

Tab 1	SB 14 by Gibson; (Identical to H 06519) Relief of Danielle Maudsley by the Department of Highway Safety and Motor Vehicles
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Tab 2	SB 40 by Thurston; (Similar to CS/CS/H 06535) Relief of the Estate of Dr. Sherrill Lynn Aversa by the Department of Transportation
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Tab 3	SB 1066 by Baxley; (Compare to CS/H 00171) Transportation Facility Designations/Nelle W. Needham Memorial Highway
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Tab 4	CS/SB 1104 by TR, Brandes; (Similar to CS/H 01189) Commercial Motor Vehicles
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873632	A	S	RCS	ATD, Brandes	btw L.82 - 83:	02/14 06:10 PM
910536	A	S	RS	ATD, Brandes	btw L.82 - 83:	02/14 06:10 PM
325318	SA	S	RCS	ATD, Brandes	btw L.82 - 83:	02/14 06:10 PM
944392	A	S	RCS	ATD, Brandes	btw L.82 - 83:	02/14 06:10 PM
379468	A	S	RCS	ATD, Brandes	btw L.82 - 83:	02/14 06:10 PM
921142	A	S	RCS	ATD, Brandes	btw L.82 - 83:	02/14 06:10 PM
861726	A	S	RCS	ATD, Brandes	btw L.82 - 83:	02/14 06:10 PM
211764	A	S	RCS	ATD, Brandes	Delete L.83 - 235:	02/14 06:10 PM
483626	AA	S	RCS	ATD, Brandes	Delete L.51:	02/14 06:10 PM
814862	AA	S	RCS	ATD, Brandes	Delete L.168:	02/14 06:10 PM
783950	A	S	RCS	ATD, Brandes	Delete L.103 - 104:	02/14 06:10 PM
879876	A	S	RCS	ATD, Brandes	Delete L.436 - 440:	02/14 06:10 PM
375348	A	S	RCS	ATD, Brandes	Delete L.449:	02/14 06:10 PM

Tab 5	SB 1200 by Young (CO-INTRODUCERS) Galvano, Simpson, Braynon, Garcia, Rouson, Taddeo, Brandes; (Similar to CS/H 00535) Statewide Alternative Transportation Authority
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565054	D	S	RCS	ATD, Young	Delete everything after	02/14 06:21 PM
209650	AA	S	UNFAV	ATD, Thurston	Delete L.63 - 131:	02/14 06:21 PM
222928	AA	S	UNFAV	ATD, Gibson	Delete L.130:	02/14 06:21 PM
820738	A	S	WD	ATD, Gibson	Delete L.228:	02/14 06:21 PM

Tab 6	CS/SB 1450 by CM, Steube; (Identical to CS/H 01231) Sales Tax Refund for Eligible Job Training Organizations
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906762	A	S	RCS	ATD, Steube	Delete everything after	02/14 06:22 PM
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Tab 7	SB 1884 by Broxson; (Compare to CS/1ST ENG/H 00029) Military and Veterans Affairs
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721054	D	S	RCS	ATD, Broxson	Delete everything after	02/14 06:24 PM
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

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

Senator Simpson, Chair
Senator Powell, Vice Chair

MEETING DATE: Wednesday, February 14, 2018
TIME: 1:30—3:30 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Office Building

MEMBERS: Senator Simpson, Chair; Senator Powell, Vice Chair; Senators Benacquisto, Bradley, Gainer, Galvano, Gibson, Rader, Stargel, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 14 Gibson (Identical H 6519)	Relief of Danielle Maudsley by the Department of Highway Safety and Motor Vehicles; Providing for the relief of the Estate of Danielle Maudsley; providing an appropriation to compensate the Estate of Danielle Maudsley for Ms. Maudsley's death, sustained as a result of the alleged negligence of Trooper Daniel Cole and the Florida Highway Patrol, a division of the Department of Highway Safety and Motor Vehicles, etc. SM JU 01/25/2018 Favorable ATD 02/14/2018 Favorable AP	Favorable Yeas 9 Nays 1
2	SB 40 Thurston (Similar CS/CS/H 6535)	Relief of the Estate of Dr. Sherrill Lynn Aversa by the Department of Transportation ; Providing for the relief of the Estate of Dr. Sherrill Lynn Aversa; providing an appropriation to compensate the Estate of Dr. Sherrill Lynn Aversa for Dr. Aversa's death as a result of the negligence of the Department of Transportation; requiring the Executive Office of the Governor to establish spending authority from unappropriated trust fund balances of the department for compensation to the Estate of Dr. Sherrill Lynn Aversa, etc. SM JU 01/25/2018 Favorable ATD 02/14/2018 Favorable AP	Favorable Yeas 9 Nays 1
3	SB 1066 Baxley	Transportation Facility Designations/Nelle W. Needham Memorial Highway; Providing an honorary designation of a certain transportation facility in a specified county, etc. TR 02/06/2018 Favorable ATD 02/14/2018 Favorable AP	Favorable Yeas 10 Nays 0

COMMITTEE MEETING EXPANDED AGENDAAppropriations Subcommittee on Transportation, Tourism, and Economic Development
Wednesday, February 14, 2018, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 1104 Transportation / Brandes (Similar CS/H 1189, Compare CS/H 1287, CS/CS/H 1359, CS/S 1414)	Commercial Motor Vehicles; Repealing provisions relating to the assistive truck platooning technology pilot project; revising regulations to which owners and drivers of commercial motor vehicles are subject; requiring a vehicle that has an apportioned registration to be issued, before a specified date, an annual license plate and a cab card denoting the declared gross vehicle weight; allowing the Department of Highway Safety and Motor Vehicles to authorize dealer and fleet specialty license plates, etc. TR 01/18/2018 Fav/CS ATD 02/14/2018 Fav/CS AP	Fav/CS Yeas 9 Nays 1
5	SB 1200 Young (Similar CS/H 535)	Statewide Alternative Transportation Authority; Adding an alternative transportation authority as part of the operations of the Department of Transportation; requiring the responsibility for expending certain funds to be delegated by the department secretary to the executive director of the authority, subject to certain requirements; beginning in a specified timeframe, revising annual allocations in the State Transportation Trust Fund for the Transportation Regional Incentive Program; repealing provisions relating to fund participation and the Florida Rail Enterprise, etc. TR 02/06/2018 Favorable ATD 02/14/2018 Fav/CS AP	Fav/CS Yeas 7 Nays 3
6	CS/SB 1450 Commerce and Tourism / Steube (Identical CS/H 1231)	Sales Tax Refund for Eligible Job Training Organizations; Authorizing eligible organizations to receive a refund of a specified amount of certain sales taxes collected if such amount is used for certain purposes relating to job training and employment services; specifying the annual maximum allowable tax refund for such organizations; providing requirements for receiving the refund; authorizing the Department of Economic Opportunity to certify organizations, etc. CM 01/29/2018 Fav/CS ATD 02/14/2018 Fav/CS AP	Fav/CS Yeas 10 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Wednesday, February 14, 2018, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 1884 Broxson (Compare CS/H 29, H 699, H 949, CS/H 1047, CS/CS/H 1073, H 1191, CS/H 7055, CS/S 1090, S 1198, CS/CS/S 1292, CS/S 1486, S 1566)	Military and Veterans Affairs; Providing requirements relating to licensure or qualification for a trade, occupation, or profession of persons ordered into active duty or state active duty; specifying conditions under which a spouse of a person serving on active duty in the United States Armed Forces has a defense to a citation and cause of action brought due to the unlicensed practice of a health care profession; designating March 25 of each year as "Medal of Honor Day"; revising the list of students who must be given priority by the Florida Virtual School, etc. MS 02/01/2018 Favorable ATD 02/14/2018 Fav/CS AP	Fav/CS Yeas 10 Nays 0

Other Related Meeting Documents



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
515 Knott Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5198

DATE	COMM	ACTION
01/22/18	SM	Favorable
01/23/18	JU	Favorable
02/14/18	ATD	Recommend: Favorable
	AP	

January 22, 2018

The Honorable Joe Negrón
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 14** – Senator Gibson
HB 6519 – Representative Sean Shaw
Relief of the Estate of Danielle Maudsley

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED EQUITABLE CLAIM FOR \$1,750,000 PAYABLE FROM THE GENERAL REVENUE FUND OF THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES, BASED ON A SETTLEMENT AGREEMENT BETWEEN THE ESTATE OF DANIELLE MAUDSLEY AND THE FLORIDA HIGHWAY PATROL AND TROOPER DANIEL COLE, WHICH RESOLVED A CIVIL ACTION THAT AROSE FROM THE ALLEGED NEGLIGENT USE OF AN ELECTRONIC CONTROL DEVICE THAT CAUSED THE DEATH OF DANIELLE MAUDSLEY.

FINDINGS OF FACT:

On September 19, 2011, Trooper Daniel Cole of the Florida Highway Patrol (FHP) arrested 20 year old Danielle Maudsley for two counts of leaving the scene of a crash with property damage and two counts of driving with no valid driver's license. The charges are all second degree misdemeanors.

The first hit-and-run crash occurred at approximately 8:47 a.m. on September 19, 2011. Trooper Cole was dispatched to the scene and while responding, a second hit-and-run crash, which occurred at approximately 9:41 a.m., was reported with tag numbers, vehicle descriptions, and driver descriptions

consistent in both crashes. Trooper Cole requested a *Be on the Lookout (BOLO)* for the suspect's vehicle. Both crashes occurred in Pinellas County.

A short time later, deputies from the Pinellas County Sheriff's Office (PCSO) located the suspect vehicle, which was damaged, at Ms. Maudsley's residence in Pinellas Park. Trooper Cole was notified and went to the Maudsley residence. Upon arrival Deputy Chad Earl (PCSO) informed Trooper Cole that Danielle Maudsley resisted his attempts to detain her, without violence, and he intended to charge her for that offense, and that she was already on probation for driving with no valid driver's license. After deputies informed Trooper Cole that Ms. Maudsley had made spontaneous statements to the deputies that she had been involved in the hit-and-run crashes, Trooper Cole arrested Ms. Maudsley.

Trooper Cole handcuffed Ms. Maudsley behind her back and transported her to the Pinellas Park FHP station at 7651 U.S. 19 North to complete the investigative paperwork prior to taking her to the county jail.

Trooper Cole had activated the in-car video and audio system for the transport. The video shows that Danielle Maudsley is a slightly built woman and while fidgeting in the back of the patrol car removed one of her hands from the handcuffs. Upon arrival at the FHP station at approximately 11:04 a.m., and while exiting the patrol car, Ms. Maudsley passively informed Trooper Cole that her hand was free and she was unable to reinsert it into the handcuffs. Trooper Cole re-cuffed Ms. Maudsley behind her back and they entered the side door of the FHP station near the conference room.

Trooper Cole seated Ms. Maudsley in a chair in the conference room farthest from the door. Trooper Cole seated himself at the conference room table between Ms. Maudsley and the door to complete the investigative paperwork. At approximately 11:11 a.m. Ms. Maudsley advised Trooper Cole that she was thirsty. While escorting her to get a drink of water, she complained about the handcuffs and turned so that he could see that her wrist was caught in one of the handcuffs. Trooper Cole had her adjust her wrist so that it was not caught and he checked to be sure the handcuffs were still secure.

At approximately 11:41 a.m., Trooper Cole requested another FHP officer watch Ms. Maudsley so that he could use the restroom. According to the investigative report, Trooper Cole returned about one and a half minutes later and assumed sole control of Ms. Maudsley while he resumed the paperwork.

Throughout the period from initially entering the conference room there was no indication of aggressive or uncooperative behavior on the part of Ms. Maudsley while in custody.

At approximately 11:45 a.m., while Trooper Cole was still engaged in the paperwork, Danielle Maudsley ran past him, out of the conference room, down the short hallway, and exited the side door in which she had entered. At that time, Danielle Maudsley was no longer handcuffed behind her back. According to Trooper Cole, he was unable to discern whether she was handcuffed at all.

Trooper Cole indicated that he never heard Ms. Maudsley get up, the jingle of a handcuff, or anything else. He felt a presence move behind him and when he looked up, she was even with the doorway to the conference room.

The in-car video and audio in Trooper Cole's transport vehicle were still activated and recorded the ensuing events. Off camera, Trooper Cole is heard asking, "Where are you going?" and he whistled at her. The next sound, which is almost immediately, is the squeak of the push bar on the station's exit door. Investigative reports and the video support the conclusion that the sound was from Ms. Maudsley pushing the bar to exit the building.

According to the investigative report, when Trooper Cole got to the exit door, it was swinging back in his direction. He pushed the door open with his left hand as he pulled his electronic control device (EDC or Taser) from the holster on his belt with his right hand. He weighed almost three times Ms. Maudsley's weight and Trooper Cole believed that going to the ground with Ms. Maudsley (tackling her) would certainly have resulted in her being injured.

The audio/video recording shows¹ Ms. Maudsley in full stride with her body posture leaning forward, within a distance of

¹ At time stamp 11:45:49 a.m. on the in-car video recording.

approximately one to two feet from Trooper Cole. Trooper Cole has the Taser in his right hand drawn and horizontal but his right elbow is still at his side. His posture is more erect. The left side of his body is not visible in the frame. Both are on the sidewalk under the eave of the building's roof.

According to the audio/video recording and still photographs from the recording, one second later, at 11:45:50 a.m., Trooper Cole's right hand with the Taser is outstretched approximately two feet from Ms. Maudsley's back. Both are still on the sidewalk beside the side door. The next still photograph with the same time stamp shows Ms. Maudsley stepping off the sidewalk in full stride, her back still to Trooper Cole, with her body posture indicating that she had received a Taser discharge into her back. She also released an audible squeal at this time. Trooper Cole had not warned the fleeing Maudsley that he was going to discharge the Taser. The distance between Trooper Cole and Ms. Maudsley had increased to approximately three to four feet by this point; however, the front of the Taser was approximately two feet away at the point of discharge.

At 11:45:51 a.m., Ms. Maudsley's body is twisting toward Trooper Cole in the parking lot. Still clearly handcuffed but in the front of her body, she falls backwards, striking the back of her head on the pavement of the parking lot.² She is whimpering and sits up. Trooper Cole instructs her to "lay down" several times, which she does. Other FHP troopers come out of the building to assist. Ms. Maudsley, while still whimpering and crying, tries to sit up again and at 11:47:02 a.m. complains that she cannot not get up. This interchange continues until approximately 11:48 a.m., when she becomes quiet and still. Emergency Medical Services arrived at approximately 11:51 a.m., and transported Ms. Maudsley to Bayfront Medical Center.

At approximately 5:00 p.m., the physician attending to Ms. Maudsley advised that her condition was critical and her prognosis was not good due to the lack of activity in her brain. In addition Ms. Maudsley had tested positive for oxycodone and cocaine in her system. Ms. Maudsley never regained consciousness, was diagnosed with a traumatic brain injury,

² The FDLE Investigative Report of the incident reports a measurement between the approximate point on the concrete pad where Trooper Cole fired his Taser at Daniele Maudsley to the point on the pavement/asphalt where Ms. Maudsley fell and fractured her skull at 15.217 feet.

remained in a constant vegetative state on life-support, and passed away on September 15, 2013.

The FHP Supervisor's Use of Control Report, signed in October, 2011, by the district shift commander, district commander, and troop commander concluded that based on the totality of the circumstances, the force used exceeded the minimum amount of force needed to effectuate the apprehension of Danielle Maudsley. Within that report, the supervising investigator noted that Trooper Cole was in no apparent danger and because of his closeness to the suspect, the time necessary to warn Ms. Maudsley would not have prevented him from being able to use the ECD if she continued to flee. He further noted that the ECD cartridges issued by the agency have a maximum range of 25 feet.

On or about September 20, 2011, the FHP requested the Florida Department of Law Enforcement (FDLE) investigate this incident as a Use of Force incident. On November 7, 2011, the FDLE concluded that Trooper Cole was in the legal performance of his official law enforcement duties and acted within the scope of his assignment. The investigation determined that the use of force by Trooper Cole was within the allowable parameters outlined in ch. 776, F.S.

The Department of Highway Safety and Motor Vehicles (DHSMV) Office of Inspector General's administrative investigation likewise determined that Trooper Cole acted in accordance with Florida law and FHP policy.

Florida Statutes, FHP policies and procedures, and officer/trooper training programs provide structure, parameters, and guidance for the use of force to prevent escape, including the use of ECDs. Although not a complete recitation of these documents, the following considerations demonstrate the complexity of the issues presented in the facts of this claim bill:

- A law enforcement officer or other person who has an arrested person in his or her custody is justified in the use of any force which he or she reasonably believes to be necessary to prevent the escape of the arrested person from custody. Section 776.07, F.S.
- Members of the FHP shall in every instance seek to employ the minimum amount of control required to successfully overcome physical resistance, prevent

escapes, and effect arrests. Members' actions must be objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. FHP Procedures 10.01.07 and Policy 10.05.02 specific to ECD.

- In accordance with s. 943.1717(1), F.S., a member's decision to deploy the ECD shall involve an arrest or custodial situation during which the person who is the subject of the arrest or custody escalates resistance to the member from passive physical resistance to active physical resistance, and the person (a) has the apparent ability to physically threaten the member or others; or (b) is preparing or attempting to flee or escape. (Note: Fleeing cannot be the sole reason for deployment of the ECD.) FHP Policy Manual 10.05.04 C.
- There may be incidents in which the use of an ECD conflicts with [a list of 6 situations a member shall not use the device unless exigent circumstances exist, including use on a handcuffed prisoner]. In those cases, the use of the ECD must be based on justifiable facts and are subject to "Use of Control" supervisory review. FHP Policy Manual specific to ECD – Deployment 10.05.04 C 1.
- As in all uses of control, certain individuals may be more susceptible to injury. Members should be aware of the greater potential for injury when using an ECD against ... persons of small build regardless of age. FHP Policy Manual specific to ECD – Deployment 10.05.04 C 2.
- When reasonable, members preparing to fire the device should announce a verbal warning such as "Stop Resisting, Taser!, Taser!, Taser!" to warn the violator ... FHP Policy Manual specific to ECD – Deployment 10.05.04 C 4.

On November 2, 2012, Ms. Maudsley was determined to be incapacitated, and Julie Goddard was appointed her Guardian by the Circuit Court of the Ninth District in and for Orange County. Ms. Maudsley was residing in a nursing facility in Orange County at the time. When Ms. Maudsley died, Ms. Goddard became the Personal Representative of the Estate of Danielle Maudsley.

Litigation originated on May 23, 2013, in state court against Trooper Cole and the FHP in the Sixth Circuit of Pinellas County while Ms. Maudsley was still alive. The complaint alleged that Trooper Cole acted in a manner exhibiting wanton

and willful disregard of human rights and safety by, among other ways:

- Failing to use his Taser in a proper, safe, and appropriate manner;
- Deploying his Taser on a handcuffed and running Ms. Maudsley when he knew or should have known that the use of the Taser under the circumstances would likely result in severe injuries to her;
- Failing to use other available, safer means to stop Ms. Maudsley, such as reaching out with his hands and grabbing her;
- Failing to provide a verbal warning in accordance with the policies and procedures set forth by the FHP; and
- Failing to follow other accepted policies and procedures set forth by the FHP.

The complaint also alleged that the FHP was negligent in its training and instruction of Trooper Cole in the proper, safe, and appropriate use of his Taser.

On July 7, 2014, after Danielle Maudsley's death, an amended complaint was filed that also alleged excessive force and Fourth Amendment constitutional violation claims. The case was removed to the United States District Court, Middle District of Florida.

On August 10, 2015, the parties settled all claims for \$1,950,000 to avoid the cost of protracted and expensive litigation. The settlement agreement refers to the allegations of negligence against the FHP and Trooper Cole that are contained in the Complaint. While maintaining no admission of liability or responsibility, the FHP and Trooper Cole acknowledge that if this case went to trial, a federal jury could reasonably award damages to the Plaintiff in the amount of \$1,950,000 based on the facts of the case.

The limit of the State's sovereign immunity in the amount of \$200,000 has been paid by the Division of Risk Management pursuant to s. 768.28, F.S. The remaining \$1,750,000 is the subject of the claim bill and will be paid from General Revenue appropriated to the DHSMV if the claim bill becomes law. The FHP and Trooper Cole have agreed not to oppose a claim bill in this amount.

In the settlement agreement, the Plaintiff agreed to voluntarily dismiss the lawsuit, with prejudice, upon court approval. The United States District Court for the Middle District of Florida issued a Final Judgment of Dismissal with Prejudice on March 1, 2016.

The net proceeds to the estate from this claim bill for \$1,750,000, after medical liens and attorney fees is expected to be approximately \$1,262,249.80. The probate court may award estate and personal representative fees, estimated at approximately \$114,030, in accordance with Florida law, from all net proceeds to the estate.

Counsel for the Plaintiff represents it is his understanding from discussion with the attorney for the personal representative of the estate, that the proposed distribution of any claim bill will be made in accordance with Florida Statutes, in that both parents will receive damages equally [after liens, costs, and expenses have been paid]. However, Cheryl Maudsley, mother and primary caregiver of Danielle, both during her life and while she was hospitalized, will be petitioning the probate court for a greater apportionment of those damages. Cheryl Maudsley currently resides in Michigan. Danielle Maudsley's father is currently incarcerated, with the current release date of December 9, 2022. According to Counsel, Cheryl Maudsley also intends to establish a trust for her 10 year old daughter, Danielle's sister, with a majority of her portion of the funds.

CONCLUSIONS OF LAW:

A common law duty of care is owed to a person in custody. Kaiser v. Kolb, 543 So.2d 732 (Fla. 1989) Accordingly, Trooper Cole had a duty to reasonably carry out his operational responsibilities of maintaining custody of Danielle Maudsley and apprehending her when she attempted to flee. Under the doctrine of respondeat superior, the FHP, a Division of the DHSMV, is vicariously liable for the negligent acts of its employees when such acts are within the course and scope of employment. See Mallory v. O'Neil, 69 So.2d 313 (Fla. 1954) and s. 768.28, F.S.

Whether Trooper Cole implemented his responsibilities negligently or in accordance with statutory and departmental policy was an appropriate question for the jury. This hearing officer concludes that Trooper Cole negligently performed his duties in the firing of his Taser at the point in time that he discharged it, without first issuing a warning to allow her the

opportunity to stop, without ascertaining to the best of his ability whether Ms. Maudsley was still handcuffed and to reassess the situation in that light, and without at least attempting to stop or overtake her in a manner that did not include a full body tackle. He had a 25 foot discharge range within which these actions could have been employed prior to a Taser discharge. Discharging the Taser was the proximate cause of Danielle Maudsley injuries and subsequent demise. The parties agreed to execute the settlement agreement to resolve this question as well as all allegations in the Amended Complaint. The settlement agreement is reasonable given the unfortunate outcome of this incident.

ATTORNEYS FEES:

Section 768.28(8), F.S., states that no attorney may charge, demand, receive, or collect for services rendered, fees in excess of 25 percent of any judgment or settlement. Claimant's counsel, Ralph M. Guito, III, Esq., has submitted an affidavit that the attorney fees, including lobbying fees, will not exceed 25 percent of the total amount awarded under the claim bill.

RECOMMENDATIONS:

Based upon the foregoing, I recommend that SB 14 be reported FAVORABLY.

Respectfully submitted,

Sandra R. Stovall
Senate Special Master

cc: Secretary of the Senate

By Senator Gibson

6-00108-18

201814__

A bill to be entitled

An act for the relief of the Estate of Danielle Maudsley; providing an appropriation to compensate the Estate of Danielle Maudsley for Ms. Maudsley's death, sustained as a result of the alleged negligence of Trooper Daniel Cole and the Florida Highway Patrol, a division of the Department of Highway Safety and Motor Vehicles; providing that certain payments and the appropriation satisfy all present and future claims related to the alleged acts; providing a limitation on the payment of attorney fees; providing an effective date.

WHEREAS, on September 19, 2011, 20-year-old Danielle Maudsley was arrested for nonviolent traffic infractions and was subsequently taken to the Florida Highway Patrol substation in Pinellas Park for processing, and

WHEREAS, during the processing, Ms. Maudsley, who was still handcuffed, attempted to flee, exiting the substation through a side door, and

WHEREAS, as Ms. Maudsley exited the substation, Trooper Daniel Cole of the Florida Highway Patrol followed her outside, and

WHEREAS, Trooper Cole proceeded to remove his electronic control device and fired it directly into Ms. Maudsley's back, causing her to collapse and fall to the parking lot pavement with great physical force and effect, and

WHEREAS, as a result of these events, Ms. Maudsley suffered extensive traumatic brain injury and remained in a constant

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

6-00108-18

201814__

vegetative state until her death on September 15, 2013, and

WHEREAS, in May 2015, a settlement agreement was entered into between Julie Goddard, as personal representative of the Estate of Danielle Maudsley, and the Florida Highway Patrol and Trooper Cole to settle all claims arising out of Ms. Maudsley's death, and

WHEREAS, the Florida Highway Patrol and Trooper Cole acknowledged that, if the case had gone to trial in the United States District Court for the Middle District of Florida, a jury could reasonably have awarded damages in the amount of \$1.95 million to the Estate of Danielle Maudsley, and

WHEREAS, the settlement agreement required the Division of Risk Management of the Department of Financial Services to pay \$200,000 to the Estate of Danielle Maudsley in accordance with the statutory limits of liability set forth in s. 768.28, Florida Statutes, and

WHEREAS, Ms. Goddard, as personal representative of the Estate of Danielle Maudsley, seeks satisfaction of the remaining balance of the settlement agreement, which is \$1.75 million, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The sum of \$1.75 million is appropriated from the General Revenue Fund to the Department of Highway Safety and Motor Vehicles for the relief of the Estate of Danielle Maudsley for injuries and damages sustained as a result of the death of

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

6-00108-18

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59 Danielle Maudsley.

60 Section 3. The Chief Financial Officer is directed to draw
61 a warrant in favor of the Estate of Danielle Maudsley in the sum
62 of \$1.75 million, minus payments required to satisfy outstanding
63 Medicaid liens relating to the medical expenses and care of
64 Danielle Maudsley, upon funds of the Department of Highway
65 Safety and Motor Vehicles in the State Treasury and to pay the
66 same out of such funds in the State Treasury.

67 Section 4. The amount paid by the Division of Risk
68 Management of the Department of Financial Services in accordance
69 with the statutory limits of liability set forth in s. 768.28,
70 Florida Statutes, and the amount awarded under this act are
71 intended to provide the sole compensation for all present and
72 future claims arising out of the factual situation described in
73 this act which resulted in the death of Ms. Maudsley. The total
74 amount paid for attorney fees relating to this claim may not
75 exceed 25 percent of the amount awarded under this act.

76 Section 5. This act shall take effect July 1, 2018.



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
515 Knott Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5198

DATE	COMM	ACTION
1/22/18	SM	Favorable
1/23/18	JU	Favorable
2/14/18	ATD	Recommend: Favorable
	AP	

January 22, 2018

The Honorable Joe Negrón
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 40** – Senator Perry E. Thurston, Jr.
HB 6535 – Representative Wengay “Newt” Newton
Relief of Estate of Dr. Sherrill Lynn Aversa

SPECIAL MASTER’S FINAL REPORT

THIS IS AN UNOPPOSED EQUITABLE CLAIM FOR \$650,000 FROM UNAPPROPRIATED TRUST FUNDS OF THE DEPARTMENT OF TRANSPORTATION FOR THE DEATH OF THE CLAIMANT IN AN AUTOMOBILE ACCIDENT CAUSED WHEN A LADDER FELL OFF A DEPARTMENT TRUCK.

CURRENT STATUS:

Before a prior legislative session, Judge Bram D. E. Canter, an administrative law judge from the Division of Administrative Hearings, serving as a Senate Special Master, held a de novo hearing on a previous version of this bill. After the hearing, the judge issued a report containing findings of fact and conclusions of law and recommended that the bill be reported FAVORABLY.

Judge Canter’s report was reissued for SB 30 (2012), the most recent version of the claim bill for which a report is available. The 2012 report is attached as an addendum to this document.

Due to the passage of time since the hearing, the Senate President reassigned the claim to me, Thomas C. Cibula. My

responsibilities were to review the records relating to the claim bill, be available for questions from Senators, and determine whether any changes have occurred since the hearing before Judge Canter, which if known at the hearing might have significantly altered the findings or recommendation in the report.

As part of my review of this matter, counsel for the parties were asked to describe any developments that have occurred since the original special master hearing. After reviewing the responses, I find that there are no new facts that would justify altering the original findings. Additionally, the 2012 claim bill on which Judge Canter's report is based is similar to the claim bill filed for the 2018 Legislative Session. The 2018 bill, however, incorporates several corrections recommended by Judge Canter. Therefore, the undersigned recommends that SB 40 be reported FAVORABLY.

Respectfully submitted,

Thomas C. Cibula
Senate Special Master

cc: Secretary of the Senate



THE FLORIDA SENATE
SPECIAL MASTER ON CLAIM BILLS

Location
402 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

DATE	COMM	ACTION
12/1/11	SM	Fav/1 amendment

December 1, 2011

The Honorable Mike Haridopolos
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 30 (2012)** – Senator Thad Altman
Relief of Sherrill Lynn Aversa

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNOPPOSED EQUITABLE CLAIM FOR \$650,000 FROM UNAPPROPRIATED TRUST FUNDS OF THE DEPARTMENT OF TRANSPORTATION FOR THE DEATH OF THE CLAIMANT IN AN AUTOMOBILE ACCIDENT CAUSED WHEN A LADDER FELL OFF A DEPARTMENT TRUCK.

FINDINGS OF FACT:

On June 21, 1999, Dr. Sherrill Lynn Aversa, 33 years old, was traveling southbound on I-75 in Tampa in rush hour traffic. She was wearing her seatbelt. At the same time, a Department of Transportation (DOT) truck driven by DOT employee Domingo Alvarado was traveling northbound. A 12-foot extension ladder on the DOT truck was not well-secured and fell off the truck into the path of a vehicle driven by Roxann Hodge. Ms. Hodge veered sharply left to avoid the ladder and went into the median where she lost control of her vehicle. Ms. Hodge's car crossed the median into the southbound traffic and struck Dr. Aversa's car head-on. Dr. Aversa was killed instantly. Three other vehicles were also involved in the crash, but those drivers were not seriously injured.

When Mr. Alvarado realized that the ladder had fallen off his truck, he pulled off the roadway, backed up, and retrieved the ladder, which had come to a rest in the center northbound lane. Mr. Alvarado re-secured the ladder and then proceeded on his way. He said that he was unaware that his ladder caused a crash, although he acknowledged seeing smoke and commotion in the southbound lanes of I-75. Later that evening, Mr. Alvarado saw news coverage of the crash and called the Florida Highway Patrol to report his probable involvement.

Mr. Alvarado was cited for a violation of section 316.520, Florida Statutes, for failing to secure a load. DOT suspended him for four weeks without pay for violating DOT's policy regarding securing equipment on his truck.

Dr. Aversa was survived by her husband, Dr. Lee Crandall. They had no children. Dr. Aversa was an epidemiologist at the University of Miami Medical School and a leading researcher in the field of HIV/AIDS. An economist's report estimated that Dr. Aversa's economic damages (lost wages, etc.) were approximately \$2.6 million.

Dr. Crandall created a non-profit foundation to honor Dr. Aversa. The foundation awards scholarships to assist epidemiology students in completing their doctoral degrees. Dr. Crandall testified at the claim bill hearing that it is his intention to deposit most of the funds awarded from this claim bill into the foundation in order to endow the scholarships in perpetuity.

The other injured drivers settled with DOT for a total of \$50,000. That left \$150,000 under the sovereign immunity cap to pay Dr. Aversa's estate. DOT paid \$150,000 to Dr. Aversa's estate. All but \$727 was used to pay for attorney's fees and costs. Dr. Crandall received approximately \$110,000 from a life insurance policy, \$100,000 in underinsured motorist coverage, and \$10,000 in settlement proceeds from Ms. Hodge's insurer. Some of these funds were used to pay off Dr. Aversa's student loans and some will be transferred to the foundation once Dr. Aversa's estate is closed.

LITIGATION HISTORY:

Dr. Crandall, as husband and personal representative of Dr. Aversa's estate, filed an action for negligence against DOT in the circuit court for Hillsborough County in 2000. In May 2003, on the eve of trial, the parties entered into a stipulated settlement agreement wherein DOT agreed to pay Dr. Aversa's estate a total of \$800,000. DOT has already paid \$150,000, leaving \$650,000 to be paid by way of this claim bill. As a part of the settlement agreement, DOT agreed to cooperate and support the passage of a claim bill in the amount of \$650,000.

CONCLUSIONS OF LAW:

The claim bill hearing was a *de novo* proceeding to determine, based on the evidence presented to the Special Master, whether DOT is liable in negligence for the death of the Claimant and, if so, whether the amount of the claim is reasonable.

Mr. Alvarado had a duty to secure the load to his truck pursuant to section 316.520, Florida Statutes, and DOT policy. His failure to do so was the direct and proximate cause of the crash that killed Dr. Aversa. Mr. Alvarado was an employee of DOT acting in the course and scope of his employment at the time of the crash. His negligence is therefore attributable to DOT.

The amount of the claim is fair and reasonable.

ATTORNEY'S FEES:

Claimant's attorneys have agreed to limit their fees to 25 percent of any amount awarded by the Legislature in compliance with section 768.28(8), Florida Statutes. There is an agreement to pay the lobbyist's fee from the claim bill proceeds, which could conflict with the requirement in SB 30 that the lobbyist's fee must be paid from the 25 percent attorney's fees.

OTHER ISSUES:

DOT states that the claim should be paid from the State Transportation Fund.

There are some errors in SB 30. The bill states that the consent judgment was for \$797,500. The correct figure is \$800,000. The bill states that DOT paid \$100,000 to Dr. Aversa's estate, but DOT paid \$150,000.

RECOMMENDATIONS:

For the reasons set forth above, I recommend that Senate Bill 30 (2012) be reported FAVORABLY, as amended.

Respectfully submitted,

Bram D. E. Canter
Senate Special Master

cc: Senator Thad Altman
Debbie Brown, Interim Secretary of the Senate
Counsel of Record

By Senator Thurston

33-00252-18

201840__

1 A bill to be entitled
 2 An act for the relief of the Estate of Dr. Sherrill
 3 Lynn Aversa; providing an appropriation to compensate
 4 the Estate of Dr. Sherrill Lynn Aversa for Dr.
 5 Aversa's death as a result of the negligence of the
 6 Department of Transportation; requiring the Executive
 7 Office of the Governor to establish spending authority
 8 from unappropriated trust fund balances of the
 9 department for compensation to the Estate of Dr.
 10 Sherrill Lynn Aversa; providing a limitation on the
 11 payment of attorney fees; providing an effective date.
 12
 13 WHEREAS, on June 21, 1999, an employee of the Department of
 14 Transportation was driving a department vehicle north on
 15 Interstate 75 in Hillsborough County, and
 16 WHEREAS, on that same day, Dr. Sherrill Lynn Aversa, having
 17 completed an interview at the University of South Florida
 18 Medical School, was traveling south on Interstate 75, and
 19 WHEREAS, according to departmental policy, employees of the
 20 department are required to ensure that all items used by the
 21 department and stored on a department vehicle are appropriately
 22 secured, and
 23 WHEREAS, one such item used by the department was a 12-foot
 24 extension ladder stored on the roof of the truck driven by the
 25 department employee and the employee failed to ensure that the
 26 ladder was secured to the vehicle before leaving the
 27 department's maintenance yard, and
 28 WHEREAS, as the employee traveled north on Interstate 75 in
 29 the department vehicle, the extension ladder flew off the roof

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

33-00252-18

201840__

30 into the northbound traffic traveling behind the department
 31 vehicle, and
 32 WHEREAS, the driver of the vehicle traveling behind the
 33 department vehicle swerved to avoid hitting the ladder and, as a
 34 result of the swerving movement, lost control of her vehicle,
 35 veered to the left, crossed the Interstate 75 median, and struck
 36 Dr. Aversa's southbound vehicle, killing Dr. Aversa instantly,
 37 and
 38 WHEREAS, as a result of these events, the Estate of Dr.
 39 Sherrill Lynn Aversa brought suit against the department for its
 40 negligence in causing the death of Dr. Aversa, and
 41 WHEREAS, after 3 years of litigation, the department
 42 admitted liability for the accident and agreed to settle the
 43 case, and
 44 WHEREAS, the parties agreed to a consent judgment in the
 45 amount of \$800,000 solely against the department, with no
 46 finding of comparative negligence against any other party, and
 47 WHEREAS, the department has paid \$150,000 to the Estate of
 48 Dr. Sherrill Lynn Aversa consistent with the statutory limits of
 49 liability set forth in s. 768.28, Florida Statutes, NOW,
 50 THEREFORE,
 51
 52 Be It Enacted by the Legislature of the State of Florida:
 53
 54 Section 1. The facts stated in the preamble to this act are
 55 found and declared to be true.
 56 Section 2. The Executive Office of the Governor is directed
 57 to establish spending authority from unappropriated trust fund
 58 balances of the Department of Transportation in the amount of

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 \$650,000 to a new category titled "Relief: Estate of Dr.
60 Sherrill Lynn Aversa" as compensation to the Estate of Dr.
61 Sherrill Lynn Aversa for the death of Dr. Sherrill Lynn Aversa,
62 which amount includes attorney fees and costs.

63 Section 3. The Chief Financial Officer is directed to draw
64 a warrant, pursuant to the stipulated settlement agreement
65 executed by the Department of Transportation and the personal
66 representative of the Estate of Dr. Sherrill Lynn Aversa, in the
67 amount of \$650,000 upon funds of the Department of
68 Transportation not otherwise encumbered, and the Chief Financial
69 Officer is directed to pay the same sum out of such funds in the
70 State Treasury.

71 Section 4. The amount paid by the Department of
72 Transportation pursuant to s. 768.28, Florida Statutes, and the
73 amount awarded under this act are intended to provide the sole
74 compensation for this excess judgment claim and for all other
75 present and future claims arising out of the factual situation
76 described in this act which resulted in the death of Dr.
77 Sherrill Lynn Aversa. The total amount paid for attorney fees
78 relating to this claim may not exceed 25 percent of the amount
79 awarded under this act.

80 Section 5. This act shall take effect upon becoming a law.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Education
Judiciary
Regulated Industries
Rules

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR PERRY E. THURSTON, JR.

Democratic Caucus Rules Chair
33rd District

January 29, 2018

The Honorable Wilton Simpson
330 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Simpson,

I am writing you this letter because my bill SB 40: Relief of the Estate of Dr. Sherrill Lynn Aversa by the Department of Transportation has been referred to the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development. I am writing respectfully requesting you to place the bill on your committee's calendar for the next committee agenda.

Thank you for your consideration. Please contact me if you have any question.

Respectfully,

Perry E. Thurston, Jr.

Perry E. Thurston, Jr.
Florida Senate

CC: Senator Bobby Powell, Vice Chair
Jennifer Hrdlicka, Staff Director
Tempie Sailors, Committee Administrative Assistant

REPLY TO:

- 2151 NW 6th Street, Fort Lauderdale, Florida 33311 (954) 321-2705 FAX: (888) 284-6086
- 208 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

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: SB 1066

INTRODUCER: Senator Baxley

SUBJECT: Transportation Facility Designations/Nelle W. Needham Memorial Highway

DATE: February 14, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	Favorable
2.	McAuliffe	Hrdlicka	ATD	Recommend: Favorable
3.			AP	

I. Summary:

SB 1066 designates the portion of S.R. 464/Maricamp Road between S.E. 25th Avenue and S.E. 24th Street in Marion County as “Nelle W. Needham Memorial Highway” and directs the Florida Department of Transportation (FDOT) to erect suitable markers.

The estimated cost to the FDOT to install the designation markers required under this bill is \$1,000.

The bill takes effect July 1, 2018.

II. Present Situation:

Transportation Facility Designations

Section 334.071, F.S., provides that legislative designations of transportation facilities are for honorary or memorial purposes, or to distinguish a particular facility. Such designations do not require any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes.¹

When the Legislature establishes road or bridge designations, the FDOT is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation, and to erect any other markers it deems appropriate for the transportation facility.²

¹ Section 334.071(1), F.S.

² Section 334.071(2), F.S.

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, each affected local government must pass resolutions supporting the designations before installation of the markers.³

Nelle W. Needham

Described as a champion for people with disabilities, Nelle W. Needham began working in 1959 with Advocacy Resource Center (ARC) Marion, then known as New Hope School and Opportunity Workshop. She was the first executive director, serving from 1964 through 1990. During her more than 30 years with ARC Marion, Ms. Needham was presented with numerous awards for her contributions to the community and the state, including the Exchange Club Book of Golden Deeds Award, the Ocala Jaycees Outstanding Citizen Award for Outstanding Contribution, the Humanitarian Award from the Ocala Jaycee-ettes, and the Jefferson Award from the State of Florida.⁴

III. Effect of Proposed Changes:

The bill designates the portion of S.R. 464/Maricamp Road between S.E. 25th Avenue and S.E. 24th Street in Marion County as “Nelle W. Needham Memorial Highway” and directs the Florida Department of Transportation (FDOT) to erect suitable markers.

The bill takes effect July 1, 2018

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

³ Section 334.071(3), F.S.

⁴ Information on file in the Senate Transportation Committee.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The estimated cost to erect the designation markers required by the bill is \$1,000, based on the assumptions that two markers are required and each marker costs the FDOT at least \$500. The estimate includes sign fabrication, installation, and maintenance over time but does not include any additional expenses related to maintenance of traffic, the dedication event, or replacement necessitated by damage, vandalism, or storm events.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of Florida Law.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Baxley

12-01411-18

20181066__

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A bill to be entitled

An act relating to transportation facility designations; providing an honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers; providing an effective date.

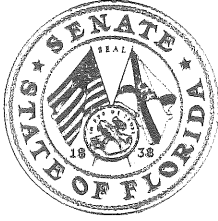
Be It Enacted by the Legislature of the State of Florida:

Section 1. Nelle W. Needham Memorial Highway designated; Department of Transportation to erect suitable markers.-

(1) That portion of S.R. 464/Maricamp Road between S.E. 25th Avenue and S.E. 24th Street in Marion County is designated as "Nelle W. Needham Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Nelle W. Needham Memorial Highway as described in subsection (1).

Section 2. This act shall take effect July 1, 2018.



THE FLORIDA SENATE

SENATOR DENNIS BAXLEY
12th District

COMMITTEES:
Governmental Oversight and Accountability, *Chair*
Criminal Justice, *Vice Chair*
Appropriations
Appropriations Subcommittee on Criminal and
Civil Justice
Appropriations Subcommittee on Health and
Human Services
Agriculture
Transportation

SELECT COMMITTEE:
Joint Select Committee on Collective Bargaining

JOINT COMMITTEE:
Joint Legislative Auditing Committee

February 6, 2018

The Honorable Senator Wilton Simpson
330 Senate Office Building
404 So Monroe Street
Tallahassee, FL 32399

Dear Senator Simpson,

I respectfully request SB 1066 Transportation Facility Designations/Nelle W. Needham Memorial Highway be placed on your next available agenda.

This bill requires the Department of Transportation to erect suitable markers designating a certain portion of S.R. 464/Maricamp Road as the Nelle W. Needham Memorial Highway.

Mrs. Needham began working with the ARC in 1959, then known as New Hope School and Opportunity Workshop. She became the first Executive Director in 1964 and served through 1990. During her more than 30 years with ARC Marion she was presented with many awards, including the Exchange Club Book of Golden Deeds Award; Ocala Jaycees Outstanding Citizen Award for Outstanding Contribution; The Humanitarian Award from Ocala Jayceettes and the Jefferson Award from the State of Florida.

I appreciate your favorable consideration.

Onward & Upward,

A handwritten signature in cursive script that reads "Dennis Baxley".

Senator Dennis Baxley
Senate District 12

DKB/dd

cc: Jennifer Hrdlicka, Staff Director

320 Senate Office Building, 404 South Monroe St, Tallahassee, Florida 32399-1100 • (850) 487-5012
Email: baxley.dennis@flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

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: PCS/SB 1104 (472918)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Transportation Committee and Senator Brandes

SUBJECT: Commercial Motor Vehicles

DATE: February 15, 2018 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>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 1104 makes numerous changes relating to transportation. The bill:

- Defines “mobile carriers” and provides regulations for such devices;
- Increases the allowable weight of a personal delivery device to less than 100 pounds, instead of less than 80 pounds;
- Repeals s. 316.0895(2), F.S., which prohibits trucks and vehicles towing other vehicles or trailers from following one another within 300 feet on roadways outside of a business or residence district;
- Updates various commercial motor vehicle regulations to address compatibility issues with federal law and the International Registration Plan;
- Authorizes the Florida Turnpike Enterprise to fund, construct, and operate test facilities for the advancement of autonomous and connected transportation technology solutions for improving safety and congestion;
- Extends the Pilot Rebuilt Motor Vehicle Inspection Program to July 1, 2020, requires the Department of Highway Safety and Motor Vehicles (DHSMV) to submit a report evaluating the program by January 1, 2019, and provides additional requirements for the program;
- Prohibits the DHSMV or tax collectors from charging title transfer fees when transferring a motor vehicle title from a deceased owner to the deceased’s spouse, parent, child, or sibling;
- Expands businesses that may be authorized to use the DHSMV’s electronic filing system to an entity that, in the normal course of its business, process title transactions, derelict motor vehicle certificates, or certificates of destruction for derelict or salvage motor vehicles;

- Increases the time-frame apportionable vehicles must replace their license plates from annually to every five years;
- Authorizes an electronic copy of a motor vehicle certificate of registration or motor vehicle rental or lease documentation be accepted by law enforcement or agents of the DHSMV as proof of possession of such documentation, and provides restrictions and liability regarding the electronic device displaying such documentation;
- Allows motor vehicle dealers and fleet companies to purchase specialty license plates for use on dealer and fleet vehicles directly from the DHSMV upon approval by the specialty license plate's sponsoring organization;
- Creates a Fleet Vehicle Temporary Tag pilot program, which allows the DHSMV to partner with a county tax collector to establish an agreement with up to three companies allowing the issuance of up to 50 temporary tags at a time for use by the company's fleet vehicles;
- Removes reference in Florida Statutes to "digital proof of driver license" and replaces such term with "electronic credentials;"
- Requires the DHSMV implement protocols for issuing an optional electronic credential, provides requirements for the procurement of electronic credential and verification solution providers (including technological requirements), and authorizes the issuance and use of electronic credentials;
- Provides that a motor vehicle rental company is deemed to have met the requirements of inspecting a driver license and prohibiting the rental of a motor vehicle to a person required to be licensed who is not, if the renter verifies he or she holds a valid driver license and the vehicle is rented from the company through digital, electronic, or other means not requiring direct contact with an employee of the rental company;
- Removes a requirement that a person who rents a vehicle to another person compare the signature of the renter with the renter's driver license signature; instead the person must verify that the renter's driver license is unexpired;
- Creates a first degree grand theft crime for an offender who commits cargo theft and, in the course of committing the offense, uses a device that interferes with a global positioning system or similar system used to identify the location of the cargo or vehicle; and
- Makes technical and cross-reference changes to conform to changes made by the bill.

The bill also makes changes regarding motor vehicle platooning. Specifically, it:

- Repeals s. 316.0896, F.S., related to the assistive truck platooning technology pilot program, which has been conducted by the Florida Department of Transportation (FDOT) in consultation with the DHSMV;
- Defines the term "platoon" for purposes of the State Uniform Traffic Control Law;
- Authorizes motor vehicle platoons to be operated upon Florida roadways after an operator provides notification to the FDOT and DHSMV;
- Exempts non-lead platooning vehicles from the state's "following too closely" law; and
- Provides that s. 316.303, F.S., concerning television receivers, does not prohibit use of an electronic display by an operator of a platoon.

The bill may have a negative, but indeterminate fiscal impact to the DHSMV, the Highway Safety Operating Trust Fund, the State Transportation Trust Fund, the General Revenue Fund, and local tax collectors.

The bill makes changes to address compliance issues with federal laws relating to commercial motor vehicles. The state could experience a reduction of Federal-aid highway funds if the state remains non-compliant with such federal laws.

The Criminal Justice Impact Conference, which provides the final, official prison bed impact, if any, of legislation has not yet reviewed the bill to determine the overall prison bed impact of the bill. A preliminary estimate by conference staff indicates that the bill would have a positive indeterminate impact on prison beds, meaning the bill will result in an unquantifiable increase in prison beds.

The bill takes effect October 1, 2018.

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:

Platoons (Sections 1, 4, 5, and 8)

Present Situation

Platooning is an emerging automated driving technology that allows vehicles to communicate with one another in order to electronically “link” to each other in a line at close proximity, where the lead vehicle controls the speed and braking of the following vehicles.¹ Each vehicle platoons by using an onboard computer connected to a vehicle-to-vehicle (V2V) communications device that receives and transmits data using Dedicated Short-Range Communications (DSRC), a two-way wireless communications capability permitting very high data transmission.² DSRC is used by both V2V communications as well as vehicle-to-infrastructure (V2I) communications to provide connectivity among vehicles and between infrastructure to prevent crashes and enable safety, mobility, and environmental sustainability.³

The National Highway Traffic Safety Administration (NHTSA) published a Notice of Proposed Rulemaking in January 2017, proposing to mandate V2V communications for new light vehicles and standardize the message and format of V2V transmissions to create a standard system, both of which would enable vehicle manufacturers to develop safety applications using V2V communications.⁴ These V2V communication device requirements would use DSRC devices to transmit basic information on the road, such as a vehicle’s speed, heading, brake status and path predictions, that can be used to provide drivers timely warnings of impending crash situations

¹ U.S. Department of Transportation, Volpe Center, *How an Automated Car Platoon Works* (July 31, 2017), <https://www.volpe.dot.gov/news/how-automated-car-platoon-works> (last visited Feb. 5, 2018).

² *Id.*

³ U.S. Department of Transportation, Intelligent Transportation Systems Joint Program Office, *DSRC: The Future of Safer Driving*, https://www.its.dot.gov/factsheets/dsrc_factsheet.htm (last visited Feb. 5, 2018).

⁴ Federal Motor Vehicle Safety Standards; V2V Communications, 82 Fed. Reg. 3854 (Jan. 12, 2017), <https://www.federalregister.gov/documents/2017/01/12/2016-31059/federal-motor-vehicle-safety-standards-v2v-communications> (last visited Feb. 5, 2018).

that drivers may not otherwise be capable of seeing.⁵ NHTSA has expressed that V2V communication “shows great promise in helping to avoid crashes, ease traffic congestion, and improve the environment.”⁶

Driver-Assistive Truck Platooning

One form of V2V technology is driver-assistive truck platooning (DATP), which allows trucks to communicate with one another and to travel as close as 30 feet apart with automatic acceleration and braking. A draft is created, reducing wind resistance and cutting down on fuel consumption.⁷

In 2016, s. 316.0896, F.S., was created to require the Florida Department of Transportation (FDOT), in consultation with the Department of Highway Safety and Motor Vehicles (DHSMV), to study the use and safe operation of DATP technology,⁸ develop and conduct a pilot project to test the use and safe operation of vehicles equipped to operate using DATP, and submit results of the study and any findings or recommendations from the pilot project to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The FDOT developed the pilot project as a demonstration and operational phase to:

- Evaluate impacts of DATP on surrounding traffic and infrastructure;
- Evaluate feasibility of conducting enforcement responsibilities when DATP trucks are operating; and
- Evaluate administrative aspects of permitting DATP systems.⁹

The pilot project was conducted with Peloton Technology, one developer of DATP vehicle systems. Peloton’s DATP is a cloud-based system that uses integrated sensors, controls, and wireless communications to determine in real time whether conditions are appropriate to allow specific trucks to engage in platooning operations.¹⁰ Using V2V communications, the system synchronizes acceleration and braking between tractor-trailers, leaving steering to the drivers, but eliminating braking distance otherwise caused by lags in the front or rear driver’s response time.¹¹ According to Peloton Technology, Peloton’s demonstration of its DATP technology occurred on the Florida Turnpike and covered over 1,000 miles using two trucks traveling at a

⁵ *Id.*

⁶ NHTSA, *Vehicle-to-Vehicle Communication*, <https://www.nhtsa.gov/technology-innovation/vehicle-vehicle-communication> (last visited Feb. 5, 2018).

⁷ Go by Truck Global News, *Driver Survey: Platooning* (Nov. 18, 2014), <http://www.gobytrucknews.com/driver-survey-platooning/123> (last visited Feb. 5, 2018).

⁸ Section 316.003(20), F.S., defines “driver-assistive truck platooning technology” as “[v]ehicle automation and safety technology that integrates sensor array, wireless vehicle-to-vehicle communications, active safety systems, and specialized software to link safety systems and synchronize acceleration and braking between two vehicles while leaving each vehicle’s steering control and systems command in the control of the vehicle’s driver in compliance with the National Highway Safety Administration rules regarding vehicle-to-vehicle communications.”

⁹ See Florida Vender Bid System, *Request for Information from the FDOT – Driver Assistive Truck Platooning Pilot Project* (July 6, 2017), http://www.myflorida.com/apps/vbs/vbs_www.ad_r2.view_ad?advertisement_key_num=134408 (last visited Feb. 5, 2018).

¹⁰ Peloton, *How It Works, The Platooning Experience*, <https://peloton-tech.com/how-it-works/> (last visited Feb. 5, 2018).

¹¹ *Id.*

separation distance of approximately 65 feet.¹² At this time, FDOT has not submitted its report of the results of the study and any findings or recommendations from the pilot project.¹³

State Platoon Laws

According to Peloton, nine states have confirmed allowance for commercial deployment of DATP.¹⁴ At least ten states with “following too closely” laws, including Florida,¹⁵ exempt vehicles equipped with a DATP system or a platooning system from such state law.¹⁶

Additionally, Arkansas, Michigan, Nevada, and Tennessee passed laws expressly allowing a person to operate DATP or platooning systems; however, Arkansas, Michigan, and Tennessee only allow operation upon state approval of a submitted operations plan or following a certain number of days after submission of such plan, if the plan is not rejected by the overseeing agency.¹⁷ Several states and the federal government are continuing testing of DATP and other platooning systems.

Following Too Closely and TV Receiver Prohibitions

Section 316.0895, F.S., prohibits a driver of a motor vehicle to follow another vehicle more closely than is reasonable and prudent. It is unlawful, when traveling upon a roadway outside a business or residence district, for a motor truck or vehicle towing another vehicle or trailer to follow within 300 feet of a similar vehicle. The law exempts the vehicles operating as part of the FDOT’s pilot project in a manner and at locations determined by the FDOT.¹⁸

Section 316.303, F.S., prohibits a motor vehicle operated on the highways of this state to be equipped with television-type receiving equipment that is visible from the driver’s seat; however, this prohibition does not apply to an electronic display:

- Used in conjunction with a vehicle navigation system;
- Used in a vehicle equipped with autonomous technology in autonomous mode; or
- Used in a vehicle equipped and operating with DATP technology.

Effect of Proposed Changes

The bill repeals the pilot projects for DATP and permits platooning on Florida roadways.

Section 1 amends s. 316.003, F.S., to repeal the definition of “driver-assistive truck platooning technology,” and add a definition for the term “platoon.” The bill defines “platoon” as “a group

¹² Peloton, *Peloton Technology demonstrates driver-assistive truck platooning system to Florida transportation leaders in connection with Florida Pilot Project* (Dec. 20, 2017), <https://peloton-tech.com/driver-assistive-truck-platooning-demonstration-florida-transportation-leaders-connection-florida-pilot-project/> (last visited Feb. 5, 2018).

¹³ DHSMV staff has indicated to the staff of the Senate Transportation Committee that the report is in the process of being finalized.

¹⁴ Peloton *supra* note 12.

¹⁵ See ss. 316.0895 and 316.0896(2), F.S.

¹⁶ The other states are Arkansas, California (only for testing), Georgia, Michigan, Nevada, North Carolina, South Carolina, Tennessee, and Texas. See National Conference of State Legislatures, *Autonomous Vehicles – Self-Driving Enacted Legislation, Enacted Autonomous Vehicles Legislation* (Jan. 2, 2018), <http://www.ncsl.org/research/transportation/autonomous-vehicles-self-driving-vehicles-enacted-legislation.aspx> (last visited Feb. 5, 2018).

¹⁷ *Id.*

¹⁸ Section 316.0896, F.S.

of individual motor vehicles traveling in a unified manner at electronically coordinated speeds and following distances.”

Section 4 repeals s. 316.0896, F.S., which created the assistive truck platooning technology pilot project conducted by the FDOT in consultation with the DHSMV.

Section 5 creates s. 316.0897, F.S., to provide that a platoon may be operated on Florida roadways after an operator provides notification to the FDOT and DHSMV. Additionally, Florida’s “following too closely” law¹⁹ does not apply to the operator of a non-lead vehicle in a platoon.

Section 8 amends s. 316.303, F.S., to remove reference to DATP technology and add that the prohibition on television receivers does not apply to an electronic display used by an operator of a platoon.

The bill does not specify how notification to the departments is required to be made or what information is required from the operator. It is unclear how law enforcement will be able to identify that a vehicle is operating in a platoon, thus exempt from certain traffic law requirements.

Personal Delivery Devices (Section 1)

Present Situation

Personal delivery devices (PDDs) are low-weight, low-speed devices that can carry roughly the equivalent of two grocery bags and resemble a box on wheels. PDDs can navigate around objects and people. Using a combination of mobile technology, the devices operate on integrated navigation and obstacle avoidance software that enable autonomous movement, but human operators may step in to ensure safety.²⁰ A PDD’s cargo bay is locked when sent to make a delivery; only the delivery recipient can unlock the box with a code specific to that recipient. PDD locations are tracked, and delivery recipients can monitor the PDD’s progress on a smartphone.²¹

In 2017, the Legislature established a regulatory framework for PDDs, creating definitions and approved operating parameters in ch. 316, F.S., the Florida Uniform Traffic Control Law. With certain exceptions,²² and in the absence of a local prohibition, PDD operation on sidewalks and crosswalks within a county or municipality is authorized²³ when such use is permissible under

¹⁹ Section 316.0895, F.S.

²⁰ See Starship Technologies Business, <https://www.starship.xyz/business/> (last visited Feb. 16, 2018).

²¹ *Id.*

²² PDD operation on the Florida Shared-Use Nonmotorized Trail Network created under s. 339.81, F.S., or on components of the Florida Greenways and Trails System created under ch. 260, F.S., is prohibited. Section 316.008(7)(b)2., F.S.

²³ Section 316.2071, F.S.

federal law.²⁴ However, the law does not restrict a county or municipality from otherwise adopting regulations for the safe operation of PDDs.²⁵

Section 316.003(51), F.S., currently defines “personal delivery device” to mean an electrically powered device²⁶ that:

- Is operated on sidewalks and crosswalks and intended primarily for transportation of property;
- Weighs less than 80 pounds, excluding cargo;
- Has a maximum speed of ten miles per hour; and
- Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

Effect of Proposed Changes

Section 1 amends s. 316.003(51), F.S., the definition of “personal delivery device,” to increase the currently allowable PDD weight, excluding cargo, from less than 80 pounds to less than 100 pounds.

Mobile Carriers (Sections 1, 2, 6, 12, 13, and 29)

Present Situation

Mobile carriers are electronic devices designed to carry cargo and follow its operator through an electronic connection. For example, Piaggio Fast Forward has created a mobile carrier named Gita,²⁷ which is capable of hauling up to 44 pounds of goods while following a human operator or moving autonomously through an environment that has been previously mapped by the device.²⁸ The device does this by “linking” up to a belt with cameras worn by the user or by the device referring back to a specific map of a path it has already traveled. The device utilizes cameras and an ultrasonic range-finding system to avoid obstacles in its way.²⁹

Currently, a mobile carrier is not defined in Florida law and Florida law does not contain any provisions regarding the operation of mobile carriers.

Effect of Proposed Changes

Section 1 amends s. 316.003, F.S., to define “mobile carrier” as an electrically powered device that weighs less than 80 pounds (excluding cargo), has a maximum speed of 12.5 miles per hour,

²⁴ Federal law, specifically 23 U.S.C. s. 217(h), prohibits any motorized vehicle on pedestrian walkways funded in whole or in part with federal dollars, except for maintenance purposes, snowmobiles when snow conditions and state or local regulations permit, motorized wheelchairs, electric bicycles when state or local regulations permit, and such other circumstances as the U.S. Department of Transportation secretary deems appropriate.

²⁵ Section 316.008(7)(b), F.S.

²⁶ A PDD is not considered a vehicle unless expressly defined by law as a vehicle. PDDs are also excluded from registration and insurance requirements under s. 320.02(19), F.S.; but the owner or operator of a PDD must maintain an insurance policy providing general liability coverage of at least \$100,000 for damages arising from PDD operation.

²⁷ Gita means a trip or outing in Italian.

²⁸ See Piaggio Fast Forward, *Introducing Gita*, <https://www.piaggiofastforward.com/gita> (last visited Feb. 16, 2018).

²⁹ Wired, *The Cute Robot That Follows You Around and Schleps All Your Stuff* (Feb. 16, 2017), <https://www.wired.com/2017/02/piaggio-gita-drone/> (last visited Feb. 16, 2018).

is operated on sidewalks and crosswalks, is intended primarily for transporting property, is primarily designed to remain within 25 feet of the property owner, and is equipped with technology to transport personal property with active monitoring of the property owner.

This section also provides that a mobile carrier is not considered a vehicle, motor vehicle, or a personal delivery device.

Section 2 amends s. 316.008, F.S., to authorize a mobile carrier to be operated on sidewalks and crosswalks within a county or municipality when such use is permissible under federal law,³⁰ but does not restrict a county or municipality from adopting regulations for the safe operation of mobile carriers.

Section 6 amends s. 316.2071, F.S., relating to personal delivery devices (PDDs), to provide regulation of mobile carriers similar to the state's regulation of PDDs. Specifically, the bill provides that a mobile carrier:

- Operating on a sidewalk or crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances, except that the mobile carrier may not unreasonably interfere with pedestrians or traffic and must yield the right-of-way to pedestrians;
- Must obey all official traffic and pedestrian control signals and devices;
- Must be equipped with a braking system that, when active or engaged, enables the mobile carrier to come to a controlled stop;
- May not operate on a public highway except to cross a crosswalk;
- May not operate on a sidewalk or crosswalk unless the property owner remains within 25 feet of the mobile carrier; and
- May not transport hazardous materials.³¹

Sections 12 and 29 amend ss. 320.01 and 324.021, F.S., respectively, to provide that the term “motor vehicle” does not include mobile carriers.

Additionally, **section 13**, amends s. 320.02(19), F.S., to provide that a mobile carrier is not required to be registered or insured to be operated within the state.

Following Too Closely Law (Section 3)

Present Situation

Section 316.0895(1), F.S., prohibits a driver of a motor vehicle to follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of vehicles and traffic upon, and the condition of, the highway. Section 316.0895(2), F.S., prohibits a motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer, when traveling

³⁰ Federal law, specifically 23 U.S.C. s. 217(h), prohibits any motorized vehicle on pedestrian walkways funded in whole or in part with federal dollars, except for maintenance purposes, snowmobiles when snow conditions and state or local regulations permit, motorized wheelchairs, electric bicycles when state or local regulations permit, and such other circumstances as the U.S. Department of Transportation secretary deems appropriate.

³¹ As defined in s. 316.003(28), F.S., a hazardous material is any substance or material determined by U.S. Department of Transportation Secretary to be capable of imposing an unreasonable risk to health, safety, and property. This includes hazardous waste as defined in s. 403.703, F.S.

upon a roadway outside a business or residence district, to follow within 300 feet of another motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer.

“Following-too-closely” (FTC) laws vary by state and can differ based on specific classes of vehicles. Among the states, the most common FTC law for cars require vehicle operators to follow vehicles in a manner that is “reasonable and prudent;” the most common FTC law for heavy trucks specifies required distances or distance intervals, or requires sufficient space for vehicles to enter and occupy without danger; and the least common FTC law requires specified time intervals between vehicles.³² Additionally, some U.S. jurisdictions lack explicit FTC laws.³³

Effect of Proposed Changes

Section 3 repeals s. 316.0895(2), F.S., to remove the 300 feet requirement for trucks or vehicles towing another vehicle or trailer when following a similar vehicle.

Federal Motor Carrier Safety Administration Compatibility (Section 7)

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.³⁴

Section 316.302, F.S., provides that all owners and drivers of CMVs³⁵ 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:³⁶

- 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.

³² Competitive Enterprise Institute, *Authorizing Automated Vehicle Platooning* (July 18, 2017), <https://cei.org/sites/default/files/Marc%20Scribner%20-%20Authorizing%20Automated%20Vehicle%20Platooning%202017.pdf> (last visited Feb. 16, 2018).

³³ *Id.*

³⁴ FMCSA website, *About Us* (Mar. 31, 2014), <https://www.fmcsa.dot.gov/mission/about-us> (last visited Feb. 16, 2018).

³⁵ 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.).”

³⁶ 49 C.F.R. ch. III, subchapter B.

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, 2012.³⁷ 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.³⁸ 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.³⁹

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, 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.⁴⁰ 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.⁴¹

Federal law prohibits certain lamps and reflective devices from being obscured on CMVs.⁴² 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.⁴³

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

- Is operating solely in intrastate commerce;
- Is not transporting any hazardous materials in amounts that require placarding;⁴⁴
- Is within 150-air miles of the vehicle’s base location; and
- Complies with specific federal requirements relating to hours of service.⁴⁵

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 for such drivers also requires that the driver return to the work reporting location and is released from work within 12 consecutive hours.⁴⁶

³⁷ Section 316.302(1)(b), F.S.

