

Tab 1	CS/SB 168 by JU, Gruters (CO-INTRODUCERS) Bean, Mayfield; (Compare to H 00527) Federal Immigration Enforcement					
523182	A	S	WD	IS, Taddeo	Delete L.183 - 197:	03/13 01:28 PM
436036	A	S	WD	IS, Taddeo	Delete L.248 - 252:	03/13 01:28 PM
480210	A	S	L FAV	IS, Gruters	Delete L.36:	03/13 01:28 PM
Tab 2	SB 844 by Berman; (Similar to CS/H 00305) At-Risk Adult Alert Plan					
750262	D	S	RCS	IS, Berman	Delete everything after	03/14 04:51 PM
Tab 3	SB 898 by Diaz; (Compare to CS/CS/H 00385) Transportation					
434654	D	S	RCS	IS, Diaz	Delete everything after	03/14 04:51 PM
Tab 4	SB 974 by Perry; (Compare to H 01057) Damaged, Dismantled, Derelict, or Salvage Motor Vehicles					
825644	A	S	RCS	IS, Perry	Delete L.71 - 104:	03/13 03:08 PM
Tab 5	SB 1002 by Hutson; (Similar to CS/H 00341) Motor Vehicles and Railroad Trains					
611068	A	S	RCS	IS, Hutson	Delete L.40 - 52:	03/14 04:04 PM
Tab 6	SB 1052 by Lee (CO-INTRODUCERS) Rouson; (Compare to H 00733) Motor Vehicle Insurance					
579484	D	S	RCS	IS, Lee	Delete everything after	03/13 03:08 PM
507362	AA	S	RCS	IS, Hutson, Bean	Delete L.801 - 845:	03/13 03:08 PM
Tab 7	SB 1178 by Gruters; (Similar to H 00773) Franchised Motor Vehicle Dealers					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

INFRASTRUCTURE AND SECURITY

Senator Lee, Chair
Senator Perry, Vice Chair

MEETING DATE: Tuesday, March 12, 2019

TIME: 4:00—6:00 p.m.

PLACE: *Toni Jennings Committee Room, 110 Senate Building*

MEMBERS: Senator Lee, Chair; Senator Perry, Vice Chair; Senators Bean, Cruz, Hooper, Hutson, Stewart, and Taddeo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 168 Judiciary / Gruters (Compare H 527, S 170)	Federal Immigration Enforcement; Prohibiting sanctuary policies; requiring state entities, local governmental entities, and law enforcement agencies to use best efforts to support the enforcement of federal immigration law; authorizing a law enforcement agency to transport an alien unlawfully present in the United States under certain circumstances; prohibiting discrimination on specified grounds, etc. JU 02/11/2019 Temporarily Postponed JU 02/19/2019 Fav/CS IS 03/12/2019 Fav/CS RC	Fav/CS Yeas 5 Nays 3
2	SB 844 Berman (Similar CS/H 305)	At-Risk Adult Alert Plan; Redefining the term "missing endangered person" to include a missing adult who meets the criteria for activation of the At-Risk Adult Alert Plan of the Department of Law Enforcement; requiring the Department of Law Enforcement, in cooperation with the Department of Transportation, the Department of Highway Safety and Motor Vehicles, and local law enforcement agencies, to establish and implement the At-Risk Adult Alert Plan; requiring a local law enforcement agency to broadcast information to the public and the media about certain missing adults, etc. IS 03/12/2019 Fav/CS CF AP	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Infrastructure and Security

Tuesday, March 12, 2019, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 898 Diaz (Compare CS/CS/H 385, H 905, H 6059, S 660, S 928, S 1044)	Transportation; Revising the authorized uses of proceeds from charter county and regional transportation system surtaxes; revising the preservation goals of the Department of Transportation to include ensuring that all work on the State Highway System meets department standards; requiring the department to approve design plans for all transportation projects relating to department-owned rights-of-way under certain circumstances; prohibiting the department from using toll revenues from high-occupancy toll lanes or express lanes to offset certain funding, etc. IS 03/12/2019 Fav/CS ATD AP	Fav/CS Yeas 7 Nays 1
4	SB 974 Perry (Compare H 1057)	Damaged, Dismantled, Derelict, or Salvage Motor Vehicles; Authorizing a certain notice sent by certified mail that a motor vehicle is available for pickup to be sent by another commercially available delivery service that provides proof of delivery; requiring the notice to state that the owner has a specified period during which to pick up the vehicle; authorizing an independent entity to apply for a certificate of destruction or a certificate of title if the vehicle is not claimed within a specified time after the delivery or attempted delivery of the notice, etc. IS 03/12/2019 Fav/CS ATD AP	Fav/CS Yeas 8 Nays 0
5	SB 1002 Hutson (Similar CS/H 341)	Motor Vehicles and Railroad Trains; Revising the definition of the term "railroad train"; requiring that, in the event of a crash involving a railroad train, the collection of certain information be at the discretion of the law enforcement officer having jurisdiction to investigate the crash; specifying that certain persons are not considered passengers for the purpose of making crash reports, etc. IS 03/12/2019 Fav/CS CJ RC	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Infrastructure and Security

Tuesday, March 12, 2019, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
6	SB 1052 Lee (Compare H 733, S 896)	Motor Vehicle Insurance; Repealing provisions which comprise the Florida Motor Vehicle No-Fault Law; revising the motor vehicle insurance coverages that an applicant must show to register certain vehicles with the Department of Highway Safety and Motor Vehicles; revising minimum liability coverage requirements for motor vehicle owners or operators; revising the minimum net worth requirements to qualify certain persons as self-insurers; specifying persons whom medical payments coverage must protect, etc. IS 03/12/2019 Fav/CS BI AP	Fav/CS Yeas 8 Nays 0
7	SB 1178 Gruters (Similar H 773)	Franchised Motor Vehicle Dealers; Prohibiting an applicant or licensee from establishing or implementing additional criteria for measuring the sales or service performance of franchised motor vehicle dealers; authorizing a dealer that contends that an assigned performance requirement, sales goal, or sales objective violates certain prohibited activities of licensees to maintain certain injunctive and administrative actions; requiring the applicant or licensee to have the burden of proving by a preponderance of the evidence that the criteria for measuring the performance, goal, or objective comply with a provision that prohibits certain activities of licensees, etc. IS 03/12/2019 Temporarily Postponed CM RC	Temporarily Postponed

Other Related Meeting Documents

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 Committee on Judiciary

BILL: CS/CS/SB 168

INTRODUCER: Infrastructure and Security Committee, Judiciary Committee, and Senator Gruters and others

SUBJECT: Federal Immigration Enforcement

DATE: March 13, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>Price</u>	<u>Miller</u>	<u>IS</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/CS/SB 168 creates a new chapter of Florida Statutes entitled “Federal Immigration Enforcement.” The bill seeks to ensure that state and local entities and law enforcement agencies cooperate with federal government officials to enforce, and not obstruct, immigration laws. In its most general and broad terms, the bill prohibits sanctuary jurisdictions and requires state and local entities to comply with federal immigration detainers when they are supported by proper documentation.

In more specific terms, the bill:

- Prohibits a state entity, law enforcement agency, or local governmental entity, from having a sanctuary policy.
- Requires a covered government body to use its best efforts to support the enforcement of federal immigration law.
- Prohibits a state entity, local governmental entity, or law enforcement agency from restricting a law enforcement agency’s ability to communicate or exchange information with a federal immigration agency on immigration enforcement matters.
- Provides procedures for a court to follow to reduce a defendant’s sentence and thereby permit law enforcement agencies to transfer the defendant to a federal facility.
- Requires a law enforcement agency that has custody of someone who is subject to an immigration detainer to notify the judge of the detainer, record in the person’s file the existence of the detainer, and comply with the detainer.

- Requires a county correctional facility to enter into an agreement with a federal immigration agency for the payment of costs associated with housing and detaining defendants.
- Permits the Attorney General to institute an action for a violation of this law or to prevent a violation of the law.
- Requires any sanctuary policies currently in effect be repealed within 90 days after the effective date of the act.

The fiscal impact to state and local governments is indeterminate.

The bill takes effect July 1, 2019, except that the section establishing penalties takes effect October 1, 2019.

II. Present Situation:

General Overview

The Federal Government is responsible for both establishing and enforcing immigration laws. Congress has enacted legislation, which the federal courts have interpreted, and the body of immigration law has developed. The responsibility for enforcing immigration laws rests with the Department of Homeland Security's (DHS) U.S. Immigration and Customs Enforcement (ICE) and its Enforcement and Removal Operations. It is the mission of Enforcement and Removal Operations to identify, apprehend, and remove aliens who are a risk to national security or public safety, enter the country illegally, or seek to undermine the integrity of the country's immigration laws or border control efforts.¹ In order to carry out its mission, ICE depends, in part, on the assistance of local and state law enforcement agencies to identify removable aliens.² However, some state and local jurisdictions have chosen to expressly define or limit their roles in immigration enforcement and have become known as "sanctuary" jurisdictions. The critics of sanctuary jurisdictions argue that they limit law enforcement's abilities and encourage illegal immigration. Those who support sanctuary jurisdictions argue that they are necessary to prevent local law enforcement resources from being diverted to enforce immigration laws.³

Federal Immigration Law

The Federal Government's authority to regulate immigration law is established in the United States Constitution. This power is extensive. The Constitution grants Congress the power to "establish a uniform Rule of Naturalization,"⁴ and to "regulate Commerce with foreign Nations."⁵ Additional authority is found in the Federal Government's broad powers over foreign affairs.⁶

¹ U.S. Immigration and Customs Enforcement, *Enforcement and Removal Operations, Mission*, <https://www.ice.gov/ero>

² Congressional Research Service, *Sanctuary Jurisdictions and Criminal Aliens: In Brief* (Jan. 10, 2017), <https://www.everycrsreport.com/reports/R44118.html#Content>.

³ *Id.*

⁴ U.S. CONST. art. 1, s. 8, cl. 4.

⁵ U.S. CONST. art. 1, s. 8, cl. 3.

⁶ *Toll v. Moreno*, 458 U.S. 1 (1982).

The individual states are not granted similar powers under the Constitution and they may not encroach upon federal authority in this area. When states enact immigration laws, they are often challenged on the grounds that the law is preempted by federal law under the Supremacy Clause of the Constitution.⁷ The federal preemption doctrine is a principle of law which holds that federal laws take precedence over state laws, and as such, states may not enact laws that are inconsistent with the federal law.

Yet, the U.S. Supreme Court has noted that this vast federal power is not without limits. In *De Canas v. Bica*, a 1976 decision, the U.S. Supreme Court held that federal immigration law does not inherently preempt state court jurisdiction over all matters involving immigration issues. The Court noted that it has never held that every state statute “which in any way deals with aliens is a regulation of immigration and thus *per se* pre-empted by this constitutional power.”⁸ In *Arizona v. United States*,⁹ a 2012 U.S. Supreme Court ruling, the Court similarly stated that “In preemption analysis, courts should assume that ‘the historic police powers of the States’ are not superseded ‘unless that was the clear and manifest purpose of Congress.’”

Tenth Amendment and Anti-Commandeering Doctrine

While the Federal Government has substantial authority to preempt state or local immigration regulations, the authority is restricted by the anti-commandeering principles of the Tenth Amendment.¹⁰ Those principles prevent Congress from “commandeering” or forcing state or local governments to implement a federal regulatory program.¹¹ Some state and local jurisdictions have relied on this principle to avoid enforcing federal immigration policies and, as a result, have established sanctuary jurisdictions.¹²

Sanctuary Jurisdictions

Although the term “sanctuary jurisdiction” is not defined in federal statute or regulation, it is generally understood to be a jurisdiction that has adopted a law or policy intended to significantly limit participation in the enforcement of federal immigration activities. States and municipalities have adopted varying degrees of sanctuary policies which have taken on multiple forms. Some jurisdictions have adopted “don’t enforce” policies in which law enforcement is

⁷ U.S. CONST. art. 6. The Supremacy Clause states that the Constitution and federal laws “shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.”

⁸ *De Canas v. Bica*, 424 U.S. 351, 355 (1976).

⁹ *Arizona v. United States*, 567 U.S. 387, 400 (2012). See also *United States v. California*, 314 F. Supp. 3d 1077, 1085 (E.D. Cal. 2018)

¹⁰ The Tenth Amendment to the United States Constitution provides “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

¹¹ *New York v. U.S.*, 505 U.S. 144, 188 (1992). In weighing whether a federal law that created incentives for states to dispose of low-level radioactive waste violated the anti-commandeering doctrine the Court held, “Whatever the outer limits of that sovereignty may be, one thing is clear: The Federal Government may not compel the States to enact or administer a federal regulatory program.” See also *Printz v. United States*, 521 U.S. 898 (1997). The Court has also held that every federal requirement imposed on state or local entities is not necessarily a violation of the anti-commandeering doctrine. Some federal statutes that require states to collect and report information to federal agencies are acceptable. *Reno v. Condon*, 528 U.S. 141 (2000).

¹² Sarah S. Herman, Congressional Research Service, *State and Local “Sanctuary” Policies Limiting Participation in Immigration Enforcement* (March 23, 2017), <https://fas.org/sgp/crs/homesec/R44795.pdf>.

restricted from cooperating with federal immigration authorities who are attempting to apprehend removable aliens. Other jurisdictions have adopted “don’t ask” policies that restrict law enforcement officials from inquiring about someone’s immigration status. Yet other entities have adopted “don’t tell” policies that restrict local law enforcement officials from sharing information with federal immigration officials. These last measures are primarily directed at preventing federal immigration officials from relying on the information to identify and arrest for removal aliens who are unlawfully present. Some jurisdictions have even adopted policies that prevent law enforcement officials from alerting federal immigration officials about the release status of aliens who are incarcerated.¹³

Sanctuary Jurisdictions in Florida

It is difficult to determine how many sanctuary jurisdictions, if any, exist in Florida because organizations use different criteria for making their determinations. For example, the Federation for American Immigration Reform (FAIR) released a list of sanctuary jurisdictions in May 2018 which stated that, as of April 2018, 12 counties and 3 cities qualified as Florida sanctuary jurisdictions.¹⁴ The Center for Immigration Studies provided a list of sanctuary jurisdictions, updated October 2018, which stated that Alachua and Clay Counties were sanctuary jurisdictions.¹⁵

Perhaps one of the most objective ways to measure whether an entity is a sanctuary jurisdiction is to determine whether it is disqualified from receiving federal criminal justice grant funds due to perceived violations of federal immigration law. Those violations generally involve limiting or restricting communication and information between a state or local entity and the DHS about an immigrant’s status or release. The Florida Department of Law Enforcement (FDLE) serves as the state administering agency for the federal Byrne Justice Assistance Grant Program.¹⁶ According to FDLE and the U.S. Department of Justice (DOJ), Office of Justice Programs, applicants that seek grant funding¹⁷ from the Department of Justice must submit specific certifications from the attorney general and the chief executive officer, which is either the governor or mayor, stating that the applicant complies with 8 U.S.C. s. 1373¹⁸ and does not restrict communications

¹³ *Id.*

¹⁴ Federation for American Immigration Reform, *Sanctuary Jurisdictions Nearly Double Since President Trump Promised to Enforce Our Immigration Laws*, 52-55 (May 2018), <http://www.fairus.org/sites/default/files/2018-05/Sanctuary-Report-FINAL-2018.pdf>. FAIR stated that it drew its information from resolutions, ordinances, and policy directives as well as secondary sources. At that time, and not necessarily currently, the counties listed were Alachua, Bradford, Broward, Flagler, Gulf, Highlands, Leon, Palm Beach, Seminole, St. Lucie, Volusia, and Washington. The cities were Key West, St. Petersburg, and West Palm Beach.

¹⁵ Center for Immigration Studies, *Fact Sheet, Sanctuary Cities, Counties, and States* (Oct. 2018), <https://cis.org/Fact-Sheet/Sanctuary-Cities>.

¹⁶ Email from Rona Kay Cradit, Bureau Chief, Office of Criminal Justice Grants, Florida Department of Law Enforcement (Feb. 5, 2019) (on file with the Senate Committee on Judiciary).

¹⁷ The grants are Edward Byrne Memorial Justice Assistance Grant program, funded through the U.S. Department of Justice, the largest source of criminal justice grant funding.

¹⁸ The requirements of 8 U.S.C. s. 1373 have been found unconstitutional by federal district courts with respect to the jurisdictions in those cases. However, the issues in those cases are under appeal. See *State of New York v. Department of Justice*, 343 F.Supp.3d 213, (S.D.N.Y. 2018), *appeal docketed*, No. 19-275 (2nd Cir. Jan. 28, 2019). The text of 8 U.S.C s. 1373 is as follows:

§1373. Communication between government agencies and the Immigration and Naturalization Service

between state and local agencies and DHS entities regarding someone's citizenship or immigration status. Beginning in 2017, the Office of Justice Programs added two requirements for applicants to receive grant funding: an award recipient must permit DHS access to correctional and detention facilities to meet with an alleged alien to inquire about his or her right to be in the country; and an award recipient must also provide DHS a minimum of 48 hours' advance notice concerning the scheduled release time and date of someone in the jurisdiction's custody when DHS requests that notice in order to take the person into custody.¹⁹

As of February 5, 2019, FDLE has received 188 executed attorney general certifications and 111 executed chief executive officer certifications from county and municipal governments.²⁰ In essence, these entities are stating that they comply with federal law and do not limit, restrict, or prohibit the exchange of information between governmental entities, agencies, or persons concerning the citizenship or immigration status of a person. This is the criteria many groups use to determine what constitutes a sanctuary jurisdiction.

Only one Florida municipality, the City of West Palm Beach, appeared on a compliance review list released by DOJ in January 2018.²¹ The city was required to submit documentation to the Department of Justice demonstrating whether its employees could communicate with DOJ, DHS, ICE, or their agents.²² The City of West Palm Beach now appears on the current FDLE list of jurisdictions that have submitted certifications stating that it is in compliance with federal immigration laws.

(a) In general

Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

(b) Additional authority of government entities

Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

- (1) Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.
- (2) Maintaining such information.
- (3) Exchanging such information with any other Federal, State, or local government entity.

(c) Obligation to respond to inquiries

The Immigration and Naturalization Service shall respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law, by providing the requested verification or status information.

¹⁹ U.S. Department of Justice, Office of Justice Programs, *Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements – FY 2017 Awards; Alert: New Requirements for Certain FY 2017 Programs* (2017), <https://ojp.gov/funding/Explore/SolicitationRequirements/index.htm>.

²⁰ See Email from Rona Kay Cradit, *supra* note 16.

²¹ *Id.*

²² Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, Correspondence to the City of West Palm Beach, p. 25-26 (Jan. 24, 2018), <https://www.justice.gov/opa/press-release/file/1028311/download>.

Immigration Law and Removals

The Federal Government, through immigration law,²³ seeks to control the number and type of aliens who are granted permission to enter, remain in the United States, and become citizens. Just as the Federal Government has established criteria for entering the country, it has also established formal criteria and procedures for removing or deporting an alien from this country who has violated the immigration laws. An alien may be removed for a number of reasons, including entering the country illegally, remaining longer than a visa authorizes, committing marriage fraud to obtain entry, or committing certain crimes.²⁴

Immigration Detainers

An immigration detainer is a notice that the DHS issues to a law enforcement agency, whether federal, state, or local, to notify the agency that ICE intends to take custody of someone in the custody of that law enforcement agency. A copy of the federal detainer form currently used by the DHS appears at the end of this analysis.²⁵

A detainer serves three purposes:

- To serve notice to a law enforcement agency that ICE intends to take custody of an alien who is in the agency's custody once he or she is no longer subject to that agency's detention;
- To request information from the law enforcement agency concerning the alien's upcoming release so that ICE may gain custody before the alien is released; and
- To request a law enforcement agency to maintain custody, for no more than 48 hours, of an alien who otherwise would be released in order to permit ICE enough time to assume custody. The 48 hour period excludes Saturday, Sundays, and holidays.²⁶

According to ICE, detainers are an essential tool ICE needs to identify and remove criminal aliens who are currently in the custody of federal, state, or local law enforcement. ICE is dependent on state and local law enforcement to cooperate and partner with them in this effort.²⁷

Whether to comply with a federal immigration detainer has been a challenging issue for local law enforcement agencies. For many years, sheriffs' offices simply honored detainers and provided the requested information about the detention or upcoming release of someone held in custody. In 2014, this changed. Two federal court cases²⁸ questioned the legality of detaining an inmate based solely upon a detainer from ICE when there was no accompanying probable cause

²³ The Immigration and Nationality Act of 1952 and its amendments contain the current body of immigration law. It is contained in 8 U.S.C.A., Title 8 – Aliens and Nationality.

²⁴ 8 U.S.C. s. 1227.

²⁵ DHS Form I-247A.

²⁶ *Ice Detainers: Frequently Asked Questions*, U.S. Immigration and Customs Enforcement (Dec. 28, 2011), <https://www.ice.gov/ice-detainers-frequently-asked-questions>.

²⁷ *Id.* The authority to issue a detainer stems from federal regulations found at 8 C.F.R. § 287.7, which arises from the Secretary's power under the Immigration and Nationality Act § 103(a)(3), 8 U.S.C. 1103(a)(3), to issue "regulations ... necessary to carry out [her] authority" under the INA, and from ICE's general authority to detain individuals who are subject to removal or removal proceedings."

²⁸ *Galarza v. Szalczyk*, 745 F. 3d 634 (3d Cir. 2014) and *Miranda-Olivares v. Clackamas County*, No. 3:12-cv-02317-ST, 2014 WL 1414305 (D. Ore. April 11, 2014).

to support the detention.²⁹ In both cases the plaintiffs were detained pursuant to ICE detention orders. Information was provided to the counties which indicated that investigations were being undertaken to learn whether the plaintiffs were candidates for removal and deportation. Both counties were ultimately held civilly liable for an unlawful seizure, even though the counties complied with a federal regulation cited in the detainer form that gave them the apparent authority to detain the inmates. Not surprisingly, ICE detainers have been interpreted by federal courts to be requests, not mandatory commands that deprive an agency of any discretion whether to detain an alien. In *Galarza*, the court noted that under the Tenth Amendment, immigration officials may not command state and local officials to imprison suspected aliens, because doing so would be inconsistent with the anti-commandeering principle of the Tenth Amendment.³⁰

New Enforcement Policy Between ICE and 29 Florida Sheriffs

On January 17, 2018, the ICE office issued a news release announcing that 17 basic ordering agreements had been agreed to with sheriffs around the state. The number of agreements is now at 29.³¹ These agreements detail “a new process to clarify that aliens held by these jurisdictions are held under the color of federal authority.” As such, the local law enforcement jurisdictions receive “liability protection from potential litigation as a result of faithfully executing their public safety duties.” The news release stated that sheriffs will no longer have to choose between releasing criminal illegal aliens from their custody back into the community or exposing themselves to potential civil liability for violating the alien’s civil rights. The participating sheriffs will also receive compensation for complying with the detainers.³²

Texas Legislation and Litigation

In 2017, Texas enacted SB 4, a law that, among other things, prohibited local authorities from restricting their cooperation or communication with federal immigration enforcement officials and directed local law enforcement to comply with ICE detainer requests.³³ Several cities moved for preliminary injunctive relief before the bill became effective. The plaintiffs challenged the bill in Federal District Court on the grounds of federal preemption and violations of First Amendment free speech and Fourth Amendment search and seizure protections.³⁴ The court granted a preliminary injunction preventing several sections of the law from taking effect. The state appealed to the U.S. Court of Appeals for the Fifth Circuit and requested a stay of each injunction. The Fifth Circuit ultimately upheld the majority of the statute.³⁵ In a lengthy decision the court determined that:

- Texas was not preempted from enacting the legislation;
- A requirement that law enforcement agencies comply with an immigration detainer request when the agency had custody of a person who was the subject of the detainer was not facially unconstitutional;

²⁹ Florida Sheriffs Association, *Legal Alert: ICE Detainers* (on file with the Senate Committee on Judiciary).

³⁰ *Galarza*, 745 F. 3d at 643.

³¹ Email from Matt Dunagan, Deputy Executive Director of Operations, Florida Sheriffs Association (Feb. 7, 2019) (on file with the Senate committee on Judiciary).

³² U.S. Immigration and Customs Enforcement, News Releases, *ICE, 17 FL Sheriffs Announce New Enforcement Partnership* (Jan. 17, 2018) <https://www.ice.gov/news/releases/ice-17-fl-sheriffs-announce-new-enforcement-partnership>.

³³ *Texas Senate Bill 4* (2017-2018), <https://legiscan.com/TX/bill/SB4/2017>.

³⁴ *City of El Cenizo, et al., v. State of Texas, et. al.*, 264 F. Supp. 3d 744 (2017).

³⁵ *City of El Cenizo, et al., v. State of Texas, et al.*, 890 F. 3d 164 (2018).

- The Fourth Amendment prohibition against unlawful search and seizure did not require probable cause of criminality in order to detain someone in the context of immigration law; and
- The Texas constitution did not prevent the state from pre-empting the home-rule authority of cities when it passed the law.

The *City of El Cenizo* opinion, the case upholding Texas SB 4, has been somewhat distinguished by other cases, one of which is a Florida federal district case in Miami that is still in the discovery stage.³⁶ In that case, the plaintiffs, comprised of aliens and immigrant advocacy groups, brought an action against Miami-Dade County and alleged that the county violated their civil rights under the Fourth Amendment when it arrested them based upon an ICE detainer request and without probable cause to believe that they had committed a crime. Miami-Dade County moved to dismiss the plaintiffs' case. The court concluded that it "does not find the analysis in *EL Cenizo* persuasive or helpful . . ." and ruled that the plaintiffs had alleged enough facts under the Fourth Amendment to withstand a complete motion to dismiss. This case is ongoing.

