the county or municipality where the district is located and a copy sent by certified mail to the district's registered agent or chair of the district's governing body, if any.

<sup>80</sup> Section 189.062(2), F.S.

<sup>81</sup> Section 189.062(5), F.S.

<sup>82</sup> Section 189.062(5)(a), F.S.

<sup>83</sup> Section 189.062(5)(b)1., F.S. Administrative proceedings are conducted pursuant to s. 120.569, F.S.

<sup>84</sup> Section 189.062(5)(b)2., F.S. The action for declaratory and injunctive relief is brought under ch. 86, F.S.

<sup>85</sup> The special district must initiate the legal challenge within 30 days after the date the written notice of DEO's declaration of inactive status is provided to the special district. Section 189.062(5)(b), F.S.

<sup>86</sup> Section 189.062(5)(c), F.S. The enforcement action is brought in the circuit court in and for Leon County.

<sup>87</sup> Sections 189.071(3), 189.072(3), F.S.

<sup>88</sup> Section 189.062(4), F.S. Unless otherwise provided by law or ordinance, dissolution of a special district transfers title to all district property to the local general-purpose government, which also must assume all debts of the dissolved district. Section 189.076(2), F.S.

<sup>89</sup> Section 218.32, F.S.

local government entity is not required to conduct an audit under s. 218.39, F.S., for the fiscal year, the annual financial report is due no later than 9 months after the end of the fiscal year. Each local government must provide a link to the annual audit report on its website.

### III. Effect of Proposed Changes:

**Section 1** amends s. 163.340, F.S., to revise the definition of the term “blighted area.” The revised definition adds four new factors to the definition. The four factors include higher rates of unemployment; higher rates of poverty; higher rates of foreclosure; and higher rates of infant mortality than the surrounding area. The revision also removes from the definition of “blighted area” a clause that allowed an area to be classified as blighted if one factor was present if all taxing authorities agreed by interlocal agreement or resolution that the area is blighted. As a result, an area needs to have two of the factors listed in s. 163.340 (8), F.S., in order to be considered blighted.

**Section 2** amends s. 163.524, F.S., to conform a cross reference to the new factors listed under the term “blighted area.”

**Section 3** amends s. 163.356, F.S., to conform a cross-reference for the reporting requirements created under s. 163.371, F.S.

**Section 4** amends s. 163.357, F.S., to require, rather than authorize, a governing body of a county or municipality which appoints itself as the governing body of the CRA and consists of five members to appoint two additional persons to act as members of the CRA. The two additional members may not be elected officials and must have expertise in architecture, finance, construction, land use, affordable housing, sustainability, or other educational or professional experience in community redevelopment.

**Section 5** amends s. 163.367, F.S., to provide that commissioners of a CRA must comply with the ethics training requirements in s. 112.3142, F.S. The requirements include mandating that officers complete 4 hours of ethics training each calendar year.

**Section 6** amends s. 163.370, F.S., to require a CRA to procure all commodities and services under the same purchasing processes and requirements that apply to the county or municipality that created the agency.

**Section 7** creates s. 163.371, F.S., to provide reporting requirements for CRAs. Specifically, the section requires each CRA to submit an annual report to the county or municipality that created the agency by March 31 of each year and to publish the report to the agency’s website. The report must include the most recent complete audit report of the redevelopment trust fund and provide performance data for each community redevelopment plan authorized, administered, or overseen by the CRA. The performance data report must include the following information as of December 31 of the year being reported:

- The total number of projects the CRA started and completed, and the estimated cost of each project;
- The total expenditures from the redevelopment trust fund;

- The original assessed real property values within the CRA's area of authority as of the day the agency was created;
- The total assessed real property values within the CRA's area of authority as of January 1 of the year being reported; and
- The total amount expended for affordable housing for low- and middle-income residents.

By January 1, 2018, each CRA must publish digital maps on its website depicting the geographic boundaries and the total acreage of the CRA. If any change is made to the boundaries or total acreage, the CRA must post the updated map files on its website within 60 days after the date such change takes effect.

**Section 8** creates s. 163.3755, F.S., to provide for the termination and future creations of CRAs. Specifically, the section provides for the termination of CRAs, in existence on July 1, 2017, on the expiration date stated in the agency's charter or on September 30, 2037, whichever earlier, unless the governing body of the county or municipality which created the community redevelopment agency approves its continued existence by a super majority vote of the governing body members.

Additionally, if the governing body of the county or municipality which created the CRA does not approve its continued existence by a super majority vote, and the CRA has outstanding bond obligations as of July 1, 2017, which do not mature until after the earlier of the termination date of the agency or September 30, 2037, the CRA remains in existence until the bonds mature. A CRA in operation on or after September 30, 2037, may not extend the maturity date of its outstanding bonds.

The county or municipality that created the CRA must issue a new finding of necessity that is limited to meeting the remaining bond obligations of the CRA in a timely manner.

On or after July 1, 2017, the governing body of a county or municipality may create a CRA only by a super majority vote of the members of the governing body of the county or municipality. However, a CRA in existence before July 1, 2017, may continue to operate.

**Section 9** creates s. 163.3756, F.S., relating to inactive CRAs. The section provides a legislative finding that a number of CRAs continue to exist despite reporting no revenues, no expenditures, and no outstanding debt in their annual report.

The Department of Economic Opportunity must declare inactive any CRA reporting no revenues, no expenditures, and no debt for 3 consecutive fiscal years with the calculation beginning on October 1, 2014. The DEO must notify the CRA of the declaration of inactive status. If the CRA has no board members and no agent, the DEO must notify the governing board or commission of the county or municipality that created the CRA. The governing board of a CRA declared inactive by this procedure may seek to invalidate the declaration by initiating proceedings under s. 189.062(5), F.S., within 30 days after the date of receipt of the DEO notice.

A CRA declared inactive may only expend funds from its redevelopment trust fund as necessary to service outstanding bond debt. The CRA may not expend other funds without an ordinance of

the governing body of the local government that created the CRA consenting to the expenditure of funds.

The provisions of s. 189.062(2) and (4) do not apply to a CRA that has been declared inactive under this section.

The bill further provides that the provisions of this section are cumulative to the provisions of s. 189.062, F.S., which provides special procedures for inactive special districts. However, if the provisions in this section conflict with s. 189.062, F.S., this section prevails.

The DEO must maintain on its website a separate list of CRAs declared inactive pursuant to this section.