³⁸ 49 C.F.R. *Appendix A to Part 355 – Guidelines for the Regulatory Review – State Determinations* (2016).

³⁹ 2007 Florida State MCSAP Review, *Summary Findings, Recommendations, and Noteworthy Practices* (June 2007) (on file with the Senate Committee on Transportation).

⁴⁰ Section 316.003(6), F.S.

⁴¹ 2007 Florida State MCSAP Review, at p. 2, *FL/FI-1*.

⁴² 49 C.F.R. s. 393.9(b)

⁴³ 2007 Florida State MCSAP Review, at p. 4, *FL/FI-7*.

⁴⁴ Pursuant to 49 C.F.R. part 172

⁴⁵ As provided in 49 C.F.R. s. 395.1(e)(1)(iii) and (v).

⁴⁶ 2007 Florida State MCSAP Review, at p. 5, *FL/FI-8*.

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 pounds and the vehicle is not:

- Transporting hazardous materials requiring a placard; or
- Designed or used to transport 16 or more people, including the driver.⁴⁷

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 products even if a hazardous materials placard is required, which is not in compliance with federal regulations.⁴⁸

Maximum Driving Time

Section 316.302(2), F.S., provides prohibitions to the 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 16th hour after coming on duty following 10 consecutive hours off duty.

Except as provided in the federal hours of service rules,⁴⁹ 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.⁵⁰ 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 \$100.⁵¹

Effect of Proposed Changes

Section 7 amends multiple provisions in s. 316.302, F.S., to address federal compatibility issues.

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

⁴⁷ 49 C.F.R. s. 350.341(a)

⁴⁸ 2007 Florida State MCSAP Review, at p. 5, *FL/FI-3*.

⁴⁹ 49 C.F.R. s. 395.1

⁵⁰ Section 316.302(2)(c), F.S.

⁵¹ This penalty is found in s. 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.

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, 2017.⁵² However, s. 316.302(1)(e), F.S., is created to delay the requirement for electronic logging devices and hours of service support documents⁵³ 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 repeal 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.

Section 316.302(2)(c), F.S., is amended to remove a duplicate penalty for falsifying hours of service records.

Section 316.302(2)(d), F.S., is amended to refer to the correct federal regulations that allow a motor carrier to be exempt from being required to maintain records of duty status for short-haul drivers. In order to be exempt, the driver must also return to the work reporting location and be released from work within 12 consecutive hours and have either 10 or 8 hours off (property-carrying and passenger-carrying CMVs).

Lastly, the section amends s. 316.302(2)(f), F.S., to remove specified exemptions from federal law or regulations for drivers transporting petroleum products. The paragraph is also amended to refer to the federal criteria for the exemption: CMVs having a *gross vehicle weight, gross vehicle weight rating, and gross combined weight rating* of less than 26,001 pounds, instead of a *declared* gross vehicle weight.

Innovative Technology/Turnpike Funding (Section 9)

Present Situation

Section 338.2215, F.S., expresses Legislative intent that the Florida Turnpike Enterprise (FTE) within the FDOT maximize the advantages obtainable through fully leveraging the turnpike system asset, and that the additional powers and authority granted to the FTE will provide it with the autonomy and flexibility to enable it to more easily pursue innovations and best practices found in the private sector in, among other items, operations. Section 338.2216(1)(d), F.S., directs the FTE in part to “pursue and implement new technologies and processes in its operations.”

⁵² 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*,

<https://www.fmcsa.dot.gov/regulations/search/rulemaking?keyword=&dt=final&topic> (last visited Feb. 5, 2018).

⁵³ Electronic Logging Devices and Hours of Service Supporting Documents, 80 Fed. Reg. 78291 (Dec. 16, 2015), <https://www.federalregister.gov/documents/2015/12/16/2015-31336/electronic-logging-devices-and-hours-of-service-supporting-documents> (last visited Feb. 5, 2018).

As an example of such efforts, the FTE and other entities are participating in a project called SunTrax. According to the project website, “located off I-4 between Orlando and Tampa, SunTrax is a large-scale, cutting-edge facility dedicated to the research, development and testing of emerging transportation technologies in safe and controlled environments.”⁵⁴ Site construction began in June 2017. The site covers 400 acres containing a multi-lane 2.25-mile long oval track and a 200-acre infield designed specifically for development and testing of automated driving systems.⁵⁵

Effect of Proposed Changes

Section 9 amends s. 316.85, F.S., to authorize the FTE to fund, construct, and operate test facilities for the advancement of autonomous, connected, and innovative transportation technology solutions for the purposes of improving safety and decreasing congestion for the traveling public and to otherwise advance the FTE’s objectives under ch. 338, F.S.

Pilot Rebuilt Motor Vehicle Inspection Program (Section 10)

Present Situation

A person may not sell a rebuilt vehicle until the vehicle’s title labels that vehicle as rebuilt, which requires the motor vehicle go through a physical rebuilt motor vehicle inspection conducted by the DHSMV.⁵⁶ The purpose of the rebuilt inspection is to assure the identity of the vehicle and all major component parts that have been repaired or replaced. After an approved rebuilt inspection, the DHSMV affixes a decal to the vehicle that identifies the vehicle as a rebuilt vehicle.

The 2013 Florida Legislature created s. 319.141, F.S., for the implementation of a Pilot Rebuilt Vehicle Inspection Program (PRVIP) conducted in Miami-Dade and Hillsborough counties. The DHSMV set standards for the program and certified private sector inspection facilities in Miami-Dade County.⁵⁷ The program’s purpose is to evaluate private sector alternatives for rebuilt inspection services, including the feasibility of using private facilities, the cost impact to consumers, and the potential savings to the DHSMV. The DHSMV is required to establish a memorandum of understanding (MOU) that allows private parties participating in the pilot program to conduct rebuilt vehicle inspections and specifies requirements for oversight, bonding and insurance, procedure, and forms, and requires the electronic submission of documents.

To be approved to conduct rebuilt vehicle inspections under the program, s. 319.141, F.S., requires an applicant:

- Have and maintain a surety bond or irrevocable letter of credit in the amount of \$100,000, executed by the applicant;
- Secure and maintain a facility at a permanent structure at an address recognized by the United States Postal Service where the only services provided are rebuilt inspection services;

⁵⁴ For more information, see the SunTrax website at <http://www.suntraxfl.com/#about-us> (last visited Feb. 16, 2018).

⁵⁵ See SunTrax Brochure, <http://www.suntraxfl.com/wp-content/uploads/2017/11/SunTrax-Brochure-.pdf>. (last visited Feb. 16, 2018).

⁵⁶ Section 319.14(1)(b), F.S. A rebuilt vehicle is one that has been built from salvage or junk.

⁵⁷ No entities from Hillsborough County applied to participate in the program.

- Annually attest that he or she is not employed by or does not have an ownership interest in or financial arrangement with a motor vehicle repair shop, motor vehicle dealer, towing company, storage company, vehicle auction, insurance company, salvage yard, metal retailer, or metal rebuilder, from which he or she receives remuneration for the referral of customers for rebuilt inspection services;
- Have and maintain garage liability and other insurance required by the DHSMV;
- Have completed criminal background checks of the owners, partners, and corporate officers and the inspectors employed by the facility; and
- Meet any additional criteria the DHSMV determines necessary to conduct proper inspections.

As required by law, the DHSMV submitted a report⁵⁸ in 2015, which summarized the implementation of the pilot program and program results. Since October 1, 2013, the DHSMV has certified eight private businesses in the Miami area to conduct rebuilt vehicle inspections.⁵⁹ During Fiscal Year 2016-2017, a total of 71,342 rebuilt vehicle inspections were conducted in the state, of which 35,325 were by the PRVIP businesses.⁶⁰

Currently, the DHSMV employees in Miami-Dade County are still responsible for conducting rebuilt vehicle inspections at the DHSMV Regional Office and at various off-site locations, and for monitoring the PRVIP businesses to ensure inspections are conducted in accordance with program standards.⁶¹

According to the DHSMV, each of the eight pilot program participants have met, and continue to meet, all of the statutory requirements and the MOU executed with DHSMV. Statutorily authorized state rebuilt inspection fees (\$40) and re-inspection fees (\$20) have been collected and remitted to the state as required. In addition, each pilot program participant is allowed to assess customers a service fee for each inspection. Service fees range from \$50 to \$85 and are not regulated in any manner by the DHSMV.⁶²

The pilot rebuilt motor vehicle inspection program is repealed on July 1, 2018, unless saved from repeal through reenactment by the Legislature.

Effect of Proposed Changes

Section 10 amends s. 319.141, F.S., to require PRVIP business operators to:

- As part of the rebuilt inspection services, photograph the interior driver and passenger sides of the vehicle if the airbags were previously deployed and replaced;
- Secure and maintain a facility that is a permanent fixed structure which has an address identified by a county-issued tax folio number;

⁵⁸ DHSMV, *Florida's Private Rebuilt Vehicle Inspection Program – Pilot Program Report* (Jan. 30, 2015), <http://www.flhsmv.gov/pdf/cabinetreports/privaterebuilreport.pdf> (last visited Feb. 16, 2018).

⁵⁹ DHSMV, Office of Inspector General, *Rebuilt Vehicle Inspection Program Audit Report 201617-24* (Dec. 5, 2017), <https://www.flhsmv.gov/pdf/igoffice/20161724.pdf> (last visited Feb. 16, 2018).

⁶⁰ *Id.*

⁶¹ DHSMV, *Pilot Program Report*.

⁶² DHSMV, *Pilot Program Report*.

- Annually attest that there have been no changes in the ownership structure of the facility and that the only services being provided at the property are rebuilt vehicle inspection services approved by the DHSMV;
- Have a designated office and customer waiting area that is separate from and not within view of the vehicle inspection area;
- Have a vehicle inspection area capable of accommodating all vehicle types and equipped with cameras allowing the DHSMV to view and monitor inspections.

This section prohibits program participants from conducting an inspection of a vehicle to be purchased by the current program applicant. Such vehicles must be inspected by the DHSMV.

This section also:

- Requires an applicant for a rebuilt title that fails an initial rebuilt inspection to have that vehicle re-inspected only by the DHSMV or the facility that conducted the original inspection;
- Prohibits a person or business authorized by the DHSMV to train, certify, or recertify operators and inspectors of private rebuilt inspection facilities from certifying or recertifying themselves or their employees;
- Requires the DHSMV to conduct onsite facility inspections at least twice a year;
- Requires the current facility operator to give the DHSMV a 45 day written notice of the intended transfer of ownership of the facility, and requires the transferee to meet all eligibility requirements of the program;
- Reenacts the pilot program, which saves the program from repeal on July 1, 2018, and provides for the repeal of the program on July 1, 2020, unless saved from repeal through reenactment by the Legislature; and
- Requires the DHSMV to submit a written report to the Governor and Cabinet on or before January 1, 2019, evaluating the current program and its benefits to consumers and the DHSMV.

Motor Vehicle Title Transfer Fee (Section 11)

Present Situation

Section 319.32(1), F.S., provides for a \$70 fee for each original and duplicate certificate of title, except for motor vehicles for hire,⁶³ which are \$49, and \$2 for each salvage certificate of title. The DHSMV also charges \$2 to note a lien on the certificate, \$1 to cover the cost of materials, and \$2.50 for shipping and handling. Additionally, s. 319.32(2), F.S., provides that there is a \$4.25 service charge for each certificate of title application, a \$10 additional fee for an original certificate of title issued for a vehicle registered outside of Florida, and a \$7 additional fee for each lien placed on a vehicle by the state child support enforcement program.

The \$70 fee is distributed between the State Transportation Trust Fund and the General Revenue Fund, excluding \$1 that is deposited into the Highway Safety Operating Trust Fund (HSOTF) to fund the DHSMV's efforts to prevent and detect odometer fraud.⁶⁴ The DHSMV or the tax

⁶³ Vehicles registered under s. 320.08(6), F.S.

⁶⁴ Sections 319.32(5) and 319.324, F.S.; Section 319.32(5), F.S., provides that \$47 of each fee collected for an original or duplicate certificate of title is deposited into the State Transportation Trust Fund, which may receive up to \$200 million in

collector who processes the application retains the \$4.25 service charge.⁶⁵ Additionally, expedited service for title transfers, issuances, duplicates, and recordation of liens is an option available for a \$10 fee. If requested, expedited service ensures the title is issued within five working days after receipt of the application.⁶⁶

In the event of the death of a motor vehicle owner, upon inheritance of the motor vehicle, a surviving spouse may dispose of a deceased spouse's vehicle without being required to transfer the certificate of title in his or her name.⁶⁷ Co-owners of a vehicle with names appearing conjoined by an "or" on the title are not required to apply for a new title when the other co-owner dies, as he or she already has absolute rights to the vehicle. As of July 1, 2017, the DHSMV and tax collector are prohibited from charging fees or service charges (excluding an expedited title fee, if applicable) for issuance of a motor vehicle certificate of title when the title is being issued solely to remove a deceased spouse as a co-owner of the vehicle when the other co-owner is the surviving spouse.⁶⁸ In any other situation when a person inherits a vehicle that he or she wishes to operate or sell, such person is required to transfer the certificate of title into his or her name and pay the applicable title fees.

Effect of Proposed Changes

Section 11 amends s. 319.32(7), F.S., to prohibit the DHSMV and tax collector from charging any fee or service charge, other than the expedited title fee, if applicable, for issuing a certificate of title to transfer a Florida-titled vehicle from a deceased owner to a surviving spouse or next of kin who is a resident of this state. For this purpose, the term "next of kin" includes the deceased's child, sibling, or parent.

International Registration Plan – Charter Buses (Section 12)

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.⁶⁹ 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.⁷⁰

All "apportionable vehicles" domiciled in the state are required to be registered in accordance with the IRP and display "Apportioned" license plates.⁷¹

any fiscal year. The remainder of the fee and any fees in excess of the \$200 million are deposited into the General Revenue Fund.

⁶⁵ Section 319.32(2)(b), F.S.

⁶⁶ Section 319.323, F.S.

⁶⁷ Section 319.28(1)(c), F.S.

⁶⁸ Section 319.32(7), F.S., created by ch. 2017-89, Laws of Florida.

⁶⁹ International Registration Plan, Inc., *About IRP*, <http://www.irponline.org/?page=AboutIRP> (last visited Feb. 16, 2018).

⁷⁰ As defined by the IRP. IRP, *International Registration Plan with Official Commentary* (Jan. 1, 2017), http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/publications/IRP_agreement_eff_january_1_.pdf at p. 16 (last visited Feb. 16, 2018).

⁷¹ Sections 320.0715(1) and 320.06(3)(a), F.S.

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.⁷²

An “apportionable vehicle” is any vehicle 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:⁷³

- Is a power unit having a gross vehicle weight in excess of 26,000 pounds;
- Is a power unit having three or more axles, regardless of weight; or
- Is used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight.

The Florida definition excludes recreational vehicles, vehicles displaying restricted plates, city pickup and delivery vehicles, government-owned vehicles, and buses used in transportation of chartered parties. The IRP definition excludes a recreational vehicle, a vehicle displaying restricted plates, or a government-owned vehicle. Excluded vehicles may voluntarily register.

Prior to January 1, 2016, charter buses were excluded from having to register under the IRP. The IRP was amended to remove charter buses from the exemption, requiring charter bus operations to register under the IRP. This registration ensures that a charter bus operation will pay license fees to each jurisdiction it operates in, and prevents or suspends the registration of unsafe carriers.⁷⁴

Effect of Proposed Changes

Section 12 amends s. 320.01(24), F.S., to remove the exclusion of charter buses from the definition of apportionable vehicle. This change is necessary to align with the requirements of the IRP. All charter buses operating interstate are required to obtain an IRP registration or purchase trip permits.

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 the 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;

⁷² *Id.* See also IRP, *Trip Permits-Cost/Duration* (May 2016),

http://www.irponline.org/resource/resmgr/Jurisdiction_Info_2/Trip_Permits_5.19.2016.xlsx (last visited Feb. 16, 2018).

⁷³ Section 320.01(24), F.S. IRP

http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/publications/IRP_agreement_eff_january_1_.pdf, at p. 12-13 (last visited Feb. 16, 2018)

⁷⁴ See IRP, *Official Amendment to the International Registration Plan* (June 2014)

http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/irp_ballots/ballot_391.pdf (last visited Feb. 16, 2018).

- 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.⁷⁵ 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 the DHSMV registration and title information and to process title and registration transactions.⁷⁶

Effect of Proposed Changes

Section 14 amends s. 320.03(10), F.S., to provide that 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.

This 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.

This section is effective January 1, 2019.

Issuance of Apportionable Vehicle Plates (Sections 15 and 17)

Present Situation

Section 320.06, F.S., provides for motor vehicle registration certificates, license plates, and validation stickers. 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 IRP are issued annually.⁷⁷ Each original license 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.⁷⁸

⁷⁵ Rule 15C-16.010 sets forth the DHSMV's requirements to be an EFS agent.

⁷⁶ 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 Feb. 16, 2018).

⁷⁷ Section 320.06(1)(b)1., F.S.

⁷⁸ See IRP, *State of Florida Apportioned Cab Card Sample*, http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/cab_cards/fl_cc_sample.pdf (last visited Feb. 16, 2018).

Effect of Proposed Changes

Sections 15 and 17 amend ss. 320.06 and 320.0607, F.S., respectively, to provide that beginning October 1, 2019, 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 may replace it at no charge upon application and surrender of the current plate. Cab cards and validation stickers will continue to be issued annually. 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 Motor Vehicle Registrations and Rental Agreements (Section 16)

Present Situation

Section 320.0605, F.S., requires certificates of registration for motor vehicles. The registration certificate or an official copy, a true copy of rental or lease documentation issued for a motor vehicle or issued for a replacement vehicle in the same registration period, a temporary receipt printed upon self-initiated electronic renewal of a registration via the Internet, or a cab card issued for a vehicle registered under the IRP must, at all times while the vehicle is being used or operated on the roads of this state, be in the possession of the operator of the vehicle, or be carried in the vehicle for which it was issued. The certificate must be exhibited upon demand of any authorized law enforcement officer or an agent of the DHSMV, except for a registered fleet vehicle.⁷⁹ This provision does not apply during the first 30 days after purchase of a replacement vehicle. A violation is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in ch. 318, F.S.⁸⁰

Section 320.0605, F.S., requires 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.⁸¹ The documentation must include certain information including the date of rental and time of exit from rental facility.

Effect of Proposed Changes

Section 16 amends s. 320.0605, F.S., to authorize a person to possess an *electronic copy* of the motor vehicle registration or 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 documentation. The person who presents the device to the officer assumes liability for any resulting damage to the device.

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

⁷⁹ A fleet vehicle registered under s. 320.0657, F.S., provides for the permanent registration of fleet license plates.

⁸⁰ Chapter 318, F.S., relates to the disposition of traffic infractions.

⁸¹ 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.

Specialty License Plates for Motor Vehicle Dealers and Fleets (Sections 15, 18, 19, and 20)

Present Situation

A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer license plate is subject to an annual license tax of \$17.⁸² These license plates are imprinted with the word “Dealer” at the bottom of the plate.⁸³ Dealers may, upon payment of the dealer plate license tax, secure one or more dealer license plates. These plates are valid while the motor vehicles are in the dealer’s inventory and for sale, or while being operated in connection with the dealer’s business, except when used as for-hire vehicles.⁸⁴

Fleet license plates are available for companies that own or lease a minimum number of nonapportioned motor vehicles used for business purposes.⁸⁵ Such permanent plates are available upon approval by the DHSMV and payment of license taxes prescribed under s. 320.08, F.S. Fleet vehicle license plates have the word “Fleet” imprinted at the bottom of the plate.⁸⁶

There are over 120 specialty license plates available for purchase in Florida.⁸⁷ However, neither dealer license plates nor fleet license plates are eligible to be specialty license plates. Specialty license plates require payment of an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.⁸⁸ These annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified in the plate’s design and designated in statute.⁸⁹

Effect of Proposed Changes

Sections 15, 18, 19, and 20 amend ss. 320.06, 320.0657, 320.08, and 320.08056, F.S., respectively, to allow a dealer or fleet company, with the permission of the specialty license plate organization, to purchase specialty license plates directly through the DHSMV to be used on dealer or fleet vehicles. The dealer or fleet company that orders specialty license plates for its vehicles must pay the annual use fee of the specialty license plate and any other applicable license taxes or fees. The specialty license plate will include the letters “DLR” for dealer license plates and “FLT” for fleet license plate embossed on the right side of the plate.

Fleet Vehicle Temporary Tag Pilot Program (Section 21)

Present Situation

Section 320.131, F.S., authorizes the DHSMV to design, issue, and regulate the use of temporary tags for use in certain cases provided in law when a permanent plate may not be immediately

⁸² Section 320.08(12), F.S.

⁸³ Section 320.06(3), F.S.

⁸⁴ Section 320.13, F.S.

⁸⁵ Section 320.0657. DHSMV, Division of Motorist Services, Procedure RS-55, *Fleet Registration Program* (Feb. 8, 2013), <http://www3.flhsmv.gov/dmv/Proc/RS/RS-55.pdf> (last visited Feb. 16, 2018), provides that the fleet company must have a minimum of 200 vehicles or 25 trailers or semitrailers used exclusively to haul agricultural products.

⁸⁶ *Id.*

⁸⁷ A list of Florida’s specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited Feb. 16, 2018).

⁸⁸ Section 320.08056, F.S.

⁸⁹ Section 320.08058, F.S.

available, and provides penalties for the misuse of temporary tags. Generally, a temporary tag is valid for 30 days.⁹⁰ Temporary tags cost \$2 each, of which \$1 is deposited into the Brain and Spinal Cord Injury Program Trust Fund and \$1 into the Highway Safety Operating Trust Fund. DHSMV uses a print-on-demand electronic temporary tag registration, record retention, and issue system that is required to be used by every department-authorized issuer of temporary tags.⁹¹ These issuers include motor vehicle dealers and tax collectors who frequently issue temporary tags on behalf of the DHSMV.

Effect of Proposed Changes

Section 21 amends s. 320.131, F.S., to create a Fleet Vehicle Temporary Tag Pilot Program. Beginning October 1, 2018, the DHSMV may partner with a county tax collector to conduct a pilot program that provides up to 50 temporary tags at a time to fleet companies who have at least 3,500 fleet vehicles registered in Florida. The DHSMV shall establish a memorandum of understanding (MOU) that allows a maximum of three companies to participate in the pilot program.

Under the pilot program:

- The temporary tags must be used exclusively on the company's fleet vehicles and may not be used on any other vehicle;
- Each temporary plate must be used on only one vehicle, and each vehicle may only use one temporary plate;
- Upon issuance of the vehicle's permanent license plate and registration, the temporary tag becomes invalid and must be removed from the vehicle and destroyed;
- Upon a finding by the DHSMV that a temporary tag has been misused under this program, the DHSMV may terminate the MOU with the company, invalidate all temporary tags issued to the company, and require the company to return any unused temporary tags.

This program is repealed on October 1, 2021, unless saved from repeal through reenactment by the Legislature.

Digital Driver Licenses and Electronic Credentials (Sections 22-26)

Present Situation

Section 322.032, F.S.,⁹² 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 the 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

⁹⁰ However, a temporary tag issued to a vehicle required to be weighed or emission tested prior to registration or required to have the vehicle identification number verified is valid for 10 days, and a temporary tag issued for a vehicle waiting for manufacturing of a purchased specialty or personalized prestige plate is valid for 90 days. *See* ss. 320.131(1)(f) and (j), F.S.

⁹¹ Section 320.131(9), F.S.

⁹² This section was created in 2014. *See* ch. 2014-216, Laws of Fla.

of the digital proof of driver license. The DHSMV may adopt rules to ensure valid authentication of digital driver licenses by law enforcement.

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

- Manufactures a false digital proof of driver license commits a third degree felony, punishable by up to five years in prison⁹³ and a fine not to exceed \$5,000.⁹⁴
- Possesses a false digital proof of driver license commits a second degree misdemeanor, punishable by up to 60 days in jail.⁹⁵

Currently, there are six states who are piloting or have completed pilot projects testing digital driver license applications with limited populations; however, no state has implemented use of a statewide digital driver license.⁹⁶ The American Association of Motor Vehicle Administrators (AAMVA) represents state and provincial officials who administer and enforce motor vehicle laws in the United States and Canada, and develops programs to encourage uniformity and reciprocity among the states and provinces, including developing driver license and identification card design standards.⁹⁷ The AAMVA has brought together its Card Design Standard Committee and an Electronic Identity Working Group to recommend standards regarding the use of mobile or electronic driver licenses and identification cards.⁹⁸

At this time, AAMVA has not released its standards for electronic identification, but has produced a continuously updated white paper discussing the functional needs for and practical considerations associated with a mobile driver license solution.⁹⁹

Effect of Proposed Changes

The bill replaces references in the Florida Statutes to a “digital proof of driver license” with the term “electronic credential,” which refers to an electronic driver license or identification card which is viewable on an electronic credential system capable of being verified and authenticated. The bill provides requirements to implement the creation and use of statewide electronic credentials.

Section 22 amends s. 322.01, F.S., to define terms as used in ch. 322, F.S., relating to driver licenses. Specifically, the bill defines the terms “electronic”,¹⁰⁰ “electronic credential,”

⁹³ Section 775.082, F.S.,

⁹⁴ Section 775.083, F.S.

⁹⁵ Section 775.082, F.S.

⁹⁶ Iowa plans to develop an app-based mobile driver’s license for statewide deployment this year. See Government Technology, *Iowa, Five Other States Will Try Digital Driver’s License Projects in 2018* (Oct. 20, 2017), <http://www.govtech.com/transportation/iowa-five-other-states-will-try-digital-drivers-license-projects-in-2018.html> (last visited Feb. 16, 2018).

⁹⁷ See AAMVA, *About AAMVA*, <https://www.aamva.org/about-aamva/> and *DL/ID Standards*, <https://www.aamva.org/dl-id-card-design-standard/> (last visited Feb. 16, 2018).

⁹⁸ AAMVA, *Mobile Driver’s License (mDL)*, <https://www.aamva.org/Mobile-Drivers-License/> (last visited Feb. 16, 2018).

⁹⁹ AAMVA, *Mobile Driver’s License – Functional Needs White Paper 0.8 Document Version* (revised Sept. 5, 2017), <https://www.aamva.org/mDLFunctionalNeedsRequirements-08/> (last visited Feb. 16, 2018).

¹⁰⁰ This definition is identical to the definition of “electronic” as used in Florida’s Uniform Electronic Transaction Act. See s. 668.50(2)(e), F.S.

“electronic credential holder,” “electronic credential provider,” “electronic credential system,” “electronic device,” and “electronic record.”¹⁰¹

Section 23 amends s. 322.032(1), F.S. to require the DHSMV to develop and implement secure and uniform protocols that comply with national standards for issuing an optional electronic credential. The bill also requires the DHSMV to:

- Procure¹⁰² a related technology solution that uses a revenue-sharing model;
- Procure one or more electronic credential providers to develop and implement a secure electronic credential system;
- Maintain the protocols and national standards necessary for an electronic credential provider to request authorized access to an application programming interface, or an appropriate technological tool, necessary for such private entity to consume an electronic credential;
- Timely review requests for authorized access and approve all requests by electronic credential providers which meet the DHSMV’s requirements; and
- Enter into an agreement with electronic credential providers which describe the permitted uses, terms and conditions, privacy policy, and uniform remittance terms relating to the consumption of an electronic credential.

The electronic credential and verification solution must:

- Have the necessary technological capabilities to execute the authentication of an electronic credential across all states, jurisdictions, federal and state agencies, and municipalities; and
- Provide system integration:
 - For qualified and authorized entities to securely consume the electronic credential;
 - For the production of a fully compliant electronic credential by qualified and authorized providers; and
 - To successfully ensure secure authentication and validation of data from disparate sources.

This section authorizes the DHSMV to issue electronic credentials to persons who hold a Florida driver license or identification card. Additionally, the DHSMV may assess a fee for use of the electronic credential and verification solution. Any revenue generated from the electronic credential system must be collected by the DHSMV and distributed pursuant to a legislative appropriation and the DHSMV agreements with the electronic credential provider. Any revenue shared between the state and the provider must be based solely on revenues derived from the purchase of the optional, electronic credential.

This section requires the DHSMV to provide access to a standardized digital transaction process for use by the approved provider to enable the financial transaction be completed in such a manner that the proceeds are accepted by the DHSMV at the point of sale. This process must enable the providers of the credential to direct through their electronic commerce workflow to a standardized checkout process and be able to document the providers involved.

¹⁰¹ This definition is identical to the definition of “electronic record” as used in Florida’s Uniform Electronic Transaction Act. See s. 668.50(2)(g), F.S.

¹⁰² Through a competitive solicitation process pursuant to s. 287.057, F.S.

This section also amends s. 322.032(2), F.S. to require the electronic credential to be in a format that allows law enforcement or an authorized consumer to verify the authenticity of the credential, identify the identity of the holder, and to validate the status of the holder's driving privilege associated with the credential. It provides that the act of presenting the electronic credential to a law enforcement officer does not constitute consent for inspection of any information on the device other than the displayed credential, and the person who presents the device assumes liability for any resulting damage to the device.

Finally, the bill amends various sections of statute to replace the term "digital proof of driver license" or add the term "electronic credential." Specifically:

- **Section 23** amends s. 322.032(3), F.S., to prohibit a person from being issued an electronic credential until he or she has satisfied all requirements of ch. 322, F.S., to be issued a physical driver license or identification card;
- **Section 23** amends s. 322.032(4), F.S., to penalize a person who manufactures or possesses a false electronic credential;
- **Section 24** amends s. 322.059, F.S., to require the DHSMV invalidate the electronic credential if the person's driver license has been suspended;
- **Section 25** amends s. 322.143, F.S., to add that the term "swipe" used in reference to the use of a driver license or identification card includes consuming an electronic credential; and
- **Section 26** amends s. 322.15, F.S., to authorize a licensee to present or submit the electronic credential upon request of a law enforcement officer or an authorized representative of the DHSMV in lieu of a physical driver license.

Renting a Motor Vehicle to Another (Section 27)

Present Situation

Section 322.38, F.S., sets the requirements for an individual who wishes to rent a motor vehicle to another. These include that the individual inspects the

- driver license of the person to whom the vehicle is to be rented, and compares and verifies the signature thereon with the signature of such person written in his or her presence before the vehicle can be rented.
- Further, the individual must keep a record of the registration number of the motor vehicle rented, the name and address of the person renting and the number, date, and place of issue.

Effect of Proposed Changes

Section 27 amends s. 322.38, F.S., to eliminate the requirement that a person renting a motor vehicle to another verify the latter individual's signature on his or her driver license, and adds the requirement that the individual renting the vehicle to another verify that the renter's driver license is unexpired. The bill also eliminates the requirement that the individual renting the vehicle to another record the date on which the driver license was issued.

This section creates s. 322.38(4), F.S., to provide that a rental car company that rents a motor vehicle to a person through digital, electronic, or other means which allows the renter to obtain possession of the vehicle without direct contact with an agent or employee of the rental car company, or where the renter does not execute a rental contract at the time he or she takes possession of the vehicle, is deemed to have met the license inspection requirements if the renter

verifies that he or she is duly licensed and the license is unexpired. Such verification *may* occur when the renter enrolls in a rental company's membership program, master agreement, or other means of establishing use of the company's services or at any time thereafter.

Cargo Theft (Section 31)

Present Situation

First degree grand theft, a first degree felony, is theft of:

- Property valued at \$100,000 or more.
- A semitrailer deployed by a law enforcement officer.
- Cargo valued at \$50,000 or more in specified circumstances.

First degree grand theft also includes any grand theft in which, in the course of committing the offense, a motor vehicle is used as specified or the offender causes damage to the real or personal property of another in excess of \$1,000.¹⁰³

A first degree felony is punishable by up to 30 years in state prison and a fine of up to \$10,000.¹⁰⁴

Currently, it is a second degree misdemeanor¹⁰⁵ to, without authority, willfully, maliciously, or intentionally tamper with, attempt to tamper with, or otherwise interfere with any motor vehicle or trailer of another which results in the:

- Cargo or contents of such motor vehicle or trailer becoming unloaded or damaged; or
- Mechanical functions of such motor vehicle or trailer becoming inoperative or impaired.¹⁰⁶

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.¹⁰⁷ Such devices have been linked to cargo thefts throughout the United States.¹⁰⁸

Effect of Proposed Changes

Section 31 amends s. 812.014(2), F.S., to create a new first degree grand theft crime. A person commits first degree grand theft if he or she commits cargo theft and uses a device in the course of committing the offense to defeat, block, disable, jam, or interfere with a GPS or similar system designed to identify the location of the cargo or the vehicle or trailer carrying the cargo.

¹⁰³ Section 812.014(2)(a), F.S.

¹⁰⁴ Sections 775.082 and 775.083, F.S.

¹⁰⁵ A second degree misdemeanor is punishable by up to 60 days imprisonment in county jail and a fine of up to \$500. Id.

¹⁰⁶ Section 860.17, F.S.

¹⁰⁷ See GPS.gov, *Information About GPS Jamming*, <http://www.gps.gov/spectrum/jamming/> (last visited Feb. 16, 2018).

¹⁰⁸ Federal Bureau of Investigation, Private Industry Notification 141002-001, *Cargo Thieves use GPS Jammers to Mask GPS Trackers* (Oct. 2, 2014), <https://info.publicintelligence.net/FBI-CargoThievesGPS.pdf> (last visited Feb. 16, 2018).

“Cargo” is “partial or entire shipments, containers, or cartons of property which are contained in or on a trailer, motortruck, aircraft, vessel, warehouse, freight station, freight consolidation facility, or air navigation facility.”¹⁰⁹

Conforming Changes (Sections 28 and 30)

The bill amends ss. 322.61 and 655.960, F.S., to make conforming changes to cross-references.

Effective Date (Section 32)

Except as otherwise provided, the bill takes effect October 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill exempts Florida resident from certificate of title fees when he or she is transferring a Florida-titled vehicle into his or her name from a deceased owner who is his or her spouse, parent, child, or sibling. The DHSMV estimated¹¹⁰ that exempting surviving “next of kin” from title fees would have a recurring negative impact of approximately \$10.3 million (and projected to increase \$200,000 every year). Of which, an estimated \$600,000 would be to the local government, \$3.1 million to the State Transportation Trust Fund and the HSOTF, and \$6.6 million to the General Revenue Fund.

B. Private Sector Impact:

The bill may have a positive fiscal impact on:

- Manufacturers of PDDs and mobile carriers that will be authorized to be operated on sidewalks and crosswalks in the state;

¹⁰⁹ Section 812.012(1), F.S.

¹¹⁰ Email from the DHSMV (Feb. 16, 2018) on file with the Appropriations Subcommittee on Transportation, Tourism, and Economic Development.

- Residents of the state who will not have to pay fees to transfer a Florida-registered motor vehicle title into their name upon inheritance of the vehicle from their spouses, children, parents, or siblings;
- Entities that will be authorized to use the DHSMV's EFS system;
- Operators of motor vehicle platoons and manufacturers of platooning technology that will be authorized to operate on Florida roadways;
- Specialty license plate organizations if motor vehicle dealers or fleet companies choose to purchase the organization's specialty license plate; and
- Fleet companies who qualify to be part of the Fleet Vehicle Temporary Tag pilot program and will be able to receive up to 50 temporary tags at a time, which can reduce the amount of time a replacement fleet vehicle is inoperable while awaiting permanent registration and title.

The bill creates a new crime for persons who commit grand theft while using a device to interfere with a GPS or similar system that is designed to identify the location of the cargo or the vehicle or trailer carrying the cargo. This provision may deter cargo theft. A first degree felony is generally punishable by up to 30 years in state prison and a fine of up to \$10,000.

There is a potential fiscal impact to the CMV industry associated with changes to the CMV regulations contained in the bill; however, the impact is indeterminate at this time.

C. Government Sector Impact:

The bill may have a negative, but indeterminate impact on the DHSMV, the HSOTF, the State Transportation Trust Fund, the General Revenue Fund, and local tax collectors. DHSMV will incur programming and implementation costs associated with changes made by the bill.

The bill makes changes to address compliance issues with federal laws relating to commercial motor vehicles. 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.¹¹¹ Noncompliance may also affect the potential award of future grants.

The Criminal Justice Impact Conference, which provides the final, official prison bed impact, if any, of legislation has not yet reviewed the bill to determine the overall prison bed impact of the bill. A preliminary estimate by conference staff indicates that the bill would have a positive indeterminate impact on prison beds, meaning the bill will result in an unquantifiable increase in prison beds.

VI. Technical Deficiencies:

None.

¹¹¹ Email from the DHSMV (Feb. 17, 2017) (on file with the Senate Committee on Transportation).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.008, 316.0895, 316.2071, 316.302, 316.303, 316.85, 319.141, 319.32, 320.01, 320.02, 320.03, 320.06, 320.0605, 320.0607, 320.0657, 320.08, 320.08056, 320.131, 322.01, 322.032, 322.059, 322.143, 322.15, 322.38, 324.021, and 812.014.

This bill creates section 316.0897 of the Florida Statutes.

This bill repeals section 316.0896 of the Florida Statutes.

This bill amends the following sections of the Florida Statutes to conform cross-references: 322.61 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 February 14, 2018:

The CS changes the “relating to” clause of the bill to “[a]n act relating to transportation” and adds several new provisions to the bill. The CS:

- Defines “mobile carriers” and provides regulations for such devices;
- Increases the allowable weight of PDDs to less than 100 pounds, instead of less than 80 pounds;
- Repeals s. 316.0895(2), F.S., which prohibits trucks and vehicles towing other vehicles or trailers from following one another within 300 feet on roadways outside of a business or residence district;
- Revises s. 316.302(1)(e), F.S., created by the bill, to exempt certain intrastate motor carriers from federal electronic logging device and hours of service support document requirements until December 31, 2018, instead of 2019, to remain compliant with federal law;
- Authorizes the Florida Turnpike Enterprise to fund, construct, and operate test facilities for the advancement of autonomous and connected transportation technology solutions for improving safety and congestion;
- Extends the Pilot Rebuilt Motor Vehicle Inspection Program to July 1, 2020, requires the DHSMV submit a report evaluating the program by January 1, 2019, and provides additional requirements for the program;
- Prohibits the DHSMV or tax collectors from charging title transfer fees when transferring a motor vehicle title from a deceased owner to the deceased’s spouse, parent, child, or sibling;

- Expands businesses that may be authorized to use the DHSMV's electronic filing system to an entity that, in the normal course of its business, process title transactions, derelict motor vehicle certificates, or certificates of destruction for derelict or salvage motor vehicles;
- Authorizes an electronic copy of a motor vehicle certificate of registration or motor vehicle rental or lease documentation be accepted by law enforcement or agents of the DHSMV as proof of possession of such documentation, and provides restrictions and liability regarding the electronic device displaying such documentation;
- Removes reference in Florida Statutes to "digital proof of driver license" and replaces such term with "electronic credentials";
- Requires the DHSMV implement protocols for issuing an optional electronic credential, provides requirements for the procurement of electronic credential and verification solution providers (including technological requirements), and authorizes the issuance and use of electronic credentials;
- Provides that a motor vehicle rental company is deemed to have met the requirements of inspecting a driver license and prohibiting the rental of a motor vehicle to a person required to be licensed who is not, if the renter verifies he or she holds a valid driver license and the vehicle is rented from the company through digital, electronic, or other means not requiring direct contact with an employee of the rental company;
- Removes a requirement that a person who rents a vehicle to another person compare the signature of the renter with the renter's driver license signature; instead the person must verify that the renter's driver license is unexpired; and
- Makes technical and cross-reference changes to the bill.

CS by Transportation on January 18, 2018:

The CS changes the "relating to" clause of the bill to "[a]n act relating to commercial motor vehicles," and adds numerous provisions to the bill. The CS:

- Repeals s. 316.0896, F.S., creating the Assistive Truck Platooning Technology Pilot Program, which has been conducted by the FDOT in consultation with the DHSMV;
- Removes the definition of "driver-assistive truck platooning technology" and reference to the term in the Florida Statutes;
- Authorizes a motor vehicle platoon to be operated on Florida roadways after an operator provides notification to the FDOT and DHSMV;
- Defines the term "platoon" for purposes of ch. 316, F.S., and exempts certain operators of platoons from state laws relating to "following too closely" and television receiver prohibitions;
- Updates various commercial motor vehicle regulations to address compatibility issues with federal law and the International Registration Plan;
- Allows motor vehicle dealers and fleet companies to purchase specialty license plates;
- Creates a Fleet Vehicle Temporary Tag pilot program; and
- Provides enhanced penalties for persons who commit grand theft while using any device to interfere with a GPS or similar system.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



873632

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/14/2018	.	
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Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 82 and 83

insert:

Section 1. Subsection (7) of section 319.32, Florida
Statutes, is amended to read:



873632

9 319.32 Fees; service charges; disposition.-

10 (7) Notwithstanding any other provision of this section,
11 the department and tax collector may not charge any fee or
12 service charge, except for the expedited title fee, if
13 applicable, for a certificate of title issued for a motor
14 vehicle ~~solely~~ to:

15 (a) Remove a deceased coowner from a title registered in
16 the names of two persons if the other coowner is the surviving
17 spouse; or

18 (b) Transfer the title from a deceased owner to a surviving
19 spouse or any surviving next of kin, if the spouse or next of
20 kin is a resident of this state and if the vehicle is titled in
21 this state before the transfer. For purposes of this paragraph,
22 the term "next of kin" means the deceased's child, brother,
23 sister, or parent.

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 2

28 and insert:

29 An act relating to transportation; amending s. 319.32,
30 F.S.; prohibiting the Department of Highway Safety and
31 Motor Vehicles and the tax collector from charging any
32 fee or service charge, except for the expedited title
33 fee, if applicable, for a certificate of title issued
34 for a motor vehicle to transfer the title from a
35 deceased owner to a surviving spouse or any surviving
36 next of kin under certain circumstances; defining the
37 term "next of kin"; amending



910536

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/14/2018	.	
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Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 82 and 83

insert:

Section 1. Section 320.0605, Florida Statutes, is amended
to read:

320.0605 Certificate of registration; possession required;
exception.—



910536

10 (1) (a) The registration certificate or an official copy
11 thereof, a true copy or an electronic copy of rental or lease
12 documentation issued for a motor vehicle or issued for a
13 replacement vehicle in the same registration period, a temporary
14 receipt printed upon self-initiated electronic renewal of a
15 registration via the Internet, or a cab card issued for a
16 vehicle registered under the International Registration Plan
17 shall, at all times while the vehicle is being used or operated
18 on the roads of this state, be in the possession of the operator
19 thereof or be carried in the vehicle for which issued and shall
20 be exhibited upon demand of any authorized law enforcement
21 officer or any agent of the department, except for a vehicle
22 registered under s. 320.0657. ~~The provisions of~~ This section
23 does de not apply during the first 30 days after purchase of a
24 replacement vehicle. A violation of this section is a
25 noncriminal traffic infraction, punishable as a nonmoving
26 violation as provided in chapter 318.

27 (b)1. The act of presenting to a law enforcement officer or
28 agent of the department an electronic device displaying an
29 electronic copy of rental or lease documentation does not
30 constitute consent for the officer or agent to access any
31 information on the device other than the displayed rental or
32 lease documentation.

33 2. The person who presents the device to the officer or
34 agent assumes the liability for any resulting damage to the
35 device.

36 (2) Rental or lease documentation that is sufficient to
37 satisfy the requirement in subsection (1) includes the
38 following:



910536

- 39 (a) Date ~~of rental~~ and time of ~~exit from~~ rental facility;
- 40 (b) Rental station identification;
- 41 (c) Rental agreement number;
- 42 (d) Rental vehicle identification number;
- 43 (e) Rental vehicle license plate number and state of
- 44 registration;
- 45 (f) Vehicle's make, model, and color;
- 46 (g) Vehicle's mileage; and
- 47 (h) Authorized renter's name.

48
49 ===== T I T L E A M E N D M E N T =====

50 And the title is amended as follows:

51 Delete line 2

52 and insert:

53 An act relating to transportation; amending s.
54 320.0605, F.S.; authorizing that a true copy or an
55 electronic copy of rental or lease documentation
56 issued for a motor vehicle or issued for a replacement
57 vehicle in the same registration period be in the
58 possession of the operator thereof or be carried in
59 the vehicle for which issued and be exhibited upon
60 demand of any authorized law enforcement officer or
61 any agent of the Department of Highway Safety and
62 Motor Vehicles; specifying that the act of presenting
63 to a law enforcement officer or agent of the
64 department an electronic device displaying an
65 electronic copy of rental or lease documentation does
66 not constitute consent for the officer or agent to
67 access any information on the device other than the



910536

68 displayed rental or lease documentation; requiring the
69 person who presents the device to the officer or agent
70 to assume the liability for any resulting damage to
71 the device; providing that rental or lease
72 documentation that includes the date and time of
73 rental is sufficient to satisfy a specified
74 requirement; amending



325318

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/14/2018	.	
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Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

1 **Senate Substitute for Amendment (910536) (with title**
2 **amendment)**

3
4 Between lines 82 and 83
5 insert:

6 Section 1. Section 320.0605, Florida Statutes, is amended
7 to read:

8 320.0605 Certificate of registration; possession required;
9 exception.—

10 (1) (a) The registration certificate or an official copy



325318

11 thereof including in an electronic format, a true copy or an
12 electronic copy of rental or lease documentation issued for a
13 motor vehicle or issued for a replacement vehicle in the same
14 registration period, a temporary receipt printed upon self-
15 initiated electronic renewal of a registration via the Internet,
16 or a cab card issued for a vehicle registered under the
17 International Registration Plan shall, at all times while the
18 vehicle is being used or operated on the roads of this state, be
19 in the possession of the operator thereof or be carried in the
20 vehicle for which issued and shall be exhibited upon demand of
21 any authorized law enforcement officer or any agent of the
22 department, except for a vehicle registered under s. 320.0657.
23 ~~The provisions of~~ This section does ~~de~~ not apply during the
24 first 30 days after purchase of a replacement vehicle. A
25 violation of this section is a noncriminal traffic infraction,
26 punishable as a nonmoving violation as provided in chapter 318.

27 (b)1. The act of presenting to a law enforcement officer or
28 agent of the department an electronic device displaying an
29 electronic copy of the registration certificate or the rental or
30 lease documentation does not constitute consent for the officer
31 or agent to access any information on the device other than the
32 displayed rental or lease documentation.

33 2. The person who presents the device to the officer or
34 agent assumes the liability for any resulting damage to the
35 device.

36 (2) Rental or lease documentation that is sufficient to
37 satisfy the requirement in subsection (1) includes the
38 following:

39 (a) ~~Date of rental~~ and time of ~~exit from~~ rental facility;



325318

- 40 (b) Rental station identification;
- 41 (c) Rental agreement number;
- 42 (d) Rental vehicle identification number;
- 43 (e) Rental vehicle license plate number and state of
- 44 registration;
- 45 (f) Vehicle's make, model, and color;
- 46 (g) Vehicle's mileage; and
- 47 (h) Authorized renter's name.

48

49 ===== T I T L E A M E N D M E N T =====

50 And the title is amended as follows:

51 Delete line 2

52 and insert:

53 An act relating to transportation; amending s.
54 320.0605, F.S.; authorizing that a true copy or an
55 electronic copy of a registration certificate or
56 rental or lease documentation issued for a motor
57 vehicle or issued for a replacement vehicle in the
58 same registration period be in the possession of the
59 operator thereof or be carried in the vehicle for
60 which issued and be exhibited upon demand of any
61 authorized law enforcement officer or any agent of the
62 Department of Highway Safety and Motor Vehicles;
63 specifying that the act of presenting to a law
64 enforcement officer or agent of the department an
65 electronic device displaying an electronic copy of
66 rental or lease documentation does not constitute
67 consent for the officer or agent to access any
68 information on the device other than the displayed



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69 rental or lease documentation; requiring the person
70 who presents the device to the officer or agent to
71 assume the liability for any resulting damage to the
72 device; providing that rental or lease documentation
73 that includes the date and time of rental is
74 sufficient to satisfy a specified requirement;
75 amending



944392

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/14/2018	.	
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Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 82 and 83

insert:

Section 1. Section 322.38, Florida Statutes, is amended to
read:

322.38 Renting motor vehicle to another.—

(1) A ~~No~~ person may not ~~shall~~ rent a motor vehicle to any



944392

10 other person unless the other ~~latter~~ person is ~~then~~ duly
11 licensed, ~~or,~~ if a nonresident, ~~he or she shall be~~ licensed
12 under the laws of the state or country of his or her residence,
13 except a nonresident whose home state or country does not
14 require that an operator be licensed.

15 (2) ~~A No~~ person may not ~~shall~~ rent a motor vehicle to
16 another until he or she has inspected the driver license of the
17 person to whom the vehicle is to be rented, ~~and~~ has compared and
18 verified that the driver license is unexpired ~~signature thereon~~
19 ~~with the signature of such person written in his or her~~
20 presence.

21 (3) Every person renting a motor vehicle to another shall
22 keep a record of the registration number of the motor vehicle so
23 rented, the name, ~~and~~ address, and license number of the person
24 to whom the vehicle is rented, ~~the number of the license of said~~
25 ~~latter person,~~ and the ~~date and place when and where the said~~
26 license was issued. Such record shall be open to inspection by
27 any police officer, ~~or officer or employee of the department.~~

28 (4) If a rental car company rents a motor vehicle to a
29 person through digital, electronic, or other means that allows
30 the renter to obtain possession of the motor vehicle without
31 direct contact with an agent or employee of the rental car
32 company, or if through use of such means the renter does not
33 execute a rental contract at the time he or she takes possession
34 of the vehicle, the rental car company is deemed to have met the
35 requirements of subsections (1) and (2) when the rental car
36 company requires the renter to verify that he or she is duly
37 licensed and that the license is unexpired. Such verification
38 may occur at the time the renter enrolls in a membership



944392

39 program, master agreement, or other means of establishing use of
40 the rental car company's services or at any time thereafter.

41 ===== T I T L E A M E N D M E N T =====

42 And the title is amended as follows:

43 Delete line 2

44 and insert:

45 An act relating to transportation; amending s. 322.38,
46 F.S.; prohibiting a person from renting a motor
47 vehicle to another until he or she has verified that
48 the driver license of the person to whom the vehicle
49 is rented is unexpired; deleting the requirement that
50 a person renting a motor vehicle to another keep a
51 record of the date when the license of the person to
52 whom the vehicle is rented was issued; specifying that
53 a rental car company is deemed to have met specified
54 requirements when the rental car company requires the
55 renter to verify that he or she is duly licensed and
56 that the license is unexpired if the rental car
57 company rents a motor vehicle to a person through
58 certain digital, electronic, or other means;
59 specifying when such verification may occur; amending



379468

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/14/2018	.	
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Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 82 and 83

insert:

Section 1. Section 319.141, Florida Statutes, is amended to
read:

319.141 Pilot rebuilt motor vehicle inspection program.—

(1) As used in this section, the term:



379468

10 (a) "Facility" means a rebuilt motor vehicle inspection
11 facility authorized and operating under this section.

12 (b) "Rebuilt inspection services" means an examination of a
13 rebuilt vehicle and a properly endorsed certificate of title,
14 salvage certificate of title, or manufacturer's statement of
15 origin and an application for a rebuilt certificate of title, a
16 rebuilder's affidavit, a photograph of the junk or salvage
17 vehicle taken before repairs began, a photograph of the interior
18 driver and passenger sides of the vehicle if airbags were
19 previously deployed and replaced, receipts or invoices for all
20 major component parts, as defined in s. 319.30, and repairs
21 which were changed, and proof that notice of rebuilding of the
22 vehicle has been reported to the National Motor Vehicle Title
23 Information System.

24 (2) ~~By July 1, 2015,~~ The department shall oversee a pilot
25 program in Miami-Dade County to evaluate alternatives for
26 rebuilt inspection services offered by existing private sector
27 operators, including the continued use of private facilities,
28 the cost impact to consumers, and the potential savings to the
29 department.

30 (3) The department shall establish a memorandum of
31 understanding that allows private parties participating in the
32 pilot program to conduct rebuilt motor vehicle inspections and
33 specifies requirements for oversight, bonding and insurance,
34 procedures, and forms and requires the electronic transmission
35 of documents.

36 (4) Before an applicant is approved or renewed, the
37 department shall ensure that the applicant meets basic criteria
38 designed to protect the public. At a minimum, the applicant



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39 shall meet all of the following requirements:

40 (a) Have and maintain a surety bond or irrevocable letter
41 of credit in the amount of \$100,000 executed by the applicant.

42 (b) Secure and maintain a facility at a permanent fixed
43 structure which has at an address identified by a county-issued
44 tax folio number and recognized by the United States Postal
45 Service where the only services provided on such property are
46 rebuilt inspection services. The operator of a facility shall
47 annually attest that:

48 1. He or she is not employed by or does not have an
49 ownership interest in or other financial arrangement with the
50 owner, operator, manager, or employee of a motor vehicle repair
51 shop as defined in s. 559.903, a motor vehicle dealer as defined
52 in s. 320.27(1)(c), a towing company, a vehicle storage company,
53 a vehicle auction, an insurance company, a salvage yard, a metal
54 retailer, or a metal rebuilder, from which he or she receives
55 remuneration, directly or indirectly, for the referral of
56 customers for rebuilt inspection services;

57 2. There have been no changes to the ownership structure of
58 the approved facility; and

59 3. The only services being provided by the operator of the
60 facility at the property are rebuilt vehicle inspection services
61 approved by the department.

62 (c) Have and maintain garage liability and other insurance
63 required by the department.

64 (d) Have completed criminal background checks of the
65 owners, partners, and corporate officers and the inspectors
66 employed by the facility.

67 (e) Have a designated office and customer waiting area that



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68 is separate from and not within view of the vehicle inspection
69 area. The vehicle inspection area must be capable of
70 accommodating all vehicle types and must be equipped with
71 cameras allowing the department to view and monitor every
72 inspection.

73 (f) ~~(e)~~ Meet any additional criteria the department
74 determines necessary to conduct proper inspections.

75 (5) A participant in the program shall access vehicle and
76 title information and enter inspection results through an
77 electronic filing system authorized by the department and shall
78 maintain records of each rebuilt vehicle inspection processed at
79 such facility for at least 5 years.

80 (6) A participant in the program may not conduct an
81 inspection of a vehicle rebuilt before its purchase by the
82 current applicant. Such vehicles must be inspected by the
83 department.

84 (7) Any applicant for a rebuilt title that fails an initial
85 rebuilt inspection may have that vehicle reinspected only by the
86 department or the facility that conducted the original
87 inspection.

88 (8) Any person or business authorized by the department to
89 train, certify, or recertify operators and inspectors of private
90 rebuilt motor vehicle inspection facilities may not certify or
91 recertify themselves or any of their employees.

92 (9) ~~(6)~~ The department shall conduct an onsite facility
93 inspection at least twice a year and shall immediately terminate
94 any operator from the program who fails to meet the minimum
95 eligibility requirements specified in subsection (4). Before any
96 a change in ownership or transfer of a rebuilt inspection



379468

97 facility, the current operator must give the department 45 days'
98 written notice of the intended sale or transfer. The prospective
99 owner or transferee must meet the eligibility requirements of
100 this section and execute a new memorandum of understanding with
101 the department before operating the facility.

102 (10)(7) This section is repealed on July 1, 2020 ~~2018~~,
103 unless saved from repeal through reenactment by the Legislature.
104 On or before January 1, 2019, the department shall submit a
105 written report to the Governor and Cabinet evaluating the
106 current program and the benefits to the consumer and the
107 department.

108
109 ===== T I T L E A M E N D M E N T =====

110 And the title is amended as follows:

111 Delete line 2

112 and insert:

113 An act relating to transportation; amending s.
114 319.141, F.S.; redefining the term "rebuilt inspection
115 services"; deleting obsolete language; requiring the
116 Department of Highway Safety and Motor Vehicles to
117 ensure that an applicant of the pilot rebuilt motor
118 vehicle inspection program meets basic criteria
119 designed to protect the public before the applicant is
120 renewed; revising requirements for the applicant;
121 requiring the operator of a facility to annually make
122 certain attestations; prohibiting a program
123 participant from conducting an inspection of a vehicle
124 rebuilt before its purchase by the current applicant;
125 requiring that such vehicles be inspected by the



379468

126 department; requiring any applicant that fails an
127 initial rebuilt inspection to have that vehicle
128 reinspected only by the department or the facility
129 that conducted the original inspection; prohibiting
130 any person or business authorized by the department to
131 train, certify, or recertify operators and inspectors
132 of private rebuilt motor vehicle inspection facilities
133 from certifying or recertifying themselves or any of
134 their employees; requiring the department to conduct
135 an onsite facility inspection at least twice a year;
136 requiring a current operator to give the department
137 certain notice of a transfer before any transfer of a
138 rebuilt inspection facility; requiring a transferee to
139 meet certain eligibility requirements and execute a
140 new memorandum of understanding with the department
141 before operating the facility; extending the date for
142 future repeal of this section; requiring the
143 department to submit a certain written report to the
144 Governor and Cabinet, on or before a specified date;
145 amending



921142

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/14/2018	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 82 and 83

insert:

Section 1. Subsection (3) is added to section 316.85, Florida Statutes, to read:

316.85 Autonomous vehicles; operation.-

(3) The Florida Turnpike Enterprise may fund, construct, and operate test facilities for the advancement of autonomous and connected innovative transportation technology solutions for



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11 the purposes of improving safety and decreasing congestion for
12 the traveling public and to otherwise advance the enterprise's
13 objectives as set forth under the Florida Transportation Code.

14

15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 Delete line 2

18 and insert:

19 An act relating to transportation; amending s. 316.85,
20 F.S.; authorizing the Florida Turnpike Enterprise to
21 fund, construct, and operate test facilities for the
22 advancement of autonomous and connected innovative
23 transportation technology solutions for specified
24 purposes; amending



861726

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/14/2018	.	
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Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 82 and 83

insert:

Section 1. Subsections (18) through (46) of section 322.01,
Florida Statutes, are renumbered as subsections (25) through
(53), respectively, and new subsections (18) through (24) are
added to that section, to read:

322.01 Definitions.—As used in this chapter:

(18) "Electronic" means relating to technology having



861726

11 electrical, digital, magnetic, wireless, optical,
12 electromagnetic, or similar capabilities.

13 (19) "Electronic credential" means an electronic
14 representation of a physical driver license or identification
15 card which is viewable on an electronic credential system
16 capable of being verified and authenticated.

17 (20) "Electronic credential holder" means a person to whom
18 an electronic credential has been issued.

19 (21) "Electronic credential provider" means an entity
20 contracted with the department to provide the electronic
21 credential to the electronic credential holder.

22 (22) "Electronic credential system" means a computer system
23 used to display or transmit electronic credentials to a person
24 or verification system which can be accessed using an electronic
25 device.

26 (23) "Electronic device" means a device or a portion of a
27 device that is designed for and capable of communicating across
28 a computer network with other computers or devices for the
29 purpose of transmitting, receiving, or storing data, including,
30 but not limited to, a cellular telephone, tablet, or other
31 portable device designed for and capable of communicating with
32 or across a computer network, and is used to render an
33 electronic credential.

34 (24) "Electronic record" means a record created, generated,
35 sent, communicated, received, or stored by electronic means.

36 Section 2. Section 322.032, Florida Statutes, is amended to
37 read:

38 322.032 Electronic credential ~~Digital proof of driver~~
39 ~~license.-~~



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40 (1) (a) The department shall develop and implement ~~begin to~~
41 ~~review and prepare for the development of a~~ secure and uniform
42 protocols that comply with national standards ~~system~~ for issuing
43 an optional electronic credential. The department shall procure
44 the related technology solution that uses a revenue-sharing
45 model through a competitive solicitation process pursuant to s.
46 287.057 ~~digital proof of driver license~~. The department may
47 issue electronic credentials to persons who hold a Florida
48 driver license or identification card. The electronic credential
49 and verification solution must have the necessary technological
50 capabilities to execute the authentication of an electronic
51 credential across all states, jurisdictions, federal and state
52 agencies, and municipalities. The electronic credential and
53 verification solution must provide the system integration
54 necessary:

55 1. For qualified and authorized entities to securely
56 consume an electronic credential.

57 2. For the production of a fully compliant electronic
58 credential by qualified and authorized electronic credential
59 providers.

60 3. To successfully ensure secure authentication and
61 validation of data from disparate sources.

62 (b) The department shall procure ~~contract with~~ one or more
63 electronic credential providers through the competitive
64 solicitation process ~~private entities~~ to develop and implement a
65 secure electronic credential ~~a digital proof of driver license~~
66 system.

67 (c) The department shall maintain the protocols and
68 national standards necessary for an electronic credential



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69 provider to request authorized access to an application
70 programming interface, or an appropriate technological tool of
71 at least the same capabilities, necessary for such private
72 entity to consume an electronic credential. The department shall
73 timely review requests for authorized access and must approve
74 all requests by electronic credential providers which meet the
75 department's requirements. The department may assess a fee for
76 use of the electronic credential and verification solution.

77 (d) The department shall provide access to a standardized
78 digital transaction process for use by the approved electronic
79 credential providers of compliant electronic credentials to
80 enable the financial transaction to be completed in such a
81 manner that the proceeds are accepted by the department at the
82 point of sale. The standardized digital transaction process must
83 enable the providers of an electronic credential to direct
84 through their electronic commerce workflow to a standardized
85 checkout process and be able to document the providers involved.
86 Any revenue generated from the electronic credential system must
87 be collected by the department and distributed pursuant to a
88 legislative appropriation and department agreements with the
89 electronic credential providers of the electronic credential.
90 Any revenues shared between the state and electronic credential
91 providers is based solely on revenues derived from the purchase
92 of the optional, electronic credential and no other transaction.
93 The department shall enter into an agreement with the electronic
94 credential providers which describe the permitted uses, terms
95 and conditions, privacy policy, and uniform remittance terms
96 relating to the consumption of an electronic credential.

97 (2) (a) The ~~electronic credential digital proof of driver~~



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98 ~~license~~ developed by the department or by an electronic
99 credential provider ~~an entity~~ contracted by the department must
100 be in such a format as to allow law enforcement or an authorized
101 consumer to verify the authenticity of the electronic credential
102 and the identity of the credential holder and to validate the
103 status of any driving privileges associated with the electronic
104 credential ~~digital proof of driver license~~. The department shall
105 adhere to protocols and national standards ~~may adopt rules~~ to
106 ensure valid authentication of electronic credentials ~~digital~~
107 ~~driver licenses~~ by law enforcement.

108 (b) The act of presenting to a law enforcement officer an
109 electronic device displaying an electronic credential does not
110 constitute consent for the officer to access any information on
111 the device other than the electronic credential.

112 (c) The person who presents the device to the officer
113 assumes liability for any resulting damage to the device.

114 (3) A person may not be issued an electronic credential a
115 ~~digital proof of driver license~~ until he or she has satisfied
116 all of the requirements of this chapter for issuance of a
117 physical driver license or identification card as provided in
118 this chapter.

119 (4) A person who:

120 (a) Manufactures a false electronic credential ~~digital~~
121 ~~proof of driver license~~ commits a felony of the third degree,
122 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

123 (b) Possesses a false electronic credential ~~digital proof~~
124 ~~of driver license~~ commits a misdemeanor of the second degree,
125 punishable as provided in s. 775.082.

126 Section 3. Section 322.059, Florida Statutes, is amended to



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127 read:

128 322.059 Mandatory surrender of suspended driver license and
129 registration.—A person whose driver license or registration has
130 been suspended as provided in s. 322.058 must immediately return
131 his or her driver license and registration to the Department of
132 Highway Safety and Motor Vehicles. The department shall
133 invalidate the electronic credential ~~digital proof of driver~~
134 ~~license~~ issued pursuant to s. 322.032 for such person. If such
135 person fails to return his or her driver license or
136 registration, a law enforcement agent may seize the license or
137 registration while the driver license or registration is
138 suspended.

139 Section 4. Paragraph (c) of subsection (1) of section
140 322.143, Florida Statutes, is amended to read:

141 322.143 Use of a driver license or identification card.—

142 (1) As used in this section, the term:

143 (c) "Swipe" means the act of passing a driver license or
144 identification card through a device that is capable of
145 deciphering, in an electronically readable format, the
146 information electronically encoded in a magnetic strip or bar
147 code on the driver license or identification card or consuming
148 an electronic credential.

149 Section 5. Subsection (1) of section 322.15, Florida
150 Statutes, is amended to read:

151 322.15 License to be carried and exhibited on demand;
152 fingerprint to be imprinted upon a citation.—

153 (1) Every licensee shall have his or her driver license,
154 which must be fully legible with no portion of such license
155 faded, altered, mutilated, or defaced, in his or her immediate



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156 possession at all times when operating a motor vehicle and shall
157 present or submit the same upon the demand of a law enforcement
158 officer or an authorized representative of the department. A
159 licensee may present or submit an electronic credential ~~a~~
160 ~~digital proof of driver license~~ as provided in s. 322.032 in
161 lieu of a physical driver license.