III. Effect of Proposed Changes:

CS/CS/SB 168 seeks to ensure that state and local entities and law enforcement agencies cooperate with the Federal Government to enforce, and not obstruct, immigration laws. In its most general terms, the bill prohibits sanctuary jurisdictions and requires state and local entities to comply with federal immigration detainers. The bill creates Ch. 908 of the Florida Statutes, ss. 908.101 through 908.109, F.S., entitled "Federal Immigration Enforcement."

Findings and Intent (s. 908.101, F.S.)

The Legislature finds that it is an important state interest to cooperate and assist the Federal Government as it seeks to enforce federal immigration laws throughout the state.

Sanctuary Policies are Prohibited (s. 908.103, F.S.)

A state entity, law enforcement agency, or local governmental entity is prohibited from adopting or having a sanctuary policy. A sanctuary policy is generally defined as a law or policy which contravenes 8 U.S.C. s. 1373(a) or (b), by:

- Prohibiting or restricting information between a federal, state, or local government agency and the Immigration and Naturalization Service regarding the citizenship or immigration status of an individual; or
- Prohibiting or restricting a Federal, state, or local government entity from sending, requesting, receiving, maintaining, or exchanging information regarding the immigration status of an individual to, or from, the Immigration and Naturalization Service.

Additionally, a sanctuary policy means a policy which knowingly prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency with

³⁶ *C.F.C. et al., v. Miami-Dade County*, 2018 WL 6616030.

regard to federal immigration enforcement, including, but not limited to, limiting or preventing a law enforcement agency from:

- Complying with an immigration detainer;
- Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee in its custody;
- Providing a federal immigration agency access to an inmate for an interview;
- Participating in any program or agreement authorized under section 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357;³⁷ or
- Providing a federal immigration agency with an inmate's incarceration status or release date.

Cooperation with Federal Immigration Authorities (s. 908.104, F.S.)

A law enforcement agency must use its best efforts to support the enforcement of federal immigration law. However, this requirement only applies to an official, representative, agent, or employee when he or she is acting within the scope of official duties or scope of employment.

The bill prohibits a state entity, local governmental entity, or law enforcement agency, except where provided by federal law, from restricting a law enforcement agency's ability to:

- Send information regarding a person's immigration status to, or requesting, receiving, or reviewing that information from a federal immigration agency;
- Record and maintain immigration status information for purposes of the act;
- Exchange immigration status information with a federal immigration agency, state entity, local governmental entity, or law enforcement agency;
- Use the immigration information to comply with an immigration detainer; or
- Use the immigration information to confirm the identity of a person who is detained by a law enforcement agency.

Criminal Cases

The bill requires a judge in a criminal case to order a secure correctional facility where the defendant is to be confined to reduce a defendant's sentence by not more than 7 days if the facility determines that the reduction will facilitate the defendant's seamless transfer into federal custody if he or she is subject to an immigration detainer. The judge must indicate on the record that the defendant is subject to an immigration detainer or otherwise indicate that the defendant is subject to transfer into federal custody when making the order. If a judge does not have this information at the time of sentencing, but a law enforcement agency receives the information after sentencing, the law enforcement agency must notify the judge and he or she must issue the order to the secure correctional facility as soon as the information becomes available.

³⁷ This program, known as the 287(g) program, is a partnership venture that involves a delegation of federal authority to a state or local law enforcement entity. The program allows the state or local entity to enter into a memorandum of agreement, thereby forming a partnership with ICE, to permit designated law enforcement officers, who are specially trained and supervised, to perform the functions of immigration law enforcement within their respective jurisdictions. The ICE website states that the sheriff's offices of Clay, Collier, Hernando, and Pasco counties, as well as the Jacksonville Sheriff's Office, have these mutually signed agreements in force. U.S. Immigration and Customs Enforcement, *Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act* (rev. July 10, 2018), <https://www.ice.gov/287g>.

Transport

When a county correctional facility or the Department of Corrections receives verification from a federal immigration agency that a person subject to an immigration detainer is in its custody the agency may securely transport the person to a federal facility in this state or to a point of transfer to federal custody outside the jurisdiction of the agency. However, the law enforcement agency may transport the alien only when authorized by a court order unless the transportation will happen within the 7-day time period mentioned above. The law enforcement agency must first obtain judicial authorization before transporting the alien outside of the state.

Victims or Witnesses

The cooperation and support requirements in this section do not require a state entity, local governmental entity, or law enforcement agency to provide a federal immigration agency with information related to a victim or witness to a criminal offense if the victim or witness timely cooperates in good faith in the investigation or prosecution of the crime. A victim or witness's cooperation must be documented in the entity's or agency's investigative records, and the entity or agency must retain the records for at least 10 years for the purposes of audit, verification, or inspection by the Auditor General.

Duties Related to Immigration Detainers (s. 908.105 F.S.)

The bill establishes the duties of a law enforcement agency when it has custody of someone subject to an immigration detainer. If an agency has custody of a person subject to a detainer, the agency must:

- Inform the judge who is authorized to grant or deny bail that the person is subject to a detainer;
- Record the detainer information in the person's case file; and
- Comply with the requests made in the detainer after determining that the detainer is consistent with the requirements set forth in s. 908.102, F.S., as explained above.

A law enforcement agency is not required to perform the three duties listed above for a person who is transferred from another law enforcement agency if the previous agency performed the duty before transferring custody. Additionally, a judge who receives notice that someone is subject to an immigration detainer must cause the detainer information to be recorded in the court record, regardless of whether the detainer notice is received before or after a judgment is rendered in the case.

Reimbursement of Costs (s. 908.106, F.S.)

The bill requires each county correctional facility to enter into an agreement with a federal immigration agency for the temporary housing and payment of the costs of persons who are the subject of immigration detainers. Those agreements may be basic ordering agreements, agreements authorized by section 287 of the Immigration and Nationality Act³⁸ or successor or similar acts.

³⁸ See note 37 *supra*.

Enforcement (s. 908.107, F.S.)

The bill authorizes the Attorney General to institute a civil action against any state entity, local government entity, or law enforcement agency for a violation of this law or to prevent a violation of the law. The civil action may be an action for an injunction or any other appropriate orders or relief.

When a court determines, either through adjudication or a consent decree, that a state entity, local governmental entity, or law enforcement agency has violated this act, the court must enjoin the unlawful sanctuary policy. The court retains continuing jurisdiction over the parties and subject matter and may initiate contempt proceedings to enforce its orders. An order that approves a consent decree or grants an injunction must contain written findings of fact that specifically describe the sanctuary policy that violates the prohibition against sanctuary jurisdictions.

Education Records (s. 908.108, F.S.)

The bill provides that it does not apply to the release of education records of an educational agency or institution, unless that release conforms to the provisions of the Family Educational Rights and Privacy Act of 1974. For purposes of that act, education records mean those records, files, documents, and other materials which contain information directly related to a student and are maintained by an educational agency or institution or by a person acting for the agency or institution. Education records do not include records of instructional, supervisory, and administrative personnel, records maintained by a law enforcement unit of the educational agency or institution, certain employment records for people who are not in attendance at the agency or institution, and medical or psychological records used in treating a student.³⁹

Discrimination Is Prohibited (s. 908.109, F.S.)

The bill prohibits discrimination based upon a person's gender, race, religion, national origin, or physical disability, except as authorized by the United States Constitution or State Constitution.

Repeal of Sanctuary Policies Required (Section 2)

Any sanctuary policy, as defined in the bill, in effect on the effective date of the act must be repealed within 90 days after the act's effective date.

Effective Dates

The act takes effect on July 1, 2019, but the section pertaining to enforcement contained in s. 908.107, F.S., takes effect on October 1, 2019.

³⁹ 20 U.S.C. 1232g(a)(4)(A) and (B).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

It appears that the bill, by requiring counties and municipalities to comply with immigration detainers, requires a “county or municipality to spend funds or to take an action requiring the expenditure of funds” as described in Article VII, section 18 of the Florida Constitution.

Article VII, section 18, subsection (a) of the Florida Constitution provides in part that a county or municipality may *not* be bound by a general law requiring the county or municipality to spend funds or to take an action that requires the expenditure of funds unless the law fulfills an important state interest and a listed exception is met.

Additionally, Article VII, section 18, subsection (d) provides eight exemptions, which, if any single one is met, exempt the law from the limitations on mandates. One of the exemptions applies when the law has an “insignificant fiscal impact.” At this time, whether the fiscal impact is insignificant or significant cannot be known. The bill requires each county correctional facility to enter into an agreement with a federal immigration agency for the payment of the costs of temporarily housing and detaining persons who are the subject of an immigration detainer. It is unknown if these agreements will completely cover the costs of detaining people. Many sheriffs’ offices have already entered into basic ordering agreements with the Federal Government and are reimbursed for housing inmates, pursuant to a detainer, at a rate of \$50 for up to 48 hours of detention. If the person is not held for very long, arguably, the sheriff’s office could profit, depending on what it costs to hold someone. If, in contrast, a person is held for the full 48 hours, the costs might result in a loss, depending on what reimbursement costs are negotiated. There is no data available yet to answer this concern.

Article VII, section 18, subsection (a) also provides that a mandate may be binding if the Legislature determines that the law fulfills an important state interest and is approved by two-thirds vote of the membership in each house. If the bill does have a significant fiscal impact and another exemption or exception in Article VII, section 18 does not apply, the bill must be approved by two-thirds vote of each chamber to be binding upon the counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

This bill has provisions that are similar to Texas Senate Bill 4, enacted in 2017. That bill among other things, prohibited local authorities from restricting cooperation or communication with federal immigration enforcement officials and directed local law enforcement agencies to comply with ICE detainers.⁴⁰ Several cities moved for preliminary injunctive relief before the bill became effective, alleging that the bill violated Fourth Amendment search and seizure protections among other things.⁴¹ When the case, *City of El Cenizo v. State of Texas*, reached the U.S. Court of Appeals for the Fifth Circuit, the court upheld the majority of the statute.⁴² In a lengthy decision, the court determined that:

- Texas was not preempted by federal law from enacting the legislation;
- A requirement that law enforcement agencies comply with an immigration detainer when the agency had custody of a person who was the subject of the detainer was not facially unconstitutional; and
- The Fourth Amendment prohibition against unlawful search and seizure did not require probable cause of criminality in order to detain someone in the context of immigration law.

Notwithstanding the Fifth Circuit's *El Cenizo* opinion, there are a number of federal court opinions holding that ICE detainers alone are not sufficient authority for a state or local government entity to detain a person. However, many of these cases may be distinguishable from litigation that may result from CS/SB 168.

The main distinguishing feature may be the fact that the cases predate significant changes to ICE detainer policies made in April 2017. Under the new policies, ICE detainers must be accompanied by an administrative arrest warrant and include a probable cause determination.⁴³ Other court opinions involving ICE detainers have found that local law enforcement agencies were without authority under state law to comply with an immigration detainer. But, CS/SB 168 clearly authorizes compliance with immigration detainers and ICE warrants.

Nonetheless, a federal district court in Miami in *C.F.C. v. Miami-Dade County* issued an "Order on Defendant's Motion to Dismiss" in which the court determined that "Plaintiffs have alleged plausible facts to support their contention that the County violated their Fourth Amendment rights when it arrested [them] based on a detainer and without probable cause that either of them had committed a crime."⁴⁴ This case, however, is not final and it remains in the discovery stage.

⁴⁰ *Texas Senate Bill 4* (2017-2018), <https://legiscan.com/TX/bill/SB4/2017>.

⁴¹ *City of El Cenizo, et al., v. State of Texas, et. al.*, 264 F. Supp. 3d 744 (2017).

⁴² *City of El Cenizo, et al., v. State of Texas, et al.*, 890 F. 3d 164 (2018).

⁴³ *Creedle v. Miami-Dade County*, 349 F.Supp.3d 1276, at *9 (S.D. Fla. 2018).

⁴⁴ *C.F.C. v. Miami-Dade County*, 349 F.Supp.3d 1236 (S.D. Fla. 2018).

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The fiscal impact to state and local governments is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 908.101, 908.102, 908.103, 908.104, 908.105, 908.106, 908.107, 908.108, and 908.109.

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

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

CS/CS by Infrastructure and Security on March 12, 2019:

The CS/CS incorporates a technical amendment to insert a title, “Federal Immigration Enforcement,” for the newly created chapter of law.

CS by Judiciary on February 19, 2019:

The committee substitute significantly reduces the scope of the underlying bill. The committee substitute removes the provisions pertaining to: the duty of a law enforcement agency to determine an arrested person’s immigration status at the time of booking; the duty of officials to report violations of the act and the ensuing possibility that they might be suspended or removed from office for not reporting violations; the requirement that the Attorney General provide a format for complaints alleging violations of the act; the responsibility of the state attorney to investigate and pursue complaints of violations; financial penalties for having sanctuary policies; the creation of a civil cause of action for injuries or wrongful death attributed to a sanctuary policy; and the ineligibility of entities to receive state grant funding if the entity had a sanctuary policy in effect. The committee substitute adds a provision that requires agencies to enter into agreements with federal entities to recover costs for detaining aliens. The committee substitute also adds a

provision specifying that a detainer must be accompanied by a particular form of federal warrant to be sufficient.

B. Amendments:

None.

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID: Event #:	File No: Date:
TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)	FROM: (Department of Homeland Security Office Address)

Name of Alien: _____

Date of Birth: _____ Citizenship: _____ Sex: _____

1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON (complete box 1 or 2).

- ☐ A final order of removal against the alien;
- ☐ The pendency of ongoing removal proceedings against the alien;
- ☐ Biometric confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ Statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

2. DHS TRANSFERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION (complete box 1 or 2).

- ☐ Upon completion of the proceeding or investigation for which the alien was transferred to your custody, DHS intends to resume custody of the alien to complete processing and/or make an admissibility determination.

IT IS THEREFORE REQUESTED THAT YOU:

- **Notify DHS** as early as practicable (at least 48 hours, if possible) before the alien is released from your custody. Please notify DHS by calling ☐ U.S. Immigration and Customs Enforcement (ICE) or ☐ U.S. Customs and Border Protection (CBP) at _____, If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-8020.
- **Maintain custody** of the alien for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. The alien **must be served with a copy of this form** for the detainer to take effect. This detainer arises from DHS authorities and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters
- Relay this detainer to any other law enforcement agency to which you transfer custody of the alien.
- Notify this office in the event of the alien's death, hospitalization or transfer to another institution.

- ☐ If checked: please cancel the detainer related to this alien previously submitted to you on _____ (date).

(Name and title of Immigration Officer)

(Signature of Immigration Officer) (Sign in Ink)

Notice: If the alien may be the victim of a crime or you want the alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (802) 872-8020. You may also call this number if you have any other questions or concerns about this matter.

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE ALIEN WHO IS THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS by mailing, emailing or faxing a copy to _____.

Local Booking/Inmate #: _____ Estimated release date/time: _____

Date of latest criminal charge/conviction: _____ Last offense charged/conviction: _____

This form was served upon the alien on _____, in the following manner:

- ☐ in person ☐ by inmate mail delivery ☐ other (please specify): _____

(Name and title of Officer)

(Signature of Officer) (Sign in Ink)

DHS Form I-247A (3/17)

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523182

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/13/2019	.	
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The Committee on Infrastructure and Security (Taddeo)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 183 - 197
and insert:

(5) A state entity, local governmental entity, or law
enforcement agency implementing this act has an affirmative duty
to inquire as to whether a person is a victim of or a witness to
a criminal offense, and, if so, the victim or the witness is not
subject to this act.



523182

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

And the title is amended as follows:

Delete lines 18 - 21

and insert:

circumstances; providing that certain entities or
agencies have an affirmative duty to inquire as to
whether a person is a victim of or a witness to a
criminal offense; providing that such victims or
witnesses are not subject to the act; specifying



436036

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/13/2019	.	
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The Committee on Infrastructure and Security (Taddeo)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 248 - 252
and insert:

908.108 Educational facilities or institutions.—This
chapter does not apply to a law enforcement agency or a local
governmental entity while such agency or entity is operating at
any educational facility or institution.

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



436036

11 And the title is amended as follows:
12 Delete lines 25 - 26
13 and insert:
14 providing for injunctive relief; providing for
15 applicability to law enforcement agencies or local
16 governmental entities operating at certain educational
17 facilities or institutions;



480210

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/13/2019	.	
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The Committee on Infrastructure and Security (Gruters)
recommended the following:

Senate Amendment

Delete line 36
and insert:

FEDERAL IMMIGRATION ENFORCEMENT

908.101 Legislative findings and intent.—The Legislature

By the Committee on Judiciary; and Senators Gruters and Bean

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2019168c1

1 A bill to be entitled
 2 An act relating to federal immigration enforcement;
 3 creating chapter 908, F.S., relating to federal
 4 immigration enforcement; providing legislative
 5 findings and intent; providing definitions;
 6 prohibiting sanctuary policies; requiring state
 7 entities, local governmental entities, and law
 8 enforcement agencies to use best efforts to support
 9 the enforcement of federal immigration law;
 10 prohibiting restrictions by the entities and agencies
 11 on taking certain actions with respect to information
 12 regarding a person's immigration status; providing
 13 requirements concerning certain criminal defendants
 14 subject to immigration detainers or otherwise subject
 15 to transfer to federal custody; authorizing a law
 16 enforcement agency to transport an alien unlawfully
 17 present in the United States under certain
 18 circumstances; providing an exception to reporting
 19 requirements for crime victims or witnesses; requiring
 20 recordkeeping relating to crime victim and witness
 21 cooperation in certain investigations; specifying
 22 duties concerning immigration detainers; requiring
 23 county correctional facilities to enter agreements for
 24 payments for complying with immigration detainers;
 25 providing for injunctive relief; providing for
 26 applicability to certain education records;
 27 prohibiting discrimination on specified grounds;
 28 providing for implementation; requiring repeal of
 29 existing sanctuary policies within a specified period;

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

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2019168c1

30 providing effective dates.
 31
 32 Be It Enacted by the Legislature of the State of Florida:
 33
 34 Section 1. Chapter 908, Florida Statutes, consisting of
 35 sections 908.101-908.109, is created to read:
 36 908.101 Legislative findings and intent.—The Legislature
 37 finds that it is an important state interest to cooperate and
 38 assist the federal government in the enforcement of federal
 39 immigration laws within this state.
 40 908.102 Definitions.—As used in this chapter, the term:
 41 (1) "Federal immigration agency" means the United States
 42 Department of Justice and the United States Department of
 43 Homeland Security, a division within such an agency, including
 44 United States Immigration and Customs Enforcement and United
 45 States Customs and Border Protection, any successor agency, and
 46 any other federal agency charged with the enforcement of
 47 immigration law. The term includes an official or employee of
 48 such an agency.
 49 (2) "Immigration detainer" means a facially sufficient
 50 written or electronic request issued by a federal immigration
 51 agency using that agency's official form to request that another
 52 law enforcement agency detain a person based on probable cause
 53 to believe that the person to be detained is a removable alien
 54 under federal immigration law, including detainers issued
 55 pursuant to 8 U.S.C. ss. 1226 and 1357 along with a warrant
 56 described in paragraph (c). For purposes of this subsection, an
 57 immigration detainer is deemed facially sufficient if:
 58 (a) The federal immigration agency's official form is

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

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complete and indicates on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law; or

(b) The federal immigration agency's official form is incomplete and fails to indicate on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law, but is supported by an affidavit, order, or other official documentation that indicates that the federal immigration agency has probable cause to believe that the person to be detained is a removable alien under federal immigration law; and

(c) The federal immigration agency supplies with its detention request a Form I-200 Warrant for Arrest of Alien or a Form I-205 Warrant of Removal/Deportation or a successor warrant or other warrant authorized by federal law.

(3) "Inmate" means a person in the custody of a law enforcement agency.

(4) "Law enforcement agency" means an agency in this state charged with enforcement of state, county, municipal, or federal laws or with managing custody of detained persons in the state and includes municipal police departments, sheriff's offices, state police departments, state university and college police departments, county correctional agencies, and the Department of Corrections. The term includes an official or employee of such an agency.

(5) "Local governmental entity" means any county, municipality, or other political subdivision of this state. The term includes a person holding public office or having official

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duties as a representative, agent, or employee of the entity.

(6) "Sanctuary policy" means a law, policy, practice, procedure, or custom adopted or permitted by a state entity, local governmental entity, or law enforcement agency which contravenes 8 U.S.C. s. 1373(a) or (b) or which knowingly prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency with respect to federal immigration enforcement, including, but not limited to, limiting a law enforcement agency in, or prohibiting such agency from:

(a) Complying with an immigration detainer;

(b) Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee in the custody of the law enforcement agency;

(c) Providing a federal immigration agency access to an inmate for interview;

(d) Participating in any program or agreement authorized under section 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357; or

(e) Providing a federal immigration agency with an inmate's incarceration status or release date.

(7) "State entity" means the state or any office, board, bureau, commission, department, branch, division, or institution thereof, including institutions within the State University System and the Florida College System. The term includes a person holding public office or having official duties as a representative, agent, or employee of the entity.

908.103 Sanctuary policies prohibited.—A state entity, law enforcement agency, or local governmental entity may not adopt

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117 or have in effect a sanctuary policy.

118 908.104 Cooperation with federal immigration authorities.—

119 (1) A law enforcement agency shall use best efforts to
 120 support the enforcement of federal immigration law. This
 121 subsection applies to an official, representative, agent, or
 122 employee of the entity or agency only when he or she is acting
 123 within the scope of his or her official duties or within the
 124 scope of his or her employment.

125 (2) Except as otherwise expressly prohibited by federal
 126 law, a state entity, local governmental entity, or law
 127 enforcement agency may not prohibit or in any way restrict a law
 128 enforcement agency from taking any of the following actions with
 129 respect to information regarding a person's immigration status:

130 (a) Sending the information to or requesting, receiving, or
 131 reviewing the information from a federal immigration agency for
 132 purposes of this chapter.

133 (b) Recording and maintaining the information for purposes
 134 of this chapter.

135 (c) Exchanging the information with a federal immigration
 136 agency or another state entity, local governmental entity, or
 137 law enforcement agency for purposes of this chapter.

138 (d) Using the information to comply with an immigration
 139 detainer.

140 (e) Using the information to confirm the identity of a
 141 person who is detained by a law enforcement agency.

142 (3) (a) For purposes of this subsection the term "applicable
 143 criminal case" means a criminal case in which:

144 1. The judgment requires the defendant to be confined in a
 145 secure correctional facility; and

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146 2. The judge:

147 a. Indicates in the record under s. 908.105 that the
 148 defendant is subject to an immigration detainer; or

149 b. Otherwise indicates in the record that the defendant is
 150 subject to a transfer into federal custody.

151 (b) In an applicable criminal case, when the judge
 152 sentences a defendant who is the subject of an immigration
 153 detainer to confinement, the judge shall issue an order
 154 requiring the secure correctional facility in which the
 155 defendant is to be confined to reduce the defendant's sentence
 156 by a period of not more than 7 days on the facility's
 157 determination that the reduction in sentence will facilitate the
 158 seamless transfer of the defendant into federal custody. For
 159 purposes of this paragraph, the term "secure correctional
 160 facility" means a state correctional institution as defined in
 161 s. 944.02 or a county detention facility or a municipal
 162 detention facility as defined in s. 951.23.

163 (c) If the information specified in sub-subparagraph
 164 (a)2.a. or sub-subparagraph (a)2.b. is not available at the time
 165 the sentence is pronounced in the case, but is received by a law
 166 enforcement agency afterwards, the law enforcement agency shall
 167 notify the judge who shall issue the order described by
 168 paragraph (b) as soon as the information becomes available.

169 (4) When a county correctional facility or the Department
 170 of Corrections receives verification from a federal immigration
 171 agency that a person subject to an immigration detainer is in
 172 the law enforcement agency's custody, the agency may securely
 173 transport the person to a federal facility in this state or to
 174 another point of transfer to federal custody outside the

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jurisdiction of the law enforcement agency. However, the law enforcement agency may transport a person who is subject to an immigration detainer and is confined in a secure correctional facility only upon authorization by a court order unless the transportation will occur within the 7 day period under subsection (3). A law enforcement agency shall obtain judicial authorization before securely transporting an alien to a point of transfer outside of this state.

(5) This section does not require a state entity, local governmental entity, or law enforcement agency to provide a federal immigration agency with information related to a victim of or a witness to a criminal offense if the victim or witness timely and in good faith responds to the entity's or agency's request for information and cooperation in the investigation or prosecution of the offense.

(6) A state entity, local governmental entity, or law enforcement agency that, pursuant to subsection (5), withholds information regarding the immigration information of a victim of or witness to a criminal offense shall document the victim's or witness's cooperation in the entity's or agency's investigative records related to the offense and shall retain the records for at least 10 years for the purpose of audit, verification, or inspection by the Auditor General.

908.105 Duties related to immigration detainers.—

(1) A law enforcement agency that has custody of a person subject to an immigration detainer issued by a federal immigration agency shall:

(a) Provide to the judge authorized to grant or deny the person's release on bail under chapter 903 notice that the

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person is subject to an immigration detainer.

(b) Record in the person's case file that the person is subject to an immigration detainer.

(c) Upon determining that the immigration detainer is in accordance with s. 908.102(2), comply with the requests made in the immigration detainer.

(2) A law enforcement agency is not required to perform a duty imposed by paragraph (1)(a) or paragraph (1)(b) with respect to a person who is transferred to the custody of the agency by another law enforcement agency if the transferring agency performed that duty before the transfer.

(3) A judge who receives notice that a person is subject to an immigration detainer shall cause the fact to be recorded in the court record, regardless of whether the notice is received before or after a judgment in the case.