**Section 10** amends s. 163.387, F.S., relating to the redevelopment trust fund.

Beginning October 1, 2017, money in the redevelopment trust fund may be expended for undertakings of the CRA as described in the community redevelopment plan pursuant to an annual budget adopted by the board of commissioners of the CRA and for the following purposes:<sup>90</sup>

- Administrative and overhead expenses directly or indirectly necessary to implement a CRA plan adopted by the agency.
- Expenses of redevelopment planning, surveys, and financial analysis.
- The acquisition of real property in the redevelopment area.
- The clearance and preparation of any redevelopment area for redevelopment and relocation of site occupants within or outside the CRA.
- The repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness.
- All expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of bonds, bond anticipation notes, or other form of indebtedness.
- The development of affordable housing with the CRA.
- The development of community policing innovations.

Except as provided in this section, the bill requires CRAs to comply with budgeting, auditing, and reporting requirements of s. 189.016, F.S.

Additionally, a CRA created by a municipality must:

- Adopt a proposed budget within 90 days before the start of its fiscal year.
- Submit its proposed budget and projections for the next fiscal year to the board of county commissioners for the county in which the CRA is located within 60 days before the start of the CRA's fiscal year.
- Submit amendments to the CRA's operating budget to the board of county commissioners of the county in which the CRA is located within 10 days after the date of the adoption of the amended budget.

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<sup>90</sup> The only new purpose provided under this section is the administrative and overhead expenses. The other purposes exist under current law. However, current law provides that CRAs are authorized, but not limited, to using money for these other purposes. The bill strictly limits CRAs to the listed purposes only.



The bill expands the current reporting requirements for the audit report of the redevelopment trust fund to include:

- A complete financial statement identifying all assets, liabilities, income, and operating expenses of the CRA as of the end of fiscal year; and
- A finding by the auditor determining whether the CRA complied with the requirements concerning remaining funds at the conclusion of the fiscal year.

The bill requires the audit report for the CRA to be included with the annual financial report submitted by the county or municipality that created the CRA to DFS, even if the CRA files a separate financial report under s. 218.32, F.S.

**Section 11** amends s. 218.32, F.S., relating to annual financial reports. The section provides that the failure of a county or municipality to include in its annual report to the DFS the full audit required under s. 163.387(8), F.S., for each CRA created by that county or municipality constitutes a failure to report under s. 218.32, F.S.

By November 1 of each year, the DFS must provide the Special District Accountability Program of the DEO with a list of each CRA reporting no revenues, expenditures, or debt for the CRA's previous fiscal year.

**Section 12** provides that the act takes effect on July 1, 2017.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

Section 18(a), Article VII, of the Florida Constitution provides, in pertinent part, that no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and unless:

- the law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature; or
- the expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments.

Article VII, section 18(d) of the Florida Constitution exempts from the mandate requirement laws having insignificant fiscal impact (aggregate cost less than \$2 million),

The costs borne by counties and municipalities to comply with the provisions of this bill are not expected to exceed \$2 million. Because the fiscal impact is anticipated to be less than \$2 million, the bill appears to be exempt from the mandate requirements.

##### **B. Public Records/Open Meetings Issues:**

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires counties, municipalities, and special districts to submit an annual financial report to the Department of Financial Services. To the extent necessary to review and process these reports, the department may expend additional funds. The impact on state funds could be negative, but most likely insignificant.

The bill may have a fiscal impact on CRA expenditures due to the reporting requirements in the bill, including the requirement to post certain information on the agency's website.

**VI. Technical Deficiencies:**

Section 8 of the bill, specifically lines 256-258, may need clarification to specify that CRAs that are not approved to continue in existence and have outstanding bond obligations as of July 1, 2017, may not extend the maturity date of these bonds.

**VII. Related Issues:**

It is unclear whether a super majority requires a majority plus one or a higher vote threshold.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 163.340, 163.524, 163.356, 163.357, 163.367, 263.370, 163.387, and 218.32.

This bill creates the following sections of the Florida Statutes: 163.371, 163.3755, and 163.3756.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Community Affairs Committee on April 3, 2017:**

- Provides that the governing body of the county or municipality that created the CRA may approve its continued existence beyond the expiration date in its charter and

beyond September 30, 2037, by a super majority vote of the governing body members;

- Makes a technical change that provides that the notice of inactive status is only to be delivered to the governing board or commission if the agency does not have any board members or agents who may receive the notice;
- Revises the initial date after which moneys in the redevelopment trust fund may only be expended pursuant to an annual budget adopted by the board of commissioners of the CRA and only for those purposes specified in current law from July 1, 2017, to October 1, 2017;
- Requires a governing body of a county or municipality which appoints itself as the governing body of the CRA and consists of five members to appoint two additional non-elected persons with specified expertise to act as members of the CRA;
- Removes certain performance data including the number of jobs created within the CRA, the sector of the economy to which the new jobs pertain, and the number of jobs retained within the CRA from the list of information required under the CRA annual report; and
- Revises the definition of the term “blighted area.”

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2017	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Lee) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 61 and 62

insert:

Section 1. Section 112.327, Florida Statutes, is created to read:

112.327 Lobbying before community redevelopment agencies; registration and reporting.-

(1) As used in this section, the term:

(a) "Agency" or "community redevelopment agency" means a



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11 public agency created by, or designated pursuant to, s. 163.356  
12 or s. 163.357 and operating under the authority of part III of  
13 chapter 163.

14 (b) "Lobby" means to seek to influence an agency with  
15 respect to a decision of the agency in an area of policy or  
16 procurement or to attempt to obtain the good will of an agency  
17 official or employee, on behalf of another person. The term  
18 shall be interpreted and applied consistently with the rules of  
19 the commission implementing s. 112.3215.

20 (c) "Lobbyist" has the same meaning as provided in s.  
21 112.3215.

22 (d) "Principal" has the same meaning as provided in s.  
23 112.3215.