162 Section 6. Subsection (4) of section 322.61, Florida
163 Statutes, is amended to read:

164 322.61 Disqualification from operating a commercial motor
165 vehicle.-

166 (4) Any person who is transporting hazardous materials as
167 defined in s. 322.01(31) ~~s. 322.01(24)~~ shall, upon conviction of
168 an offense specified in subsection (3), be disqualified from
169 operating a commercial motor vehicle for a period of 3 years.
170 The penalty provided in this subsection shall be in addition to
171 any other applicable penalty.

172

173 ===== T I T L E A M E N D M E N T =====

174 And the title is amended as follows:

175 Delete line 2

176 and insert:

177 An act relating to transportation; amending s. 322.01,
178 F.S.; providing definitions; amending s. 322.032,
179 F.S.; directing the Department of Highway Safety and
180 Motor Vehicles to implement protocols for issuing an
181 optional electronic credential and to procure a
182 certain related technology solution, subject to
183 certain requirements; providing requirements for the
184 electronic credential and verification solution;



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185 directing the department to procure one or more
186 electronic credential providers through a competitive
187 solicitation process to develop and implement a secure
188 electronic credential system; requiring the department
189 to maintain certain protocols and national standards;
190 requiring the department to timely review and approve
191 all electronic credential provider requests for
192 authorized access to certain interfaces which meet the
193 agency's requirements; authorizing the department to
194 assess a fee; requiring the department to provide
195 access to a certain standardized digital transaction
196 process for use by the approved electronic credential
197 providers of compliant electronic credentials, subject
198 to certain requirements; requiring any revenue
199 generated from the electronic credential system to be
200 collected by the department and distributed pursuant
201 to a legislative appropriation and department
202 agreements with the electronic credential providers of
203 the electronic credential; providing that any revenues
204 shared between the state and electronic credential
205 providers is based solely on revenues derived from the
206 purchase of the optional electronic credential and no
207 other transaction; requiring the department to enter
208 into certain agreements with electronic credential
209 providers; requiring that an electronic credential be
210 in a format that allows certain entities to verify its
211 authenticity and the identity of the credential holder
212 and to validate certain privileges; providing that
213 presenting an electronic device displaying an



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214 electronic credential does not constitute consent for
215 a law enforcement officer to access any other
216 information on such device; providing that the person
217 who presents the device to the officer assumes
218 liability for any resulting damage to the device;
219 conforming provisions to changes made by the act;
220 amending s. 322.059, F.S.; conforming a provision to
221 changes made by the act; amending s. 322.143, F.S.;
222 revising a definition; amending s. 322.15, F.S.;
223 conforming a provision to changes made by the act;
224 amending s. 322.61, F.S.; conforming a cross-
225 reference; amending



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/14/2018	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 83 - 235

and insert:

Section 1. Subsection (20) of section 316.003, Florida Statutes, is amended, present subsections (21) through (37) of that section are redesignated as subsections (20) through (36), respectively, new subsections (37) and (52) are added to that



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10 section, present subsections (52) through (99) of that section
11 are redesignated as subsections (53) through (100),
12 respectively, and subsections (40) and (51) and present
13 subsections (57) and (97) of that section are amended, to read:

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

18 ~~(20) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle~~
19 ~~automation and safety technology that integrates sensor array,~~
20 ~~wireless vehicle-to-vehicle communications, active safety~~
21 ~~systems, and specialized software to link safety systems and~~
22 ~~synchronize acceleration and braking between two vehicles while~~
23 ~~leaving each vehicle's steering control and systems command in~~
24 ~~the control of the vehicle's driver in compliance with the~~
25 ~~National Highway Traffic Safety Administration rules regarding~~
26 ~~vehicle-to-vehicle communications.~~

27 (37) MOBILE CARRIER.—An electrically powered device that:

28 (a) Is operated on sidewalks and crosswalks and is intended
29 primarily for transporting property;

30 (b) Weighs less than 80 pounds, excluding cargo;

31 (c) Has a maximum speed of 12.5 mph; and

32 (d) Is equipped with a technology to transport personal
33 property with the active monitoring of a property owner, and
34 primarily designed to remain within 25 feet of the property
35 owner.

36
37 A mobile carrier is not considered a vehicle or personal
38 delivery device unless expressly defined by law as a vehicle or



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39 personal delivery device.

40 (40) MOTOR VEHICLE.—Except when used in s. 316.1001, a
41 self-propelled vehicle not operated upon rails or guideway, but
42 not including any bicycle, motorized scooter, electric personal
43 assistive mobility device, mobile carrier, personal delivery
44 device, swamp buggy, or moped. For purposes of s. 316.1001,
45 “motor vehicle” has the same meaning as provided in s.
46 320.01(1)(a).

47 (51) PERSONAL DELIVERY DEVICE.—An electrically powered
48 device that:

49 (a) Is operated on sidewalks and crosswalks and intended
50 primarily for transporting property;

51 (b) Weighs less than 80 pounds, excluding cargo;

52 (c) Has a maximum speed of 10 miles per hour; and

53 (d) Is equipped with technology to allow for operation of
54 the device with or without the active control or monitoring of a
55 natural person.

56

57 A personal delivery device is not considered a vehicle unless
58 expressly defined by law as a vehicle. A mobile carrier is not
59 considered a personal delivery device.

60 (52) PLATOON.—A group of individual motor vehicles
61 traveling in a unified manner at electronically coordinated
62 speeds at following distances that are closer than defined under
63 s. 316.0895(2).

64 (58)~~(57)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
65 provided in paragraph (80)(b) ~~(79)(b)~~, any privately owned way
66 or place used for vehicular travel by the owner and those having
67 express or implied permission from the owner, but not by other



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68 persons.

69 ~~(98)(97)~~ VEHICLE.—Every device in, upon, or by which any
70 person or property is or may be transported or drawn upon a
71 highway, except personal delivery devices, mobile carriers, and
72 devices used exclusively upon stationary rails or tracks.

73 Section 2. Paragraph (b) of subsection (7) of section
74 316.008, Florida Statutes, is amended to read:

75 316.008 Powers of local authorities.—

76 (7)

77 (b)1. Except as provided in subparagraph 2., a personal
78 delivery device and a mobile carrier may be operated on
79 sidewalks and crosswalks within a county or municipality when
80 such use is permissible under federal law. This paragraph does
81 not restrict a county or municipality from otherwise adopting
82 regulations for the safe operation of personal delivery devices
83 and mobile carriers.

84 2. A personal delivery device may not be operated on the
85 Florida Shared-Use Nonmotorized Trail Network created under s.
86 339.81 or components of the Florida Greenways and Trails System
87 created under chapter 260.

88 Section 3. Section 316.0896, Florida Statutes, is repealed.

89 Section 4. Section 316.0897, Florida Statutes, is created
90 to read:

91 316.0897 Platoons.—

92 (1) Section 316.0895 does not apply to the operator of a
93 nonlead vehicle in a platoon, as defined in s. 316.003.

94 (2) A platoon may be operated on a roadway in this state
95 after an operator provides notification to the Department of
96 Transportation and the Department of Highway Safety and Motor



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97 Vehicles.

98 Section 5. Section 316.2071, Florida Statutes, is amended
99 to read:

100 316.2071 Personal delivery devices and mobile carriers.—

101 (1) Notwithstanding any provision of law to the contrary, a
102 personal delivery device or mobile carrier may operate on
103 sidewalks and crosswalks, subject to s. 316.008(7)(b). A
104 personal delivery device or mobile carrier operating on a
105 sidewalk or crosswalk has all the rights and duties applicable
106 to a pedestrian under the same circumstances, except that the
107 personal delivery device or mobile carrier must not unreasonably
108 interfere with pedestrians or traffic and must yield the right-
109 of-way to pedestrians on the sidewalk or crosswalk.

110 (2) A personal delivery device and a mobile carrier must:

111 (a) Obey all official traffic and pedestrian control
112 signals and devices.

113 (b) For personal delivery devices, include a plate or
114 marker that has a unique identifying device number and
115 identifies the name and contact information of the personal
116 delivery device operator.

117 (c) Be equipped with a braking system that, when active or
118 engaged, enables the personal delivery device or mobile carrier
119 to come to a controlled stop.

120 (3) A personal delivery device and a mobile carrier may
121 not:

122 (a) Operate on a public highway except to the extent
123 necessary to cross a crosswalk.

124 (b) Operate on a sidewalk or crosswalk unless the personal
125 delivery device operator is actively controlling or monitoring



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126 the navigation and operation of the personal delivery device or
127 a property owner remains within 25 feet of the mobile carrier.

128 (c) Transport hazardous materials as defined in s. 316.003.

129 (4) A person who owns and operates a personal delivery
130 device in this state must maintain an insurance policy, on
131 behalf of himself or herself and his or her agents, which
132 provides general liability coverage of at least \$100,000 for
133 damages arising from the combined operations of personal
134 delivery devices under the entity's or agent's control.

135 Section 6. Subsection (1) and paragraphs (a), (c), (d), and
136 (f) of subsection (2) of section 316.302, Florida Statutes, are
137 amended to read:

138 316.302 Commercial motor vehicles; safety regulations;
139 transporters and shippers of hazardous materials; enforcement.-

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

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

145 (b) Except as otherwise provided in this section, all
146 owners or drivers of commercial motor vehicles that are engaged
147 in intrastate commerce are subject to the rules and regulations
148 contained in 49 C.F.R. parts 382, 383, 385, and 390-397, ~~with~~
149 ~~the exception of 49 C.F.R. s. 390.5 as it relates to the~~
150 ~~definition of bus,~~ as such rules and regulations existed on
151 December 31, 2017 ~~2012~~.

152 (c) The emergency exceptions provided by 49 C.F.R. s.
153 392.82 also apply to communications by utility drivers and
154 utility contractor drivers during a Level 1 activation of the



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155 State Emergency Operations Center, as provided in the Florida
156 Comprehensive Emergency Management plan, or during a state of
157 emergency declared by executive order or proclamation of the
158 Governor.

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

164 (e) For motor carriers engaged in intrastate commerce who
165 are not carrying hazardous materials in amounts that require
166 placards, the requirement for electronic logging devices and
167 hours of service support documents shall take effect December
168 31, 2019.

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

174 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
175 operates a commercial motor vehicle solely in intrastate
176 commerce not transporting any hazardous material in amounts that
177 require placarding pursuant to 49 C.F.R. part 172 may not drive
178 after having been on duty more than 70 hours in any period of 7
179 consecutive days or more than 80 hours in any period of 8
180 consecutive days if the motor carrier operates every day of the
181 week. Thirty-four consecutive hours off duty shall constitute
182 the end of any such period of 7 or 8 consecutive days. This
183 weekly limit does not apply to a person who operates a



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

204 (d) A person who operates a commercial motor vehicle solely
205 in intrastate commerce not transporting any hazardous material
206 in amounts that require placarding pursuant to 49 C.F.R. part
207 172 within a 150 air-mile radius of the location where the
208 vehicle is based need not comply with 49 C.F.R. s. 395.8~~7~~ if the
209 requirements of 49 C.F.R. s. 395.1(e)(1)(ii), (iii)(A) and (C),
210 ~~395.1(e)(1)(iii) and (v) are met. If a driver is not released~~
211 ~~from duty within 12 hours after the driver arrives for duty, the~~
212 ~~motor carrier must maintain documentation of the driver's~~



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213 ~~driving times throughout the duty period.~~

214 (f) A person who operates a commercial motor vehicle having
215 a ~~declared~~ gross vehicle weight, gross vehicle weight rating,
216 and gross combined weight rating of less than 26,001 pounds
217 solely in intrastate commerce and who is not transporting
218 hazardous materials in amounts that require placarding pursuant
219 to 49 C.F.R. part 172, ~~or who is transporting petroleum products~~
220 ~~as defined in s. 376.301,~~ is exempt from subsection (1).

221 However, such person must comply with 49 C.F.R. parts 382, 392,
222 and 393, ~~and~~ with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

223 Section 7. Subsection (3) of section 316.303, Florida
224 Statutes, is amended to read:

225 316.303 Television receivers.—

226 (3) This section does not prohibit the use of an electronic
227 display used in conjunction with a vehicle navigation system; an
228 electronic display used by an operator of a vehicle equipped
229 with autonomous technology, as defined in s. 316.003; or an
230 electronic display used by an operator of a platoon vehicle
231 ~~equipped and operating with driver assistive truck platooning~~
232 ~~technology,~~ as defined in s. 316.003.

233 Section 8. Paragraph (a) of subsection (1) and subsection
234 (24) of section 320.01, Florida Statutes, are amended to read:

235 320.01 Definitions, general.—As used in the Florida
236 Statutes, except as otherwise provided, the term:

237 (1) "Motor vehicle" means:

238 (a) An automobile, motorcycle, truck, trailer, semitrailer,
239 truck tractor and semitrailer combination, or any other vehicle
240 operated on the roads of this state, used to transport persons
241 or property, and propelled by power other than muscular power,



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242 but the term does not include traction engines, road rollers,
243 personal delivery devices and mobile carriers as defined in s.
244 316.003, special mobile equipment as defined in s. 316.003,
245 vehicles that run only upon a track, bicycles, swamp buggies, or
246 mopeds.

247 (24) "Apportionable vehicle" means any vehicle, except
248 recreational vehicles, vehicles displaying restricted plates,
249 city pickup and delivery vehicles, ~~buses used in transportation~~
250 ~~of chartered parties,~~ and government-owned vehicles, which is
251 used or intended for use in two or more member jurisdictions
252 that allocate or proportionally register vehicles and which is
253 used for the transportation of persons for hire or is designed,
254 used, or maintained primarily for the transportation of property
255 and:

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

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

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

262
263 Vehicles, or combinations thereof, having a gross vehicle weight
264 of 26,000 pounds or less and two-axle vehicles may be
265 proportionally registered.

266 Section 9. Subsection (19) of section 320.02, Florida
267 Statutes, is amended to read:

268 320.02 Registration required; application for registration;
269 forms.—

270 (19) A personal delivery device and a mobile carrier as



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271 defined in s. 316.003 are ~~is~~ not required to satisfy the
272 registration and insurance requirements of this section.

273 Section 10. Subsection (1) of section 324.021, Florida
274 Statutes, is amended to read:

275 324.021 Definitions; minimum insurance required.—The
276 following words and phrases when used in this chapter shall, for
277 the purpose of this chapter, have the meanings respectively
278 ascribed to them in this section, except in those instances
279 where the context clearly indicates a different meaning:

280 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
281 designed and required to be licensed for use upon a highway,
282 including trailers and semitrailers designed for use with such
283 vehicles, except traction engines, road rollers, farm tractors,
284 power shovels, and well drillers, and every vehicle that is
285 propelled by electric power obtained from overhead wires but not
286 operated upon rails, but not including any personal delivery
287 device or mobile carrier as defined in s. 316.003, bicycle, or
288 moped. However, the term "motor vehicle" does not include a
289 motor vehicle as defined in s. 627.732(3) when the owner of such
290 vehicle has complied with the requirements of ss. 627.730-
291 627.7405, inclusive, unless the provisions of s. 324.051 apply;
292 and, in such case, the applicable proof of insurance provisions
293 of s. 320.02 apply.

294 Section 11. Subsection (1) of section 655.960, Florida
295 Statutes, is amended to read:

296 655.960 Definitions; ss. 655.960-655.965.—As used in this
297 section and ss. 655.961-655.965, unless the context otherwise
298 requires:

299 (1) "Access area" means any paved walkway or sidewalk which



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300 is within 50 feet of any automated teller machine. The term does
301 not include any street or highway open to the use of the public,
302 as defined in s. 316.003(80)(a) or (b) ~~s. 316.003(79)(a) or (b)~~,
303 including any adjacent sidewalk, as defined in s. 316.003.

304

305 ===== T I T L E A M E N D M E N T =====

306 And the title is amended as follows:

307 Delete lines 2 - 30

308 and insert:

309 An act relating to transportation; amending s.
310 316.003, F.S.; adding, deleting, and revising
311 definitions; amending s. 316.008, F.S.; authorizing a
312 mobile carrier to be operated on sidewalks and
313 crosswalks within a county or municipality when such
314 use is permissible under federal law; providing
315 construction; repealing s. 316.0896, F.S., relating to
316 the assistive truck platooning technology pilot
317 project; creating s. 316.0897, F.S.; exempting the
318 operator of a nonlead vehicle in a platoon from a
319 specified provision; authorizing a platoon to be
320 operated on a roadway in this state after an operator
321 provides notification to the Department of
322 Transportation and the Department of Highway Safety
323 and Motor Vehicles; amending s. 316.2071, F.S.;;
324 authorizing a mobile carrier to operate on sidewalks
325 and crosswalks; providing that a mobile carrier
326 operating on a sidewalk or crosswalk has all the
327 rights and duties applicable to a pedestrian under the
328 same circumstances, except that the mobile carrier



211764

329 must not unreasonably interfere with pedestrians or
330 traffic and must yield the right-of-way to pedestrians
331 on the sidewalk or crosswalk; specifying requirements
332 for a mobile carrier; prohibiting a mobile carrier
333 from taking specified actions; amending s. 316.302,
334 F.S.; revising regulations to which owners and drivers
335 of commercial motor vehicles are subject; delaying the
336 requirement for electronic logging devices and support
337 documents for certain intrastate motor carriers;
338 deleting a limitation on a civil penalty for
339 falsification of certain time records; deleting a
340 requirement that a motor carrier maintain certain
341 documentation of driving times; providing an exemption
342 from specified provisions for a person who operates a
343 commercial motor vehicle having a certain gross
344 vehicle weight, gross vehicle weight rating, and gross
345 combined weight rating; deleting the exemption from
346 such provisions for a person transporting petroleum
347 products; amending s. 316.303, F.S.; conforming a
348 provision to changes made by the act; amending s.
349 320.01, F.S.; revising definitions; amending s.
350 320.02, F.S.; providing that a mobile carrier is not
351 required to satisfy specified registration and
352 insurance requirements; amending s. 324.021, F.S.;
353 revising the definition of the term "motor vehicle";
354 amending s. 655.960, F.S.; conforming a cross-
355 reference; amending s. 320.06, F.S.;



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/14/2018	.	
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Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment to Amendment (211764)

Delete line 51

and insert:

(b) Weighs less than 100 ~~80~~ pounds, excluding cargo;



814862

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/14/2018	.	
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Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment to Amendment (211764)

Delete line 168
and insert:
31, 2018.



783950

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/14/2018	.	
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Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 103 - 104
and insert:
speeds and following distances.

Section 2. Subsection (2) of section 316.0895, Florida
Statutes, is repealed.



783950

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

And the title is amended as follows:

Delete line 5

and insert:

"platoon"; repealing s. 316.0895(2), F.S., relating to
prohibitions on certain vehicles following another
vehicles within 300 feet; repealing s. 316.0896, F.S.,
relating to



879876

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/14/2018	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Amendment

Delete lines 436 - 440
and insert:

thereby damages the real property of another; or

b. In the course of committing the offense the offender causes damage to the real or personal property of another in excess of \$1,000; or

4. If the property stolen is cargo and in the course of



879876

10 committing the offense the offender



375348

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/14/2018	.	
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	.	

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

Senate Amendment (with title amendment)

Delete line 449

and insert:

Section 14. Effective January 1, 2019, subsection (10) of
section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors;
International Registration Plan.-



375348

10 (10) Jurisdiction over the electronic filing system for use
11 by authorized electronic filing system agents to electronically
12 title or register motor vehicles, vessels, mobile homes, or off-
13 highway vehicles; process title transactions, derelict motor
14 vehicle certificates, and certificates of destruction for
15 derelict and salvage motor vehicles pursuant to s. 319.30(2),
16 (3), (7), and (8); issue or transfer registration license plates
17 or decals; electronically transfer fees due for the title and
18 registration process; and perform inquiries for title,
19 registration, and lienholder verification and certification of
20 service providers is expressly preempted to the state, and the
21 department shall have regulatory authority over the system. The
22 electronic filing system shall be available for use statewide
23 and applied uniformly throughout the state. An entity that, in
24 the normal course of its business, sells products that must be
25 titled or registered; ~~7~~ provides title and registration services
26 on behalf of its consumers; or processes title transactions,
27 derelict motor vehicle certificates, or certificates of
28 destruction for derelict or salvage motor vehicles pursuant to
29 s. 319.30(2), (3), (7), or (8); and meets all established
30 requirements may be an authorized electronic filing system agent
31 and shall not be precluded from participating in the electronic
32 filing system in any county. Upon request from a qualified
33 entity, the tax collector shall appoint the entity as an
34 authorized electronic filing system agent for that county. ~~The~~
35 ~~department shall adopt rules in accordance with chapter 120 to~~
36 ~~replace the December 10, 2009, program standards and to~~
37 ~~administer the provisions of this section, including, but not~~
38 ~~limited to, establishing participation requirements,~~



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39 ~~certification of service providers, electronic filing system~~
40 ~~requirements, and enforcement authority for noncompliance. The~~
41 ~~December 10, 2009, program standards, excluding any standards~~
42 ~~which conflict with this subsection, shall remain in effect~~
43 ~~until the rules are adopted. An authorized electronic filing~~
44 system agent may charge a fee to the customer for use of the
45 electronic filing system. The department shall adopt rules to
46 administer this subsection, including, but not limited to, rules
47 establishing participation requirements, certification of
48 service providers, electronic filing system requirements,
49 disclosures, and enforcement authority for noncompliance.

50 Section 15. Except as otherwise expressly provided in this
51 act, this act shall take effect October 1, 2018.

52
53 ===== T I T L E A M E N D M E N T =====

54 And the title is amended as follows:

55 Delete line 2

56 and insert:

57 An act relating to transportation; amending s. 320.03,
58 F.S.; preempting to the state jurisdiction over the
59 electronic filing system for use by authorized
60 electronic filing system agents to process title
61 transactions, derelict motor vehicle certificates, and
62 certain certificates of destruction for derelict and
63 salvage motor vehicles; authorizing an entity that, in
64 the normal course of its business, processes title
65 transactions, derelict motor vehicle certificates, or
66 certain certificates of destruction for derelict or
67 salvage motor vehicles and meets all established



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68 requirements to be an authorized electronic filing
69 system agent; prohibiting such an entity from being
70 precluded from participating in the electronic filing
71 system in any county; deleting provisions requiring
72 the Department of Highway Safety and Motor Vehicles to
73 adopt certain rules to replace specified program
74 standards; requiring the department to adopt certain
75 rules; amending

By the Committee on Transportation; and Senator Brandes

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1 A bill to be entitled
 2 An act relating to commercial motor vehicles; amending
 3 s. 316.003, F.S.; deleting the term "driver-assistive
 4 truck platooning technology"; defining the term
 5 "platoon"; repealing s. 316.0896, F.S., relating to
 6 the assistive truck platooning technology pilot
 7 project; creating s. 316.0897, F.S.; exempting the
 8 operator of a non-lead vehicle in a platoon from a
 9 specified provision; authorizing a platoon to be
 10 operated on a roadway in this state after an operator
 11 provides notification to the Department of
 12 Transportation and the Department of Highway Safety
 13 and Motor Vehicles; amending s. 316.302, F.S.;
 14 revising regulations to which owners and drivers of
 15 commercial motor vehicles are subject; delaying the
 16 requirement for electronic logging devices and support
 17 documents for certain intrastate motor carriers;
 18 deleting a limitation on a civil penalty for
 19 falsification of certain time records; deleting a
 20 requirement that a motor carrier maintain certain
 21 documentation of driving times; providing an exemption
 22 from specified provisions for a person who operates a
 23 commercial motor vehicle with a certain gross vehicle
 24 weight, gross vehicle weight rating, and gross
 25 combined weight rating; deleting the exemption from
 26 such provisions for a person transporting petroleum
 27 products; amending s. 316.303, F.S.; conforming a
 28 provision to changes made by the act; amending s.
 29 320.01, F.S.; revising the definition of the term

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30 "apportionable vehicle"; amending s. 320.06, F.S.;
 31 requiring a vehicle that has an apportioned
 32 registration to be issued, before a specified date, an
 33 annual license plate and a cab card denoting the
 34 declared gross vehicle weight; providing requirements,
 35 beginning on a specified date, for license plates, cab
 36 cards, and validation stickers for vehicles registered
 37 in accordance with the International Registration
 38 Plan; providing a specified fee for initial and
 39 renewed validation stickers; requiring the fee to be
 40 deposited into the Highway Safety Operating Trust
 41 Fund; authorizing a damaged or worn license plate to
 42 be replaced at no charge under certain circumstances;
 43 providing an exception to the design of dealer license
 44 plates for specialty license plates; amending s.
 45 320.0607, F.S.; providing an exemption, beginning on a
 46 specified date, from a certain fee for vehicles
 47 registered under the International Registration Plan;
 48 amending s. 320.0657, F.S.; providing an exception to
 49 the design of fleet license plates for specialty
 50 license plates; authorizing fleet companies to
 51 purchase specialty license plates in lieu of the
 52 standard fleet license plates for additional specified
 53 fees; requiring fleet companies to be responsible for
 54 all costs associated with the specialty license plate;
 55 amending s. 320.08, F.S.; authorizing dealers to
 56 purchase specialty license plates in lieu of the
 57 standard graphic dealer license plates for additional
 58 specified fees; requiring dealers to be responsible

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59 for all costs associated with the specialty license
60 plate; amending s. 320.08056, F.S.; allowing the
61 Department of Highway Safety and Motor Vehicles to
62 authorize dealer and fleet specialty license plates;
63 authorizing a dealer or fleet company to purchase
64 specialty license plates to be used on dealer and
65 fleet vehicles with the permission of the sponsoring
66 specialty license plate organization; requiring a
67 dealer or fleet specialty license plate to include
68 specified letters on the right side of the license
69 plate; requiring dealer and fleet specialty license
70 plates to be ordered directly through the department;
71 amending s. 320.131, F.S.; authorizing, beginning on a
72 specified date, the department to partner with a
73 county tax collector to conduct a Fleet Vehicle
74 Temporary Tag pilot program, subject to certain
75 requirements; providing for future repeal; amending s.
76 812.014, F.S.; providing a criminal penalty for an
77 offender committing grand theft who uses a device to
78 interfere with a global positioning or similar system;
79 providing an effective date.

81 Be It Enacted by the Legislature of the State of Florida:

82
83 Section 1. Present subsection (20) is amended, present
84 subsections (21) through (52) of section 316.003, Florida
85 Statutes, are renumbered as subsections (20) through (51),
86 respectively, and a new subsection (52) is added to that
87 section, to read:

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88 316.003 Definitions.—The following words and phrases, when
89 used in this chapter, shall have the meanings respectively
90 ascribed to them in this section, except where the context
91 otherwise requires:

92 ~~(20) DRIVER ASSISTIVE TRUCK PLATOONING TECHNOLOGY. Vehicle~~
93 ~~automation and safety technology that integrates sensor array,~~
94 ~~wireless vehicle-to-vehicle communications, active safety~~
95 ~~systems, and specialized software to link safety systems and~~
96 ~~synchronize acceleration and braking between two vehicles while~~
97 ~~leaving each vehicle's steering control and systems command in~~
98 ~~the control of the vehicle's driver in compliance with the~~
99 ~~National Highway Traffic Safety Administration rules regarding~~
100 ~~vehicle to vehicle communications.~~

101 (52) PLATOON.—A group of individual motor vehicles
102 traveling in a unified manner at electronically coordinated
103 speeds at following distances that are closer than defined under
104 s. 316.0895(2).

105 Section 2. Section 316.0896, Florida Statutes, is repealed.

106 Section 3. Section 316.0897, Florida Statutes, is created
107 to read:

108 316.0897 Platoons.—

109 (1) Section 316.0895 does not apply to the operator of a
110 non-lead vehicle in a platoon, as defined in s. 316.003.

111 (2) A platoon may be operated on a roadway in this state
112 after an operator provides notification to the Department of
113 Transportation and the Department of Highway Safety and Motor
114 Vehicles.

115 Section 4. Subsection (1) and paragraphs (a), (c), (d), and
116 (f) of subsection (2) of section 316.302, Florida Statutes, are

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117 amended to read:

118 316.302 Commercial motor vehicles; safety regulations;
119 transporters and shippers of hazardous materials; enforcement.—

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

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

125 (b) Except as otherwise provided in this section, all
126 owners or drivers of commercial motor vehicles that are engaged
127 in intrastate commerce are subject to the rules and regulations
128 contained in 49 C.F.R. parts 382, 383, 385, and 390-397, ~~with~~
129 ~~the exception of 49 C.F.R. s. 390.5 as it relates to the~~
130 ~~definition of bus,~~ as such rules and regulations existed on
131 December 31, 2017 ~~2012~~.

132 (c) The emergency exceptions provided by 49 C.F.R. s.
133 392.82 also apply to communications by utility drivers and
134 utility contractor drivers during a Level 1 activation of the
135 State Emergency Operations Center, as provided in the Florida
136 Comprehensive Emergency Management plan, or during a state of
137 emergency declared by executive order or proclamation of the
138 Governor.

139 (d) Except as provided in ~~s. 316.215(5), and except as~~
140 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging
141 requirements for intrastate operations, the requirements of this
142 section supersede all other safety requirements of this chapter
143 for commercial motor vehicles.

144 (e) For motor carriers engaged in intrastate commerce who
145 are not carrying hazardous materials in amounts that require

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146 placards, the requirement for electronic logging devices and
147 hours of service support documents shall take effect December
148 31, 2019.

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

154 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
155 operates a commercial motor vehicle solely in intrastate
156 commerce not transporting any hazardous material in amounts that
157 require placarding pursuant to 49 C.F.R. part 172 may not drive
158 after having been on duty more than 70 hours in any period of 7
159 consecutive days or more than 80 hours in any period of 8
160 consecutive days if the motor carrier operates every day of the
161 week. Thirty-four consecutive hours off duty shall constitute
162 the end of any such period of 7 or 8 consecutive days. This
163 weekly limit does not apply to a person who operates a
164 commercial motor vehicle solely within this state while
165 transporting, during harvest periods, any unprocessed
166 agricultural products or unprocessed food or fiber that is
167 subject to seasonal harvesting from place of harvest to the
168 first place of processing or storage or from place of harvest
169 directly to market or while transporting livestock, livestock
170 feed, or farm supplies directly related to growing or harvesting
171 agricultural products. Upon request of the Department of Highway
172 Safety and Motor Vehicles, motor carriers shall furnish time
173 records or other written verification to that department so that
174 the Department of Highway Safety and Motor Vehicles can

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175 determine compliance with this subsection. These time records
 176 must be furnished to the Department of Highway Safety and Motor
 177 Vehicles within 2 days after receipt of that department's
 178 request. Falsification of such information is subject to a civil
 179 penalty ~~not to exceed \$100. The provisions of~~ This paragraph
 180 ~~does de~~ not apply to operators of farm labor vehicles operated
 181 during a state of emergency declared by the Governor or operated
 182 pursuant to s. 570.07(21), and does de not apply to drivers of
 183 utility service vehicles as defined in 49 C.F.R. s. 395.2.

184 (d) A person who operates a commercial motor vehicle solely
 185 in intrastate commerce not transporting any hazardous material
 186 in amounts that require placarding pursuant to 49 C.F.R. part
 187 172 within a 150 air-mile radius of the location where the
 188 vehicle is based need not comply with 49 C.F.R. s. 395.8, if the
 189 requirements of 49 C.F.R. s. 395.1(e)(1)(ii), (iii)(A) and (C),
 190 395.1(e)(1)(iii) and (v) are met. ~~If a driver is not released~~
 191 ~~from duty within 12 hours after the driver arrives for duty, the~~
 192 ~~motor carrier must maintain documentation of the driver's~~
 193 ~~driving times throughout the duty period.~~

194 (f) A person who operates a commercial motor vehicle having
 195 a ~~declared~~ gross vehicle weight, gross vehicle weight rating,
 196 and gross combined weight rating of less than 26,001 pounds
 197 solely in intrastate commerce and who is not transporting
 198 hazardous materials in amounts that require placarding pursuant
 199 to 49 C.F.R. part 172, ~~or who is transporting petroleum products~~
 200 ~~as defined in s. 376.301,~~ is exempt from subsection (1).
 201 However, such person must comply with 49 C.F.R. parts 382, 392,
 202 and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

203 Section 5. Subsection (3) of section 316.303, Florida

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204 Statutes, is amended to read:

205 316.303 Television receivers.—

206 (3) This section does not prohibit the use of an electronic
 207 display used in conjunction with a vehicle navigation system; an
 208 electronic display used by an operator of a vehicle equipped
 209 with autonomous technology, as defined in s. 316.003; or an
 210 electronic display used by an operator of a platoon vehicle
 211 ~~equipped and operating with driver-assistive truck platooning~~
 212 ~~technology,~~ as defined in s. 316.003.

213 Section 6. Subsection (24) of section 320.01, Florida
 214 Statutes, is amended to read:

215 320.01 Definitions, general.—As used in the Florida
 216 Statutes, except as otherwise provided, the term:

217 (24) "Apportionable vehicle" means any vehicle, except
 218 recreational vehicles, vehicles displaying restricted plates,
 219 city pickup and delivery vehicles, ~~buses used in transportation~~
 220 ~~of chartered parties,~~ and government-owned vehicles, which is
 221 used or intended for use in two or more member jurisdictions
 222 that allocate or proportionally register vehicles and which is
 223 used for the transportation of persons for hire or is designed,
 224 used, or maintained primarily for the transportation of property
 225 and:

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

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

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

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233 Vehicles, or combinations thereof, having a gross vehicle weight
234 of 26,000 pounds or less and two-axle vehicles may be
235 proportionally registered.

236 Section 7. Paragraph (b) of subsection (1) and paragraph
237 (a) of subsection (3) of section 320.06, Florida Statutes, are
238 amended to read:

239 320.06 Registration certificates, license plates, and
240 validation stickers generally.—

241 (1)

242 (b)1. Registration license plates bearing a graphic symbol
243 and the alphanumeric system of identification shall be issued
244 for a 10-year period. At the end of the 10-year period, upon
245 renewal, the plate shall be replaced. The department shall
246 extend the scheduled license plate replacement date from a 6-
247 year period to a 10-year period. The fee for such replacement is
248 \$28, \$2.80 of which shall be paid each year before the plate is
249 replaced, to be credited toward the next \$28 replacement fee.
250 The fees shall be deposited into the Highway Safety Operating
251 Trust Fund. A credit or refund may not be given for any prior
252 years' payments of the prorated replacement fee if the plate is
253 replaced or surrendered before the end of the 10-year period,
254 except that a credit may be given if a registrant is required by
255 the department to replace a license plate under s.

256 320.08056(8)(a). With each license plate, a validation sticker
257 shall be issued showing the owner's birth month, license plate
258 number, and the year of expiration or the appropriate renewal
259 period if the owner is not a natural person. The validation
260 sticker shall be placed on the upper right corner of the license
261 plate. The license plate and validation sticker shall be issued

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262 based on the applicant's appropriate renewal period. The
263 registration period is 12 months, the extended registration
264 period is 24 months, and all expirations occur based on the
265 applicant's appropriate registration period.

266 2. Before October 1, 2019, a vehicle that has an
267 apportioned registration shall be issued an annual license plate
268 and a cab card ~~denoting that denote~~ the declared gross vehicle
269 weight ~~for each apportioned jurisdiction in which the vehicle is~~
270 ~~authorized to operate.~~

271 3. Beginning October 1, 2019, a vehicle registered in
272 accordance with the International Registration Plan shall be
273 issued a license plate for a 5-year period, an annual cab card
274 denoting the declared gross vehicle weight, and an annual
275 validation sticker showing the month and year of expiration. The
276 validation sticker shall be placed in the center of the license
277 plate. The license plate and validation sticker shall be issued
278 based on the applicant's appropriate renewal period. The fee for
279 the initial validation sticker and any renewed validation
280 sticker is \$28. This fee shall be deposited into the Highway
281 Safety Operating Trust Fund. A damaged or worn license plate may
282 be replaced at no charge by applying to the department and
283 surrendering the current license plate.

284 ~~4.2-~~ In order to retain the efficient administration of the
285 taxes and fees imposed by this chapter, the 80-cent fee increase
286 in the replacement fee imposed by chapter 2009-71, Laws of
287 Florida, is negated as provided in s. 320.0804.

288 (3)(a) Registration license plates must be made of metal
289 specially treated with a retroreflection material, as specified
290 by the department. The registration license plate is designed to

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291 increase nighttime visibility and legibility and must be at
 292 least 6 inches wide and not less than 12 inches in length,
 293 unless a plate with reduced dimensions is deemed necessary by
 294 the department to accommodate motorcycles, mopeds, or similar
 295 smaller vehicles. Validation stickers must also be treated with
 296 a retroreflection material, must be of such size as specified by
 297 the department, and must adhere to the license plate. The
 298 registration license plate must be imprinted with a combination
 299 of bold letters and numerals or numerals, not to exceed seven
 300 digits, to identify the registration license plate number. The
 301 license plate must be imprinted with the word "Florida" at the
 302 top and the name of the county in which it is sold, the state
 303 motto, or the words "Sunshine State" at the bottom. Apportioned
 304 and license plates must have the word "Apportioned" at the bottom
 305 and license plates issued for vehicles taxed under s.
 306 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) must have
 307 the word "Restricted" at the bottom. License plates issued for
 308 vehicles taxed under s. 320.08(12) must be imprinted with the
 309 word "Florida" at the top and the word "Dealer" at the bottom
 310 unless the license plate is a specialty license plate as
 311 authorized in s. 320.08056. Manufacturer license plates issued
 312 for vehicles taxed under s. 320.08(12) must be imprinted with
 313 the word "Florida" at the top and the word "Manufacturer" at the
 314 bottom. License plates issued for vehicles taxed under s.
 315 320.08(5)(d) or (e) must be imprinted with the word "Wrecker" at
 316 the bottom. Any county may, upon majority vote of the county
 317 commission, elect to have the county name removed from the
 318 license plates sold in that county. The state motto or the words
 319 "Sunshine State" shall be printed in lieu thereof. A license

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320 plate issued for a vehicle taxed under s. 320.08(6) may not be
 321 assigned a registration license number, or be issued with any
 322 other distinctive character or designation, that distinguishes
 323 the motor vehicle as a for-hire motor vehicle.
 324 Section 8. Subsection (5) of section 320.0607, Florida
 325 Statutes, is amended to read:
 326 320.0607 Replacement license plates, validation decal, or
 327 mobile home sticker.—
 328 (5) Upon the issuance of an original license plate, the
 329 applicant shall pay a fee of \$28 to be deposited in the Highway
 330 Safety Operating Trust Fund. Beginning October 1, 2019, this
 331 subsection does not apply to a vehicle registered under the
 332 International Registration Plan.
 333 Section 9. Paragraph (b) of subsection (2) of section
 334 320.0657, Florida Statutes, is amended to read:
 335 320.0657 Permanent registration; fleet license plates.—
 336 (2)
 337 (b) The plates, which shall be of a distinctive color,
 338 shall have the word "Fleet" appearing at the bottom and the word
 339 "Florida" appearing at the top unless the license plate is a
 340 specialty license plate as authorized in s. 320.08056. The
 341 plates shall conform in all respects to the provisions of this
 342 chapter, except as specified herein. For additional fees as set
 343 forth in s. 320.08056, fleet companies may purchase specialty
 344 license plates in lieu of the standard fleet license plates.
 345 Fleet companies shall be responsible for all costs associated
 346 with the specialty license plate, including all annual use fees,
 347 processing fees, fees associated with switching license plate
 348 types, and any other applicable fees.

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349 Section 10. Subsection (12) of section 320.08, Florida
350 Statutes, is amended to read:

351 320.08 License taxes.—Except as otherwise provided herein,
352 there are hereby levied and imposed annual license taxes for the
353 operation of motor vehicles, mopeds, motorized bicycles as
354 defined in s. 316.003(3), tri-vehicles as defined in s. 316.003,
355 and mobile homes as defined in s. 320.01, which shall be paid to
356 and collected by the department or its agent upon the

357 registration or renewal of registration of the following:

358 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised
359 motor vehicle dealer, independent motor vehicle dealer, marine
360 boat trailer dealer, or mobile home dealer and manufacturer
361 license plate: \$17 flat, of which \$4.50 shall be deposited into
362 the General Revenue Fund. For additional fees as set forth in s.
363 320.08056, dealers may purchase specialty license plates in lieu
364 of the standard graphic dealer license plates. Dealers shall be
365 responsible for all costs associated with the specialty license
366 plate, including all annual use fees, processing fees, fees
367 associated with switching license plate types, and any other
368 applicable fees.

369 Section 11. Subsection (2) of section 320.08056, Florida
370 Statutes, is amended to read:

371 320.08056 Specialty license plates.—

372 (2) (a) The department shall issue a specialty license plate
373 to the owner or lessee of any motor vehicle, except a vehicle
374 registered under the International Registration Plan, a
375 commercial truck required to display two license plates pursuant
376 to s. 320.0706, or a truck tractor, upon request and payment of
377 the appropriate license tax and fees.

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378 (b) The department may authorize dealer and fleet specialty
379 license plates. With the permission of the sponsoring specialty
380 license plate organization, a dealer or fleet company may
381 purchase specialty license plates to be used on dealer and fleet
382 vehicles.

383 (c) Notwithstanding s. 320.08058, a dealer or fleet
384 specialty license plate must include the letters "DLR" or "FLT"
385 on the right side of the license plate. Dealer and fleet
386 specialty license plates must be ordered directly through the
387 department.

388 Section 12. Subsection (10) is added to section 320.131,
389 Florida Statutes, to read:

390 320.131 Temporary tags.—

391 (10) Beginning October 1, 2018, the department may partner
392 with a county tax collector to conduct a Fleet Vehicle Temporary
393 Tag pilot program to provide temporary tags to fleet companies
394 to allow them to operate fleet vehicles awaiting a permanent
395 registration and title.

396 (a) The department shall establish a memorandum of
397 understanding that allows a maximum of three companies to
398 participate in the pilot program and receive multiple temporary
399 tags for company fleet vehicles.

400 (b) To participate in the program a fleet company must have
401 a minimum of 3,500 fleet vehicles registered in this state which
402 qualify to be registered as fleet vehicles pursuant to s.
403 320.0657.

404 (c) The department may issue up to 50 temporary tags at a
405 time to an eligible fleet company, if requested by such company.

406 (d) The temporary tags are for exclusive use on a vehicle

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407 purchased for the company's fleet, and may not be used on any
408 other vehicle.

409 (e) Each temporary plate may be used on only one vehicle
410 and each vehicle may only use one temporary plate.

411 (f) Upon issuance of the vehicle's permanent license plate
412 and registration, the temporary tag becomes invalid and must be
413 removed from the vehicle and destroyed.

414 (g) Upon a finding by the department that a temporary tag
415 has been misused by a fleet company under this program, the
416 department may terminate the memorandum of understanding with
417 the company, invalidate all temporary tags issued to the company
418 under the program, and require such company to return any unused
419 temporary tags.

420 (h) This subsection is repealed on October 1, 2021, unless
421 saved from repeal through reenactment by the Legislature.

422 Section 13. Paragraph (a) of subsection (2) of section
423 812.014, Florida Statutes, is amended to read:

424 812.014 Theft.—

425 (2)(a)1. If the property stolen is valued at \$100,000 or
426 more or is a semitrailer that was deployed by a law enforcement
427 officer; or

428 2. If the property stolen is cargo valued at \$50,000 or
429 more that has entered the stream of interstate or intrastate
430 commerce from the shipper's loading platform to the consignee's
431 receiving dock; or

432 3. If the offender commits any grand theft and:

433 a. In the course of committing the offense the offender
434 uses a motor vehicle as an instrumentality, other than merely as
435 a getaway vehicle, to assist in committing the offense and

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436 thereby damages the real property of another; ~~or~~

437 b. In the course of committing the offense the offender
438 causes damage to the real or personal property of another in
439 excess of \$1,000; or

440 c. In the course of committing the offense the offender
441 uses any type of device to defeat, block, disable, jam, or
442 interfere with a global positioning system or similar system
443 designed to identify the location of the cargo or the vehicle or
444 trailer carrying the cargo,

445 the offender commits grand theft in the first degree, punishable
446 as a felony of the first degree, as provided in s. 775.082, s.
447 775.083, or s. 775.084.

448 Section 14. This act shall take effect October 1, 2018.



The Florida Senate

Committee Agenda Request

To: Senator Wilton Simpson
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development

Subject: Committee Agenda Request

Date: January 18, 2018

I respectfully request that **Senate Bill #1104**, relating to **Vehicle Registration**, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Jeff Brandes", written over a horizontal line.

Senator Jeff Brandes
Florida Senate, District 24

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/14/13

Meeting Date

1104

Bill Number (if applicable)

099300

Amendment Barcode (if applicable)

Topic _____

Name Leslie Dugh

Job Title _____

Address _____
Street

Phone _____

City _____ State _____ Zip _____
Email ledugh@fla.gov

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Enterprise, National & Flamu

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 bill provides that if Miami-Dade County or the TBARTA notifies the FDOT that it will not request all of the funds allocated for an innovative mobility system, the FDOT must allocate those funds to projects in the 5-year work program in the jurisdiction of the county or TBARTA.

Beginning in Fiscal Year 2021-2022, the bill will reduce revenues directed to the FRE and may negatively impact FRE projects planned in the FDOT's work program. The FDOT will also incur indeterminate expenses associated with creation and administration of the Statewide Mobility Innovation Program. Counties that elect to apply for funding for innovative mobility system projects will be required to provide matching funds.

II. Present Situation:

FDOT Organization and the Florida Rail Enterprise

The FDOT is organized into seven geographic districts, each headed by a district secretary, and the Florida Turnpike Enterprise (FTE) and the FRE, each of which are headed by an executive director.¹ The district secretaries and executive directors must be registered professional engineers or hold an advanced degree in an appropriate related discipline.

The FRE operates pursuant to the Florida Rail Enterprise Act² and is responsible for:

- Developing and operating the high-speed and passenger rail systems established in ch. 341, F.S.;
- Directing funding for passenger rail systems under s. 341.303, F.S.; and
- Coordinating publicly funded passenger rail operations, including freight rail interoperability issues.

Generally³ the FRE is exempt from the FDOT's policies, procedures, and standards, subject to the FDOT secretary's authority to apply any such policies, procedures, and standards to the FRE as the secretary deems appropriate.⁴

The FRE is a single budget entity that submits its budget to the Legislature along with the FDOT's budget. All passenger rail funding is included in the FRE's budget.⁵ Notwithstanding certain provisions of law relating to undisbursed appropriations balances,⁶ on July 1 each year the Governor is required to certify forward (into the next state fiscal year) all unexpended funds

¹ Section 20.23(4)(f), F.S.

² Section 20.23(4)(f)1., F.S. The Florida Rail Enterprise Act is located in ss. 341.8201-341.842, F.S.

³ Except as provided in the Consultants' Competitive Negotiation Act, which relates to agency acquisition of professional architectural, engineering, landscape architectural, or survey and mapping services. s. 287.055, F.S.

⁴ Section 20.23(4)(f)2., F.S. Florida's Turnpike Enterprise (FTE) is likewise exempt, subject to the FDOT secretary's same authority, under s. 20.23(4)(e)2., F.S.

⁵ Section 341.303(6)(a), F.S.

⁶ See s. 216.301, F.S., which generally provides that the balance of any operations appropriation not identified in the state's financial system as an incurred obligation effective June 30th each year ("unencumbered") reverts to the fund from which it was appropriated and is available for re-appropriation by the Legislature. Funds for an identified incurred obligation are "carried forward" in the amount of the identified obligations (unexpended, but encumbered). Generally, fixed capital outlay appropriation balances which are not disbursed but are expended, contracted, or committed to be expended prior to February 1 of the second fiscal year of the appropriation are "certified forward." Similarly, any balance not certified reverts to the fund from which it was appropriated and is available for re-appropriation.

appropriated or provided pursuant to s. 341.303, F.S., to the FRE. This includes any expended funds that are unencumbered. The carried-forward funds cannot exceed 5 percent of the original approved FRE operating budget.⁷ Funds carried forward may be used for any lawful purpose, including, but not limited to, promotional and market activities, technology, and training. Any certified forward funds that are undisbursed on September 30 of each year are carried forward.⁸

Funding for the FRE

The Transportation Regional Incentive Program receives a distribution from documentary stamp taxes, of which the first \$60 million of funds are redirected annually to the FRE.⁹ Such distribution must be used to fund:

- Up to 50 percent of the nonfederal share of the costs of any eligible¹⁰ passenger rail capital improvement project.
- Up to 100 percent of planning and development costs related to the provision of a passenger rail system.
- The high-speed rail system.
- Projects necessary to identify or address anticipated impact of increased freight rail traffic resulting from the implementation of passenger rail systems.¹¹

In addition to documentary stamp tax revenues, the FRE is appropriated additional funds from the State Transportation Trust Fund in the General Appropriations Act. For the 2017-2018 fiscal year, the FRE was authorized one position and a total budget of approximately \$237.4 million. Of that amount, \$74.4 million was for public transit development grants, \$159.6 million for rail development grants, and \$2.8 million for intermodal development grants.¹²

Examples of major passenger rail projects that have received funding by the FRE include the Central Florida Commuter Rail System (SunRail)¹³ and the South Florida Regional Transportation Authority (TriRail)¹⁴.

Transportation Regional Incentive Program

The Transportation Regional Incentive Program (TRIP) was created in 2005 as part of growth management legislation to “encourage regional planning by providing state matching funds for improvements to regionally significant transportation facilities identified and prioritized by

⁷ Per s. 216.181, F.S., the General Appropriations Act and any other acts containing appropriations are considered the original approved operating budgets for operational and fixed capital expenditures. The original approved operating budgets may be amended in accordance with provisions contained in that section of law.

⁸ Section 341.303(6)(b), F.S. Similar provisions apply to the FTE under s. 338.2216(3), F.S.

⁹ Section 201.15(4)(a), F.S.

¹⁰ Any project necessary to carry out the FDOT’s duties and responsibilities provided in s. 341.302, F.S., that is consistent with the approved local government comprehensive plan of the unit of government of the areas served by the rail service, and that is contained in the adopted work program, is eligible for funding in accordance with the identified participation rates, per s. 341.303(2), F.S.

¹¹ Section 341.303(5), F.S.

¹² Specific Appropriations 1883-1891, ch. 2017-70, L.O.F.

¹³ For additional information, see the SunRail website available at: <http://sunrail.com/> (last visited February 11, 2018).

¹⁴ For additional information, see the TriRail website available at: <http://www.tri-rail.com/>; and the South Florida Regional Transportation Authority website available at: <http://www.sfirta.fl.gov/> (both sites last visited February 11, 2018).

regional partners”¹⁵ It is a “matching program designed to leverage investments in regionally-significant road and public transportation projects.”¹⁶ The TRIP funds provide up to 50 percent of the project costs and must be matched by regional, local, or federal dollars or in-kind contributions. Funds are “distributed to the FDOT Districts based on a statutory formula of equal parts population and fuel tax collections.”¹⁷ Certain projects receive priority, such as providing connectivity to the strategic intermodal system or supporting economic development and goods movement in rural areas of opportunity.

Tampa Bay Area Regional Transit Authority

Part V of ch. 343, F.S., creates the Tampa Bay Area Regional Transit Authority (TBARTA). TBARTA covers Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties and any other contiguous county that is party to an agreement of participation.¹⁸ TBARTA’s express purposes are to:

- Plan, implement, and operate mobility improvements and expansions of multimodal transportation options for passengers and freight throughout the designated region;
- Produce a regional transit development plan, integrating the transit development plans of participant counties, to include a prioritization of regionally significant transit projects and facilities; and
- Serve, with the consent of the Governor or designee, as the recipient of federal funds supporting an intercountry project or an intracounty capital project that represents a phase of an intercountry project that exists in a single county within the designated region.¹⁹

The TBARTA was required to provide to the Legislature a plan to produce the regional development plan on or before the 2018 Regular Session. Currently, the TBARTA is developing the plan to identify projects “that have the greatest potential to be funded (compete for federal grants) and implemented[,]... are the most forward thinking and make the best use of today’s technology[, and]...best serve our region today while supporting tomorrow’s growth.”²⁰ An evaluation process will use “clearly defined criteria [to] identify the top transit corridors in the region, and ultimately one “catalyst project” that could be implemented first, followed by other projects to move forward around the region.”²¹

South Florida Regional Transportation Authority

Part I of ch. 343, F.S., creates the South Florida Regional Transportation Authority (SFRTA). SFRTA covers Broward, Miami-Dade, and Palm Beach Counties, and may expand its service area into Monroe County by resolution of the SFRTA’s governing board and consent of the board of county commissioners and any other county with FDOT’s approval.²²

¹⁵ Section 339.2819, F.S. FDOT, *Transportation Regional Incentive Program Fact Sheet*, available at <http://www.fdot.gov/programmanagement/LP/TRIP/TRIPFactsheet.pdf> (last visited February 12, 2018).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Section 343.91(1)(a), F.S.

¹⁹ 343.922(1), F.S.

²⁰ TBARTA, *Regional Transit Feasibility Plan, About*, available at <http://tbregionaltransit.com/about/> (last visited February 11, 2018).

²¹ *Id.*

²² Section 343.54, F.S.

SFRTA receives funding from the State Transportation Trust Fund for the operation, maintenance, and dispatch of the South Florida Rail Corridor.²³ The law specifically prohibits the provision of these funds from the funds dedicated to the FRE from documentary stamp tax distributions.

III. Effect of Proposed Changes:

Funding

Section 1 amends s. 201.15(4)(a)4., F.S., relating to the distribution of documentary stamp taxes to the TRIP. For the 2018-2019, 2019-2020, and 2021-2021 fiscal years, the FRE will continue to receive \$60 million distributed from the documentary stamp taxes pursuant to this subparagraph.

Beginning in the 2021-2022 fiscal year, the first \$60 million allocated to the TRIP will be allocated for innovative mobility systems as follows:

- \$25 million on a matching basis to TBARTA for the design and construction of an innovative mobility system.
- \$35 million to the Statewide Mobility Innovation Program for the purposes established in s. 341.86, F.S. (which directs that \$25 million of those funds be distributed to Miami-Dade County, with the remaining \$10 million available for any other counties).

The funds distributed to the TBARTA require one dollar in local or private matching funds for each dollar distributed, and federal funds may not be substituted for the local or private matching funds. If TBARTA notifies the FDOT that it will not request all of the funds allocated for an innovative mobility system, the FDOT must allocate those funds to projects in the 5-year work program in the jurisdiction of TBARTA.

The existing prohibition against pledging the distributed funds for debt service unless such pledge is approved by referendum of the voters is unchanged.

Statewide Mobility Innovation Program

Section 2 creates s. 339.84, F.S., creating the Statewide Mobility Innovation Program within the FDOT. “Innovative mobility system” is defined as a “system of infrastructure, appurtenances, and technology designed to move the greatest number of people in the least amount of time.” An innovative mobility system includes automated people movers, bus rapid transit networks, autonomous vehicles,²⁴ and transportation network companies,²⁵ but not other traditional uses of a roadway system for conveyance.

²³ Section 343.58(4), F.S.

²⁴ Section 316.003, F.S., currently defines “autonomous vehicle” as any vehicle equipped with autonomous technology, with certain exclusions. “Autonomous technology” is defined to mean technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed without the active control of monitoring by a human operator.

²⁵ Section 627.748, F.S., defines “transportation network company” or “TNC” as an entity operating in this state using a digital network to connect a rider to a TNC driver, who provides prearranged rides.

The goals of the program include, but are not limited to:

- Evaluating, financing, and overseeing proposals for innovative mobility systems in this state;
- Expending funds to publicize and promote innovative mobility systems and to contract with entities to accomplish these purposes; and
- Soliciting proposals in accordance with ch. 287, F.S.,²⁶ for the design and construction of innovative mobility systems and contracting with entities to expend funds to accomplish this purpose.

The FDOT, through the program, is required to use the \$35 million distributed from documentary stamp tax revenues in a county to fund the design and construction of an innovative mobility system for passengers, based on a county proposal that the FDOT approves as being consistent with the requirements of the new law. More specifically, the bill requires the program to use:

- \$25 million for an innovative mobility systems in a county as defined in s. 125.011(1), F.S. (Miami-Dade County).²⁷
- \$10 million for an innovative mobility systems in any other county or counties in the state.

If Miami-Dade County notifies the FDOT that it will not request all of the funds allocated for an innovative mobility system, the FDOT must allocate those funds to projects in the 5-year work program in the jurisdiction of the county.

A county proposing use of innovative mobility system funds must submit a request to the FDOT. The request must include a detailed project and financial plan, and must specify the project's duration and the total amount of funding sought by state fiscal year.

One dollar in local or private matching funds is required for each dollar distributed, and federal funds may not be substituted for the local or private matching funds. Additionally, funds distributed may not be used to subsidize projects with existing funding commitments as of July 1, 2018.

Conforming Revision

Section 3 repeals subsection (5) of s. 341.303, F.S., effective July 1, 2021, which sets forth how the FRE is required to use the distribution from the documentary stamp taxes.

Section 4 amends s. 343.58(4), F.S., effective July 1, 2021, to conform to changes made in the bill by prohibiting the SFRTA from receiving documentary stamp tax revenues distributed to the Statewide Mobility Innovation Program, instead of the FRE.

²⁶ Chapter 287, F.S., sets forth requirements and procedures to be used by state agencies in managing and procuring commodities and contractual services.

²⁷ Section 125.011(1), F.S., defines a county as: “[A]ny county operating under a home rule charter adopted pursuant to Art. VIII, ss. 10, 11, and 24 of the State Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the State Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred.” Of the local governments authorized to operate under a home rule charter by the State Constitutions of 1885 and 1968, only Miami-Dade County operates under a home-rule charter, which was adopted on May 21, 1957, under the constitutional provision.

Section 5 provides the bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not implicate the mandates provisions of the State Constitution. Counties are not required to apply to the program, but those that do apply for funding for innovative mobility projects will be required to provide matching funds.

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:

The traveling public in Miami-Dade County and in the counties covered by TBARTA, as well as in any other county in which an innovative mobility system project is constructed, may benefit from increased mobility options.

C. Government Sector Impact:

Beginning in Fiscal Year 2021-2022, a distribution of the first \$60 million in documentary stamp tax revenues for TRIP will be distributed to the:

- TBARTA in the amount of \$25 million.
- Statewide Mobility Innovation Program in the amount of \$35 million.

The FRE portion of the FDOT's work program will have a \$60 million reduction in funding starting in Fiscal Year 2021-2022. As a result, FRE projects planned for the future may be either delayed or canceled. The FDOT states that it has \$342.6 million of plan commitments related to the FRE in the Adopted 5-Year Work Program (FYs 2017-2018 to 2021-2022). The FDOT estimates that "redirecting revenue resources would significantly disrupt the FRE-related projects as well as other projects in the work program."²⁸

The FDOT will incur indeterminate expenses associated with creation of the program.²⁹

²⁸ FDOT, *2018 Agency Legislative Bill Analysis: SB 1200*, February 7, 2018.

²⁹ *Id.*

Under the bill, Miami-Dade County and the TBARTA will each receive \$25 million per year for innovative mobility systems projects. The remaining \$10 million will be available to all other counties competing for funding for innovative mobility system projects.

To the extent that counties, including Miami-Dade County, wish to engage in innovative mobility system projects, the bill requires local or private matching funds to be provided. To the extent that a county provides matching funds, the local resources used as a match would not be available for other purposes in that county. Further, projects with existing funding commitments as of July 1, 2018, will not be eligible for funding.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 201.15 and 343.58.

This bill creates section 339.84 of the Florida Statutes.

This bill repeals section 341.303(5) of the Florida Statutes.

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 by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 14, 2018:

The committee substitute:

- Changes the Statewide Alternative Transportation Authority to the Statewide Mobility Innovation Program.
- Provides that if Miami-Dade County or the TBARTA notifies the FDOT that it will not request all of the funds allocated for an innovative mobility system, the FDOT must allocate those funds to projects in the 5-year work program in the jurisdiction of the county or TBARTA.
- Clarifies that the FRE continues to receive the \$60 million distribution from documentary stamp taxes until Fiscal Year 2021-2022.
- Makes conforming changes to ss. 341.303(5) and 343.58(4), F.S., effective on July 1, 2021.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



565054

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/14/2018	.	
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Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Young) recommended the following:

1 **Senate Amendment (with title amendment)**

2
3

4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Paragraph (a) of subsection (4) of section
7 201.15, Florida Statutes, is amended, and paragraph (b) of that
8 subsection is republished, to read:



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9 201.15 Distribution of taxes collected.—All taxes collected
10 under this chapter are hereby pledged and shall be first made
11 available to make payments when due on bonds issued pursuant to
12 s. 215.618 or s. 215.619, or any other bonds authorized to be
13 issued on a parity basis with such bonds. Such pledge and
14 availability for the payment of these bonds shall have priority
15 over any requirement for the payment of service charges or costs
16 of collection and enforcement under this section. All taxes
17 collected under this chapter, except taxes distributed to the
18 Land Acquisition Trust Fund pursuant to subsections (1) and (2),
19 are subject to the service charge imposed in s. 215.20(1).
20 Before distribution pursuant to this section, the Department of
21 Revenue shall deduct amounts necessary to pay the costs of the
22 collection and enforcement of the tax levied by this chapter.
23 The costs and service charge may not be levied against any
24 portion of taxes pledged to debt service on bonds to the extent
25 that the costs and service charge are required to pay any
26 amounts relating to the bonds. All of the costs of the
27 collection and enforcement of the tax levied by this chapter and
28 the service charge shall be available and transferred to the
29 extent necessary to pay debt service and any other amounts
30 payable with respect to bonds authorized before January 1, 2017,
31 secured by revenues distributed pursuant to this section. All
32 taxes remaining after deduction of costs shall be distributed as
33 follows:

34 (4) After the required distributions to the Land
35 Acquisition Trust Fund pursuant to subsections (1) and (2) and
36 deduction of the service charge imposed pursuant to s.
37 215.20(1), the remainder shall be distributed as follows:



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38 (a) The lesser of 24.18442 percent of the remainder or
39 \$541.75 million in each fiscal year shall be paid into the State
40 Treasury to the credit of the State Transportation Trust Fund.
41 Of such funds, \$75 million for each fiscal year shall be
42 transferred to the General Revenue Fund. Notwithstanding any
43 other law, the remaining amount credited to the State
44 Transportation Trust Fund shall be used for:

45 1. Capital funding for the New Starts Transit Program,
46 authorized by Title 49, U.S.C. s. 5309 and specified in s.
47 341.051, in the amount of 10 percent of the funds;

48 2. The Small County Outreach Program specified in s.
49 339.2818, in the amount of 10 percent of the funds;

50 3. The Strategic Intermodal System specified in ss. 339.61,
51 339.62, 339.63, and 339.64, in the amount of 75 percent of the
52 funds after deduction of the payments required pursuant to
53 subparagraphs 1. and 2.; and

54 4. The Transportation Regional Incentive Program specified
55 in s. 339.2819, in the amount of 25 percent of the funds after
56 deduction of the payments required pursuant to subparagraphs 1.
57 and 2. In fiscal years 2018-2019, 2019-2020, and 2020-2021 the
58 first \$60 million of the funds allocated pursuant to this
59 subparagraph ~~must~~ shall be allocated annually to the Florida
60 Rail Enterprise for the purposes established in s. 341.303(5).
61 Beginning in the 2021-2022 fiscal year, the first \$60 million of
62 the funds allocated pursuant to this subparagraph must be
63 allocated annually as follows:

64 a. Twenty-five million dollars on a matching basis to the
65 Tampa Bay Area Regional Transit Authority for the design and
66 construction of an innovative mobility system, as defined in s.



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67 339.84. One dollar in local or private matching funds must be
68 provided for each dollar distributed under this sub-
69 subparagraph. Federal funds may not be substituted for the local
70 or private matching funds. In any fiscal year in which the Tampa
71 Bay Area Regional Transit Authority notifies the Department of
72 Transportation that the authority will not request all of the
73 funds allocated under this subparagraph for an innovative
74 mobility system, the Department of Transportation shall allocate
75 such funds to projects in the 5-year work program under s.
76 339.135 in the area described in s. 343.91(1) (a) and such funds
77 shall be in addition to currently scheduled work program
78 commitments in that area.

79 b. Thirty-five million dollars to the statewide mobility
80 innovation program for the purposes established in s. 339.84.

81 (b) The lesser of 0.1456 percent of the remainder or \$3.25
82 million in each fiscal year shall be paid into the State
83 Treasury to the credit of the Grants and Donations Trust Fund in
84 the Department of Economic Opportunity to fund technical
85 assistance to local governments.

86
87 Moneys distributed pursuant to paragraphs (a) and (b) may not be
88 pledged for debt service unless such pledge is approved by
89 referendum of the voters.

90 Section 2. Section 339.84, Florida Statutes, is created to
91 read:

92 339.84 Statewide Mobility Innovation Program.—

93 (1) As used in this section the term "innovative mobility
94 system" means a system of infrastructure, appurtenances, and
95 technology designed to move the greatest number of people in the



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96 least amount of time. The term includes, but is not limited to,
97 autonomous vehicles as defined in s. 316.003, automated people
98 movers, bus rapid transit networks, and transportation network
99 companies as defined in s. 627.748. The term does not include
100 other traditional uses of a roadway system for conveyance.

101 (2) The Statewide Mobility Innovation Program is created
102 within the department. The goals of the program include, but are
103 not limited to:

104 (a) Evaluating, financing, and overseeing proposals for
105 innovative mobility systems in this state.