908.106 Reimbursement of costs.—Each county correctional facility shall enter into an agreement or agreements with a federal immigration agency for temporarily housing persons who are the subject of immigration detainers and for the payment of the costs of housing and detaining those persons. A compliant agreement may include any contract between a correctional facility and a federal immigration agency for housing or detaining persons subject to immigration detainers, such as basic ordering agreements in effect on or after July 1, 2019, agreements authorized by section 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357, or successor agreements and other similar agreements authorized by federal law.

908.107 Enforcement.—

(1) The Attorney General may institute a civil action

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233 against any state entity, local government entity, or law
 234 enforcement agency for a violation of this chapter or to prevent
 235 a violation of this chapter. An action for relief may include an
 236 action for an injunction or any other appropriate orders or
 237 relief. Upon adjudication by the court or as provided in a
 238 consent decree declaring that a state entity, local governmental
 239 entity, or law enforcement agency has violated this chapter, the
 240 court shall enjoin the unlawful sanctuary policy. The court has
 241 continuing jurisdiction over the parties and subject matter and
 242 may enforce its orders with the initiation of contempt
 243 proceedings as provided by law.

244 (2) An order approving a consent decree or granting an
 245 injunction must include written findings of fact that describe
 246 with specificity the existence and nature of the sanctuary
 247 policy that is in violation of s. 908.103.

248 908.108 Education records.—This chapter does not apply to
 249 the release of information contained in education records of an
 250 educational agency or institution, except in conformity with the
 251 Family Educational Rights and Privacy Act of 1974, 20 U.S.C. s.
 252 1232g.

253 908.109 Discrimination prohibited.—A state entity, a local
 254 governmental entity, or a law enforcement agency, or a person
 255 employed by or otherwise under the direction or control of the
 256 entity or agency, may not base its actions under this chapter on
 257 the gender, race, religion, national origin, or physical
 258 disability of a person except to the extent authorized by the
 259 United States Constitution or the State Constitution.

260 Section 2. A sanctuary policy, as defined in s. 908.102,
 261 Florida Statutes, that is in effect on the effective date of

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262 this act violates the public policy of this state and must be
 263 repealed within 90 days after that date.

264 Section 3. Section 908.107, Florida Statutes, as created by
 265 this act, shall take effect October 1, 2019, and, except as
 266 otherwise expressly provided in this act, this act shall take
 267 effect July 1, 2019.



480210

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/13/2019	.	
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The Committee on Infrastructure and Security (Gruters)
recommended the following:

Senate Amendment

Delete line 36
and insert:

FEDERAL IMMIGRATION ENFORCEMENT

908.101 Legislative findings and intent.—The Legislature

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

0168

Bill Number (if applicable)

Topic Immigration Enforcement

Amendment Barcode (if applicable)

Name Laticsha Jones

Job Title Para Transit

Address 4055 Willow Dr.

Street

Phone

Mulberry, FL 33860

City

State

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/2019
Meeting Date

SB168
Bill Number (if applicable)

Topic SB168

Amendment Barcode (if applicable)

Name Robin F Williams

Job Title retired educator

Address 1716 Bayonne St.
Street

Phone 609-771-1755

Sarasota, FL 34231
City State Zip

Email robinfaubus@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19
Meeting Date

SB168
Bill Number (if applicable)

Topic Sanctuary City

Amendment Barcode (if applicable)

Name MARGARITA ROMO

Job Title Ex Director

Address 37240 LOCK ST.

Phone 352-206-7763

Street
Dade City FL 33523
City State Zip

Email Romo1936@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FARMWORKERS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/12/19

Meeting Date

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

SR 168

Bill Number (if applicable)

Topic

Sanctuary Counties/Cities

Amendment Barcode (if applicable)

Name

Bill Jamp

Job Title

Address

5892 Be. Harris Blvd

Phone

352-408-2844

Street

TAVARES

FL

32778

Email

westomp@gmail.com

City

State

Zip

Speaking:



For



Against



Information

Waive Speaking:



In Support



Against

(The Chair will read this information into the record.)

Representing

Appearing at request of Chair:



Yes



No

Lobbyist registered with Legislature:



Yes



No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

APPEARANCE RECORD

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

3/12/2019
Meeting DateSB 168
Bill Number (if applicable)Topic PLEASE PASS SB 168

Amendment Barcode (if applicable)

Name LANE WATKINSJob Title CONCERNED CITIZENAddress 159 SW SYDNEY NICOLE COURT
StreetPhone 904 673 0788LAKE CITY FL 32024
City State ZipEmail 1425PD@YAHOO.COMSpeaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)Representing CONCERNED CITIZENAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3-12-19

Meeting Date

168

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Brett Farrell

Job Title Electrician

Address 7018 SW 46th Avenue
Street

Phone 352-615-4986

Gainesville FL 32608
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19
Meeting Date

1168
Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name John Lazquey

Job Title Retired

Address 8125 264th St.
Street

Phone 386-362-8388

Branford FL 32008
City State Zip

Email jlaquey@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-12-19

Meeting Date

SB 168

Bill Number (if applicable)

Topic federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Antonio Livingston Jr

Job Title Bus Operator

Address 6807 N 48th St.
Street

(813) Phone 330-6620

Tampa FL 33610
City State Zip

Email LivingstonA.ATU1593@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

APPEARANCE RECORD

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

March 12, 2019

Meeting Date

SB 168

Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name Robert Wintham

Job Title retired

Address 7 Bougainvillea Court

Street

Phone 850-598-4204

Miramar Beach FL

City

State

32550

Zip

Email warden@46nw.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Floridians For Every Now

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

CS/SB 168

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Gemma Sunnergren

Job Title Student

Address 1505 W Tharpe St

Street

Phone 954-304-3773

City

State

Zip

Email gemmasunn@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing League of Women Voters of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

1168

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Ingrid Delgado

Job Title Associate for Social Concerns * Respect Life

Address 201 W Park Av.

Phone _____

Street

Tallahassee

City

FL

State

32301

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

CS/168

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Karen Woodall

Job Title Director

Address 579 E. Call St.

Street

Phone 850-321-9386

Tallahassee

City

FL

State

32301

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Center for Fiscal & Economic Policy

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12/19

Meeting Date

SB 168

Bill Number (if applicable)

Topic Sanctuary Cities

Amendment Barcode (if applicable)

Name Chad Snodder

Job Title Law Student

Address 3400 Old Banbridge Rd Apt 602

Phone 813-838-1047

Street

Tallahassee

City

FL

State

32303

Zip

Email csn162@my.fsu.edu

Speaking: ☐ For ☒ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

168

Bill Number (if applicable)

Topic Sanctuary Cities

Amendment Barcode (if applicable)

Name Towson Fraser

Job Title President, Fraser Solutions

Address 115 E Park Ave

Phone 443-1444

Street

Tall. FL 32301

City

State

Zip

Email Towson@FLlobby.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing AMERICAN BUSINESS IMMIGRATION COALITION

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3-12-19

Meeting Date

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

168

Bill Number (if applicable)

Topic Anti-Sanctuary Bill

Amendment Barcode (if applicable)

Name Bianca Báez

Job Title Law Student

Address _____
Street

Phone 850-273-3051

City

State

Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12/19

Meeting Date

168

Bill Number (if applicable)

Topic Anti-Sanctuary Bill

Amendment Barcode (if applicable)

Name Maria Walts

Job Title Law Student

Address _____

Street

Phone 9045282978

City

State

Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12/19

Meeting Date

SB 168

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Scott McCoy

Job Title Senior Policy Counsel

Address P.O. Box 10788

Street

Tally

City

FL

State

32311

Zip

Phone 850-521-3042

Email scott.mccoy@splcenter.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Southern Poverty Law Center Action Fund

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

APPEARANCE RECORD

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

3-12-19

Meeting Date

168

Bill Number (if applicable)

Topic Anti Immigration

Amendment Barcode (if applicable)

Name Barbara DeVane

Job Title Ms

Address 625 E. Brevard St

Phone 852-251-4280

Street

City

State

Zip

Email barbadevane@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FL NOW

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

8/12/19

Meeting Date

5B 168

Bill Number (if applicable)

Topic

Rule of ~~Admission to the~~ Law Bill

Amendment Barcode (if applicable)

Name

Cosby Hayes

Job Title

Address

5430 Lawton Ct

Street

Phone

850 9330651

Tallahassee

City

Florida

State

32317

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/12/18

Meeting Date

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

SB 168

Bill Number (if applicable)

Topic Venezuelan exile community impact

Amendment Barcode (if applicable)

Name Joshua Budziak

Job Title _____

Address 2489 Laurelwood Court

Phone 561-445-6538

Street

Tallahassee

City

FL

State

32308

Zip

Email JJB16H@my.fsu.edu

Speaking: ☐ For ☐ Against ☒ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12/19

Meeting Date

168

Bill Number (if applicable)

Topic SB168

Amendment Barcode (if applicable)

Name Annie Filkowski

Job Title Student

Address 103 Westridge Dr

Street

Tallahassee FL

City

State

Zip

Phone (239) 849-2644

Email afilkowski@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12
Meeting Date

SB168
Bill Number (if applicable)

Topic Sanctuary Cities

Amendment Barcode (if applicable)

Name Laura Hernandez

Job Title Legislative representative

Address 638 E park ave #9
Street

Phone _____

Tallahassee FL 32301
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SECRET Florida alliance of planned parenthood
amnia

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/12/19

Meeting Date

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

SB168

Bill Number (if applicable)

Topic immigration

Amendment Barcode (if applicable)

Name Ariel Sabillon

Job Title student @ FSU

Address 722 West Carolina Street Apt BB

Phone 561 306 9076

Tallahassee, Florida, 32304

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing TCAC

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

SB 168

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Isabel Ruano

Job Title

Address 2652 Yarmouth Lane

Phone

Street

Tallahassee

City

State

Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

03/12/19

Meeting Date

SB168

Bill Number (if applicable)

Topic SB168

Amendment Barcode (if applicable)

Name Eylin Garcia

Job Title Physical Therapist

Address 1401 Marsh Wood DR

Street

Phone 813 591 9364

Seffner

City

FL

State

33584

Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Faith in 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.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/12/2019

Meeting Date

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

CS/SB 168

Bill Number (if applicable)

Topic FEDERAL IMMIGRATION ENFORCEMENT

Amendment Barcode (if applicable)

Name KENNETH Q. MORROW JR

Job Title PRESIDENT

Address P.O. Box 467605

Phone 904-414-0644

Street
Pompano Beach, FL 33066

Email KQCFIIMEN.ORG

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FIIMEN

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

SB 148

Bill Number (if applicable)

Meeting Date

Topic SB 148

Amendment Barcode (if applicable)

Name ISABEL BUENO

Job Title

Address 14553 Bragg St
Street

Phone

DOVER

City

FL

State

33527

Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Faith and Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

APPEARANCE RECORD

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

3/12/19

Meeting Date

~~SB~~ SB 168

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Karyn Morton

Job Title _____

Address 11628 Hartman Rd. So. Jacksonville

Street

Phone 904-652-7640Jacksonville

City

FL

State

32225

Zip

Email Kdmlady@yahoo.comSpeaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)Representing FLIMENAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

APPEARANCE RECORD

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

3/12/19

Meeting Date

SB168

Bill Number (if applicable)

Topic SB168

Amendment Barcode (if applicable)

Name Paula Muñoz

Job Title South Region Organizer

Address 2800 Biscayne Blvd

Phone 951 980 6411

Street

Miami

FL

State

33025

Zip

Email

Speaking: ☐ For ☒ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Florida Immigrant Coalition

Appearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

SB 168

Meeting Date _____

Bill Number (if applicable) _____

Topic _____

Amendment Barcode (if applicable) _____

Name James Calkins

Job Title 5112 Holcomb Rd

Address 5112 Holcomb Rd

Phone 850-313-

Street

Milton

FL

State

32583

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/2019

Meeting Date

SB 168

Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name Erika Grochaski Peralta

Job Title Community Organizer

Address 409 Lafayette Dr

Street

Phone 786-566-9725

Miami Springs

City

FL

State

33166

Zip

Email eperalta@community

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against *Change org*
(The Chair will read this information into the record.)

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

APPEARANCE RECORD

3/12/19

Meeting Date

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

SB 168

Bill Number (if applicable)

Topic

SB 168

Amendment Barcode (if applicable)

Name

Helle Tigertail

Job Title

Student

Address

533 NE 110th Terr

Phone

(305) 951-4195

Street

Miami

State

FL

Zip

33161

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

FL Immigrant Coalition/Seminole Tribe of FL

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

APPEARANCE RECORD

03/12/2019

Meeting Date

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

SB 168

Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name Doris Suarez

Job Title Pastor

Address 1351 NE 19th St

Street

Phone _____

Email _____

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

APPEARANCE RECORD

03/12/2019

Meeting Date

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

SB 168

Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name Maria Bilbo

Job Title community organizer

Address 1351 NE 191 St #102

Phone 7864705773

Street

North Miami Beach

Email

City

State

Zip

Speaking

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

03/12/19
(Meeting Date)

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

SB168
Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name Nataly Chalco Lopez

Job Title Student

Address 8444 NE 4th Ter

Phone 954-279-0480

Street

Oakland Park

City

FL

State

33334

Zip

Email nc18by@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

03-12-19

Meeting Date

168

Bill Number (if applicable)

Topic Sanctuary Cities

Amendment Barcode (if applicable)

Name Daniel Gordon

Job Title Student

Address 916 NW 40th DR

Phone 352-301-0587

Street

Gainesville

FL

32605

City

State

Zip

Email dtg10c@my.fsu.edu

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

APPEARANCE RECORD3/12/19

Meeting Date

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

SB 168

Bill Number (if applicable)

Topic

~~Anti-Immigrant~~ Immigration legislation

Amendment Barcode (if applicable)

Name

Bernice Lauredan

Job Title

Community Organizer

Address

5705

Street

Riverview

City

FL

State

33578

Zip

Phone

772 777 6357

Email

blaurdan@faithinflorida.org

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

Faith In Florida

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/2019

Meeting Date

SB 68

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Christopher Lewis

Job Title public Associate

Address 10811 William & Mary Ct

Street

Orlando

City

FL

State

32821

Zip

Phone 626-494-8551

Email chrislewis6057@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

03/12/2019

Meeting Date

SB 168

Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name Cirenio Cervantes

Job Title Student

Address 408 Tammis Lane
Street

Phone 813-509-6405

Mulberry
City

FL
State

33860
Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Faith in Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

APPEARANCE RECORD

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

Meeting Date _____

Bill Number (if applicable) 168

Topic _____

Amendment Barcode (if applicable) _____

Name Debbie DelandJob Title consultant + volunteerAddress 6278 Miramonte Dr #104

Street

Phone 407 234 6408City OrlandoState FLZip 32835Email ddeland@att.netSpeaking: ☐ For ☒ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)Representing selfAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/12/2019
Meeting Date

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

SB 168
Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name Pamela Gomez

Job Title Tampa Bay Area Regional Organizer

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FLIC

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12/19

Meeting Date

SB 168

Bill Number (if applicable)

Topic SB 168 - Deportation Bill

Amendment Barcode (if applicable)

Name Anmar Habib

Job Title data analyst

Address 437 NE 29th St

Phone 305 985 8478

Street

Miami
City

FL
State

33137
Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3-12-19

Meeting Date

SB168

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Beenie McHarg

Job Title

Address 708 W. Columbia Ave

Phone 407-837-2805

Street

City Kissimmee

State FL

Zip 34741

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/12/2019

Meeting Date

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

SB 108

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Brunilda Concepcion

Job Title

Address 712 W Columbia Ave

Street

Kissimmee FL 34741

City

State

Zip

Phone 407 460-6221

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

APPEARANCE RECORD

3/12/2019

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

SB 168

Meeting Date

Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name THOMAS KENNEDY

Job Title POLITICAL DIRECTOR

Address 2398 CORAL WAY APT. 3

Phone 786 346 0819

Street

City Miami

State FLORIDA

Zip 33145

Email Thomas@FLICvotes.org

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FLORIDA IMMIGRANT COALITION

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12/19

Meeting Date

SB 168

Bill Number (if applicable)

Topic Forcing Law Enforcement to Enforce Warrantless Detainers

Amendment Barcode (if applicable)

Name Melba Pearson

Job Title Deputy Director

Address 4343 West Flagler St.

Phone 786-363-4300

Street

Miami

FL

32312

Email mpearson@aclufi.org

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing ACLU of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

APPEARANCE RECORD

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

Meeting Date

168
Bill Number (if applicable)

Topic S.B. 168

Amendment Barcode (if applicable)

Name Jean L. Millien

Job Title Community outreach

Address 313 Season Ct
Street

Phone 381-229-0214

Apopka FL 32719
City State Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Farmworkers Ass. of FL

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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APPEARANCE RECORD

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

03/12/2019
Meeting Date

SB 168
Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name Mairy Reyes.

Job Title Coordinator Tampa.

Address 6478 S
Street

Phone 407-591-1127

Email

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Mi familia Voto.

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

~~SB1168~~ 3/12/19

Meeting Date

SB168

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Stephanie Wall

Job Title Organizer

Address 2568 Amati Drive

Phone _____

Street

Palmshrub Kissimmee FL

City

State

Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida Immigrant Coalition

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

03-12-2019

Meeting Date

SB 168

Bill Number (if applicable)

Topic SB 168 Immigration

Amendment Barcode (if applicable)

Name MARIA GUTIERREZ

Job Title

Address 1965 Barga Ct. Apopka Fl.
Street

Phone 407 617 49 02

Apopka FL 32703
City State Zip

Email gutierrezm72@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FNAF

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3-12-19
Meeting Date

SB 168
Bill Number (if applicable)

Topic SB 168 immigration

Amendment Barcode (if applicable)

Name Juana Lozano

Job Title

Address Nicole Lee Cir
Street

Phone 407-949-7376

Apopka FL 32703
City State Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FWAF

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

SB168

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Alaina Marshall

Job Title Executive Assistant

Address 9849 Laneewood St
Street

Phone 407-962-9979

City Orlando State FL Zip 32817

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/12

Meeting Date

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

SB 168

Bill Number (if applicable)

Topic Family Separation (Immigration)

Amendment Barcode (if applicable)

Name Kiyia Paterson

Job Title HOUSING ORGANIZER

Address 5761 SHENANDOAH WAY APT A

Phone 407 485 2939

Street

ORLANDO FLORIDA

City

State

Zip

Email Kiyia@organizeflorida.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3-12-19

Meeting Date

SB 168

Bill Number (if applicable)

Topic Family Separation/Immigration

Amendment Barcode (if applicable)

Name ROSA Pyles (Immigration)

Job Title

Address 3714 E. Osborne Ave

Phone

Street

Tampa

FL

State

33612

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12

Meeting Date

SB168

Bill Number (if applicable)

Topic Federal Immigration enforcement

Amendment Barcode (if applicable)

Name Reigan Henry

Job Title Community organizer

Address

Phone

Street

Orlando

City

FL

State

32801

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

APPEARANCE RECORD

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

3/12/19

Meeting Date

168

Bill Number (if applicable)

Topic

Family Separation
Fed Immigration Enforcement

Amendment Barcode (if applicable)

Name

Delores GRAYSON

Job Title

Retired

Address

4801 E. Reginas Ave

Street

Phone

813 546 4262

City

Tampa

State

FL

Zip

33617

Email

deloresgraysonlep@yahoo.com

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

Tampa Organize 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.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

03/12/2019

Meeting Date

SB 68

Bill Number (if applicable)

Topic Federal Immigration & Enforcement

Amendment Barcode (if applicable)

Name Melyne Wagner

Job Title Sr. Leadership Development Manager

Address 884 S. Ortman Ave

Street

Phone (901) 413-4355

Orlando

City

FL

State

32811

Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

03/2/2019

Meeting Date

SB 1103

Bill Number (if applicable)

Topic Federal Immigration + Enforcement

Amendment Barcode (if applicable)

Name Vanessa V Keverenge

Job Title Political Organizer

Address 111 Campbell Drive

Phone 863-299-0329

Street

Winter Haven

City

FL

State

33884

Zip

Email nessa.k13.0@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

03/21/15

Meeting Date

SB 168

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Ghumisea Grier

Job Title Disability

Address 286 E Stratford Ave

Street

Phone 727 336 7418

Tampa

City

FL

State

Zip

Email g.ghumisea@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3-12-19

Meeting Date

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

SB 1602

Bill Number (if applicable)

Topic

Immigration

Amendment Barcode (if applicable)

Name

Kwanzaa B. Frazier

Job Title

Retiree Nurse

Address

445 Balboa Dr.

Phone

407-715-3062

Street

City

Missimmee FL 34759

State

Zip

Email

N/A

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-12 2019

Meeting Date

SB 168

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Maria Rodriguez

Job Title retire

Address 2449 Temple Grove Ln 34741
Street

Phone 267-650-0622
~~407-7~~

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

56168

Bill Number (if applicable)

Topic 56168 1 Migración

Amendment Barcode (if applicable)

Name Sandra Pineda

Job Title

Address Apopka

Phone

City Apopka State FL Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FWAFF

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12/19
Meeting Date

168
Bill Number (if applicable)

Topic Family Seperation (Immigration)

Amendment Barcode (if applicable)

Name Felicia Hunter

Job Title Customer Service / CNA

Address 1911 SARAZEN DR
Street

Phone 407-342-9916

ORLANDO
City

FL
State

32808
Zip

Email niecey1911@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Orange 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.

S-001 (10/14/14)

APPEARANCE RECORD

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

3/12/19

Meeting Date

SB168

Bill Number (if applicable)

Topic

Immigration

Amendment Barcode (if applicable)

Name

Jessica Alcocer

Job Title

Coordinator of Kissimmee MFV

Address

3050 Rising mist Ct

Phone

407-744-3558

Street

KissimmeeFL34744

Email

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

Mi Familia Vota

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

APPEARANCE RECORD

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

3-12-19

Meeting Date

SB168

Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name Nancy Batista

Job Title Florida State Director

Address 649 Reindeer drive

Phone 407-744-6422

Street

Kissimmee

FL

34759

City

State

Zip

Email Nancyb@familiaavota.org

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Mi Familia Vota

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

APPEARANCE RECORD

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

03/12/19
Meeting Date

SB168
Bill Number (if applicable)

Topic SB168

Amendment Barcode (if applicable)

Name Ghoselyn Andrade

Job Title Coordinator

Address 6084 Bent Pine Dr.

Phone 407-304-9785

Orlando FL 32822
City State Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing My Familia Voter

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

SB 168

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Christopher Cuccur

Job Title Executive Director

Address 521 S Osceola Avenue
Street

Phone 407-308-0195

Orlando
City

FL
State

32809
Zip

Email Christopher@glahnix.org

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Glahnix

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

APPEARANCE RECORD

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

03/12/19
Meeting Date

SB 168
Bill Number (if applicable)

Topic INMIGRACION

Amendment Barcode (if applicable)

Name MARIA PEREZ

Job Title _____

Address 16890 NE 21 Ave #2
Street
NORTH M. BEACH FLORIDA 33162
City State Zip

Phone 786 506 4534

Email MARYLW1508@HOTMAIL.COM

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12/2019
Meeting Date

1648
Bill Number (if applicable)

Topic SB 164

Amendment Barcode (if applicable)

Name Bruce Lee

Job Title Student

Address 1578 Daves Vine Cir
Street

Phone 407-446-4784

Auburndale FL 33823
City State Zip

Email brucelee352@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

SB-168

Bill Number (if applicable)

Topic FEDERAL IMMIGRATION ENFORCEMENT

Amendment Barcode (if applicable)

Name GLENDA ABICHT ^{PRONOUNCED} (ABBOTT)

Job Title SERVICES TECHNICIAN

Address 4305 SW 98 AVE.
Street

Phone 786-376-1181

MIAMI FL 33165
City State Zip

Email GLENDA.ABICHT@GMAIL.COM

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

APPEARANCE RECORD

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

3/12/19

Meeting Date

SB168

Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name TED HUTCHINSON

Job Title State Director, FWD.us

Address 1951 NW 7th Ave
Street

Phone _____

Miami
City

FL
State

33136
Zip

Email ted@fwd.us

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FWD.us

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

SB 168

Bill Number (if applicable)

Meeting Date

SB 168

Topic

Diane MacMullen

Amendment Barcode (if applicable)

Name

Job Title

Address

2094 Ashland Blvd

Phone

Street

Orlando

FL

32808

City

State

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

SB 168
Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name Janice Westbrook

Job Title CNA

Address 4013 Brinell AV

Phone

Street

Orlando Florida 32808

Email

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

SB 168
Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name Coryn A Jones

Job Title _____

Address 992 Encourte Green

Phone _____

Street

Apopka Fl

City

State

Zip

32712

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/2019
Meeting Date

110-5013
Bill Number (if applicable)

Topic SB 168 Federal

Amendment Barcode (if applicable)

Name Keith Blake

Job Title Bus Operator

Address 3404 Sherry Dr
Street

Phone 813-380-2832

Brecondon, FL 33511
City State Zip

Email blakek.ath15930@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

1608

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name CHAROVATERO

Job Title STATE POLICY DIRECTOR

Address 1951 NW 7th Ave #600

Phone 786 442 8199

Street

MIAMI

FL

33136

City

State

Zip

Email charo@latina

institute.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing ~~XXXXXXXXXX~~ FLORIDA LATINA ADVOCACY NETWORK

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/2019

Meeting Date

168

Bill Number (if applicable)

Topic

Federal Immigration Detention

Amendment Barcode (if applicable)

Name

Nucleus Shelter

Job Title

Address

7300 NW 21 St

Street

Phone

Sunrise

City

FL

State

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

myself

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3-12-19

Meeting Date

168

Bill Number (if applicable)

Topic

Immigration
Enbrement

Amendment Barcode (if applicable)

Name

Joshua A Simmons

Job Title

Commissioner (City of Coral Springs)

Address

9500 West Sample

Phone

954-877-1334

Street

Coral Springs

FL

State

33065

Zip

Email

jsimmons@coralsprings.org

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

City of Coral Springs

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

APPEARANCE RECORD

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

03/12

Meeting Date

168

Bill Number (if applicable)

Topic Immigration Enforcement

Amendment Barcode (if applicable)

Name Robert Lewis

Job Title Citizen Outreach Specialist

Address 5880 Auvers Blvd
Street

Phone 321 613 1976

Orlando FL 32807
City State Zip

Email robertlewis385@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

168

Bill Number (if applicable)

Topic Immigration enforcement

Amendment Barcode (if applicable)

Name David Caceres

Job Title State Director Florida Student Power

Address 134 E Colonial Drive

Phone

Street

Orlando

City

FL

State

32801

Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

APPEARANCE RECORD

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

03/12/19

Meeting Date

1168

Bill Number (if applicable)

Topic Immigration Enforcement

Amendment Barcode (if applicable)

Name Cristiano Basden

Job Title Citizen Outreach Sp.