24 (2) A person may not lobby an agency until he or she has  
25 registered as a lobbyist with that agency. Such registration  
26 shall be due upon initially being retained to lobby and is  
27 renewable on a calendar-year basis thereafter. Upon  
28 registration, the person shall provide a statement signed by the  
29 principal or principal's representative stating that the  
30 registrant is authorized to represent the principal. The  
31 principal shall also identify and designate its main business on  
32 the statement authorizing that lobbyist pursuant to a  
33 classification system approved by the agency. Any changes to the  
34 information required by this section must be disclosed within 15  
35 days by filing a new registration form. An agency may create its  
36 own lobbyist registration forms or may accept a completed  
37 legislative branch or executive branch lobbyist registration  
38 form. In completing the form required by the agency, the  
39 registrant must disclose, under oath, the following:



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- 40       (a) His or her name and business address.
- 41       (b) The name and business address of each principal  
42 represented.
- 43       (c) The existence of any direct or indirect business  
44 association, partnership, or financial relationship with any  
45 officer or employee of an agency with which he or she lobbies or  
46 intends to lobby.
- 47       (3) An agency shall make lobbyist registrations available  
48 to the public. If an agency maintains a website, a database of  
49 currently registered lobbyists and principals must be available  
50 on that website. If the agency does not maintain a website, the  
51 database of currently registered lobbyists and principals must  
52 be available on the website of the county or municipality that  
53 created the agency.
- 54       (4) A lobbyist shall promptly send a written statement to  
55 the agency canceling the registration for a principal upon  
56 termination of the lobbyist's representation of that principal.  
57 An agency may remove the name of a lobbyist from the list of  
58 registered lobbyists if the principal notifies the agency that a  
59 person is no longer authorized to represent that principal.
- 60       (5) An agency may establish an annual lobbyist registration  
61 fee, not to exceed \$40, for each principal represented. The  
62 agency may use registration fees only for the purpose of  
63 administering this section.
- 64       (6) An agency shall be diligent in ascertaining whether  
65 persons required to register under this section have complied.  
66 An agency may not knowingly authorize an unregistered person to  
67 lobby the agency.
- 68       (7) Upon receipt of a sworn complaint alleging that a



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69 lobbyist or principal has failed to register with an agency or  
70 has knowingly submitted false information in a report or  
71 registration required under this section, the commission shall  
72 investigate a lobbyist or principal pursuant to the procedures  
73 established under s. 112.324. The commission shall provide the  
74 Governor with a report of its findings and recommendations in  
75 any investigation conducted pursuant to this subsection. The  
76 Governor may enforce the commission's findings and  
77 recommendations.

78 (8) Community redevelopment agencies may adopt rules to  
79 establish procedures to govern the registration of lobbyists,  
80 including the adoption of forms and the establishment of the  
81 lobbyist registration fee.

82  
83 ===== T I T L E A M E N D M E N T =====

84 And the title is amended as follows:

85 Between lines 2 and 3

86 insert:

87 creating s. 112.327, F.S.; defining terms; prohibiting  
88 a person from lobbying a community redevelopment  
89 agency until he or she has registered as a lobbyist  
90 with that agency; providing registration requirements;  
91 requiring an agency to make lobbyist registrations  
92 available to the public; requiring a database of  
93 currently registered lobbyists and principals to be  
94 available on certain websites; requiring a lobbyist to  
95 send a written statement to the agency canceling the  
96 registration for a principal that he or she no longer  
97 represents; authorizing an agency to remove the name



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98 of a lobbyist from the list of registered lobbyists  
99 under certain circumstances; authorizing an agency to  
100 establish an annual lobbyist registration fee, not to  
101 exceed a specified amount; requiring an agency to be  
102 diligent in ascertaining whether persons required to  
103 register have complied, subject to certain  
104 requirements; requiring the Commission on Ethics to  
105 investigate a lobbyist or principal under certain  
106 circumstances, subject to certain requirements;  
107 requiring the commission to provide the Governor with  
108 a report of its findings and recommendations in such  
109 investigations; authorizing the Governor to enforce  
110 the commission's findings and recommendations;  
111 authorizing community redevelopment agencies to adopt  
112 rules to establish procedures to govern the  
113 registration of lobbyists;





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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2017	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Lee) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 243 - 265  
and insert:  
continued existence by a three-fifths vote of the governing body members, a community redevelopment agency in existence on July 1, 2017, shall terminate on the expiration date provided in the community redevelopment agency's charter as it exists on July 1, 2017, or on September 30, 2037, whichever is earlier.  
(2) (a) If the governing body of the county or municipality



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11 which created the community redevelopment agency does not  
12 approve its continued existence by a three-fifths vote of the  
13 governing body members, a community redevelopment agency with  
14 outstanding bonds as of July 1, 2017, which do not mature until  
15 after the earlier of the termination date of the agency or  
16 September 30, 2037, remains in existence until the date the  
17 bonds mature.

18 (b) A community redevelopment agency operating under this  
19 subsection on or after September 30, 2037, may not extend the  
20 maturity date of any outstanding bonds.

21 (c) The county or municipality that created the community  
22 redevelopment agency must issue a new finding of necessity  
23 limited to timely meeting the remaining bond obligations of the  
24 community redevelopment agency.

25 (3) On or after July 1, 2017, the governing body of a  
26 county or municipality may create a community redevelopment  
27 agency only by a three-fifths vote of the members of the

28  
29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 Delete lines 22 - 28

32 and insert:

33 by a specified vote of the governing bodies of the  
34 counties or municipalities which created them;  
35 providing a limited exception for community  
36 redevelopment agencies with certain outstanding bond  
37 obligations; providing that a governing body of a  
38 county or municipality may create a community  
39 redevelopment agency only by a specified vote on

By the Committee on Community Affairs; and Senator Lee

578-03382-17

20171770c1

1 A bill to be entitled  
 2 An act relating to community redevelopment agencies;  
 3 amending s. 163.340, F.S.; revising the definition of  
 4 the term "blighted area"; amending s. 163.524, F.S.;  
 5 conforming a cross-reference; amending s. 163.356,  
 6 F.S.; providing reporting requirements; deleting  
 7 provisions requiring certain annual reports; amending  
 8 s. 163.357, F.S.; requiring, rather than authorizing,  
 9 a governing body that consists of five members to  
 10 appoint two additional persons to act as members of  
 11 the community redevelopment agency; providing  
 12 requirements for such members; amending s. 163.367,  
 13 F.S.; requiring ethics training for community  
 14 redevelopment agency commissioners; amending s.  
 15 163.370, F.S.; establishing procurement procedures;  
 16 creating s. 163.371, F.S.; providing annual reporting  
 17 requirements; requiring a community redevelopment  
 18 agency to publish annual reports and boundary maps on  
 19 its website; creating s. 163.3755, F.S.; providing a  
 20 phase-out period for existing community redevelopment  
 21 agencies unless their continued existence is approved  
 22 by a super majority vote of the governing bodies of  
 23 the counties or municipalities which created them;  
 24 providing a limited exception for community  
 25 redevelopment agencies with certain outstanding bond  
 26 obligations; providing that a governing body of a  
 27 county or municipality may create a community  
 28 redevelopment agency only by a super majority vote on  
 29 or after a specified date; creating s. 163.3756, F.S.;