106 (b) Expending funds to publicize and promote innovative
107 mobility systems and to contract with entities to accomplish
108 these purposes.

109 (c) Soliciting proposals in accordance with chapter 287 for
110 the design and construction of innovative mobility systems and
111 contracting with entities to expend funds to accomplish this
112 purpose.

113 (3) Beginning in the 2021-2022 fiscal year, the department
114 shall use funds allocated pursuant to s. 201.15(4)(a)4.b. in a
115 county to fund the design and construction of an innovative
116 mobility system based on a proposal that a county submits to the
117 department that the department approves as being consistent with
118 the requirements of this section.

119 (4) Of the \$35 million allocated under s. 201.15(4)(a)4.b.,
120 the department must use:

121 (a) \$25 million for an innovative mobility system in a
122 county as defined in s. 125.011(1). In any fiscal year in which
123 a county as defined in s. 125.011(1) notifies the department
124 that the county will not request all of the funds allocated



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125 under this paragraph for an innovative mobility system, the
126 department shall allocate such funds to projects in the 5-year
127 work program under s. 339.135 in the county as defined in s.
128 125.011(1) and such funds shall be in addition to currently
129 scheduled work program commitments in that area.

130 (b) The remainder for such a system in any other county or
131 counties in the state.

132 (5) A county proposing the use of funds for an innovative
133 mobility system must submit a request to the department which
134 must include a detailed project and financial plan. The funding
135 request must specify the duration of the project and the total
136 amount sought by state fiscal year. Two or more counties may
137 submit a joint proposal to the department.

138 (6) One dollar in local or private matching funds must be
139 provided for each dollar distributed under this section. Federal
140 funds may not be substituted for the local or private matching
141 funds.

142 (7) Funds distributed under this section may not be used to
143 subsidize projects with existing funding commitments as of July
144 1, 2018.

145 (8) Each recipient of funds under this program must submit
146 a quarterly report to the department regarding the development,
147 implementation, and operation of the project. The department
148 must submit an annual report by September 1 to the President of
149 the Senate and the Speaker of the House of Representatives
150 regarding the overall status of the program.

151 Section 3. Effective July 1, 2021, subsection (5) of
152 section 341.303, Florida Statutes, is repealed.

153 Section 4. Effective July 1, 2021, paragraph (b) of



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154 subsection (4) of section 343.58, Florida Statutes, is amended
155 to read:

156 343.58 County funding for the South Florida Regional
157 Transportation Authority.—

158 (4) Notwithstanding any other provision of law to the
159 contrary and effective July 1, 2010, until as provided in
160 paragraph (d), the department shall transfer annually from the
161 State Transportation Trust Fund to the South Florida Regional
162 Transportation Authority the amounts specified in subparagraph
163 (a)1. or subparagraph (a)2.

164 (b) Funding required by this subsection may not be provided
165 from the funds dedicated to the Florida Rail Enterprise or the
166 statewide mobility innovation program pursuant to s.
167 201.15(4) (a)4.

168 Section 5. Except as otherwise provided, this act shall
169 take effect July 1, 2018.

170

171 ===== T I T L E A M E N D M E N T =====

172 And the title is amended as follows:

173 Delete everything before the enacting clause
174 and insert:

175 A bill to be entitled
176 An act relating to the statewide mobility innovation
177 program; amending s. 201.15, F.S.; beginning in a
178 specified timeframe, revising the annual allocations
179 in the State Transportation Trust Fund for the
180 Transportation Regional Incentive Program; specifying
181 annual allocations to the Tampa Bay Area Regional
182 Transit Authority and the statewide mobility



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183 innovation program for certain purposes; specifying
184 requirements for matching funds for the Tampa Bay Area
185 Regional Transit Authority; creating s. 339.84, F.S.;
186 defining the term "innovative mobility system";
187 creating within the department the statewide mobility
188 innovation program; requiring the department to use
189 specified funds in a county to fund the design and
190 construction of an innovative mobility system for
191 passengers based on a certain proposal by the county;
192 specifying requirements for the use of the funds;
193 requiring a county proposing the use of funds for an
194 innovative mobility system to submit a request to the
195 department, subject to certain requirements; requiring
196 local matching funds for certain distributions,
197 subject to certain requirements; prohibiting certain
198 funds distributed from being used to subsidize certain
199 existing projects; repealing s. 341.303(5), F.S.,
200 relating to fund participation and the Florida Rail
201 Enterprise, effective July 1, 2021; deleting a
202 provision authorizing the department, through the
203 Florida Rail Enterprise, to use specified funds for
204 certain purposes; amending s. 343.58, F.S.; conforming
205 provisions to changes made by the act; providing
206 effective dates.



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LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/14/2018	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Thurston) recommended the following:

1 **Senate Amendment to Amendment (565054) (with title**
2 **amendment)**

3
4 Delete lines 63 - 131

5 and insert:

6 allocated annually to the statewide mobility innovation program
7 for the purposes established in s. 339.84.

8 (b) The lesser of 0.1456 percent of the remainder or \$3.25
9 million in each fiscal year shall be paid into the State
10 Treasury to the credit of the Grants and Donations Trust Fund in



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11 the Department of Economic Opportunity to fund technical
12 assistance to local governments.

13
14 Moneys distributed pursuant to paragraphs (a) and (b) may not be
15 pledged for debt service unless such pledge is approved by
16 referendum of the voters.

17 Section 2. Section 339.84, Florida Statutes, is created to
18 read:

19 339.84 Statewide Mobility Innovation Program.—

20 (1) As used in this section the term "innovative mobility
21 system" means a system of infrastructure, appurtenances, and
22 technology designed to move the greatest number of people in the
23 least amount of time. The term includes, but is not limited to,
24 autonomous vehicles as defined in s. 316.003, automated people
25 movers, bus rapid transit networks, and transportation network
26 companies as defined in s. 627.748. The term does not include
27 other traditional uses of a roadway system for conveyance.

28 (2) The Statewide Mobility Innovation Program is created
29 within the department. The goals of the program include, but are
30 not limited to:

31 (a) Evaluating, financing, and overseeing proposals for
32 innovative mobility systems in this state.

33 (b) Expending funds to publicize and promote innovative
34 mobility systems and to contract with entities to accomplish
35 these purposes.

36 (c) Soliciting proposals in accordance with chapter 287 for
37 the design and construction of innovative mobility systems and
38 contracting with entities to expend funds to accomplish this
39 purpose.



209650

40 (3) Beginning in the 2021-2022 fiscal year, the department
41 shall use funds allocated pursuant to s. 201.15(4)(a)4. in a
42 county to fund the design and construction of an innovative
43 mobility system based on a proposal that a county submits to the
44 department that the department approves as being consistent with
45 the requirements of this section.

46 (4) The department must use the \$60 million allocated under
47 s. 201.15(4)(a)4., for such a system in one or more counties. No
48 one county may receive more than another county unless it is
49 receiving an allocation under a joint proposal with another
50 county.

51
52 ===== T I T L E A M E N D M E N T =====

53 And the title is amended as follows:

54 Delete lines 181 - 185

55 and insert:

56 annual allocations to the statewide mobility
57 innovation program for certain purposes; creating s.
58 339.84, F.S.;



222928

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/14/2018	.	
	.	
	.	
	.	

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

Senate Amendment to Amendment (565054)

Delete line 130

and insert:

(b) \$8 million for an innovative mobility system within the jurisdiction of the Jacksonville Transportation Authority. In any fiscal year in which the Jacksonville Transportation Authority notifies the department that the Jacksonville Transportation Authority will not request all of the funds allocated under this paragraph for an innovative mobility



222928

11 system, the department shall allocate such funds to projects in
12 the 5-year work program under s. 339.135 in the jurisdiction of
13 the Jacksonville Transportation Authority and such funds shall
14 be in addition to currently scheduled work program commitments
15 in that area.

16 (c) The remainder for such a system in any other county or



820738

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/14/2018	.	
	.	
	.	
	.	

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

Senate Amendment

Delete line 228
and insert:
transportation system in a county as defined in s. 125.011(1)
and \$8 million for an alternative transportation system within
the jurisdiction of the Jacksonville Transportation Authority.

By Senator Young

18-00720E-18

20181200__

1 A bill to be entitled
 2 An act relating to the Statewide Alternative
 3 Transportation Authority; amending s. 20.23, F.S.;
 4 adding an alternative transportation authority as part
 5 of the operations of the Department of Transportation;
 6 requiring the authority to be headed by an executive
 7 director; requiring the headquarters of the authority
 8 to be located in Leon County; requiring the
 9 responsibility for expending certain funds to be
 10 delegated by the department secretary to the executive
 11 director of the authority, subject to certain
 12 requirements; requiring the authority to operate
 13 pursuant to specified provisions; exempting the
 14 authority from certain departmental policies,
 15 procedures, and standards, subject to the secretary
 16 having the authority to apply any such policies,
 17 procedures, and standards to the authority; amending
 18 s. 201.15, F.S.; beginning in a specified timeframe,
 19 revising annual allocations in the State
 20 Transportation Trust Fund for the Transportation
 21 Regional Incentive Program; specifying annual
 22 allocations to the Tampa Bay Area Regional Transit
 23 Authority and the Statewide Alternative Transportation
 24 Authority for certain purposes; specifying
 25 requirements for matching funds for the Tampa Bay Area
 26 Regional Transit Authority; repealing s. 341.303(5),
 27 F.S., relating to fund participation and the Florida
 28 Rail Enterprise; deleting a provision authorizing the
 29 department, through the Florida Rail Enterprise, to

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30 use specified funds for certain purposes; creating s.
 31 341.86, F.S.; creating within the department the
 32 Statewide Alternative Transportation Authority;
 33 defining the term "alternative transportation system";
 34 specifying powers of the authority; requiring the
 35 authority to be a single budget entity and to develop
 36 a budget pursuant to specified provisions; requiring
 37 the authority's budget to be submitted to the
 38 Legislature with the department's budget; requiring
 39 all alternative transportation system funding by the
 40 department to be included in a certain budget entity;
 41 requiring the Executive Office of the Governor, on a
 42 specified date of each year, to certify forward
 43 certain unexpended funds for the authority, subject to
 44 certain requirements; requiring the department,
 45 through the authority, to use specified funds in a
 46 county to fund the design and construction of an
 47 alternative transportation system for passengers based
 48 on a certain proposal by the county; specifying
 49 requirements for the use of the funds; requiring a
 50 county proposing the use of funds for an alternative
 51 transportation system to submit a request to the
 52 authority, subject to certain requirements; requiring
 53 local matching funds for certain distributions,
 54 subject to certain requirements; prohibiting certain
 55 funds distributed from being used to subsidize certain
 56 existing projects; amending s. 343.58, F.S.;
 57 conforming provisions to changes made by the act;
 58 providing an effective date.

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59 Be It Enacted by the Legislature of the State of Florida:

60 Section 1. Paragraph (a) of subsection (4) of section
61 20.23, Florida Statutes, is amended, and paragraph (g) is added
62 to that subsection, to read:

63 20.23 Department of Transportation.—There is created a
64 Department of Transportation which shall be a decentralized
65 agency.

66 (4) (a) The operations of the department shall be organized
67 into seven districts, each headed by a district secretary, and a
68 turnpike enterprise, ~~and~~ a rail enterprise, and an alternative
69 transportation authority, each enterprise and the authority
70 headed by an executive director. The district secretaries and
71 the executive directors shall be registered professional
72 engineers in accordance with ~~the provisions of~~ chapter 471 or
73 the laws of another state, or, in lieu of professional engineer
74 registration, a district secretary or executive director may
75 hold an advanced degree in an appropriate related discipline,
76 such as a Master of Business Administration. The headquarters of
77 the districts shall be located in Polk, Columbia, Washington,
78 Broward, Volusia, Miami-Dade, and Hillsborough Counties. The
79 headquarters of the turnpike enterprise shall be located in
80 Orange County. The headquarters of the rail enterprise and the
81 alternative transportation authority shall be located in Leon
82 County. In order to provide for efficient operations and to
83 expedite the decisionmaking process, the department shall
84 provide for maximum decentralization to the districts.

85 (g)1. The responsibility for expending funds for the design
86

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88 and construction of alternative transportation systems shall be
89 delegated by the secretary to the executive director of the
90 alternative transportation authority, who shall serve at the
91 pleasure of the secretary. The executive director shall report
92 directly to the secretary, and the authority shall operate
93 pursuant to s. 341.86.

94 2. To facilitate the most efficient administration of funds
95 for alternative transportation systems, the authority, except as
96 provided in s. 287.055, is exempt from departmental policies,
97 procedures, and standards, subject to the secretary having the
98 authority to apply any such policies, procedures, and standards
99 to the authority from time to time as deemed appropriate.

100 Section 2. Paragraph (a) of subsection (4) of section
101 201.15, Florida Statutes, is amended, and paragraph (b) of that
102 subsection is republished, to read:

103 201.15 Distribution of taxes collected.—All taxes collected
104 under this chapter are hereby pledged and shall be first made
105 available to make payments when due on bonds issued pursuant to
106 s. 215.618 or s. 215.619, or any other bonds authorized to be
107 issued on a parity basis with such bonds. Such pledge and
108 availability for the payment of these bonds shall have priority
109 over any requirement for the payment of service charges or costs
110 of collection and enforcement under this section. All taxes
111 collected under this chapter, except taxes distributed to the
112 Land Acquisition Trust Fund pursuant to subsections (1) and (2),
113 are subject to the service charge imposed in s. 215.20(1).
114 Before distribution pursuant to this section, the Department of
115 Revenue shall deduct amounts necessary to pay the costs of the
116 collection and enforcement of the tax levied by this chapter.

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117 The costs and service charge may not be levied against any
 118 portion of taxes pledged to debt service on bonds to the extent
 119 that the costs and service charge are required to pay any
 120 amounts relating to the bonds. All of the costs of the
 121 collection and enforcement of the tax levied by this chapter and
 122 the service charge shall be available and transferred to the
 123 extent necessary to pay debt service and any other amounts
 124 payable with respect to bonds authorized before January 1, 2017,
 125 secured by revenues distributed pursuant to this section. All
 126 taxes remaining after deduction of costs shall be distributed as
 127 follows:

128 (4) After the required distributions to the Land
 129 Acquisition Trust Fund pursuant to subsections (1) and (2) and
 130 deduction of the service charge imposed pursuant to s.
 131 215.20(1), the remainder shall be distributed as follows:

132 (a) The lesser of 24.18442 percent of the remainder or
 133 \$541.75 million in each fiscal year shall be paid into the State
 134 Treasury to the credit of the State Transportation Trust Fund.
 135 Of such funds, \$75 million for each fiscal year shall be
 136 transferred to the General Revenue Fund. Notwithstanding any
 137 other law, the remaining amount credited to the State
 138 Transportation Trust Fund shall be used for:

139 1. Capital funding for the New Starts Transit Program,
 140 authorized by Title 49, U.S.C. s. 5309 and specified in s.
 141 341.051, in the amount of 10 percent of the funds;

142 2. The Small County Outreach Program specified in s.
 143 339.2818, in the amount of 10 percent of the funds;

144 3. The Strategic Intermodal System specified in ss. 339.61,
 145 339.62, 339.63, and 339.64, in the amount of 75 percent of the

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146 funds after deduction of the payments required pursuant to
 147 subparagraphs 1. and 2.; and

148 4. The Transportation Regional Incentive Program specified
 149 in s. 339.2819, in the amount of 25 percent of the funds after
 150 deduction of the payments required pursuant to subparagraphs 1.
 151 and 2. Beginning in the 2021-2022 fiscal year, the first \$60
 152 million of the funds allocated pursuant to this subparagraph
 153 ~~must shall~~ be allocated annually for alternative transportation
 154 systems, as defined in s. 341.86, as follows:

155 a. Twenty-five million dollars on a matching basis to the
 156 Tampa Bay Area Regional Transit Authority for the design and
 157 construction of an alternative transportation system, as defined
 158 in s. 341.86. One dollar in local or private matching funds must
 159 be provided for each dollar distributed under this sub-
 160 paragraph. Federal funds may not be substituted for the local
 161 or private matching funds.

162 b. Thirty-five million dollars to the Statewide Alternative
 163 Transportation Authority to the Florida Rail Enterprise for the
 164 purposes established in s. 341.86 ~~s. 341.303(5)~~.

165 (b) The lesser of 0.1456 percent of the remainder or \$3.25
 166 million in each fiscal year shall be paid into the State
 167 Treasury to the credit of the Grants and Donations Trust Fund in
 168 the Department of Economic Opportunity to fund technical
 169 assistance to local governments.

170
 171 Moneys distributed pursuant to paragraphs (a) and (b) may not be
 172 pledged for debt service unless such pledge is approved by
 173 referendum of the voters.

174 Section 3. Subsection (5) of section 341.303, Florida

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175 Statutes, is repealed.

176 Section 4. Section 341.86, Florida Statutes, is created to
177 read:

178 341.86 Statewide Alternative Transportation Authority.-

179 (1) There is created within the department the Statewide
180 Alternative Transportation Authority.

181 (2) For purposes of this section, the term "alternative
182 transportation system" means a system of infrastructure,
183 appurtenances, and technology designed to move the greatest
184 number of people in the least amount of time. The term includes,
185 but is not limited to, autonomous vehicles as defined in s.
186 316.003 and transportation network companies as defined in s.
187 627.748. The term does not include other traditional uses of a
188 roadway system for conveyance.

189 (3) In addition to the powers granted to the department,
190 the authority may exercise all powers granted to it under this
191 section. These powers are in addition and supplemental to the
192 existing powers of the department. Powers of the authority
193 include, but are not limited to:

194 (a) Evaluating, financing, and overseeing proposals for
195 alternative transportation systems in this state.

196 (b) Expending funds to publicize and promote alternative
197 transportation systems and to contract with entities to
198 accomplish these purposes.

199 (c) Soliciting proposals in accordance with chapter 287 for
200 the design and construction of alternative transportation
201 systems and contracting with entities to expend funds to
202 accomplish this purpose.

203 (4) (a) The authority shall be a single budget entity and

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204 shall develop a budget pursuant to chapter 216. The authority's
205 budget shall be submitted to the Legislature with the
206 department's budget. All alternative transportation funding by
207 the department must be included in this budget entity.

208 (b) Notwithstanding the provisions of s. 216.301 to the
209 contrary and in accordance with s. 216.351, the Executive Office
210 of the Governor shall, on July 1 of each year, certify forward
211 all unexpended funds appropriated or provided for the authority.
212 Of the unexpended funds certified forward, any unencumbered
213 amounts shall be carried forward. Such funds carried forward may
214 not exceed 5 percent of the original approved operating budget
215 of the authority pursuant to s. 216.181(1). Funds carried
216 forward pursuant to this paragraph may be used for the purposes
217 specified in this section. Any certified-forward funds remaining
218 undisbursed on September 30 of each year shall be carried
219 forward.

220 (5) The department, through the authority, shall use funds
221 provided pursuant to s. 201.15(4)(a)4.b. in a county to fund the
222 design and construction of an alternative transportation system
223 for passengers based on a county proposal that the authority
224 approves as being consistent with the requirements of this
225 section.

226 (6) Of the \$35 million allocated under s. 201.15(4)(a)4.b.,
227 the authority must use \$25 million for an alternative
228 transportation system in a county as defined in s. 125.011(1).
229 The authority must use the remainder for such a system in any
230 other county or counties in the state.

231 (7) A county proposing the use of funds for an alternative
232 transportation system must submit a request to the authority

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233 which must include a detailed project and financial plan. The
234 funding request must specify the duration of the project and the
235 total amount sought by state fiscal year.

236 (8) One dollar in local or private matching funds must be
237 provided for each dollar distributed under this section. Federal
238 funds may not be substituted for the local or private matching
239 funds.

240 (9) Funds distributed under this section may not be used to
241 subsidize projects with existing funding commitments as of July
242 1, 2018.

243 Section 5. Paragraph (b) of subsection (4) of section
244 343.58, Florida Statutes, is amended to read:

245 343.58 County funding for the South Florida Regional
246 Transportation Authority.-

247 (4) Notwithstanding any other provision of law to the
248 contrary and effective July 1, 2010, until as provided in
249 paragraph (d), the department shall transfer annually from the
250 State Transportation Trust Fund to the South Florida Regional
251 Transportation Authority the amounts specified in subparagraph
252 (a)1. or subparagraph (a)2.

253 (b) Funding required by this subsection may not be provided
254 from the funds dedicated to the Statewide Alternative
255 Transportation Authority Florida Rail Enterprise pursuant to s.
256 201.15(4)(a)4.b. s. 201.15(4)(a)4.

257 Section 6. This act shall take effect July 1, 2018.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Health Policy, *Chair*
Appropriations Subcommittee on Pre-K - 12
Education, *Vice Chair*
Commerce and Tourism
Communications, Energy, and Public Utilities
Regulated Industries

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR DANA YOUNG

18th District

February 6, 2018

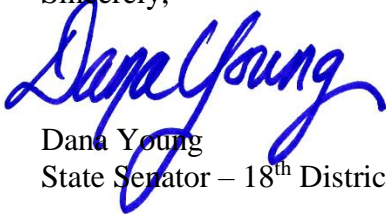
Senator Wilson Simpson, Chair
Apps. Subcommittee on Transportation, Tourism and Economic Development
201 Capitol
404 S. Monroe Street
Tallahassee, Florida 32399-1100

Dear Chair Simpson,

My Senate Bill 1200 regarding Statewide Alternative Transportation Authority has been referred to your committee. I respectfully request that this bill be placed on your next available agenda.

If you have any questions, please do not hesitate to reach out to me.

Sincerely,



Dana Young
State Senator – 18th District

cc: Jennifer Hrdlicka, Staff Director – Approps. Sub. on Transportation, Tourism and Eco. Dev.

REPLY TO:

- 1211 N. Westshore Blvd, Suite 409, Tampa, Florida 33607 (813) 281-5507
- 316 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

R200

Meeting Date _____

Bill Number (if applicable) _____

Topic _____

Amendment Barcode (if applicable) _____

Name Jess McCarty

Job Title Assistant County Attorney

Address 111 NW 1st Street, Suite 2810

Phone 305-979-7110

Street

Miami

City

FL

State

33128

Zip

Email jmm2@miamidade.gov

Speaking: For

Against

Information

In Support

Against

Waive Speaking: *(The Chair will read this information into the record.)*

Representing Miami-Dade 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.

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/14/18
Meeting Date

1200

Bill Number (if applicable)

Topic Statewide Alternative Transportation Authority

Amendment Barcode (if applicable)

Name Chris Spencer

Job Title Government Consultant

Address 401 E. Jackson St.

Phone 727 641 5522

Street

City Tampa

State FL

Zip

33703

Email chris.spencer@gray-robinson.com

Speaking: For Against

Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Dewberry Engineers

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.

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-14-18
Meeting Date

SB 1200
Bill Number (if applicable)

Topic Statewide Alt Transport Authy

Amendment Barcode (if applicable)

Name Diane Saltz

Job Title Lobbyist

Address 2529 Goose Pond Ct.

Phone 850.339.8550

Tallahassee FL 32308
City State Zip

Email disaltz@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Hillsb. County City County Planning Commis.

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.

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-14-18

Meeting Date

1200

Bill Number (if applicable)

Topic Statewide Alternative Transportation

Amendment Barcode (if applicable)

Name Natalie King

Job Title VP/COO

Address 235 W Brandon Blvd 640

Phone 813 924 8212

City Brandon

State FL

Zip 33511

Email Natalie@saconsultingllc.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Tampa Bay Partnership

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: PCS/CS/SB 1450 (285140)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Commerce and Tourism Committee and Senator Steube

SUBJECT: Sales Tax Refund for Eligible Job Training Organizations

DATE: February 14, 2018 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Little</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Hrdlicka</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1450 creates a sales tax refund for eligible job training organizations. Under the bill, an eligible job training organization may apply for a refund of 10 percent of the sales tax the organization remitted to the DOR on its sales of donated goods during the previous state fiscal year.

The Department of Economic Opportunity (DEO) is required to determine an applicant's eligibility for the sales tax refund and certify the eligibility of organizations that meet the specified requirements. After obtaining certification from the DEO, an eligible job training organization must apply to the Department of Revenue (DOR) in August each year that a refund is sought.

The bill limits the use of a sales tax refund issued to an eligible job training organization to the following purposes:

- Growth in employment hours;
- Job training and employment services to low-income persons, individuals who have workplace disadvantages, or individuals with barriers to employment; or
- Job training and employment services for veterans.

An eligible job training organization that receives a refund must annually report eligibility information to the DEO, including how the previously issued refund was used. If the DEO

determines an organization no longer qualifies for the refund, the DEO must immediately notify the DOR. The DOR is prohibited from issuing a refund after receiving such notification. The bill authorizes the DOR to audit any refund within 4 years of the date the refund was granted and subjects the overpayment of a refund or a refund issued to an ineligible job training organization to repayment.

The Revenue Estimating Conference estimates this bill, beginning in Fiscal Year 2018-2019, will reduce General Revenue Fund receipts by \$1.6 million annually, state trust fund receipts by indeterminate amount annually, and local government revenues by \$400,000 annually.

The bill takes effect July 1, 2018.

II. Present Situation:

Florida Sales and Use Tax

Florida levies a six percent state sales and use tax on the sale or rental of most tangible personal property, admissions, rentals of transient accommodations, rentals of commercial real estate, and a limited number of services.¹

In addition to the state level tax, counties are authorized to levy surtaxes under certain situations.² Surtaxes apply to all transactions occurring in the county that are subject to the state level tax.³

Generally, sales tax is added to the price of taxable goods or services, and the tax is collected from the purchaser at the time of sale.⁴ Anyone that sells taxable goods or services in Florida must register with the DOR as a sales tax dealer to collect, report, and remit sales tax.⁵ The DOR is authorized to audit organizations in the state for the purpose of determining whether such taxes are properly collected, reported, and paid.⁶

Charitable Organizations

Charitable organizations are eligible to receive tax-deductible contributions.⁷ To qualify as a charitable organization under section 501(c)(3) of the Internal Revenue Code an organization must be organized and operated exclusively for an exempt purpose,⁸ none of its earnings may

¹ See s. 212.05, F.S.

² Section 212.055, F.S.

³ Section 212.054, F.S.

⁴ Sections 212.06(3) and 212.07(2), F.S.

⁵ Section 212.18(3)(a), F.S.; Department of Revenue, *Florida Sales and Use Tax*, GT-800013, Revised 1/18, available at http://floridarevenue.com/Forms_library/current/gt800013.pdf (last visited Feb. 9, 2018).

⁶ Section 212.13(3), F.S.

⁷ 26 U.S.C. s. 170

⁸ Exempt purposes under section 501(c)(3) include: charitable, religious, educational, scientific, literary, testing for public safety, fostering national or international amateur sports competition, and preventing cruelty to children or animals.” IRS, *Exempt Purposes – Internal Revenue Code Section 501(c)(3)*, available at <https://www.irs.gov/charities-non-profits/charitable-organizations/exempt-purposes-internal-revenue-code-section-501c3> (last visited Feb. 4, 2018).

inure to any private shareholder or individual, and it cannot be an action organization.⁹ Additionally, organizations that qualify under section 501(c)(3) may be eligible for other tax benefits, such as state and federal sales, property, and income tax exemptions.¹⁰

Qualified Job Training Organizations Program

Section 288.1097, F.S., allows a “qualified job training organization” to receive grant funding from the Department of Economic Opportunity (DEO).

To be eligible, a job training organization must:

- Be exempt under s. 501(c)(3) or (4) of the Internal Revenue Code;
- Provide job training and employment services to individuals who have workplace disadvantages or disabilities;
- Be accredited by the Commission on Accreditation of Rehabilitation Facilities;
- Collect Florida sales tax;
- Specialize in the retail sale of donated items;
- Operate statewide through more than 100 locations;
- Use a majority of its revenues for job training and placement programs that create jobs and foster economic development; and
- Be certified by the DEO that the organization meets the requirements described above.

The DEO is permitted to release funds to the organization pursuant to a contract with the organization. The contract must require the organization to meet certain performance conditions in order to receive the grant funds. The performance conditions must include “net new employment in the state, the methodology for validating performance, the schedule of payments, and sanctions for failure to meet the performance requirements including any provisions for repayment...” and that salaries paid to officers and employees of the organization meet certain Internal Revenue Code requirements.¹¹

The organization must use the grant funds “solely to encourage and provide economic development through capital construction, improvements, or the purchase of equipment that will result in expanded employment opportunities.” The statute also requires the following results to be met within a 10-year period:

- Creation of at least 5,000 direct, new jobs;
- Minimum of 23,000 new clients served;
- Production of a minimum of \$24 million in new sales tax revenues from increased sales;

⁹ The prohibition on the organization being an “action organization” means that the organization “may not attempt to influence legislation as a substantial part of its activities and it may not participate in any campaign activity for or against political candidates.” IRS, *Exemption Requirements - 501(c)(3) Organizations*, available at <https://www.irs.gov/charities-non-profits/charitable-organizations/exemption-requirements-section-501c3-organizations> (last visited Feb. 4, 2018).

¹⁰ See Internal Revenue Service, *Federal Tax Obligations of Non-Profit Corporations*, available at <https://www.irs.gov/pub/irs-pdf/n844.pdf> (last visited Feb. 4, 2018). “Nonprofit organizations may qualify for exemption from some Florida taxes. Each tax is separate and distinct and has its own requirements. As a result, exemption from one tax does not necessarily exempt the organization from all taxes and not all Florida tax exemptions require the organization obtain a federal tax-exempt status.” Department of Revenue, *Nonprofit Organizations*, available at <http://floridarevenue.com/taxes/businesses/Pages/nonprofit.aspx> (last visited Feb. 4, 2018).

¹¹ Section 288.1097(2), F.S.

- Minimum of \$42 million in new salaries; and
- Minimum of \$6 million for job placement services.

No funds have ever been appropriated to this program.

III. Effect of Proposed Changes:

The bill creates a sales tax refund for an eligible job training organization on the organization's sales of goods donated to the organization and requires the organization to use the refund for specific employment purposes.¹²

To be eligible for the refund, a job training organization must:

- Be exempt under s. 501(c)(3) of the Internal Revenue Code;
- Provide job training and employment services to low-income persons,¹³ individuals who have workplace disadvantages, or individuals with barriers to employment; and
- Be accredited by the Commission on Accreditation of Rehabilitation Facilities.

The bill also specifies that an eligible job training organization consisting of commonly owned and controlled entities is deemed to be a single organization.

An eligible job training organization is entitled to a refund equal to 10 percent of the sales tax remitted to the DOR during the prior state fiscal year on the organization's sales of goods donated to the organization. The total amount of sales tax refunds issued to eligible job training organizations may not exceed \$2 million in any state fiscal year. Refunds are granted on a first-come, first-served basis.

The organization must use the refund for any of the following purposes:

- Growth in employment hours.¹⁴
- Job training and employment services¹⁵ to low-income persons, individuals who have workplace disadvantages, or individuals with barriers to employment.
- Job training and employment services for veterans.

An organization seeking a refund must first submit an application to the DEO by July 15. The application must establish that the organization meets the eligibility requirements and that the refund will be used exclusively for the purposes listed above and must include any supporting information set forth by the DEO in rule. The DEO is required to verify the application and

¹² The bill creates s. 212.099, F.S.

¹³ "Low-income persons" means "one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater." Section 420.0004(11), F.S.

¹⁴ "Growth in employment hours" is defined by the bill as "the growth in the number of hours worked by employees at the eligible job training organization in the most recently completed state fiscal year compared with the number of hours worked by employees at the job training organization in the state fiscal year immediately prior to the most recently completed state fiscal year."

¹⁵ "Job training and employment services" is defined by the bill as programs and services that improve workers' job readiness, assist them in gaining employment and adapting to the changing labor market, and help them achieve employment success through self-sufficiency.

notify the organization of the DEO's determination within 15 days of receiving a complete application. The bill authorizes the DEO to adopt rules necessary to administer the sales tax refund, including rules for the approval and disapproval of applications by organizations.

For approved applications, the DEO must send the eligible job training organization a notice that includes a certification that the organization is eligible to receive the sales tax refund. This decision of the DEO must be in writing, or in e-mail if agreed to by the organization. The DEO must send a copy of the notice and the certification, if applicable, to the DOR. The DEO's issuance of a certification remains in effect as long as the eligible job training organization remains in compliance with the requirements of the law.

An eligible job training organization that is certified by the DEO must then apply to the DOR between August 1 and August 31 of each year that the organization seeks a refund. The first application for a refund submitted to the DOR must also include a copy of the DEO certification. An application must include any information required by the DOR.

By August 1 of each state fiscal year that an eligible job training organization received a refund, the organization is required to provide a report to the DEO describing the use of the refund. The report must include the following:

- The amount of the refund used to create growth in employment hours;
- The total growth in employment hours;
- The amount of the refund used for job training and employment services;
- The number of individuals who participated in job training and employment services at the eligible job training organization; and
- A statement declaring that the organization continues to meet the necessary requirements to remain eligible for the sales tax refund.

If the DEO determines that a job training organization no longer qualifies for the refund, the DEO must notify the DOR immediately. The DOR is prohibited from issuing a refund after receiving such notification. The bill also provides that the DOR has the authority to audit any refund within 4 years after the date the refund was granted. The overpayment of a refund, or a refund issued to an ineligible job training organization, is subject to repayment and interest at the rate calculated pursuant to s. 213.235, F.S.

The bill takes effect on July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Section 18, Art. VII of the Florida Constitution governs laws that require counties and municipalities to spend funds or that limit their ability to raise revenue or receive state tax revenues. Except upon approval of each house of the Legislature by two-thirds vote of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1,

1989. However, the mandates requirements do not apply to laws having an insignificant impact, which for Fiscal Year 2017-2018 is approximately \$2.05 million or less.^{16,17,18}

The Revenue Estimating Conference estimates the reduction to local government's tax receipts is \$400,000 recurring. Therefore this bill has an insignificant fiscal impact and may not require a two-thirds vote of the membership in each house.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill creates a sales tax refund for eligible job training organizations equal to 10 percent of the sales tax remitted to the DOR on its sales of goods donated to the organization during the prior state fiscal year.

B. Private Sector Impact:

The bill will have a positive impact on eligible job training organizations that receive a sales tax refund.

C. Government Sector Impact:

The Revenue Estimating Conference estimates this bill, beginning in Fiscal Year 2018-2019, will reduce General Revenue Fund receipts by \$1.6 million annually, state trust fund receipts by indeterminate amount annually, and local government revenues by \$400,000 annually.¹⁹

The DEO has stated that any costs related to increased workload to administer the provisions of this bill can be absorbed within existing resources.²⁰

¹⁶ FLA. CONST. art. VII, s. 18(d).

¹⁷ Based on the Demographic Estimating Conference's population estimate adopted on December 5, 2017. The conference packet is available at <http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf>.

¹⁸ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Dec. 19, 2017).

¹⁹ Office of Economic and Demographic Research, Revenue Estimating Conference, *Job Training Organizations: CS/SB 1450*, February 14, 2018.

²⁰ Department of Economic Opportunity, *2018 Agency Legislative Bill Analysis: SB 1450*, February 6, 2018.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 212.099 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 14, 2018:

The committee substitute:

- Removes certification by the DEO as an element of the definition for “eligible job training organization.”
- Clarifies the time frames and the location of employees in the definition of “growth in employment hours.”
- Clarifies that the refund is granted by the DOR.
- Requires an eligible job training organization to submit any required additional materials for the applications to both the DEO and the DOR.
- Clarifies the determination and certification process by the DEO.
- Clarifies that subsequent applications to the DOR for a refund after the first application do not need to include the certification by the DEO.
- Requires the report to the DEO to be made on August 1 following the state fiscal year in which a refund was received by the eligible job training organization.

CS by Commerce and Tourism on January 29, 2018:

The bill is amended to:

- Make references to “eligible job training organizations” rather than “eligible businesses;”
- Remove “capital costs” from the uses of the sales tax refund authorized by the bill; and
- Clarify that the DOR may audit, rather than examine, any sales tax refund granted to an eligible job training organization within 4 years of issuance.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/14/2018	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 212.099, Florida Statutes, is created to read:

212.099 Sales tax refund for eligible job training organizations.—

(1) As used in this section, the term:



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10 (a) "Eligible job training organization" means an
11 organization that:

12 1. Is an exempt organization under s. 501(c)(3) of the
13 Internal Revenue Code of 1986, as amended;

14 2. Provides job training and employment services to low-
15 income persons, as defined in s. 420.0004(11), individuals who
16 have workplace disadvantages, or individuals with barriers to
17 employment; and

18 3. Is accredited by the Commission on Accreditation of
19 Rehabilitation Facilities.

20 (b) "Growth in employment hours" means the growth in the
21 number of hours worked by employees at the eligible job training
22 organization in the most recently completed state fiscal year
23 compared with the number of hours worked by employees at the
24 eligible job training organization in the state fiscal year
25 immediately prior to the most recently completed state fiscal
26 year.

27 (c) "Job training and employment services" means programs
28 and services that are provided to improve job readiness, assist
29 workers in gaining employment and adapting to the changing labor
30 market, and achieve worker success through self-sufficiency.

31 (2) An eligible job training organization is entitled to a
32 refund of 10 percent of the sales tax remitted to the department
33 during the most recently completed state fiscal year on its
34 sales of goods donated to the organization. The organization
35 must reserve the refund exclusively for use in any of the
36 following:

37 (a) Growth in employment hours;

38 (b) Job training and employment services to low-income



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39 persons, as defined in s. 420.0004(11), individuals who have
40 workplace disadvantages, and individuals with barriers to
41 employment; or

42 (c) Job training and employment services for veterans.

43 (3) The total amount of refunds that the department may
44 issue under this section may not exceed \$2 million in any state
45 fiscal year. Refunds must be granted on a first-come, first-
46 served basis.

47 (4) An eligible job training organization seeking a refund
48 under this section must first submit an application to the
49 Department of Economic Opportunity by July 15, which sets forth
50 that the organization meets the requirements under paragraph
51 (1) (a) and that the refund will be used exclusively for the
52 purposes listed in subsection (2). The organization must submit
53 supporting information as prescribed by the Department of
54 Economic Opportunity by rule.

55 (5) (a) The Department of Economic Opportunity must verify
56 the application and notify the organization of its determination
57 within 15 days of receiving a complete application. The decision
58 of the Department of Economic Opportunity must be in writing or,
59 if agreed to by the applicant, electronic mail.

60 (b) If the Department of Economic Opportunity makes a
61 determination to approve the application, then the notice sent
62 to the eligible job training organization must include a
63 certification that the organization is eligible to receive a
64 refund of certain sales and use tax remitted under this chapter.
65 The Department of Economic Opportunity shall transmit a copy of
66 the notice and certification, if applicable, to the department.

67 (c) Upon the Department of Economic Opportunity's issuance



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68 of a certification, such certification remains in effect so long
69 as the eligible job training organization is in compliance with
70 the requirements of this section.

71 (6) An eligible job training organization certified under
72 this section must apply to the department between August 1 and
73 August 31 of each year to receive a refund. The first time that
74 an organization submits an application for a refund to the
75 department the application must be accompanied by a copy of the
76 certification. Subsequent applications by an organization do not
77 need to include the certification. The organization must submit
78 any information required by the department as part of the
79 application for the refund.

80 (7) For purposes of this section, an eligible job training
81 organization comprised of commonly owned and controlled entities
82 is deemed to be a single organization.

83 (8) By August 1 following each state fiscal year in which
84 an eligible job training organization received a refund pursuant
85 to subsection (2), the organization must provide a report to the
86 Department of Economic Opportunity about the use of such funds
87 as required in subsection (2). The report must include at least
88 all of the following:

89 (a) The amount of the refund used to create growth in
90 employment hours.

91 (b) The total growth in employment hours.

92 (c) The amount of the refund used for job training and
93 employment services.

94 (d) The number of individuals who participated in job
95 training and employment services at the eligible job training
96 organization.



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97 (e) A statement declaring that the eligible job training
98 organization continues to meet the requirements of this section.

99 (9) Administration.—

100 (a) The Department of Economic Opportunity may adopt rules
101 to administer this section, including rules for the approval and
102 disapproval of applications.

103 (b) If the Department of Economic Opportunity determines
104 that an eligible job training organization no longer qualifies
105 for the refund under this section, the Department of Economic
106 Opportunity must notify the department immediately. The
107 department may not issue a refund after receiving such
108 notification.

109 (c) Notwithstanding s. 95.091(3)(a)6.b., the department may
110 audit any refund within 4 years after the date of which a refund
111 is granted. The overpayment of a refund or a refund issued to an
112 ineligible organization is subject to repayment and interest at
113 the rate calculated pursuant to s. 213.235.

114 Section 2. This act shall take effect July 1, 2018.

115
116 ===== T I T L E A M E N D M E N T =====

117 And the title is amended as follows:

118 Delete everything before the enacting clause
119 and insert:

120 A bill to be entitled
121 An act relating to a sales tax refund for eligible job
122 training organizations; creating s. 212.099, F.S.;
123 providing definitions; authorizing eligible
124 organizations to receive a refund of a specified
125 amount of certain sales taxes collected if such amount



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126 is used for certain purposes; specifying the annual
127 maximum allowable tax refund for such organizations;
128 providing requirements for receiving the refund;
129 authorizing the Department of Economic Opportunity to
130 certify organizations; authorizing the Department of
131 Revenue to audit, within a certain timeframe, any
132 refund issued; providing the applicable interest rate
133 on overpayments and payments to ineligible
134 organizations; providing that an eligible organization
135 comprised of commonly owned and controlled entities is
136 a single organization; requiring eligible
137 organizations to provide a report to the Department of
138 Economic Opportunity; providing an effective date.

By the Committee on Commerce and Tourism; and Senator Steube

577-02600-18

20181450c1

A bill to be entitled

An act relating to a sales tax refund for eligible job training organizations; creating s. 212.099, F.S.; providing definitions; authorizing eligible organizations to receive a refund of a specified amount of certain sales taxes collected if such amount is used for certain purposes relating to job training and employment services; specifying the annual maximum allowable tax refund for such organizations; providing requirements for receiving the refund; authorizing the Department of Economic Opportunity to certify organizations; authorizing the Department of Revenue to audit, within a certain timeframe, any refund issued; providing the applicable interest rate on overpayments and payments to ineligible organizations; providing that an eligible organization comprised of commonly owned and controlled entities is a single organization; requiring eligible organizations to provide an annual report to the Department of Economic Opportunity; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 212.099, Florida Statutes, is created to read:

212.099 Sales tax refund for eligible job training organizations.-

(1) As used in this section, the term:

(a) "Eligible job training organization" means an

Page 1 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

577-02600-18

20181450c1

organization that:

1. Is an exempt organization under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended;

2. Provides job training and employment services to low-income persons, as defined in s. 420.0004(11), individuals who have workplace disadvantages, or individuals with barriers to employment;

3. Is accredited by the Commission on Accreditation of Rehabilitation Facilities; and

4. Is certified by the Department of Economic Opportunity as meeting the requirements of this section.

(b) "Growth in employment hours" means the annual growth in the number of hours worked by employees in the current year compared with the number of hours worked by employees in the previous year.

(c) "Job training and employment services" means programs and services that are provided to improve job readiness, assist workers in gaining employment and adapting to the changing labor market, and achieve worker success through self-sufficiency.

(2) An eligible job training organization is entitled to a refund of 10 percent of the sales tax remitted to the department during the prior state fiscal year on its sales of goods donated to the organization. The refund must be reserved exclusively for use in any of the following:

(a) Growth in employment hours;

(b) Job training and employment services to low-income persons, as defined in s. 420.0004(11), individuals who have workplace disadvantages, and individuals with barriers to employment; or

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 (c) Job training and employment services for veterans.
 60 (3) The total amount of refunds issued under this section
 61 may not exceed \$2 million in any state fiscal year granted on a
 62 first-come, first-served basis.
 63 (4) An eligible job training organization seeking a refund
 64 under this section must submit an initial application to the
 65 Department of Economic Opportunity by July 15, which sets forth
 66 that the organization meets the requirements under paragraph
 67 (1) (a) and that the refund will be used exclusively for the
 68 purposes listed in subsection (2). The organization may submit
 69 supporting information as prescribed by rule.
 70 (5) The Department of Economic Opportunity must verify the
 71 application and notify the organization of its determination
 72 within 15 days of receiving the application. If the Department
 73 of Economic Opportunity approves the application, it must send
 74 to the eligible job training organization a notice that
 75 indicates its certification to receive a refund of certain sales
 76 and use tax remitted under this chapter. Upon the Department of
 77 Economic Opportunity's issuance of a certification, such
 78 certification remains in effect so long as the eligible job
 79 training organization is in compliance with the requirements of
 80 this section.
 81 (6) An eligible job training organization certified under
 82 this section must apply to the department between August 1 and
 83 August 31 of each year to receive a refund. The first
 84 application for a refund submitted to the department must be
 85 accompanied by a copy of the certification.
 86 (7) For purposes of this section, an eligible job training
 87 organization comprised of commonly owned and controlled entities

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88 is deemed to be a single organization.
 89 (8) By July 15 of each year, an eligible job training
 90 organization must provide a report to the Department of Economic
 91 Opportunity which describes the use of the amount refunded. The
 92 report must include all of the following:
 93 (a) The amount of the refund used to create growth in
 94 employment hours.
 95 (b) The total annual growth in employment hours.
 96 (c) The amount of the refund used for job training and
 97 employment services.
 98 (d) The number of individuals who participated in job
 99 training and employment services at the eligible job training
 100 organization for the fiscal year in which the requested funds
 101 were remitted to the department.
 102 (e) A statement declaring that the eligible job training
 103 organization continues to meet the requirements of this section.
 104 (9) Administration.—
 105 (a) The Department of Economic Opportunity may adopt rules
 106 to administer this section, including rules for the approval and
 107 disapproval of applications.
 108 (b) The decision of the Department of Economic Opportunity
 109 must be in writing or, if agreed to by the applicant, electronic
 110 mail. Upon approval, the Department of Economic Opportunity
 111 shall transmit a copy of the decision to the department.
 112 (c) If the Department of Economic Opportunity determines
 113 that an eligible job training organization no longer qualifies
 114 for the refund under this section, the Department of Economic
 115 Opportunity must notify the department immediately. The
 116 department may not issue a refund after receiving such

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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20181450c1

117 notification.

118 (d) Notwithstanding s. 95.091(3)(a)6.b., the department may
119 audit any refund within 4 years after the date of which a refund
120 is granted. The overpayment of a refund or a refund issued to an
121 ineligible organization is subject to repayment and interest at
122 the rate calculated pursuant to s. 213.235.

123 Section 2. This act shall take effect July 1, 2018.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Judiciary, *Chair*
Banking and Insurance, *Vice Chair*
Agriculture
Appropriations Subcommittee on Finance and Tax
Appropriations Subcommittee on Pre-K - 12 Education
Children, Families, and Elder Affairs
Regulated Industries

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR GREG STEUBE

23rd District

January 29, 2018

The Honorable Wilton Simpson
Florida Senate
330 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Simpson,

I am writing this letter because my bill, SB 1450 - Sales Tax Refund for Eligible Job Training Organizations, has been referred to the Senate Appropriations Subcommittee on Transportation and, Tourism, and Economic Development. This bill has passed the first committee of reference. I am respectfully requesting that you place the bill on your committee's calendar for the next committee week.

Thank you for your consideration. Please contact me if you have any questions.

Very respectfully yours,

A handwritten signature in blue ink, appearing to read "W. Steube".

W. Gregory Steube, District 23

REPLY TO:

- 6230 University Parkway, Suite 202, Sarasota, Florida 34240 (941) 342-9162
- 326 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

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: PCS/SB 1884 (259984)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Senator Broxson

SUBJECT: Military and Veterans Affairs

DATE: February 16, 2018 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ryon</u>	<u>Ryon</u>	<u>MS</u>	Favorable
2.	<u>Hrdlicka</u>	<u>Hrdlicka</u>	<u>ATD</u>	Recommend: Fav/CS
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 1884 eases professional licensing fees and requirements for certain military members, veterans, and their spouses, including:

- For boards of examiners or other qualification boards regulated under general law, permitting a servicemember within 6 months after his or her release from active duty to request that the board accept periods of training and practical experience in the Florida National Guard or the U.S. Armed Forces Reserves in place of the interrupted or delayed periods of training, study, apprenticeship, or practical experience, if the board finds the work or training to be substantially the same as the standard and type required under Florida law.
- For the Department of Health (DOH) professional licensees, granting current DOH fee waivers for dentists and providing an affirmative defense in certain unlicensed activity actions.
- For the Department of Business and Professional Regulation professional licensees, expanding license renewal fee waivers.
- For the Department of Agriculture and Consumer Services professional licensees, expanding current initial licensing fee waivers and creating renewal fee waivers.
- For the Office of Financial Regulation mortgage loan originators licensees and associated persons registrants, creating an initial licensing/registration and renewal fee waiver.
- For the Department of Financial Services professional licensees, expanding initial licensure fee waivers.

- For the Department of Financial Services firefighter certificates, extends renewal periods and provides for waiver of all living and incidental expenses, excluding expenses for meal plans and bunker gear rentals, associated with attending the Florida State Fire College to obtain a Certificate of Compliance or a Firesafety Inspector I certification.
- For the Department of Education (DOE) licensees, creating certain initial fee waivers, granting a temporary certificate in education, and establishing a pathway for veteran officers for certification as school principals.

The bill allows members of the Veterans Florida board of directors to serve two four-year terms and makes changes to Veterans Florida's training grant program and entrepreneurship program.

The bill specifies that laws and rules regulating apprenticeships and approved apprenticeship agreements do not invalidate any special provisions for veterans, minority persons, or women concerning apprenticeship programs, and requires the DOE to lead and coordinate outreach efforts to educate veterans about apprenticeship and career opportunities.

The bill allows Junior Reserve Officer Training instructors to participate in the Florida Teachers Classroom Supply Assistance Program.

The bill gives students who are children of an active duty member who is not stationed in this state, but whose home of record or state of legal residence is Florida, priority for attendance in the Florida Virtual School.

Lastly, the bill designates March 25 every year as "Medal of Honor Day" and allows classroom instruction related to the values of the recipients of the Congressional Medal of Honor to meet certain instructional requirements on character development and the contributions of veterans to our country.

The fiscal impact to state revenues and expenditures is indeterminate because it is unknown how many individuals will take advantage of the provisions of the bill. For the Department of Business and Professional Regulation, the Department of Financial Services (including the State Fire Marshal), and the Department of Education the impacts of the bill are indeterminate. The Department of Health only stated that it would incur costs to update its rules, but those could be absorbed within existing resources. The Department of Agriculture and Consumer Services expects reductions of \$206,568 in Fiscal Year 2018-2019, \$216,896 in Fiscal Year 2019-2020, and \$227,741 in Fiscal Year 2020-2021. The Office of Financial Regulation expects a reduction of \$412,030 annually.

The bill takes effect July 1, 2018.

II. Present Situation:

For ease of reference, the Present Situation for each section of the bill is addressed in the Effect of Proposed Changes portion of this bill analysis.

III. Effect of Proposed Changes:

Licensure Interruption for Active Duty Military Personnel

Present Situation:

There is no broad mandate that applies to all professional licenses that requires relevant military experience gained during a period of active duty service in the Florida National Guard or U.S. Armed Forces Reserves that interrupted an applicant's period of training for a professional license to be considered during a licensure determination.

Some individual practice acts, such as the construction contracting practice act, require the licensing entity to consider such experience for licensure requirements.¹

Effect of Proposed Changes:

Section 1 creates s. 250.483, F.S., to require boards of examiners or other qualification boards regulated under general law to accept periods of training and practical experience in the Florida National Guard or the U.S. Armed Forces Reserves in place of the interrupted or delayed periods of training, study, apprenticeship, or practical experience if the board finds the standard and type of work or training performed in the Florida National Guard or the U.S. Armed Forces Reserves to be substantially the same as the standard and type required under Florida law. To be eligible for the above process, a servicemember must request the application of these provisions within 6 months after his or her release from active duty with the Florida National Guard or the U.S. Armed Forces.

Veterans Florida

Present Situation

Veterans Florida² is a non-profit corporation established within the Florida Department of Veterans' Affairs to promote Florida as a veteran-friendly state, encourage retired and recently separated military personnel to keep or make Florida their permanent residence, help equip veterans for employment opportunities, and promote the hiring of veterans.³

Veterans Florida is governed by a nine-member board of directors. The Governor, the President of the Senate, and the Speaker of the House of Representatives each appoint three members to the board. In making appointments, the Governor, the President of the Senate, and the Speaker of the House of Representatives must consider representation of military-related persons.⁴ Each member of the board is appointed for a term of 4 years. Currently, a member is ineligible for reappointment to the board except that a member appointed to a term of 2 years or less may be reappointed for an additional term of 4 years.⁵

¹ Section 489.1131, F.S.

² In 2015, the Florida is For Veterans, Inc., Board of Directors approved the fictitious name "Veterans Florida."

³ Section 295.21, F.S.

⁴ Section 295.21(4)(a), F.S.

⁵ Section 295.21(4)(c), F.S.

Veterans Florida is responsible for administering the Veterans Employment and Training Services (VETS) program, a program established by the Legislature to help veterans meet their professional goals and receive the training or education necessary to meet those goals.⁶ The VETS program consists of two main components – a grant program for businesses to train veterans to meet a business’s workforce-skill needs and a veteran-specific entrepreneurship initiative program.

Veterans Training Grant Program

Veterans Florida’s training grant program provides funding for specialized training specific to a particular business seeking to hire veterans.⁷ Grant funds may be allocated to any training provider selected by the business, including a career center, a Florida College System institution, a state university, or an in-house training provider of the business. If grant funds are used to provide a technical certificate, licensure, or degree, funds may be allocated only upon a review that includes documentation of accreditation and licensure. Instruction funded through the program terminates when participants demonstrate competence at the level specified in the request, but may not exceed 48 months.⁸

Grants are limited to \$8,000 per veteran trainee. Eligible costs and expenditures include:⁹

- Tuition and fees;
- Curriculum development;
- Books and classroom materials;
- Rental fees for facilities at public colleges and universities, including virtual training labs; and
- Overhead or indirect costs not to exceed 5 percent of the grant amount.

Before funds are allocated for a grant, Veterans Florida must prepare a grant agreement that, at a minimum, includes:¹⁰

- Identification of the personnel necessary to conduct the instructional program and certain related information;
- Identification of the match provided by the business equal to at least 50 percent of the total grant amount (including cash or in-kind contribution);
- Identification of the estimated duration of the instructional program;
- Identification of all direct, training-related costs;
- Identification of special program requirements; and
- Permission to access aggregate information specific to the wages and performance of participants upon the completion of instruction for evaluation purposes.

⁶ Section 295.22, F.S.

⁷ Section 295.22(3)(d), F.S.

⁸ Section. 295.22(3)(d)1., F.S.

⁹ Section 295.22(3)(d)2., F.S.

¹⁰ Section 295.22(3)(d)3., F.S.

Veterans Entrepreneurship Initiative Program

Veterans Florida's entrepreneur initiative program seeks to connect business leaders in the state with veterans seeking to become entrepreneurs.¹¹ Veterans Florida is required to contract with one more public or private universities to administer the program. An eligible university must:

- Demonstrate the ability to implement the program and the commitment of university resources, including financial resources, to such programs;
- Have a military and veteran resource center;
- Have a regional small business development center in the Florida Small Business Development Center Network; and
- Have been nationally recognized for commitment to the military and veterans.

Each university participant must provide performance metrics, including a focus on employment and business creation, and must coordinate with any entrepreneurship center located at the university. The entrepreneurship program may include activities and assistance such as peer-to-peer learning sessions, mentoring, technical assistance, business roundtables, networking opportunities, support of student organizations, speaker series, or other tools within a virtual environment.¹²

Effect of Proposed Changes

Section 2 amends s. 295.21, F.S., to allow a member of the Veterans Florida board of directors to be reappointed to the board and serve two terms of four years.

Section 3 amends s. 295.22, F.S., to alter the requirements of Veterans Florida's training grant program and entrepreneur initiative program.

Pertaining to the training grant program, the bill specifies that the program is for businesses seeking to hire, *promote, or generally improve specialized skills of* veterans. Instead of providing grant funds directly to a training provider selected by the business, the bill requires a business receiving a grant to train a permanent, full-time employee to cover the entire cost of training before receiving a 50 percent reimbursement of the training costs. The bill makes conforming amendments to the statute related to this change, including requiring a business to describe the instructional program and any related vendors to be used in training in their contract with Veterans Florida; and removing curriculum and overhead costs from eligibility for reimbursement. The bill further amends the training grant program to reduce the maximum time the training program may last from 48 to 12 months.

Pertaining to the entrepreneurship initiative program, the bill expands the program to allow Veterans Florida to contract not only with universities, but with any entity that meets the specified requirements to administer an entrepreneurship program. The bill makes conforming amendments to the statute related to this change, including requiring an administering entity to have demonstrated experience working with veteran entrepreneurs and be recognized for its ability to help Florida entrepreneurs launch successful businesses.

¹¹ Section 295.22(3)(e), F.S.

¹² Section 295.22(3)2., F.S.

Department of Business and Professional Regulation

Present Situation:

The Department of Business and Professional Regulation (DBPR), through several divisions, regulates and licenses various businesses and professionals in Florida.¹³

The DBPR has authority over the following professional boards and programs:

- Board of Architecture and Interior Design;
- Board of Auctioneers;
- Barbers' Board;
- Building Code Administrators and Inspectors Board;
- Construction Industry Licensing Board;
- Board of Cosmetology;
- Electrical Contractors' Licensing Board;
- Board of Employee Leasing Companies;
- Board of Landscape Architecture;
- Board of Pilot Commissioners;
- Board of Professional Geologists;
- Board of Veterinary Medicine;
- Home inspection services licensing program;
- Mold-related services licensing program;
- Florida Board of Professional Engineers;
- Board of Accountancy;
- Florida Real Estate Commission; and
- Florida Real Estate Appraisal Board.¹⁴

The DBPR licenses and regulates each of the above professions in accordance with that profession's practice act. Generally, to act as a regulated professional, a person must hold an appropriate license. Applicants for licensure for each profession must meet specific statutory requirements, including education and/or experience requirements, and must pay all applicable licensing and application fees.¹⁵ A licensee who wishes to renew his or her license must pay a license renewal fee¹⁶ and may be subject to continuing education requirements¹⁷ and other conditions in the various practice acts.

Fee Waivers for Military Members and Certain Spouses

Currently, the initial licensing fee is waived for any of the professional licenses listed above if the applicant is:

- A member, including a veteran, of the U.S. Armed Forces who has served on active duty;

¹³ Section 20.165, F.S.

¹⁴ *Id.*

¹⁵ Section 455.201, F.S.

¹⁶ Section 455.203, F.S.

¹⁷ Section 455.2123, F.S.

- The spouse of a member of the U.S. Armed Forces who was married to the member during a period of active duty;
- The surviving spouse of a member of the U.S. Armed Forces who at the time of death was serving on active duty;¹⁸
- Any honorably discharged military veteran for 60 months post discharge; or
- A spouse of such a veteran for 60 months post discharge.¹⁹

Military servicemembers who hold a DBPR professional license prior to active duty service will be kept in “good standing” for the duration of the member’s active duty and for two years afterward. Keeping the license in “good standing” means that the member does not have to register, pay dues or fees, or perform any other act to prevent his or her license from becoming delinquent. Currently, this allowance only applies as long as the member does not practice his or her profession in the private sector for profit during his or her active duty and for two years thereafter.²⁰

An active duty member’s spouse or surviving spouse who holds a DBPR license will also have his or her license kept in good standing, but only if he or she is absent from the state related to the member’s active duty service. This allowance terminates at the end of the member’s active duty service. A spouse is not required to refrain from practicing his or her profession in the private sector for profit in order to keep his or her license in good standing.²¹

Currently, renewal fee waivers do not apply to DBPR-licensed spouses or surviving spouses of active duty members who are present in Florida.

Effect of Proposed Changes:

Section 6 amends s. 455.02, F.S., to grant a license renewal fee waiver to a DBPR licensee who is:

- An active duty military servicemember, during active duty service and for the 2 years following active duty discharge, regardless if he or she is engaged in his or her DBPR licensed profession in the private sector for profit in this state. Such member must complete all other license renewal requirements if he or she is actively engaged in the profession.
- The spouse of an active duty military servicemember who is present in this state because of such member’s active duty; and
- A surviving spouse of a military servicemember, if such member was serving on active duty at the time of death and died within the 2 years preceding the surviving spouse's renewal due date.

¹⁸ Section 455.219(7)(a), F.S.

¹⁹ Section 455.213(12), F.S.

²⁰ Section 455.02(1), F.S.

²¹ Section 455.02(2), F.S.

Department of Health

Present Situation:

Licensure of Health Care Practitioners

The Division of Medical Quality Assurance (MQA) within the Department of Health (DOH) has general regulatory authority over health care practitioners in Florida.²² The MQA works in conjunction with 22 boards and four councils to license and regulate seven types of health care facilities and more than 200 licenses in over 40 health care professions.²³ Each profession is regulated by an individual practice act and by ch. 456, F.S., which provides general regulatory and licensure authority for the MQA.

Military Spouses

Florida offers expedited licensing and fee waivers to the spouse of a person serving on active duty²⁴ with the U.S. Armed Forces²⁵ who holds an active license to practice a health care profession in another state or jurisdiction.²⁶ To qualify for expedited licensure and fee waivers, the military spouse must:²⁷

- Submit a complete application;²⁸
- Submit evidence of training or experience substantially equivalent to the requirements for licensure in this state for that health care profession and evidence that he or she has obtained a passing score on an appropriate licensing examination, if required for licensure in this state;
- Attest that he or she is not, at the time of application, the subject of a disciplinary proceeding in a jurisdiction in which he or she holds a license or by the U.S. Department of Defense for a reason related to the practice of the profession for which he or she is applying;
- Have actively practiced the profession for which he or she is applying for the 3 years preceding the date of application; and
- Submits to a background screening, if required for the profession for which he or she is applying, and does not have any disqualifying offenses.

Under current law, military spouses who are dentists are not eligible for expedited licensing and fee waivers. No other health care profession is excluded.

²² Pursuant to s. 456.001(4), F.S., health care practitioners are defined to include acupuncturists, physicians, physician assistants, chiropractors, podiatrists, naturopaths, dentists, dental hygienists, optometrists, nurses, nursing assistants, pharmacists, midwives, speech language pathologists, nursing home administrators, occupational therapists, respiratory therapists, dietitians, athletic trainers, orthotists, prosthetists, electrologists, massage therapists, clinical laboratory personnel, medical physicists, dispensers of optical devices or hearing aids, physical therapists, psychologists, social workers, counselors, and psychotherapists, among others.

²³ Florida Department of Health, Division of Medical Quality Assurance, *Annual Report and Long-Range Plan, Fiscal Year 2016-2017*, 3, available at <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1617.pdf> (last visited Feb. 9, 2018).

²⁴ Full-time duty in the active military service of the United States. 10 U.S.C. 101(d)(1).

²⁵ Includes the United States Army, Navy, Air Force, Marine Corps, and Coast Guard. 10 U.S.C. 101(a)(4).

²⁶ Section 456.024(3), F.S. The application fee, licensure fee, and unlicensed activity fee is waived for such applicants.

²⁷ Section 456.024(3)(b), F.S.

²⁸ DOH operates the Veterans Application for Licensure Online Response System (VALOR) to provide expedited licensing for active duty military members, honorably discharged veterans, and spouses of active duty military members with an active license in another state. See the DOH website, available at <http://www.flhealthsource.gov/valor> (last visited Jan. 31, 2018).

The regulatory boards (or the DOH if there is no board) are also authorized to issue a temporary license to the spouse of a member of the U.S. Armed Forces to practice his or her health care profession in Florida.²⁹ A temporary license is valid for one year and is not renewable.³⁰ To be eligible for a temporary license, a military spouse must:³¹

- Submit a completed application and application fee;³²
- Provide proof that he or she is married to a member of the U.S. Armed Forces serving on active duty in this state pursuant to official military orders;
- Provide proof of a valid license from another state or jurisdiction to practice the health profession for which he or she is applying and that such license is not subject to any disciplinary proceeding;
- Provide proof that he or she would otherwise be entitled to full licensure and is eligible to take the respective licensure examination as required in this state; and
- Pass a criminal background screening.

A military spouse who holds a temporary license to practice dentistry must practice under the indirect supervision³³ of a dentist who holds an active license to practice in this state.³⁴ This requirement does not apply to any other profession.

Unlicensed Practice of a Health Care Profession

Florida law prohibits an individual from practicing a regulated health care profession without a license. An individual must meet minimum education and training requirements to become licensed and practice a health care profession.³⁵ Licensure is available by examination or, in many instances, by endorsement if the practitioner is licensed in another jurisdiction.

An individual practicing, attempting to practice or offering to practice, a health care profession without an active, valid Florida license is subject to criminal, administrative, and civil penalties.³⁶ The DOH may issue a cease and desist letter to such a person and impose, by citation, an administrative penalty of up to \$5,000 per offense.³⁷ DOH may also seek a civil penalty of up to \$5,000 for each offense through the circuit court, in addition to or in lieu of the administrative penalty.³⁸

Each state enacts laws to determine who may engage in a particular profession within that state, including minimum requirements for practicing an occupation, as well as whether a license is required. Similarly, some activities may be regulated under one profession on one state in a different profession in another state. An individual licensed in another state who moves to

²⁹ Section 456.024(4), F.S.