Address 11574 Westwood Blvd

Street

Phone 4076000896

Orlando

City

FL

State

32821

Zip

Email cristianoBasden@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

+ wave in opposition

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

Representing

Appearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/12/2019
Meeting Date

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

168

Bill Number (if applicable)

Topic Immigration Enforcement

Amendment Barcode (if applicable)

Name Ida V. Eskamani

Job Title Public Policy Director

Address 126 N. Mills Ave

Phone 407 378 4801

Street

Orlando

City

FL

State

32801

Zip

Email ida.eskamani@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida Immigrant Coalition

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-12-19

Meeting Date

~~HB~~ SB 168

Bill Number (if applicable)

Topic Century cities

Amendment Barcode (if applicable)

Name Linnea Goodwin

Job Title Volunteer

Address 420054th Ave. S
Street

Phone ~~507-5~~ 507-581-6226

St. Petersburg, FL 33711
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Planned Parenthood

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

03/12/19
Meeting Date

168
Bill Number (if applicable)

Topic SB168

Amendment Barcode (if applicable)

Name Camille Greatrex

Job Title Student

Address 4200 54th Avenue South

Phone 404-405-5795

St. Petersburg FL 33711
City State Zip

Email csgreatr@cedard.edu

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

3/12/2019

Meeting Date

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

SB 168

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Alex Barrio

Job Title Political Director

Address 111 S. Randolph Ave

Street

City Kissimmee State FL Zip 34741

Phone 904-343-2719

Email Alex@Alianza.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Alianza For Progress

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12/19

Meeting Date

168

Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name Gina Cremona

Job Title Business Analyst

Address 2361 Roosevelt Blvd.
Street

Phone (727) 515-6367

Clearwater
City

FL
State

33760
Zip

Email Gina.Cremona@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Planned Parenthood

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-12-19

Meeting Date

168

Bill Number (if applicable)

Topic SB168

Amendment Barcode (if applicable)

Name Deborah S Hill

Job Title Retired Teacher

Address 4684 Lake Villa Drive

Phone (609) 424-6315

Street

Clearwater FL 33762

Email debbiehills@gmail.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Planned Parenthood

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-12-19

Meeting Date

SB168

Bill Number (if applicable)

Topic SB168 - Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name CINDIA MUNTZ

Job Title PRESIDENT

Address 5869 VENUSDA ROAD

Phone 941-266-8298

Street

VENICE, FL

City

State

34293

Zip

Email Cindiamuntz@venusa.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing UNITEDMAN UNIVERSAL TV SPACE RECORD

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

1168

Bill Number (if applicable)

Topic

SB 1168

Amendment Barcode (if applicable)

Name

Meghan Cottrell

Job Title

Organizer

Address

1609 8th St. N

Street

St. Petersburg FL

City

State

33701

Zip

Phone

727-475-0877

Email

Meghan.cottrell@ppusa.org

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

Planned Parenthood

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-12-19
Meeting Date

CS/SB 168
Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Connie Sokolowski

Job Title Retired

Address 316 Hills Rd
Street

Phone 505 593 2557

Nokomis FL 34275
City State Zip

Email Sokoacs@hotmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Unitarian Univ, Justice Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-12-2019

Meeting Date

CS/SB 168

Bill Number (if applicable)

Topic

Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name

Donna Schafer

Job Title

Address

140 Westwood Rd

Street

Venice

City

FL

State

34293

Zip

Phone

919-482-9514

Email

dschafer48@gmail.com

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Mar. 12, 2019

Meeting Date

50168

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Sharon Howard

Job Title Retired teacher

Address 2980 Captiva Dr

Street

Sarasota, FL

City

State

34231

Zip

Phone (302) 398-9725

Email Sjh9495@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Unitarian Universalist Justice FIA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/19/2019

Meeting Date

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

168

Bill Number (if applicable)

Topic Immigration Enforcement

Amendment Barcode (if applicable)

Name Karen Caudillio

Job Title VCE student

Address 4000 Central FL Blvd

Phone 407/368-1111

Street Orlando FL 3

Email karencaudill@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/12/2019
Meeting Date

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

168
Bill Number (if applicable)

Topic Immigration Enforcement

Amendment Barcode (if applicable)

Name Anna Morales

Job Title College Democrats

Address 2154 SW 10 St
Street

Phone 305 575 0318

Miami FL 33135
City State Zip

Email apm186my@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/12/19

Meeting Date

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

1608

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Jasmen Rogers-Shaw

Job Title Staff & Policy Director

Address 745 NW 54th St.

Street

Miami

City

FL

State

33127

Zip

Phone 954-261-7380

Email jasmen@theworkerscenter.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Miami Workers Center

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/12/2019
Meeting Date

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

118
Bill Number (if applicable)

Topic immigration

Amendment Barcode (if applicable)

Name Richard Quincoces

Job Title citizen

Address 11751 SW 182 Terr

Phone 305-301 9421

Street

Miami

FL

33177

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

SB 168

Bill Number (if applicable)

Amendment Barcode (if applicable)

Meeting Date

Be Kind & vote NO

Topic

Name Susan Ferkler

Job Title Citizen

Address 10178 Foxcroft Rd W

Street

City

State

Zip

Jackson

FL 32257

Phone 904-262-5124

Email Susan in Florida @gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12/19
Meeting Date

SB 168
Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Matthew Monaghan

Job Title Advisor

Address 1918 Brookhaven Dr.
Street

Phone n/a

Sarasota FL 34239
City State Zip

Email n/a

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Basic human rights

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

168

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Sally Bartlett

Job Title Adjunct English Instructor

Address 6125 Scorpio Cir. #162

Street

Tampa

City

Fl.

State

33614

Zip

Phone 813-777-5592

Email s-a-bartlett@yahoo.com

Speaking: ☒ For ☐ Against ☐ Information

not speaking

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

168

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Sarah Fennell

Job Title Adjunct Professor

Address 4733 Mapletree Loop

Phone 305-799-3417

Street

Wesley Chapel FL 33544

City

State

Zip

Email sfennell769@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

168

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Olivia Descala

Job Title Organizer

Address 2021 N Lemans Blvd

Phone 908 809 2008

Street

Tampa

City

FL

State

33607

Zip

Email descala-w@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

168

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Eric Fiske

Job Title Adjunct Professor

Address 14307 Diplomat Dr

Phone 727-242-0041

Street

Tampa

City

FL

State

33613

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

168

Bill Number (if applicable)

Topic

Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name

Christopher Cano

Job Title

Organizer

Address

1529 W. River LN

Phone

813.767.5295

Street

Tampa

FL

33603

City

State

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

SB 168

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name Nathaniel Taekett

Job Title Student

Address Street

Phone

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

168

Bill Number (if applicable)

Topic

Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name

Marcus L. Dixon

Job Title

Political Director

Address

2881 Corporate Way

Phone

(305) 220-1627

Street

Miramar

State

FL

Zip

33025

Email

Marcus.Dixon@setf.org

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

SETU Florida

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/2019
Meeting Date

168
Bill Number (if applicable)

Topic Immigration Enforcement

Amendment Barcode (if applicable)

Name Ian Siljestrom

Job Title

Address 750 N. Orang Ave
Street
Orlando FL 32801
City State Zip

Phone 321-626-4410

Email ian.siljestrom@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/12/19

Meeting Date

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

168

Bill Number (if applicable)

Topic Immigration Enforcement

Amendment Barcode (if applicable)

Name Chris Cano

Job Title 1529 W. River LN - Exec Dir CFL NORML

Address 1529 W. River LN

Street

Phone 813.767.5295

Tampa

City

FL

State

33603

Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3.12.19

Meeting Date

SB168

Bill Number (if applicable)

Topic SB168

Amendment Barcode (if applicable)

Name David ARce

Job Title Admin Intern

Address 1061 SW 50th Ave

Phone 954.913.5774

Street

margate

City

FL

State

33008

Zip

Email darce.711@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3.12.2019

Meeting Date

SB 168

Bill Number (if applicable)

Topic

Anti-Immigrant SB 168

Amendment Barcode (if applicable)

Name

Felina Rosales - Fuller

Job Title

Administrative Manager

Address

800 NE 195th St, Apt. 608

Phone

954.329.5968

Street

Miami

FL

33179

City

State

Zip

Email

felina.rosales@gmail.com

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

myself & Miami - Dade

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12
Meeting Date

168
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Tim Heberlein

Job Title Reg. Dir

Address 1224 E. Frierson Ave
Street

Phone 813 532 9896

Tampa FL 33603
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/17/19

Meeting Date

168

Bill Number (if applicable)

Topic 5168 Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Shirley Y. HERMAN

Job Title Retired

Address 7600 N. Flagler Dr. #207

Phone 561-596-7780

Street

West Palm Beach, FL 33407

City

State

Zip

Email shirleyherman@aol.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

SB168

Bill Number (if applicable)

Topic SB168 Federal Immigration Enforcement Amendment Barcode (if applicable)

Name H. Joan Waitkevich

Job Title Physician

Address 2600 N. Flagler Dr # 207

Street

West Palm Beach FL 33407

City

State

Zip

Phone 561-307-3418

Email dwcjoan@aol.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing myself as a citizen

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-12

Meeting Date

168

Bill Number (if applicable)

Topic Immigration

Amendment Barcode (if applicable)

Name James Ingle

Job Title Electrician

Address 3509 NW 22nd Dr
Street

Phone 901-483-4800

Gainesville FL 32605
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/12/19
Meeting Date

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

SB 168
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Joshua Hanson

Job Title _____

Address 800 Basin St

Phone _____

Street

Tallahassee

FL

32304

Email _____

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: CS/SB 844

INTRODUCER: Senator Berman

SUBJECT: At-Risk Adult Alert Plan

DATE: March 14, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	Fav/CS
2.			CF	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

The committee substitute (CS) to SB 844 creates the At-Risk Adult Alert Plan which aids in the search for a missing adult:

- Who has an irreversible cognitive disorder or syndrome or brain injury, including, but not limited to, a developmental disability or an intellectual disability;
- Whose disappearance poses a credible threat to the person's welfare and safety; and
- Who does not meet the criteria for activation of the Silver Alert Plan.

The CS also:

- Requires the Florida Department of Law Enforcement (FDLE), in cooperation with the Department of Transportation (DOT), Department of Highway Safety and Motor Vehicles (DHSMV), the Department of the Lottery (DOL) and local law enforcement agencies, to establish and implement the plan;
- Requires a local law enforcement agency to broadcast information to the public and media about certain missing adults;
- Allows local law enforcement to request a case to be opened with the FDLE's Missing Endangered Persons Information Clearinghouse (MEPIC); and
- Requires the FDLE to adopt rules to implement the plan.

The CS may have a negative fiscal impact on state government due to increased technological and hiring expenditures for the FDLE.

The CS provides an effective date of July 1, 2019.

II. Present Situation:

Missing Person Investigations

All of Florida's state and local law enforcement agencies are required to submit information concerning missing endangered persons to the FDLE's MEPIC.¹ MEPIC serves as the central repository of information regarding missing endangered persons. Upon receiving information about a missing endangered person, MEPIC disseminates the information in an effort to locate the person.

A "missing endangered person" is:

- A missing child;²
- A missing adult younger than 26 years of age;
- A missing adult 26 years of age or older who is suspected by a law enforcement agency of being endangered or the victim of criminal activity; or
- A missing adult who meets the criteria for activation of the FDLE Silver Alert Plan.³

Upon receiving a report that a child is missing, a law enforcement agency must inform all on-duty officers of the report, communicate the report to every other law enforcement agency having jurisdiction in the county where the child was last seen, and transmit the report for inclusion within the Florida Crime Information Center (FCIC) and the National Crime Information Center (NCIC) databases within two hours.⁴

When a missing adult report is filed, the law enforcement agency receiving the report must transmit the report for inclusion within the FCIC and NCIC databases within two hours.⁵

Section 937.021, F.S., provides civil immunity for specified entities requested by law enforcement to record, report, transmit, display, or release information pertaining to a missing person if such entity complied with the request in good faith. These entities include:

- The FDLE, a state or local law enforcement agency, and agency personnel;
- A radio or television network, broadcaster, or other media representative; or
- A dealer of communications services as defined in s. 202.11, F.S.⁶

¹ Section 937.022(3)(b), F.S.

² Florida Department of Law Enforcement, Missing Child Alert, "Missing child" means a person younger than 18 years of age, <http://www.fdle.state.fl.us/AMBER-Plan/Missing-Child-Alert> (last visited Mar. 6, 2019).

³ *Id.*

⁴ Section 937.021(4)(a), F.S.

⁵ Section 937.021(4)(b), F.S.

⁶ Examples of a dealer of communications services include a cable or satellite television service provider, a telephone service provider, or a mobile communication service provider. s. 937.021, F.S.

Entities who report, transmit, display, or release information pertaining to a missing person are presumed to have acted in good faith.⁷ The presumption of good faith is not overcome if a technical or clerical error is made by an agency, employee, individual, or entity acting at the request of the local law enforcement agency having jurisdiction or if the missing person information is incomplete or incorrect because the information received from the local law enforcement agency was incomplete or incorrect.⁸

Silver Alert

The Silver Alert Plan broadcasts information to the public about a missing elderly person.⁹ A law enforcement agency can issue a local or regional Silver Alert when a missing person:

- Is age 60 or older; and
- Suffers from a verified irreversible deterioration of intellectual faculties.¹⁰

To maintain the integrity of the system and not dilute its effectiveness, law enforcement issues a Silver Alert primarily for this narrow population. However, a Silver Alert may be issued in rare instances when:

- A missing adult is 18 to 59 years old and has irreversible deterioration of intellectual faculties;
- Law enforcement has determined the individual lacks the capacity to consent; and
- The use of dynamic message signs may be the only possible way to rescue the missing person.¹¹

The Silver Alert Plan has two levels of activation: local and state. If an adult meeting the Silver Alert criteria goes missing on foot, local law enforcement will activate a local Silver Alert. Although each agency has its own criteria for activation of a local Silver Alert, law enforcement generally:

- Conducts a preliminary investigation to conclude that the disappearance poses a credible threat to the person's welfare and safety;
- Enters the missing adult's identifying information into FCIC;
- Contacts media outlets in the area and surrounding jurisdictions; and
- Issues a statewide "Be On The Look Out" notice to other law enforcement and 911 centers.¹²

If an adult meeting the Silver Alert criteria goes missing in a vehicle, local law enforcement may request that the FDLE activate a statewide Silver Alert. After local law enforcement determines that the disappearance poses a credible threat to the person's welfare and safety and enters the missing adult into FCIC, the agency contacts MEPIC at the FDLE. Once the FDLE confirms the case meets Silver Alert criteria, the FDLE notifies the:

- Florida Highway Patrol to send a statewide officer notification;

⁷ Section 937.021(5)(c), F.S.

⁸ *Id.*

⁹ Florida Department of Law Enforcement, *Silver Activation Steps* (2018), <http://www.fdle.state.fl.us/Silver-Alert-Plan/Activation-Steps> (last visited Mar. 6, 2019).

¹⁰ *Id.* Agency policy determines how the local law enforcement agency verifies that the person suffers from an irreversible deterioration of intellectual faculties.

¹¹ *Id.*

¹² *Id.*

- DOT to activate dynamic message signs¹³ on highways; and
- Department of Elder Affairs to notify the public through an email alert system.¹⁴

As of January 31, 2019, law enforcement has recovered 260 individuals through the use of the Silver Alert activation.¹⁵

Department of the Lottery

The DOL partners with the FDLE to distribute information pertaining to emergency alerts to the public. The alerts include: Amber¹⁶, Silver¹⁷, Blue¹⁸ and Missing Child.¹⁹ Upon notification by the FDLE of an active alert, the DOL disseminates information provided by the FDLE to retailer based terminal systems. All alerts provided through the terminal system discontinue sales and must be acknowledged by the retailer before transactions may continue. At the request of the FDLE, Amber alerts are the only alerts that are currently displayed to the public at lottery ticket sales locations, although the DOL does have the ability to add other alerts for display to the public. At the present, alerts are sent state-wide but can be sent out to specific regions if requested.²⁰

Cognitive Disorder

Cognitive disorder includes a wide range of mental deficits in adults and children and can impair a person's thinking, communication, understanding and memory.²¹ A person may suffer from an illness creating progressive impairment, or have lower levels of ability to learn or remember that will remain constant throughout life. Common cognitive disorders include Alzheimer's disease and related dementias, Parkinson's disease, brain injury, brain tumor, developmental and intellectual disability, and HIV-associated dementia.²²

Developmental Disability

Developmental disability is a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, Autism Spectrum Disorder (ASD), spina bifida, Down syndrome, Phelan-

¹³ Dynamic message signs are electronic signs on the highway that typically display information about travel lane blockage information, travel times, scheduled construction activities, safety messages and special events. Florida Department of Transportation, <https://sunguide.info/its-program/dynamic-message-signs-dms/> (last visited Mar. 6, 2019).

¹⁴ Members of the public may sign up to receive Silver Alert email updates on the DOEA website. Department of Elder Affairs, <https://lists.elderaffairs.org/listmanager/listinfo/silveralert> (last visited Mar. 6, 2019).

¹⁵ Law enforcement has directly recovered 215 individuals and indirectly recovered 45 individuals due to the Silver Alert activation. A direct recovery is recovery due to the activation of the State Silver Alert, primarily through state agency action. An indirect recovery is recovery through local agency actions in coordination with the Silver Alert Plan. Florida Department of Law Enforcement, *Silver Alert Monthly Report* (Jan. 2019), <http://www.fdle.state.fl.us/Silver-Alert-Plan/Monthly-Reports/2019-Monthly-Reports/January-2019> (last visited Mar. 6, 2019).

¹⁶ Section 937.021, F.S.

¹⁷ *Id.*

¹⁸ Section 784.071, F.S.

¹⁹ Section 937.021, F.S.

²⁰ Email from Jake Felder, Legislative Affairs Director, Department of the Lottery, SB 844 Answers (March 13, 2019), (On file with the Committee on Infrastructure and Security).

²¹ Disabled World, *Cognitive Disability: Information on Intellectual Disabilities* (June 4, 2016), <https://www.disabled-world.com/disability/types/cognitive/> (last visited Mar. 6, 2019).

²² Family Caregiver Alliance, *Caring for Adults with Cognitive and Memory Impairment* (2004), <https://www.caregiver.org/caring-adults-cognitive-and-memory-impairment> (last visited Mar. 6, 2019).

McDermid syndrome, or Prader-Willi syndrome; that manifests before age 18; and constitutes a substantial handicap that can reasonably be expected to continue indefinitely.²³

ASD is a developmental disorder that is characterized, in varying degrees, by repetitive behaviors and difficulties with social interaction and verbal and nonverbal communication.²⁴ The ASD diagnosis once included Autistic Disorder, Asperger Syndrome, Pervasive Developmental Disorder Not Otherwise Specified, and other disorders; however, in June 2013, all autism disorders were merged into one umbrella diagnosis of ASD when the fifth edition of the Diagnostic and Statistical Manual of Mental Disorder (DSM-5) was published. Although there has been little research on the prevalence of ASD in adults, analysis from the Centers for Disease Control and Prevention estimates that approximately one in 59 children have been identified with ASD.²⁵ A 2011 British study found ASD rates in adults are similar to the rates observed among children.²⁶

Intellectual Disability

Intellectual disability is significantly sub average intellectual functioning²⁷ existing concurrently with deficits in adaptive behavior²⁸ which manifests before age 18 and can reasonably be expected to continue indefinitely. An individual with an intellectual disability is more likely to have a coexisting psychiatric or cognitive condition than a member of the general population.²⁹ At least 25 percent of individuals with an intellectual disorder also have a psychiatric condition including schizophrenia, depression, or attention deficit hyperactivity disorder.³⁰ About 10 percent of individuals with an intellectual disability also have ASD or autistic traits.³¹

Wandering

Wandering is generally characterized by aimless, slow, or pointless movement that is not associated with normal daily activity.³² Twelve to 60 percent of individuals with a cognitive disorder wander and approximately 5 percent of wandering instances result in physical harm.³³ Missing incidents can be life-threatening and an impaired person is at risk even in a closely

²³ Section 393.063(12), F.S.

²⁴ Center for Disease Control and Prevention, *Facts about ASD*, <https://www.cdc.gov/ncbddd/autism/facts.html> (last visited Mar. 6, 2019).

²⁵ Center for Disease Control and Prevention, *Data & Statistics on Autism Spectrum Disorder*, <https://www.cdc.gov/ncbddd/autism/data.html> (last visited Mar. 6, 2019).

²⁶ Gael Orsmond et al., *Social Participation Among Young Adults with an Autism Spectrum Disorder* (2013), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3795788/> (last visited Mar. 6, 2019).

²⁷ Significantly sub average general intellectual functioning is performance that is two or more standard deviations from the mean score on a standardized intelligence test specified in the Agency for Persons with Disabilities rules. s. 393.063(24), F.S.

²⁸ Adaptive behavior is the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected of their age, cultural group, and community. s. 393.063(24), F.S.

²⁹ Committee to Evaluate the Supplemental Security Income Disability Program for Children with Mental Disorders, *Mental Disorders and Disabilities Among Low-Income Children* (Oct. 28, 2015), <https://www.ncbi.nlm.nih.gov/books/NBK332877/> (last visited Mar. 6, 2019).

³⁰ *Id.*

³¹ The Children's Hospital of Philadelphia, *Intellectual Disability and ASD* (June 29, 2016), <https://www.carautismroadmap.org/intellectual-disability-and-asd/> (last visited Mar. 6, 2019).

³² Merriam-Webster, <https://www.merriam-webster.com/dictionary/wandering> (last visited Mar. 6, 2019).

³³ Joseph Wherton et al., *Wandering as a Sociomaterial Practice: Extending the Theorization of GPS Tracking in Cognitive Impairment*, *Qualitative Health Research* (2019), <https://journals.sagepub.com/doi/10.1177/1049732318798358#articleCitationDownloadContainer> (last visited Mar. 6, 2019). Wandering estimates range from 12 to 60 percent due to difficulties defining and recording such instances.

monitored setting. For those missing more than 24 hours, the death rate can be as high as 50 percent, with the most common causes of death being exposure to natural elements, drowning and vehicular accidents.³⁴

Wandering occurs frequently in individuals with ASD, and the risk of wandering behavior increases with autism severity.³⁵ From 2009 to early 2017, 158 individuals with ASD died after wandering from their home, a public place, or a group home.³⁶ Although children represent the largest percentage of reported ASD missing person cases, over 30 percent of reported ASD wandering cases involve individuals 20 or older.³⁷

III. Effect of Proposed Changes:

The CS creates the At-Risk Adult Alert Plan which will aid in the search for a missing adult:

- With an irreversible cognitive disorder or syndrome or brain injury, including, but not limited to, a developmental disability or an intellectual disability;³⁸
- Whose disappearance poses a credible threat to the person's welfare and safety; and
- Who does not meet the criteria for the activation of the Silver Alert Plan.

The CS requires the FDLE, in cooperation with the DOT, the DHSMV, the DOL and local law enforcement agencies, to establish and implement the At-Risk Adult Alert Plan. The CS expands the definition of "missing endangered person" to include a missing adult who meets the At-Risk Adult Alert Plan activation criteria. It further requires the At-Risk Adult Alert Plan provide for the protection of the privacy, dignity, independence, and autonomy of the missing adult by including standards that aim to safeguard their civil liberties through preventing the inadvertent or unnecessary broadcasting or dissemination of sensitive health and diagnostic information.

The CS provides that the broadcasting and dissemination of alerts and related information be limited to the geographic areas where the missing adult could reasonably be, considering the person's circumstances and physical and mental condition, the modes of transportation available to the person, and the circumstances of the person's disappearance.

The CS requires the local law enforcement agency broadcasting information for the At-Risk Adult Alert Plan be the agency that is best able to notify the media and disseminate the

³⁴ *Id.*

³⁵ National Autism Association, *Wandering* (2017), <http://nationalautismassociation.org/resources/awaare-wandering/> (last visited Mar. 6, 2019).

³⁶ National Autism Association, *Mortality & Risk in ASD Wandering/Elopement 2011-2016* (March 2017), <http://nationalautismassociation.org/wp-content/uploads/2017/04/NAAMortalityRiskASDElopement.pdf> (last visited Mar. 6, 2019).

³⁷ *Id.*

³⁸ See s. 393.063, F.S., which defines "developmental disability" as a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, Down syndrome, Phelan-McDermid syndrome, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely. Defines "intellectual disability" as significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior which manifests before the age of 18 and can reasonably be expected to continue indefinitely. For the purposes of the term "intellectual disability", the term: "adaptive behavior" means the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected of his or her age, cultural group, and community, "Significantly subaverage general intellectual functioning" means performance that is two or more standard deviations from the mean score on a standardized intelligence test specified in the rules of the agency.

information by cellular telephone alerts and other technologies in order to communicate with the residents in the jurisdiction where the missing adult is believed to be, including, but not limited to, the lottery terminals in gas stations, convenience stores, and supermarkets in those areas.