Page 1 of 15

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

578-03382-17

20171770c1

30 providing legislative findings; requiring the  
 31 Department of Economic Opportunity to declare inactive  
 32 community redevelopment agencies that have reported no  
 33 financial activity for a specified number of years;  
 34 providing hearing procedures; authorizing certain  
 35 financial activity by a community redevelopment agency  
 36 that is declared inactive; requiring the department to  
 37 maintain a website identifying all inactive community  
 38 redevelopment agencies; amending s. 163.387, F.S.;  
 39 revising requirements for the use of the redevelopment  
 40 trust fund proceeds beginning on a specified date;  
 41 limiting allowed expenditures; revising requirements  
 42 for the annual budget of a community redevelopment  
 43 agency; requiring municipal community redevelopment  
 44 agencies to provide an annual budget to the county  
 45 commission; revising requirements for the annual  
 46 audit; requiring the audit to be included with the  
 47 financial report of the county or municipality that  
 48 created the community redevelopment agency; amending  
 49 s. 218.32, F.S.; requiring county and municipal  
 50 governments to report community redevelopment agency  
 51 annual audit reports as part of the county or  
 52 municipal annual report; revising criteria for finding  
 53 that a county or municipality failed to file a report;  
 54 requiring the Department of Financial Services to  
 55 provide a report to the Department of Economic  
 56 Opportunity concerning community redevelopment  
 57 agencies with no revenues, expenditures, or debts;  
 58 providing an effective date.

Page 2 of 15

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

578-03382-17

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Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (8) of section 163.340, Florida Statutes, is amended to read:

163.340 Definitions.—The following terms, wherever used or referred to in this part, have the following meanings:

(8) "Blighted area" means an area in which there are a substantial number of deteriorated or deteriorating structures; in which conditions, as indicated by government-maintained statistics or other studies, endanger life or property or are leading to economic distress; and in which two or more of the following factors are present:

(a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities.

(b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions.

(c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.

(d) Unsanitary or unsafe conditions.

(e) Deterioration of site or other improvements.

(f) Inadequate and outdated building density patterns.

(g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality.

(h) Tax or special assessment delinquency exceeding the

578-03382-17

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fair value of the land.

(i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality.

(j) Incidence of crime in the area higher than in the remainder of the county or municipality.

(k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality.

(l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality.

(m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area.

(n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.

(o) A substantial number or percentage of properties damaged by sinkhole activity which have not been adequately repaired or stabilized.

(p) Rates of unemployment higher in the area than in the remainder of the county or municipality.

(q) Rates of poverty higher in the area than in the remainder of the county or municipality.

(r) Rates of foreclosure higher in the area than in the remainder of the county or municipality.

(s) Rates of infant mortality higher in the area than in the remainder of the county or municipality.

~~However, the term "blighted area" also means any area in which~~

578-03382-17 20171770c1

117 ~~at least one of the factors identified in paragraphs (a) through~~  
 118 ~~(e) is present and all taxing authorities subject to s.~~  
 119 ~~163.387(2) (a) agree, either by interlocal agreement with the~~  
 120 ~~agency or by resolution, that the area is blighted. Such~~  
 121 ~~agreement or resolution must be limited to a determination that~~  
 122 ~~the area is blighted.~~ For purposes of qualifying for the tax  
 123 credits authorized in chapter 220, "blighted area" means an area  
 124 as defined in this subsection.

125 Section 2. Subsection (3) of section 163.524, Florida  
 126 Statutes, is amended to read:

127 163.524 Neighborhood Preservation and Enhancement Program;  
 128 participation; creation of Neighborhood Preservation and  
 129 Enhancement Districts; creation of Neighborhood Councils and  
 130 Neighborhood Enhancement Plans.-

131 (3) After the boundaries and size of the Neighborhood  
 132 Preservation and Enhancement District have been defined, the  
 133 local government shall pass an ordinance authorizing the  
 134 creation of the Neighborhood Preservation and Enhancement  
 135 District. The ordinance shall contain a finding that the  
 136 boundaries of the Neighborhood Preservation and Enhancement  
 137 District comply with s. 163.340(7) or (8) (a) - (s) (8) (a) - (e) or  
 138 do not contain properties that are protected by deed  
 139 restrictions. Such ordinance may be amended or repealed in the  
 140 same manner as other local ordinances.

141 Section 3. Paragraphs (c) and (d) of subsection (3) of  
 142 section 163.356, Florida Statutes, are amended to read:

143 163.356 Creation of community redevelopment agency.-

144 (3) (c) The governing body of the county or municipality  
 145 shall designate a chair and vice chair from among the

578-03382-17 20171770c1

146 commissioners. An agency may employ an executive director,  
 147 technical experts, and such other agents and employees,  
 148 permanent and temporary, as it requires, and determine their  
 149 qualifications, duties, and compensation. For such legal service  
 150 as it requires, an agency may employ or retain its own counsel  
 151 and legal staff.

152 (d) An agency authorized to transact business and exercise  
 153 powers under this part shall file with the governing body the  
 154 report required pursuant to s. 163.371(1), on or before March 31  
 155 of each year, a report of its activities for the preceding  
 156 fiscal year, which report shall include a complete financial  
 157 statement setting forth its assets, liabilities, income, and  
 158 operating expenses as of the end of such fiscal year. At the  
 159 time of filing the report, the agency shall publish in a  
 160 newspaper of general circulation in the community a notice to  
 161 the effect that such report has been filed with the county or  
 162 municipality and that the report is available for inspection  
 163 during business hours in the office of the clerk of the city or  
 164 county commission and in the office of the agency.

165 (e) (d) At any time after the creation of a community  
 166 redevelopment agency, the governing body of the county or  
 167 municipality may appropriate to the agency such amounts as the  
 168 governing body deems necessary for the administrative expenses  
 169 and overhead of the agency, including the development and  
 170 implementation of community policing innovations.