³⁰ Section 456.024(4)(f), F.S.

³¹ Section 456.024(4)(a)-(d), F.S.

³² Pursuant to Rule 64B-4.007, F.A.C., the application fee is \$65.

³³ Section 466.003(9), F.S., defines indirect supervision as supervision whereby a Florida-licensed dentist authorizes the procedure and a Florida-licensed dentist is on the premises while the procedures are performed.

³⁴ Section 456.024(4)(j), F.S.

³⁵ Section 456.065(1), F.S.

³⁶ Section 456.065, F.S.

³⁷ Section 456.065, F.S. Each day that the unlicensed practice continues after issuance of a notice to cease and desist constitutes a separate offense.

³⁸ Section 456.065(2)(c), F.S.

Florida may find that the activities they legally engaged in under a license in that other state is governed by a different professional license in Florida and continuing to engage in the activity in Florida would constitute unlicensed practice.

Effect of Proposed Changes:

Section 7 amends s. 456.024, F.S., to expand the expedited licensure application process to include the spouse of an active duty military member who holds an active license to practice dentistry in another state or jurisdiction and waives the application, licensure, and unlicensed activity fees.

The bill also repeals a provision that requires the spouse of a member of the U.S. Armed Forces serving on active duty in this state who holds a temporary license to practice dentistry to practice under the supervision of a Florida-licensed dentist.

These provisions allow dentistry to be treated in the same manner as all other health professions for which a military spouse may pursue licensure in this state.

The bill also creates an affirmative defense to administrative, civil, and criminal causes of action for the unlicensed practice of a health care profession. The affirmative defense is available to a spouse of an individual serving on active duty with the U.S. Armed Forces if:

- The spouse is licensed in another state or jurisdiction to provide health care services for which there is no equivalent in this state;
- The spouse is providing health care services within the scope of the out-of-state license; and
- The training or experience required for the out-of-state license is substantially similar to the licensure requirements for a similar health care profession in this state.

A person who successfully claims this affirmative defense would not be subject to any of the administrative, civil, and criminal penalties that exist for the unlicensed practice of a health profession.

Department of Agriculture and Consumer Services

Present Situation

In addition to regulating agriculture in Florida, the Department of Agriculture and Consumer Services (DACS) also protects consumers from unfair and deceptive business practices and provides consumer information.³⁹

DACS achieves this, in part, through licensing and registering various professionals, including:

- Professional Surveyors and Mappers (ch. 472, F.S.);
- Private Investigative, Private Security, and Repossession Services (ch. 493, F.S.);
- Health Studios (ch. 501, pt. I, F.S.);
- Telemarketing Services (ch. 501, pt. IV, F.S.);
- Intrastate Movers and Brokers (ch. 507, F.S.);
- Sellers of Liquefied Petroleum Gas (ch. 527, F.S.);

³⁹ Section 20.14(2), F.S.

- Pawnbroking (ch. 539, F.S.);
- Motor Vehicle Repair Shops (ch. 559, pt. IX, F.S.); and
- Sellers of Travel (ch. 559, pt. XI, F.S.).

DACS licenses and regulates each of the above professionals in accordance with that profession's practice act. Generally, applicants must meet specific statutory requirements and must pay all applicable fees.

Initial Application Fee Waivers

Currently, initial applicants for the abovementioned licenses and registrations receive an application fee waiver if the applicant is:

- An honorably discharged veteran who was discharged within 60 months of the application date;
- The spouse of such a veteran; or
- A business entity that is majority owned by such a veteran or spouse.⁴⁰

Applicants seeking this fee waiver must provide DACS with specific documentation proving appropriate military service, marriage, and/or business ownership.

Licensure Renewal Fee Waivers

Generally, active duty military servicemembers and their spouses and surviving spouses do not receive renewal fee allowances or waivers for the DACS professional licenses or registrations listed above. However, there are allowances made for such members and spouses who are licensed under the Board of Professional Surveyors and Mappers (BPSM).

Military servicemembers who hold a license from the BPSM prior to active duty service are kept in "good standing" for the duration of the member's active duty and for six months afterward. Keeping the license in "good standing" means that the member does not have to register, pay dues or fees, or perform any other act to prevent the license from becoming delinquent. This allowance only applies as long as the member does not practice as a surveyor or mapper in the private sector for profit during his or her active duty and for two years thereafter.⁴¹

An active duty member's spouse who holds a license from BPSM will also have his or her license kept in good standing, but only if he or she is absent from the state related to the member's active duty service. This allowance terminates at the end of the member's active duty service. A spouse is not required to refrain from practicing surveying and mapping in order to keep his or her license in good standing.⁴²

Currently, renewal fee waivers do not apply to BPSM-licensed spouses of active duty members who are present in Florida or for any surviving spouses of such members.

⁴⁰ Section 472.015, 493.6105, 501.015, 501.605, 501.607, 507.03, 527.02, 539.001, 559.904, and 559.928, F.S.

⁴¹ Section 472.016(1), F.S.

⁴² Section 472.016(2), F.S.

Effect of Proposed Changes:

Sections 8, 10, 11, 30-32, 34, 36-39 amend ss. 472.015, 493.6105, 493.6107, 501.015, 501.605, 501.607, 507.03, 527.02, 539.001, 559.904, and 559.928, F.S., respectively, to expand the initial licensing or registration fee waiver for all of the abovementioned DACS professions to:

- A surviving spouse of an honorably discharged veteran,
- A current member of the U.S. Armed Forces who has served on active duty,
- The spouse of such a member, and
- The surviving spouse of such a member if the member dies while serving on active duty.

Sections 9, 12, 30, 33, 34, 36-39 amend ss. 472.016, 493.6113, 501.015, 501.609, 507.03, 527.02, 539.001, 559.904, and 559.928, F.S., respectively, to grant a renewal fee waiver for all of the abovementioned DACS professions to the following licensees or registrants:

- A current active duty member of the U.S. Armed Forces;
- Such a member's spouse;
- A current or former member of the U.S. Armed Forces who served on active duty within the 2 years preceding the renewal due date. A licensee who served on active duty within the 2 years preceding the renewal due date and is no longer a member of the U.S. Armed Forces must have received an honorable discharge upon separation or discharge; and
- A surviving spouse of a member of the U.S. Armed Forces if such a member was serving on active duty at the time of death and died within the 2 years preceding the surviving spouse's renewal due date.

In **Section 9**, amending s. 472.016, F.S., the bill also refines the process for renewal fee waivers for BPSM licensees by:

- Extending the time that an active duty member's BPSM license remains in good standing after discharge from active duty from six months to 2 years; and
- Clarifying that if an active duty U.S. Armed Forces member wishes to engage in surveying or mapping in the private sector for profit in this state for the 2 years following active duty discharge, such member must complete all other license renewal requirements except remitting the license renewal fee.

In addition, the bill mandates that those seeking such initial or renewal fee waivers must apply in a format prescribed by the DACS, including the applicant's signature, under penalty of perjury, and supporting documentation.

The bill removes the initial fee waiver time limitations.

Office of Financial Regulation***Present Situation:***

The Florida Office of Financial Regulation (OFR) regulates banks, credit unions, other financial institutions, finance companies, and the securities industry.⁴³

⁴³ Section 20.121(3)(a)2., F.S.

Mortgage Loan Originators and Brokers

Under ch. 494, F.S., the OFR licenses and regulates the following individuals and businesses engaged in the mortgage business outside of a depository financial institution:

- Loan originator⁴⁴ – An individual who, directly or indirectly, solicits or offers to solicit a mortgage loan, accepts or offers to accept an application for a mortgage loan, negotiates or offers to negotiate the terms or conditions of a new or existing mortgage loan on behalf of a borrower or lender, or negotiates or offers to negotiate the sale of an existing mortgage loan to a noninstitutional investor for compensation or gain.
- Mortgage broker⁴⁵ – A person conducting loan originator activities through one or more licensed loan originators employed by the mortgage broker or as independent contractors to the mortgage broker.
- Mortgage lender⁴⁶ – A person making a mortgage loan or servicing a mortgage loan for others, or, for compensation or gain, directly or indirectly, selling or offering to sell a mortgage loan to a noninstitutional investor. A mortgage lender may act as a mortgage broker.⁴⁷

In order to obtain licensure as a mortgage loan originator under ch. 494, F.S., an individual must meet certain requirements, including paying a nonrefundable application fee of \$195 plus a \$20 nonrefundable fee for the Mortgage Guaranty Trust Fund.⁴⁸

A mortgage loan originator license must be renewed annually by December 31.⁴⁹ As part of renewing such license, an individual must submit a renewal form and a nonrefundable renewal fee of \$150 plus a \$20 nonrefundable fee for the Mortgage Guaranty Trust Fund.⁵⁰

Associated Persons

In ch. 517, the OFR regulates the offer and sale of securities in, to, or from Florida by firms, branch offices, and individuals affiliated with these firms. “Associated persons” are required to be registered with the OFR to sell or offer to sell any securities in or from offices in this state, or to sell securities to persons in this state from offices outside this state.⁵¹ Associated persons include:⁵²

- With respect to a dealer or investment adviser, any of the following:
 - Any partner, officer, director, or branch manager of a dealer or investment adviser or any person occupying a similar status or performing similar functions.
 - Any natural person directly or indirectly controlling or controlled by such dealer or investment adviser, other than an employee whose function is only clerical or ministerial.

⁴⁴ Section 494.001(17), F.S.

⁴⁵ Section 494.001(22), F.S.

⁴⁶ Section 494.001(23), F.S.

⁴⁷ Section 494.0073, F.S.

⁴⁸ Section 494.00312, F.S.

⁴⁹ Sections 494.00312(7) and 494.00313(3), F.S.

⁵⁰ Section 494.00313(1)(a) and (b), F.S.

⁵¹ Section 517.12(1), F.S.

⁵² Section 517.021(2)(a), F.S.

- Any natural person, other than a dealer, employed, appointed, or authorized by a dealer, investment adviser, or issuer to sell securities in any manner or act as an investment adviser.
- With respect to a federal covered adviser, any person who is an investment adviser representative and who has a place of business in this state.

In order to register as an associated person of a securities dealer or an investment adviser, an individual must meet certain requirements, including paying an assessment fee of \$50.⁵³

The registration of an associated person expires December 31 of the year the registration became effective unless the registrant has renewed his or her registration on or before that date. A registration renewal is subject to a \$50 assessment fee.⁵⁴

Effect of Proposed Changes:

Sections 13 and 35 amend ss. 494.00312 and 517.12, F.S., respectively, to require the OFR to waive the \$195 initial application fee and \$20 fee for the Mortgage Guaranty Trust Fund for a mortgage loan originator and the \$50 associated person initial assessment fee for an applicant who:

- Is or was an active duty member of the U.S. Armed Forces. A former servicemember must have received an honorable discharge upon separation or discharge from the military.
- Is married to a current or former member of the U.S. Armed Forces and is or was married to the member during any period of active duty.
- Is the surviving spouse of a member of the U.S. Armed Forces if the member was serving on active duty at the time of death.

Sections 14 and 35 amend 494.00313 and 517.12, F.S., respectively, to require the OFR to waive the \$150 renewal fee and \$20 fee for the Mortgage Guaranty Trust Fund for a mortgage loan originator and the \$50 assessment fee for an associated person renewing his or her registration who:

- Is an active duty member of the U.S. Armed Forces or the spouse of such member.
- Is or was a member of the U.S. Armed Forces and served on active duty within the 2 years preceding the expiration date of the license. A former servicemember who served on active duty within the 2 years preceding the expiration date of the license/registration must have received an honorable discharge upon separation or discharge from the military.
- Is the surviving spouse of a member of the U.S. Armed Forces if the member was serving on active duty at the time of death and died within the 2 years preceding the surviving spouse's license/registration expiration date.

An individual seeking such fee waiver must submit proof, in a form prescribed by rule of the Financial Services Commission, that the individual meets one of the above fee waiver qualifications.

⁵³ Section 517.12(10), F.S.

⁵⁴ Section 517.12(11), F.S.

Department of Financial Services

Present Situation:

The Department of Financial Services (DFS) is the state agency responsible for regulation and licensure of professions related to insurance, fire safety, and funeral and cemetery services.⁵⁵ There are a number of allowances in statute for veterans and their spouses regarding many types of insurance licenses, but not for licenses for bail bonds, fire safety, and funeral and cemetery services.

The existing allowances administered by DFS are:

- Waiver of application fees⁵⁶ – Application fees are waived for applicants seeking licensure as an agent, customer representative, adjuster, service representative, managing general agent, or reinsurance intermediary for military members and their spouses and recent military retirees (within 24 months of retirement).
- Temporary licensure⁵⁷ – A temporary general lines agent license may be issued to an employee, a family member, a business associate, or a personal representative of a licensed general lines agent for the purpose of continuing or winding up the business affairs of the agent or agency in the event the licensed agent has become unable to perform his or her duties because of military service.
- Exception to additional license examination requirement⁵⁸ – Reexamination of the agent is required if they have not received an appointment within 48 months of licensure. The DFS may waive this requirement if the circumstance is due to military service (limited to circumstances where the veteran’s service did not exceed 3 years and the exception does not apply if 6 years have passed from his or her licensure date).
- Relief from continuing education requirements⁵⁹ – Licensees who are unable to comply with the continuing education requirements due to active duty in the military may submit a written request for a waiver to the DFS.
- Licensing and appointment of a non-resident⁶⁰ – A natural person, not a resident of this state, may be licensed and appointed to represent an authorized life insurer domiciled in this state or an authorized foreign life insurer which maintains a regional home office in this state, provided such person represents such insurer exclusively at a U.S. military installation located in a foreign country.
- Reappointment after military service⁶¹ – The DFS may, without requiring a further written examination, issue an appointment as an adjuster to a formerly licensed and appointed adjuster of this state who held a current adjuster’s appointment at the time of entering service in the U.S. Armed Forces, subject to certain conditions (limited to circumstances where the veteran’s service did not exceed 3 years, the application and fee is filed within 12 months of honorable discharge, and the new appointment is of the same type and class).

⁵⁵ Chapters 497 (funeral and cemetery), 626 (insurance), 633 (fire), and 648 (bail bonds), F.S.

⁵⁶ Section 626.171(6), F.S.

⁵⁷ Section 626.175(1)(b) and 626.9271(1), F.S.

⁵⁸ Section 626.181(2) and 626.8427(1)(b), F.S.

⁵⁹ Section 626.2815(2), F.S.

⁶⁰ Section 626.322, F.S.

⁶¹ Section 626.871, F.S.

Effect of Proposed Changes:**Funeral and Cemetery Services**

Sections 15-24 and 26-29 amend ss. 497.140, 497.141, 497.281, 497.368, 497.369, 497.370, 497.371, 497.373, 497.374, 497.375, 497.453, 497.466, 497.554, and 497.602, F.S., respectively, to waive initial application fees,⁶² provisional licensing fees, and temporary licensing fees, where applicable, including the \$5 per license special unlicensed activity fee paid with each license,⁶³ for members of the U.S. Armed Forces and their spouses and honorably discharged veterans (within 24 months of discharge) for licensure as:

- Embalmer, including Temporary Embalmer, Embalmer Intern, and Embalmer Apprentice;
- Funeral Director, including Temporary Funeral Director and Funeral Director Intern;
- Preneed Sales, including Preneed Sales Agent;
- Burial Rights Broker;
- Direct Disposer; and
- Monument Establishment Sales Agent.

Section 25 creates s. 497.393, F.S., and **Section 29** amends s. 497.602, F.S., to require the Board of Funeral, Cemetery, and Consumer Services or the DFS Division of Funeral, Cemetery, and Consumer Services to recognize applicable military-issued credentials for purposes of licensure as an embalmer or funeral director or as a direct disposer.⁶⁴ The applicant must submit a certification that the military-issued credential reflects knowledge, training, and experience substantially similar to the licensing requirements. The board or the division may investigate such information. The board or the division must adopt rules specifying the forms and procedures for use by applicants under these sections.

Insurance

Section 40 amends s. 626.171, F.S., to expand the application fee waiver for insurance profession licenses to include veterans who have “separated” from the military within 2 years before application. Currently, the waiver applies to veterans who “retired” within 2 years. The change will allow veterans who have less than 20 years of military service to receive the allowance.

Sections 41-45 amend ss. 626.732, 626.7851, 626.8311, 626.8417, 626.927, F.S., respectively, to eliminate pre-licensure course requirements for insurance profession licenses for honorably discharged veterans and their spouses.⁶⁵

⁶² Chapter 497, F.S., limits the amount of application fees. Such fees shall not exceed: \$200 for an embalmer, temporary embalmer, embalmer intern, embalmer apprentice, funeral director, temporary funeral director, funeral director intern, monument establishment sales agent; \$500 for a preneed sales and direct disposer; \$300 for a preneed sales agent; and \$250 for a burial rights broker.

⁶³ The fee is \$5 per license. s. 497.140, F.S.

⁶⁴ Military Occupational Code 92M, Mortuary Affairs Specialist, within the U.S. Army Quartermaster Corps, describes the following functions: performs or supervises duties relating to deceased personnel to include recovery, collection, evacuation, establishment of tentative identification, escort, and temporary burial. They also inventory, safeguard, and evacuate personal effects of deceased personnel. Army.com, *Military Occupational Specialties (MOS)*, available at <http://army.com/info/mos/all> (last visited Feb. 9, 2018).

⁶⁵ Honorably discharged veterans and their spouses must also pass any required licensure exam.

Fire Prevention and Control

Section 46 amends s. 633.414, F.S., to allow the DFS to extend the 4-year period in which a certified firefighter must meet specified conditions to retain certification. The bill allows the DFS to extend the firefighter certification period of a veteran or a veteran's spouse to 12 months after the veteran's honorable discharge from the military.

Section 47 amends s. 633.444, F.S., to waive all living and incidental expenses, excluding expenses for meal plans and bunker gear rentals, associated with attending the Florida State Fire College to obtain a Certificate of Compliance or a Firesafety Inspector I certification for:

- An active duty member of the U.S. Armed Forces;
- An honorably discharged veteran of the U.S. Armed Forces;
- The spouse or surviving spouse of an honorably discharged veteran of the U.S. Armed Forces; and
- The surviving spouse of a member of the U.S. Armed Forces if the member was serving on active duty at the time of death and died within the 2 years preceding the surviving spouse's attendance at the college.

Department of Education

Present Situation:

Medal of Honor Day

The Medal of Honor is the “highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States. The Medal is generally presented to recipients by the President of the United States.”⁶⁶

Section 1003.42(2), F.S. establishes components of required instruction for public school students. Instructional staff must teach, among other things:

- A character-development program in kindergarten through grade 12;⁶⁷ and
- In order to encourage patriotism, the sacrifices that veterans have made in serving our country and protecting democratic values worldwide.⁶⁸

The law encourages the State Board of Education to “adopt standards and pursue assessment of the requirements” of s. 1003.42(2), F.S.

Each district school board is required to develop or adopt a curriculum for the character-development program and submit it to the Department of Education (DOE) for approval. The character-development curriculum must stress the qualities of patriotism; responsibility; citizenship; kindness; respect for authority, life, liberty, and personal property; honesty; charity; self-control; racial, ethnic and religious tolerance; and cooperation. The instruction related to

⁶⁶ Congressional Medal of Honor Foundation, *History*, available at <http://themedalofhonor.com/cmoh-foundation/history> (last visited Feb. 9, 2018).

⁶⁷ Section 1003.42(2)(s), F.S.

⁶⁸ Section 1003.42(2)(t), F.S.

veterans must occur on or before Veteran's day and Memorial Day. Members of the instructional staff are also encouraged to use the assistance of local veterans when practicable.

There are various resources available to educate students about the Medal of Honor and the significance it can play in character development programs.⁶⁹

Effect of Proposed Changes:

Section 48 creates s. 683.147, F.S., to allow the Governor to issue a proclamation designating March 25th as "Medal of Honor Day" and encourages public officials, schools, private organizations, and all residents of the state to commemorate Medal of Honor Day and honor any Floridian who, while serving as a member of the Armed Services, distinguished himself or herself while engaged in action against an enemy of the United States.

Section 50 amends s. 1003.42, F.S., to state that a character development program that incorporates the values of the Congressional Medal of Honor and that is offered as part of a social studies, English Language arts, or other school wide character building and veteran awareness initiative meets the instructional requirements related to character development and veterans. The bill also amends the requirements for the instruction on veterans to include Medal of Honor Recipients; to occur on or before Medal of Honor Day; and encourage the use of the assistance of Medal of Honor recipients when practicable.

Present Situation:

Florida Virtual School

Florida Virtual School (FLVS) was established by law to provide students in kindergarten through grade 12 with technology-based educational opportunities to gain knowledge and skills necessary to succeed.⁷⁰

Enrollment in FLVS is free for Florida residents, and non-residents may enroll but must pay tuition. Currently, children of military personnel who are not stationed in Florida but have a home of record or legal residence certificate stating their residence is in Florida are considered non-residents for purposes of FLVS enrollment, and the students must pay tuition to participate.

Currently, FLVS is required to give priority for enrollment to:

- Students who need expanded access to courses to meet their educational goals, such as home education students and students in inner-city and rural high schools that do not have access to higher level courses; and
- Students seeking accelerated access to obtain a high school diploma at least one semester early.⁷¹

⁶⁹ Congressional Medal of Honor Foundation, *Character Development*, <http://themedalofhonor.com/character-development> (last visited Feb. 9, 2018).

⁷⁰ Section 1002.37(1), F.S.

⁷¹ Section 1012.37(1)(b), F.S.

Effect of Proposed Changes:

Section 49 amends s. 1002.37, F.S., to give priority for enrollment to students who are children of military personnel not stationed in Florida whose home of record or state of legal residence certificate is Florida. This change allows such students to enroll in FLVS without paying tuition.

Present Situation:**Florida Teacher's Classroom Supply Assistance Program**

The Florida Teachers Classroom Supply Assistance Program is a fund for classroom teachers employed by a public school district or a public charter school to purchase, on behalf of the school district or charter school, classroom materials and supplies for the public school students assigned to them. For purposes of the program, "classroom teacher" means a certified teacher employed by a public school district or a public charter school in that district on or before September 1 of each year whose full-time or job-share responsibility is the classroom instruction of students in prekindergarten through grade 12, including full-time media specialists and certified school counselors serving students in prekindergarten through grade 12, who are funded through the Florida Education Finance Program.⁷²

Instructors of junior reserve officer training (JROTC) may currently be ineligible for the program because they do not meet the definition of "classroom teacher." This is because JROTC instructors are not required to hold an educator certificate.⁷³

Effect of Proposed Changes:

Section 51 amends s. 1012.55(4), F.S., to allow JROTC instructors to be eligible to receive funding through the Florida Teachers Classroom Supply Assistance program.

Present Situation:**Educational Leadership Certification**

The State Board of Education is required to establish certification requirements for all school-based personnel.⁷⁴ In Florida, aspiring school administrators⁷⁵ must complete a state-approved school leader preparation program and attain certification as an educational leader.⁷⁶

The State Board of Education has established two classes of certification for school administrators – educational leadership and school principal. Certification in educational leadership qualifies an individual for any position falling under the classification "school administrator."⁷⁷

⁷² Section 1012.71 F.S.

⁷³ Sections 1012.71(1) and 1012.55(4), F.S.

⁷⁴ Section 1012.55(1)(b), F.S.

⁷⁵ School administrators include school principals, school directors, and assistant principals. See s. 1012.01(3)(c), F.S.

⁷⁶ See s. 1012.55(1)(b), F.S.

⁷⁷ See s. 1012.562, F.S.

There are two types of school leader preparation programs:⁷⁸

- Level I programs are offered by school districts and postsecondary institutions and lead to initial certification in educational leadership for the purpose of preparing individuals to serve as school administrators.
- Level II programs are offered by school districts, build upon Level I training, and lead to certification as a school principal.

To receive a Level II certification as a school principal, the individual must:

- Hold an educational leadership certificate.⁷⁹
- Hold a valid professional certificate covering educational leadership, administration, or administration and supervision; and
- Document successful performance of the duties of the school principalship in a DOE approved district school principal certification program.⁸⁰

The State Board of Education must adopt rules to allow an individual who meets the following criteria to be eligible for a temporary certificate in educational leadership:⁸¹

- Earned a passing score on the Florida Educational Leadership Examination;
- Documented three years of successful experience in an executive management or leadership position; and
- Documented receipt of a bachelor's degree or higher from an accredited institution of higher learning.

An individual operating under a temporary certificate must be under the mentorship of a state-certified school administrator during the term of the temporary certificate.⁸²

Effect of Proposed Changes:

Section 51 amends s.1012.55, F.S., to create a pathway for veterans who have served either as commissioned officers or noncommissioned officers to become school principals. The bill requires the DOE to issue a 3-year temporary certificate in educational leadership to an individual whose application indicates that he or she:

- Has earned a passing score on the Florida Educational Leadership Examination;
- Served as a commissioned or noncommissioned military officer in the U.S. Armed Forces for at least 3 years;
- Has been honorably discharged or has retired from the U.S. Armed forces; and
- Is presently employed fulltime in a position for which a Florida educator certificate is required in a Florida school (public or nonpublic) that has a Level II program.

The bill also requires that a Level II program must admit applicants who hold such a temporary certificate and requires the DOE to issue a permanent school principal certificate to an individual who holds the temporary certificate and successfully completes the Level II program.

⁷⁸ Section 1012.55, F.S.

⁷⁹ Rule 6A-4.0083, F.A.C.

⁸⁰ Rule 6A-4.0083, F.A.C.

⁸¹ Section 1012.55(1)(d), F.S. *See* Rule 6A-4.004(5), F.A.C.

⁸² *Id.*

Present Situation:**Florida Educator Certification**

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the DOE.⁸³ Persons seeking employment at a public school as a school supervisor, school principal, teacher, library media specialist, school counselor, athletic coach, or in another instructional capacity must also be certified.⁸⁴ The purpose of certification is to require school-based personnel to “possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools.”⁸⁵

The DOE issues a professional certificate and a temporary certificate. The professional certificate is Florida’s highest type of full-time educator certification and is valid for five years and is renewable.⁸⁶ The temporary certificate covers employment in full-time positions for which educator certification is required, is valid for three years, and is nonrenewable.⁸⁷

A person seeking an educator certificate must meet certain requirements, submit an application to the DOE, and remit the required fee.⁸⁸

An applicant seeking a professional certificate must:

- Meet the basic eligibility requirements for certification;⁸⁹
- Demonstrate mastery of general knowledge;⁹⁰
- Demonstrate mastery of subject area knowledge;⁹¹ and
- Demonstrate mastery of professional preparation and education competence.⁹²

A three-year nonrenewable temporary certificate⁹³ may be issued to an applicant who does not qualify for the professional certificate, but:

- Meets the basic eligibility requirements for certification;
- Obtains full-time employment in a position that requires a Florida educator certificate by a school district or private school that has a professional education competence demonstration program;⁹⁴ and
- Demonstrates mastery of subject area knowledge.

An educator who is employed under a temporary certificate must demonstrate mastery of general knowledge within one calendar year after employment in order to remain employed in a position

⁸³ Sections 1012.55(1) and 1002.33(12)(f), F.S.

⁸⁴ Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S.

⁸⁵ Section 1012.54, F.S.

⁸⁶ Section 1012.56(7)(a), F.S.

⁸⁷ Section 1012.56(7)(b), F.S.

⁸⁸ Section 1012.56(1), F.S.

⁸⁹ Section 1012.56(2)(a)-(f), F.S.

⁹⁰ Section 1012.56(2)(g), F.S.

⁹¹ Section 1012.56(2)(h), F.S.

⁹² Section 1012.56(2)(i), F.S.

⁹³ Section 1012.56 (7)(b), F.S.

⁹⁴ Section 1012.56(1)(b), F.S.

that requires a certificate.⁹⁵ The State Board of Education is required to adopt rules to allow the DOE to extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate, not including the mastery of general knowledge requirement, were not completed due to serious illness or injury of the applicant or other extenuating circumstances.⁹⁶

Effect of Proposed Changes:

Section 52 amends s. 1012.56, F.S., to add military service of an applicant’s spouse as a circumstance for which the validity of a temporary certificate may be extended by the DOE, as adopted by State Board of Education by rule.

Present Situation:

Educator Certification Fees

The State Board of Education must establish, by rule, fees for applications, examinations, certification, certification renewal, late renewal, record making, and recordkeeping.⁹⁷ Fees for taking the Florida Teacher Certification Examination for the first time are as follows:⁹⁸

FTCE Test	Fee
General Knowledge Test	\$130
Subject Area Test	\$200
Professional Education Test	\$150

It is a \$75 fee to apply for an initial educator certificate and for renewal of a professional certificate.⁹⁹

Effect of Proposed Changes:

Section 53 amends s. 1012.59, F.S., to require the State Board of Education to waive initial general knowledge, professional education, and subject area examination fees and initial certification fees for the following individuals:

- A member of the U.S. Armed Forces or a reserve component thereof who is serving or has served on active duty;
- The spouse of a member of the U.S. Armed Forces or a reserve component thereof who is serving or has served on active duty;
- The surviving spouse of a member of the U.S. Armed Forces or a reserve component thereof who was serving on active duty at the time of death;
- An honorably discharged veteran of the U.S. Armed Forces or a veteran of a reserve component thereof who served on active duty; and
- The spouse or surviving spouse of an honorably discharged veteran of the U.S. Armed Forces or a veteran of a reserve component thereof who served on active duty.

⁹⁵ Section 1012.56(7), F.S.

⁹⁶ *Id.*

⁹⁷ Section 1012.59(1), F.S.

⁹⁸ Rule 6A-4.0021(4), F.A.C.

⁹⁹ *See* Rule 6A-4.0012(1)(a)1., F.A.C.

Present Situation:**Apprenticeship Programs**

The DOE is responsible for the development of the apprenticeship and preapprenticeship standards for trades and assisting district school boards and community college district boards of trustees in developing preapprenticeship programs.¹⁰⁰

An apprenticeship program is an organized course of instruction that is registered and approved by the DOE and must address all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices.¹⁰¹ The length of an apprenticeship program varies from 1 to 5 years depending on the occupation's training requirements.

An apprenticeship may be offered only in occupations that:

- Are customarily learned in a practical way through a structured, systematic program of on-the-job, supervised training;
- Are commonly recognized throughout the industry or recognized with a positive view toward changing technology;
- Involve manual, mechanical, or technical skills and knowledge that require a minimum of 2,000 hours of work and training, excluding the time spent in related instruction;
- Require related instruction to supplement on-the-job training; and
- Involve the development of skills sufficiently broad to be applicable in like occupations throughout an industry, rather than skills that are of restricted application to the products or services of any one company.¹⁰²

The following categories of occupations may not create an apprenticeship program: selling, retailing, or similar occupations in the distributive field; managerial occupations; and professional and scientific vocations for which entrance requirements customarily require an academic degree.¹⁰³

Effect of Proposed Changes:

Section 4 amends s. 446.041, F.S., to require the DOE to lead and coordinate outreach efforts to educate veterans about apprenticeship and career opportunities.

Section 5 amends s. 446.081, F.S., to specify that laws and rules regulating apprenticeships and approved apprenticeship agreements do not invalidate any special provisions for veterans, minority persons, or women concerning apprenticeship programs.

Effect of Proposed Changes:

Section 54 provides an effective date of July 1, 2018.

¹⁰⁰ Section 446.011(2), F.S.

¹⁰¹ Section 446.021(6), F.S.

¹⁰² Section 446.092, F.S.

¹⁰³ Section 446.092(6), F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

The bill will reduce professional licensing fee revenues to the affected agencies, but the amount is indeterminate. The impact will depend on the number of individuals who take advantage of the new fee waivers.

B. Private Sector Impact:

The bill establishes new fee waivers and expands eligibility for existing fee waivers for a number of Florida professional licenses and registrations for military servicemembers, veterans, and their spouses or surviving spouses.

Pre-licensing education providers may experience a decrease in revenues.

Children of military personnel not stationed in Florida whose home of record or state of legal residence certificate is Florida will be eligible and given priority for FLVS.

Veterans Florida may contract with private entities to administer the veterans' entrepreneurship initiative program. For the training grant program, businesses will be reimbursed for 50 percent of the costs of the training.

C. Government Sector Impact:

The DOH expects to incur non-recurring costs for rulemaking, but the costs can be absorbed within the current budget authority.¹⁰⁴

The DBPR indicated that a fiscal impact to license revenues is indeterminate at this time, but noted that there are currently 440 licensees under DBPR that are identified as military personnel. Additionally, the modifications necessary to update DBPR's information technology systems can be made within existing resources (196 hours).¹⁰⁵

¹⁰⁴ DOH, *2018 Agency Legislative Bill Analysis: SB 1884* (Jan. 9, 2018).

¹⁰⁵ DBPR, *2018 Agency Legislative Bill Analysis: HB 29* (Jan. 18, 2018).

The DACS expects reductions of \$206,568 in Fiscal Year 2018-2019, \$216,896 in Fiscal Year 2019-2020, and \$227,741 in Fiscal Year 2020-2021, as a result of the fee waivers authorized in the bill.¹⁰⁶

The OFR expects a reduction of \$412,030 annually in licensing/registration fees as a result of the fee waivers established in the bill.¹⁰⁷ In addition, the OFR states that it will need to manually receive, review, and process reimbursements of the fees waived in the bill. The OFR plans to use OPS as an interim solution to reviewing and processing refunds, and will monitor the actual number of refund requests received and request additional positions for the 2019 Regular Session.

The DFS expects an indeterminate reduction in revenues for the Division of Funeral, Cemetery, and Consumer Services related to the fee waivers, and an indeterminate increase in expenditures to administer the requirements of the bill. For the Division of State Fire Marshal, the DFS expects a significant but indeterminate reduction in revenues – the largest impact of which is the waiver of tuition, housing, and other costs for honorably discharged veterans and their spouses attending the State Fire College (estimated to be about \$8,244 per student, excluding expenses for meal plans and bunker gear).¹⁰⁸

The DFS anticipates it will incur costs to update its computer systems (240 total hours). Other costs to implement and administer the provisions of the bill are indeterminate at this time.¹⁰⁹

A fiscal impact from the DOE was not available as of the date of this analysis. The impacts of the bill are expected to be minimal; with the exception of the waiver of application and renewal fees – the impact of those provisions is indeterminate. Additionally, the Florida Teacher's Classroom Supply Assistance program receives an annual appropriation which is provided proportionately to eligible teachers; expansion of eligibility only changes the amount each teacher may receive but does not increase the amount of funds appropriated to the program.

A DOE analysis for a similar bill expanding the FLVS program states that the administrative costs of the program would increase but were indeterminate.¹¹⁰

VI. Technical Deficiencies:

None.

¹⁰⁶ DACS, *SB 1884 Agency Analysis* (Jan. 29, 2018).

¹⁰⁷ Email from staff of the OFR to staff of the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development, *Re: SB 1884 Cost Information...* (Feb. 13, 2018).

¹⁰⁸ DFS, *SB 1884 Agency Analysis* (Jan. 18, 2018). Email from DFS staff to staff of the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security, *Re: 1884* (February 12, 2018).

¹⁰⁹ *Id.*

¹¹⁰ DOE, *2018 Agency Legislative Bill Analysis: SB 1090* (Jan. 25, 2018).

VII. Related Issues:

Section 11 amends s. 493.6107, F.S., to waive the initial application fee for the surviving spouse of a member of the U.S. Armed Forces who served on active duty *who died within the 2 years preceding the application*. This is the only provision related to the initial application fee for a surviving spouse that contains this qualification.

The OFR states that the fees in connection with applying for or renewing loan originator licenses are paid via the Nationwide Mortgage Licensing System and Registry or the Central Registration Depository. Because these are not federal systems, the systems will likely not be able to accommodate the fee waivers provided in the bill.¹¹¹

The bill requires the Board of Funeral, Cemetery, and Consumer Services or the DFS Division of Funeral, Cemetery, and Consumer Services to adopt rules specifying the forms and procedures for use by an applicant as an embalmer, funeral director, or direct disposer to submit a certification that the military-issued credential reflects knowledge, training, and experience substantially similar to the licensing requirements.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 295.21, 295.22, 446.041, 446.081, 455.02, 456.024, 472.015, 472.016, 493.6105, 493.6107, 493.6113, 494.00312, 494.00313, 497.140, 497.141, 497.281, 497.368, 497.369, 497.370, 497.371, 497.373, 497.374, 497.375, 497.453, 497.466, 497.554, 497.602, 501.015, 501.605, 501.607, 501.609, 507.03, 517.12, 527.02, 539.001, 559.904, 559.928, 626.171, 626.732, 626.7851, 626.8311, 626.8417, 626.927, 633.414, 633.444, 1002.37, 1003.42, 1012.55, 1012.56, and 1012.59.

This bill creates the following sections of the Florida Statutes: 250.483, 497.393, and 683.147.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by the Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 14, 2018:

The committee substitute:

- Allows members of the Veterans Florida board of directors to serve two four-year terms.
- Makes changes to Veterans Florida's training grant program and veteran entrepreneurship initiative program;
- Deletes provisions waiving fingerprinting requirements for certain veterans applying for funeral and cemetery, insurance, or fire safety-related licenses;
- Revises the waiver of prelicensure coursework requirements for insurance license applicants to include current members of the U.S. Armed Forces and their spouses;

¹¹¹ OFR, 2018 Agency Legislative Bill Analysis: SB 1884 (Jan. 19, 2018).

- Removes the waiver of prelicensure coursework requirements in those instances where the coursework is the only knowledge acquisition/demonstration element prior to receiving an insurance license;
- Deletes the proposed extension of time prior to reexamination for two fire safety-related licenses for licensees eligible for an “inactive” status;
- Provides a method for a servicemember or veteran to certify their knowledge, training, and experience to gain credit in licensing for funeral directing, embalming, and direct disposing.
- Clarifies provision relating to firefighter certification retention for veterans and their spouses;
- Clarifies the living and incidental fees that may be waived for servicemembers, veterans, and their spouses attending the Florida Fire College; and
- Removes the proposed waiver of teacher certification renewal fees.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/14/2018	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Broxson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 250.483, Florida Statutes, is created to read:

250.483 Active duty; licensure or qualification.-

(1) If a member of the Florida National Guard or the United States Armed Forces Reserves seeking licensure or qualification for a trade, occupation, or profession is ordered into state



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11 active duty or into active duty as defined in this chapter, and
12 his or her period of training, study, apprenticeship, or
13 practical experience is interrupted or the start thereof is
14 delayed, he or she is entitled to licensure or qualification
15 under the laws covering his or her licensure or qualification at
16 the time of entrance into active duty pursuant to subsection
17 (2).

18 (2) A board of examiners or other qualification board
19 regulated under general law shall accept periods of training and
20 practical experience in the Florida National Guard or the United
21 States Armed Forces Reserves in place of the interrupted or
22 delayed periods of training, study, apprenticeship, or practical
23 experience if the board finds the standard and type of work or
24 training performed in the Florida National Guard or the United
25 States Armed Forces Reserves to be substantially the same as the
26 standard and type required under the laws of this state.

27 (3) A member of the National Guard or the United States
28 Armed Forces Reserves must request licensure or qualification
29 pursuant to this section by the respective board of examiners or
30 other qualification board within 6 months after release from
31 active duty with the Florida National Guard or the United States
32 Armed Forces Reserves.

33 Section 2. Paragraph (c) of subsection (4) of section
34 295.21, Florida Statutes, is amended to read:

35 295.21 Florida Is For Veterans, Inc.—

36 (4) GOVERNANCE.—

37 (c) Each member of the board of directors shall be
38 appointed for a term of 4 years, except that, to achieve
39 staggered terms, the initial appointees of the Governor shall



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40 serve terms of 2 years. A member is eligible ~~ineligible~~ for
41 reappointment to the board ~~except that a member appointed to a~~
42 ~~term of 2 years or less may be reappointed for one~~ an additional
43 term of 4 years. ~~The initial appointments to the board must be~~
44 ~~made by July 15, 2014.~~ Vacancies on the board shall be filled in
45 the same manner as the original appointment. A vacancy that
46 occurs before the scheduled expiration of the term of the member
47 shall be filled for the remainder of the unexpired term.

48 Section 3. Paragraphs (d) and (e) of subsection (3) of
49 section 295.22, Florida Statutes, are amended to read:

50 295.22 Veterans Employment and Training Services Program.—

51 (3) ADMINISTRATION.—Florida Is For Veterans, Inc., shall
52 administer the Veterans Employment and Training Services Program
53 and perform all of the following functions:

54 (d) Create a grant program to provide funding to assist
55 veterans in meeting the workforce-skill needs of businesses
56 seeking to hire, promote, or generally improve specialized
57 skills of veterans, establish criteria for approval of requests
58 for funding, and maximize the use of funding for this program.
59 Grant funds may be used only in the absence of available
60 veteran-specific federally funded programs. Grants may fund
61 specialized training specific to a particular business.

62 1. ~~Grant funds may be allocated to any training provider~~
63 ~~selected by the business, including a career center, a Florida~~
64 ~~College System institution, a state university, or an in-house~~
65 ~~training provider of the business.~~ If grant funds are used to
66 provide a technical certificate, a licensure, or a degree, funds
67 may be allocated only upon a review that includes, but is not
68 limited to, documentation of accreditation and licensure.



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69 Instruction funded through the program terminates when
70 participants demonstrate competence at the level specified in
71 the request but may not exceed 12 ~~48~~ months. Preference shall be
72 given to target industry businesses, as defined in s. 288.106,
73 and to businesses in the defense supply, cloud virtualization,
74 or commercial aviation manufacturing industries.

75 ~~2. Costs and expenditures for the grant program must be~~
76 ~~documented and separated from those incurred by the training~~
77 ~~provider.~~ Costs and expenditures shall be limited to \$8,000 per
78 veteran trainee. Qualified businesses must cover the entire cost
79 for all of the training provided before receiving reimbursement
80 from the corporation equal to 50 percent of the cost to train a
81 veteran who is a permanent, full-time employee. Eligible costs
82 and expenditures include:

83 a. Tuition and fees.

84 ~~b. Curriculum development.~~

85 ~~b.e.~~ Books and classroom materials.

86 ~~c.d.~~ Rental fees for facilities ~~at public colleges and~~
87 ~~universities, including virtual training labs.~~

88 ~~e. Overhead or indirect costs not to exceed 5 percent of~~
89 ~~the grant amount.~~

90 3. Before funds are allocated for a request pursuant to
91 this section, the corporation shall prepare a grant agreement
92 between the business requesting funds, ~~the educational~~
93 ~~institution or training provider receiving funding through the~~
94 ~~program,~~ and the corporation. Such agreement must include, but
95 need not be limited to:

96 a. Identification of the personnel necessary to conduct the
97 instructional program, instructional program description, and



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98 ~~any vendors used to conduct the instructional program the~~
99 ~~qualifications of such personnel, and the respective~~
100 ~~responsibilities of the parties for paying costs associated with~~
101 ~~the employment of such personnel.~~

102 ~~b. Identification of the match provided by the business,~~
103 ~~including cash and in-kind contributions, equal to at least 50~~
104 ~~percent of the total grant amount.~~

105 ~~b.e.~~ Identification of the estimated duration of the
106 instructional program.

107 ~~c.d.~~ Identification of all direct, training-related costs.

108 ~~d.e.~~ Identification of special program requirements that
109 are not otherwise addressed in the agreement.

110 ~~e.f.~~ Permission to access aggregate information specific to
111 the wages and performance of participants upon the completion of
112 instruction for evaluation purposes. The agreement must specify
113 that any evaluation published subsequent to the instruction may
114 not identify the employer or any individual participant.

115 4. A business may receive a grant under the Quick-Response
116 Training Program created under s. 288.047 and a grant under this
117 section for the same veteran trainee. If a business receives
118 funds under both programs, one grant agreement may be entered
119 into with CareerSource Florida, Inc., as the grant
120 administrator.

121 (e) Contract with one or more entities to administer an
122 entrepreneur initiative program for veterans in this state which
123 connects business leaders in the state with veterans seeking to
124 become entrepreneurs.

125 1. The corporation shall award each contract in accordance
126 with the competitive bidding requirements in s. 287.057 to one



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127 or more public or private entities ~~universities~~ that:
128 a. Demonstrate the ability to implement the program and the
129 commitment of ~~university~~ resources, including financial
130 resources, to such programs.
131 b. Have a demonstrated experience working with ~~military and~~
132 veteran entrepreneurs ~~resource center~~.
133 ~~e. Have a regional small business development center in the~~
134 ~~Florida Small Business Development Center Network.~~
135 ~~c.d.~~ As determined by the corporation, have been ~~nationally~~
136 recognized for their performance in assisting entrepreneurs to
137 launch successful businesses in the state ~~commitment to the~~
138 ~~military and veterans~~.
139 2. Each contract must include performance metrics,
140 including a focus on employment and business creation. ~~Each~~
141 ~~university must coordinate with any entrepreneurship center~~
142 ~~located at the university.~~ The entity ~~university~~ may also work
143 with a university or college ~~an entity~~ offering related programs
144 to refer veterans or to provide services. The entrepreneur
145 initiative program may include activities and assistance such as
146 peer-to-peer learning sessions, mentoring, technical assistance,
147 business roundtables, networking opportunities, support of
148 student organizations, speaker series, or other tools within a
149 virtual environment.
150 Section 4. Subsections (7) through (12) of section 446.041,
151 Florida Statutes, are renumbered as subsections (8) through
152 (13), respectively, and a new subsection (7) is added to that
153 section, to read:
154 446.041 Apprenticeship program, duties of the department.—
155 The department shall:



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156 (7) Lead and coordinate outreach efforts to educate
157 veterans about apprenticeship and career opportunities.

158 Section 5. Subsection (4) is added to section 446.081,
159 Florida Statutes, to read:

160 446.081 Limitation.—

161 (4) Nothing in ss. 446.011-446.092 or in any rules adopted
162 or contained in any approved apprentice agreement under such
163 sections invalidates any special provision for veterans,
164 minority persons, or women in the standards, qualifications, or
165 operation of the apprenticeship program which is not otherwise
166 prohibited by any applicable general law, rule, or regulation.

167 Section 6. Subsections (1) and (2) of section 455.02,
168 Florida Statutes, are amended to read:

169 455.02 Licensure of members of the Armed Forces in good
170 standing and their spouses or surviving spouses with
171 administrative boards or programs.—

172 (1) Any member of the United States Armed Forces ~~of the~~
173 ~~United States~~ now or hereafter on active duty who, at the time
174 of becoming such a member, was in good standing with any of the
175 boards or programs listed in s. 20.165 and was entitled to
176 practice or engage in his or her profession or occupation
177 ~~vocation~~ in the state shall be kept in good standing by the
178 applicable board or program, without registering, paying dues or
179 fees, or performing any other act on his or her part to be
180 performed, as long as he or she is a member of the United States
181 ~~Armed Forces of the United States~~ on active duty and for a
182 period of 2 years after discharge from active duty ~~as a member~~
183 ~~of the Armed Forces of the United States, if he or she is not~~
184 ~~engaged in his or her licensed profession or vocation in the~~



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185 ~~private sector for profit. A member, during active duty and for~~
186 ~~a period of 2 years after discharge from active duty, engaged in~~
187 ~~his or her licensed profession or occupation in the private~~
188 ~~sector for profit in this state must complete all license~~
189 ~~renewal provisions except remitting the license renewal fee,~~
190 ~~which shall be waived by the department.~~

191 (2) A spouse of a member of the ~~Armed Services of the~~
192 United States Armed Forces who is married to a member during a
193 period of active duty, or a surviving spouse of a member who at
194 the time of death was serving on active duty, who is in good
195 standing with any of the boards or programs listed in s. 20.165
196 shall be kept in good standing by the applicable board or
197 program as described in subsection (1) and shall be exempt from
198 licensure renewal provisions, but only in cases of his or her
199 absence from the state because of his or her spouse's duties
200 with the United States Armed Forces. The department or the
201 appropriate board or program shall waive any license renewal fee
202 for such spouse when he or she is present in this state because
203 of such member's active duty and for a surviving spouse of a
204 member who at the time of death was serving on active duty and
205 died within the 2 years preceding the date of renewal.

206 Section 7. Paragraphs (a) and (b) of subsection (3) and
207 paragraph (j) of subsection (4) of section 456.024, Florida
208 Statutes, are amended, and subsection (5) is added to that
209 section, to read:

210 456.024 Members of Armed Forces in good standing with
211 administrative boards or the department; spouses; licensure.—

212 (3) (a) A person is eligible for licensure as a health care
213 practitioner in this state if he or she:



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214 1. Serves or has served as a health care practitioner in
215 the United States Armed Forces, the United States Reserve
216 Forces, or the National Guard;

217 2. Serves or has served on active duty with the United
218 States Armed Forces as a health care practitioner in the United
219 States Public Health Service; or

220 3. Is a health care practitioner, ~~other than a dentist,~~ in
221 another state, the District of Columbia, or a possession or
222 territory of the United States and is the spouse of a person
223 serving on active duty with the United States Armed Forces.

224

225 The department shall develop an application form, and each
226 board, or the department if there is no board, shall waive the
227 application fee, licensure fee, and unlicensed activity fee for
228 such applicants. For purposes of this subsection, "health care
229 practitioner" means a health care practitioner as defined in s.
230 456.001 and a person licensed under part III of chapter 401 or
231 part IV of chapter 468.

232 (b) The board, or the department if there is no board,
233 shall issue a license to practice in this state to a person who:

234 1. Submits a complete application.

235 2. If he or she is a member of the United States Armed
236 Forces, the United States Reserve Forces, or the National Guard,
237 submits proof that he or she has received an honorable discharge
238 within 6 months before, or will receive an honorable discharge
239 within 6 months after, the date of submission of the
240 application.

241 3.a. Holds an active, unencumbered license issued by
242 another state, the District of Columbia, or a possession or



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243 territory of the United States and who has not had disciplinary
244 action taken against him or her in the 5 years preceding the
245 date of submission of the application;

246 b. Is a military health care practitioner in a profession
247 for which licensure in a state or jurisdiction is not required
248 to practice in the United States Armed Forces, if he or she
249 submits to the department evidence of military training or
250 experience substantially equivalent to the requirements for
251 licensure in this state in that profession and evidence that he
252 or she has obtained a passing score on the appropriate
253 examination of a national or regional standards organization if
254 required for licensure in this state; or

255 c. Is the spouse of a person serving on active duty in the
256 United States Armed Forces and is a health care practitioner in
257 a profession, ~~excluding dentistry,~~ for which licensure in
258 another state or jurisdiction is not required, if he or she
259 submits to the department evidence of training or experience
260 substantially equivalent to the requirements for licensure in
261 this state in that profession and evidence that he or she has
262 obtained a passing score on the appropriate examination of a
263 national or regional standards organization if required for
264 licensure in this state.

265 4. Attests that he or she is not, at the time of submission
266 of the application, the subject of a disciplinary proceeding in
267 a jurisdiction in which he or she holds a license or by the
268 United States Department of Defense for reasons related to the
269 practice of the profession for which he or she is applying.

270 5. Actively practiced the profession for which he or she is
271 applying for the 3 years preceding the date of submission of the



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272 application.

273 6. Submits a set of fingerprints for a background screening
274 pursuant to s. 456.0135, if required for the profession for
275 which he or she is applying.

276

277 The department shall verify information submitted by the
278 applicant under this subsection using the National Practitioner
279 Data Bank.

280 (4)

281 ~~(j) An applicant who is issued a temporary professional~~
282 ~~license to practice as a dentist pursuant to this section must~~
283 ~~practice under the indirect supervision, as defined in s.~~
284 ~~466.003, of a dentist licensed pursuant to chapter 466.~~

285 (5) The spouse of a person serving on active duty with the
286 United States Armed Forces shall have a defense to any citation
287 and related cause of action brought under s. 456.065 if the
288 following conditions are met:

289 (a) The spouse holds an active, unencumbered license issued
290 by another state or jurisdiction to provide health care services
291 for which there is no equivalent license in this state.

292 (b) The spouse is providing health care services within the
293 scope of practice of the out-of-state license.

294 (c) The training or experience required by the out-of-state
295 license is substantially similar to the license requirements to
296 practice a similar health care profession in this state.

297 Section 8. Paragraph (b) of subsection (3) of section
298 472.015, Florida Statutes, is amended to read:

299 472.015 Licensure.—

300 (3)



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301 (b) The department shall waive the initial license fee for
302 an honorably discharged veteran of the United States Armed
303 Forces, the spouse or surviving spouse of such a veteran, a
304 current member of the United States Armed Forces who has served
305 on active duty or the spouse of such a member, the surviving
306 spouse of a member of the United States Armed Forces who died
307 while serving on active duty, or a business entity that has a
308 majority ownership held by such a veteran or spouse or surviving
309 spouse if the department receives an application~~7~~ in a format
310 prescribed by the department. The application format must
311 include the applicant's signature, under penalty of perjury, and
312 supporting documentation, ~~within 60 months after the date of the~~
313 ~~veteran's discharge from any branch of the United States Armed~~
314 ~~Forces.~~ To qualify for the waiver:~~7~~

315 1. A veteran must provide to the department a copy of his
316 or her DD Form 214, as issued by the United States Department of
317 Defense, or another acceptable form of identification as
318 specified by the Department of Veterans' Affairs;

319 2. The spouse or surviving spouse of a veteran must provide
320 to the department a copy of the veteran's DD Form 214, as issued
321 by the United States Department of Defense, or another
322 acceptable form of identification as specified by the Department
323 of Veterans' Affairs, and a copy of a valid marriage license or
324 certificate verifying that he or she was lawfully married to the
325 veteran at the time of discharge; or

326 3. A business entity must provide to the department proof
327 that a veteran or the spouse or surviving spouse of a veteran
328 holds a majority ownership in the business, a copy of the
329 veteran's DD Form 214, as issued by the United States Department



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330 of Defense, or another acceptable form of identification as
331 specified by the Department of Veterans' Affairs, and, if
332 applicable, a copy of a valid marriage license or certificate
333 verifying that the spouse or surviving spouse of the veteran was
334 lawfully married to the veteran at the time of discharge.

335 Section 9. Section 472.016, Florida Statutes, is amended to
336 read:

337 472.016 Members of Armed Forces in good standing with the
338 board.—

339 (1) Any member of the United States Armed Forces ~~of the~~
340 ~~United States~~ who is now or in the future on active duty and
341 who, at the time of becoming such a member of the United States
342 Armed Forces, was in good standing with the board and entitled
343 to practice or engage in surveying and mapping in the state
344 shall be kept in good standing by the board, without
345 registering, paying dues or fees, or performing any other act on
346 his or her part to be performed, as long as he or she is a
347 member of the United States Armed Forces ~~of the United States~~ on
348 active duty and for a period of 2 years ~~6 months~~ after discharge
349 from active duty, ~~provided that he or she is not engaged in the~~
350 ~~practice of surveying or mapping in the private sector for~~
351 ~~profit.~~ A member, during active duty and for a period of 2 years
352 after discharge from active duty, engaged in the practice of
353 surveying or mapping in the private sector for profit in this
354 state must complete all licensure renewal provisions except
355 remitting the license renewal fee, which shall be waived by the
356 department.

357 (2) The board shall adopt rules exempting the spouses of
358 members of the United States Armed Forces ~~of the United States~~



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359 from licensure renewal provisions, but only in cases of absence
360 from the state because of their spouses' duties with the United
361 States Armed Forces. The department or the appropriate board or
362 program shall waive any license renewal fee for the spouse of a
363 member of the United States Armed Forces when such member is
364 present in this state because of the member's active duty with
365 the United States Armed Forces, and for the surviving spouse of
366 a member who at the time of death was serving on active duty and
367 died within the 2 years preceding the date of renewal.

368 Section 10. Subsection (1) of section 493.6105, Florida
369 Statutes, is amended to read:

370 493.6105 Initial application for license.—

371 (1) Each individual, partner, or principal officer in a
372 corporation, shall file with the department a complete
373 application accompanied by an application fee not to exceed \$60,
374 except that an ~~the~~ applicant for a Class "D" or Class "G"
375 license is not required to submit an application fee. An
376 application fee is not required for an applicant who qualifies
377 for the fee waiver in s. 493.6107(6). The application fee is not
378 refundable.

379 (a) The application submitted by any individual, partner,
380 or corporate officer must be approved by the department before
381 the individual, partner, or corporate officer assumes his or her
382 duties.

383 (b) Individuals who invest in the ownership of a licensed
384 agency but do not participate in, direct, or control the
385 operations of the agency are not required to file an
386 application.

387 ~~(c) The initial application fee for a veteran, as defined~~



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388 ~~in s. 1.01, shall be waived if he or she applies for a Class~~
389 ~~"C," Class "CC," Class "DI," Class "E," Class "EE," Class "K,"~~
390 ~~Class "M," Class "MA," Class "MB," Class "MR," or Class "RI"~~
391 ~~license within 24 months after being discharged from a branch of~~
392 ~~the United States Armed Forces. An eligible veteran must include~~
393 ~~a copy of his or her DD Form 214, as issued by the United States~~
394 ~~Department of Defense, or another acceptable form of~~
395 ~~identification as specified by the Department of Veterans'~~
396 ~~Affairs with his or her application in order to obtain a waiver.~~

397 Section 11. Subsection (6) of section 493.6107, Florida
398 Statutes, is amended to read:

399 493.6107 Fees.—

400 (6) The initial application license fee for a veteran, as
401 defined in s. 1.01, the spouse or surviving spouse of such
402 veteran, a member of the United States Armed Forces who has
403 served on active duty, or the spouse or surviving spouse of such
404 member who at the time of death was serving on active duty and
405 died within the 2 years preceding the initial application, shall
406 be waived if he or she applies for a Class "C," Class "CC,"
407 Class "DI," Class "E," Class "EE," Class "K," Class "M," Class
408 "MA," Class "MB," Class "MR," or Class "RI" license in a format
409 prescribed by the department. The application format must
410 include the applicant's signature, under penalty of perjury, and
411 supporting documentation ~~Class "M" or Class "K" license within~~
412 ~~24 months after being discharged from any branch of the United~~
413 ~~States Armed Forces. An eligible veteran must include a copy of~~
414 ~~his or her DD Form 214, as issued by the United States~~
415 ~~Department of Defense, or another acceptable form of~~
416 ~~identification as specified by the Department of Veterans'~~



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417 Affairs with his or her application in order to obtain a waiver.

418

419 A licensee seeking such waiver must apply in a format prescribed
420 by the department, including the applicant's signature, under
421 penalty of perjury, and supporting documentation.

422 Section 12. Subsection (7) is added to section 493.6113,
423 Florida Statutes, to read:

424 493.6113 Renewal application for licensure.—

425 (7) The department shall waive the respective fees for a
426 licensee who:

427 (a) Is an active duty member of the United States Armed
428 Forces or the spouse of such member;

429 (b) Is or was a member of the United States Armed Forces
430 and served on active duty within the 2 years preceding the
431 expiration date of the license. A licensee who is a former
432 member of the United States Armed Forces who served on active
433 duty within the 2 years preceding the application must have
434 received an honorable discharge upon separation or discharge
435 from the United States Armed Forces; or

436 (c) Is the surviving spouse of a member of the United
437 States Armed Forces who was serving on active duty at the time
438 of death and died within the 2 years preceding the expiration
439 date of the license.

440

441 A licensee seeking such waiver must apply in a format prescribed
442 by the department, including the applicant's signature, under
443 penalty of perjury, and supporting documentation.

444 Section 13. Subsection (8) is added to section 494.00312,
445 Florida Statutes, to read:



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446 494.00312 Loan originator license.-

447 (8) The office shall waive the fees required by paragraph
448 (2) (e) for an applicant who:

449 (a) Is or was an active duty member of the United States
450 Armed Forces. To qualify for the fee waiver, an applicant who is
451 a former member of the United States Armed Forces must have
452 received an honorable discharge upon separation or discharge
453 from the United States Armed Forces;

454 (b) Is married to a current or former member of the United
455 States Armed Forces and is or was married to the member during
456 any period of active duty; or

457 (c) Is the surviving spouse of a member of the United
458 States Armed Forces if the member was serving on active duty at
459 the time of death.

460
461 An applicant seeking such fee waiver must submit proof, in a
462 form prescribed by commission rule, that the applicant meets one
463 of the qualifications in this subsection.

464 Section 14. Subsection (4) is added to section 494.00313,
465 Florida Statutes, to read:

466 494.00313 Loan originator license renewal.-

467 (4) The office shall waive the fees required by paragraph
468 (1) (b) for a loan originator who:

469 (a) Is an active duty member of the United States Armed
470 Forces or the spouse of such member;

471 (b) Is or was a member of the United States Armed Forces
472 and served on active duty within the 2 years preceding the
473 expiration date of the license pursuant to s. 494.00312(7). To
474 qualify for the fee waiver, a loan originator who is a former



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475 member of the United States Armed Forces who served on active
476 duty within the 2 years preceding the expiration date of the
477 license must have received an honorable discharge upon
478 separation or discharge from the United States Armed Forces; or

479 (c) Is the surviving spouse of a member of the United
480 States Armed Forces if the member was serving on active duty at
481 the time of death and died within the 2 years preceding the
482 surviving spouse's license expiration date pursuant to s.
483 494.00312(7).

484
485 A loan originator seeking such fee waiver must submit proof, in
486 a form prescribed by commission rule, that the loan originator
487 meets one of the qualifications in this subsection.

488 Section 15. Paragraph (a) of subsection (6) of section
489 497.140, Florida Statutes, is amended to read:

490 497.140 Fees.—

491 (6) (a) 1. The department shall impose, upon initial
492 licensure and each renewal thereof, a special unlicensed
493 activity fee of \$5 per licensee, in addition to all other fees
494 provided for in this chapter. Such fee shall be used by the
495 department to fund efforts to identify and combat unlicensed
496 activity which violates this chapter. Such fee shall be in
497 addition to all other fees collected from each licensee and
498 shall be deposited in a separate account of the Regulatory Trust
499 Fund; however, the department is not limited to the funds in
500 such an account for combating improper unlicensed activity in
501 violation of this chapter.

502 2. A member of the United States Armed Forces, such
503 member's spouse, and a veteran of the United States Armed Forces



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504 who separated from service within 2 years preceding the
505 application for licensure are exempt from the special unlicensed
506 activity fee associated with initial licensure. To qualify for
507 the fee exemption under this subparagraph, a licensee must
508 provide a copy of a military identification card, military
509 dependent identification card, military service record, military
510 personnel file, veteran record, discharge paper, or separation
511 document that indicates such member is currently in good
512 standing or such veteran was honorably discharged.

513 Section 16. Subsection (4) of section 497.141, Florida
514 Statutes, is amended to read:

515 497.141 Licensing; general application procedures.—

516 (4) Before the issuance of any license, the department
517 shall collect such initial fee as specified by this chapter or,
518 where authorized, by rule of the board, unless an applicant is
519 exempted as specified by this chapter. Upon receipt of a
520 completed application and the appropriate fee, and certification
521 by the board that the applicant meets the applicable
522 requirements of law and rules, the department shall issue the
523 license applied for. However, an applicant who is not otherwise
524 qualified for licensure is not entitled to licensure solely
525 based on a passing score on a required examination.

526 Section 17. Subsection (1) of section 497.281, Florida
527 Statutes, is amended to read:

528 497.281 Licensure of brokers of burial rights.—

529 (1) (a) No person shall receive compensation to act as a
530 third party to the sale or transfer of three or more burial
531 rights in a 12-month period unless the person pays a license fee
532 as determined by licensing authority rule but not to exceed \$250



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533 and is licensed with the department as a burial rights broker in
534 accordance with this section.

535 (b) A member of the United States Armed Forces, such
536 member's spouse, and a veteran of the United States Armed Forces
537 who separated from service within the 2 years preceding
538 application for licensure are exempt from the initial license
539 fee. To qualify for the initial license fee exemption, an
540 applicant must provide a copy of a military identification card,
541 military dependent identification card, military service record,
542 military personnel file, veteran record, discharge paper, or
543 separation document that indicates such member is currently in
544 good standing or such veteran was honorably discharged.

545 Section 18. Paragraph (a) of subsection (1) and subsection
546 (3) of section 497.368, Florida Statutes, are amended to read:

547 497.368 Embalmers; licensure as an embalmer by examination;
548 provisional license.—

549 (1) Any person desiring to be licensed as an embalmer shall
550 apply to the licensing authority to take the licensure
551 examination. The licensing authority shall examine each
552 applicant who has remitted an examination fee set by rule of the
553 licensing authority not to exceed \$200 plus the actual per
554 applicant cost to the licensing authority for portions of the
555 examination and who has:

556 (a) Completed the application form and remitted a
557 nonrefundable application fee set by the licensing authority not
558 to exceed \$200. A member of the United States Armed Forces, such
559 member's spouse, and a veteran of the United States Armed Forces
560 who separated from service within the 2 years preceding
561 application for licensure, are exempt from the application fee.



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562 To qualify for the application fee exemption, an applicant must
563 provide a copy of a military identification card, military
564 dependent identification card, military service record, military
565 personnel file, veteran record, discharge paper, or separation
566 document that indicates such member is currently in good
567 standing or such veteran was honorably discharged.