Under the CS, the following entities are immune from civil liability for performing actions related to an At-Risk Adult Alert in good faith:

- The FDLE, a state or local law enforcement agency, and the personnel of these agencies;
- A radio or television network, broadcaster, or other media representative; or
- A dealer of communications services, such as a cable television provider, as defined in s. 202.11, F.S.

The CS authorizes a local law enforcement agency to open an At-Risk Adult Alert case with the FDLE's MEPIC, the central repository of missing endangered person information that provides analytical services to law enforcement agencies and engages the public in a missing person search. In cases in which a vehicle is involved, the clearinghouse must coordinate with the DOT and the DHSMV for the activation of dynamic message signs on state highways and the broadcast of critical information to the public about the missing adult.

The CS requires the FDLE to develop procedures to monitor the use and activation of the plan and the results from its use. The At-Risk Adult Alert Plan must also include a strategy for informing and educating law enforcement, the media, and other stakeholders about the plan. The CS also requires the FDLE to adopt rules to implement the plan.

The CS provides an effective date of July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The CS may have a negative fiscal impact on state government as the FDLE estimates it may require three Crime Intelligence Analyst I positions (\$164,101 in year one for salary, benefits, expense and human resources services and \$152,836 recurring) to maintain current caseload and alerts while also training, activating and maintaining the newly added alerts. The FDLE may also require the hiring of one programmer which is estimated to cost \$170,000 per year. The total estimated nonrecurring fiscal impact may be up to \$334,101 (\$322,836 recurring).³⁹

The CS may have an indeterminate negative fiscal impact to local law enforcement agencies to develop policies, train staff, including dispatchers and officers, establish or enhance necessary systems to perform mandated notifications and maintain readiness to issue At-Risk Adult Alerts.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The FDLE recommends defining “mental or cognitive impairment,” as that can be interpreted broadly to incorporate unintentional concerns.⁴⁰

VIII. Statutes Affected:

This CS substantially amends ss. 937.0201, 937.0205, 937.021, 937.022, 429.918, F.S.

³⁹ Florida Department of Law Enforcement, Agency Analysis of 2019 Senate Bill 844 (February 25, 2019). On file with the Senate Committee on Infrastructure and Security.

⁴⁰ *Id.*

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

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

CS by Infrastructure and Security on March 12, 2019:

- The CS replaces “verified mental or cognitive impairment” with “irreversible cognitive disorder or syndrome or brain injury, including, but not limited to, a developmental disability or an intellectual disability”.
- The CS also adds the DOL to the list of entities that will cooperate with the FDLE, which will allow alert information to be displayed on lottery terminals.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/14/2019	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Berman)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (4) of section 937.0201, Florida
Statutes, is amended to read:

937.0201 Definitions.—As used in this chapter, the term:

(4) "Missing endangered person" means any of the following:

(a) A missing child.+

(b) A missing adult younger than 26 years of age.+



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(c) A missing adult 26 years of age or older who is suspected by a law enforcement agency of being endangered or the victim of criminal activity.~~,- or~~

(d) A missing adult who meets the criteria for activation of the Silver Alert Plan of the Department of Law Enforcement.

(e) A missing adult who meets the criteria for activation of the At-Risk Adult Alert Plan of the Department of Law Enforcement pursuant to s. 937.0205.

Section 2. Section 937.0205, Florida Statutes, is created to read:

937.0205 At-Risk Adult Alert Plan.-

(1) The Legislature finds that a standardized state system is necessary to aid in the search for a missing adult who has an irreversible cognitive disorder or syndrome or brain injury, whose disappearance poses a credible threat to the person's welfare and safety, and who does not meet the criteria for activation of the Silver Alert Plan of the Department of Law Enforcement. The Legislature also finds that a coordinated local law enforcement and state agency response with prompt and widespread sharing of information will improve the chances of the person being found. Therefore, the Legislature intends to establish the At-Risk Adult Alert Plan pursuant to this section.

(2) It is the intent of the Legislature that the At-Risk Adult Alert Plan be established and implemented in a manner that seeks to safeguard the privacy rights and related health and diagnostic information of the missing adult to the greatest extent practicable.

(3) The Department of Law Enforcement, in cooperation with the Department of Transportation, the Department of Highway



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Safety and Motor Vehicles, the Department of the Lottery, and local law enforcement agencies, shall establish and implement the At-Risk Adult Alert Plan. At a minimum, the At-Risk Adult Alert Plan must:

(a) Provide for the protection of the privacy, dignity, independence, and autonomy of the missing adult by including standards that aim to safeguard these civil liberties through preventing the inadvertent or unnecessary broadcasting or dissemination of sensitive health and diagnostic information in unwarranted circumstances; and

(b) Provide that the broadcasting and dissemination of alerts and related information be limited to the geographic areas where the missing adult could reasonably be, considering the person's circumstances and physical and mental condition, the modes of transportation available to the person, and the circumstances of the person's disappearance.

(4) (a) Under the At-Risk Adult Alert Plan, a local law enforcement agency may broadcast to persons who subscribe for notifications and to the media about a missing adult:

1. Who has an irreversible cognitive disorder or syndrome or brain injury, including, but not limited to, a developmental disability or an intellectual disability, as those terms are defined in s. 393.063;

2. Whose disappearance poses a credible threat to the person's welfare and safety; and

3. Who does not meet the criteria for activation of the Silver Alert Plan of the Department of Law Enforcement.

(b) The local law enforcement agency broadcasting such information must be the agency that is best able to notify the



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media and the subscribers for such notifications in the jurisdiction where the missing adult is believed to be. Such local law enforcement agency may also request that the notification be broadcast on lottery terminals within the geographic regions where the missing adult may reasonably be, including, but not limited to, the lottery terminals in gas stations, convenience stores, and supermarkets in such regions.

(c) Under the plan, the local law enforcement agency may also request that a case be opened with the Department of Law Enforcement's Missing Endangered Persons Information Clearinghouse. To enhance the local or regional efforts, in cases in which a vehicle is involved, the clearinghouse must coordinate with the Department of Transportation and the Department of Highway Safety and Motor Vehicles for the activation of dynamic message signs on state highways and the immediate broadcast of critical information to the public about the missing adult in accordance with the plan.

(d) If a traffic emergency arises requiring that information pertaining to the traffic emergency be displayed on a dynamic message sign on a state highway in lieu of an At-Risk Adult Alert, the agency responsible for posting the At-Risk Adult Alert on the dynamic message sign does not violate this section.

(5) The At-Risk Adult Alert Plan must include procedures to monitor the use and activation of this system and the results from its use. The plan must also include a strategy for informing and educating law enforcement, the media, and other stakeholders about the plan.

(6) The Department of Law Enforcement may adopt rules to



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98 implement and administer this section.

99 Section 3. Paragraphs (c), (d), and (e) of subsection (5)
100 of section 937.021, Florida Statutes, are amended to read:

101 937.021 Missing child and missing adult reports.—

102 (5)

103 (c) Upon receiving a request to record, report, transmit,
104 display, or release Silver Alert or At-Risk Adult Alert
105 information from the law enforcement agency having jurisdiction
106 over the missing adult, the Department of Law Enforcement as the
107 state Silver Alert and the At-Risk Adult Alert coordinator, any
108 state or local law enforcement agency, and the personnel of
109 these agencies; any radio or television network, broadcaster, or
110 other media representative; any dealer of communications
111 services as defined in s. 202.11; or any agency, employee,
112 individual, or entity is immune from civil liability for damages
113 for complying in good faith with the request and is presumed to
114 have acted in good faith in recording, reporting, transmitting,
115 displaying, or releasing Silver Alert or At-Risk Adult Alert
116 information pertaining to the missing adult.

117 (d) The presumption of good faith is not overcome if a
118 technical or clerical error is made by any agency, employee,
119 individual, or entity acting at the request of the local law
120 enforcement agency having jurisdiction, or if the Amber Alert,
121 Missing Child Alert, missing child information, missing adult
122 information, ~~or~~ Silver Alert, or At-Risk Adult Alert information
123 is incomplete or incorrect because the information received from
124 the local law enforcement agency was incomplete or incorrect.

125 (e) Neither this subsection nor any other provision of law
126 creates a duty of the agency, employee, individual, or entity to



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record, report, transmit, display, or release the Amber Alert, Missing Child Alert, missing child information, missing adult information, ~~or~~ Silver Alert, or At-Risk Adult Alert information received from the local law enforcement agency having jurisdiction. The decision to record, report, transmit, display, or release information is discretionary with the agency, employee, individual, or entity receiving the information.

Section 4. Paragraph (b) of subsection (3) of section 937.022, Florida Statutes, is amended to read:

937.022 Missing Endangered Persons Information Clearinghouse.—

(3) The clearinghouse shall:

(b) Provide a centralized file for the exchange of information on missing endangered persons.

1. Every state, county, or municipal law enforcement agency shall submit to the clearinghouse information concerning missing endangered persons.

2. Any person having knowledge may submit a missing endangered person report to the clearinghouse concerning a child or adult younger than 26 years of age whose whereabouts is unknown, regardless of the circumstances, subsequent to reporting such child or adult missing to the appropriate law enforcement agency within the county in which the child or adult became missing, and subsequent to entry by the law enforcement agency of the child or person into the Florida Crime Information Center and the National Crime Information Center databases. The missing endangered person report shall be included in the clearinghouse database.

3. Only the law enforcement agency having jurisdiction over



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the case may submit a missing endangered person report to the clearinghouse involving a missing adult age 26 years or older who is suspected by a law enforcement agency of being endangered or the victim of criminal activity.

4. Only the law enforcement agency having jurisdiction over the case may make a request to the clearinghouse for the activation of a state Silver Alert or an At-Risk Adult Alert involving a missing adult if circumstances regarding the disappearance have met the criteria for activation of the Silver Alert or the At-Risk Adult Alert Plan.

Section 5. Paragraph (d) of subsection (6) and subsection (9) of section 429.918, Florida Statutes, are amended to read:

429.918 Licensure designation as a specialized Alzheimer's services adult day care center.—

(6)

(d) Each employee hired on or after July 1, 2012, who provides direct care to ADRD participants, must receive and review an orientation plan that includes, at a minimum:

1. Procedures to locate an ADRD participant who has wandered from the center. These procedures shall be reviewed regularly with all direct care staff.

2. Information on the Silver Alert program and the At-Risk Adult Alert Plan in this state.

3. Information regarding available products or programs used to identify ADRD participants or prevent them from wandering away from the center, their home, or other locations.

(9) An adult day care center having a license designated under this section must give to each person who enrolls as an ADRD participant in the center, or the caregiver, a copy of the



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ADRD participant's plan of care, as well as information regarding resources to assist in ensuring the safety and security of the ADRD participant, which must include, but need not be limited to, information pertaining to driving for those persons affected by dementia, available technology on wandering-prevention devices and identification devices, the Silver Alert program and the At-Risk Adult Alert Plan in this state, and dementia-specific safety interventions and strategies that can be used in the home setting.

Section 6. This act shall take effect July 1, 2020.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to the At-Risk Adult Alert Plan;
amending s. 937.0201, F.S.; redefining the term
"missing endangered person" to include a missing adult
who meets the criteria for activation of the At-Risk
Adult Alert Plan of the Department of Law Enforcement;
creating s. 937.0205, F.S.; providing legislative
findings and intent; requiring the Department of Law
Enforcement, in cooperation with the Department of
Transportation, the Department of Highway Safety and
Motor Vehicles, the Department of the Lottery, and
local law enforcement agencies, to establish and
implement the At-Risk Adult Alert Plan; providing plan
requirements; authorizing local law enforcement



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agencies to broadcast to subscribers of notifications, to the media, and on lottery terminals about certain missing adults; specifying which local law enforcement agency may broadcast such information; authorizing the local law enforcement agency to request that a case be opened with the Department of Law Enforcement's Missing Endangered Persons Information Clearinghouse; requiring the clearinghouse to coordinate with the Department of Transportation and the Department of Highway Safety and Motor Vehicles for the activation of dynamic message signs on state highways and the immediate broadcast of certain critical information under certain circumstances; specifying that an agency responsible for posting an At-Risk Adult Alert on dynamic message signs does not violate the act if other emergency information must be posted instead; requiring the At-Risk Adult Alert Plan to include certain procedures; specifying additional requirements for the plan; authorizing the Department of Law Enforcement to adopt rules; amending s. 937.021, F.S.; providing that the Department of Law Enforcement, as the At-Risk Adult Alert coordinator, and certain agencies, employees, individuals, and entities are immune from civil liability for damages for performing certain actions in good faith; providing that the presumption of good faith is not overcome under certain circumstances; providing construction; amending s. 937.022, F.S.; authorizing only the law enforcement agency having jurisdiction over a case to



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243 make a request to the clearinghouse for the activation
244 of a state At-Risk Adult Alert involving a missing
245 adult under certain circumstances; amending s.
246 429.918, F.S.; conforming provisions to changes made
247 by the act; providing an effective date.

By Senator Berman

31-00211A-19

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1 A bill to be entitled
 2 An act relating to the At-Risk Adult Alert Plan;
 3 amending s. 937.0201, F.S.; redefining the term
 4 "missing endangered person" to include a missing adult
 5 who meets the criteria for activation of the At-Risk
 6 Adult Alert Plan of the Department of Law Enforcement;
 7 creating s. 937.0205, F.S.; providing legislative
 8 findings and intent; requiring the Department of Law
 9 Enforcement, in cooperation with the Department of
 10 Transportation, the Department of Highway Safety and
 11 Motor Vehicles, and local law enforcement agencies, to
 12 establish and implement the At-Risk Adult Alert Plan;
 13 providing plan requirements; requiring a local law
 14 enforcement agency to broadcast information to the
 15 public and the media about certain missing adults;
 16 specifying which local law enforcement agency must
 17 broadcast such information; authorizing the local law
 18 enforcement agency to request that a case be opened
 19 with the Department of Law Enforcement's Missing
 20 Endangered Persons Information Clearinghouse;
 21 requiring the clearinghouse to coordinate with the
 22 Department of Transportation and the Department of
 23 Highway Safety and Motor Vehicles for the activation
 24 of dynamic message signs on state highways and the
 25 immediate broadcast of certain critical information
 26 under certain circumstances; specifying that an agency
 27 responsible for posting an At-Risk Adult Alert on
 28 dynamic message signs does not violate the act if
 29 other emergency information must be posted instead;

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

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30 requiring the At-Risk Adult Alert Plan to include
 31 certain procedures; specifying additional requirements
 32 for the plan; requiring the Department of Law
 33 Enforcement to adopt rules; amending s. 937.021, F.S.;
 34 providing that the Department of Law Enforcement, as
 35 the At-Risk Adult Alert coordinator, and certain
 36 agencies, employees, individuals, and entities are
 37 immune from civil liability for damages for performing
 38 certain actions in good faith; providing that the
 39 presumption of good faith is not overcome under
 40 certain circumstances; providing construction;
 41 amending s. 937.022, F.S.; authorizing only the law
 42 enforcement agency having jurisdiction over a case to
 43 make a request to the clearinghouse for the activation
 44 of a state At-Risk Adult Alert involving a missing
 45 adult under certain circumstances; amending s.
 46 429.918, F.S.; conforming provisions to changes made
 47 by the act; providing an effective date.
 48
 49 Be It Enacted by the Legislature of the State of Florida:
 50
 51 Section 1. Subsection (4) of section 937.0201, Florida
 52 Statutes, is amended to read:
 53 937.0201 Definitions.—As used in this chapter, the term:
 54 (4) "Missing endangered person" means any of the following:
 55 (a) A missing child.~~†~~
 56 (b) A missing adult younger than 26 years of age.~~†~~
 57 (c) A missing adult 26 years of age or older who is
 58 suspected by a law enforcement agency of being endangered or the

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

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59 victim of criminal activity.~~for~~

60 (d) A missing adult who meets the criteria for activation
61 of the Silver Alert Plan of the Department of Law Enforcement.

62 (e) A missing adult who meets the criteria for activation
63 of the At-Risk Adult Alert Plan of the Department of Law
64 Enforcement pursuant to s. 937.0205.

65 Section 2. Section 937.0205, Florida Statutes, is created
66 to read:

67 937.0205 At-Risk Adult Alert Plan.—

68 (1) The Legislature finds that a standardized state system
69 is necessary to aid in the search for a missing adult who has a
70 verified mental or cognitive impairment, whose disappearance
71 poses a credible threat to the person's welfare and safety, and
72 who does not meet the criteria for activation of the Silver
73 Alert Plan of the Department of Law Enforcement. The Legislature
74 also finds that a coordinated local law enforcement and state
75 agency response with prompt and widespread sharing of
76 information will improve the chances of the person being found.
77 Therefore, the Legislature intends to establish the At-Risk
78 Adult Alert Plan pursuant to this section.

79 (2) It is the intent of the Legislature that the At-Risk
80 Adult Alert Plan be established and implemented in a manner that
81 seeks to safeguard the privacy rights and related health and
82 diagnostic information of the missing adult to the greatest
83 extent practicable.

84 (3) The Department of Law Enforcement, in cooperation with
85 the Department of Transportation, the Department of Highway
86 Safety and Motor Vehicles, and local law enforcement agencies,
87 shall establish and implement the At-Risk Adult Alert Plan. At a

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88 minimum, the At-Risk Adult Alert Plan must:

89 (a) Provide for the protection of the privacy, dignity,
90 independence, and autonomy of the missing adult by including
91 standards that aim to safeguard these civil liberties through
92 preventing the inadvertent or unnecessary broadcasting or
93 dissemination of sensitive health and diagnostic information in
94 unwarranted circumstances.

95 (b) Provide that the broadcasting and dissemination of
96 alerts and related information be limited to the geographic
97 areas where the missing adult could reasonably be, considering
98 the person's circumstances and physical and mental condition,
99 the modes of transportation available to the person, and the
100 circumstances of the person's disappearance.

101 (4) (a) Under the At-Risk Adult Alert Plan, a local law
102 enforcement agency shall broadcast information to the public and
103 the media about a missing adult:

104 1. Who has a verified mental or cognitive impairment;

105 2. Whose disappearance poses a credible threat to the
106 person's welfare and safety; and

107 3. Who does not meet the criteria for activation of the
108 Silver Alert Plan of the Department of Law Enforcement.

109 (b) The local law enforcement agency broadcasting such
110 information must be the agency that is best able to notify the
111 media and disseminate the information by cellular telephone
112 alerts and other technologies in order to communicate with the
113 residents in the jurisdiction where the missing adult is
114 believed to be.

115 (c) Under the plan, the local law enforcement agency may
116 also request that a case be opened with the Department of Law

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Enforcement's Missing Endangered Persons Information Clearinghouse. To enhance the local or regional efforts, in cases in which a vehicle is involved, the clearinghouse must coordinate with the Department of Transportation and the Department of Highway Safety and Motor Vehicles for the activation of dynamic message signs on state highways and the immediate broadcast of critical information to the public about the missing adult in accordance with the plan.

(d) If a traffic emergency arises requiring that information pertaining to the traffic emergency be displayed on a dynamic message sign on a state highway in lieu of an At-Risk Adult Alert, the agency responsible for posting the At-Risk Adult Alert on the dynamic message sign does not violate this section.

(5) The At-Risk Adult Alert Plan must include procedures to monitor the use and activation of this system and the results from its use. The plan must also include a strategy for informing and educating law enforcement, the media, and other stakeholders about the plan.

(6) The Department of Law Enforcement shall adopt rules to implement and administer this section.

Section 3. Paragraphs (c), (d), and (e) of subsection (5) of section 937.021, Florida Statutes, are amended to read:

937.021 Missing child and missing adult reports.—

(5)

(c) Upon receiving a request to record, report, transmit, display, or release Silver Alert or At-Risk Adult Alert information from the law enforcement agency having jurisdiction over the missing adult, the Department of Law Enforcement as the

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state Silver Alert and At-Risk Adult Alert coordinator, any state or local law enforcement agency, and the personnel of these agencies; any radio or television network, broadcaster, or other media representative; any dealer of communications services as defined in s. 202.11; or any agency, employee, individual, or entity is immune from civil liability for damages for complying in good faith with the request and is presumed to have acted in good faith in recording, reporting, transmitting, displaying, or releasing Silver Alert or At-Risk Adult Alert information pertaining to the missing adult.

(d) The presumption of good faith is not overcome if a technical or clerical error is made by any agency, employee, individual, or entity acting at the request of the local law enforcement agency having jurisdiction, or if the Amber Alert, Missing Child Alert, missing child information, missing adult information, ~~or~~ Silver Alert, or At-Risk Adult Alert information is incomplete or incorrect because the information received from the local law enforcement agency was incomplete or incorrect.

(e) Neither this subsection nor any other provision of law creates a duty of the agency, employee, individual, or entity to record, report, transmit, display, or release the Amber Alert, Missing Child Alert, missing child information, missing adult information, ~~or~~ Silver Alert, or At-Risk Adult Alert information received from the local law enforcement agency having jurisdiction. The decision to record, report, transmit, display, or release information is discretionary with the agency, employee, individual, or entity receiving the information.

Section 4. Paragraph (b) of subsection (3) of section 937.022, Florida Statutes, is amended to read:

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175 937.022 Missing Endangered Persons Information
176 Clearinghouse.—

177 (3) The clearinghouse shall:

178 (b) Provide a centralized file for the exchange of
179 information on missing endangered persons.

180 1. Every state, county, or municipal law enforcement agency
181 shall submit to the clearinghouse information concerning missing
182 endangered persons.

183 2. Any person having knowledge may submit a missing
184 endangered person report to the clearinghouse concerning a child
185 or adult younger than 26 years of age whose whereabouts is
186 unknown, regardless of the circumstances, subsequent to
187 reporting such child or adult missing to the appropriate law
188 enforcement agency within the county in which the child or adult
189 became missing, and subsequent to entry by the law enforcement
190 agency of the child or person into the Florida Crime Information
191 Center and the National Crime Information Center databases. The
192 missing endangered person report shall be included in the
193 clearinghouse database.

194 3. Only the law enforcement agency having jurisdiction over
195 the case may submit a missing endangered person report to the
196 clearinghouse involving a missing adult age 26 years or older
197 who is suspected by a law enforcement agency of being endangered
198 or the victim of criminal activity.

199 4. Only the law enforcement agency having jurisdiction over
200 the case may make a request to the clearinghouse for the
201 activation of a state Silver Alert or an At-Risk Adult Alert
202 involving a missing adult if circumstances regarding the
203 disappearance have met the criteria for activation of the Silver

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204 Alert or an At-Risk Adult Alert Plan.

205 Section 5. Paragraph (d) of subsection (6) and subsection
206 (9) of section 429.918, Florida Statutes, are amended to read:

207 429.918 Licensure designation as a specialized Alzheimer's
208 services adult day care center.—

209 (6)

210 (d) Each employee hired on or after July 1, 2012, who
211 provides direct care to ADRD participants, must receive and
212 review an orientation plan that includes, at a minimum:

213 1. Procedures to locate an ADRD participant who has
214 wandered from the center. These procedures shall be reviewed
215 regularly with all direct care staff.

216 2. Information on the Silver Alert program and the At-Risk
217 Adult Alert Plan in this state.

218 3. Information regarding available products or programs
219 used to identify ADRD participants or prevent them from
220 wandering away from the center, their home, or other locations.

221 (9) An adult day care center having a license designated
222 under this section must give to each person who enrolls as an
223 ADRD participant in the center, or the caregiver, a copy of the
224 ADRD participant's plan of care, as well as information
225 regarding resources to assist in ensuring the safety and
226 security of the ADRD participant, which must include, but need
227 not be limited to, information pertaining to driving for those
228 persons affected by dementia, available technology on wandering-
229 prevention devices and identification devices, the Silver Alert
230 program and the At-Risk Adult Alert Plan in this state, and
231 dementia-specific safety interventions and strategies that can
232 be used in the home setting.

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233

Section 6. This act shall take effect July 1, 2019.

APPEARANCE RECORD

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

3-12-19

Meeting Date

Topic At-Risk Alert Plan

Name Margaret J. Hooper

Job Title Public Policy Coordinator

Address 124 Marriott Drive #203

Street

Tallahassee, FL

City

State

32301

Zip

Phone 850-922-6703

Email MargaretDPDDL.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Developmental Disabilities Council

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.

SB ~~844~~ ^{as amended}
Bill Number (if applicable)
and 750262 DE
Amendment Barcode (if applicable)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-12-19
Meeting Date

SB 844
Bill Number (if applicable)

Topic At Risk Adult Alert

Amendment Barcode (if applicable)

Name Margaret S. Hooper

Job Title Public Policy Coordinator

Address 124 Marriott Drive #203
Street

Phone 850-922-6703

Tallahassee FL 32301
City State Zip

Email Margaret@FDDC.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Developmental Disabilities Council

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/2019

Meeting Date

SB 0844

Bill Number (if applicable)

Topic At-Risk Adult Alert Plan

Amendment Barcode (if applicable)

Name Ivonne FernandezJob Title Associate State Director- AdvocacyAddress 3750 NW 87th Avenue Suite: 650Phone 954-850-7262

Street

DoralFL33178Email ifernandez@aarp.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)Representing AARPAppearing at request of Chair: ☐ Yes ☐ NoLobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



2019 FDLE LEGISLATIVE BILL ANALYSIS



BILL INFORMATION

BILL NUMBER:	SB 844
BILL TITLE:	<u>At-Risk Adult Alert Plan</u>
BILL SPONSOR:	Berman
EFFECTIVE DATE:	July 1, 2019

COMMITTEES OF REFERENCE

1) Infrastructure and Security
2) Children, Families, and Elder Affairs
3) Appropriations
4)
5)

PREVIOUS LEGISLATION

BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

CURRENT COMMITTEE

Infrastructure and Security

SIMILAR BILLS

BILL NUMBER:	
SPONSOR:	

IDENTICAL BILLS

BILL NUMBER:	HB 305
SPONSOR:	Ausley

Is this bill part of an agency package?