171 Section 4. Paragraph (c) of subsection (1) of section  
 172 163.357, Florida Statutes, is amended to read:

173 163.357 Governing body as the community redevelopment  
 174 agency.-

578-03382-17

20171770c1

175 (1)  
 176 (c) A governing body ~~that which~~ consists of five members  
 177 shall ~~may~~ appoint two additional persons to act as members of  
 178 the community redevelopment agency. These members may not be  
 179 elected officials. The two additional members must have  
 180 expertise in at least one of the following areas: architecture,  
 181 finance, construction, land use, affordable housing,  
 182 sustainability, or other educational or professional experience  
 183 in the area of community redevelopment. The terms of office of  
 184 the additional members shall be for 4 years, except that the  
 185 first person appointed shall initially serve a term of 2 years.  
 186 Persons appointed under this section are subject to all  
 187 provisions of this part relating to appointed members of a  
 188 community redevelopment agency.

189 Section 5. Subsection (1) of section 163.367, Florida  
 190 Statutes, is amended to read:

191 163.367 Public officials, commissioners, and employees  
 192 subject to code of ethics.—

193 (1)(a) The officers, commissioners, and employees of a  
 194 community redevelopment agency created by, or designated  
 195 pursuant to, s. 163.356 or s. 163.357 ~~are shall be~~ subject to  
 196 the provisions and requirements of part III of chapter 112.

197 (b) Commissioners of a community redevelopment agency must  
 198 comply with the ethics training requirements in s. 112.3142.

199 Section 6. Subsection (5) is added to section 163.370,  
 200 Florida Statutes, to read:

201 163.370 Powers; counties and municipalities; community  
 202 redevelopment agencies.—

203 (5) A community redevelopment agency shall procure all

578-03382-17

20171770c1

204 commodities and services under the same purchasing processes and  
 205 requirements that apply to the county or municipality that  
 206 created the agency.

207 Section 7. Section 163.371, Florida Statutes, is created to  
 208 read:

209 163.371 Reporting requirements.—

210 (1) Beginning March 31, 2018, and no later than March 31 of  
 211 each year thereafter, a community redevelopment agency shall  
 212 file an annual report with the county or municipality that  
 213 created the agency and publish the information on the agency's  
 214 website. The report must include the following information:

215 (a) A complete audit report of the redevelopment trust fund  
 216 pursuant to s. 163.387(8).

217 (b) The performance data for each plan authorized,  
 218 administered, or overseen by the community redevelopment agency  
 219 as of December 31 of the year being reported, including the:

220 1. Total number of projects started and completed and the  
 221 estimated project cost for each project.

222 2. Total expenditures from the redevelopment trust fund.

223 3. Original assessed real property values within the  
 224 community redevelopment agency's area of authority as of the day  
 225 the agency was created.

226 4. Total assessed real property values of property within  
 227 the boundaries of the community redevelopment agency as of  
 228 January 1 of the year being reported.

229 5. Total amount expended for affordable housing for low-  
 230 income and middle-income residents.

231 (2) By January 1, 2018, each community redevelopment agency  
 232 shall publish on its website digital maps that depict the

578-03382-17

20171770c1

233 geographic boundaries and total acreage of the community  
 234 redevelopment agency. If any change is made to the boundaries or  
 235 total acreage, the agency shall post updated map files on its  
 236 website within 60 days after the date such change takes effect.  
 237 Section 8. Section 163.3755, Florida Statutes, is created  
 238 to read:  
 239 163.3755 Termination of community redevelopment agencies;  
 240 future creation.-  
 241 (1) Unless the governing body of the county or municipality  
 242 which created the community redevelopment agency approves its  
 243 continued existence by a super majority vote of the governing  
 244 body members, a community redevelopment agency in existence on  
 245 July 1, 2017, shall terminate on the expiration date provided in  
 246 the community redevelopment agency's charter as it exists on  
 247 July 1, 2017, or on September 30, 2037, whichever is earlier.  
 248 (2) (a) If the governing body of the county or municipality  
 249 which created the community redevelopment agency does not  
 250 approve its continued existence by a super majority vote of the  
 251 governing body members, a community redevelopment agency with  
 252 outstanding bonds as of July 1, 2017, which do not mature until  
 253 after the earlier of the termination date of the agency or  
 254 September 30, 2037, remains in existence until the date the  
 255 bonds mature.  
 256 (b) A community redevelopment agency operating under this  
 257 subsection on or after September 30, 2037, may not extend the  
 258 maturity date of any outstanding bonds.  
 259 (c) The county or municipality that created the community  
 260 redevelopment agency must issue a new finding of necessity  
 261 limited to timely meeting the remaining bond obligations of the

Page 9 of 15

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-03382-17

20171770c1

262 community redevelopment agency.  
 263 (3) On or after July 1, 2017, the governing body of a  
 264 county or municipality may create a community redevelopment  
 265 agency only by a super majority vote of the members of the  
 266 governing body of the county or municipality. A community  
 267 redevelopment agency in existence before July 1, 2017, may  
 268 continue to operate as provided in this part.  
 269 Section 9. Section 163.3756, Florida Statutes, is created  
 270 to read:  
 271 163.3756 Inactive community redevelopment agencies.-  
 272 (1) The Legislature finds that a number of community  
 273 redevelopment agencies continue to exist but report no revenues,  
 274 no expenditures, and no outstanding debt in their annual report  
 275 to the Department of Financial Services pursuant to s. 218.32.  
 276 (2) (a) A community redevelopment agency that has reported  
 277 no revenues, expenditures, or debt under s. 218.32 or s.  
 278 189.016(9) for 3 consecutive fiscal years calculated from no  
 279 earlier than October 1, 2014, shall be declared inactive by the  
 280 Department of Economic Opportunity. The department shall notify  
 281 the agency of the declaration of inactive status under this  
 282 subsection. If the agency has no board members and no agent, the  
 283 notice of inactive status must be delivered to the governing  
 284 board or commission of the county or municipality which created  
 285 the agency.  
 286 (b) The governing board of a community redevelopment agency  
 287 declared inactive under this subsection may seek to invalidate  
 288 the declaration by initiating proceedings under s. 189.062(5)  
 289 within 30 days after the date of the receipt of the notice from  
 290 the department.

Page 10 of 15

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578-03382-17

20171770c1

291 (3) A community redevelopment agency declared inactive  
 292 under this section is authorized only to expend funds from the  
 293 redevelopment trust fund as necessary to service outstanding  
 294 bond debt. The agency may not expend other funds without an  
 295 ordinance of the governing body of the local government which  
 296 created the agency consenting to the expenditure of funds.

297 (4) The provisions of s. 189.062(2) and (4) do not apply to  
 298 a community redevelopment agency that has been declared inactive  
 299 under this section.