568 (3) Any applicant who has completed the required 1-year
569 internship and has been approved for examination as an embalmer
570 may qualify for a provisional license to work in a licensed
571 funeral establishment, under the direct supervision of a
572 licensed embalmer for a limited period of 6 months as provided
573 by rule of the licensing authority. The fee for provisional
574 licensure shall be set by rule of the licensing authority, but
575 may not exceed \$200, and shall be nonrefundable and in addition
576 to the fee required in subsection (1). This provisional license
577 may be renewed no more than one time. A member of the United
578 States Armed Forces, such member's spouse, and a veteran of the
579 United States Armed Forces who separated from service within the
580 2 years preceding application for licensure are exempt from the
581 initial provisional licensure fee. To qualify for the initial
582 provisional licensure fee exemption, an applicant must provide a
583 copy of a military identification card, military dependent
584 identification card, military service record, military personnel
585 file, veteran record, discharge paper, or separation document
586 that indicates such member is currently in good standing or such
587 veteran was honorably discharged.

588 Section 19. Paragraph (a) of subsection (1) and subsection
589 (5) of section 497.369, Florida Statutes, are amended to read:
590 497.369 Embalmers; licensure as an embalmer by endorsement;



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591 licensure of a temporary embalmer.-

592 (1) The licensing authority shall issue a license by
593 endorsement to practice embalming to an applicant who has
594 remitted an examination fee set by rule of the licensing
595 authority not to exceed \$200 and who the licensing authority
596 certifies:

597 (a) Has completed the application form and remitted a
598 nonrefundable application fee set by rule of the licensing
599 authority not to exceed \$200. A member of the United States
600 Armed Forces, such member's spouse, and a veteran of the United
601 States Armed Forces who separated from service within the 2
602 years preceding application for licensure are exempt from the
603 application fee. To qualify for the application fee exemption,
604 an applicant must provide a copy of a military identification
605 card, military dependent identification card, military service
606 record, military personnel file, veteran record, discharge
607 paper, or separation document that indicates such member is
608 currently in good standing or such veteran was honorably
609 discharged.

610 (5) (a) There may be adopted by the licensing authority
611 rules authorizing an applicant who has met the requirements of
612 paragraphs (1) (b) and (c) and who is awaiting an opportunity to
613 take the examination required by subsection (4) to be licensed
614 as a temporary licensed embalmer. A temporary licensed embalmer
615 may work as an embalmer in a licensed funeral establishment
616 under the general supervision of a licensed embalmer. Such
617 temporary license shall expire 60 days after the date of the
618 next available examination required under subsection (4);
619 however, the temporary license may be renewed one time under the



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620 same conditions as initial issuance. The fee for issuance or
621 renewal of an embalmer temporary license shall be set by rule of
622 the licensing authority but may not exceed \$200. The fee
623 required in this subsection shall be nonrefundable and in
624 addition to the fee required in subsection (1).

625 (b) A member of the United States Armed Forces, such
626 member's spouse, and a veteran of the United States Armed Forces
627 who separated from service within the 2 years preceding
628 application for licensure are exempt from the initial issuance
629 fee. To qualify for the initial issuance fee exemption, an
630 applicant must provide a copy of a military identification card,
631 military dependent identification card, military service record,
632 military personnel file, veteran record, discharge paper, or
633 separation document that indicates such member is currently in
634 good standing or such veteran was honorably discharged.

635 Section 20. Subsection (1) of section 497.370, Florida
636 Statutes, is amended to read:

637 497.370 Embalmers; licensure of an embalmer intern.-

638 (1) (a) Any person desiring to become an embalmer intern
639 shall make application to the licensing authority on forms
640 specified by rule, together with a nonrefundable fee determined
641 by rule of the licensing authority but not to exceed \$200.

642 (b) A member of the United States Armed Forces, such
643 member's spouse, and a veteran of the United States Armed Forces
644 who separated from service within the 2 years preceding
645 application for licensure are exempt from the application fee.
646 To qualify for the application fee exemption under this
647 paragraph, an applicant must provide a copy of a military
648 identification card, military dependent identification card,



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649 military service record, military personnel file, veteran
650 record, discharge paper, or separation document that indicates
651 such member is currently in good standing or such veteran was
652 honorably discharged.

653

654 The application shall indicate the name and address of the
655 licensed embalmer under whose supervision the intern will
656 receive training and the name of the licensed funeral
657 establishment or centralized embalming facility where such
658 training is to be conducted. The embalmer intern shall intern
659 under the direct supervision of a licensed embalmer who has an
660 active, valid license under s. 497.368 or s. 497.369.

661 Section 21. Section 497.371, Florida Statutes, is amended
662 to read:

663 497.371 Embalmers; establishment of embalmer apprentice
664 program.—

665 (1) The licensing authority adopts rules establishing an
666 embalmer apprentice program. An embalmer apprentice may perform
667 only those tasks, functions, and duties relating to embalming
668 which are performed under the direct supervision of an embalmer
669 who has an active, valid license under s. 497.368 or s. 497.369.
670 An embalmer apprentice is eligible to serve in an apprentice
671 capacity for a period not to exceed 3 years as may be determined
672 by licensing authority rule or for a period not to exceed 5
673 years if the apprentice is enrolled in and attending a course in
674 mortuary science or funeral service education at any mortuary
675 college or funeral service education college or school. An
676 embalmer apprentice shall be issued a license upon payment of a
677 licensure fee as determined by licensing authority rule but not



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678 to exceed \$200.

679 (2) A member of the United States Armed Forces, such
680 member's spouse, and a veteran of the United States Armed Forces
681 who separated from service within the 2 years preceding
682 application for licensure are exempt from the licensure fee. To
683 qualify for the licensure fee exemption under this subsection,
684 an applicant must provide a copy of a military identification
685 card, military dependent identification card, military service
686 record, military personnel file, veteran record, discharge
687 paper, or separation document that indicates such member is
688 currently in good standing or such veteran was honorably
689 discharged.

690
691 An applicant for the embalmer apprentice program may not be
692 issued a license unless the licensing authority determines that
693 the applicant is of good character and has not demonstrated a
694 history of lack of trustworthiness or integrity in business or
695 professional matters.

696 Section 22. Paragraph (a) of subsection (1) and subsection
697 (3) of section 497.373, Florida Statutes, are amended to read:

698 497.373 Funeral directing; licensure as a funeral director
699 by examination; provisional license.—

700 (1) Any person desiring to be licensed as a funeral
701 director shall apply to the licensing authority to take the
702 licensure examination. The licensing authority shall examine
703 each applicant who has remitted an examination fee set by rule
704 of the licensing authority not to exceed \$200 plus the actual
705 per applicant cost to the licensing authority for portions of
706 the examination and who the licensing authority certifies has:



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707 (a) Completed the application form and remitted a
708 nonrefundable application fee set by rule of the licensing
709 authority not to exceed \$200. A member of the United States
710 Armed Forces, such member's spouse, and a veteran of the United
711 States Armed Forces who separated from service within the 2
712 years preceding application for licensure are exempt from the
713 application fee. To qualify for the application fee exemption,
714 an applicant must provide a copy of a military identification
715 card, military dependent identification card, military service
716 record, military personnel file, veteran record, discharge
717 paper, or separation document that indicates such member is
718 currently in good standing or such veteran was honorably
719 discharged.

720 (3) Any applicant who has completed the required 1-year
721 internship and has been approved for examination as a funeral
722 director may qualify for a provisional license to work in a
723 licensed funeral establishment, under the direct supervision of
724 a licensed funeral director for 6 months as provided by rule of
725 the licensing authority. However, a provisional licensee may
726 work under the general supervision of a licensed funeral
727 director upon passage of the laws and rules examination required
728 under paragraph (2) (b). The fee for provisional licensure shall
729 be set by rule of the licensing authority but may not exceed
730 \$200. The fee required in this subsection shall be nonrefundable
731 and in addition to the fee required by subsection (1). This
732 provisional license may be renewed no more than one time. A
733 member of the United States Armed Forces, such member's spouse,
734 and a veteran of the United States Armed Forces who separated
735 from service within the 2 years preceding application for



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736 licensure are exempt from the initial provisional licensure fee.
737 To qualify for the initial provisional licensure fee exemption,
738 a licensee must provide a copy of a military identification
739 card, military dependent identification card, military service
740 record, military personnel file, veteran record, discharge
741 paper, or separation document that indicates such member is
742 currently in good standing or such veteran was honorably
743 discharged.

744 Section 23. Paragraph (a) of subsection (1) and subsection
745 (5) of section 497.374, Florida Statutes, are amended to read:

746 497.374 Funeral directing; licensure as a funeral director
747 by endorsement; licensure of a temporary funeral director.—

748 (1) The licensing authority shall issue a license by
749 endorsement to practice funeral directing to an applicant who
750 has remitted a fee set by rule of the licensing authority not to
751 exceed \$200 and who:

752 (a) Has completed the application form and remitted a
753 nonrefundable application fee set by rule of the licensing
754 authority not to exceed \$200. A member of the United States
755 Armed Forces, such member's spouse, and a veteran of the United
756 States Armed Forces who separated from service within the 2
757 years preceding application for licensure are exempt from the
758 nonrefundable application fee. To qualify for the exemption, an
759 applicant must provide a copy of a military identification card,
760 military dependent identification card, military service record,
761 military personnel file, veteran record, discharge paper, or
762 separation document that indicates such member is currently in
763 good standing or such veteran was honorably discharged.

764 (5) There may be adopted rules authorizing an applicant who



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765 has met the requirements of paragraphs (1)(b) and (c) and who is
766 awaiting an opportunity to take the examination required by
767 subsection (4) to obtain a license as a temporary funeral
768 director. A licensed temporary funeral director may work as a
769 funeral director in a licensed funeral establishment under the
770 general supervision of a funeral director licensed under
771 subsection (1) or s. 497.373. Such license shall expire 60 days
772 after the date of the next available examination required under
773 subsection (4); however, the temporary license may be renewed
774 one time under the same conditions as initial issuance. The fee
775 for initial issuance or renewal of a temporary license under
776 this subsection shall be set by rule of the licensing authority
777 but may not exceed \$200. The fee required in this subsection
778 shall be nonrefundable and in addition to the fee required in
779 subsection (1). A member of the United States Armed Forces, such
780 member's spouse, and a veteran of the United States Armed Forces
781 who separated from service within the 2 years preceding
782 application for licensure are exempt from the initial issuance
783 fee. To qualify for the initial issuance fee exemption, an
784 applicant must provide a copy of a military identification card,
785 military dependent identification card, military service record,
786 military personnel file, veteran record, discharge paper, or
787 separation document that indicates such member is currently in
788 good standing or such veteran was honorably discharged.

789 Section 24. Paragraph (a) of subsection (1) of section
790 497.375, Florida Statutes, is amended to read:

791 497.375 Funeral directing; licensure of a funeral director
792 intern.—

793 (1) (a) Any person desiring to become a funeral director



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794 intern must apply to the licensing authority on forms prescribed
795 by rule of the licensing authority, together with a
796 nonrefundable fee set by rule of the licensing authority not to
797 exceed \$200. A member of the United States Armed Forces, such
798 member's spouse, and a veteran of the United States Armed Forces
799 who separated from service within the 2 years preceding
800 application for licensure are exempt from the application fee.
801 To qualify for the application fee exemption, an applicant must
802 provide a copy of a military identification card, military
803 dependent identification card, military service record, military
804 personnel file, veteran record, discharge paper, or separation
805 document that indicates such member is currently in good
806 standing or such veteran was honorably discharged.

807 Section 25. Section 497.393, Florida Statutes, is created
808 to read:

809 497.393 Licensure; military-issued credentials for
810 licensure.—The licensing authority shall recognize military-
811 issued credentials relating to funeral and cemetery services for
812 purposes of licensure as a funeral director or embalmer. A
813 member of the United States Armed Forces and a veteran of the
814 United States Armed Forces seeking licensure as a funeral
815 director or embalmer under this section shall submit to the
816 licensing authority a certification that the military-issued
817 credential reflects knowledge, training, and experience
818 substantially similar to the requirements of this chapter for
819 licensure as a funeral director or embalmer. The licensing
820 authority shall adopt rules specifying forms and procedures to
821 be used by persons seeking licensure under this section. The
822 licensing authority may conduct an investigation and further



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823 inquiry of any person regarding any military-issued credential
824 sought to be recognized.

825 Section 26. Paragraph (n) of subsection (1) of section
826 497.453, Florida Statutes, is amended to read:

827 497.453 Application for preneed license, procedures and
828 criteria; renewal; reports.—

829 (1) PRENEED LICENSE APPLICATION PROCEDURES.—

830 (n) The application shall be accompanied by a nonrefundable
831 fee as determined by licensing authority rule but not to exceed
832 \$500. A member of the United States Armed Forces, such member's
833 spouse, and a veteran of the United States Armed Forces who
834 separated from service within the 2 years preceding application
835 for licensure are exempt from the application fee when applying
836 as an individual. To qualify for the application fee exemption,
837 an applicant must provide a copy of a military identification
838 card, military dependent identification card, military service
839 record, military personnel file, veteran record, discharge
840 paper, or separation document that indicates such member is
841 currently in good standing or such veteran was honorably
842 discharged.

843 Section 27. Paragraph (h) of subsection (2) of section
844 497.466, Florida Statutes, is amended to read:

845 497.466 Preneed sales agents, license required; application
846 procedures and criteria; appointment of agents; responsibility
847 of preneed licensee.—

848 (2) PRENEED SALES AGENT LICENSE; APPLICATION PROCEDURES.—

849 (h) The application shall be accompanied by a nonrefundable
850 fee of \$150 if made through the department's online licensing
851 system or \$175 if made using paper forms. Payment of either fee



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852 shall entitle the applicant to one initial appointment without
853 payment of further fees by the preneed sales agent or the
854 appointing preneed licensee if a preneed sales agent license is
855 issued. The licensing authority may from time to time increase
856 such fees but not to exceed \$300. A member of the United States
857 Armed Forces, such member's spouse, and a veteran of the United
858 States Armed Forces who separated from service within the 2
859 years preceding application for licensure are exempt from the
860 application fee. To qualify for the application fee exemption,
861 an applicant must provide a copy of a military identification
862 card, military dependent identification card, military service
863 record, military personnel file, veteran record, discharge
864 paper, or separation document that indicates such member is
865 currently in good standing or such veteran was honorably
866 discharged.

867 Section 28. Paragraph (e) of subsection (2) of section
868 497.554, Florida Statutes, is amended to read:

869 497.554 Monument establishment sales representatives.—

870 (2) APPLICATION PROCEDURES.—Licensure as a monument
871 establishment sales agent shall be by submission of an
872 application for licensure to the department on a form prescribed
873 by rule.

874 (e) The monument establishment sales agent application
875 shall be accompanied by a fee of \$50. The licensing authority
876 may from time to time increase the application fee by rule but
877 not to exceed \$200. A member of the United States Armed Forces,
878 such member's spouse, and a veteran of the United States Armed
879 Forces who separated from service within the 2 years preceding
880 application for licensure are exempt from the application fee.



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881 To qualify for the application fee exemption, an applicant must
882 provide a copy of a military identification card, military
883 dependent identification card, military service record, military
884 personnel file, veteran record, discharge paper, or separation
885 document that indicates such member is currently in good
886 standing or such veteran was honorably discharged.

887 Section 29. Paragraph (i) of subsection (2) and subsection
888 (4) of section 497.602, Florida Statutes, are amended to read:

889 497.602 Direct disposers, license required; licensing
890 procedures and criteria; regulation.—

891 (2) APPLICATION PROCEDURES.—

892 (i) The application shall be accompanied by a nonrefundable
893 fee of \$300. The licensing authority may from time to time
894 increase the fee by rule but not to exceed more than \$500. A
895 member of the United States Armed Forces, such member's spouse,
896 and a veteran of the United States Armed Forces who separated
897 from service within the 2 years preceding application for
898 licensure are exempt from the application fee. To qualify for
899 the application fee exemption, an applicant must provide a copy
900 of a military identification card, military dependent
901 identification card, military service record, military personnel
902 file, veteran record, discharge paper, or separation document
903 that indicates such member is currently in good standing or such
904 veteran was honorably discharged.

905 (4) ISSUANCE OF LICENSE.—Upon approval of the application
906 by the licensing authority, the license shall be issued. The
907 licensing authority shall recognize military-issued credentials
908 relating to funeral and cemetery services for purposes of
909 licensure as a direct disposer. A member of the United States



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910 Armed Forces and a veteran of the United States Armed Forces
911 seeking licensure as a direct disposer under this section shall
912 submit to the licensing authority a certification that the
913 military-issued credential reflects knowledge, training, and
914 experience substantially similar to the requirements of this
915 chapter for licensure as a direct disposer. The licensing
916 authority shall adopt rules specifying forms and procedures to
917 be used by members and veterans of the United States Armed
918 Forces seeking licensure under this section. The licensing
919 authority may conduct investigation and further inquiry of any
920 person regarding any military-issued credential sought to be
921 recognized.

922 Section 30. Subsection (2) of section 501.015, Florida
923 Statutes, is amended to read:

924 501.015 Health studios; registration requirements and
925 fees.—Each health studio shall:

926 (2) Remit an annual registration fee of \$300 to the
927 department at the time of registration for each of the health
928 studio's business locations.

929 (a) The department shall waive the initial registration fee
930 for an honorably discharged veteran of the United States Armed
931 Forces, the spouse or surviving spouse of such a veteran, a
932 current member of the United States Armed Forces who has served
933 on active duty, the spouse of such a member, the surviving
934 spouse of a member of the United States Armed Forces if the
935 member died while serving on active duty, or a business entity
936 that has a majority ownership held by such a veteran or spouse
937 or surviving spouse if the department receives an application,
938 in a format prescribed by the department. The application format



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939 must include the applicant's signature, under penalty of
940 perjury, and supporting documentation, within 60 months after
941 the date of the veteran's discharge from any branch of the
942 United States Armed Forces. To qualify for the waiver:

943 1. A veteran must provide to the department a copy of his
944 or her DD Form 214, as issued by the United States Department of
945 Defense, or another acceptable form of identification as
946 specified by the Department of Veterans' Affairs;

947 2. The spouse or surviving spouse of a veteran must provide
948 to the department a copy of the veteran's DD Form 214, as issued
949 by the United States Department of Defense, or another
950 acceptable form of identification as specified by the Department
951 of Veterans' Affairs, and a copy of a valid marriage license or
952 certificate verifying that he or she was lawfully married to the
953 veteran at the time of discharge; or

954 3. A business entity must provide to the department proof
955 that a veteran or the spouse or surviving spouse of a veteran
956 holds a majority ownership in the business, a copy of the
957 veteran's DD Form 214, as issued by the United States Department
958 of Defense, or another acceptable form of identification as
959 specified by the Department of Veterans' Affairs, and, if
960 applicable, a copy of a valid marriage license or certificate
961 verifying that the spouse or surviving spouse of the veteran was
962 lawfully married to the veteran at the time of discharge.

963 (b) The department shall waive the registration renewal fee
964 for a registrant who:

965 1. Is an active duty member of the United States Armed
966 Forces or the spouse of such member;

967 2. Is or was a member of the United States Armed Forces and



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968 served on active duty within the 2 years preceding the renewal
969 date. To qualify for the fee waiver, a registrant who is a
970 former member of the United States Armed Forces who served on
971 active duty within the 2 years preceding the expiration date of
972 the registration must have received an honorable discharge upon
973 separation or discharge from the United States Armed Forces; or
974 3. Is the surviving spouse of a member of the United States
975 Armed Forces if the member was serving on active duty at the
976 time of death and died within the 2 years preceding the date of
977 renewal.

978
979 A registrant seeking such waiver must apply in a format
980 prescribed by the department, including the applicant's
981 signature, under penalty of perjury, and supporting
982 documentation.

983 Section 31. Paragraph (b) of subsection (5) of section
984 501.605, Florida Statutes, is amended to read:

985 501.605 Licensure of commercial telephone sellers and
986 entities providing substance abuse marketing services.—

987 (5) An application filed pursuant to this part must be
988 verified and accompanied by:

989 (b) A fee for licensing in the amount of \$1,500. The fee
990 shall be deposited into the General Inspection Trust Fund. The
991 department shall waive the initial license fee for an honorably
992 discharged veteran of the United States Armed Forces, the spouse
993 or surviving spouse of such a veteran, a current member of the
994 United States Armed Forces who has served on active duty, the
995 spouse of such a member, the surviving spouse of a member of the
996 United States Armed Forces if such member died while serving on



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997 active duty, or a business entity that has a majority ownership
998 held by such a veteran or spouse or surviving spouse if the
999 department receives an application, in a format prescribed by
1000 the department. The application format must include the
1001 applicant's signature, under penalty of perjury, and supporting
1002 documentation, within 60 months after the date of the veteran's
1003 discharge from any branch of the United States Armed Forces. To
1004 qualify for the waiver:7

1005 1. A veteran must provide to the department a copy of his
1006 or her DD Form 214, as issued by the United States Department of
1007 Defense, or another acceptable form of identification as
1008 specified by the Department of Veterans' Affairs;

1009 2. The spouse or surviving spouse of a veteran must provide
1010 to the department a copy of the veteran's DD Form 214, as issued
1011 by the United States Department of Defense, or another
1012 acceptable form of identification as specified by the Department
1013 of Veterans' Affairs, and a copy of a valid marriage license or
1014 certificate verifying that he or she was lawfully married to the
1015 veteran at the time of discharge; or

1016 3. A business entity must provide to the department proof
1017 that a veteran or the spouse or surviving spouse of a veteran
1018 holds a majority ownership in the business, a copy of the
1019 veteran's DD Form 214, as issued by the United States Department
1020 of Defense, or another acceptable form of identification as
1021 specified by the Department of Veterans' Affairs, and, if
1022 applicable, a copy of a valid marriage license or certificate
1023 verifying that the spouse or surviving spouse of the veteran was
1024 lawfully married to the veteran at the time of discharge.

1025 Section 32. Paragraph (b) of subsection (2) of section



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1026 501.607, Florida Statutes, is amended to read:

1027 501.607 Licensure of salespersons.—

1028 (2) An application filed pursuant to this section must be
1029 verified and be accompanied by:

1030 (b) A fee for licensing in the amount of \$50 per
1031 salesperson. The fee shall be deposited into the General
1032 Inspection Trust Fund. The fee for licensing may be paid after
1033 the application is filed, but must be paid within 14 days after
1034 the applicant begins work as a salesperson. The department shall
1035 waive the initial license fee for an honorably discharged
1036 veteran of the United States Armed Forces, the spouse or
1037 surviving spouse of such a veteran, a current member of the
1038 United States Armed Forces who has served on active duty, the
1039 spouse of such a member, the surviving spouse of a member of the
1040 United States Armed Forces if the member died while serving on
1041 active duty, or a business entity that has a majority ownership
1042 held by such a veteran or spouse or surviving spouse if the
1043 department receives an application, in a format prescribed by
1044 the department. The application format must include the
1045 applicant's signature, under penalty of perjury, and supporting
1046 documentation, within 60 months after the date of the veteran's
1047 discharge from any branch of the United States Armed Forces. To
1048 qualify for the waiver:7

1049 1. A veteran must provide to the department a copy of his
1050 or her DD Form 214, as issued by the United States Department of
1051 Defense, or another acceptable form of identification as
1052 specified by the Department of Veterans' Affairs;

1053 2. The spouse or surviving spouse of a veteran must provide
1054 to the department a copy of the veteran's DD Form 214, as issued



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1055 by the United States Department of Defense, or another
1056 acceptable form of identification as specified by the Department
1057 of Veterans' Affairs, and a copy of a valid marriage license or
1058 certificate verifying that he or she was lawfully married to the
1059 veteran at the time of discharge; or

1060 3. A business entity must provide to the department proof
1061 that a veteran or the spouse or surviving spouse of a veteran
1062 holds a majority ownership in the business, a copy of the
1063 veteran's DD Form 214, as issued by the United States Department
1064 of Defense, or another acceptable form of identification as
1065 specified by the Department of Veterans' Affairs, and, if
1066 applicable, a copy of a valid marriage license or certificate
1067 verifying that the spouse or surviving spouse of the veteran was
1068 lawfully married to the veteran at the time of discharge.

1069 Section 33. Subsection (5) is added to section 501.609,
1070 Florida Statutes, to read:

1071 501.609 License renewal.—

1072 (5) The department shall waive the annual fee to renew for
1073 a licensee who:

1074 (a) Is an active duty member of the United States Armed
1075 Forces or the spouse of such member;

1076 (b) Is or was a member of the United States Armed Forces,
1077 and served on active duty within the 2 years preceding the
1078 renewal date. To qualify for the fee waiver, a licensee who is a
1079 former member of the United States Armed Forces who served on
1080 active duty within the 2 years preceding the expiration date of
1081 the registration must have received an honorable discharge upon
1082 separation or discharge from the United States Armed Forces; or

1083 (c) Is the surviving spouse of a member of the United



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1084 States Armed Forces if the member was serving on active duty at
1085 the time of death and died within the 2 years preceding the
1086 renewal.

1087
1088 A licensee seeking such waiver must apply in a format prescribed
1089 by the department, including the applicant's signature, under
1090 penalty of perjury, and supporting documentation.

1091 Section 34. Paragraph (b) of subsection (3) of section
1092 507.03, Florida Statutes, is amended, and paragraph (c) is added
1093 to that subsection, to read:

1094 507.03 Registration.—

1095 (3)

1096 (b) The department shall waive the initial registration fee
1097 for an honorably discharged veteran of the United States Armed
1098 Forces, the spouse or surviving spouse of such a veteran, a
1099 current member of the United States Armed Forces who has served
1100 on active duty, the spouse of such a member, the surviving
1101 spouse of a member of the United States Armed Forces if the
1102 member died while serving on active duty, or a business entity
1103 that has a majority ownership held by such a veteran or spouse
1104 or surviving spouse if the department receives an application,
1105 in a format prescribed by the department. The application format
1106 must include the applicant's signature, under penalty of
1107 perjury, and supporting documentation, ~~within 60 months after~~
1108 ~~the date of the veteran's discharge from any branch of the~~
1109 ~~United States Armed Forces.~~ To qualify for the waiver: 7

1110 1. A veteran must provide to the department a copy of his
1111 or her DD Form 214, as issued by the United States Department of
1112 Defense, or another acceptable form of identification as



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1113 specified by the Department of Veterans' Affairs;

1114 2. The spouse or surviving spouse of a veteran must provide
1115 to the department a copy of the veteran's DD Form 214, as issued
1116 by the United States Department of Defense, or another
1117 acceptable form of identification as specified by the Department
1118 of Veterans' Affairs, and a copy of a valid marriage license or
1119 certificate verifying that he or she was lawfully married to the
1120 veteran at the time of discharge; or

1121 3. A business entity must provide to the department proof
1122 that a veteran or the spouse or surviving spouse of a veteran
1123 holds a majority ownership in the business, a copy of the
1124 veteran's DD Form 214, as issued by the United States Department
1125 of Defense, or another acceptable form of identification as
1126 specified by the Department of Veterans' Affairs, and, if
1127 applicable, a copy of a valid marriage license or certificate
1128 verifying that the spouse or surviving spouse of the veteran was
1129 lawfully married to the veteran at the time of discharge.

1130 (c) The department shall waive the biennial fee to renew
1131 for a registrant who:

1132 1. Is an active duty member of the United States Armed
1133 Forces or the spouse of such member;

1134 2. Is or was a member of the United States Armed Forces and
1135 served on active duty within the 2 years preceding the
1136 expiration date. To qualify for the fee waiver, a registrant who
1137 is a former member of the United States Armed Forces who served
1138 on active duty within the 2 years preceding the expiration date
1139 of the registration must have received an honorable discharge
1140 upon separation or discharge from the United States Armed
1141 Forces; or



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1142 3. Is the surviving spouse of a member of the United States
1143 Armed Forces if the member was serving on active duty at the
1144 time of death and died within the 2 years preceding the renewal.

1145
1146 A registrant seeking such waiver must apply in a format
1147 prescribed by the department, including the applicant's
1148 signature, under penalty of perjury, and supporting
1149 documentation.

1150 Section 35. Subsections (10) and (11) of section 517.12,
1151 Florida Statutes, are amended to read:

1152 517.12 Registration of dealers, associated persons,
1153 intermediaries, and investment advisers.—

1154 (10) (a) An applicant for registration shall pay an
1155 assessment fee of \$200, in the case of a dealer or investment
1156 adviser, or \$50, in the case of an associated person. An
1157 associated person may be assessed an additional fee to cover the
1158 cost for the fingerprints to be processed by the office. Such
1159 fee shall be determined by rule of the commission. Such fees
1160 become the revenue of the state, except for those assessments
1161 provided for under s. 517.131(1) until such time as the
1162 Securities Guaranty Fund satisfies the statutory limits, and are
1163 not returnable in the event that registration is withdrawn or
1164 not granted.

1165 (b) The office shall waive the \$50 assessment fee for an
1166 associated person required by paragraph (a) for an applicant
1167 who:

1168 1. Is or was an active duty member of the United States
1169 Armed Forces. To qualify for the fee waiver, an applicant who is
1170 a former member of the United States Armed Forces must have



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1171 received an honorable discharge upon separation or discharge
1172 from the United States Armed Forces;

1173 2. Is married to a current or former member of the United
1174 States Armed Forces and is or was married to the member during
1175 any period of active duty; or

1176 3. Is the surviving spouse of a member of the United States
1177 Armed Forces if the member was serving on active duty at the
1178 time of death.

1179
1180 An applicant seeking such fee waiver must submit proof, in a
1181 form prescribed by commission rule, that the applicant meets one
1182 of the qualifications in this paragraph.

1183 (11) (a) If the office finds that the applicant is of good
1184 repute and character and has complied with the provisions of
1185 this chapter and the rules made pursuant hereto, it shall
1186 register the applicant. The registration of each dealer,
1187 investment adviser, and associated person expires on December 31
1188 of the year the registration became effective unless the
1189 registrant has renewed his or her registration on or before that
1190 date. Registration may be renewed by furnishing such information
1191 as the commission may require, together with payment of the fee
1192 required in paragraph (10) (a) ~~subsection (10)~~ for dealers,
1193 investment advisers, or associated persons and the payment of
1194 any amount lawfully due and owing to the office pursuant to any
1195 order of the office or pursuant to any agreement with the
1196 office. Any dealer, investment adviser, or associated person who
1197 has not renewed a registration by the time the current
1198 registration expires may request reinstatement of such
1199 registration by filing with the office, on or before January 31



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1200 of the year following the year of expiration, such information
1201 as may be required by the commission, together with payment of
1202 the fee required in paragraph (10) (a) subsection (10) for
1203 dealers, investment advisers, or associated persons and a late
1204 fee equal to the amount of such fee. Any reinstatement of
1205 registration granted by the office during the month of January
1206 shall be deemed effective retroactive to January 1 of that year.

1207 (b) The office shall waive the \$50 assessment fee for an
1208 associated person required by paragraph (10) (a) for a registrant
1209 renewing his or her registration who:

1210 1. Is an active duty member of the United States Armed
1211 Forces or the spouse of such member;

1212 2. Is or was a member of the United States Armed Forces and
1213 served on active duty within the 2 years preceding the
1214 expiration date of the registration pursuant to paragraph (a).

1215 To qualify for the fee waiver, a registrant who is a former
1216 member of the United States Armed Forces who served on active
1217 duty within the 2 years preceding the expiration date of the
1218 registration must have received an honorable discharge upon

1219 separation or discharge from the United States Armed Forces; or

1220 3. Is the surviving spouse of a member of the United States
1221 Armed Forces if the member was serving on active duty at the
1222 time of death and died within the 2 years preceding the
1223 surviving spouse's registration expiration date pursuant to
1224 paragraph (a).

1225
1226 A registrant seeking such fee waiver must submit proof, in a
1227 form prescribed by commission rule, that the registrant meets
1228 one of the qualifications in this paragraph.



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1229 Section 36. Paragraph (b) of subsection (3) of section
1230 527.02, Florida Statutes, is amended, and paragraph (c) is added
1231 to that subsection, to read:

1232 527.02 License; penalty; fees.—

1233 (3)

1234 (b) The department shall waive the initial license fee for
1235 an honorably discharged veteran of the United States Armed
1236 Forces, the spouse or surviving spouse of such a veteran, a
1237 current member of the United States Armed Forces who has served
1238 on active duty, the spouse of such a member, the surviving
1239 spouse of a member of the United States Armed Forces if the
1240 member died while serving on active duty, or a business entity
1241 that has a majority ownership held by such a veteran or spouse
1242 or surviving spouse if the department receives an application,
1243 in a format prescribed by the department. The application format
1244 must include the applicant's signature, under penalty of
1245 perjury, and supporting documentation, ~~within 60 months after~~
1246 ~~the date of the veteran's discharge from any branch of the~~
1247 ~~United States Armed Forces.~~ To qualify for the waiver: 7

1248 1. A veteran must provide to the department a copy of his
1249 or her DD Form 214, as issued by the United States Department of
1250 Defense or another acceptable form of identification as
1251 specified by the Department of Veterans' Affairs;

1252 2. The spouse or surviving spouse of a veteran must provide
1253 to the department a copy of the veteran's DD Form 214, as issued
1254 by the United States Department of Defense, or another
1255 acceptable form of identification as specified by the Department
1256 of Veterans' Affairs, and a copy of a valid marriage license or
1257 certificate verifying that he or she was lawfully married to the



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1258 veteran at the time of discharge; or

1259 3. A business entity must provide to the department proof
1260 that a veteran or the spouse or surviving spouse of a veteran
1261 holds a majority ownership in the business, a copy of the
1262 veteran's DD Form 214, as issued by the United States Department
1263 of Defense, or another acceptable form of identification as
1264 specified by the Department of Veterans' Affairs, and, if
1265 applicable, a copy of a valid marriage license or certificate
1266 verifying that the spouse or surviving spouse of the veteran was
1267 lawfully married to the veteran at the time of discharge.

1268 (c) The department shall waive license renewal fees for a
1269 licensee who:

1270 1. Is an active duty member of the United States Armed
1271 Forces or the spouse of such member;

1272 2. Is or was a member of the United States Armed Forces and
1273 served on active duty within the 2 years preceding the renewal
1274 date. To qualify for the fee waiver under this subparagraph, a
1275 licensee who is a former member of the United States Armed
1276 Forces who served on active duty within the 2 years preceding
1277 the annual renewal date must have received an honorable
1278 discharge upon separation or discharge from the United States
1279 Armed Forces; or

1280 3. Is the surviving spouse of a member of the United States
1281 Armed Forces if such member was serving on active duty at the
1282 time of death and died within the 2 years preceding the
1283 surviving spouse's renewal.

1284
1285 A licensee seeking such waiver must apply in a format prescribed
1286 by the department, including the applicant's signature, under



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1287 penalty of perjury, and supporting documentation.

1288 Section 37. Paragraph (c) of subsection (3) of section
1289 539.001, Florida Statutes, is amended, and paragraph (g) is
1290 added to that subsection, to read:

1291 539.001 The Florida Pawnbroking Act.—

1292 (3) LICENSE REQUIRED.—

1293 (c) Each license is valid for a period of 1 year unless it
1294 is earlier relinquished, suspended, or revoked. Each license
1295 shall be renewed annually, and each licensee shall, initially
1296 and annually thereafter, pay to the agency a license fee of \$300
1297 for each license held. The agency shall waive the initial
1298 license fee for an honorably discharged veteran of the United
1299 States Armed Forces, the spouse or surviving spouse of such a
1300 veteran, a current member of the United States Armed Forces who
1301 has served on active duty, the spouse of such a member, the
1302 surviving spouse of a member of the United States Armed Forces
1303 if the member died while serving on active duty, or a business
1304 entity that has a majority ownership held by such a veteran or
1305 spouse or surviving spouse if the agency receives an
1306 application, in a format prescribed by the agency. The
1307 application format must include the applicant's signature, under
1308 penalty of perjury, and supporting documentation, within 60
1309 months after the date of the veteran's discharge from any branch
1310 of the United States Armed Forces. To qualify for the waiver:7

1311 1. A veteran must provide to the agency a copy of his or
1312 her DD Form 214, as issued by the United States Department of
1313 Defense, or another acceptable form of identification as
1314 specified by the Department of Veterans' Affairs;

1315 2. The spouse or surviving spouse of a veteran must provide



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1316 to the agency a copy of the veteran's DD Form 214, as issued by
1317 the United States Department of Defense, or another acceptable
1318 form of identification as specified by the Department of
1319 Veterans' Affairs, and a copy of a valid marriage license or
1320 certificate verifying that he or she was lawfully married to the
1321 veteran at the time of discharge; or

1322 3. A business entity must provide to the agency proof that
1323 a veteran or the spouse or surviving spouse of a veteran holds a
1324 majority ownership in the business, a copy of the veteran's DD
1325 Form 214, as issued by the United States Department of Defense,
1326 or another acceptable form of identification as specified by the
1327 Department of Veterans' Affairs, and, if applicable, a copy of a
1328 valid marriage license or certificate verifying that the spouse
1329 or surviving spouse of the veteran was lawfully married to the
1330 veteran at the time of discharge.

1331 (g) The agency shall waive license renewal fee for a
1332 licensee who:

1333 1. Is an active duty member of the United States Armed
1334 Forces or the spouse of such member;

1335 2. Is or was a member of the United States Armed Forces,
1336 and served on active duty within the 2 years preceding the
1337 renewal date. To qualify for the fee waiver under this
1338 subparagraph, a licensee who is a former member of the United
1339 States Armed Forces who served on active duty within the 2 years
1340 preceding the annual renewal date must have received an
1341 honorable discharge upon separation or discharge from the United
1342 States Armed Forces; or

1343 3. Is the surviving spouse of a member of the United States
1344 Armed Forces if the member was serving on active duty at the



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1345 time of death and died within the 2 years preceding the renewal.

1346

1347 A licensee seeking such waiver must apply in a format prescribed
1348 by the agency, including the applicant's signature, under
1349 penalty of perjury, and supporting documentation.

1350 Section 38. Paragraph (b) of subsection (3) of section
1351 559.904, Florida Statutes, is amended, and paragraph (c) is
1352 added to that subsection, to read:

1353 559.904 Motor vehicle repair shop registration;
1354 application; exemption.-

1355 (3)

1356 (b) The department shall waive the initial registration fee
1357 for an honorably discharged veteran of the United States Armed
1358 Forces, the spouse or surviving spouse of such a veteran, a
1359 current member of the United States Armed Forces who has served
1360 on active duty, the spouse of such a member, the surviving
1361 spouse of a member of the United States Armed Forces if the
1362 member died while serving on active duty, or a business entity
1363 that has a majority ownership held by such a veteran or spouse
1364 or surviving spouse if the department receives an application,
1365 in a format prescribed by the department. The application format
1366 must include the applicant's signature, under penalty of
1367 perjury, and supporting documentation, ~~within 60 months after~~
1368 ~~the date of the veteran's discharge from any branch of the~~
1369 ~~United States Armed Forces.~~ To qualify for the waiver: 7

1370 1. A veteran must provide to the department a copy of his
1371 or her DD Form 214, as issued by the United States Department of
1372 Defense, or another acceptable form of identification as
1373 specified by the Department of Veterans' Affairs;



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1374 2. The spouse or surviving spouse of a veteran must provide
1375 to the department a copy of the veteran's DD Form 214, as issued
1376 by the United States Department of Defense, or another
1377 acceptable form of identification as specified by the Department
1378 of Veterans' Affairs, and a copy of a valid marriage license or
1379 certificate verifying that he or she was lawfully married to the
1380 veteran at the time of discharge; or

1381 3. A business entity must provide to the department proof
1382 that a veteran or the spouse or surviving spouse of a veteran
1383 holds a majority ownership in the business, a copy of the
1384 veteran's DD Form 214, as issued by the United States Department
1385 of Defense or another acceptable form of identification as
1386 specified by the Department of Veterans' Affairs, and, if
1387 applicable, a copy of a valid marriage license or certificate
1388 verifying that the spouse or surviving spouse of the veteran was
1389 lawfully married to the veteran at the time of discharge.

1390 (c) The department shall waive registration renewal fees
1391 for a registrant who:

1392 1. Is an active duty member of the United States Armed
1393 Forces or the spouse of such member;

1394 2. Is or was a member of the United States Armed Forces and
1395 served on active duty within the 2 years preceding the renewal
1396 date. To qualify for the fee waiver under this subparagraph, a
1397 registrant who is a former member of the United States Armed
1398 Forces who served on active duty within the 2 years preceding
1399 the biennial renewal date must have received an honorable
1400 discharge upon separation or discharge from the United States
1401 Armed Forces; or

1402 3. Is the surviving spouse of a member of the United States



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1403 Armed Forces if the member was serving on active duty at the
1404 time of death and died within the 2 years preceding the renewal.

1405

1406 A registrant seeking such waiver must apply in a format
1407 prescribed by the department, including the applicant's
1408 signature, under penalty of perjury, and supporting
1409 documentation.

1410 Section 39. Paragraph (c) of subsection (2) of section
1411 559.928, Florida Statutes, is amended, and paragraph (d) is
1412 added to that subsection, to read:

1413 559.928 Registration.—

1414 (2)

1415 (c) The department shall waive the initial registration fee
1416 for an honorably discharged veteran of the United States Armed
1417 Forces, the spouse or surviving spouse of such a veteran, a
1418 current member of the United States Armed Forces who has served
1419 on active duty, the spouse of such a member, the surviving
1420 spouse of a member of the United States Armed Forces if the
1421 member died while serving on active duty, or a business entity
1422 that has a majority ownership held by such a veteran or spouse
1423 or surviving spouse if the department receives an application,
1424 in a format prescribed by the department. The application format
1425 must include the applicant's signature, under penalty of
1426 perjury, and supporting documentation, ~~within 60 months after~~
1427 the date of the veteran's discharge from any branch of the
1428 United States Armed Forces. To qualify for the waiver:7

1429 1. A veteran must provide to the department a copy of his
1430 or her DD Form 214, as issued by the United States Department of
1431 Defense, or another acceptable form of identification as



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1432 specified by the Department of Veterans' Affairs;

1433 2. The spouse or surviving spouse of a veteran must provide
1434 to the department a copy of the veteran's DD Form 214, as issued
1435 by the United States Department of Defense, or another
1436 acceptable form of identification as specified by the Department
1437 of Veterans' Affairs, and a copy of a valid marriage license or
1438 certificate verifying that he or she was lawfully married to the
1439 veteran at the time of discharge; or

1440 3. A business entity must provide to the department proof
1441 that a veteran or the spouse or surviving spouse of a veteran
1442 holds a majority ownership in the business, a copy of the
1443 veteran's DD Form 214, as issued by the United States Department
1444 of Defense, or another acceptable form of identification as
1445 specified by the Department of Veterans' Affairs, and, if
1446 applicable, a copy of a valid marriage license or certificate
1447 verifying that the spouse or surviving spouse of the veteran was
1448 lawfully married to the veteran at the time of discharge.

1449 (d) The department shall waive the registration renewal fee
1450 for a registrant who:

1451 1. Is an active duty member of the United States Armed
1452 Forces or the spouse of such member;

1453 2. Is or was a member of the United States Armed Forces and
1454 served on active duty within the 2 years preceding the renewal
1455 date. To qualify for the fee waiver under this subparagraph, a
1456 registrant who is a former member of the United States Armed
1457 Forces who served on active duty within the 2 years preceding
1458 the annual registration renewal date must have received an
1459 honorable discharge upon separation or discharge from the United
1460 States Armed Forces; or



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1461 3. Is the surviving spouse of a member of the United States
1462 Armed Forces if the member was serving on active duty at the
1463 time of death and died within the 2 years preceding the renewal.

1464
1465 A registrant seeking such waiver must apply in a format
1466 prescribed by the department, including the applicant's
1467 signature, under penalty of perjury, and supporting
1468 documentation.

1469 Section 40. Subsection (6) of section 626.171, Florida
1470 Statutes, is amended to read:

1471 626.171 Application for license as an agent, customer
1472 representative, adjuster, service representative, managing
1473 general agent, or reinsurance intermediary.—

1474 (6) Members of the United States Armed Forces and their
1475 spouses, and veterans of the United States Armed Forces who have
1476 separated from service ~~retired~~ within 24 months before
1477 application for licensure, are exempt from the application
1478 filing fee prescribed in s. 624.501. Qualified individuals must
1479 provide a copy of a military identification card, military
1480 dependent identification card, military service record, military
1481 personnel file, veteran record, discharge paper, ~~or separation~~
1482 ~~document,~~ or a separation document that indicates such members
1483 ~~of the United States Armed Forces~~ are currently in good standing
1484 or such veterans were honorably discharged.

1485 Section 41. Subsection (6) of section 626.732, Florida
1486 Statutes, is renumbered as subsection (7), and a new subsection
1487 (6) is added to that section, to read:

1488 626.732 Requirement as to knowledge, experience, or
1489 instruction.—



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1490 (6) Prelicensure coursework is not required for an
1491 applicant who is a member or veteran of the United States Armed
1492 Forces or the spouse of such a member or veteran. A qualified
1493 individual must provide a copy of a military identification
1494 card, military dependent identification card, military service
1495 record, military personnel file, veteran record, discharge
1496 paper, or separation document that indicates such member is
1497 currently in good standing or such veteran is honorably
1498 discharged.

1499 Section 42. Section 626.7851, Florida Statutes, is amended
1500 to read:

1501 626.7851 Requirement as to knowledge, experience, or
1502 instruction.—An applicant for a license as a life agent, except
1503 for a chartered life underwriter (CLU), shall not be qualified
1504 or licensed unless within the 4 years immediately preceding the
1505 date the application for a license is filed with the department
1506 he or she has:

1507 (1) Successfully completed 40 hours of coursework in life
1508 insurance, annuities, and variable contracts approved by the
1509 department, 3 hours of which shall be on the subject matter of
1510 ethics. Courses must include instruction on the subject matter
1511 of unauthorized entities engaging in the business of insurance;

1512 (2) Successfully completed a minimum of 60 hours of
1513 coursework in multiple areas of insurance, which included life
1514 insurance, annuities, and variable contracts, approved by the
1515 department, 3 hours of which shall be on the subject matter of
1516 ethics. Courses must include instruction on the subject matter
1517 of unauthorized entities engaging in the business of insurance;

1518 (3) Earned or maintained an active designation as Chartered



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1519 Financial Consultant (ChFC) from the American College of
1520 Financial Services; or Fellow, Life Management Institute (FLMI)
1521 from the Life Management Institute;

1522 (4) Held an active license in life insurance in another
1523 state. This provision may not be used unless the other state
1524 grants reciprocal treatment to licensees formerly licensed in
1525 the state; or

1526 (5) Been employed by the department or office for at least
1527 1 year, full time in life insurance regulatory matters and who
1528 was not terminated for cause, and application for examination is
1529 made within 4 years after the date of termination of his or her
1530 employment with the department or office.

1531
1532 Prelicensure coursework is not required for an applicant who is
1533 a member or veteran of the United States Armed Forces or the
1534 spouse of such a member or veteran. A qualified individual must
1535 provide a copy of a military identification card, military
1536 dependent identification card, military service record, military
1537 personnel file, veteran record, discharge paper, or separation
1538 document that indicates such member is currently in good
1539 standing or such veteran is honorably discharged.

1540 Section 43. Section 626.8311, Florida Statutes, is amended
1541 to read:

1542 626.8311 Requirement as to knowledge, experience, or
1543 instruction.—An applicant for a license as a health agent,
1544 except for a chartered life underwriter (CLU), shall not be
1545 qualified or licensed unless within the 4 years immediately
1546 preceding the date the application for license is filed with the
1547 department he or she has:



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1548 (1) Successfully completed 40 hours of coursework in health
1549 insurance, approved by the department, 3 hours of which shall be
1550 on the subject matter of ethics. Courses must include
1551 instruction on the subject matter of unauthorized entities
1552 engaging in the business of insurance, to include the Florida
1553 Nonprofit Multiple-Employer Welfare Arrangement Act and the
1554 Employee Retirement Income Security Act, 29 U.S.C. ss. 1001 et
1555 seq., as it relates to the provision of health insurance by
1556 employers to their employees and the regulation thereof;

1557 (2) Successfully completed a minimum of 60 hours of
1558 coursework in multiple areas of insurance, which included health
1559 insurance, approved by the department, 3 hours of which shall be
1560 on the subject matter of ethics. Courses must include
1561 instruction on the subject matter of unauthorized entities
1562 engaging in the business of insurance;

1563 (3) Earned or maintained an active designation as a
1564 Registered Health Underwriter (RHU), Chartered Healthcare
1565 Consultant (ChHC), or Registered Employee Benefits Consultant
1566 (REBC) from the American College of Financial Services;
1567 Certified Employee Benefit Specialist (CEBS) from the Wharton
1568 School of the University of Pennsylvania; or Health Insurance
1569 Associate (HIA) from America's Health Insurance Plans;

1570 (4) Held an active license in health insurance in another
1571 state. This provision may not be utilized unless the other state
1572 grants reciprocal treatment to licensees formerly licensed in
1573 Florida; or

1574 (5) Been employed by the department or office for at least
1575 1 year, full time in health insurance regulatory matters and who
1576 was not terminated for cause, and application for examination is



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1577 made within 4 years after the date of termination of his or her
1578 employment with the department or office.

1579
1580 Prelicensure coursework is not required for an applicant who is
1581 a member or veteran of the United States Armed Forces or the
1582 spouse of such a member or veteran. A qualified individual must
1583 provide a copy of a military identification card, military
1584 dependent identification card, military service record, military
1585 personnel file, veteran record, discharge paper, or separation
1586 document that indicates such member is currently in good
1587 standing or such veteran is honorably discharged.

1588 Section 44. Subsection (7) is added to section 626.8417,
1589 Florida Statutes, to read:

1590 626.8417 Title insurance agent licensure; exemptions.—

1591 (7) Prelicensure coursework is not required for an
1592 applicant who is a member or veteran of the United States Armed
1593 Forces or the spouse of such a member or veteran. A qualified
1594 individual must provide a copy of a military identification
1595 card, military dependent identification card, military service
1596 record, military personnel file, veteran record, discharge
1597 paper, or separation document that indicates such member is
1598 currently in good standing or such veteran is honorably
1599 discharged.

1600 Section 45. Subsection (7) is added to section 626.927,
1601 Florida Statutes, to read:

1602 626.927 Licensing of surplus lines agent.—

1603 (7) Prelicensure coursework is not required for an
1604 applicant who is a member or veteran of the United States Armed
1605 Forces or the spouse of such a member or veteran. A qualified



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1606 individual must provide a copy of a military identification
1607 card, military dependent identification card, military service
1608 record, military personnel file, veteran record, discharge
1609 paper, or separation document that indicates such member is
1610 currently in good standing or such veteran is honorably
1611 discharged.

1612 Section 46. Section 633.414, Florida Statutes, is amended
1613 to read:

1614 633.414 Retention of firefighter and volunteer firefighter
1615 certifications.—

1616 (1) In order for a firefighter to retain her or his
1617 Firefighter Certificate of Compliance, every 4 years he or she
1618 must meet the requirements for renewal provided in this chapter
1619 and by rule, which must include at least one of the following:

1620 (a) Be active as a firefighter.

1621 (b) Maintain a current and valid fire service instructor
1622 certificate, instruct at least 40 hours during the 4-year
1623 period, and provide proof of such instruction to the division,
1624 which proof must be registered in an electronic database
1625 designated by the division.

1626 (c) Within 6 months before the 4-year period expires,
1627 successfully complete a Firefighter Retention Refresher Course
1628 consisting of a minimum of 40 hours of training to be prescribed
1629 by rule.

1630 (d) Within 6 months before the 4-year period expires,
1631 successfully retake and pass the Minimum Standards Course
1632 examination pursuant to s. 633.408.

1633 (2) In order for a volunteer firefighter to retain her or
1634 his Volunteer Firefighter Certificate of Completion, every 4



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1635 years he or she must:

1636 (a) Be active as a volunteer firefighter; or

1637 (b) Successfully complete a refresher course consisting of
1638 a minimum of 40 hours of training to be prescribed by rule.

1639 (3) Subsection (1) does not apply to state-certified
1640 firefighters who are certified and employed full-time, as
1641 determined by the fire service provider, as firesafety
1642 inspectors or fire investigators, regardless of their employment
1643 status as firefighters or volunteer firefighters.

1644 (4) For the purposes of this section, the term "active"
1645 means being employed as a firefighter or providing service as a
1646 volunteer firefighter for a cumulative period of 6 months within
1647 a 4-year period.

1648 (5) The 4-year period begins upon issuance of the
1649 certificate or separation from employment.

1650 (6) A certificate for a firefighter or volunteer
1651 firefighter expires if he or she fails to meet the requirements
1652 of this section.

1653 (7) The State Fire Marshal may deny, refuse to renew,
1654 suspend, or revoke the certificate of a firefighter or volunteer
1655 firefighter if the State Fire Marshal finds that any of the
1656 following grounds exists:

1657 (a) Any cause for which issuance of a certificate could
1658 have been denied if it had then existed and had been known to
1659 the division.

1660 (b) A violation of any provision of this chapter or any
1661 rule or order of the State Fire Marshal.

1662 (c) Falsification of a record relating to any certificate
1663 issued by the division.



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1664
1665 The 4-year period may, in the discretion of the department, be
1666 extended to 12 months after discharge from military service for
1667 an honorably discharged veteran of the United States Armed
1668 Forces or the spouse of such a veteran. A qualified individual
1669 must provide a copy of a military identification card, military
1670 dependent identification card, military service record, military
1671 personnel file, veteran record, discharge paper, or separation
1672 document that indicates such member is currently in good
1673 standing or such veteran is honorably discharged.

1674 Section 47. Subsection (3) is added to section 633.444,
1675 Florida Statutes, to read:

1676 633.444 Division powers and duties; Florida State Fire
1677 College.—

1678 (3) The division shall waive all living and incidental
1679 expenses, excluding expenses for meal plans and bunker gear
1680 rentals, associated with attending the Florida State Fire
1681 College to obtain a Certificate of Compliance or a Firesafety
1682 Inspector I certification for an active duty member of the
1683 United States Armed Forces, the surviving spouse of such a
1684 member who was serving on active duty at the time of his or her
1685 death and who died within the 2 years preceding his or her
1686 spouse's attendance at the college, an honorably discharged
1687 veteran of the United States Armed Forces, or the spouse or
1688 surviving spouse of such a veteran. A qualified individual must
1689 provide a copy of a military identification card, military
1690 dependent identification card, military service record, military
1691 personnel file, veteran record, discharge paper, or separation
1692 document that indicates such member is currently in good



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1693 standing or such veteran is honorably discharged.

1694 Section 48. Section 683.147, Florida Statutes, is created
1695 to read:

1696 683.147 Medal of Honor Day.-

1697 (1) March 25 of each year is designated as "Medal of Honor
1698 Day."

1699 (2) The Governor may annually issue a proclamation
1700 designating March 25 as Medal of Honor Day and calling upon
1701 public officials, schools, private organizations, and all
1702 residents of the state to commemorate Medal of Honor Day and
1703 honor recipients of the Congressional Medal of Honor who
1704 distinguished themselves through their conspicuous bravery and
1705 gallantry during wartime, and at considerable risk to their own
1706 lives, while serving as members of the United States Armed
1707 Forces.

1708 Section 49. Paragraph (b) of subsection (1) of section
1709 1002.37, Florida Statutes, is amended to read:

1710 1002.37 The Florida Virtual School.-

1711 (1)

1712 (b) The mission of the Florida Virtual School is to provide
1713 students with technology-based educational opportunities to gain
1714 the knowledge and skills necessary to succeed. The school shall
1715 serve any student in the state who meets the profile for success
1716 in this educational delivery context and shall give priority to:

1717 1. Students who need expanded access to courses in order to
1718 meet their educational goals, such as home education students
1719 and students in inner-city and rural high schools who do not
1720 have access to higher-level courses.

1721 2. Students seeking accelerated access in order to obtain a



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1722 high school diploma at least one semester early.

1723 3. Students who are children of an active duty member of
1724 the United States Armed Forces who is not stationed in this
1725 state whose home of record or state of legal residence is
1726 Florida.

1727
1728 The board of trustees of the Florida Virtual School shall
1729 identify appropriate performance measures and standards based on
1730 student achievement that reflect the school's statutory mission
1731 and priorities, and shall implement an accountability system for
1732 the school that includes assessment of its effectiveness and
1733 efficiency in providing quality services that encourage high
1734 student achievement, seamless articulation, and maximum access.

1735 Section 50. Subsection (2) of section 1003.42, Florida
1736 Statutes, is amended to read:

1737 1003.42 Required instruction.—

1738 (2) Members of the instructional staff of the public
1739 schools, subject to the rules of the State Board of Education
1740 and the district school board, shall teach efficiently and
1741 faithfully, using the books and materials required that meet the
1742 highest standards for professionalism and historical accuracy,
1743 following the prescribed courses of study, and employing
1744 approved methods of instruction, the following:

1745 (a) The history and content of the Declaration of
1746 Independence, including national sovereignty, natural law, self-
1747 evident truth, equality of all persons, limited government,
1748 popular sovereignty, and inalienable rights of life, liberty,
1749 and property, and how they form the philosophical foundation of
1750 our government.



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1751 (b) The history, meaning, significance, and effect of the
1752 provisions of the Constitution of the United States and
1753 amendments thereto, with emphasis on each of the 10 amendments
1754 that make up the Bill of Rights and how the constitution
1755 provides the structure of our government.

1756 (c) The arguments in support of adopting our republican
1757 form of government, as they are embodied in the most important
1758 of the Federalist Papers.

1759 (d) Flag education, including proper flag display and flag
1760 salute.

1761 (e) The elements of civil government, including the primary
1762 functions of and interrelationships between the Federal
1763 Government, the state, and its counties, municipalities, school
1764 districts, and special districts.

1765 (f) The history of the United States, including the period
1766 of discovery, early colonies, the War for Independence, the
1767 Civil War, the expansion of the United States to its present
1768 boundaries, the world wars, and the civil rights movement to the
1769 present. American history shall be viewed as factual, not as
1770 constructed, shall be viewed as knowable, teachable, and
1771 testable, and shall be defined as the creation of a new nation
1772 based largely on the universal principles stated in the
1773 Declaration of Independence.

1774 (g) The history of the Holocaust (1933-1945), the
1775 systematic, planned annihilation of European Jews and other
1776 groups by Nazi Germany, a watershed event in the history of
1777 humanity, to be taught in a manner that leads to an
1778 investigation of human behavior, an understanding of the
1779 ramifications of prejudice, racism, and stereotyping, and an



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1780 examination of what it means to be a responsible and respectful
1781 person, for the purposes of encouraging tolerance of diversity
1782 in a pluralistic society and for nurturing and protecting
1783 democratic values and institutions.

1784 (h) The history of African Americans, including the history
1785 of African peoples before the political conflicts that led to
1786 the development of slavery, the passage to America, the
1787 enslavement experience, abolition, and the contributions of
1788 African Americans to society. Instructional materials shall
1789 include the contributions of African Americans to American
1790 society.

1791 (i) The elementary principles of agriculture.

1792 (j) The true effects of all alcoholic and intoxicating
1793 liquors and beverages and narcotics upon the human body and
1794 mind.

1795 (k) Kindness to animals.

1796 (l) The history of the state.

1797 (m) The conservation of natural resources.

1798 (n) Comprehensive health education that addresses concepts
1799 of community health; consumer health; environmental health;
1800 family life, including an awareness of the benefits of sexual
1801 abstinence as the expected standard and the consequences of
1802 teenage pregnancy; mental and emotional health; injury
1803 prevention and safety; Internet safety; nutrition; personal
1804 health; prevention and control of disease; and substance use and
1805 abuse. The health education curriculum for students in grades 7
1806 through 12 shall include a teen dating violence and abuse
1807 component that includes, but is not limited to, the definition
1808 of dating violence and abuse, the warning signs of dating



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1809 violence and abusive behavior, the characteristics of healthy
1810 relationships, measures to prevent and stop dating violence and
1811 abuse, and community resources available to victims of dating
1812 violence and abuse.

1813 (o) Such additional materials, subjects, courses, or fields
1814 in such grades as are prescribed by law or by rules of the State
1815 Board of Education and the district school board in fulfilling
1816 the requirements of law.

1817 (p) The study of Hispanic contributions to the United
1818 States.

1819 (q) The study of women's contributions to the United
1820 States.

1821 (r) The nature and importance of free enterprise to the
1822 United States economy.

1823 (s) A character-development program in the elementary
1824 schools, similar to Character First or Character Counts, which
1825 is secular in nature. Beginning in school year 2004-2005, the
1826 character-development program shall be required in kindergarten
1827 through grade 12. Each district school board shall develop or
1828 adopt a curriculum for the character-development program that
1829 shall be submitted to the department for approval. The
1830 character-development curriculum shall stress the qualities of
1831 patriotism; responsibility; citizenship; kindness; respect for
1832 authority, life, liberty, and personal property; honesty;
1833 charity; self-control; racial, ethnic, and religious tolerance;
1834 and cooperation. The character-development curriculum for grades
1835 9 through 12 shall, at a minimum, include instruction on
1836 developing leadership skills, interpersonal skills, organization
1837 skills, and research skills; creating a resume; developing and



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1838 practicing the skills necessary for employment interviews;
1839 conflict resolution, workplace ethics, and workplace law;
1840 managing stress and expectations; and developing skills that
1841 enable students to become more resilient and self-motivated.

1842 (t) In order to encourage patriotism, the sacrifices that
1843 veterans and Medal of Honor recipients have made in serving our
1844 country and protecting democratic values worldwide. Such
1845 instruction must occur on or before Medal of Honor Day,
1846 Veterans' Day, and Memorial Day. Members of the instructional
1847 staff are encouraged to use the assistance of local veterans and
1848 Medal of Honor recipients when practicable.

1849
1850 The State Board of Education is encouraged to adopt standards
1851 and pursue assessment of the requirements of this subsection. A
1852 character development program that incorporates the values of
1853 the recipients of the Congressional Medal of Honor and that is
1854 offered as part of a social studies, English Language Arts, or
1855 other schoolwide character building and veteran awareness
1856 initiative meets the requirements of paragraphs (s) and (t).

1857 Section 51. Subsection (4) of section 1012.55, Florida
1858 Statutes, is amended, and paragraph (e) is added to subsection
1859 (1) of that section, to read:

1860 1012.55 Positions for which certificates required.—

1861 (1)

1862 (e)1. The department shall issue a 3-year temporary
1863 certificate in educational leadership under s. 1012.56(7) to an
1864 individual who:

1865 a. Earned a passing score on the Florida Educational
1866 Leadership Examination.



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1867 b. Served as a commissioned or noncommissioned military
1868 officer in the United States Armed Forces for at least 3 years.

1869 c. Was honorably discharged or has retired from the United
1870 States Armed Forces.

1871 d. Is employed full time in a position for which an
1872 educator certificate is required in a Florida public school,
1873 state-supported school, or nonpublic school that has a Level II
1874 program under s. 1012.562.

1875 2. A Level II program under s. 1012.562 must accept an
1876 applicant who holds a temporary certificate under subparagraph
1877 1. The department shall issue a permanent certification as a
1878 school principal to an individual who holds a temporary
1879 certificate under subparagraph 1. and successfully completes the
1880 Level II program.

1881 (4) A commissioned or noncommissioned military officer who
1882 is an instructor of junior reserve officer training shall be
1883 exempt from requirements for teacher certification, except for
1884 the background screening pursuant to s. 1012.32, if he or she
1885 meets the following qualifications:

1886 (a) Is retired from active military duty, pursuant to
1887 chapter 102 of Title 10 U.S.C.

1888 (b) Satisfies criteria established by the appropriate
1889 military service for certification by the service as a junior
1890 reserve officer training instructor.

1891 (c) Has an exemplary military record.

1892
1893 If such instructor is assigned instructional duties other than
1894 junior reserve officer training, he or she shall hold the
1895 certificate required by law and rules of the state board for the



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1896 type of service rendered. An instructor of junior reserve
1897 officer training under this subsection may receive funding
1898 through the Florida Teachers Classroom Supply Assistance Program
1899 under s. 1012.71.

1900 Section 52. Subsection (7) of section 1012.56, Florida
1901 Statutes, is amended to read:

1902 1012.56 Educator certification requirements.—

1903 (7) TYPES AND TERMS OF CERTIFICATION.—

1904 (a) The Department of Education shall issue a professional
1905 certificate for a period not to exceed 5 years to any applicant
1906 who fulfills one of the following:

1907 1. Meets all the requirements outlined in subsection (2).

1908 2. For a professional certificate covering grades 6 through
1909 12:

1910 a. Meets the requirements of paragraphs (2)(a)-(h).

1911 b. Holds a master's or higher degree in the area of
1912 science, technology, engineering, or mathematics.

1913 c. Teaches a high school course in the subject of the
1914 advanced degree.

1915 d. Is rated highly effective as determined by the teacher's
1916 performance evaluation under s. 1012.34, based in part on
1917 student performance as measured by a statewide, standardized
1918 assessment or an Advanced Placement, Advanced International
1919 Certificate of Education, or International Baccalaureate
1920 examination.

1921 e. Achieves a passing score on the Florida professional
1922 education competency examination required by state board rule.

1923 3. Meets the requirements of paragraphs (2)(a)-(h) and
1924 completes a professional preparation and education competence



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1925 program approved by the department pursuant to paragraph (8) (c).
1926 An applicant who completes the program and is rated highly
1927 effective as determined by his or her performance evaluation
1928 under s. 1012.34 is not required to take or achieve a passing
1929 score on the professional education competency examination in
1930 order to be awarded a professional certificate.