No

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	February 25, 2019
LEAD AGENCY ANALYST:	Sherry Gomez
ADDITIONAL ANALYST(S):	Donna Uzzell, Seth Montgomery, Mary Coffee, Becky Bezemek
LEGAL ANALYST:	Jason Jones; Jeff Dambly
FISCAL ANALYST:	Cynthia Barr, Deshawn Byrd

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Requires FDLE, in cooperation with the Department of Transportation (DOT), the Department of Highway Safety and Motor Vehicles (DHSMV) and local law enforcement agencies, to establish and implement an At-Risk Adult Alert Plan for certain missing adults with a verified mental or cognitive impairment; requires local law enforcement agencies to broadcast information to public and media via cellular telephone alerts and other technologies regarding certain missing adults; requires FDLE to coordinate with DOT and DHSMV to activate dynamic message signs when a vehicle is involved with an At-Risk Adult Alert. If approved, this bill would be effective July 1, 2019.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

There is not currently a provision for an At-Risk Adult Alert Plan in Florida Statutes. FDLE coverage of all existing alert types is 24 hours per day, seven days a week by analysts, on-call Inspectors and supervisors.

2. EFFECT OF THE BILL:

Proposes an "At-Risk Adult Alert Plan" amending s. 937.0201, s. 937.021, and s. 937.022, F.S., and creates s. 937.0205, F.S., requiring FDLE, in cooperation with DOT, DHSMV and local law enforcement agencies, to establish and implement an At-Risk Adult Alert Plan for missing adults who have a verified mental or cognitive impairment, whose disappearance poses a credible threat to their welfare or safety and who does not meet the criteria for activation under the Silver Alert Plan.

Local law enforcement agencies are required to broadcast information to the public and the media regarding At-Risk Adult Alerts and are required to disseminate the alert information by cellular telephone alerts. This bill requires local law enforcement dissemination of alert information via cellular telephone alerts, which utilize the Emergency Alert System (EAS) to send out Wireless Emergency Alerts (WEAs), and other technologies to communicate with residents in the jurisdiction where the missing adult is believed to be located. When a vehicle is involved, FDLE must coordinate with DOT and DHSMV for the activation of dynamic message signs on state highways and the immediate broadcast of information to the public regarding the missing adult.

Specifies the At-Risk Adult Alert Plan be established to safeguard the privacy rights and related health and diagnostic information of the missing adult to the greatest extent practicable. Additionally, the plan must include procedures to monitor the use and activation of this system and the results from its use must include a strategy for informing and educating law enforcement, the media and other stakeholders regarding the plan.

3. DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES OR PROCEDURES? Y ☒ N ☐

If yes, explain:	<p>This bill directs FDLE, in conjunction with DOT, DHSMV and local law enforcement, to establish and implement the At-Risk Adult Alert Plan. This would require FDLE to create the criteria that must be met to issue an At-Risk Adult Alert and establish policies and procedures on how to activate and cancel such an alert.</p> <p>Also included is the requirement to monitor the use and activation of this system and the results from its use, as well as a requirement to create a strategy for informing and educating law enforcement, the media and other stakeholders about the plan. New policies and procedures would be required to implement these requirements.</p>
What is the expected impact to the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

List any known proponents and opponents:	
Provide a summary of the proponents' and opponents' positions:	

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y ☒ N ☐

If yes, provide a description:	The At-Risk Adult Alert Plan must include procedures to monitor the activation, use and results of this system.
Date Due:	None specified.
Bill Section Number:	2

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSION, ETC. REQUIRED BY THIS BILL? Y ☐ N ☒

Board:	
Board Purpose:	
Who Appointments:	
Appointee Term:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS**1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y ☒ N ☐**

Revenues:	
Expenditures:	Indeterminate cost to local law enforcement agencies to develop policies, train staff, including dispatchers and officers, establish or enhance necessary infrastructure and systems to perform mandated notifications and maintain 24/7 readiness to issue At-Risk Adult Alerts.
Does the legislation increase local taxes or fees?	
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y ☒ N ☐

Revenues:	
-----------	--

Expenditures:	<p>FDLE coverage of all alert types is 24 hours per day, seven days a week by analysts, on-call Inspectors, and supervision. Based on the estimated number of new alerts this bill would create each year (287), FDLE would require three Crime Intelligence Analyst I positions to maintain current caseload and alerts while also training, activating and maintaining the newly added alerts. (\$164,101 in year one for salary, benefits, expense and human resources services and \$152,836 recurring). Depending on how the alert criteria are written and how many new alerts are activated, additional sworn staff may also be required.</p> <p>As noted in the Technological Impact section, the fiscal impact of hiring one programmer is estimated to be \$170,000/year.</p> <p>Total Fiscal Impact: \$334,101 (322,836 recurring)</p>
Does the legislation contain a State Government appropriation?	
If yes, was this appropriated last year?	

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y ☐ N ☐

Revenues:	
Expenditures:	
Other:	

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y ☐ N ☐

Does the bill increase taxes, fees or fines?	
Does the bill decrease taxes, fees or fines?	
What is the impact of the increase or decrease?	
Bill Section Number:	

TECHNOLOGY IMPACT

1. DOES THE LEGISLATION IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E., IT SUPPORT, LICENSING, SOFTWARE, DATA STORAGE, ETC.)? Y ☒ N ☐

If yes, describe the anticipated impact to the agency including any fiscal impact.	<p>Requires establishment and implementation of an At-Risk Adult Alert Plan, including modifications to existing information technology systems. These modifications are estimated to take 12 months to complete and will require the efforts of a dedicated programmer. FDLE is requesting recurring funds for this programmer, estimated at \$170,000/year.</p> <p>Due to the time estimated to complete the changes outlined in this bill, FDLE is recommending that the effective date be amended to July 1, 2020.</p>
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FEDERAL IMPACT

1. DOES THE LEGISLATION HAVE A FEDERAL IMPACT (I.E., FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y ☒ N ☐

If yes, describe the anticipated impact including any fiscal impact.	The Electronic Code of Federal Regulations states that participating commercial mobile service providers are required to receive and transmit the following classes of Alert Messages: <i>Presidential Alerts, Imminent Threat Alerts, Child Abduction Emergency/AMBER Alerts</i> , and (as of May 1, 2019) <i>Public Safety Messages</i> . This Federal Code does not account for missing persons that do not fall under the criteria for a Child Abduction Emergency/AMBER Alert. The code would likely have to be amended to include non-abduction missing adult emergencies. Should that code be so amended, local law enforcement agencies without Wireless Emergency Alert (WEA) alerting authority would be required to successfully apply through the Federal Emergency Management Agency (FEMA) for alerting authority and obtain the necessary training and credentials to issue WEAs (see Additional Comments below for further information).
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LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments and recommended action:	<ul style="list-style-type: none"> Recommend defining "mental or cognitive impairment," (line 71, 105) as that can be interpreted broadly to incorporate unintentional concerns. Verification (line 71, 105) of impairment may be problematic as true verification would require medical documentation, which may usually be obtained only pursuant to a court order in a criminal investigation.
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ADDITIONAL COMMENTS

- The proposed bill offers insufficient information regarding the intended criteria required to activate the At-Risk Adult Alert Plan. The plan requires a "verified mental or cognitive impairment."
 - "Mental or cognitive impairment" is not defined and is exceptionally broad and vague. As written in the bill, "cognitive impairment" could include impairment due to drugs or alcohol. According to the 2017 Uniform Crime Report, there were 32,588 adult DUI arrests in Florida that year. Therefore, the amount of missing/endangered adults who could fit under "cognitive impairment" and meet the criteria for an At-Risk Adult Alert could be astronomical.
 - Neither FDLE nor local law enforcement agencies have the capacity, expertise, or records access to determine mental illness or cognitive impairment.
- The proposed bill specifies that the plan must be established in a manner that seeks to safeguard the privacy rights and related health and diagnostic information of the missing adult to the greatest extent practicable. Issuing an alert of this type to the public may raise privacy concerns simply by the nature of what an At-Risk Alert is (the public will immediately know the adult has mental or cognitive impairment).
- Public engagement is paramount to the proven effectiveness of alert programs. The carefully vetted and precisely defined criteria for issuing Amber, Silver and Missing Child alerts are in place to locate and protect those missing endangered individuals most effectively. Increasing the number and frequency of alerts activated is likely to have a desensitizing effect on the public, and may significantly decrease the perceived gravity and actual effectiveness of *all* alerts including emergency weather, AMBER, Silver and Missing Child alerts.
- During 2018, the number of adult "endangered/disability/other" missing persons cases entered into the Florida Crime Information Center (FCIC) was 422.64% greater than the missing child cases entered of the same category.
 - During calendar year 2018, FDLE issued 9 AMBER Alerts and 59 Missing Child Alerts for a total of 68 child related alerts.
 - Based on 422.64% larger population of "endangered/disability/other" adults over children in the same category, implementation of the At-Risk Adult Alert could lead to a potential minimum of 287 additional alerts per year in Florida.

- In addition to the AMBER and Missing Child Alerts issued in 2018, FDLE issued 257 Silver Alerts. Combined Florida alerts in 2018, totaled 325.
- Adding the estimated 287 potential At-Risk Adult Alerts to the actual statistics for the most recent calendar year results in a projected total of 612 alerts per year, an 88% increase in alerts, averaging 51 alerts per month and more than one alert every day.
- This bill requires local law enforcement dissemination of alert information via cellular telephone alerts, which utilize the EAS to send out WEAs. Subpart D of the Electronic Code of Federal Regulations states that participating commercial mobile service providers are required to receive and transmit the following classes of WEAs:
 - Presidential Alerts;
 - Imminent Threat Alerts (used for weather emergencies and local emergencies requiring immediate action or evacuation);
 - Child Abduction Emergency/AMBER Alerts; and
 - As of May 1, 2019, Public Safety Messages (defined in the Code as an essential public safety advisory that prescribes one or more actions likely to save lives and/or safeguard property during an emergency and may only be issued in connection with a Presidential Alert, Imminent Threat Alert, or a Child Abduction Emergency/AMBER Alert).
- The federal code does not account for missing persons that do not fall under the criteria for a Child Abduction Emergency/AMBER Alert. The code would likely have to be amended to include non-abduction missing adult emergencies. If so amended, use of the EAS is not currently authorized for all of Florida's local law enforcement agencies. Local agencies without alerting authority would be required to successfully apply through the Federal Emergency Management Agency (FEMA) for alerting authority and obtain the necessary training and credentials to issue WEAs.
- Currently, the National Center for Missing and Exploited Children (NCMEC), in coordination with state and local public safety officials, issues WEAs via the EAS system specifically limited to AMBER Alerts. At this time a child abduction emergency is explicitly required to issue a NCMEC WEA. If the Electronic Code of Federal Regulations was amended to include non-abduction missing adult emergencies, it is probable that changes to both policy and system capabilities would be required for NCMEC to allow and have the capacity to issue WEAs for adult, non-abduction emergencies.
- Established missing endangered person alert programs include AMBER, Missing Child and Silver Alerts. The determining criteria, issuance protocol and systems access and authority relating to each of these alerts are clearly defined and set forth under state and/or federal guidance.
 - AMBER Alerts are proscribed and authorized under TITLE III -- Subtitle A of the federal "PROTECT" Act. AMBER Alerts utilize the Emergency Alert System and law enforcement is authorized through the PROTECT Act and by the Federal Communications Commission to utilize and interrupt regular services of radio, television and mobile communications within the strict parameters allowed for under the Act.
 - Similarly, Florida Missing Child Alert (MCA) and Silver Alert criteria and protocols were developed drawing heavily from existing practices vetted through partnerships involving multiple Florida stakeholders including Florida Governor's Office, Legislature, FDLE, the Florida Department of Transportation (DOT), the Florida Sheriffs Association (FSA), the Florida Police Chiefs Association (FPCA), the Florida Department of Elder Affairs (FDEA), the Florida Highway Patrol (FHP), the Florida Lottery, etc. Neither MCAs nor Silver Alerts utilize any Emergency Alert communications systems.
- AMBER alerts are the sole alert protocol that utilize and are authorized to for WEAs. In 2018, 316 Missing Child Alerts and Silver Alerts were issued and 100% of them were resolved without the use of a WEA. Additionally, if WEAs are utilized for At-Risk Adult alerts, it may appear the state is prioritizing at-risk adults over missing endangered children or the elderly and other adults that meet the criteria for a Silver Alert.
- This bill requires dissemination of cellular telephone alerts by local law enforcement agencies which do not currently have that capability. This would likely necessitate that FDLE distribute the WEA for the At-Risk Adult Alerts. The bill also requires notification from local law enforcement via "other technologies," which could mean the state Lottery system. As written, local silver alerts may fall into the At-Risk Adult Alert plan. Currently, FDLE does not participate in the activation of local Silver Alerts.
 - A local Silver Alert is similar to a State Silver Alert, but is used when the missing person is on-foot. There were at least 374 local silver alerts issues by local law enforcement agencies in 2018.
 - Local Silver Alerts are not administered under the Silver Alert Plan and therefore would fall under the proposed criteria for the At-Risk Adult Alert Plan.
 - Consequently, FDLE may be required to issue a WEA and activate lottery terminals for every local Silver Alert that is issued.

- The bill notes that the agency responsible for posting the At-Risk Adult Alert on a dynamic message sign does not violate the statute if a traffic emergency requiring use of the dynamic message sign arises. However, the bill does not define a priority hierarchy with simultaneous active AMBER, Missing Child, Silver Alerts, or Blue Alerts utilizing the dynamic message signs, nor is there an accounting for liability if an active AMBER, Missing Child, or Silver Alert is displayed instead of an At-Risk Adult Alert.

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 Committee on Infrastructure and Security

BILL: CS/SB 898

INTRODUCER: Infrastructure and Security Committee and Senator Diaz

SUBJECT: Transportation

DATE: March 14, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 898 contains various provisions relating to transportation. More specifically, the bill:

- Repeals the Florida Expressway Authority Act, thereby repealing the Miami-Dade County Expressway Authority (MDX or Authority).
- Transfers the operational and financial control of Miami-Dade County expressway system to the Florida Department of Transportation (FDOT) and requires the FDOT to acquire the assets and assume the liabilities of the MDX.
- Prohibits the FDOT from increasing toll rates on the expressway system except as required by bond covenants and provides authorized uses of fees generated from toll revenues collected until outstanding bond obligations as of July 1, 2018, are discharged.
- Prohibits the FDOT from collecting tolls on a former MDX facility after the discharge of any outstanding bond obligations related to such facility and from charging a toll exceeding \$5 on a HOT lane or express lane in Miami-Dade County.
- Revises the authorized uses of Charter County and Regional Transportation System Surtax proceeds in Miami-Dade County and limits the distribution of such proceeds to municipalities in that county to 25 percent in total.
- Requires the FDOT to consider refinancing outstanding MDX bonds if doing so would result in a net cost savings and to use any resulting cost savings to reduce toll rates.
- Requires the FDOT to use unencumbered cash balances resulting from the transfer of the MDX to DOT to prepay or defease outstanding MDX bonds or debt to the extent allowed by the bond covenants.
- Requires the FDOT to display signs showing the date or year in which the bonds will be paid.

- Requires the FDOT to submit certain toll-related reports to the Miami-Dade County Board of County Commission and the Miami-Dade County Transportation Planning Organization by October 1 each year, beginning in 2020.
- Relocates public-private partnership authorization and related provisions from the repealed Expressway Authority Act to provisions relating specifically to the Tampa-Hillsborough County Expressway Authority and the Central Florida Expressway Authority.
- Requires the FDOT to program sufficient funds in its tentative work program such that all, rather than 90 percent, of the net toll collections attributable to users of turnpike facilities in Miami-Dade, Broward, and Palm Beach Counties are committed to projects and bond finance commitments in those counties.
- Reenacts and makes permanent the rebuilt motor vehicle inspection program overseen by the Department of Highway Safety and Motor Vehicles in Miami-Dade County that was repealed on July 1, 2018.
- Requires the FDOT to approve design plans for projects impacting its rights-of-way if the plans meet FDOT standards.
- Revises the FDOT's authorization for innovative highway projects to innovative transportation projects demonstrating innovative techniques of bridge design.
- Repeals the Osceola County Expressway Authority, which has transferred its projects to the Central Florida Expressway Authority.

The bill presents an increase in state revenues and expenditures, and a reduction of the same to the MDX, due to the transfer of the assets and liabilities of the MDX to the FDOT. Other provisions present a fiscal impact to both state and local government. See the "Fiscal Impact" heading for more specific information.

Except as otherwise provided, the bill takes effect July 1, 2019.

II. Present Situation:

This bill addresses a wide variety of transportation issues related to the FDOT, expressway authorities, toll lanes and revenues, transportation surtaxes, and motor vehicles. For ease of organization and readability, the Present Situation for the provisions in each section of the bill is discussed in conjunction with the Effect of Proposed Changes.

III. Effect of Proposed Changes:

Florida Expressway Authority Act

Present Situation

The Florida Expressway Authority Act (FEAA), codified in part I of Ch. 348, F.S.,¹ authorizes any county or two or more contiguous counties within a single Florida Department of

¹ Part I of Ch. 348, F.S., consists of ss. 348.0001 through 348.0012, F.S.

Transportation (FDOT) district,² to form an expressway authority as an agency of the state, by resolution adopted by the board (or boards) of county commissioners.³

Section 348.0003, F.S., provides for the formation and membership of an expressway authority established under the FEAA. This section of the statutes provides for an authority's voting membership, election of officers, and appointment of employees, and also provides ethics requirements applicable only to MDX.⁴

Section 348.0004, F.S., provides the purposes and powers of an expressway authority created pursuant to the FEAA. These authorities may acquire, hold, construct, improve, maintain, operate, and own an expressway system.⁵ Section 348.0004, F.S., also authorizes each authority to exercise various powers required to carry out its purpose. Finally, s. 348.0004, F.S., contains provisions applicable to MDX relating to tolling, the maximum percentage of revenues that may be used for administrative expenses, the dedication of some of its surplus revenues⁶ for transportation projects in Miami-Dade County, the authority to borrow money and refund bonds, a mandatory toll decrease for SunPass⁷ users, and financial audit requirements.

Section 348.0005, F.S., authorizes bonds to be issued on an authority's behalf pursuant to the State Bond Act.⁸ However, MDX may issue its own bonds that are approved for purposes of s. 11(f), Art. VII of the State Constitution.⁹

Section 348.0007, F.S., authorizes an authority to appoint the FDOT as its agent for the purpose of constructing improvements and extensions to an expressway system and for the system's completion.

Section 348.0008, F.S., authorizes expressway authorities to acquire land and property, including by eminent domain proceedings.

² The FDOT is statutorily organized into seven districts, each headed by a district secretary, and a turnpike enterprise and a rail enterprise, each headed by an executive director. Section 20.23(4)(a), F.S. For a map of the FDOT districts, see https://fdotwww.blob.core.windows.net/sitefinity/images/default-source/content1/info/moredot/district-map-lg.jpg?sfvrsn=4afe7389_2 (last visited March 10, 2019).

³ Section 348.0003(1), F.S.

⁴ Section 348.0003(5), F.S.

⁵ Section 348.0002(9), F.S., defines "expressway system" as any and all expressways within the geographic boundaries of an expressway authority established pursuant to the Florida Expressway Authority Act and appurtenant facilities thereto, including, but not limited to, all approaches, roads, bridges, and avenues of access for such expressway. In any county as defined in s. 125.011(1), F.S., for purposes of this part, an expressway system includes a public transportation facility. A "county" as defined in s. 125.011(1), F.S., means Miami-Dade County. *Infra* note 27.

⁶ Section 348.0002(12), F.S., defines "surplus revenues" as revenues in Miami-Dade County, *id.*, derived from rates, fees, rentals, tolls, and other charges for the services and facilities of an expressway system as may exist at the end of a fiscal year after payment of all annually required operating and maintenance expenses for the fiscal year and all debt service payable in the fiscal year on bonds issued or other debts incurred for any purpose in connection with an expressway system, including debt incurred to finance the construction, extension, repair, or maintenance of an expressway system.

⁷ SunPass is the state's primary electronic toll collection system.

⁸ Sections 215.57 through 215.83, F.S.

⁹ Section 11(f), Art. VII of the State Constitution requires each project, building, or facility to be financed or refinanced with revenue bonds to first be approved by the Legislature by an act relating to appropriations or by general law.

Section 348.0009, F.S., expressly authorizes other units, boards, agencies, and individuals, to enter into contracts and other agreements with an expressway authority.

Section 348.0010, F.S., provides the state's pledge to expressway authority bondholders that the state will not limit or alter the rights vested in an authority and the FDOT until all bonds are fully paid and discharged.

Section 348.0011, F.S., provides a specified tax exemption for expressway authorities and provides that the authority's bonds are exempt from taxation except for income tax on interest, income, or profits on debt obligations owned by corporations.

Section 348.00115, F.S., requires MDX to post specified information on its website including board meeting minutes, bond covenants, budgets and contracts.

Section 348.0012, F.S., provides that except as expressly provided in the FEAA, the FEAA does not apply in a county in which an expressway authority has been created in another part of Ch. 348, F.S.,¹⁰ or to the Jacksonville Transportation Authority.¹¹

Miami-Dade County Expressway Authority (MDX or Authority)

The Miami-Dade County Commission created the MDX in 1994 through adoption of an ordinance pursuant to the authorization in the FEAA allowing formation of an expressway authority as an agency of the state.¹² The MDX is the only expressway authority operating under the FEAA.¹³ The MDX system consists of the following roadways in Miami-Dade County:

- S.R. 112/Airport Expressway,
- S.R. 836/Dolphin Expressway,
- S.R. 874/Don Shula Expressway,
- S.R. 878/Snapper Creek Expressway, and
- S.R. 924/Gratigny Parkway.¹⁴

¹⁰ Chapter 348, F.S., also creates the Tampa-Hillsborough County Expressway Authority, the Central Florida Expressway Authority, the Santa Rosa Bay Bridge Authority, and the Osceola County Expressway Authority.

¹¹ The Jacksonville Transportation Authority is created in Ch. 349, F.S.

¹² See Miami-Dade County Code of Ordinances, Part III, Chapter 2, Article XVIII available at http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_artxviii (last viewed March 7, 2019).

¹³ While the MDX is the only authority operating pursuant to the Florida Expressway Authority Act, Polk County formed the Polk Expressway Authority in 2016. See Orlando Sentinel, *Polk greenlights authority for \$1.5B toll road*, January 27, 2016, available at <http://www.orlandosentinel.com/news/breaking-news/os-polk-expressway-authority-support-20160127-story.html> (last viewed March 7, 2019). However, that authority does not currently operate an expressway system, and research suggests the authority has no outstanding bonds. Also, Part V of Ch. 348, F.S., establishing the Osceola County Expressway Authority, contains numerous references to the Florida Expressway Authority Act.

¹⁴ MDX, *About MDX*, available at <https://www.mdxway.com/about/mdx> (last viewed March 7, 2019). Operational and financial control of the system, comprised of the identified expressways, was transferred by the FDOT to the MDX in 1996 (copy of the Transfer Agreement on file in the Senate Infrastructure and Security Committee). The FDOT retains the underlying title to the facilities. See The Florida Senate Committee on Transportation Issue Brief 2011-227, *Toll Facility Lease-Purchase Agreements*, October 2010, p. 7, available at http://archive.fl.senate.gov/data/Publications/2011/Senate/reports/interim_reports/pdf/2011-227tr.pdf (last viewed March 8, 2019).

Recent Legislation and Litigation

In 2017, legislation became law which required the MDX, subject to compliance with its bond covenants, to reduce the toll charged on any of its toll facilities by at least 5 percent, but not more than 10 percent, for each SunPass account in good standing.¹⁵

In 2018, additional legislation became law which required the MDX's governing body, by October 1, 2018, to submit to the Governor information regarding its compliance with the minimum five-percent toll reduction prescribed in 2017. If the required toll reduction had not taken place, effective October 31, 2018, the existing board was to be dissolved and, except for the FDOT district secretary, a new board was to be appointed by that date. The 2018 legislation also provided that a member of the board on October 1, 2018, was prohibited from being appointed to the new board. Qualifications and appointments to the new board remained the same.¹⁶ On May 29, 2018, the MDX's board approved a toll rate reduction on the Authority's facilities, providing a 5.7 to 8 percent reduction in the toll rate, depending upon the existing toll rate. The new toll rates took effect on July 1, 2018.¹⁷

The MDX has challenged the legality of some portions of the 2017 and 2018 legislation, on grounds that the legislation violates the constitutional prohibition against an impairment of contracts and violates a statutory covenant of the state that the state will not alter the rights vested in the authority until all bonds are fully paid and discharged.¹⁸

Effect of Proposed Changes

Section 13 of the bill repeals Part I of Ch. 348, F.S., thereby repealing the FEAA and the MDX. Repeal of the FEAA precludes any other county, or two or more contiguous counties within a single FDOT district, from creating an expressway authority under that provision.

Section 14 creates an undesignated section of law transferring the governance and control of the MDX to the FDOT, including the assets, facilities, tangible and intangible property and any rights in such property, any other legal rights of the Authority, and the expressway system operated by the Authority. The FDOT succeeds to all powers of the Authority. The operation and maintenance of the expressway system are deemed under the control of the FDOT. Revenues collected on the expressway system are considered to be FDOT revenues, subject to the lien of the trust indentures securing Authority bonds.