300 (5) The provisions of this section are cumulative to the  
 301 provisions of s. 189.062. To the extent the provisions of this  
 302 section conflict with the provisions of s. 189.062, this section  
 303 prevails.

304 (6) The Department of Economic Opportunity shall maintain  
 305 on its website a separate list of community redevelopment  
 306 agencies declared inactive under this section.

307 Section 10. Subsections (6) and (8) of section 163.387,  
 308 Florida Statutes, are amended to read:

309 163.387 Redevelopment trust fund.—

310 (6) Beginning October 1, 2017, moneys in the redevelopment  
 311 trust fund may be expended ~~from time to time~~ for undertakings of  
 312 a community redevelopment agency as described in the community  
 313 redevelopment plan only pursuant to an annual budget adopted by  
 314 the board of commissioners of the community redevelopment agency  
 315 and only for the ~~following~~ purposes stated in this subsection.  
 316 ~~including, but not limited to:~~

317 (a) Except as provided in this subsection, a community  
 318 redevelopment agency shall comply with the requirements of s.  
 319 189.016.

Page 11 of 15

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578-03382-17

20171770c1

320 (b) A community redevelopment agency created by a  
 321 municipality shall:

322 1. Adopt its proposed budget within 90 days before the  
 323 beginning of its fiscal year.

324 2. Submit its proposed budget and projections for the next  
 325 fiscal year to the board of county commissioners for the county  
 326 in which the community redevelopment agency is located within 60  
 327 days before the start of the agency's fiscal year.

328 3. Submit amendments to its operating budget to the board  
 329 of county commissioners of the county in which the community  
 330 redevelopment agency is located within 10 days after the date of  
 331 adoption of the amended budget ~~Administrative and overhead~~  
 332 expenses necessary or incidental to the implementation of a  
 333 community redevelopment plan adopted by the agency.

334 (c) The annual budget of a community redevelopment agency  
 335 may provide for payment of the following expenses:

336 1. Administrative and overhead expenses directly or  
 337 indirectly necessary to implement a community redevelopment plan  
 338 adopted by the agency.

339 2. ~~(b)~~ Expenses of redevelopment planning, surveys, and  
 340 financial analysis, including the reimbursement of the governing  
 341 body or the community redevelopment agency for such expenses  
 342 incurred before the redevelopment plan was approved and adopted.

343 3. ~~(c)~~ The acquisition of real property in the redevelopment  
 344 area.

345 4. ~~(d)~~ The clearance and preparation of any redevelopment  
 346 area for redevelopment and relocation of site occupants within  
 347 or outside the community redevelopment area as provided in s.  
 348 163.370.

Page 12 of 15

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578-03382-17

20171770c1

349 5.(e) The repayment of principal and interest or any  
 350 redemption premium for loans, advances, bonds, bond anticipation  
 351 notes, and any other form of indebtedness.

352 6.(f) All expenses incidental to or connected with the  
 353 issuance, sale, redemption, retirement, or purchase of bonds,  
 354 bond anticipation notes, or other form of indebtedness,  
 355 including funding of any reserve, redemption, or other fund or  
 356 account provided for in the ordinance or resolution authorizing  
 357 such bonds, notes, or other form of indebtedness.

358 7.(g) The development of affordable housing within the  
 359 community redevelopment area.

360 8.(h) The development of community policing innovations.

361 (8) (a) Each community redevelopment agency shall provide  
 362 for an audit of the trust fund each fiscal year and a report of  
 363 such audit to be prepared by an independent certified public  
 364 accountant or firm.

365 (b) The audit ~~such~~ report shall:

366 1. Describe the amount and source of deposits into, and the  
 367 amount and purpose of withdrawals from, the trust fund during  
 368 such fiscal year and the amount of principal and interest paid  
 369 during such year on any indebtedness to which increment revenues  
 370 are pledged and the remaining amount of such indebtedness.

371 2. Include a complete financial statement identifying the  
 372 assets, liabilities, income, and operating expenses of the  
 373 community redevelopment agency as of the end of such fiscal  
 374 year.

375 3. Include a finding by the auditor determining whether the  
 376 community redevelopment agency complies with the requirements of  
 377 subsection (7).

578-03382-17

20171770c1

378 (c) The audit report for the community redevelopment agency  
 379 shall be included with the annual financial report submitted by  
 380 the county or municipality that created the agency to the  
 381 Department of Financial Services as provided in s. 218.32,  
 382 regardless of whether the agency reports separately under s.  
 383 218.32.

384 (d) The agency shall provide ~~by registered mail~~ a copy of  
 385 the audit report to each taxing authority.

386 Section 11. Subsection (3) of section 218.32, Florida  
 387 Statutes, is amended to read:

388 218.32 Annual financial reports; local governmental  
 389 entities.—

390 (3) (a) The department shall notify the President of the  
 391 Senate and the Speaker of the House of Representatives of any  
 392 municipality that has not reported any financial activity for  
 393 the last 4 fiscal years. Such notice must be sufficient to  
 394 initiate dissolution procedures as described in s.  
 395 165.051(1) (a). Any special law authorizing the incorporation or  
 396 creation of the municipality must be included within the  
 397 notification.

398 (b) Failure of a county or municipality to include in its  
 399 annual report to the department the full audit required by s.  
 400 163.387(8) for each community redevelopment agency created by  
 401 that county or municipality constitutes a failure to report  
 402 under this section.

403 (c) By November 1 of each year, the department must provide  
 404 the Special District Accountability Program of the Department of  
 405 Economic Opportunity with a list of each community redevelopment  
 406 agency reporting no revenues, expenditures, or debt for the

578-03382-17

20171770c1

407 community redevelopment agency's previous fiscal year.

408 Section 12. This act shall take effect July 1, 2017.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/18/17  
Meeting Date

Barcode  
707546

1770  
Bill Number (if applicable)

→ LEE AMENDMENT  
Amendment Barcode (if applicable)

Topic CRA

Name KERRI MCNULTY

Job Title ASSISTANT CITY ATTORNEY

Address 444 SW 2ND AVE  
Street

Phone (305) 416-1800

MIAMI FL 33130  
City State Zip

Email klmcnulty@miamigov.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing CITY OF MIAMI

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

04/18/2017

*Meeting Date*

CS for SB 1770

*Bill Number (if applicable)*

Topic Community Redevelopment Agencies

*Amendment Barcode (if applicable)*

Name John Titkanich phonetically: T-Can-Itch

Job Title City Manager

Address 65 Stone Street

Phone (321) 433-8660

*Street*

Cocoa

FL

32922

Email jtitkanich@cocoafl.org

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing City of Cocoa

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/18/17  
Meeting Date

1770  
Bill Number (if applicable)

Topic Community Redevelopment Agencies

Amendment Barcode (if applicable)

Name Bill Peebles

Job Title \_\_\_\_\_

Address PO Box 10230  
Street

Phone 850 566 3029

1 shellhouse A 32302  
City State Zip

Email Bill@peebles-smith.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Redevelopment Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

1770  
Bill Number (if applicable)

Topic SB 1770 CRA's

Amendment Barcode (if applicable)

Name Michael Parker

Job Title President Fla. Redevelopment Assn.