1931 (b) The department shall issue a temporary certificate to
1932 any applicant who completes the requirements outlined in
1933 paragraphs (2) (a)-(f) and completes the subject area content
1934 requirements specified in state board rule or demonstrates
1935 mastery of subject area knowledge pursuant to subsection (5) and
1936 holds an accredited degree or a degree approved by the
1937 Department of Education at the level required for the subject
1938 area specialization in state board rule.

1939 (c) The department shall issue one nonrenewable 2-year
1940 temporary certificate and one nonrenewable 5-year professional
1941 certificate to a qualified applicant who holds a bachelor's
1942 degree in the area of speech-language impairment to allow for
1943 completion of a master's degree program in speech-language
1944 impairment.

1945
1946 Each temporary certificate is valid for 3 school fiscal years
1947 and is nonrenewable. However, the requirement in paragraph
1948 (2) (g) must be met within 1 calendar year of the date of
1949 employment under the temporary certificate. Individuals who are
1950 employed under contract at the end of the 1 calendar year time
1951 period may continue to be employed through the end of the school
1952 year in which they have been contracted. A school district shall
1953 not employ, or continue the employment of, an individual in a



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1954 position for which a temporary certificate is required beyond
1955 this time period if the individual has not met the requirement
1956 of paragraph (2)(g). At least 1 year before an individual's
1957 temporary certificate is set to expire, the department shall
1958 electronically notify the individual of the date on which his or
1959 her certificate will expire and provide a list of each method by
1960 which the qualifications for a professional certificate can be
1961 completed. The State Board of Education shall adopt rules to
1962 allow the department to extend the validity period of a
1963 temporary certificate for 2 years when the requirements for the
1964 professional certificate, not including the requirement in
1965 paragraph (2)(g), were not completed due to the serious illness
1966 or injury of the applicant, the military service of an
1967 applicant's spouse, or other extraordinary extenuating
1968 circumstances. The rules must authorize the department to extend
1969 the validity period of a temporary certificate ~~or~~ for 1 year if
1970 the ~~temporary~~ certificateholder is rated effective or highly
1971 effective based solely on a student learning growth formula
1972 approved by the Commissioner of Education pursuant to s.
1973 1012.34(8). The department shall reissue the temporary
1974 certificate for 2 additional years upon approval by the
1975 Commissioner of Education. A written request for reissuance of
1976 the certificate shall be submitted by the district school
1977 superintendent, the governing authority of a university lab
1978 school, the governing authority of a state-supported school, or
1979 the governing authority of a private school.

1980 Section 53. Subsection (3) is added to section 1012.59,
1981 Florida Statutes, to read:

1982 1012.59 Certification fees.—



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1983 (3) The State Board of Education shall waive initial
1984 general knowledge, professional education, and subject area
1985 examination fees and certification fees for:

1986 (a) A member of the United States Armed Forces or a reserve
1987 component thereof who is serving or has served on active duty or
1988 the spouse of such a member.

1989 (b) The surviving spouse of a member of the United States
1990 Armed Forces or a reserve component thereof who was serving on
1991 active duty at the time of death.

1992 (c) An honorably discharged veteran of the United States
1993 Armed Forces or a veteran of a reserve component thereof who
1994 served on active duty and the spouse or surviving spouse of such
1995 a veteran.

1996 Section 54. This act shall take effect July 1, 2018.

1997
1998 ===== T I T L E A M E N D M E N T =====

1999 And the title is amended as follows:

2000 Delete everything before the enacting clause
2001 and insert:

2002 A bill to be entitled
2003 An act relating to military and veterans affairs;
2004 creating s. 250.483, F.S.; providing requirements
2005 relating to licensure or qualification of persons
2006 ordered into active duty or state active duty;
2007 amending s. 295.21, F.S.; providing that a member of
2008 the board of directors for Florida is for Veterans,
2009 Inc., is eligible for reappointment under certain
2010 circumstances; amending s. 295.22, F.S.; revising
2011 provisions relating to receiving training grants from



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2012 Florida is for Veterans, Inc.; amending s. 446.041,
2013 F.S.; providing duties of the Department of Education;
2014 amending s. 446.081, F.S.; providing construction;
2015 amending s. 455.02, F.S.; requiring the Department of
2016 Business and Professional Regulation to waive certain
2017 fees; amending s. 456.024, F.S.; revising licensure
2018 eligibility requirements; providing an exemption from
2019 certain penalties; amending ss. 472.015, 472.016,
2020 493.6105, 493.6107, and 493.6113, F.S.; requiring the
2021 Department of Agriculture and Consumer Services to
2022 waive certain fees; amending ss. 494.00312 and
2023 494.00313, F.S.; requiring the Office of Financial
2024 Regulation to waive certain fees; amending s. 497.140,
2025 F.S.; providing an exemption from a certain fee;
2026 amending s. 497.141, F.S.; providing an exemption from
2027 a certain fee; amending ss. 497.281, 497.368, 497.369,
2028 497.370, 497.371, 497.373, 497.374, and 497.375, F.S.;
2029 providing exemptions from certain fees; creating s.
2030 497.393, F.S.; authorizing the licensing authority to
2031 recognize certain military-issued credentials for
2032 purposes of licensure; amending ss. 497.453, 497.466,
2033 and 497.554, F.S.; providing exemptions from certain
2034 fees; amending s. 497.602, F.S.; providing an
2035 exemption from an application fee; authorizing the
2036 licensing authority to recognize certain military-
2037 issued credentials for purposes of licensure; amending
2038 s. 501.015, F.S.; requiring the Department of
2039 Agriculture and Consumer Services to waive a
2040 registration fee; amending ss. 501.605, 501.607,



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2041 501.609, and 507.03, F.S.; requiring the Department of
2042 Agriculture and Consumer Services to waive certain
2043 fees for certain licensees; amending s. 517.12, F.S.;
2044 requiring the Office of Financial Regulation to waive
2045 certain fees; amending ss. 527.02 and 539.001, F.S.;
2046 waiving certain licensing fees; amending ss. 559.904
2047 and 559.928, F.S.; requiring the Department of
2048 Agriculture and Consumer Services to waive certain
2049 registration fees; amending s. 626.171, F.S.; revising
2050 fee waiver qualification requirements for certain
2051 applicants; amending ss. 626.732, 626.7851, 626.8311,
2052 626.8417, and 626.927, F.S.; revising prelicensure
2053 course requirements for certain applicants; amending
2054 s. 633.414, F.S.; authorizing an extension for
2055 firefighter certification renewal for certain persons;
2056 amending s. 633.444, F.S.; requiring the Division of
2057 State Fire Marshal to waive certain expenses
2058 associated with attending the Florida State Fire
2059 College; creating s. 683.147, F.S.; designating March
2060 25 of each year as "Medal of Honor Day"; amending s.
2061 1002.37, F.S.; revising the order of priority given to
2062 students seeking enrollment in the Florida Virtual
2063 School; amending s. 1003.42, F.S.; providing for a
2064 character development program that incorporates the
2065 values of the Congressional Medal of Honor; amending
2066 s. 1012.55, F.S.; requiring the State Board of
2067 Education to issue a temporary certificate in
2068 educational leadership to certain persons; revising
2069 certain exemptions from requirements for teacher



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2070 certification for certain individuals; amending s.
2071 1012.56, F.S.; requiring the State Board of Education
2072 to adopt certain rules; amending s. 1012.59, F.S.;
2073 requiring the State Board of Education to waive
2074 certain fees; providing an effective date.

By Senator Broxson

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1 A bill to be entitled
 2 An act relating to military and veterans affairs;
 3 creating s. 250.483, F.S.; providing requirements
 4 relating to licensure or qualification for a trade,
 5 occupation, or profession of persons ordered into
 6 active duty or state active duty; amending s. 446.041,
 7 F.S.; providing duties of the Department of Education
 8 with respect to veteran outreach efforts; amending s.
 9 446.081, F.S.; providing construction; amending s.
 10 455.02, F.S.; requiring the Department of Business and
 11 Professional Regulation to waive certain fees for
 12 certain individuals; amending s. 456.024, F.S.;
 13 revising licensure eligibility requirements;
 14 specifying conditions under which a spouse of a person
 15 serving on active duty in the United States Armed
 16 Forces has a defense to a citation and cause of action
 17 brought due to the unlicensed practice of a health
 18 care profession; amending ss. 472.015, 472.016,
 19 493.6105, 493.6107, and 493.6113, F.S.; requiring the
 20 Department of Agriculture and Consumer Services to
 21 waive certain fees under specified circumstances;
 22 revising formats for certain applications; amending
 23 ss. 494.00312 and 494.00313, F.S.; requiring the
 24 Office of Financial Regulation to waive certain fees
 25 for loan originator licensure; amending s. 497.140,
 26 F.S.; providing an exemption from the special
 27 unlicensed activity fee; amending s. 497.141, F.S.;
 28 conforming a provision to changes made by the act;
 29 amending s. 497.142, F.S.; requiring the licensing

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30 authority to waive fingerprinting requirements for
 31 certain individuals seeking licensure under ch. 497,
 32 F.S.; amending ss. 497.281, 497.368, 497.369, 497.370,
 33 497.371, 497.373, 497.374, and 497.375, F.S.;
 34 providing exemptions from certain fees; creating s.
 35 497.393, F.S.; authorizing the licensing authority to
 36 recognize certain military-issued credentials for
 37 purposes of licensure; amending ss. 497.453, 497.466,
 38 and 497.554, F.S.; providing exemptions from certain
 39 fees; amending s. 497.602, F.S.; providing an
 40 exemption from an application fee for direct
 41 disposers; authorizing the licensing authority to
 42 recognize certain military-issued credentials for
 43 purposes of licensure; amending s. 501.015, F.S.;
 44 requiring the Department of Agriculture and Consumer
 45 Services to waive certain fees for specified health
 46 studios; prescribing the format of the waiver
 47 application; amending ss. 501.605, 501.607, 501.609,
 48 and 507.03, F.S.; requiring the Department of
 49 Agriculture and Consumer Services to waive certain
 50 fees for certain licensees; prescribing the format of
 51 the waiver application; amending s. 517.12, F.S.;
 52 requiring the Office of Financial Regulation to waive
 53 certain fees for certain individuals; amending ss.
 54 527.02 and 539.001, F.S.; requiring the Department of
 55 Agriculture and Consumer Services to waive certain
 56 licensing fees regarding licensure for the sale of
 57 liquefied petroleum gas and pawnbroking, respectively,
 58 for certain individuals; amending ss. 559.904 and

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59 559.928, F.S.; requiring the Department of Agriculture
60 and Consumer Services to waive certain registration
61 fees for motor vehicle repair shops and sellers of
62 travel, respectively, under certain circumstances;
63 amending ss. 626.025, 626.171, 626.172, 626.202,
64 626.292, and 626.321, F.S.; requiring the Department
65 of Financial Services to waive certain fingerprinting
66 requirements for certain individuals; amending ss.
67 626.732, 626.7355, 626.7851, 626.8311, and 626.8417,
68 F.S.; revising prelicensure course requirements for
69 certain applicants; amending ss. 626.8732 and
70 626.8734, F.S.; requiring the Department of Financial
71 Services to waive certain fingerprinting requirements
72 for certain applicants; amending ss. 626.927 and
73 626.9272; providing that prelicensure course
74 requirements do not apply to certain applicants;
75 amending s. 626.9912, F.S.; requiring the department
76 to waive certain fingerprinting requirements for
77 certain applicants for a viatical settlement provider
78 license; amending ss. 633.304 and 633.332, F.S.;
79 authorizing the Division of State Fire Marshal to
80 extend the period within which reexamination for
81 certain certifications is not required for certain
82 persons; amending s. 633.412, F.S.; requiring the
83 Department of Financial Services to waive
84 fingerprinting requirements for certain persons;
85 amending s. 633.414, F.S.; authorizing an extension
86 for firefighter certification renewal for certain
87 persons; amending s. 633.444, F.S.; requiring the

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88 Division of State Fire Marshal to waive certain
89 expenses associated with attending the Florida State
90 Fire College for certain individuals; amending ss.
91 648.34 and 648.355, F.S.; requiring the Department of
92 Financial Services to waive certain fingerprinting
93 requirements for certain applicants; creating s.
94 683.147, F.S.; designating March 25 of each year as
95 "Medal of Honor Day"; authorizing the Governor to
96 issue a proclamation in recognizing such observance;
97 amending s. 1002.37, F.S.; revising the list of
98 students who must be given priority by the Florida
99 Virtual School; amending s. 1003.42, F.S.; providing
100 for a character development program that incorporates
101 the values of recipients of the Congressional Medal of
102 Honor; amending s. 1012.55, F.S.; requiring the
103 Department of Education to issue a temporary
104 certificate in educational leadership to certain
105 persons; revising certain exemptions from requirements
106 for teacher certification for certain individuals;
107 authorizing instructors of junior reserve officer
108 training to receive funding through the Florida
109 Teachers Classroom Supply Assistance Program; amending
110 s. 1012.56, F.S.; requiring the State Board of
111 Education to adopt certain rules; amending s. 1012.59,
112 F.S.; requiring the State Board of Education to waive
113 certain certification fees for certain individuals;
114 providing an effective date.

115
116 Be It Enacted by the Legislature of the State of Florida:

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117
118 Section 1. Section 250.483, Florida Statutes, is created to
119 read:

120 250.483 Active duty; licensure or qualification.-

121 (1) If a member of the Florida National Guard or the United
122 States Armed Forces Reserves seeking licensure or qualification
123 for a trade, occupation, or profession is ordered into state
124 active duty or active duty as defined in this chapter, and his
125 or her period of training, study, apprenticeship, or practical
126 experience is interrupted or the start thereof is delayed, he or
127 she is entitled to licensure or qualification under the laws
128 covering his or her licensure or qualification at the time of
129 entrance into active duty pursuant to subsection (2).

130 (2) A board of examiners or other qualification board
131 regulated under general law shall accept periods of training and
132 practical experience in the Florida National Guard or the United
133 States Armed Forces Reserves in place of the interrupted or
134 delayed periods of training, study, apprenticeship, or practical
135 experience if the board finds the standard and type of work or
136 training performed in the Florida National Guard or the United
137 States Armed Forces Reserves to be substantially the same as the
138 standard and type required under the laws of this state.

139 (3) A member of the National Guard or the United States
140 Armed Forces Reserves must request licensure or qualification
141 pursuant to this section by the respective board of examiners or
142 other qualification board within 6 months after release from
143 active duty with the Florida National Guard or the United States
144 Armed Forces Reserves.

145 Section 2. Present subsections (7) through (12) of section

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146 446.041, Florida Statutes, are renumbered as subsections (8)
147 through (13), respectively, and a new subsection (7) is added to
148 that section, to read:

149 446.041 Apprenticeship program, duties of the department.-

150 The department shall:

151 (7) Lead and coordinate outreach efforts to educate
152 veterans about apprenticeship and career opportunities.

153 Section 3. Subsection (4) is added to section 446.081,
154 Florida Statutes, to read:

155 446.081 Limitation.-

156 (4) Nothing in ss. 446.011-446.092 or in any rules adopted
157 or contained in any approved apprentice agreement under such
158 sections invalidates any special provision for veterans,
159 minority persons, or women in the standards, qualifications, or
160 operation of the apprenticeship program which is not otherwise
161 prohibited by any applicable general law, rule, or regulation.

162 Section 4. Subsections (1) and (2) of section 455.02,
163 Florida Statutes, are amended to read:

164 455.02 Licensure of members of the Armed Forces in good
165 standing and their spouses or surviving spouses with
166 administrative boards or programs.-

167 (1) Any member of the United States Armed Forces ~~of the~~
168 ~~United States~~ now or hereafter on active duty who, at the time
169 of becoming such a member, was in good standing with any of the
170 boards or programs listed in s. 20.165 and was entitled to
171 practice or engage in his or her profession or occupation
172 ~~ocation~~ in the state shall be kept in good standing by the
173 applicable board or program, without registering, paying dues or
174 fees, or performing any other act on his or her part to be

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 175 performed, as long as he or she is a member of the United States
 176 ~~Armed Forces of the United States~~ on active duty and for a
 177 period of 2 years after discharge from active duty ~~as a member~~
 178 ~~of the Armed Forces of the United States, if he or she is not~~
 179 ~~engaged in his or her licensed profession or vocation in the~~
 180 ~~private sector for profit. A member, during active duty and for~~
 181 a period of 2 years after discharge from active duty, engaged in
 182 his or her licensed profession or occupation in the private
 183 sector for profit in this state must complete all license
 184 renewal provisions except remitting the license renewal fee,
 185 which shall be waived by the department.

(2) A spouse of a member of the ~~Armed Services of the~~
 187 United States Armed Forces who is married to a member during a
 188 period of active duty, or a surviving spouse of a member who at
 189 the time of death was serving on active duty, who is in good
 190 standing with any of the boards or programs listed in s. 20.165
 191 shall be kept in good standing by the applicable board or
 192 program as described in subsection (1) and shall be exempt from
 193 licensure renewal provisions, but only in cases of his or her
 194 absence from the state because of his or her spouse's duties
 195 with the United States Armed Forces. The department or the
 196 appropriate board or program shall waive any license renewal fee
 197 for such spouse when he or she is present in this state because
 198 of such member's active duty and for a surviving spouse of a
 199 member who at the time of death was serving on active duty and
 200 died within the 2 years preceding the date of renewal.

Section 5. Paragraphs (a) and (b) of subsection (3) and
 202 paragraph (j) of subsection (4) of section 456.024, Florida
 203 Statutes, are amended, and subsection (5) is added to that

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 204 section, to read:
 205 456.024 Members of Armed Forces in good standing with
 206 administrative boards or the department; spouses; licensure.—
 207 (3) (a) A person is eligible for licensure as a health care
 208 practitioner in this state if he or she:
 209 1. Serves or has served as a health care practitioner in
 210 the United States Armed Forces, the United States Reserve
 211 Forces, or the National Guard;
 212 2. Serves or has served on active duty with the United
 213 States Armed Forces as a health care practitioner in the United
 214 States Public Health Service; or
 215 3. Is a health care practitioner, ~~other than a dentist,~~ in
 216 another state, the District of Columbia, or a possession or
 217 territory of the United States and is the spouse of a person
 218 serving on active duty with the United States Armed Forces.
 219
 220 The department shall develop an application form, and each
 221 board, or the department if there is no board, shall waive the
 222 application fee, licensure fee, and unlicensed activity fee for
 223 such applicants. For purposes of this subsection, "health care
 224 practitioner" means a health care practitioner as defined in s.
 225 456.001 and a person licensed under part III of chapter 401 or
 226 part IV of chapter 468.
 227 (b) The board, or the department if there is no board,
 228 shall issue a license to practice in this state to a person who:
 229 1. Submits a complete application.
 230 2. If he or she is a member of the United States Armed
 231 Forces, the United States Reserve Forces, or the National Guard,
 232 submits proof that he or she has received an honorable discharge

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233 within 6 months before, or will receive an honorable discharge
234 within 6 months after, the date of submission of the
235 application.

236 3.a. Holds an active, unencumbered license issued by
237 another state, the District of Columbia, or a possession or
238 territory of the United States and who has not had disciplinary
239 action taken against him or her in the 5 years preceding the
240 date of submission of the application;

241 b. Is a military health care practitioner in a profession
242 for which licensure in a state or jurisdiction is not required
243 to practice in the United States Armed Forces, if he or she
244 submits to the department evidence of military training or
245 experience substantially equivalent to the requirements for
246 licensure in this state in that profession and evidence that he
247 or she has obtained a passing score on the appropriate
248 examination of a national or regional standards organization if
249 required for licensure in this state; or

250 c. Is the spouse of a person serving on active duty in the
251 United States Armed Forces and is a health care practitioner in
252 a profession, ~~excluding dentistry,~~ for which licensure in
253 another state or jurisdiction is not required, if he or she
254 submits to the department evidence of training or experience
255 substantially equivalent to the requirements for licensure in
256 this state in that profession and evidence that he or she has
257 obtained a passing score on the appropriate examination of a
258 national or regional standards organization if required for
259 licensure in this state.

260 4. Attests that he or she is not, at the time of submission
261 of the application, the subject of a disciplinary proceeding in

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262 a jurisdiction in which he or she holds a license or by the
263 United States Department of Defense for reasons related to the
264 practice of the profession for which he or she is applying.

265 5. Actively practiced the profession for which he or she is
266 applying for the 3 years preceding the date of submission of the
267 application.

268 6. Submits a set of fingerprints for a background screening
269 pursuant to s. 456.0135, if required for the profession for
270 which he or she is applying.

271 The department shall verify information submitted by the
272 applicant under this subsection using the National Practitioner
273 Data Bank.

274 (4)

275 ~~(j) An applicant who is issued a temporary professional
276 license to practice as a dentist pursuant to this section must
277 practice under the indirect supervision, as defined in s.
278 466.003, of a dentist licensed pursuant to chapter 466.~~

279 (5) The spouse of a person serving on active duty with the
280 United States Armed Forces has a defense to any citation and
281 related cause of action brought under s. 456.065 if the
282 following conditions are met:

283 (a) The spouse holds an active, unencumbered license issued
284 by another state or jurisdiction to provide health care services
285 for which there is no equivalent license in this state.

286 (b) The spouse is providing health care services within the
287 scope of practice of the out-of-state license.

288 (c) The training or experience required by the out-of-state
289 license is substantially similar to the license requirements to
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291 practice a similar health care profession in this state.
 292 Section 6. Paragraph (b) of subsection (3) of section
 293 472.015, Florida Statutes, is amended to read:
 294 472.015 Licensure.—
 295 (3)
 296 (b) The department shall waive the initial license fee for
 297 an honorably discharged veteran of the United States Armed
 298 Forces;~~7~~ the spouse or surviving spouse of such a veteran; a
 299 current member of the United States Armed Forces who has served
 300 on active duty or the spouse of such a member; the surviving
 301 spouse of a member of the United States Armed Forces who died
 302 while serving on active duty;~~7~~ or a business entity that has a
 303 majority ownership held by such a veteran, ~~or~~ spouse, or
 304 surviving spouse, if the department receives an application~~7~~ in
 305 a format prescribed by the department. The application format
 306 must include the applicant's signature, under penalty of
 307 perjury, and supporting documentation, ~~within 60 months after~~
 308 ~~the date of the veteran's discharge from any branch of the~~
 309 ~~United States Armed Forces.~~ To qualify for the waiver:~~7~~
 310 1. A veteran must provide to the department a copy of his
 311 or her DD Form 214, as issued by the United States Department of
 312 Defense, or another acceptable form of identification as
 313 specified by the Department of Veterans' Affairs;
 314 2. The spouse or surviving spouse of a veteran must provide
 315 to the department a copy of the veteran's DD Form 214, as issued
 316 by the United States Department of Defense, or another
 317 acceptable form of identification as specified by the Department
 318 of Veterans' Affairs, and a copy of a valid marriage license or
 319 certificate verifying that he or she was lawfully married to the

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320 veteran at the time of discharge; or
 321 3. A business entity must provide to the department proof
 322 that a veteran or the spouse or surviving spouse of a veteran
 323 holds a majority ownership in the business, a copy of the
 324 veteran's DD Form 214, as issued by the United States Department
 325 of Defense, or another acceptable form of identification as
 326 specified by the Department of Veterans' Affairs, and, if
 327 applicable, a copy of a valid marriage license or certificate
 328 verifying that the spouse or surviving spouse of the veteran was
 329 lawfully married to the veteran at the time of discharge.
 330 Section 7. Section 472.016, Florida Statutes, is amended to
 331 read:
 332 472.016 Members of Armed Forces in good standing with the
 333 board.—
 334 (1) Any member of the United States Armed Forces ~~of the~~
 335 ~~United States~~ who is now or in the future on active duty and
 336 who, at the time of becoming such a member of the United States
 337 Armed Forces, was in good standing with the board and entitled
 338 to practice or engage in surveying and mapping in the state
 339 shall be kept in good standing by the board, without
 340 registering, paying dues or fees, or performing any other act on
 341 his or her part to be performed, as long as he or she is a
 342 member of the United States Armed Forces ~~of the United States~~ on
 343 active duty and for a period of 2 years ~~6 months~~ after discharge
 344 from active duty, ~~provided that he or she is not engaged in the~~
 345 ~~practice of surveying or mapping in the private sector for~~
 346 profit. A member, during active duty and for a period of 2 years
 347 after discharge from active duty, engaged in the practice of
 348 surveying or mapping in the private sector for profit in this

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349 state must complete all licensure renewal provisions except
 350 remitting the license renewal fee, which shall be waived by the
 351 department.

352 (2) The board shall adopt rules exempting the spouses of
 353 members of the United States Armed Forces ~~of the United States~~
 354 from licensure renewal provisions, but only in cases of absence
 355 from the state because of their spouses' duties with the United
 356 States Armed Forces. The department or the appropriate board or
 357 program shall waive any license renewal fee for the spouse of a
 358 member of the United States Armed Forces when such member is
 359 present in this state because of the member's active duty with
 360 the United States Armed Forces, and for the surviving spouse of
 361 a member who at the time of death was serving on active duty and
 362 died within the 2 years preceding the date of renewal.

363 Section 8. Subsection (1) of section 493.6105, Florida
 364 Statutes, is amended to read:

365 493.6105 Initial application for license.—

366 (1) Each individual, partner, or principal officer in a
 367 corporation, shall file with the department a complete
 368 application accompanied by an application fee not to exceed \$60,
 369 except that an ~~the~~ applicant for a Class "D" or Class "C"
 370 license is not required to submit an application fee. An
 371 application fee is not required for an applicant who qualifies
 372 for the fee waiver in s. 493.6107(6). The application fee is not
 373 refundable.

374 (a) The application submitted by any individual, partner,
 375 or corporate officer must be approved by the department before
 376 the individual, partner, or corporate officer assumes his or her
 377 duties.

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378 (b) Individuals who invest in the ownership of a licensed
 379 agency but do not participate in, direct, or control the
 380 operations of the agency are not required to file an
 381 application.

382 ~~(c) The initial application fee for a veteran, as defined~~
 383 ~~in s. 1.01, shall be waived if he or she applies for a Class~~
 384 ~~"C," Class "CC," Class "DI," Class "E," Class "EE," Class "K,"~~
 385 ~~Class "M," Class "MA," Class "MB," Class "MR," or Class "RI"~~
 386 ~~license within 24 months after being discharged from a branch of~~
 387 ~~the United States Armed Forces. An eligible veteran must include~~
 388 ~~a copy of his or her DD Form 214, as issued by the United States~~
 389 ~~Department of Defense, or another acceptable form of~~
 390 ~~identification as specified by the Department of Veterans'~~
 391 ~~Affairs with his or her application in order to obtain a waiver.~~

392 Section 9. Subsection (6) of section 493.6107, Florida
 393 Statutes, is amended to read:

394 493.6107 Fees.—

395 (6) The initial application ~~license~~ fee for a veteran, as
 396 defined in s. 1.01, the spouse or surviving spouse of such
 397 veteran, a member of the United States Armed Forces who has
 398 served on active duty, or the spouse or surviving spouse of such
 399 member who at the time of death was serving on active duty and
 400 died within the 2 years preceding the initial application, must
 401 ~~shall~~ be waived if he or she applies for a Class "C," Class
 402 "CC," Class "DI," Class "E," Class "EE," Class "K," Class "M,"
 403 Class "MA," Class "MB," Class "MR," or Class "RI" license in a
 404 format prescribed by the department. The application format must
 405 include the applicant's signature, under penalty of perjury, and
 406 supporting documentation ~~Class "M" or Class "K" license within~~

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407 ~~24 months after being discharged from any branch of the United~~
 408 ~~States Armed Forces.~~ An eligible veteran must include a copy of
 409 his or her DD Form 214, as issued by the United States
 410 Department of Defense, or another acceptable form of
 411 identification as specified by the Department of Veterans'
 412 Affairs with his or her application in order to obtain a waiver.

413
 414 A licensee seeking such a waiver must apply in a format
 415 prescribed by the department, including the applicant's
 416 signature, under penalty of perjury, and supporting
 417 documentation.

418 Section 10. Subsection (7) is added to section 493.6113,
 419 Florida Statutes, to read:

420 493.6113 Renewal application for licensure.-

421 (7) The department shall waive the respective fees for a
 422 licensee who:

423 (a) Is an active duty member of the United States Armed
 424 Forces or the spouse of such member;

425 (b) Is or was a member of the United States Armed Forces
 426 and served on active duty within the 2 years preceding the
 427 expiration date of the license. A licensee who is a former
 428 member of the United States Armed Forces who served on active
 429 duty within the 2 years preceding the application must have
 430 received an honorable discharge upon separation or discharge
 431 from the United States Armed Forces; or

432 (c) Is the surviving spouse of a member of the United
 433 States Armed Forces who was serving on active duty at the time
 434 of death and died within the 2 years preceding the expiration
 435 date of the license.

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436
 437 A licensee seeking such a waiver must apply in a format
 438 prescribed by the department, including the applicant's
 439 signature, under penalty of perjury, and supporting
 440 documentation.

441 Section 11. Subsection (8) is added to section 494.00312,
 442 Florida Statutes, to read:

443 494.00312 Loan originator license.-

444 (8) The office shall waive the fees required by paragraph
 445 (2) (e) for an applicant who:

446 (a) Is or was an active duty member of the United States
 447 Armed Forces. To qualify for the fee waiver, an applicant who is
 448 a former member of the United States Armed Forces must have
 449 received an honorable discharge upon separation or discharge
 450 from the United States Armed Forces;

451 (b) Is married to a current or former member of the United
 452 States Armed Forces and is or was married to the member during
 453 any period of active duty; or

454 (c) Is the surviving spouse of a member of the United
 455 States Armed Forces if the member was serving on active duty at
 456 the time of death.

457
 458 An applicant seeking such a fee waiver must submit proof, in a
 459 form prescribed by commission rule, that the applicant meets one
 460 of the qualifications in this subsection.

461 Section 12. Subsection (4) is added to section 494.00313,
 462 Florida Statutes, to read:

463 494.00313 Loan originator license renewal.-

464 (4) The office shall waive the fees required by paragraph

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465 (1) (b) for a loan originator who:

466 (a) Is an active duty member of the United States Armed
467 Forces or the spouse of such member;

468 (b) Is or was a member of the United States Armed Forces
469 and served on active duty within the 2 years preceding the
470 expiration date of the license pursuant to s. 494.00312(7). To
471 qualify for the fee waiver, a loan originator who is a former
472 member of the United States Armed Forces who served on active
473 duty within the 2 years preceding the expiration date of the
474 license must have received an honorable discharge upon
475 separation or discharge from the United States Armed Forces; or
476 (c) Is the surviving spouse of a member of the United
477 States Armed Forces if the member was serving on active duty at
478 the time of death and died within the 2 years preceding the
479 surviving spouse's license expiration date pursuant to s.
480 494.00312(7).

481
482 A loan originator seeking such a fee waiver must submit proof,
483 in a form prescribed by commission rule, that the loan
484 originator meets one of the qualifications in this subsection.

485 Section 13. Paragraph (a) of subsection (6) of section
486 497.140, Florida Statutes, is amended to read:
487 497.140 Fees.—

488 (6) (a) 1. The department shall impose, upon initial
489 licensure and each renewal thereof, a special unlicensed
490 activity fee of \$5 per licensee, in addition to all other fees
491 provided for in this chapter. Such fee shall be used by the
492 department to fund efforts to identify and combat unlicensed
493 activity which violates this chapter. Such fee shall be in

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494 addition to all other fees collected from each licensee and
495 shall be deposited in a separate account of the Regulatory Trust
496 Fund; however, the department is not limited to the funds in
497 such an account for combating improper unlicensed activity in
498 violation of this chapter.

499 2. A member of the United States Armed Forces, such
500 member's spouse, and a veteran of the United States Armed Forces
501 who separated from service within the 2 years preceding the
502 application for licensure are exempt from the special unlicensed
503 activity fee associated with initial licensure. To qualify for
504 the fee exemption under this subparagraph, a licensee must
505 provide a copy of a military identification card, military
506 dependent identification card, military service record, military
507 personnel file, veteran record, discharge paper, or separation
508 document that indicates that such member is currently in good
509 standing or such veteran was honorably discharged.

510 Section 14. Subsection (4) of section 497.141, Florida
511 Statutes, is amended to read:

512 497.141 Licensure; general application procedures.—

513 (4) Before the issuance of any license, the department
514 shall collect such initial fee as specified by this chapter or,
515 where authorized, by rule of the board, unless an applicant is
516 exempted as specified in this chapter. Upon receipt of a
517 completed application and the appropriate fee, and certification
518 by the board that the applicant meets the applicable
519 requirements of law and rules, the department shall issue the
520 license applied for. However, an applicant who is not otherwise
521 qualified for licensure is not entitled to licensure solely
522 based on a passing score on a required examination.

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523 Section 15. Subsection (12) of section 497.142, Florida
524 Statutes, is amended to read:

525 497.142 Licensing; fingerprinting and criminal background
526 checks.—

527 (12) The licensing authority may by rule establish forms,
528 procedures, and fees for the submission and processing of
529 fingerprints required to be submitted in accordance with this
530 chapter. The licensing authority may by rule waive the
531 requirement for submission of fingerprints otherwise required by
532 this chapter if the person has within the preceding 24 months
533 submitted fingerprints to the licensing authority and the
534 licensing authority has obtained a criminal history report
535 utilizing those prior fingerprints. The cost for the fingerprint
536 processing shall be paid to the Department of Law Enforcement
537 and may be borne by the Department of Financial Services, the
538 employer, or the person subject to the background check. The
539 licensing authority shall waive fingerprint requirements if the
540 licensee is an honorably discharged veteran of the United States
541 Armed Forces and applies for licensure within 2 years after
542 discharge.

543 Section 16. Subsection (1) of section 497.281, Florida
544 Statutes, is amended to read:

545 497.281 Licensure of brokers of burial rights.—

546 (1) (a) No person shall receive compensation to act as a
547 third party to the sale or transfer of three or more burial
548 rights in a 12-month period unless the person pays a license fee
549 as determined by licensing authority rule but not to exceed \$250
550 and is licensed with the department as a burial rights broker in
551 accordance with this section.

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552 (b) A member of the United States Armed Forces, such
553 member's spouse, and a veteran of the United States Armed Forces
554 who separated from service within the 2 years preceding
555 application for licensure are exempt from the initial license
556 fee. To qualify for the license fee exemption, an applicant must
557 provide a copy of a military identification card, military
558 dependent identification card, military service record, military
559 personnel file, veteran record, discharge paper, or separation
560 document that indicates such member is currently in good
561 standing or such veteran was honorably discharged.

562 Section 17. Paragraph (a) of subsection (1) and subsection
563 (3) of section 497.368, Florida Statutes, are amended to read:
564 497.368 Embalmers; licensure as an embalmer by examination;
565 provisional licensure.—

566 (1) Any person desiring to be licensed as an embalmer shall
567 apply to the licensing authority to take the licensure
568 examination. The licensing authority shall examine each
569 applicant who has remitted an examination fee set by rule of the
570 licensing authority not to exceed \$200 plus the actual per
571 applicant cost to the licensing authority for portions of the
572 examination and who has:

573 (a) Completed the application form and remitted a
574 nonrefundable application fee set by the licensing authority not
575 to exceed \$200. A member of the United States Armed Forces, such
576 member's spouse, and a veteran of the United States Armed Forces
577 who separated from service within the 2 years preceding
578 application for licensure are exempt from the application fee.
579 To qualify for the application fee exemption, an applicant must
580 provide a copy of a military identification card, military

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581 dependent identification card, military service record, military
 582 personnel file, veteran record, discharge paper, or separation
 583 document that indicates such member is currently in good
 584 standing or such veteran was honorably discharged.

585 (3) Any applicant who has completed the required 1-year
 586 internship and has been approved for examination as an embalmer
 587 may qualify for a provisional license to work in a licensed
 588 funeral establishment, under the direct supervision of a
 589 licensed embalmer for a limited period of 6 months as provided
 590 by rule of the licensing authority. The fee for provisional
 591 licensure shall be set by rule of the licensing authority, but
 592 may not exceed \$200, and shall be nonrefundable and in addition
 593 to the fee required in subsection (1). This provisional license
 594 may be renewed no more than one time. A member of the United
 595 States Armed Forces, such member's spouse, and a veteran of the
 596 United States Armed Forces who separated from service within the
 597 2 years preceding application for licensure are exempt from the
 598 initial provisional licensure fee. To qualify for the initial
 599 provisional licensure fee exemption, an applicant must provide a
 600 copy of a military identification card, military dependent
 601 identification card, military service record, military personnel
 602 file, veteran record, discharge paper, or separation document
 603 that indicates such member is currently in good standing or such
 604 veteran was honorably discharged.

605 Section 18. Paragraph (a) of subsection (1) and subsection
 606 (5) of section 497.369, Florida Statutes, are amended to read:
 607 497.369 Embalmers; licensure as an embalmer by endorsement;
 608 licensure of a temporary embalmer.—

609 (1) The licensing authority shall issue a license by

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610 endorsement to practice embalming to an applicant who has
 611 remitted an examination fee set by rule of the licensing
 612 authority not to exceed \$200 and who the licensing authority
 613 certifies:

614 (a) Has completed the application form and remitted a
 615 nonrefundable application fee set by rule of the licensing
 616 authority not to exceed \$200. A member of the United States
 617 Armed Forces, such member's spouse, and a veteran of the United
 618 States Armed Forces who separated from service within the 2
 619 years preceding application for licensure are exempt from the
 620 application fee. To qualify for the application fee exemption,
 621 an applicant must provide a copy of a military identification
 622 card, military dependent identification card, military service
 623 record, military personnel file, veteran record, discharge
 624 paper, or separation document that indicates such member is
 625 currently in good standing or such veteran was honorably
 626 discharged.

627 (5) (a) There may be adopted by the licensing authority
 628 rules authorizing an applicant who has met the requirements of
 629 paragraphs (1) (b) and (c) and who is awaiting an opportunity to
 630 take the examination required by subsection (4) to be licensed
 631 as a temporary licensed embalmer. A temporary licensed embalmer
 632 may work as an embalmer in a licensed funeral establishment
 633 under the general supervision of a licensed embalmer. Such
 634 temporary license shall expire 60 days after the date of the
 635 next available examination required under subsection (4);
 636 however, the temporary license may be renewed one time under the
 637 same conditions as initial issuance. The fee for issuance or
 638 renewal of an embalmer temporary license shall be set by rule of

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639 the licensing authority but may not exceed \$200. The fee
640 required in this subsection shall be nonrefundable and in
641 addition to the fee required in subsection (1).

642 (b) A member of the United States Armed Forces, such
643 member's spouse, and a veteran of the United States Armed Forces
644 who separated from service within the 2 years preceding
645 application for licensure are exempt from the initial issuance
646 fee. To qualify for the initial issuance fee exemption, an
647 applicant must provide a copy of a military identification card,
648 military dependent identification card, military service record,
649 military personnel file, veteran record, discharge paper, or
650 separation document that indicates such member is currently in
651 good standing or such veteran was honorably discharged.

652 Section 19. Subsection (1) of section 497.370, Florida
653 Statutes, is amended to read:

654 497.370 Embalmers; licensure of an embalmer intern.—

655 (1) (a) Any person desiring to become an embalmer intern
656 shall make application to the licensing authority on forms
657 specified by rule, together with a nonrefundable fee determined
658 by rule of the licensing authority but not to exceed \$200.

659 (b) A member of the United States Armed Forces, such
660 member's spouse, and a veteran of the United States Armed Forces
661 who separated from service within the 2 years preceding
662 application for licensure are exempt from the application fee.
663 To qualify for the application fee exemption under this
664 paragraph, an applicant must provide a copy of a military
665 identification card, military dependent identification card,
666 military service record, military personnel file, veteran
667 record, discharge paper, or separation document that indicates

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668 such member is currently in good standing or such veteran was
669 honorably discharged.

670
671 The application shall indicate the name and address of the
672 licensed embalmer under whose supervision the intern will
673 receive training and the name of the licensed funeral
674 establishment or centralized embalming facility where such
675 training is to be conducted. The embalmer intern shall intern
676 under the direct supervision of a licensed embalmer who has an
677 active, valid license under s. 497.368 or s. 497.369.

678 Section 20. Section 497.371, Florida Statutes, is amended
679 to read:

680 497.371 Embalmers; establishment of embalmer apprentice
681 program.—

682 (1) The licensing authority adopts rules establishing an
683 embalmer apprentice program. An embalmer apprentice may perform
684 only those tasks, functions, and duties relating to embalming
685 which are performed under the direct supervision of an embalmer
686 who has an active, valid license under s. 497.368 or s. 497.369.
687 An embalmer apprentice is eligible to serve in an apprentice
688 capacity for a period not to exceed 3 years as may be determined
689 by licensing authority rule or for a period not to exceed 5
690 years if the apprentice is enrolled in and attending a course in
691 mortuary science or funeral service education at any mortuary
692 college or funeral service education college or school. An
693 embalmer apprentice shall be issued a license upon payment of a
694 licensure fee as determined by licensing authority rule but not
695 to exceed \$200.

696 (2) A member of the United States Armed Forces, such

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 697 member's spouse, and a veteran of the United States Armed Forces
 698 who separated from service within the 2 years preceding
 699 application for licensure are exempt from the licensure fee. To
 700 qualify for the licensure fee exemption under this subsection,
 701 an applicant must provide a copy of a military identification
 702 card, military dependent identification card, military service
 703 record, military personnel file, veteran record, discharge
 704 paper, or separation document that indicates such member is
 705 currently in good standing or such veteran was honorably
 706 discharged.

707
 708 An applicant for the embalmer apprentice program may not be
 709 issued a license unless the licensing authority determines that
 710 the applicant is of good character and has not demonstrated a
 711 history of lack of trustworthiness or integrity in business or
 712 professional matters.

713 Section 21. Paragraph (a) of subsection (1) and subsection
 714 (3) of section 497.373, Florida Statutes, are amended to read:

715 497.373 Funeral directing; licensure as a funeral director
 716 by examination; provisional license.—

717 (1) Any person desiring to be licensed as a funeral
 718 director shall apply to the licensing authority to take the
 719 licensure examination. The licensing authority shall examine
 720 each applicant who has remitted an examination fee set by rule
 721 of the licensing authority not to exceed \$200 plus the actual
 722 per applicant cost to the licensing authority for portions of
 723 the examination and who the licensing authority certifies has:

724 (a) Completed the application form and remitted a
 725 nonrefundable application fee set by rule of the licensing

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 726 authority not to exceed \$200. A member of the United States
 727 Armed Forces, such member's spouse, and a veteran of the United
 728 States Armed Forces who separated from service within the 2
 729 years preceding application for licensure are exempt from the
 730 application fee. To qualify for the application fee exemption,
 731 an applicant must provide a copy of a military identification
 732 card, military dependent identification card, military service
 733 record, military personnel file, veteran record, discharge
 734 paper, or separation document that indicates such member is
 735 currently in good standing or such veteran was honorably
 736 discharged.

737 (3) Any applicant who has completed the required 1-year
 738 internship and has been approved for examination as a funeral
 739 director may qualify for a provisional license to work in a
 740 licensed funeral establishment, under the direct supervision of
 741 a licensed funeral director for 6 months as provided by rule of
 742 the licensing authority. However, a provisional licensee may
 743 work under the general supervision of a licensed funeral
 744 director upon passage of the laws and rules examination required
 745 under paragraph (2)(b). The fee for provisional licensure shall
 746 be set by rule of the licensing authority but may not exceed
 747 \$200. The fee required in this subsection shall be nonrefundable
 748 and in addition to the fee required by subsection (1). This
 749 provisional license may be renewed no more than one time. A
 750 member of the United States Armed Forces, such member's spouse,
 751 and a veteran of the United States Armed Forces who separated
 752 from service within the 2 years preceding application for
 753 licensure are exempt from the initial provisional licensure fee.
 754 To qualify for the initial provisional licensure fee exemption,

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755 a licensee must provide a copy of a military identification
 756 card, military dependent identification card, military service
 757 record, military personnel file, veteran record, discharge
 758 paper, or separation document that indicates such member is
 759 currently in good standing or such veteran was honorably
 760 discharged.

761 Section 22. Paragraph (a) of subsection (1) and subsection
 762 (5) of section 497.374, Florida Statutes, are amended to read:

763 497.374 Funeral directing; licensure as a funeral director
 764 by endorsement; licensure of a temporary funeral director.—

765 (1) The licensing authority shall issue a license by
 766 endorsement to practice funeral directing to an applicant who
 767 has remitted a fee set by rule of the licensing authority not to
 768 exceed \$200 and who:

769 (a) Has completed the application form and remitted a
 770 nonrefundable application fee set by rule of the licensing
 771 authority not to exceed \$200. A member of the United States
 772 Armed Forces, such member's spouse, and a veteran of the United
 773 States Armed Forces who separated from service within the 2
 774 years preceding application for licensure are exempt from the
 775 nonrefundable application fee. To qualify for the exemption, an
 776 applicant must provide a copy of a military identification card,
 777 military dependent identification card, military service record,
 778 military personnel file, veteran record, discharge paper, or
 779 separation document that indicates such member is currently in
 780 good standing or such veteran was honorably discharged.

781 (5) There may be adopted rules authorizing an applicant who
 782 has met the requirements of paragraphs (1)(b) and (c) and who is
 783 awaiting an opportunity to take the examination required by

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784 subsection (4) to obtain a license as a temporary funeral
 785 director. A licensed temporary funeral director may work as a
 786 funeral director in a licensed funeral establishment under the
 787 general supervision of a funeral director licensed under
 788 subsection (1) or s. 497.373. Such license shall expire 60 days
 789 after the date of the next available examination required under
 790 subsection (4); however, the temporary license may be renewed
 791 one time under the same conditions as initial issuance. The fee
 792 for initial issuance or renewal of a temporary license under
 793 this subsection shall be set by rule of the licensing authority
 794 but may not exceed \$200. The fee required in this subsection
 795 shall be nonrefundable and in addition to the fee required in
 796 subsection (1). A member of the United States Armed Forces, such
 797 member's spouse, and a veteran of the United States Armed Forces
 798 who separated from service within the 2 years preceding
 799 application for licensure are exempt from the initial issuance
 800 fee. To qualify for the initial issuance fee exemption, an
 801 applicant must provide a copy of a military identification card,
 802 military dependent identification card, military service record,
 803 military personnel file, veteran record, discharge paper, or
 804 separation document that indicates such member is currently in
 805 good standing or such veteran was honorably discharged.

806 Section 23. Paragraph (a) of subsection (1) of section
 807 497.375, Florida Statutes, is amended to read:

808 497.375 Funeral directing; licensure of a funeral director
 809 intern.—

810 (1)(a) Any person desiring to become a funeral director
 811 intern must apply to the licensing authority on forms prescribed
 812 by rule of the licensing authority, together with a

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813 nonrefundable fee set by rule of the licensing authority not to
 814 exceed \$200. A member of the United States Armed Forces, such
 815 member's spouse, and a veteran of the United States Armed Forces
 816 who separated from service within the 2 years preceding
 817 application for licensure are exempt from the application fee.
 818 To qualify for the application fee exemption, an applicant must
 819 provide a copy of a military identification card, military
 820 dependent identification card, military service record, military
 821 personnel file, veteran record, discharge paper, or separation
 822 document that indicates such member is currently in good
 823 standing or such veteran was honorably discharged.

824 Section 24. Section 497.393, Florida Statutes, is created
 825 to read:

826 497.393 Licensure; military-issued credentials for
 827 licensure.—The licensing authority shall recognize military-
 828 issued credentials relating to funeral and cemetery services for
 829 purposes of licensure as a funeral director or embalmer.

830 Section 25. Paragraph (n) of subsection (1) of section
 831 497.453, Florida Statutes, is amended to read:

832 497.453 Application for preneed license, procedures and
 833 criteria; renewal; reports.—

834 (1) PRENEED LICENSE APPLICATION PROCEDURES.—

835 (n) The application shall be accompanied by a nonrefundable
 836 fee as determined by licensing authority rule but not to exceed
 837 \$500. A member of the United States Armed Forces, such member's
 838 spouse, and a veteran of the United States Armed Forces who
 839 separated from service within the 2 years preceding application
 840 for licensure are exempt from the application fee. To qualify
 841 for the application fee exemption, an applicant must provide a

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842 copy of a military identification card, military dependent
 843 identification card, military service record, military personnel
 844 file, veteran record, discharge paper, or separation document
 845 that indicates such member is currently in good standing or such
 846 veteran was honorably discharged.

847 Section 26. Paragraph (h) of subsection (2) of section
 848 497.466, Florida Statutes, is amended to read:

849 497.466 Preneed sales agents, license required; application
 850 procedures and criteria; appointment of agents; responsibility
 851 of preneed licensee.—

852 (2) PRENEED SALES AGENT LICENSE; APPLICATION PROCEDURES.—

853 (h) The application shall be accompanied by a nonrefundable
 854 fee of \$150 if made through the department's online licensing
 855 system or \$175 if made using paper forms. Payment of either fee
 856 shall entitle the applicant to one initial appointment without
 857 payment of further fees by the preneed sales agent or the
 858 appointing preneed licensee if a preneed sales agent license is
 859 issued. The licensing authority may from time to time increase
 860 such fees but not to exceed \$300. A member of the United States
 861 Armed Forces, such member's spouse, and a veteran of the United
 862 States Armed Forces who separated from service within the 2
 863 years preceding application for licensure are exempt from the
 864 application fee. To qualify for the application fee exemption,
 865 an applicant must provide a copy of a military identification
 866 card, military dependent identification card, military service
 867 record, military personnel file, veteran record, discharge
 868 paper, or separation document that indicates such member is
 869 currently in good standing or such veteran was honorably
 870 discharged.

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871 Section 27. Paragraph (e) of subsection (2) of section
872 497.554, Florida Statutes, is amended to read:
873 497.554 Monument establishment sales representatives.—
874 (2) APPLICATION PROCEDURES.—Licensure as a monument
875 establishment sales agent shall be by submission of an
876 application for licensure to the department on a form prescribed
877 by rule.

878 (e) The monument establishment sales agent application
879 shall be accompanied by a fee of \$50. The licensing authority
880 may from time to time increase the application fee by rule but
881 not to exceed \$200. A member of the United States Armed Forces,
882 such member's spouse, and a veteran of the United States Armed
883 Forces who separated from service within the 2 years preceding
884 application for licensure are exempt from the application fee.
885 To qualify for the application fee exemption, an applicant must
886 provide a copy of a military identification card, military
887 dependent identification card, military service record, military
888 personnel file, veteran record, discharge paper, or separation
889 document that indicates such member is currently in good
890 standing or such veteran was honorably discharged.

891 Section 28. Paragraph (i) of subsection (2) and subsection
892 (4) of section 497.602, Florida Statutes, are amended to read:
893 497.602 Direct disposers, license required; licensing
894 procedures and criteria; regulation.—

895 (2) APPLICATION PROCEDURES.—
896 (i) The application shall be accompanied by a nonrefundable
897 fee of \$300. The licensing authority may from time to time
898 increase the fee by rule but not to exceed more than \$500. A
899 member of the United States Armed Forces, such member's spouse,

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900 and a veteran of the United States Armed Forces who separated
901 from service within the 2 years preceding application for
902 licensure are exempt from the application fee. To qualify for
903 the application fee exemption, an applicant must provide a copy
904 of a military identification card, military dependent
905 identification card, military service record, military personnel
906 file, veteran record, discharge paper, or separation document
907 that indicates such member is currently in good standing or such
908 veteran was honorably discharged.

909 (4) ISSUANCE OF LICENSE.—Upon approval of the application
910 by the licensing authority, the license shall be issued. The
911 licensing authority shall recognize military-issued credentials
912 relating to funeral and cemetery services for purposes of
913 licensure as a direct disposer.

914 Section 29. Subsection (2) of section 501.015, Florida
915 Statutes, is amended to read:

916 501.015 Health studios; registration requirements and
917 fees.—Each health studio shall:

918 (2) Remit an annual registration fee of \$300 to the
919 department at the time of registration for each of the health
920 studio's business locations.

921 (a) The department shall waive the initial registration fee
922 for an honorably discharged veteran of the United States Armed
923 Forces; ~~7~~ the spouse or surviving spouse of such a veteran; a
924 current member of the United States Armed Forces who has served
925 on active duty; the spouse of such a member; the surviving
926 spouse of a member of the United States Armed Forces if the
927 member died while serving on active duty; ~~7~~ or a business entity
928 that has a majority ownership held by such a veteran, ~~or~~ spouse,

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929 or surviving spouse, if the department receives an application,
 930 in a format prescribed by the department. The application format
 931 must include the applicant's signature, under penalty of
 932 perjury, and supporting documentation, within 60 months after
 933 the date of the veteran's discharge from any branch of the
 934 United States Armed Forces. To qualify for the waiver: ~~;~~

935 1. A veteran must provide to the department a copy of his
 936 or her DD Form 214, as issued by the United States Department of
 937 Defense, or another acceptable form of identification as
 938 specified by the Department of Veterans' Affairs;

939 2. The spouse or surviving spouse of a veteran must provide
 940 to the department a copy of the veteran's DD Form 214, as issued
 941 by the United States Department of Defense, or another
 942 acceptable form of identification as specified by the Department
 943 of Veterans' Affairs, and a copy of a valid marriage license or
 944 certificate verifying that he or she was lawfully married to the
 945 veteran at the time of discharge; or

946 3. A business entity must provide to the department proof
 947 that a veteran or the spouse or surviving spouse of a veteran
 948 holds a majority ownership in the business, a copy of the
 949 veteran's DD Form 214, as issued by the United States Department
 950 of Defense, or another acceptable form of identification as
 951 specified by the Department of Veterans' Affairs, and, if
 952 applicable, a copy of a valid marriage license or certificate
 953 verifying that the spouse or surviving spouse of the veteran was
 954 lawfully married to the veteran at the time of discharge.

955 (b) The department shall waive the registration renewal fee
 956 for a registrant who:

957 1. Is an active duty member of the United States Armed

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958 Forces or the spouse of such member;

959 2. Is or was a member of the United States Armed Forces and
 960 served on active duty within the 2 years preceding the renewal
 961 date. To qualify for the fee waiver, a registrant who is a
 962 former member of the United States Armed Forces who served on
 963 active duty within the 2 years preceding the expiration date of
 964 the registration must have received an honorable discharge upon
 965 separation or discharge from the United States Armed Forces; or

966 3. Is the surviving spouse of a member of the United States
 967 Armed Forces if the member was serving on active duty at the
 968 time of death and died within the 2 years preceding the date of
 969 renewal.

970
 971 A registrant seeking such a waiver must apply in a format
 972 prescribed by the department, including the applicant's
 973 signature, under penalty of perjury, and supporting
 974 documentation.

975 Section 30. Paragraph (b) of subsection (5) of section
 976 501.605, Florida Statutes, is amended to read:

977 501.605 Licensure of commercial telephone sellers and
 978 entities providing substance abuse marketing services.—

979 (5) An application filed pursuant to this part must be
 980 verified and accompanied by:

981 (b) A fee for licensing in the amount of \$1,500. The fee
 982 shall be deposited into the General Inspection Trust Fund. The
 983 department shall waive the initial license fee for an honorably
 984 discharged veteran of the United States Armed Forces; ~~;~~ the
 985 spouse or surviving spouse of such a veteran; a current member
 986 of the United States Armed Forces who has served on active duty;

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987 ~~the spouse of such a member; the surviving spouse of a member of~~
 988 ~~the United States Armed Forces if such member died while serving~~
 989 ~~on active duty;~~ or a business entity that has a majority
 990 ownership held by such a veteran, ~~or~~ spouse, or surviving
 991 spouse, if the department receives an application, in a format
 992 prescribed by the department. The application format must
 993 include the applicant's signature, under penalty of perjury, and
 994 supporting documentation, ~~within 60 months after the date of the~~
 995 ~~veteran's discharge from any branch of the United States Armed~~
 996 ~~Forces. To qualify for the waiver;~~

997 1. A veteran must provide to the department a copy of his
 998 or her DD Form 214, as issued by the United States Department of
 999 Defense, or another acceptable form of identification as
 1000 specified by the Department of Veterans' Affairs;

1001 2. The spouse or surviving spouse of a veteran must provide
 1002 to the department a copy of the veteran's DD Form 214, as issued
 1003 by the United States Department of Defense, or another
 1004 acceptable form of identification as specified by the Department
 1005 of Veterans' Affairs, and a copy of a valid marriage license or
 1006 certificate verifying that he or she was lawfully married to the
 1007 veteran at the time of discharge; or

1008 3. A business entity must provide to the department proof
 1009 that a veteran or the spouse or surviving spouse of a veteran
 1010 holds a majority ownership in the business, a copy of the
 1011 veteran's DD Form 214, as issued by the United States Department
 1012 of Defense, or another acceptable form of identification as
 1013 specified by the Department of Veterans' Affairs, and, if
 1014 applicable, a copy of a valid marriage license or certificate
 1015 verifying that the spouse or surviving spouse of the veteran was

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1016 lawfully married to the veteran at the time of discharge.

1017 Section 31. Paragraph (b) of subsection (2) of section
 1018 501.607, Florida Statutes, is amended to read:
 1019 501.607 Licensure of salespersons.—
 1020 (2) An application filed pursuant to this section must be
 1021 verified and be accompanied by:
 1022 (b) A fee for licensing in the amount of \$50 per
 1023 salesperson. The fee shall be deposited into the General
 1024 Inspection Trust Fund. The fee for licensing may be paid after
 1025 the application is filed, but must be paid within 14 days after
 1026 the applicant begins work as a salesperson. The department shall
 1027 waive the initial license fee for an honorably discharged
 1028 veteran of the United States Armed Forces; the spouse or
 1029 surviving spouse of such a veteran; a current member of the
 1030 United States Armed Forces who has served on active duty; the
 1031 spouse of such a member; the surviving spouse of a member of the
 1032 United States Armed Forces if the member died while serving on
 1033 active duty; or a business entity that has a majority ownership
 1034 held by such a veteran, ~~or~~ spouse, or surviving spouse, if the
 1035 department receives an application, in a format prescribed by
 1036 the department. The application format must include the
 1037 applicant's signature, under penalty of perjury, and supporting
 1038 documentation, ~~within 60 months after the date of the veteran's~~
 1039 ~~discharge from any branch of the United States Armed Forces. To~~
 1040 ~~qualify for the waiver;~~

1041 1. A veteran must provide to the department a copy of his
 1042 or her DD Form 214, as issued by the United States Department of
 1043 Defense, or another acceptable form of identification as
 1044 specified by the Department of Veterans' Affairs;

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1045 2. The spouse or surviving spouse of a veteran must provide
 1046 to the department a copy of the veteran's DD Form 214, as issued
 1047 by the United States Department of Defense, or another
 1048 acceptable form of identification as specified by the Department
 1049 of Veterans' Affairs, and a copy of a valid marriage license or
 1050 certificate verifying that he or she was lawfully married to the
 1051 veteran at the time of discharge; or

1052 3. A business entity must provide to the department proof
 1053 that a veteran or the spouse or surviving spouse of a veteran
 1054 holds a majority ownership in the business, a copy of the
 1055 veteran's DD Form 214, as issued by the United States Department
 1056 of Defense, or another acceptable form of identification as
 1057 specified by the Department of Veterans' Affairs, and, if
 1058 applicable, a copy of a valid marriage license or certificate
 1059 verifying that the spouse or surviving spouse of the veteran was
 1060 lawfully married to the veteran at the time of discharge.

1061 Section 32. Subsection (5) is added to section 501.609,
 1062 Florida Statutes, to read:

1063 501.609 License renewal.—

1064 (5) The department shall waive the annual fee to renew for
 1065 a licensee who:

1066 (a) Is an active duty member of the United States Armed
 1067 Forces or the spouse of such member;

1068 (b) Is or was a member of the United States Armed Forces
 1069 and served on active duty within the 2 years preceding the
 1070 renewal date. To qualify for the fee waiver, a licensee who is a
 1071 former member of the United States Armed Forces who served on
 1072 active duty within the 2 years preceding the expiration date of
 1073 the registration must have received an honorable discharge upon

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1074 separation or discharge from the United States Armed Forces; or
 1075 (c) Is the surviving spouse of a member of the United
 1076 States Armed Forces if the member was serving on active duty at
 1077 the time of death and died within the 2 years preceding the
 1078 renewal.

1079 A licensee seeking such a waiver must apply in a format
 1080 prescribed by the department, including the applicant's
 1081 signature, under penalty of perjury, and supporting
 1082 documentation.

1083 Section 33. Paragraph (b) of subsection (3) of section
 1084 507.03, Florida Statutes, is amended, and paragraph (c) is added
 1085 to that subsection, to read:

1086 507.03 Registration.—

1087 (3)

1088 (b) The department shall waive the initial registration fee
 1089 for an honorably discharged veteran of the United States Armed
 1090 Forces; ~~the spouse or surviving spouse of such a veteran; a~~
 1091 current member of the United States Armed Forces who has served
 1092 on active duty; the spouse of such a member; the surviving
 1093 spouse of a member of the United States Armed Forces if the
 1094 member died while serving on active duty; ~~or a business entity~~
 1095 that has a majority ownership held by such a veteran, ~~or~~ spouse,
 1096 or surviving spouse, if the department receives an application
 1097 in a format prescribed by the department. The application format
 1098 must include the applicant's signature, under penalty of
 1099 perjury, and supporting documentation, ~~within 60 months after~~
 1100 the date of the veteran's discharge from any branch of the
 1101 United States Armed Forces. To qualify for the waiver;
 1102

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1103 1. A veteran must provide to the department a copy of his
 1104 or her DD Form 214, as issued by the United States Department of
 1105 Defense, or another acceptable form of identification as
 1106 specified by the Department of Veterans' Affairs;

1107 2. The spouse or surviving spouse of a veteran must provide
 1108 to the department a copy of the veteran's DD Form 214, as issued
 1109 by the United States Department of Defense, or another
 1110 acceptable form of identification as specified by the Department
 1111 of Veterans' Affairs, and a copy of a valid marriage license or
 1112 certificate verifying that he or she was lawfully married to the
 1113 veteran at the time of discharge; or

1114 3. A business entity must provide to the department proof
 1115 that a veteran or the spouse or surviving spouse of a veteran
 1116 holds a majority ownership in the business, a copy of the
 1117 veteran's DD Form 214, as issued by the United States Department
 1118 of Defense, or another acceptable form of identification as
 1119 specified by the Department of Veterans' Affairs, and, if
 1120 applicable, a copy of a valid marriage license or certificate
 1121 verifying that the spouse or surviving spouse of the veteran was
 1122 lawfully married to the veteran at the time of discharge.

1123 (c) The department shall waive the biennial fee to renew
 1124 for a registrant who:

1125 1. Is an active duty member of the United States Armed
 1126 Forces or the spouse of such member;

1127 2. Is or was a member of the United States Armed Forces and
 1128 served on active duty within the 2 years preceding the
 1129 expiration date. To qualify for the fee waiver, a registrant who
 1130 is a former member of the United States Armed Forces who served
 1131 on active duty within the 2 years preceding the expiration date

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1132 of the registration must have received an honorable discharge
 1133 upon separation or discharge from the United States Armed
 1134 Forces; or

1135 3. Is the surviving spouse of a member of the United States
 1136 Armed Forces if the member was serving on active duty at the
 1137 time of death and died within the 2 years preceding the renewal.

1138
 1139 A registrant seeking such a waiver must apply in a format
 1140 prescribed by the department, including the applicant's
 1141 signature, under penalty of perjury, and supporting
 1142 documentation.

1143 Section 34. Subsections (10) and (11) of section 517.12,
 1144 Florida Statutes, are amended to read:

1145 517.12 Registration of dealers, associated persons,
 1146 intermediaries, and investment advisers.—

1147 (10)(a) An applicant for registration shall pay an
 1148 assessment fee of \$200, in the case of a dealer or investment
 1149 adviser, or \$50, in the case of an associated person. An
 1150 associated person may be assessed an additional fee to cover the
 1151 cost for the fingerprints to be processed by the office. Such
 1152 fee shall be determined by rule of the commission. Such fees
 1153 become the revenue of the state, except for those assessments
 1154 provided for under s. 517.131(1) until such time as the
 1155 Securities Guaranty Fund satisfies the statutory limits, and are
 1156 not returnable in the event that registration is withdrawn or
 1157 not granted.

1158 (b) The office shall waive the \$50 assessment fee required
 1159 by paragraph (a) of an associated person for an applicant who:

1160 1. Is or was an active duty member of the United States

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1161 Armed Forces. To qualify for the fee waiver, an applicant who is
 1162 a former member of the United States Armed Forces must have
 1163 received an honorable discharge upon separation or discharge
 1164 from the United States Armed Forces;

1165 2. Is married to a current or former member of the United
 1166 States Armed Forces and is or was married to the member during
 1167 any period of active duty; or

1168 3. Is the surviving spouse of a member of the United States
 1169 Armed Forces if the member was serving on active duty at the
 1170 time of death.

1171

1172 An applicant seeking such a fee waiver must submit proof, in a
 1173 form prescribed by commission rule, that the applicant meets one
 1174 of the qualifications in this paragraph.