The FDOT, in consultation with the Division of Bond Finance, is directed to review all contracts, financial obligations, and contractual relationships and liabilities of the Authority and is authorized to assume the obligations determined to be necessary or desirable for the continued operation of the expressway system.

¹⁵ HB 1049, Ch. 2017-182, L.O.F.

¹⁶ HB 141, Ch. 2018-145, L.O.F.

¹⁷ Miami-Dade Expressway Authority Press Release, *MDX Board of Directors Approves Toll Reduction*, June 8, 2019, available at https://www.mdxway.com/press_releases/downloads/592/original_TOLL_REDUCTION_PRESS_RELEASE_FINAL.pdf?1531322342 (last viewed March 7, 2019).

¹⁸ *Miami Dade County Expressway Authority v. Bondi*, Case No. 2018 CA 001200, Second Judicial Circuit, Leon County, Florida.

Authority employees, officers, and members are prohibited from selling, disposing, encumbering, transferring, or expending Authority assets as reflected in the Authority's financial statements for the fiscal year ended June 30, 2018, other than in the ordinary course of business. For purposes of the undesignated section of law, the bill provides that incurring debt or issuing bonds for projects contained in the five-year work program adopted by the Authority on December 5, 2018, is not considered the ordinary course of business, but the bill does not prevent the Authority from designing and planning projects contained in that adopted five-year work program.

The transfer of the Authority to the FDOT is subject to all terms and covenants provided for the protection of holders of Authority bonds in the trust indentures or resolutions adopted in connection with issuance of such bonds. Additionally, the bill provides that the transfer does not impair the terms of the contract between the Authority and the bondholders, does not act to the detriment of the bondholders, and does not diminish the security for the bonds. The FDOT expressly assume all obligations relating to the bonds to ensure the transfer will have no adverse impact on the security for the bonds.

After the transfer, the bill directs the FDOT to:

- Operate and maintain the expressway system and any other facilities of the Authority in accordance with the terms, conditions, and covenants in the trust indentures or bond resolutions securing the bonds.
- Collect toll revenues and apply them to the payment of debt service as provided in the indentures or resolutions.
- Consider refinancing all or a portion of outstanding Authority bonds if doing so would result in net cost savings.
- Use any resulting cost savings from refinancing to reduce toll rates.

The bill further requires the FDOT to use the transferred, unencumbered cash balances to prepay or defease outstanding Authority bonds or debts to the extent allowed by or consistent with the terms and covenants provided for protection of Authority bondholders in the indentures or resolutions adopted in connection with issuance of such bonds.

The bill also requires the FDOT to display signs, near the roadway signage that displays toll rates, showing the date or year in which the bonds will be paid.

Lastly, annually by October 1 beginning in 2020, the bill requires the FDOT to provide a report to the Miami-Dade County Board of County Commissioners and the Miami-Dade County Transportation Planning Organization detailing the toll collections, costs, and net revenues collected from the expressway system and turnpike operations in Miami-Dade County. The report must include details on projects funded and scheduled to be funded by toll revenues, including revenues of the Florida Turnpike Enterprise, in Miami-Dade County.

Section 11 creates s. 338.271, F.S., directing the FDOT to acquire the assets and assume the liabilities of the Authority, and to continue the system of tolls of the former Authority until any outstanding bond obligations are fully discharged.

The bill “notwithstands” the authorization to continue to collect tolls after bond obligations are discharged¹⁹ and prohibits the FDOT from collecting tolls on a facility of the former Authority after the discharge of any bond obligations that are outstanding as of July 1, 2018.²⁰ The bill also “notwithstands” the current directive to the FDOT to index toll rates on existing toll facilities to the annual Consumer Price Index²¹ and prohibits the FDOT from increasing toll rates on former MDX facilities except as required by bond covenants, effective upon the bill becoming law.

The bill requires fees generated from toll revenues (until outstanding bond obligations as of July 1, 2018, are discharged) to be deposited into the State Transportation Trust Fund, which may be used to:

- Reimburse outstanding contractual obligations.
- Operate and maintain the highways and toll facilities, including reconstruction and restoration, such that these facilities are maintained to FDOT standards.
- Pay for projects funded by toll revenues from the former Authority which are contained in the five-year work program adopted by the Authority on December 5, 2018.

Annual revenues in excess of those required to pay expenses identified above must be used by the FDOT to fund transportation projects in the area served by the former Authority. Notwithstanding any other law, the bill prohibits the facilities of the former Authority from becoming part of the Florida Turnpike Enterprise and are not subject to the Florida Turnpike Enterprise Law.²²

The operational and financial control of the five identified expressways in Miami-Dade County are transferred to the FDOT, and the FDOT would acquire the assets and assume the liabilities of the former Authority subject to the terms and covenants of any outstanding Authority bonds on July 1, 2019.

Technical Revisions Related to the FEAA Repeal and the MDX Transfer

Section 1 of the bill amends s. 20.23(2)(b)8., F.S., relating to the Florida Transportation Commission’s duty to monitor specified transportation, bridge, and expressway authorities, to remove reference to “any authority formed using part I of chapter 348,” as the bill repeals that part of Chapter 348, F.S.

Section 4 amends s. 215.68(2), F.S., which currently authorizes bond issuance under the State Bond Act, as well as various related terms and conditions, and recites that those terms and

¹⁹ Section 338.165(1), F.S., authorizes the FDOT and any transportation or expressway authority (or any county or counties in the absence of an authority) to continue to collect the toll on a revenue-producing project after the discharge of any bond indebtedness related to such project and may increase such toll.

²⁰ As of June 30, 2018, the MDX had approximately \$2.5 billion in assets and \$1.6 billion in liabilities and deferrals, including approximately \$1.5 billion in bonds outstanding. Miami-Dade County Expressway Authority, *2018 Comprehensive Annual Financial Report*, Fiscal Years ended June 30, 2018 and 2017, available at https://www.mdxdw.com/pdf/annual_reports/CAFR_2018.pdf (last viewed March 8, 2017).

²¹ These toll rate adjustments must be made no more than once a year and no more than once every five years. Section 338.165(3), F.S.

²² The Florida Turnpike Enterprise Law is located in ss. 338.22 through 338.241, F.S.

conditions do not supersede the limitations of the FEAA relating to bond issuance. The bill removes the recitation, thus conforming the statute to the repeal of the FEAA.

Section 8 amends s. 338.165, F.S., to remove references to s. 348.0004, F.S., relating in part to uses of Authority revenues, as the bill repeals that section contained in the FEAA.

Financial Disclosure for Expressway and Other Transportation-Related Authorities

Present Situation

Article II, Section 8(a) of the Florida Constitution requires all elected constitutional officers and candidates for such offices and, as may be determined by law, other public officials, candidates, and employees to file full and public disclosures of their financial interests. Section 112.3144, F.S., implements this constitutional requirement. Full and public disclosure of financial interests means filing a sworn statement showing net worth and identifying each asset and liability in excess of \$1,000 in value, together with either a copy of the person's most recent federal income tax return or a sworn statement identifying each separate source and amount of income exceeding \$1,000. The form to be filed with the Commission on Ethics is known as a Form 6.²³

Section 112.3145(2)(b), F.S., requires each local officer, specified state employee, or state officer to file a statement of financial interests, known as Form 1.²⁴ In some instances, similar information is required in both forms; however, in general, Form 6 requires significantly more detailed information than the limited disclosure required in Form 1.²⁵ These forms are also to be filed with the Florida Commission on Ethics.

The FEAA, in s. 348.0003(4)(c), F.S., currently requires members of each expressway authority, transportation authority, bridge authority, or toll authority created pursuant to chapters 343, 348, or any other general law,²⁶ to comply with the applicable full and public financial disclosure requirements of the state constitution.

Section 343.1001, F.S., currently requires board members of the Northeast Florida Regional Transportation Commission (NFRTC) to file a statement of financial interest (Form 1) pursuant to s. 112.3145, F.S., notwithstanding the requirement for full and public disclosure in s. 348.0003(4)(c), F.S.

²³ For more information on filing requirements and relevant forms, see Florida Commission on Ethics, *Filing Information*, available at http://www.ethics.state.fl.us/Documents/Forms/Form1.html#form_1 (last viewed March 13, 2019).

²⁴ *Id.*

²⁵ For more information, see Justice Administrative Commission, *Florida's Financial Disclosure Requirements*, available at <https://www.justiceadmin.org/HR/2015%20JAC%20-%20Print%20Copy.pdf> (last viewed March 13, 2019).

²⁶ Chapter 343, F.S., creates the Northeast Florida Regional Transportation Commission, the South Florida Regional Transportation Authority, the Central Florida Regional Transportation Authority, the Northwest Florida Transportation Corridor Authority, and the Tampa Bay Area Regional Transit Authority. The MDX operates under Part I of ch. 348, F.S., and the following were created under separate parts of that chapter: The Tampa-Hillsborough County Expressway Authority, the Central Florida Expressway Authority, the Santa Rosa Bay Bridge Authority, and the Osceola County Expressway Authority. Chapter 349, F.S., creates the Jacksonville Transportation Authority.

Effect of Proposed Changes

Section 2 of the bill relocates the statutory provision regarding financial disclosure forms filed by transportation and expressway authorities from s. 348.000(4)(c), F.S., which the bill repeals, to s. 112.3144(1), F.S. The actual financial disclosure requirements do not change.

Section 12 amends s. 343.1003(6), relating to the NFRTC), which currently requires members of the NFRTC, *notwithstanding s. 348.0003(4)(c), F.S.*, to file a statement of financial interest with the Commission on Ethics pursuant to s. 112.3145, F.S. The bill removes the reference to that section of law contained within the FEAA, as the bill repeals that section, and replaces it by requiring members to file statements of financial interests pursuant to s. 112.3145, F.S., notwithstanding s. 112.3144(1)(b), F.S. The obligation of the members of the NFRTC to file statements of financial interests (Form 1) remains unchanged

High Occupancy Toll Lanes and Express Lanes

Present Situation

A high-occupancy-vehicle (HOV) lane is generally a lane of a public roadway designated for use by vehicles in which there is more than one occupant.²⁷ A high-occupancy toll lane is an HOV lane, the use of which requires payment of a toll.

Current law does not define the terms “high-occupancy toll lane” or “express lane.” However, the FDOT provides the following descriptions:

Managed lanes are a [] strategy in which a set of lanes within an existing highway facility proactively implements a managed response to changing traffic conditions. A combination of tools such as access control, vehicle eligibility, and dynamic pricing²⁸ are used for a managed lane, and there are several different types of managed lanes such as High-occupancy Vehicle (HOV) lanes, high-occupancy toll lanes, express toll lanes, reversible lanes, and bus lanes.²⁹

Express lanes are a type of managed travel lane that is physically separated from the general use or general toll lanes within an existing roadway corridor. FDOT implements express lanes for congestion management purposes by designing them to operate at free-flow speed. Free-flow conditions in the express lanes are established when vehicles can safely operate at speeds of 45 miles per hour or higher, [and toll] amounts in the express lanes are dynamically updated to support free-flow conditions.³⁰

Section 338.166, F.S., authorizes the FDOT to request the Division of Bond Finance to issue bonds secured by toll revenues collected on HOT lanes or express lanes established on FDOT-

²⁷ Section 316.0741(1)(a), F.S.

²⁸ Also known as “variable pricing.” See s. 338.165, F.S.

²⁹ See FDOT, SIS Connections, *Florida’s Strategic Intermodal System*, December 2018, at p. 6, available at https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/planning/systems/sis_newsletter_winter2019.pdf?sfvrsn=d6a066fc_4 (last visited February 18, 2019.)

³⁰ *Id.*

owned facilities. The FDOT may continue to collect the tolls on HOT lanes or express lanes after any bond debt is discharged. Such tolls must first be used to pay the annual cost of operation, maintenance, and improvement of the HOT lanes or express lanes project or associated transportation system.³¹

The FDOT must use any remaining toll revenue from HOT lanes or express lanes for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the toll revenues were collected or to support express bus service on the facility where the toll revenues were collected.

Effect of Proposed Changes

Section 9 of the bill prohibits a toll that is more than \$5 on any HOT lane or express lane in a county as defined in s. 125.011(1), F.S.; *i.e.*, Miami-Dade County.³² Thus, the FDOT will be prohibited from charging more than a \$5 toll for use of any HOT lane or express lane in Miami-Dade County.³³ The FDOT's ability to manage congestion through variable pricing in such lanes may be negatively affected.

Expressway Authority Public-Private Partnerships

Present Situation

The FEAA authorizes any expressway authority, transportation authority, bridge authority, or toll authority to receive or solicit proposals and enter into public-private partnership agreements, for the building, operation, ownership, or financing of authority transportation facilities or new transportation facilities within the authority's jurisdiction which increase transportation capacity. The statute provides determinations that must be made regarding a proposed project, requires certain costs to be borne by the private entity, provides how transportation authorities are to provide notice of certain proposals and allows these authorities to exercise certain powers related to these agreements.³⁴

Effect of Proposed Changes

Sections 15 and 16 of the bill create s. 348.635, F.S., relating to the Tampa-Hillsborough County Expressway Authority, and s. 348.7605, F.S., relating to the Central Florida Expressway Authority, to generally relocate public-private partnership authorization and related provisions being repealed in the FEAA. The relocated provisions are substantively the same as the statutory

³¹ Section 338.166, F.S., expressly does not apply to the turnpike system.

³² Section 125.011(1), F.S., defines "county" as "any county operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred. Use of the word "county" within the above provisions shall include "board of county commissioners" of such county." The local governments authorized to operate under a home rule charter by the State Constitutions of 1885 and 1968 are the City of Key West and Monroe County, Dade County, and Hillsborough County. Of these, only Miami-Dade County operates under a home-rule charter pursuant to this constitutional provision. Therefore, Miami-Dade County is the only county that meets the definition of "county" in s. 125.011(1), F.S.

³³ For more information on Florida's express lanes, including a map of those in Miami-Dade County, *see* FDOT, *Florida Express Lanes*, available at <http://floridaexpresslanes.com/> and <http://floridaexpresslanes.com/wp-content/uploads/2018/04/Southeast-Florida-Express-Lanes-Map.pdf> (last viewed March 10, 2019).

³⁴ Section 348.0004(10), F.S. The FDOT's similar authority is contained in s. 334.30, F.S.

language currently in the FEAA. Any other expressway, transportation, bridge, or toll authority currently relying on the FEAA provisions for authorization to engage in public-private partnerships will no longer be authorized.

Southeast Florida Turnpike Toll Revenue

Present Situation

Section 338.21, F.S., requires the FDOT to fix, adjust, charge, and collect such tolls on the turnpike system as are required in order to provide a fund sufficient with other turnpike system revenues to pay the cost of maintaining, improving, repairing, and operating the turnpike system; to pay the principal and interest on any bonds issued to finance or refinance any portion of the turnpike system as the bonds become due and payable; and to create reserves for such purposes.

Section 338.231(3)(a), F.S., requires the FDOT, for the period July 1, 1998, through June 30, 2027, to the maximum extent feasible, to program sufficient funds in its tentative work program developed pursuant to s. 339.135(4), F.S., such that the percentage of turnpike toll and bond financed commitments in Miami-Dade, Broward, and Palm Beach Counties, as compared to total turnpike toll and bond financed commitments, is at least 90 percent of the share of net toll collections attributable to users of the turnpike system.³⁵ This requirement does not apply when its application would violate any bond covenants for turnpike bonds.

Effect of Proposed Changes

Section 10 of the bill amends s. 338.231(3)(a), F.S., to remove the maximum feasibility and date references, making permanent the FDOT's duty to program sufficient funds in its tentative work program such that *all* of the net toll collections attributable to users of turnpike facilities in the three identified counties are committed to projects and bond finance commitments in such counties. The bill retains the current provision rendering the requirement inapplicable when application would violate bond covenants.

Charter County and Regional Transportation System Surtax

Present Situation

Section 212.055(1), creates the Charter County and Regional Transportation System Surtax, authorizing each charter county, each county the government of which is consolidated with that of one or more municipalities, and each county that is within or under an interlocal agreement with a regional transportation or transit authority to levy, subject to voter approval, a discretionary sales surtax of up to one percent.³⁶

³⁵ The 2017 Legislature last amended this provision, previously set to sunset on June 30, 2017, to extend the expiration date to June 30, 2027. *Supra* note 16.

³⁶ Section 212.055(1)(a) and (b), F.S.

Thirty-one counties are currently eligible to levy the surtax.³⁷ However, only Broward, Duval, Hillsborough, and Miami-Dade Counties currently impose the surtax. Duval and Miami-Dade both levy the tax at a rate of one-half percent.³⁸

In Miami-Dade County, the surtax is dedicated to support the People's Transportation Plan.³⁹ In 2002, Miami-Dade County's voters approved the surtax for the purpose of funding the People's Transportation Plan, including plans to build rapid transit lanes, expand bus service, purchase additional buses, improve traffic signalization, improve major and neighborhood roads and highways, and provide funding to municipalities for road and transportation projects. The ordinance also establishes the Citizens' Independent Transportation Trust as an advisory entity created to oversee the use of the surtax proceeds.⁴⁰

Currently, proceeds from the Charter County and Regional Transportation System Surtax may be applied to as many or as few of the uses provided below in whatever combination the county commission deems appropriate:

- Deposited by the county in the trust fund and used for a countywide bus system, on-demand transportation services,⁴¹ and related costs of a fixed guideway rapid transit system;
- Remitted by the governing body of the county to an expressway, transit, or transportation authority to be used roads or bridges, a bus system, on-demand transportation services, for the payment of principal and interest on existing bonds issued for the construction of such roads or bridges, and, upon approval by the county commission, such proceeds may be pledged for bonds issued to refinance existing bonds or new bonds issued for the construction of such roads or bridges; or
- Used by the county for roads and bridges; bus and fixed guideway systems; on-demand transportation services; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges. Pursuant to an interlocal agreement, the county may distribute tax proceeds to a municipality, or an expressway or transportation authority.⁴²

³⁷ The counties eligible to levy the surtax are Alachua, Bay, Brevard, Broward, Citrus, Clay, Columbia, Duval, Escambia, Franklin, Santa Rosa, Sarasota, Seminole, Volusia, Wakulla, and Walton. See the 2018 Florida Tax Handbook, p. 227, available at <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2018.pdf> (last viewed March 9, 2019).

³⁸ In Miami-Dade County, the surtax is dedicated to support the People's Transportation Plan. In 2002, Miami-Dade County's voters approved the surtax for the purpose of funding the Plan, including plans to build rapid transit lanes, expand bus service, purchase additional buses, improve traffic signalization, improve major and neighborhood roads and highways, and provide funding to municipalities for road and transportation projects. For more information on the Plan, see Miami.gov available at <https://www.miamidade.gov/publicworks/peoples-transportation.asp> (last viewed March 9, 2019).

³⁹ See Miami.gov, *The People's Transportation Plan*, for information on the Plan, available at <https://www.miamidade.gov/publicworks/peoples-transportation.asp> (last viewed March 13, 2019).

⁴⁰ Florida Department of Transportation, Agency Analysis of 2019 HB 385, at p. 5. (January 22, 2019) (On filed in the Senate Infrastructure and Security Committee).

⁴¹ Section 212.055(1)(e), F.S., defines "on-demand transportation services" as transportation provided between flexible points of origin and destination selected by individual users with such service being provided at a time that is agreed upon by the user and the provider of the service and that is not fixed-schedule or fixed-route in nature.

⁴² Section 212.055(1)(d), F.S.

Effect of Proposed Changes

Section 3 of the bill amends s. 212.055 (1)(d) , F.S. Effective October 1, 2022, to the extent not prohibited by contracts or bond covenants in effect on that date, the bill limits Miami-Dade County's use of proceeds from the surtax to only the following purposes:

- The planning, design, engineering, or construction of, or the acquisition of rights-of-way for, fixed guideway rapid transit systems and bus systems, including bus rapid transit systems, and for the development of dedicated facilities for autonomous vehicles.⁴³
- The purchase of buses or other capital costs for bus systems, including bus rapid transit systems or bus systems.
- The payment of principal and interest on bonds previously issued related to fixed-guideway rapid transit systems or bus systems.
- As security by the governing body of the county to refinance existing bonds or to issue new bonds for the planning, design, engineering, or construction of fixed-guideway rapid transit systems, bus rapid transit systems, or bus systems.

Also effective October 1, 2022, to the extent not prohibited by contracts or bond covenants in effect on that date, no more than 25 percent of the surtax proceeds may be distributed to municipalities in total in Miami-Dade County. Municipality in Miami-Dade County may use its surtax proceeds to plan, develop, construct, operate, and maintain roads and bridges in the municipality and to pay the principal and interest on bonds issued to construct road or bridges. The governing body of the municipality may pledge the proceeds for bonds issued to refinance existing bonds or new bonds issued to construct such roads and bridges. Additionally, each such municipality may use surtax proceeds for transit systems within the municipality.

On the same effective date, the bill additionally prohibits use of proceeds from the surtax in Miami-Dade County for salaries or other personnel expenses for any governmental entity receiving these funds.

Rebuilt Motor Vehicle Inspection Program

Present Situation

In 2013, the Legislature created s. 319.141, F.S., creating a Pilot Rebuilt Vehicle Inspection Program (PRVIP) in Miami-Dade and Hillsborough counties through June 30, 2018.⁴⁴ DHSMV set standards for the program and certified private sector inspection facilities in Miami-Dade County. The program's purpose was 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 DHSMV. DHSMV was required to establish a memorandum of understanding (MOU) allowing 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.

⁴³ Section 316.003(3), F.S., defines "autonomous vehicle" as any vehicle equipped with autonomous technology.

⁴⁴ Section 319.14(1)(c)3., defines "rebuilt vehicle" for purposes of that section as a motor vehicle or motor home built from salvage or junk.

To be approved for the program, an applicant was required to:

- 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 U.S. Postal Service where the only services provided are rebuilt inspection services;
- 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 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 DHSMV determines necessary to conduct proper inspections.⁴⁵

As required by law, in 2015, DHSMV submitted a report⁴⁶ that summarized the implementation of the pilot program and program results. DHSMV certified eight private businesses in the Miami area to conduct rebuilt vehicle inspections.⁴⁷ DHSMV employees in Miami-Dade County were 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 were conducted in accordance with program standards.⁴⁸

According to DHSMV, each of the eight pilot program participants met all of the statutory requirements and the MOU executed with DHSMV.⁴⁹ Statutorily authorized state rebuilt inspection fees (\$40) and re-inspection fees (\$20) were collected and remitted to the state as required. In addition, each pilot program participant was allowed to assess customers a service fee for each inspection. Service fees ranged from \$50 to \$85 and were not regulated in any manner by DHSMV.⁵⁰

As provided in its authorizing legislation, the PRVIP was repealed on July 1, 2018, as it was not saved from repeal or reauthorized by the Legislature.

Effect of Proposed Changes

Section 5 of the bill revives, reenacts, and amends s. 319.141, F.S., notwithstanding its repeal on July 1, 2018. The bill makes the inspection program permanent in Miami-Dade County. The bill retains the requirement that such authorization be based on the continued use of private facilities, the cost impact to consumers, and the potential savings to the DHSMV.

⁴⁵ Section 319.141(4), F.S.

⁴⁶ DHSMV, *Florida's Private Rebuilt Vehicle Inspection Program – Pilot Program Report* (Jan. 30, 2015), available at <http://www.flhsmv.gov/pdf/cabinetreports/privaterebuiltreport.pdf> (last viewed March 9, 2019). No entities from Hillsborough County applied to participate in the pilot program.

⁴⁷ DHSMV, Office of Inspector General, *Rebuilt Vehicle Inspection Program Audit Report 201617-24* (Dec. 5, 2017), available at <https://www.flhsmv.gov/pdf/igoffice/20161724.pdf> (last viewed March 9, 2019).

⁴⁸ *Supra* note 60 at p. 3.

⁴⁹ *Id.*

⁵⁰ *Id.*

FDOT Review of Design Plans

Present Situation

Section 334.175, F.S., requires all design plans and surveys prepared by or for the FDOT to be signed, sealed, and certified by the duly registered professional engineer or surveyor, architect, or landscape architect responsible for the project work. However, while DOT may review plans for highway projects impacting its right-of-way but not prepared by or for the FDOT, the FDOT is not required to approve the design plans.⁵¹

Effect of Proposed Changes

Section 6 of the bill amends s. 334.175, F.S., requiring that for all transportation projects on, under, over, or abutting right-of-way owned by FDOT, the FDOT must approve the design plans if the plans meet FDOT standards. This requirement would apply regardless of the transportation project's funding source.

Innovative Transportation Projects and Techniques

Present Situation

Section 337.025, F.S., entitled *innovative highway projects*, authorizes the FDOT to establish a program for highway projects demonstrating innovative techniques of highway construction, maintenance, and finance which have the intended effect of controlling time and cost increases on construction projects. Such techniques may include, but are not limited to, state-of-the-art technology for pavement, safety, and other aspects of highway construction and maintenance; innovative bidding and financing techniques; accelerated construction procedures; and those techniques that have the potential to reduce project life cycle costs. DOT may annually enter into up to \$120 million in contracts for innovative transportation projects. However, the annual cap does not apply to turnpike enterprise projects and to certain transportation projects funded in the past by the federal government.⁵²

Effect of Proposed Changes

Section 7 of the bill amends s. 337.025, F.S., revising its title to *innovative transportation projects* and authorizing the FDOT to establish a program for such projects, including those demonstrating innovative techniques of bridge design (along with those of highway, construction, maintenance, and finance), which in addition to controlling time and cost increases have the intended effect of measuring resiliency and structural integrity.