Address 300 S. Adams St.

Phone 850-891-4457

Tallahassee FL 32317  
City State Zip

Email michael.parker@talgov.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FLA Redevelopment Assn.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/18/17

Meeting Date

1770

Bill Number (if applicable)

Topic CRAs

Amendment Barcode (if applicable)

Name Kevin Crowder

Job Title Economic Development Director

Address 8930 NE 8th Ave

Phone 305-281-2279

Street Miami Shores FL 33138

Email Kevin@RMA.US.COM

City State Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against

(The Chair will read this information into the record.)

Representing Redevelopment Management Associates

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/18/17

Meeting Date

1770

Bill Number (if applicable)

Topic Community Redevelopment Agencies

Amendment Barcode (if applicable)

Name Thomas Hawkins

Job Title Policy & Planning Director

Address 308 N Monroe Street

Phone (352) 377-3141

Tallahassee FL 32301

Email

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against (The Chair will read this information into the record.)

Representing 1000 Friends of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-18-17  
Meeting Date

1770

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Richard Pinsky

Job Title \_\_\_\_\_

Address 106 E. College Ave. #1200

Phone \_\_\_\_\_

Tallahassee FL  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing City of Lake Worth

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1770

Meeting Date

Bill Number (if applicable)

Topic Community Redevelopment Authorities

Amendment Barcode (if applicable)

Name Doug Bruce

Job Title Lobbyist

Address 215 S. Monroe St.

Phone 850/321-7674

Street  
1 Tallahassee, FL 32301  
City State Zip

Email DBruce@colodnyfoss.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Miami CRA's Southeast Overton Park West - OMNI CRA's

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/18/17  
Meeting Date

1770  
Bill Number (if applicable)

Topic CRA's

Amendment Barcode (if applicable)

Name Devon West

Job Title Legislative Affairs Dir.

Address 2401 SE. Monterey Rd.  
Street  
Stuart FL 33994  
City State Zip

Phone 321-243-2270

Email dwest@martinfl.us

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Martin County Board of County Commissioners

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/18/17

Meeting Date

1770

Bill Number (if applicable)

Topic CRA

Amendment Barcode (if applicable)

Name David Cruz

Job Title Assistant General Counsel

Address P. O. Box 1757

Phone 701-3676

Street

Tallahassee

FL

32302

City

State

Zip

Email dcruz@flcourts.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FL League of Cities

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Transportation, *Chair*  
Commerce and Tourism, *Vice Chair*  
Appropriations  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Banking and Insurance

### JOINT COMMITTEE:

Joint Administrative Procedures Committee

**SENATOR GEORGE B. GAINER**  
2nd District

March 29, 2017

Re: SB 784

Dear Chair Brandes,

I am respectfully requesting Senate Bill 784, a bill related to Department of Highway Safety and Motor Vehicles, be placed on the agenda for your Appropriations Subcommittee on Transportation, Tourism, and Economic Development.

I appreciate your consideration of this bill and I look forward to working with you and the Appropriations Subcommittee on Transportation, Tourism, and Economic Development. If there are any questions or concerns, please do not hesitate to call my office at (850) 487-5002.

Thank You,

A handwritten signature in cursive script that reads "George B. Gainer".

Senator George Gainer  
District 2

Cc. Teddi Pitts, Karen Manning, Chris Spencer, Vanessa Thompson, Melissa Hertzfeld

REPLY TO:

□ 302 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore

**The Florida Senate**  
State Senator René García  
36<sup>th</sup> District

**Please reply to:**

**District Office:**

1490 West 68 Street  
Suite # 201  
Hialeah, FL 33014  
Phone# (305) 364-3100

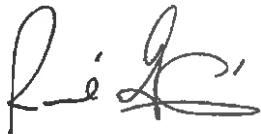
March 28<sup>th</sup>, 2017

The Honorable Jeff Brandes  
Chairman, Appropriations Subcommittee on Transportation, Tourism and Economic  
Development  
201 The Capitol  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Dear Senator Brandes,

Please have this letter serve as my formal request to have **SB 1562: Expressway Authorities** be heard during the next scheduled Appropriations Subcommittee on Transportation, Tourism, and Economic Development Meeting. Should you have any questions or concerns, please do not hesitate to contact my office.

Sincerely,



State Senator René García  
District 36

CC: Teddi Pitts  
Karen Manning



The Florida Senate

## Committee Agenda Request

**To:** Senator Brandes, Chair  
Appropriations Subcommittee on Transportation, Tourism, and Economic  
Development

**Subject:** Committee Agenda Request

**Date:** April 4, 2017

---

I respectfully request that **Senate Bill #1770**, relating to Community Redevelopment Agencies, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Tom Lee".

---

Senator Tom Lee  
Florida Senate, District 20

# CourtSmart Tag Report

Room: EL 110

Case No.:

Type:

Caption: Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development Judge:

Started: 4/18/2017 1:35:57 PM

Ends: 4/18/2017 3:13:26 PM

Length: 01:37:30

1:36:00 PM Sen. Brandes (Chair)  
1:36:49 PM TAB 3 - S 1770  
1:37:00 PM Sen. Lee  
1:43:46 PM Sen. Brandes  
1:43:48 PM Am. 176984  
1:43:52 PM Sen. Lee  
1:44:19 PM Sen. Brandes  
1:44:51 PM Sen. Lee  
1:44:51 PM Am. 707546  
1:45:18 PM Sen. Brandes  
1:45:23 PM Sen. Thurston  
1:45:40 PM Sen. Lee  
1:46:09 PM Sen. Thurston  
1:46:36 PM Sen. Lee  
1:46:54 PM Sen. Thurston  
1:47:16 PM Sen. Lee  
1:48:34 PM Sen. Gainer  
1:49:54 PM Sen. Passidomo  
1:50:10 PM Sen. Lee  
1:50:16 PM Sen. Passidomo  
1:50:23 PM Sen. Lee  
1:51:27 PM Sen. Powell  
1:51:56 PM Sen. Lee  
1:53:02 PM Sen. Powell  
1:53:57 PM Sen. Lee  
1:56:12 PM Sen. Gibson  
1:57:33 PM Sen. Lee  
1:58:44 PM Sen. Brandes  
1:58:49 PM Kerri McNulty, Assistant City Attorney, City of Miami (waives in support)  
1:58:57 PM Sen. Brandes  
1:59:30 PM Sen. Passidomo  
2:00:02 PM Sen. Lee  
2:01:00 PM Sen. Passidomo  
2:01:15 PM Sen. Lee  
2:01:26 PM Sen. Passidomo  
2:02:24 PM Sen. Lee  
2:03:31 PM Sen. Passidomo  
2:04:18 PM Sen. Lee  
2:06:16 PM Sen. Brandes  
2:06:23 PM Sen. Thurston  
2:07:00 PM Sen. Lee  
2:07:50 PM Sen. Thurston  
2:08:03 PM Sen. Lee  
2:09:19 PM Sen. Thurston  
2:10:41 PM Sen. Lee  
2:11:07 PM Sen. Brandes  
2:11:11 PM Sen. Gibson  
2:11:39 PM Sen. Lee  
2:12:59 PM John Titkanich, City Manager, City of Cocoa  
2:16:35 PM Bill Peebles, Lobbyist, Florida Redevelopment Association  
2:21:04 PM Michael Parker, President, Florida Redevelopment Association  
2:26:06 PM Kevin Crowder, Economic Development Director, Redevelopment Management Associates



2:27:21 PM Thomas Hawkins, Policy and Planning Director, 1000 Friends of Florida  
2:28:47 PM Richard Pinsky, Lobbyist, City of Lake Worth (waives against)  
2:29:09 PM Devon West, Legislative Affairs Director, Martin County Board of County Commissioners (waives against)  
2:29:14 PM Doug Bruce, Lobbyist, Miami CRA's Southeast Overtown Park West (waives against)  
2:29:25 PM David Cruz, Assistant General Counsel, Florida League of Cities  
2:30:10 PM Sen. Brandes  
2:30:18 PM Sen. Powell  
2:32:05 PM Sen. Gainer  
2:33:18 PM Sen. Thurston  
2:35:50 PM Sen. Lee  
2:37:02 PM Sen. Brandes  
2:38:19 PM Sen. Powell Motioned to reconsider  
2:38:28 PM Sen. Brandes  
2:38:36 PM Sen. Powell Motioned to TP the bill  
2:38:54 PM TAB 2 - S 1562  
2:39:05 PM Sen. Garcia  
2:41:43 PM Sen. Powell  
2:41:45 PM Am. 841202  
2:41:53 PM Sen. Brandes  
2:43:41 PM Sen. Powell  
2:43:56 PM Daphnee Sainvil, Legislative Coordinator, Broward County (waives in support)  
2:44:08 PM Candice Ericks, Lobbyist, Broward and Palm Beach Counties (waives in support)  
2:44:13 PM Am. 269396  
2:44:17 PM Sen. Brandes  
2:44:51 PM Sen. Powell  
2:45:00 PM Sen. Brandes  
2:45:06 PM Sen. Powell  
2:45:13 PM Am. 165749  
2:45:24 PM Sen. Brandes  
2:46:07 PM Sen. Powell  
2:46:20 PM Sen. Artilles  
2:46:41 PM Sen. Brandes  
2:46:48 PM Sen. Artilles  
2:47:06 PM Sen. Brandes  
2:48:05 PM Sen. Powell  
2:48:12 PM Sen. Artilles  
2:48:41 PM Sen. Powell  
2:49:06 PM Sen. Thurston  
2:49:30 PM Sen. Brandes  
2:49:40 PM Sen. Garcia  
2:53:11 PM Sen. Thurston  
2:53:26 PM Sen. Garcia  
2:53:36 PM Sen. Thurston  
2:53:56 PM Sen. Garcia  
2:55:06 PM Sen. Thurston  
2:55:15 PM Sen. Garcia  
2:55:41 PM Sen. Powell  
2:55:53 PM Sen. Garcia  
2:56:22 PM Sen. Powell  
2:56:48 PM Sen. Garcia  
2:57:37 PM Sen. Powell  
2:57:44 PM TAB 1 - S 784  
2:57:52 PM Sen. Gainer  
2:59:02 PM Sen. Powell  
2:59:09 PM Am. 499186  
2:59:14 PM Sen. Gainer  
3:00:39 PM Sen. Thurston  
3:01:37 PM Sen. Gainer  
3:02:06 PM Sen. Thurston  
3:02:19 PM Sen. Gainer  
3:02:29 PM Sen. Powell  
3:02:45 PM Am. 726846

<b>3:02:51 PM</b>	Sen. Brandes
<b>3:04:12 PM</b>	Sen. Powell
<b>3:04:25 PM</b>	Sen. Artilles
<b>3:04:43 PM</b>	Sen. Brandes
<b>3:04:47 PM</b>	Sen. Artilles
<b>3:04:54 PM</b>	Sen. Thurston
<b>3:05:12 PM</b>	Sen. Artilles
<b>3:06:11 PM</b>	Sen. Powell
<b>3:06:20 PM</b>	Sen. Brandes
<b>3:06:30 PM</b>	Sen. Artilles
<b>3:06:41 PM</b>	Sen. Powell
<b>3:07:06 PM</b>	Ted Smith, President, Florida Automobile Dealers Association (waives in support)
<b>3:07:10 PM</b>	Jay Liles, Lobbyist, Seaside Institute (waives in support)
<b>3:07:14 PM</b>	Larry Hart, President, Florida Tax Collectors Association (waives in support)
<b>3:07:32 PM</b>	Sen. Powell
<b>3:08:00 PM</b>	Scott Randolph, Orange County Tax Collector
<b>3:10:51 PM</b>	Sen. Thurston
<b>3:11:11 PM</b>	S. Randolph
<b>3:11:33 PM</b>	Sen. Thurston
<b>3:11:53 PM</b>	S. Randolph
<b>3:12:16 PM</b>	Sen. Powell
<b>3:12:24 PM</b>	Sen. Gainer
<b>3:12:47 PM</b>	Sen. Powell
<b>3:12:56 PM</b>	Sen. Brandes