1175 (11) (a) If the office finds that the applicant is of good
 1176 repute and character and has complied with the provisions of
 1177 this chapter and the rules made pursuant hereto, it shall
 1178 register the applicant. The registration of each dealer,
 1179 investment adviser, and associated person expires on December 31
 1180 of the year the registration became effective unless the
 1181 registrant has renewed his or her registration on or before that
 1182 date. Registration may be renewed by furnishing such information
 1183 as the commission may require, together with payment of the fee
 1184 required in paragraph (10) (a) subsection (10) for dealers,
 1185 investment advisers, or associated persons and the payment of
 1186 any amount lawfully due and owing to the office pursuant to any
 1187 order of the office or pursuant to any agreement with the
 1188 office. Any dealer, investment adviser, or associated person who
 1189 has not renewed a registration by the time the current

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1190 registration expires may request reinstatement of such
 1191 registration by filing with the office, on or before January 31
 1192 of the year following the year of expiration, such information
 1193 as may be required by the commission, together with payment of
 1194 the fee required in paragraph (10) (a) subsection (10) for
 1195 dealers, investment advisers, or associated persons and a late
 1196 fee equal to the amount of such fee. Any reinstatement of
 1197 registration granted by the office during the month of January
 1198 shall be deemed effective retroactive to January 1 of that year.

1199 (b) The office shall waive the \$50 assessment fee required
 1200 by paragraph (10) (a) of an associated person for a registrant
 1201 renewing his or her registration who:

1202 1. Is an active duty member of the United States Armed
 1203 Forces or the spouse of such member;

1204 2. Is or was a member of the United States Armed Forces and
 1205 served on active duty within the 2 years preceding the
 1206 expiration date of the registration pursuant to paragraph (a).
 1207 To qualify for the fee waiver, a registrant who is a former
 1208 member of the United States Armed Forces who served on active
 1209 duty within the 2 years preceding the expiration date of the
 1210 registration must have received an honorable discharge upon
 1211 separation or discharge from the United States Armed Forces; or

1212 3. Is the surviving spouse of a member of the United States
 1213 Armed Forces if the member was serving on active duty at the
 1214 time of death and died within the 2 years preceding the
 1215 surviving spouse's registration expiration date pursuant to
 1216 paragraph (a).

1217

1218 A registrant seeking such a fee waiver must submit proof, in a

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1219 form prescribed by commission rule, that the registrant meets
 1220 one of the qualifications in this paragraph.

1221 Section 35. Paragraph (b) of subsection (3) of section
 1222 527.02, Florida Statutes, is amended, and paragraph (c) is added
 1223 to that subsection, to read:

1224 527.02 License; penalty; fees.—

1225 (3)

1226 (b) The department shall waive the initial license fee for
 1227 an honorably discharged veteran of the United States Armed
 1228 Forces;~~;~~ the spouse or surviving spouse of such a veteran; a
 1229 current member of the United States Armed Forces who has served
 1230 on active duty; the spouse of such a member; the surviving
 1231 spouse of a member of the United States Armed Forces if the
 1232 member died while serving on active duty;~~;~~ or a business entity
 1233 that has a majority ownership held by such a veteran, ~~or~~ spouse
 1234 , or surviving spouse, if the department receives an
 1235 application~~,~~ in a format prescribed by the department. The
 1236 application format must include the applicant's signature, under
 1237 penalty of perjury, and supporting documentation, ~~within 60~~
 1238 ~~months after the date of the veteran's discharge from any branch~~
 1239 ~~of the United States Armed Forces.~~ To qualify for the waiver;~~;~~

1240 1. A veteran must provide to the department a copy of his
 1241 or her DD Form 214, as issued by the United States Department of
 1242 Defense or another acceptable form of identification as
 1243 specified by the Department of Veterans' Affairs;

1244 2. The spouse or surviving spouse of a veteran must provide
 1245 to the department a copy of the veteran's DD Form 214, as issued
 1246 by the United States Department of Defense, or another
 1247 acceptable form of identification as specified by the Department

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1248 of Veterans' Affairs, and a copy of a valid marriage license or
 1249 certificate verifying that he or she was lawfully married to the
 1250 veteran at the time of discharge; or

1251 3. A business entity must provide to the department proof
 1252 that a veteran or the spouse or surviving spouse of a veteran
 1253 holds a majority ownership in the business, a copy of the
 1254 veteran's DD Form 214, as issued by the United States Department
 1255 of Defense, or another acceptable form of identification as
 1256 specified by the Department of Veterans' Affairs, and, if
 1257 applicable, a copy of a valid marriage license or certificate
 1258 verifying that the spouse or surviving spouse of the veteran was
 1259 lawfully married to the veteran at the time of discharge.

1260 (c) The department shall waive license renewal fees for a
 1261 licensee who:

1262 1. Is an active duty member of the United States Armed
 1263 Forces or the spouse of such member;

1264 2. Is or was a member of the United States Armed Forces and
 1265 served on active duty within the 2 years preceding the renewal
 1266 date. To qualify for the fee waiver under this subparagraph, a
 1267 licensee who is a former member of the United States Armed
 1268 Forces who served on active duty within the 2 years preceding
 1269 the annual renewal date must have received an honorable
 1270 discharge upon separation or discharge from the United States
 1271 Armed Forces; or

1272 3. Is the surviving spouse of a member of the United States
 1273 Armed Forces if such member was serving on active duty at the
 1274 time of death and died within the 2 years preceding the
 1275 surviving spouse's renewal.

1276

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1277 A licensee seeking such a waiver must apply in a format
 1278 prescribed by the department, including the applicant's
 1279 signature, under penalty of perjury, and supporting
 1280 documentation.

1281 Section 36. Paragraph (c) of subsection (3) of section
 1282 539.001, Florida Statutes, is amended, and paragraph (g) is
 1283 added to that subsection, to read:

1284 539.001 The Florida Pawnbroking Act.—
 1285 (3) LICENSE REQUIRED.—

1286 (c) Each license is valid for a period of 1 year unless it
 1287 is earlier relinquished, suspended, or revoked. Each license
 1288 shall be renewed annually, and each licensee shall, initially
 1289 and annually thereafter, pay to the agency a license fee of \$300
 1290 for each license held. The agency shall waive the initial
 1291 license fee for an honorably discharged veteran of the United
 1292 States Armed Forces; the spouse or surviving spouse of such a
 1293 veteran; a current member of the United States Armed Forces who
 1294 has served on active duty; the spouse of such a member; the
 1295 surviving spouse of a member of the United States Armed Forces
 1296 if the member died while serving on active duty; ~~or a business~~
 1297 ~~entity that has a majority ownership held by such a veteran, or~~
 1298 ~~spouse, or surviving spouse, if the agency receives an~~
 1299 ~~application, in a format prescribed by the agency. The~~
 1300 ~~application format must include the applicant's signature, under~~
 1301 ~~penalty of perjury, and supporting documentation, within 60~~
 1302 ~~months after the date of the veteran's discharge from any branch~~
 1303 ~~of the United States Armed Forces.~~ To qualify for the waiver: ~~;~~
 1304 1. A veteran must provide to the agency a copy of his or
 1305 her DD Form 214, as issued by the United States Department of

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1306 Defense, or another acceptable form of identification as
 1307 specified by the Department of Veterans' Affairs;

1308 2. The spouse or surviving spouse of a veteran must provide
 1309 to the agency a copy of the veteran's DD Form 214, as issued by
 1310 the United States Department of Defense, or another acceptable
 1311 form of identification as specified by the Department of
 1312 Veterans' Affairs, and a copy of a valid marriage license or
 1313 certificate verifying that he or she was lawfully married to the
 1314 veteran at the time of discharge; or

1315 3. A business entity must provide to the agency proof that
 1316 a veteran or the spouse or surviving spouse of a veteran holds a
 1317 majority ownership in the business, a copy of the veteran's DD
 1318 Form 214, as issued by the United States Department of Defense,
 1319 or another acceptable form of identification as specified by the
 1320 Department of Veterans' Affairs, and, if applicable, a copy of a
 1321 valid marriage license or certificate verifying that the spouse
 1322 or surviving spouse of the veteran was lawfully married to the
 1323 veteran at the time of discharge.

1324 (g) The agency shall waive license renewal fees for a
 1325 licensee who:

1326 1. Is an active duty member of the United States Armed
 1327 Forces or the spouse of such member;

1328 2. Is or was a member of the United States Armed Forces and
 1329 served on active duty within the 2 years preceding the renewal
 1330 date. To qualify for the fee waiver under this subparagraph, a
 1331 licensee who is a former member of the United States Armed
 1332 Forces who served on active duty within the 2 years preceding
 1333 the annual renewal date must have received an honorable
 1334 discharge upon separation or discharge from the United States

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1335 Armed Forces; or
 1336 3. Is the surviving spouse of a member of the United States
 1337 Armed Forces if the member was serving on active duty at the
 1338 time of death and died within the 2 years preceding the renewal.

1339
 1340 A licensee seeking such a waiver must apply in a format
 1341 prescribed by the agency, including the applicant's signature,
 1342 under penalty of perjury, and supporting documentation.

1343 Section 37. Paragraph (b) of subsection (3) of section
 1344 559.904, Florida Statutes, is amended, and paragraph (c) is
 1345 added to that subsection, to read:

1346 559.904 Motor vehicle repair shop registration;
 1347 application; exemption.-

1348 (3)
 1349 (b) The department shall waive the initial registration fee
 1350 for an honorably discharged veteran of the United States Armed
 1351 Forces; ~~the spouse or surviving spouse of such a veteran; a~~
 1352 current member of the United States Armed Forces who has served
 1353 on active duty; the spouse of such a member; the surviving
 1354 spouse of a member of the United States Armed Forces if the
 1355 member died while serving on active duty; ~~or a business entity~~
 1356 that has a majority ownership held by such a veteran, ~~or~~ spouse,
 1357 or surviving spouse, if the department receives an application,
 1358 in a format prescribed by the department. The application format
 1359 must include the applicant's signature, under penalty of
 1360 perjury, and supporting documentation, ~~within 60 months after~~
 1361 ~~the date of the veteran's discharge from any branch of the~~
 1362 ~~United States Armed Forces.~~ To qualify for the waiver: ~~or~~

1363 1. A veteran must provide to the department a copy of his

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1364 or her DD Form 214, as issued by the United States Department of
 1365 Defense, or another acceptable form of identification as
 1366 specified by the Department of Veterans' Affairs;

1367 2. The spouse or surviving spouse of a veteran must provide
 1368 to the department a copy of the veteran's DD Form 214, as issued
 1369 by the United States Department of Defense, or another
 1370 acceptable form of identification as specified by the Department
 1371 of Veterans' Affairs, and a copy of a valid marriage license or
 1372 certificate verifying that he or she was lawfully married to the
 1373 veteran at the time of discharge; or

1374 3. A business entity must provide to the department proof
 1375 that a veteran or the spouse or surviving spouse of a veteran
 1376 holds a majority ownership in the business, a copy of the
 1377 veteran's DD Form 214, as issued by the United States Department
 1378 of Defense or another acceptable form of identification as
 1379 specified by the Department of Veterans' Affairs, and, if
 1380 applicable, a copy of a valid marriage license or certificate
 1381 verifying that the spouse or surviving spouse of the veteran was
 1382 lawfully married to the veteran at the time of discharge.

1383 (c) The department shall waive registration renewal fees
 1384 for a registrant who:

1385 1. Is an active duty member of the United States Armed
 1386 Forces or the spouse of such member;

1387 2. Is or was a member of the United States Armed Forces and
 1388 served on active duty within the 2 years preceding the renewal
 1389 date. To qualify for the fee waiver under this subparagraph, a
 1390 registrant who is a former member of the United States Armed
 1391 Forces who served on active duty within the 2 years preceding
 1392 the biennial renewal date must have received an honorable

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1393 discharge upon separation or discharge from the United States
 1394 Armed Forces; or

1395 3. Is the surviving spouse of a member of the United States
 1396 Armed Forces if the member was serving on active duty at the
 1397 time of death and died within the 2 years preceding the renewal.

1398

1399 A registrant seeking such a waiver must apply in a format
 1400 prescribed by the department, including the applicant's
 1401 signature, under penalty of perjury, and supporting
 1402 documentation.

1403 Section 38. Paragraph (c) of subsection (2) of section
 1404 559.928, Florida Statutes, is amended, and paragraph (d) is
 1405 added to that subsection, to read:

1406 559.928 Registration.—

1407 (2)

1408 (c) The department shall waive the initial registration fee
 1409 for an honorably discharged veteran of the United States Armed
 1410 Forces; ~~7~~ the spouse or surviving spouse of such a veteran; a
 1411 current member of the United States Armed Forces who has served
 1412 on active duty; the spouse of such a member; the surviving
 1413 spouse of a member of the United States Armed Forces if the
 1414 member died while serving on active duty; ~~7~~ or a business entity
 1415 that has a majority ownership held by such a veteran, ~~or~~ spouse,
 1416 or surviving spouse, if the department receives an application ~~7~~
 1417 in a format prescribed by the department. The application format
 1418 must include the applicant's signature, under penalty of
 1419 perjury, and supporting documentation, ~~within 60 months after~~
 1420 ~~the date of the veteran's discharge from any branch of the~~
 1421 ~~United States Armed Forces.~~ To qualify for the waiver: ~~7~~

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1422 1. A veteran must provide to the department a copy of his
 1423 or her DD Form 214, as issued by the United States Department of
 1424 Defense, or another acceptable form of identification as
 1425 specified by the Department of Veterans' Affairs;

1426 2. The spouse or surviving spouse of a veteran must provide
 1427 to the department a copy of the veteran's DD Form 214, as issued
 1428 by the United States Department of Defense, or another
 1429 acceptable form of identification as specified by the Department
 1430 of Veterans' Affairs, and a copy of a valid marriage license or
 1431 certificate verifying that he or she was lawfully married to the
 1432 veteran at the time of discharge; or

1433 3. A business entity must provide to the department proof
 1434 that a veteran or the spouse or surviving spouse of a veteran
 1435 holds a majority ownership in the business, a copy of the
 1436 veteran's DD Form 214, as issued by the United States Department
 1437 of Defense, or another acceptable form of identification as
 1438 specified by the Department of Veterans' Affairs, and, if
 1439 applicable, a copy of a valid marriage license or certificate
 1440 verifying that the spouse or surviving spouse of the veteran was
 1441 lawfully married to the veteran at the time of discharge.

1442 (d) The department shall waive the registration renewal fee
 1443 for a registrant who:

1444 1. Is an active duty member of the United States Armed
 1445 Forces or the spouse of such member;

1446 2. Is or was a member of the United States Armed Forces and
 1447 served on active duty within the 2 years preceding the renewal
 1448 date. To qualify for the fee waiver under this subparagraph, a
 1449 registrant who is a former member of the United States Armed
 1450 Forces who served on active duty within the 2 years preceding

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1451 the annual registration renewal date must have received an
 1452 honorable discharge upon separation or discharge from the United
 1453 States Armed Forces; or

1454 3. Is the surviving spouse of a member of the United States
 1455 Armed Forces if the member was serving on active duty at the
 1456 time of death and died within the 2 years preceding the renewal.

1457
 1458 A registrant seeking such a waiver must apply in a format
 1459 prescribed by the department, including the applicant's
 1460 signature, under penalty of perjury, and supporting
 1461 documentation.

1462 Section 39. Subsection (2) of section 626.025, Florida
 1463 Statutes, is amended to read:

1464 626.025 Consumer protections.—To transact insurance, agents
 1465 shall comply with consumer protection laws, including the
 1466 following, as applicable:

1467 (2) Fingerprinting requirements for resident and
 1468 nonresident agents, as required under s. 626.171 or s. 626.202.
 1469 The department shall waive the fingerprinting requirement for an
 1470 agent who is an honorably discharged veteran of the United
 1471 States Armed Forces and applies for licensure within 2 years
 1472 after discharge.

1473 Section 40. Subsections (4) and (6) of section 626.171,
 1474 Florida Statutes, are amended to read:

1475 626.171 Application for license as an agent, customer
 1476 representative, adjuster, service representative, managing
 1477 general agent, or reinsurance intermediary.—

1478 (4) An applicant for a license as an agent, customer
 1479 representative, adjuster, service representative, managing

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1480 general agent, or reinsurance intermediary must submit a set of
 1481 the individual applicant's fingerprints, or, if the applicant is
 1482 not an individual, a set of the fingerprints of the sole
 1483 proprietor, majority owner, partners, officers, and directors,
 1484 to the department and must pay the fingerprint processing fee
 1485 set forth in s. 624.501. Fingerprints shall be used to
 1486 investigate the applicant's qualifications pursuant to s.
 1487 626.201. The fingerprints shall be taken by a law enforcement
 1488 agency, designated examination center, or other department-
 1489 approved entity. The department shall require all designated
 1490 examination centers to have fingerprinting equipment and to take
 1491 fingerprints from any applicant or prospective applicant who
 1492 pays the applicable fee. The department may not approve an
 1493 application for licensure as an agent, customer service
 1494 representative, adjuster, service representative, managing
 1495 general agent, or reinsurance intermediary if fingerprints have
 1496 not been submitted. The department shall waive fingerprint
 1497 requirements for an applicant who is an honorably discharged
 1498 veteran of the United States Armed Forces and applies for
 1499 licensure within 2 years after discharge.

1500 (6) Members of the United States Armed Forces and their
 1501 spouses, and veterans of the United States Armed Forces who have
 1502 ~~separated from service~~ retired within 24 months before
 1503 application for licensure, are exempt from the application
 1504 filing fee prescribed in s. 624.501. Qualified individuals must
 1505 provide a copy of a military identification card, military
 1506 dependent identification card, military service record, military
 1507 personnel file, veteran record, discharge paper, ~~or separation~~
 1508 ~~document~~, or a separation document that indicates such members

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1509 ~~of the United States Armed Forces~~ are currently in good standing
 1510 or such veterans were honorably discharged.

1511 Section 41. Paragraph (f) of subsection (2) of section
 1512 626.172, Florida Statutes, is amended to read:

1513 626.172 Application for insurance agency license.—

1514 (2) An application for an insurance agency license must be
 1515 signed by an individual required to be listed in the application
 1516 under paragraph (a). An insurance agency may permit a third
 1517 party to complete, submit, and sign an application on the
 1518 insurance agency's behalf; however, the insurance agency is
 1519 responsible for ensuring that the information on the application
 1520 is true and correct and is accountable for any misstatements or
 1521 misrepresentations. The application for an insurance agency
 1522 license must include:

1523 (f) The fingerprints of each of the following:

1524 1. A sole proprietor;

1525 2. Each individual required to be listed in the application
 1526 under paragraph (a); and

1527 3. Each individual who directs or participates in the
 1528 management or control of an incorporated agency whose shares are
 1529 not traded on a securities exchange.

1530

1531 Fingerprints must be taken by a law enforcement agency or other
 1532 entity approved by the department and must be accompanied by the
 1533 fingerprint processing fee specified in s. 624.501. Fingerprints
 1534 must be processed in accordance with s. 624.34. However,
 1535 fingerprints need not be filed for an individual who is
 1536 currently licensed and appointed under this chapter. The
 1537 department shall waive fingerprint requirements for an applicant

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1538 who is an honorably discharged veteran of the United States
 1539 Armed Forces and applies for licensure within 2 years after
 1540 discharge. This paragraph does not apply to corporations whose
 1541 voting shares are traded on a securities exchange.

1542 Section 42. Section 626.202, Florida Statutes, is amended
 1543 to read:

1544 626.202 Fingerprinting requirements.—If there is a change
 1545 in ownership or control of any entity licensed under this
 1546 chapter, or if a new partner, officer, or director is employed
 1547 or appointed, a set of fingerprints of the new owner, partner,
 1548 officer, or director must be filed with the department or office
 1549 within 30 days after the change. The acquisition of 10 percent
 1550 or more of the voting securities of a licensed entity is
 1551 considered a change of ownership or control. The fingerprints
 1552 must be taken by a law enforcement agency or other department-
 1553 approved entity and be accompanied by the fingerprint processing
 1554 fee in s. 624.501. The department shall waive the fingerprinting
 1555 requirement if the owner, partner, officer, or director is an
 1556 honorably discharged veteran of the United States Armed Forces
 1557 and is employed or appointed within 2 years after discharge.

1558 Section 43. Paragraph (c) of subsection (2) of section
 1559 626.292, Florida Statutes, is amended to read:

1560 626.292 Transfer of license from another state.—

1561 (2) To qualify for a license transfer, an individual
 1562 applicant must meet the following requirements:

1563 (c) The individual must submit a completed application for
 1564 this state which is received by the department within 90 days
 1565 after the date the individual became a resident of this state,
 1566 along with payment of the applicable fees set forth in s.

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1567 624.501 and submission of the following documents:

1568 1. A certification issued by the appropriate official of
1569 the applicant's home state identifying the type of license and
1570 lines of authority under the license and stating that, at the
1571 time the license from the home state was canceled, the applicant
1572 was in good standing in that state or that the state's Producer
1573 Database records, maintained by the National Association of
1574 Insurance Commissioners, its affiliates, or subsidiaries,
1575 indicate that the agent or all-lines adjuster is or was licensed
1576 in good standing for the line of authority requested.

1577 2. A set of the applicant's fingerprints in accordance with
1578 s. 626.171(4). The department shall waive the fingerprinting
1579 requirement for an applicant who is an honorably discharged
1580 veteran of the United States Armed Forces and applies for a
1581 license transfer within 2 years after discharge.

1582 Section 44. Paragraph (c) of subsection (1) of section
1583 626.321, Florida Statutes, is amended to read:

1584 626.321 Limited licenses.—

1585 (1) The department shall issue to a qualified applicant a
1586 license as agent authorized to transact a limited class of
1587 business in any of the following categories of limited lines
1588 insurance:

1589 (c) *Travel insurance*.—License covering only policies and
1590 certificates of travel insurance which are subject to review by
1591 the office. Policies and certificates of travel insurance may
1592 provide coverage for risks incidental to travel, planned travel,
1593 or accommodations while traveling, including, but not limited
1594 to, accidental death and dismemberment of a traveler; trip or
1595 event cancellation, interruption, or delay; loss of or damage to

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1596 personal effects or travel documents; damages to travel
1597 accommodations; baggage delay; emergency medical travel or
1598 evacuation of a traveler; or medical, surgical, and hospital
1599 expenses related to an illness or emergency of a traveler. Such
1600 policy or certificate may be issued for terms longer than 90
1601 days, but, other than a policy or certificate providing coverage
1602 for air ambulatory services only, each policy or certificate
1603 must be limited to coverage for travel or use of accommodations
1604 of no longer than 90 days. The license may be issued only:

1605 1. To a full-time salaried employee of a common carrier or
1606 a full-time salaried employee or owner of a transportation
1607 ticket agency and may authorize the sale of such ticket policies
1608 only in connection with the sale of transportation tickets, or
1609 to the full-time salaried employee of such an agent. Such policy
1610 may not be for more than 48 hours or more than the duration of a
1611 specified one-way trip or round trip.

1612 2. To an entity or individual that is:

1613 a. The developer of a timeshare plan that is the subject of
1614 an approved public offering statement under chapter 721;

1615 b. An exchange company operating an exchange program
1616 approved under chapter 721;

1617 c. A managing entity operating a timeshare plan approved
1618 under chapter 721;

1619 d. A seller of travel as defined in chapter 559; or

1620 e. A subsidiary or affiliate of any of the entities
1621 described in sub-subparagraphs a.-d.

1622 3. To a full-time salaried employee of a licensed general
1623 lines agent or a business entity that offers travel planning
1624 services if insurance sales activities authorized by the license

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1625 are in connection with, and incidental to, travel.

1626 a. A license issued to a business entity that offers travel
1627 planning services must encompass each office, branch office, or
1628 place of business making use of the entity's business name in
1629 order to offer, solicit, and sell insurance pursuant to this
1630 paragraph.

1631 b. The application for licensure must list the name,
1632 address, and phone number for each office, branch office, or
1633 place of business that is to be covered by the license. The
1634 licensee shall notify the department of the name, address, and
1635 phone number of any new location that is to be covered by the
1636 license before the new office, branch office, or place of
1637 business engages in the sale of insurance pursuant to this
1638 paragraph. The licensee shall notify the department within 30
1639 days after the closing or terminating of an office, branch
1640 office, or place of business. Upon receipt of the notice, the
1641 department shall delete the office, branch office, or place of
1642 business from the license.

1643 c. A licensed and appointed entity is directly responsible
1644 and accountable for all acts of the licensee's employees and
1645 parties with whom the licensee has entered into a contractual
1646 agreement to offer travel insurance.

1647
1648 A licensee shall require each individual who offers policies or
1649 certificates under subparagraph 2. or subparagraph 3. to receive
1650 initial training from a general lines agent or an insurer
1651 authorized under chapter 624 to transact insurance within this
1652 state. For an entity applying for a license as a travel
1653 insurance agent, the fingerprinting requirement of this section

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1654 applies only to the president, secretary, and treasurer and to
1655 any other officer or person who directs or controls the travel
1656 insurance operations of the entity. The department shall waive
1657 the fingerprinting requirement for an individual who is an
1658 honorably discharged veteran of the United States Armed Forces
1659 who has been discharged within the previous 2 years.

1660 Section 45. Subsection (6) of section 626.732, Florida
1661 Statutes, is renumbered as subsection (7), and a new subsection
1662 (6) is added to that section, to read:

1663 626.732 Requirement as to knowledge, experience, or
1664 instruction.—

1665 (6) Prelicensure coursework is not required for an
1666 applicant who is an honorably discharged veteran of the United
1667 States Armed Forces or the spouse of such a veteran.

1668 Section 46. Subsection (13) is added to section 626.7355,
1669 Florida Statutes, to read:

1670 626.7355 Temporary license as customer representative
1671 pending examination.—

1672 (13) Evidence of prelicensure customer representative
1673 educational course enrollment is not required for an applicant
1674 who is an honorably discharged veteran of the United States
1675 Armed Forces or the spouse of such a veteran.

1676 Section 47. Section 626.7851, Florida Statutes, is amended
1677 to read:

1678 626.7851 Requirement as to knowledge, experience, or
1679 instruction.—An applicant for a license as a life agent, except
1680 for a chartered life underwriter (CLU), shall not be qualified
1681 or licensed unless within the 4 years immediately preceding the
1682 date the application for a license is filed with the department

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1683 he or she has:

1684 (1) Successfully completed 40 hours of coursework in life
1685 insurance, annuities, and variable contracts approved by the
1686 department, 3 hours of which shall be on the subject matter of
1687 ethics. Courses must include instruction on the subject matter
1688 of unauthorized entities engaging in the business of insurance;

1689 (2) Successfully completed a minimum of 60 hours of
1690 coursework in multiple areas of insurance, which included life
1691 insurance, annuities, and variable contracts, approved by the
1692 department, 3 hours of which shall be on the subject matter of
1693 ethics. Courses must include instruction on the subject matter

1694 of unauthorized entities engaging in the business of insurance;

1695 (3) Earned or maintained an active designation as Chartered
1696 Financial Consultant (ChFC) from the American College of
1697 Financial Services; or Fellow, Life Management Institute (FLMI)
1698 from the Life Management Institute;

1699 (4) Held an active license in life insurance in another
1700 state. This provision may not be used unless the other state
1701 grants reciprocal treatment to licensees formerly licensed in
1702 the state; or

1703 (5) Been employed by the department or office for at least
1704 1 year, full time in life insurance regulatory matters and who
1705 was not terminated for cause, and application for examination is
1706 made within 4 years after the date of termination of his or her
1707 employment with the department or office.

1708
1709 The successful completion of prelicensure coursework required by
1710 subsection (1) is not required for an applicant who is an
1711 honorably discharged veteran of the United States Armed Forces

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1712 or the spouse of such a veteran.

1713 Section 48. Section 626.8311, Florida Statutes, is amended
1714 to read:

1715 626.8311 Requirement as to knowledge, experience, or
1716 instruction.—An applicant for a license as a health agent,
1717 except for a chartered life underwriter (CLU), shall not be
1718 qualified or licensed unless within the 4 years immediately
1719 preceding the date the application for license is filed with the
1720 department he or she has:

1721 (1) Successfully completed 40 hours of coursework in health
1722 insurance, approved by the department, 3 hours of which shall be
1723 on the subject matter of ethics. Courses must include
1724 instruction on the subject matter of unauthorized entities
1725 engaging in the business of insurance, to include the Florida
1726 Nonprofit Multiple-Employer Welfare Arrangement Act and the
1727 Employee Retirement Income Security Act, 29 U.S.C. ss. 1001 et
1728 seq., as it relates to the provision of health insurance by
1729 employers to their employees and the regulation thereof;

1730 (2) Successfully completed a minimum of 60 hours of
1731 coursework in multiple areas of insurance, which included health
1732 insurance, approved by the department, 3 hours of which shall be
1733 on the subject matter of ethics. Courses must include
1734 instruction on the subject matter of unauthorized entities
1735 engaging in the business of insurance;

1736 (3) Earned or maintained an active designation as a
1737 Registered Health Underwriter (RHU), Chartered Healthcare
1738 Consultant (ChHC), or Registered Employee Benefits Consultant
1739 (REBC) from the American College of Financial Services;
1740 Certified Employee Benefit Specialist (CEBS) from the Wharton

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1741 School of the University of Pennsylvania; or Health Insurance
1742 Associate (HIA) from America's Health Insurance Plans;

1743 (4) Held an active license in health insurance in another
1744 state. This provision may not be utilized unless the other state
1745 grants reciprocal treatment to licensees formerly licensed in
1746 Florida; or

1747 (5) Been employed by the department or office for at least
1748 1 year, full time in health insurance regulatory matters and who
1749 was not terminated for cause, and application for examination is
1750 made within 4 years after the date of termination of his or her
1751 employment with the department or office.

1752

1753 The successful completion of prelicensure coursework required by
1754 subsection (1) is not required for an applicant who is an
1755 honorably discharged veteran of the United States Armed Forces
1756 or the spouse of such a veteran.

1757 Section 49. Subsection (7) is added to section 626.8417,
1758 Florida Statutes, to read:

1759 626.8417 Title insurance agent licensure; exemptions.—

1760 (7) The successful completion of prelicensure coursework
1761 required by paragraph (3) (a) is not required for an applicant
1762 who is an honorably discharged veteran of the United States
1763 Armed Forces or the spouse of such a veteran.

1764 Section 50. Paragraph (a) of subsection (2) of section
1765 626.8732, Florida Statutes, is amended to read:

1766 626.8732 Nonresident public adjuster's qualifications,
1767 bond.—

1768 (2) The applicant shall furnish the following with his or
1769 her application:

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1770 (a) A complete set of his or her fingerprints. The
1771 applicant's fingerprints must be certified by an authorized law
1772 enforcement officer. The department may not authorize an
1773 applicant to take the required examination or issue a
1774 nonresident public adjuster's license to the applicant until the
1775 department has received a report from the Florida Department of
1776 Law Enforcement and the Federal Bureau of Investigation relative
1777 to the existence or nonexistence of a criminal history report
1778 based on the applicant's fingerprints. The department shall
1779 waive the fingerprinting requirement for an applicant who is an
1780 honorably discharged veteran of the United States Armed Forces
1781 and applies for licensure within 2 years after discharge.

1782 Section 51. Paragraph (a) of subsection (2) of section
1783 626.8734, Florida Statutes, is amended to read:

1784 626.8734 Nonresident all-lines adjuster license
1785 qualifications.—

1786 (2) The applicant must furnish the following with his or
1787 her application:

1788 (a) A complete set of his or her fingerprints. The
1789 applicant's fingerprints must be certified by an authorized law
1790 enforcement officer. The department shall waive the
1791 fingerprinting requirement for an applicant who is an honorably
1792 discharged veteran of the United States Armed Forces and applies
1793 for licensure within 2 years after discharge.

1794 Section 52. Subsection (7) is added to section 626.927,
1795 Florida Statutes, to read:

1796 626.927 Licensing of surplus lines agent.—

1797 (7) Successful completion of prelicensure coursework is not
1798 required for an individual who is an honorably discharged

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1799 veteran of the United States Armed Forces or the spouse of such
1800 a veteran.

1801 Section 53. Subsection (7) is added to section 626.9272,
1802 Florida Statutes, to read:

1803 626.9272 Licensing of nonresident surplus lines agents.—

1804 (7) Successful completion of prelicensure coursework is not
1805 required for an applicant who is an honorably discharged veteran
1806 of the United States Armed Forces or the spouse of such a
1807 veteran.

1808 Section 54. Paragraph (e) of subsection (3) of section
1809 626.9912, Florida Statutes, is amended to read:

1810 626.9912 Viatical settlement provider license required;
1811 application for license.—

1812 (3) In the application, the applicant must provide all of
1813 the following:

1814 (e) With respect to each individual identified under
1815 paragraph (d):

1816 1. A sworn biographical statement on forms adopted by the
1817 commission and supplied by the office.

1818 2. A set of fingerprints on forms prescribed by the
1819 commission, certified by a law enforcement officer, and
1820 accompanied by the fingerprinting fee specified in s. 624.501.
1821 The department shall waive the fingerprinting requirement for an
1822 applicant who is an honorably discharged veteran of the United
1823 States Armed Forces and applies for licensure within 2 years
1824 after discharge.

1825 3. Authority for release of information relating to the
1826 investigation of the individual's background.

1827 Section 55. Paragraph (a) of subsection (4) of section

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1828 633.304, Florida Statutes, is amended to read:

1829 633.304 Fire suppression equipment; license to install or
1830 maintain.—

1831 (4)

1832 (a) Such licenses and permits shall be issued by the
1833 division for 2 years beginning January 1, 2000, and each 2-year
1834 period thereafter and expiring December 31 of the second year.
1835 All licenses or permits issued will expire on December 31 of
1836 each odd-numbered year. The failure to renew a license or permit
1837 by December 31 of the second year will cause the license or
1838 permit to become inoperative. The holder of an inoperative
1839 license or permit may not engage in any activities for which a
1840 license or permit is required by this section. A license or
1841 permit which is inoperative because of the failure to renew it
1842 shall be restored upon payment of the applicable fee plus a
1843 penalty equal to the applicable fee, if the application for
1844 renewal is filed no later than the following March 31. If the
1845 application for restoration is not made before the March 31st
1846 deadline, the fee for restoration shall be equal to the original
1847 application fee and the penalty provided for herein, and, in
1848 addition, the State Fire Marshal shall require reexamination of
1849 the applicant. The period within which reexamination is not
1850 required may, in the discretion of the department, be extended
1851 to 12 months after discharge from military service if the
1852 military service does not exceed 3 years, but not more than 6
1853 years from the date of issue or renewal, if applicable, for
1854 licenses or permits held by an honorably discharged veteran of
1855 the United States Armed Forces or the spouse of such a veteran.
1856 A qualifying veteran and the spouse of such veteran are not

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1857 subject to the penalty fee. The fee for a license or permit
 1858 issued for 1 year or less shall be prorated at 50 percent of the
 1859 applicable fee for a biennial license or permit.

1860 Section 56. Subsection (1) of section 633.332, Florida
 1861 Statutes, is amended to read:

1862 633.332 Certificate; expiration; renewal; inactive
 1863 certificate; continuing education.—

1864 (1) Certificates shall expire every 2 years at midnight on
 1865 June 30. All certificates must be renewed every 2 years. The
 1866 failure to renew a certificate before June 30 shall cause the
 1867 certificate to become inoperative, and it is unlawful thereafter
 1868 for a person to engage, offer to engage, or hold herself or
 1869 himself out as engaging in contracting under the certificate
 1870 unless the certificate is restored or reissued. A certificate
 1871 which is inoperative because of failure to renew shall be
 1872 restored on payment of the proper renewal fee if the application
 1873 for restoration is made within 90 days after June 30. If the
 1874 application for restoration is not made within the 90-day
 1875 period, the fee for restoration must be equal to the original
 1876 application fee, and, in addition, the State Fire Marshal must
 1877 require examination or reexamination of the applicant. The
 1878 period within which reexamination is not required may, in the
 1879 discretion of the department, be extended to 12 months after
 1880 discharge from military service if the military service does not
 1881 exceed 3 years, but not more than 6 years from the date of issue
 1882 or renewal, if applicable, for certificates held by an honorably
 1883 discharged veteran of the United States Armed Forces or the
 1884 spouse of such a veteran.

1885 Section 57. Subsection (3) of section 633.412, Florida

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1886 Statutes, is amended to read:

1887 633.412 Firefighters; qualifications for certification.—A
 1888 person applying for certification as a firefighter must:

1889 (3) Submit a set of fingerprints to the division with a
 1890 current processing fee. The fingerprints will be forwarded to
 1891 the Department of Law Enforcement for state processing and
 1892 forwarded by the Department of Law Enforcement to the Federal
 1893 Bureau of Investigation for national processing. The department
 1894 shall waive the fingerprinting requirement for an applicant who
 1895 is an honorably discharged veteran of the United States Armed
 1896 Forces and applies for certification within 2 years after
 1897 discharge.

1898 Section 58. Section 633.414, Florida Statutes, is amended
 1899 to read:

1900 633.414 Retention of firefighter and volunteer firefighter
 1901 certifications.—

1902 (1) In order for a firefighter to retain her or his
 1903 Firefighter Certificate of Compliance, every 4 years he or she
 1904 must meet the requirements for renewal provided in this chapter
 1905 and by rule, which must include at least one of the following:

1906 (a) Be active as a firefighter.

1907 (b) Maintain a current and valid fire service instructor
 1908 certificate, instruct at least 40 hours during the 4-year
 1909 period, and provide proof of such instruction to the division,
 1910 which proof must be registered in an electronic database
 1911 designated by the division.

1912 (c) Within 6 months before the 4-year period expires,
 1913 successfully complete a Firefighter Retention Refresher Course
 1914 consisting of a minimum of 40 hours of training to be prescribed

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1915 by rule.

1916 (d) Within 6 months before the 4-year period expires,

1917 successfully retake and pass the Minimum Standards Course

1918 examination pursuant to s. 633.408.

1919 (2) In order for a volunteer firefighter to retain her or

1920 his Volunteer Firefighter Certificate of Completion, every 4

1921 years he or she must:

1922 (a) Be active as a volunteer firefighter; or

1923 (b) Successfully complete a refresher course consisting of

1924 a minimum of 40 hours of training to be prescribed by rule.

1925 (3) Subsection (1) does not apply to state-certified

1926 firefighters who are certified and employed full-time, as

1927 determined by the fire service provider, as firesafety

1928 inspectors or fire investigators, regardless of their employment

1929 status as firefighters or volunteer firefighters.

1930 (4) For the purposes of this section, the term "active"

1931 means being employed as a firefighter or providing service as a

1932 volunteer firefighter for a cumulative period of 6 months within

1933 a 4-year period.

1934 (5) The 4-year period begins upon issuance of the

1935 certificate or separation from employment.

1936 (6) A certificate for a firefighter or volunteer

1937 firefighter expires if he or she fails to meet the requirements

1938 of this section.

1939 (7) The State Fire Marshal may deny, refuse to renew,

1940 suspend, or revoke the certificate of a firefighter or volunteer

1941 firefighter if the State Fire Marshal finds that any of the

1942 following grounds exists:

1943 (a) Any cause for which issuance of a certificate could

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1944 have been denied if it had then existed and had been known to

1945 the division.

1946 (b) A violation of any provision of this chapter or any

1947 rule or order of the State Fire Marshal.

1948 (c) Falsification of a record relating to any certificate

1949 issued by the division.

1950

1951 The 4-year period may, in the discretion of the department, be

1952 extended for an honorably discharged veteran of the United

1953 States Armed Forces or the spouse of such a veteran to 12 months

1954 after discharge from military service if the military service

1955 does not exceed 3 years, but in no event more than 6 years from

1956 the date of issue or renewal, if applicable.

1957 Section 59. Subsection (3) is added to section 633.444,

1958 Florida Statutes, to read:

1959 633.444 Division powers and duties; Florida State Fire

1960 College.—

1961 (3) The division shall waive all living and incidental

1962 expenses associated with attending the Florida State Fire

1963 College for an active duty member of the United States Armed

1964 Forces, the spouse of such a member who was serving on active

1965 duty at the time of death and died within the 2 years preceding

1966 the spouse attending the college, an honorably discharged

1967 veteran of the United States Armed Forces, or the spouse or

1968 surviving spouse of such a veteran.

1969 Section 60. Subsection (4) of section 648.34, Florida

1970 Statutes, is amended to read:

1971 648.34 Bail bond agents; qualifications.—

1972 (4) The applicant shall furnish, with his or her

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1973 application, a complete set of his or her fingerprints and a
 1974 recent credential-sized, fullface photograph of the applicant.
 1975 The applicant's fingerprints shall be certified by an authorized
 1976 law enforcement officer. The department shall not authorize an
 1977 applicant to take the required examination until the department
 1978 has received a report from the Department of Law Enforcement and
 1979 the Federal Bureau of Investigation relative to the existence or
 1980 nonexistence of a criminal history report based on the
 1981 applicant's fingerprints. The department shall waive the
 1982 fingerprinting requirement for an applicant who is an honorably
 1983 discharged veteran of the United States Armed Forces and applies
 1984 for licensure within 2 years after discharge.

1985 Section 61. Subsection (4) of section 648.355, Florida
 1986 Statutes, is amended to read:

1987 648.355 Temporary limited license as limited surety agent
 1988 or professional bail bond agent; pending examination.-

1989 (4) The applicant shall furnish, with the application for
 1990 temporary license, a complete set of the applicant's
 1991 fingerprints and a recent credential-sized, fullface photograph
 1992 of the applicant. The applicant's fingerprints shall be
 1993 certified by an authorized law enforcement officer. The
 1994 department shall not issue a temporary license under this
 1995 section until the department has received a report from the
 1996 Department of Law Enforcement and the Federal Bureau of
 1997 Investigation relative to the existence or nonexistence of a
 1998 criminal history report based on the applicant's fingerprints.
 1999 The department shall waive the fingerprinting requirement for an
 2000 applicant who is an honorably discharged veteran of the United
 2001 States Armed Forces and applies for licensure within 2 years

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2002 after discharge.

2003 Section 62. Section 683.147, Florida Statutes, is created
 2004 to read:

2005 683.147 Medal of Honor Day.-

2006 (1) March 25 of each year is designated as "Medal of Honor
 2007 Day."

2008 (2) The Governor may annually issue a proclamation
 2009 designating March 25 as "Medal of Honor Day" and calling upon
 2010 public officials, schools, private organizations, and all
 2011 residents of the state to commemorate Medal of Honor Day and
 2012 honor recipients of the Congressional Medal of Honor who
 2013 distinguished themselves through their conspicuous bravery and
 2014 gallantry during wartime, at considerable risk to their own
 2015 lives, while serving as members of the United States Armed
 2016 Forces.

2017 Section 63. Paragraph (b) of subsection (1) of section
 2018 1002.37, Florida Statutes, is amended to read:

2019 1002.37 The Florida Virtual School.-

2020 (1)

2021 (b) The mission of the Florida Virtual School is to provide
 2022 students with technology-based educational opportunities to gain
 2023 the knowledge and skills necessary to succeed. The school shall
 2024 serve any student in the state who meets the profile for success
 2025 in this educational delivery context and shall give priority to:
 2026 1. Students who need expanded access to courses in order to
 2027 meet their educational goals, such as home education students
 2028 and students in inner-city and rural high schools who do not
 2029 have access to higher-level courses.

2030 2. Students seeking accelerated access in order to obtain a

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2031 high school diploma at least one semester early.

2032 3. Students who are children of an active duty member of
 2033 the United States Armed Forces who is not stationed in this
 2034 state whose home of record or state of legal residence is
 2035 Florida.

2036
 2037 The board of trustees of the Florida Virtual School shall
 2038 identify appropriate performance measures and standards based on
 2039 student achievement that reflect the school's statutory mission
 2040 and priorities, and shall implement an accountability system for
 2041 the school that includes assessment of its effectiveness and
 2042 efficiency in providing quality services that encourage high
 2043 student achievement, seamless articulation, and maximum access.

2044 Section 64. Subsection (2) of section 1003.42, Florida
 2045 Statutes, is amended to read:

2046 1003.42 Required instruction.—

2047 (2) Members of the instructional staff of the public
 2048 schools, subject to the rules of the State Board of Education
 2049 and the district school board, shall teach efficiently and
 2050 faithfully, using the books and materials required that meet the
 2051 highest standards for professionalism and historical accuracy,
 2052 following the prescribed courses of study, and employing
 2053 approved methods of instruction, the following:

2054 (a) The history and content of the Declaration of
 2055 Independence, including national sovereignty, natural law, self-
 2056 evident truth, equality of all persons, limited government,
 2057 popular sovereignty, and inalienable rights of life, liberty,
 2058 and property, and how they form the philosophical foundation of
 2059 our government.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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2060 (b) The history, meaning, significance, and effect of the
 2061 provisions of the Constitution of the United States and
 2062 amendments thereto, with emphasis on each of the 10 amendments
 2063 that make up the Bill of Rights and how the constitution
 2064 provides the structure of our government.

2065 (c) The arguments in support of adopting our republican
 2066 form of government, as they are embodied in the most important
 2067 of the Federalist Papers.

2068 (d) Flag education, including proper flag display and flag
 2069 salute.

2070 (e) The elements of civil government, including the primary
 2071 functions of and interrelationships between the Federal
 2072 Government, the state, and its counties, municipalities, school
 2073 districts, and special districts.

2074 (f) The history of the United States, including the period
 2075 of discovery, early colonies, the War for Independence, the
 2076 Civil War, the expansion of the United States to its present
 2077 boundaries, the world wars, and the civil rights movement to the
 2078 present. American history shall be viewed as factual, not as
 2079 constructed, shall be viewed as knowable, teachable, and
 2080 testable, and shall be defined as the creation of a new nation
 2081 based largely on the universal principles stated in the
 2082 Declaration of Independence.

2083 (g) The history of the Holocaust (1933-1945), the
 2084 systematic, planned annihilation of European Jews and other
 2085 groups by Nazi Germany, a watershed event in the history of
 2086 humanity, to be taught in a manner that leads to an
 2087 investigation of human behavior, an understanding of the
 2088 ramifications of prejudice, racism, and stereotyping, and an

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2089 examination of what it means to be a responsible and respectful
 2090 person, for the purposes of encouraging tolerance of diversity
 2091 in a pluralistic society and for nurturing and protecting
 2092 democratic values and institutions.

2093 (h) The history of African Americans, including the history
 2094 of African peoples before the political conflicts that led to
 2095 the development of slavery, the passage to America, the
 2096 enslavement experience, abolition, and the contributions of
 2097 African Americans to society. Instructional materials shall
 2098 include the contributions of African Americans to American
 2099 society.

2100 (i) The elementary principles of agriculture.

2101 (j) The true effects of all alcoholic and intoxicating
 2102 liquors and beverages and narcotics upon the human body and
 2103 mind.

2104 (k) Kindness to animals.

2105 (l) The history of the state.

2106 (m) The conservation of natural resources.

2107 (n) Comprehensive health education that addresses concepts
 2108 of community health; consumer health; environmental health;
 2109 family life, including an awareness of the benefits of sexual
 2110 abstinence as the expected standard and the consequences of
 2111 teenage pregnancy; mental and emotional health; injury
 2112 prevention and safety; Internet safety; nutrition; personal
 2113 health; prevention and control of disease; and substance use and
 2114 abuse. The health education curriculum for students in grades 7
 2115 through 12 shall include a teen dating violence and abuse
 2116 component that includes, but is not limited to, the definition
 2117 of dating violence and abuse, the warning signs of dating

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2118 violence and abusive behavior, the characteristics of healthy
 2119 relationships, measures to prevent and stop dating violence and
 2120 abuse, and community resources available to victims of dating
 2121 violence and abuse.

2122 (o) Such additional materials, subjects, courses, or fields
 2123 in such grades as are prescribed by law or by rules of the State
 2124 Board of Education and the district school board in fulfilling
 2125 the requirements of law.

2126 (p) The study of Hispanic contributions to the United
 2127 States.

2128 (q) The study of women's contributions to the United
 2129 States.

2130 (r) The nature and importance of free enterprise to the
 2131 United States economy.

2132 (s) A character-development program in the elementary
 2133 schools, similar to Character First or Character Counts, which
 2134 is secular in nature. Beginning in school year 2004-2005, the
 2135 character-development program shall be required in kindergarten
 2136 through grade 12. Each district school board shall develop or
 2137 adopt a curriculum for the character-development program that
 2138 shall be submitted to the department for approval. The
 2139 character-development curriculum shall stress the qualities of
 2140 patriotism; responsibility; citizenship; kindness; respect for
 2141 authority, life, liberty, and personal property; honesty;
 2142 charity; self-control; racial, ethnic, and religious tolerance;
 2143 and cooperation. The character-development curriculum for grades
 2144 9 through 12 shall, at a minimum, include instruction on
 2145 developing leadership skills, interpersonal skills, organization
 2146 skills, and research skills; creating a resume; developing and

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2147 practicing the skills necessary for employment interviews;
 2148 conflict resolution, workplace ethics, and workplace law;
 2149 managing stress and expectations; and developing skills that
 2150 enable students to become more resilient and self-motivated.

2151 (t) In order to encourage patriotism, the sacrifices that
 2152 veterans and Medal of Honor recipients have made in serving our
 2153 country and protecting democratic values worldwide. Such
 2154 instruction must occur on or before Medal of Honor Day,
 2155 Veterans' Day, and Memorial Day. Members of the instructional
 2156 staff are encouraged to use the assistance of local veterans and
 2157 Medal of Honor recipients when practicable.

2158

2159 The State Board of Education is encouraged to adopt standards
 2160 and pursue assessment of the requirements of this subsection. A
 2161 character development program that incorporates the values of
 2162 the recipients of the Congressional Medal of Honor and that is
 2163 offered as part of a social studies, English Language Arts, or
 2164 other schoolwide character-building and veteran awareness
 2165 initiative meets the requirements of paragraphs (s) and (t).

2166 Section 65. Subsection (4) of section 1012.55, Florida
 2167 Statutes, is amended, and paragraph (e) is added to subsection
 2168 (1) of that section, to read:

2169 1012.55 Positions for which certificates required.—

2170 (1)

2171 (e)1. The department shall issue a 3-year temporary
 2172 certificate in educational leadership under s. 1012.56(7) to an
 2173 individual who:

2174 a. Earned a passing score on the Florida Educational
 2175 Leadership Examination;

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2176 b. Served as a commissioned or noncommissioned military
 2177 officer in the United States Armed Forces for at least 3 years;
 2178 c. Was honorably discharged or has retired from the United
 2179 States Armed Forces; and

2180 d. Is employed full time in a position for which an
 2181 educator certificate is required in a Florida public school,
 2182 state-supported school, or nonpublic school that has a Level II
 2183 program approved under s. 1012.562.

2184 2. A Level II program approved under s. 1012.562 must
 2185 accept an applicant who holds a temporary certificate as
 2186 required under subparagraph 1. The department shall issue a
 2187 permanent certification as a school principal to an individual
 2188 who holds a temporary certificate issued under subparagraph 1.
 2189 and successfully completes the Level II program.

2190 (4) A commissioned or noncommissioned military officer who
 2191 is an instructor of junior reserve officer training shall be
 2192 exempt from requirements for teacher certification, except for
 2193 the background screening pursuant to s. 1012.32, if he or she
 2194 meets the following qualifications:

2195 (a) Is retired from active military duty, pursuant to
 2196 chapter 102 of Title 10 U.S.C.

2197 (b) Satisfies criteria established by the appropriate
 2198 military service for certification by the service as a junior
 2199 reserve officer training instructor.

2200 (c) Has an exemplary military record.

2201

2202 If such instructor is assigned instructional duties other than
 2203 junior reserve officer training, he or she shall hold the
 2204 certificate required by law and rules of the state board for the

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2205 type of service rendered. An instructor of junior reserve
 2206 officer training under this subsection may receive funding
 2207 through the Florida Teachers Classroom Supply Assistance Program
 2208 established in s. 1012.71.

2209 Section 66. Subsection (7) of section 1012.56, Florida
 2210 Statutes, is amended to read:

2211 1012.56 Educator certification requirements.—

2212 (7) TYPES AND TERMS OF CERTIFICATION.—

2213 (a) The Department of Education shall issue a professional
 2214 certificate for a period not to exceed 5 years to any applicant
 2215 who fulfills one of the following:

2216 1. Meets all the requirements outlined in subsection (2).
 2217 2. For a professional certificate covering grades 6 through
 2218 12:

2219 a. Meets the requirements of paragraphs (2)(a)-(h).
 2220 b. Holds a master's or higher degree in the area of
 2221 science, technology, engineering, or mathematics.
 2222 c. Teaches a high school course in the subject of the
 2223 advanced degree.
 2224 d. Is rated highly effective as determined by the teacher's
 2225 performance evaluation under s. 1012.34, based in part on
 2226 student performance as measured by a statewide, standardized
 2227 assessment or an Advanced Placement, Advanced International
 2228 Certificate of Education, or International Baccalaureate
 2229 examination.

2230 e. Achieves a passing score on the Florida professional
 2231 education competency examination required by state board rule.

2232 3. Meets the requirements of paragraphs (2)(a)-(h) and
 2233 completes a professional preparation and education competence

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2234 program approved by the department pursuant to paragraph (8)(c).
 2235 An applicant who completes the program and is rated highly
 2236 effective as determined by his or her performance evaluation
 2237 under s. 1012.34 is not required to take or achieve a passing
 2238 score on the professional education competency examination in
 2239 order to be awarded a professional certificate.

2240 (b) The department shall issue a temporary certificate to
 2241 any applicant who completes the requirements outlined in
 2242 paragraphs (2)(a)-(f) and completes the subject area content
 2243 requirements specified in state board rule or demonstrates
 2244 mastery of subject area knowledge pursuant to subsection (5) and
 2245 holds an accredited degree or a degree approved by the
 2246 Department of Education at the level required for the subject
 2247 area specialization in state board rule.

2248 (c) The department shall issue one nonrenewable 2-year
 2249 temporary certificate and one nonrenewable 5-year professional
 2250 certificate to a qualified applicant who holds a bachelor's
 2251 degree in the area of speech-language impairment to allow for
 2252 completion of a master's degree program in speech-language
 2253 impairment.

2254 Each temporary certificate is valid for 3 school fiscal years
 2255 and is nonrenewable. However, the requirement in paragraph
 2256 (2)(g) must be met within 1 calendar year of the date of
 2257 employment under the temporary certificate. Individuals who are
 2258 employed under contract at the end of the 1 calendar year time
 2259 period may continue to be employed through the end of the school
 2260 year in which they have been contracted. A school district shall
 2261 not employ, or continue the employment of, an individual in a
 2262

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2263 position for which a temporary certificate is required beyond
 2264 this time period if the individual has not met the requirement
 2265 of paragraph (2) (g). At least 1 year before an individual's
 2266 temporary certificate is set to expire, the department shall
 2267 electronically notify the individual of the date on which his or
 2268 her certificate will expire and provide a list of each method by
 2269 which the qualifications for a professional certificate can be
 2270 completed. The State Board of Education shall adopt rules to
 2271 allow the department to extend the validity period of a
 2272 temporary certificate for 2 years when the requirements for the
 2273 professional certificate, not including the requirement in
 2274 paragraph (2) (g), were not completed due to the serious illness
 2275 or injury of the applicant, the military service of an
 2276 applicant's spouse, or other extraordinary extenuating
 2277 circumstances. The rules must authorize the department to extend
 2278 the validity period of a temporary certificate ~~or~~ for 1 year if
 2279 the ~~temporary~~ certificateholder is rated effective or highly
 2280 effective based solely on a student learning growth formula
 2281 approved by the Commissioner of Education pursuant to s.
 2282 1012.34(8). The department shall reissue the temporary
 2283 certificate for 2 additional years upon approval by the
 2284 Commissioner of Education. A written request for reissuance of
 2285 the certificate shall be submitted by the district school
 2286 superintendent, the governing authority of a university lab
 2287 school, the governing authority of a state-supported school, or
 2288 the governing authority of a private school.

2289 Section 67. Subsection (3) is added to section 1012.59,
 2290 Florida Statutes, to read:
 2291 1012.59 Certification fees.-

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2292 (3) The State Board of Education shall waive initial
 2293 general knowledge, professional education, and subject area
 2294 examination fees and certification and certification renewal
 2295 fees for:

2296 (a) A member of the United States Armed Forces or a reserve
 2297 component thereof who is serving or has served on active duty or
 2298 the spouse of such a member.

2299 (b) The surviving spouse of a member of the United States
 2300 Armed Forces or a reserve component thereof who was serving on
 2301 active duty at the time of death and died within the 2 years
 2302 preceding the spouse's application for certification or
 2303 certification renewal or registration for an examination.

2304 (c) An honorably discharged veteran of the United States
 2305 Armed Forces or a veteran of a reserve component thereof who
 2306 served on active duty and the spouse or surviving spouse of such
 2307 a veteran.

2308 Section 68. This act shall take effect July 1, 2018.

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 2/14/18

Bill Number (if applicable) 1984

Amendment Barcode (if applicable) 721057

Topic _____

Name Bobby Carbonell

Job Title Executive Director

Address 930 Thomasville Rd Ste 100 Phone 850-898-1331

Tallahassee City FL State 32303 Zip Email carbonell@veteransflorida.org

Speaking: For Against Information In Support Against
(The Chair will read this information into the record.)

Representing Veterans 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.

This form is part of the public record for this meeting.

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-14-18

Meeting Date

1884

Bill Number (if applicable)

Topic Military Veterans Affairs

Name Kimberly Renspie

Job Title Deputy Legislative Affairs Director

Address 200 E Gaines Street

Phone 850-413-5939

Tallahassee FL
City State

32399
Zip

Kimberly.renspie@myfloridafuture.com
Email

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing CFO Patronis

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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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-14-18

Meeting Date

1884

Bill Number (if applicable)

Topic Military & Veteran Affairs

Name Holly Sagues

Job Title Exec. Dir. Gov. Affairs

Address Metro Center Blvd

Phone 321-695-1073

City Orlando

Zip 32835

Email hsagues@fls.net

Speaking: For

Against

Information

Zip

Waive Speaking: In Support

Against

(The Chair will read this information into the record.)

Representing Florida Virtual School

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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2/14/18
Meeting Date

1884
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic _____

Name Bobby Carbonell

Job Title Executive Director

Address 930 Thomasville Rd. Ste 100

Phone 850-898-1331

City Tallahassee State FL Zip 32303

Email Carbonell@veteransflorida.org

Speaking: For Against Information

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(The Chair will read this information into the record.)

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This form is part of the public record for this meeting.

CourtSmart Tag Report

Room: EL 110

Case No.:

Type:

Caption: Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development Judge:

Started: 2/14/2018 1:36:25 PM

Ends: 2/14/2018 3:06:33 PM

Length: 01:30:09

1:36:42 PM	Sen. Simpson (Chair)
1:37:53 PM	S 1066
1:38:00 PM	Sen. Baxley
1:39:32 PM	S 1200
1:39:43 PM	Sen. Young
1:39:48 PM	Am. 565054
1:40:02 PM	Sen. Young
1:43:09 PM	Am. 222928
1:43:11 PM	Sen. Gibson
1:44:31 PM	Sen. Thurston
1:44:46 PM	Sen. Gibson
1:44:53 PM	Sen. Thurston
1:45:07 PM	Sen. Gibson
1:45:19 PM	Sen. Thurston
1:45:30 PM	Sen. Gibson
1:45:49 PM	Sen. Powell
1:46:38 PM	Sen. Gibson
1:47:30 PM	Sen. Galvano
1:48:45 PM	Sen. Thurston
1:49:37 PM	Sen. Rader
1:51:10 PM	Sen. Young
1:52:52 PM	Sen. Gibson
1:54:38 PM	Am. 209650
1:54:43 PM	Sen. Thurston
1:56:43 PM	Sen. Rader
1:57:20 PM	Sen. Thurston
1:58:06 PM	Sen. Powell
1:58:27 PM	Sen. Thurston
1:59:07 PM	Sen. Rader
1:59:30 PM	Sen. Young
2:00:08 PM	Sen. Thurston
2:01:33 PM	Am. 565054 (cont.)
2:01:37 PM	Sen. Powell
2:02:06 PM	Sen. Young
2:02:10 PM	Sen. Powell
2:02:30 PM	Sen. Young
2:03:03 PM	Sen. Powell
2:03:24 PM	Sen. Young
2:05:06 PM	Sen. Powell
2:06:20 PM	Sen. Young
2:06:22 PM	Sen. Powell
2:06:35 PM	Sen. Young
2:06:50 PM	Sen. Powell
2:07:15 PM	Sen. Young
2:07:27 PM	Sen. Rader
2:07:44 PM	Sen. Young
2:07:59 PM	Sen. Rader
2:08:01 PM	Sen. Young
2:08:03 PM	Sen. Rader
2:08:14 PM	Sen. Young
2:08:29 PM	Sen. Rader
2:08:42 PM	Sen. Young

2:08:56 PM Sen. Rader
2:08:58 PM Sen. Young
2:09:10 PM Sen. Rader
2:09:20 PM Sen. Young
2:10:12 PM Sen. Thurston
2:10:21 PM Sen. Young
2:10:24 PM Sen. Thurston
2:11:11 PM Sen. Young
2:12:15 PM Sen. Powell
2:13:43 PM Sen. Thurston
2:15:17 PM Sen. Gainer
2:15:31 PM Sen. Young
2:16:00 PM Sen. Gainer
2:16:24 PM Sen. Rader
2:17:07 PM Sen. Young
2:17:16 PM Sen. Rader
2:17:22 PM Sen. Young
2:17:31 PM Sen. Rader
2:17:58 PM Sen. Benacquisto
2:18:45 PM Sen. Bradley
2:19:34 PM Sen. Gibson
2:22:18 PM Sen. Young
2:22:55 PM Am. 820738
2:23:00 PM Sen. Gibson
2:23:10 PM S 1200 (cont.)
2:23:11 PM Jess McCarty, Assistant County Attorney, Miami-Dade County (waives in support)
2:23:16 PM Chris Spencer, Government Consultant, Dewberry Engineers (waives in support)
2:23:22 PM Diane Salz, Lobbyist, Hillsborough County City County Planning Commission (waives in support)
2:23:30 PM Natalie King, VP/COO, The Tampa Bay Partnership (waives in support)
2:23:43 PM Sen. Rader
2:25:32 PM Sen. Thurston
2:27:23 PM Sen. Gainer
2:28:01 PM Sen. Galvano
2:30:48 PM Sen. Young
2:33:42 PM S 1450
2:33:53 PM Am. 906762
2:33:58 PM Sen. Steube
2:35:02 PM S 1450 (cont.)
2:35:11 PM Sen. Steube
2:35:45 PM S 1884
2:35:55 PM Am. 721054
2:36:00 PM Sen. Broxson
2:37:29 PM Bobby Carbonell, Executive Director, Veterans Florida
2:37:45 PM S 1884 (cont.)
2:37:56 PM Kimberly Renspie, Deputy Legislative Affairs Director, Dept. of Financial Services
2:38:01 PM B. Carbonell
2:38:05 PM Holly Sagues, Executive Director of Govt. Affairs, Florida Virtual School
2:38:17 PM Sen. Gibson
2:39:10 PM Sen. Broxson
2:40:05 PM S 14
2:40:08 PM Sen. Gibson
2:41:34 PM Sen. Rader
2:41:43 PM S 40
2:41:46 PM Sen. Thurston
2:43:03 PM Sen. Bradley
2:43:33 PM Recording Paused
2:45:48 PM Recording Resumed
2:45:58 PM S 1104
2:46:01 PM Sen. Brandes
2:46:59 PM Am. 873632
2:47:02 PM Sen. Brandes
2:47:48 PM Am. 910536

2:47:57 PM	Am. 325318
2:47:59 PM	Sen. Brandes
2:48:28 PM	Am. 944392
2:48:30 PM	Sen. Brandes
2:49:49 PM	Am. 379468
2:49:54 PM	Sen. Brandes
2:50:25 PM	Am. 921142
2:50:29 PM	Sen. Brandes
2:50:57 PM	Am. 861726
2:51:00 PM	Sen. Brandes
2:51:23 PM	Sen. Powell
2:51:25 PM	Sen. Brandes
2:52:31 PM	Am. 211764
2:52:34 PM	Sen. Brandes
2:53:25 PM	Am. 483626
2:53:33 PM	Sen. Brandes
2:53:59 PM	Sen. Gainer
2:54:11 PM	Sen. Brandes
2:54:50 PM	Sen. Gainer
2:55:16 PM	Sen. Bradley
2:56:15 PM	Sen. Brandes
2:56:43 PM	Sen. Benacquisto
2:57:19 PM	Sen. Brandes
2:57:28 PM	Sen. Benacquisto
2:57:38 PM	Sen. Bradley
2:58:09 PM	Sen. Brandes
2:58:16 PM	Sen. Gibson
2:58:34 PM	Sen. Brandes
2:58:49 PM	Sen. Gibson
2:59:04 PM	Sen. Brandes
2:59:13 PM	Sen. Gibson
2:59:56 PM	Am. 814862
2:59:59 PM	Sen. Brandes
3:00:42 PM	Am. 211764 (cont.)
3:00:51 PM	Sen. Bradley
3:02:18 PM	Am. 783950
3:02:20 PM	Sen. Brandes
3:03:07 PM	Sen. Gibson
3:03:38 PM	Sen. Bradley
3:03:51 PM	Sen. Gibson
3:04:20 PM	Am. 879876
3:04:23 PM	Sen. Brandes
3:04:47 PM	Am. 375348
3:04:49 PM	Sen. Brandes
3:05:18 PM	S 1104 (cont.)
3:05:24 PM	Leslie Dughi representing Enterprise, National, & Alamo (waives in support)
3:06:12 PM	Sen. Gibson motion to Adjourn