⁵¹ A pedestrian bridge collapsed under construction at Florida International University in Miami collapsed onto the state-owned U.S. 41/Tamiami Trail. The National Traffic Safety Board (NTSB) has issued preliminary reports indicating flaws in the bridge's design may have existed. NTSB information on the bridge collapse is available on the NTSB website at <https://www.nts.gov/investigations/Pages/HWY18MH009.aspx> (last viewed March 9, 2019).

⁵² See the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5.

Osceola County Expressway Authority

Present Situation

In 2010, the Legislature created the Osceola County Expressway Authority Law, codified in part V of Ch. 348, F.S.⁵³ The Osceola County Expressway Authority law contains many references to the FEAA. The Osceola County Expressway Authority (OCX) operated the Poinciana Parkway in Osceola County.

In 2014, the Legislature passed SB 230,⁵⁴ creating the Central Florida Expressway Authority (CFX), in part III of Ch. 348, F.S. In summary, the Legislature transferred the former Orlando-Orange County Expressway Authority to CFX. At the time of its creation, CFX included Lake, Osceola, Orange, and Seminole Counties. Brevard County was subsequently added to the authority. The 2014 act limited the exercise of OCX's powers. Under that act, OCX could only exercise its powers for the purpose of studying, planning, designing, financing, constructing, operating, and maintaining projects that were identified in its May 8, 2012, Master Plan. However, the bill authorized OCX to exercise these same powers on an additional, specified extension of the Osceola Parkway Extension.

The 2014 act provided that on December 31, 2018, all powers, governance, and control of the Osceola County Expressway System were transferred to CFX, as were all assets, liabilities, facilities, tangible and intangible property and any rights in the property, and any other legal rights of OCX. At that time, each OCX facility was considered a "non-system project."⁵⁵ The effective date of the transfer was required to be extended until the date on which the current and forecasted total debt service coverage ratios could be certified to be equal to or greater than 1.5 for each and every year during which debt obligations are outstanding. However, if the effective date was extended, then OCX could only exercise its powers through a contract with another governmental entity (or entities).⁵⁶

The 2014 act provided that Part V of Ch. 348, F.S., is repealed on the same date that the OCX is transferred to CFX. Following the repeal and transfer, uncompleted elements of OCX's May 8, 2012, Master Plan were to be included in the CFX's master or long-range plan.⁵⁷ An additional, specified extension of the Osceola Parkway Extension was also to be included. In all cases, these uncompleted elements are considered "non-system projects" of the CFX.

OCX has entered into a lease purchase agreement with Osceola County to acquire the Poinciana Parkway, a facility owned by the County and financed by Osceola County, Polk County, and the FDOT. Toll revenues from Poinciana are pledged to the repayment of the bonds that Osceola County has issued. OCX, Osceola County and CFX have entered into an Interlocal Agreement

⁵³ Ch. 2010-225, L.O.F. Part V of Ch. 348, F.S., consists of ss. 348.9950 through 348.9961, F.S.

⁵⁴ Ch. 2014-171, L.O.F.

⁵⁵ To be defined in the then-current master senior lien bond resolution of the CFX.

⁵⁶ The powers exercised pursuant to contract may only be for the purpose of operating and maintaining those projects which were completed before such date, in accordance with the requirements of any agreement, resolution, or indenture under which bonds or other debt obligations were issued to finance such projects, and completing construction of those projects for which financing of the full estimated costs of acquisition, design, and construction was obtained and construction began before December 31, 2018.

⁵⁷ The CFX's master or long-range plan will define the term "master plan" or "long range plan."

addressing the operation of the Parkway, services provided by CFX and the potential acquisition of the Parkway by CFX. OCX, Osceola County and CFX are working on the transfer of the Parkway lease purchase agreement to CFX. OCX does not own other facilities and has not issued bonds to finance facilities.⁵⁸

On December 11, 2018, the OCX board voted to transfer all of its projects to the CFX.⁵⁹

Effect of Proposed Changes

Section 17 of the bill repeals the Osceola County Expressway Authority Law codified in part V of Ch. 348, F.S. Due to the OCX's board vote to transfer all of its projects to CFX, the OCX is effectively dissolved, and this repeal will have no impact on its or other entities' operations.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁵⁸ Florida Department of Transportation, Agency Analysis of HB 385 (2019), January 22, 2019, at p. 3. (On file in the Senate Infrastructure and Security Committee.)

⁵⁹ Stephanie Bechara, *Osceola County Expressway Authority Coming to an End* (December 11, 2018), Available at: <https://www.mynews13.com/fl/orlando/news/2018/12/11/osceola-county-expressway-authority-coming-to-an-end> (last viewed March 9, 2019).

B. Private Sector Impact:

Section 11: Travelers in Miami-Dade County will be able to use the former MDX expressways without payment of a toll when any outstanding bond obligations as of July 1, 2018, are discharged.⁶⁰ Travelers in Miami-Dade County may benefit from toll rates that will not increase, except as required by bond covenants.

Section 9: Travelers in Miami-Dade County will be able to use HOT or express lanes for no more than \$5. However, such travelers may experience reduced travel options if the \$5 cap on tolls results in increased congestion in HOT or express lanes.

Section 3: The revisions to authorized uses of the Charter County and Regional Transportation System Surtax in Miami-Dade County may increase mobility for users of fixed-guideway rapid transit systems, bus rapid transit systems, bus systems, or dedicated facilities for autonomous vehicles.

C. Government Sector Impact:

Sections 11, 13, and 14: The bill transfers the assets and liabilities of the MDX to the FDOT. All tolls and other revenue collected by the Authority would become payable to the FDOT, including any cash balances.⁶¹ The bill also prohibits the FDOT from assessing a toll for use of former MDX facilities after discharge of bonds associated with the facilities. On February 1, 2019, the Revenue Estimating Conference analyzed similar provisions in the as-filed HB 385 (2019) and identified the following positive fiscal impacts to an FDOT trust fund⁶² and a corresponding negative impact to the MDX:

2019-2020	\$542.7 million
2020-2021	\$264.1 million
2021-2022	\$269.3 million
2022-2023	\$275.0 million
2023-2024	\$281.5 million

The FDOT will be prohibited from increasing toll rates on the expressway system except as required by bond covenants, which may reduce toll revenues that would otherwise be collected. However, the extent of any such reduction is unknown. The FDOT will no longer collect toll revenues on the identified expressways once any outstanding bond obligations are discharged, currently in 2044.⁶³ Toll revenues will no longer support the operations, maintenance, or improvement of the expressways, and funds for these purposes will have to be paid from other sources. The exact amount of such expenses, or the extent of any potential impact of such expenses on projects in the FDOT's work

⁶⁰ See the Revenue Estimating Conference (REC) analysis of HB 385 (2019) available at <http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2019/pdf/page50-51.pdf> (last viewed March 10, 2019).

⁶¹ *Id.* at p. 2.

⁶² Section 20.06, F.S., requires the financial segregation of inherited funds. See the REC analysis of HB 385 at p. 2., for an explanation of “net revenue” that would be available for deposit in a “to be determined” FDOT trust fund. The REC also assumed there is no General Revenue service charge. *Id.*

⁶³ *Supra* note 21 at p. 49.

program in the future, is indeterminate. The \$5 cap on tolls for use of HOT lanes or express lanes in Miami-Dade County may reduce toll revenues collected by the FDOT, thus, reducing available funds for operations and maintenance of the lanes. However, the extent of any such reduction is unknown.

The FDOT and the DBF will incur expenses associated with the required review of all MDX contracts, financial obligations, and contractual relationships and liability and with making a determination as to the assumption of responsibility for those obligations, which expenses are expected to be absorbed within existing resources.

The FDOT will incur expenses associated with consideration given to refinancing outstanding MDX bonds to determine if doing so would result in a net cost savings, which expenses are expected to be absorbed within existing resources. If a net savings would result, such savings would be offset by the expenses of the required review, as well as costs associated with refinancing the bonds. The extent of any savings is unknown.

The FDOT will incur expenses to fabricate and install the signage required by the bill, showing the day or year in which the bonds will be paid, which expenses are expected to be absorbed within existing resources.

The FDOT will incur annual expenses associated with the required reports to the Miami-Dade County Board of County Commissioners and the Miami-Dade County Transportation Planning Organization, beginning October 1, 2020, which expenses are expected to be absorbed within existing resources.

Section 3: Effective October 1, 2022, , use of any proceeds of the Charter County and Regional System Surtax tax in Miami-Dade County will be limited to the uses specified in the bill and may not be used for currently authorized purposes; e.g., for roads and bridges, or on-demand transportation services, in the county. Funding for fixed-guideway rapid transit systems, bus rapid transit systems, bus systems and development of dedicated facilities for autonomous vehicles is increased in that county. Municipalities in Miami-Dade County will be limited to distribution of no more than 25 percent of the proceeds for roads and bridges, to pay the principal and interest on bonds, to refinance existing bonds, and for transit systems. To the extent that Miami-Dade County uses the proceeds for salaries or other personnel expenses, those expenses would have to be paid from other sources available to that county.

Section 10: The bill requires the FDOT to program sufficient funds in its tentative work program such that *all* of the net toll collections attributable to users of turnpike facilities in Miami-Dade, Broward, and Palm Beach Counties are committed to projects and bond finance commitments in such counties. The current requirement is 90 percent of that revenue. To the extent that some of the toll revenues from those counties are currently being used in other parts of the state, these counties could see a reduction in funding for projects, while the three counties may see an increase in funding for projects.

Section 5: The DHSMV may incur indeterminate expenses associated with the reenactment of the Rebuilt Motor Vehicle Inspection Program.

Section 6: The FDOT may incur indeterminate expenses associated with approving design plans impacting its rights-of-way.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The FDOT advises the revenue stream from MDX facilities currently covers the costs of operating, maintaining, and improving these facilities. That revenue stream would no longer be available once outstanding bond obligations are discharged, and the operations, maintenance, and improvements would have to be paid from other sources. “The bill adds responsibilities for operations, maintenance and capacity improvements on additional transportation facilities with limited revenues.”⁶⁴ The FDOT further advises it expects a significant but indeterminate impact on operations and maintenance costs for HOT or express lanes in Miami-Dade County, which are currently covered by collected toll revenues. The bill would require these costs to be covered with “regular” non-toll transportation revenues.⁶⁵

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 20.23, 112.3144, 212.055, 215.68, 319.141, 334.175, 337.025, 338.165, 338.166, 338.231, and 343.1003.

This bill creates the following sections of the Florida Statutes: 338.271, 348.635, and 348.7605.

This bill repeals the following sections of the Florida Statutes: 339.176, 348.0001, 348.0002, 348.0003, 348.0004, 348.0005, 348.0007, 348.0008, 348.0009, 348.0010, 348.0011, 348.00115, 348.0012, 348.9950, 348.9951, 348.9952, 348.9953, 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and 348.9961.

This bill creates an undesignated section of Florida Law.

IX. Additional Information:

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

CS by Infrastructure and Security on March 12, 2019:

The CS:

- Revises a number of provisions relating to the terms and conditions of the transfer of the MDX and its asset and liabilities to the FDOT.

⁶⁴ *Supra* note 72 at p. 9.

⁶⁵ See the FDOT’s analysis of SB 1044 (2019) at pp. 7-8, which bill contains substantively identical language. (On file in the Senate Committee on Infrastructure and Security.)

- Limits revisions to uses of the proceeds of the Charter County and Regional Transportation System to Miami-Dade County and provides additional provisions relating to distribution of such proceeds to municipalities in that county.
- Reenacts and makes permanent the rebuilt motor vehicle inspection program in Miami-Dade County.
- Removes the prohibition against the FDOT using toll revenue from HOT or express lanes to offset funding the facility would receive if the facility were not a HOT lane or express lane.
- Removes the provisions that revised the membership of the Miami-Dade County metropolitan planning organization.
- Removes provisions relating to the preservation principle of the FDOT's goals.
- Removes provisions that would provide an additional exception from the prohibition against the FDOT selling property at a price less than the FDOT's current estimate of value after determining property of a specified value is not needed for a transportation facility.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/14/2019	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Diaz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (b) of subsection (2) of section
20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a
Department of Transportation which shall be a decentralized
agency.

(2)



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(b) The commission shall:

1. Recommend major transportation policies for the Governor's approval and assure that approved policies and any revisions are properly executed.

2. Periodically review the status of the state transportation system including highway, transit, rail, seaport, intermodal development, and aviation components of the system and recommend improvements to the Governor and the Legislature.

3. Perform an in-depth evaluation of the annual department budget request, the Florida Transportation Plan, and the tentative work program for compliance with all applicable laws and established departmental policies. Except as specifically provided in s. 339.135(4)(c)2., (d), and (f), the commission may not consider individual construction projects, but shall consider methods of accomplishing the goals of the department in the most effective, efficient, and businesslike manner.

4. Monitor the financial status of the department on a regular basis to assure that the department is managing revenue and bond proceeds responsibly and in accordance with law and established policy.

5. Monitor on at least a quarterly basis, the efficiency, productivity, and management of the department using performance and production standards developed by the commission pursuant to s. 334.045.

6. Perform an in-depth evaluation of the factors causing disruption of project schedules in the adopted work program and recommend to the Governor and the Legislature methods to eliminate or reduce the disruptive effects of these factors.

7. Recommend to the Governor and the Legislature



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improvements to the department's organization in order to streamline and optimize the efficiency of the department. In reviewing the department's organization, the commission shall determine if the current district organizational structure is responsive to this state's changing economic and demographic development patterns. The initial report by the commission must be delivered to the Governor and the Legislature by December 15, 2000, and each year thereafter, as appropriate. The commission may retain experts as necessary to carry out this subparagraph, and the department shall pay the expenses of the experts.

8. Monitor the efficiency, productivity, and management of the authorities created under chapters 348 and 349, ~~including any authority formed using part I of chapter 348~~; the Mid-Bay Bridge Authority re-created pursuant to chapter 2000-411, Laws of Florida; and any authority formed under chapter 343. The commission shall also conduct periodic reviews of each authority's operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles.

Section 2. Subsection (1) of section 112.3144, Florida Statutes, is amended to read:

112.3144 Full and public disclosure of financial interests.—

(1) (a) An officer who is required by s. 8, Art. II of the State Constitution to file a full and public disclosure of his or her financial interests for any calendar or fiscal year shall file that disclosure with the Florida Commission on Ethics. Additionally, ~~beginning January 1, 2015~~, an officer who is required to complete annual ethics training pursuant to s.



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112.3142 must certify on his or her full and public disclosure of financial interests that he or she has completed the required training.

(b) A member of an expressway authority, transportation authority, bridge authority, or toll authority created pursuant to chapter 343, chapter 348, or any other general law shall comply with the applicable financial disclosure requirements of s. 8, Art. II of the State Constitution.

Section 3. Paragraph (d) of subsection (1) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM SURTAX.—

(d)1. Except as set forth in subparagraph 2., proceeds from the surtax shall be applied to as many or as few of the uses enumerated below in whatever combination the county commission deems appropriate:



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98 a.1- Deposited by the county in the trust fund and shall be
99 used for the purposes of development, construction, equipment,
100 maintenance, operation, supportive services, including a
101 countywide bus system, on-demand transportation services, and
102 related costs of a fixed guideway rapid transit system;

103 b.2- Remitted by the governing body of the county to an
104 expressway, transit, or transportation authority created by law
105 to be used, at the discretion of such authority, for the
106 development, construction, operation, or maintenance of roads or
107 bridges in the county, for the operation and maintenance of a
108 bus system, for the operation and maintenance of on-demand
109 transportation services, for the payment of principal and
110 interest on existing bonds issued for the construction of such
111 roads or bridges, and, upon approval by the county commission,
112 such proceeds may be pledged for bonds issued to refinance
113 existing bonds or new bonds issued for the construction of such
114 roads or bridges;

115 ~~3. Used by the county for the development, construction,~~
116 ~~operation, and maintenance of roads and bridges in the county;~~
117 ~~for the expansion, operation, and maintenance of bus and fixed~~
118 ~~guideway systems; for the expansion, operation, and maintenance~~
119 ~~of on-demand transportation services; and for the payment of~~
120 ~~principal and interest on bonds issued for the construction of~~
121 ~~fixed guideway rapid transit systems, bus systems, roads, or~~
122 ~~bridges; and such proceeds may be pledged by the governing body~~
123 ~~of the county for bonds issued to refinance existing bonds or~~
124 ~~new bonds issued for the construction of such fixed guideway~~
125 ~~rapid transit systems, bus systems, roads, or bridges and no~~
126 ~~more than 25 percent used for nontransit uses; and~~



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c.4. Used by the county for the planning, development, construction, operation, and maintenance of roads and bridges in the county; for the planning, development, expansion, operation, and maintenance of bus and fixed guideway systems; for the planning, development, construction, expansion, operation, and maintenance of on-demand transportation services; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges. Pursuant to an interlocal agreement entered into pursuant to chapter 163, the governing body of the county may distribute proceeds from the tax to a municipality, or an expressway or transportation authority created by law to be expended for the purpose authorized by this paragraph. Any county that has entered into interlocal agreements for distribution of proceeds to one or more municipalities in the county shall revise such interlocal agreements no less than every 5 years in order to include any municipalities that have been created since the prior interlocal agreements were executed.

2.a. Beginning October 1, 2022, and to the extent not prohibited by contracts or bond covenants in effect on that date, a county as defined in s. 125.011(1) shall use proceeds of the surtax only for the following purposes:

(I) The planning, design, engineering, or construction of fixed guideway rapid transit systems and bus systems, including



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bus rapid transit systems, and for the development of dedicated facilities for autonomous vehicles as defined in s. 316.003.

(II) The acquisition of rights-of-way for fixed guideway rapid transit systems and bus systems, including bus rapid transit systems, and for the development of dedicated facilities for autonomous vehicles as defined in s. 316.003.

(III) The purchase of buses or other capital costs for bus systems, including bus rapid transit systems.

(IV) The payment of principal and interest on bonds previously issued related to fixed guideway rapid transit systems or bus systems.

(V) As security by the governing body of the county to refinance existing bonds or to issue new bonds for the planning, design, engineering, or construction of fixed guideway rapid transit systems, bus rapid transit systems, or bus systems.

b. Effective October 1, 2022, to the extent not prohibited by contracts or bond covenants in effect on that date, not more than 25 percent of the surtax proceeds may be distributed to municipalities in total in a county as defined in s. 125.011(1).

Such municipalities may use the surtax proceeds to plan, develop, construct, operate, and maintain roads and bridges in the municipality and to pay the principal and interest on bonds issued to construct roads or bridges. The governing body of the municipality may pledge the proceeds for bonds issued to refinance existing bonds or new bonds issued to construct such roads or bridges. Additionally, each such municipality may use surtax proceeds for transit systems within the municipality.

c. Effective October 1, 2022, in a county as defined in s. 125.011(1), proceeds from the surtax may not be used for



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185 salaries or other personnel expenses of the county
186 transportation department.

187 Section 4. Subsection (2) of section 215.68, Florida
188 Statutes, is amended to read:

189 215.68 Issuance of bonds; form; maturity date, execution,
190 sale.—

191 (2) Such bonds may:

192 (a) Be issued in either coupon form or registered form or
193 both;

194 (b) Have such date or dates of issue and such maturities,
195 not exceeding in any event 40 years from the date of issuance
196 thereof;

197 (c) Bear interest at a rate or rates not exceeding the
198 interest rate limitation set forth in s. 215.84(3);

199 (d) Have such provisions for registration of coupon bonds
200 and conversion and reconversion of bonds from coupon to
201 registered form or from registered form to coupon form;

202 (e) Have such provisions for payment at maturity and
203 redemption before ~~prior to~~ maturity at such time or times and at
204 such price or prices; and

205 (f) Be payable at such place or places within or without
206 the state as the board shall determine by resolution.

207
208 ~~The foregoing terms and conditions do not supersede the~~
209 ~~limitations provided in chapter 348, part I, relating to the~~
210 ~~issuance of bonds.~~

211 Section 5. Notwithstanding the repeal of section 319.141,
212 Florida Statutes, which occurred on July 1, 2018, that section
213 is revived, reenacted, and amended, to read:



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319.141 ~~Pilot~~ Rebuilt motor vehicle inspection program.—

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

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

(b) "Rebuilt inspection services" means an examination of a rebuilt vehicle and a properly endorsed certificate of title, salvage certificate of title, or manufacturer's statement of origin and an application for a rebuilt certificate of title, a rebuilder's affidavit, a photograph of the junk or salvage vehicle taken before repairs began, receipts or invoices for all major component parts, as defined in s. 319.30, and repairs which were changed, and proof that notice of rebuilding of the vehicle has been reported to the National Motor Vehicle Title Information System.

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

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

(4) Before an applicant is approved, the department shall ensure that the applicant meets basic criteria designed to protect the public. At a minimum, the applicant shall meet all



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of the following requirements:

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

(b) Secure and maintain a facility at a permanent structure at an address recognized by the United States Postal Service where the only services provided on such property are rebuilt inspection services. The operator of a facility shall annually attest that he or she is not employed by or does not have an ownership interest in or other financial arrangement with the owner, operator, manager, or employee of a motor vehicle repair shop as defined in s. 559.903, a motor vehicle dealer as defined in s. 320.27(1)(c), a towing company, a vehicle storage company, a vehicle auction, an insurance company, a salvage yard, a metal retailer, or a metal rebuilder, from which he or she receives remuneration, directly or indirectly, for the referral of customers for rebuilt inspection services.

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

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

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

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

(6) The department shall immediately terminate any operator



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from the program who fails to meet the minimum eligibility requirements specified in subsection (4). Before a change in ownership of a rebuilt inspection facility, the current operator must give the department 45 days' written notice of the intended sale. The prospective owner must meet the eligibility requirements of this section and execute a new memorandum of understanding with the department before operating the facility.

~~(7) This section is repealed on July 1, 2018, unless saved from repeal through reenactment by the Legislature.~~

Section 6. Section 334.175, Florida Statutes, is amended to read:

334.175 Certification of project design plans and surveys.—

(1) All design plans and surveys prepared by or for the department shall be signed, sealed, and certified by the professional engineer or surveyor or architect or landscape architect in responsible charge of the project work. Such professional engineer, surveyor, architect, or landscape architect must be duly registered in this state.

(2) For all transportation projects on, under, over, or abutting a department-owned right-of-way and regardless of funding source, the department shall approve the design plans for such projects if such design plans meet department design standards.

Section 7. Section 337.025, Florida Statutes, is amended to read:

337.025 Innovative transportation ~~highway~~ projects; department to establish program.—

(1) The department may ~~is authorized to~~ establish a program for transportation ~~highway~~ projects demonstrating innovative



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techniques of highway and bridge design, construction, maintenance, and finance which have the intended effect of measuring resiliency and structural integrity and controlling time and cost increases on construction projects. Such techniques may include, but are not limited to, state-of-the-art technology for pavement, safety, and other aspects of highway and bridge design, construction, and maintenance; innovative bidding and financing techniques; accelerated construction procedures; and those techniques that have the potential to reduce project life cycle costs. To the maximum extent practical, the department must use the existing process to award and administer construction and maintenance contracts. When specific innovative techniques are to be used, the department is not required to adhere to those provisions of law that would prevent, preclude, or in any way prohibit the department from using the innovative technique. However, before ~~prior to~~ using an innovative technique that is inconsistent with another provision of law, the department must document in writing the need for the exception and identify what benefits the traveling public and the affected community are anticipated to receive. The department may enter into no more than \$120 million in contracts annually for the purposes authorized by this section.

(2) The annual cap on contracts provided in subsection (1) shall not apply to:

(a) Turnpike enterprise projects, and turnpike enterprise projects shall not be counted toward the department's annual cap.

(b) Transportation projects funded by the American Recovery and Reinvestment Act of 2009.



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Section 8. Subsections (2) and (5) of section 338.165, Florida Statutes, are amended to read:

338.165 Continuation of tolls.—

(2) If the revenue-producing project is on the State Highway System, any remaining toll revenue shall be used for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the revenue-producing project is located, ~~except as provided in s. 348.0004.~~

(5) If the revenue-producing project is on the county road system, any remaining toll revenue shall be used for the construction, maintenance, or improvement of any other state or county road within the county or counties in which the revenue-producing project is located, ~~except as provided in s. 348.0004.~~

Section 9. Present subsections (5), (6), and (7) of section 338.166, Florida Statutes, are redesignated as subsections (6), (7), and (8), respectively, and a new subsection (5) is added to that section, to read:

338.166 High-occupancy toll lanes or express lanes.—

(5) A toll on a high-occupancy toll lane or express lane located in a county as defined in s. 125.011(1) may not exceed \$5 per trip.

Section 10. Paragraph (a) of subsection (3) of section 338.231, Florida Statutes, is amended to read:

338.231 Turnpike tolls, fixing; pledge of tolls and other revenues.—The department shall at all times fix, adjust, charge, and collect such tolls and amounts for the use of the turnpike system as are required in order to provide a fund sufficient with other revenues of the turnpike system to pay the cost of



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maintaining, improving, repairing, and operating such turnpike system; to pay the principal of and interest on all bonds issued to finance or refinance any portion of the turnpike system as the same become due and payable; and to create reserves for all such purposes.

(3) (a) ~~For the period July 1, 1998, through June 30, 2027,~~ The department shall, ~~to the maximum extent feasible,~~ program sufficient funds in the tentative work program such that all of the percentage of turnpike toll and bond financed commitments in Miami-Dade County, Broward County, and Palm Beach County as compared to total turnpike toll and bond financed commitments shall be at least 90 percent of the share of net toll collections attributable to users of the turnpike facilities system in Miami-Dade County, Broward County, and Palm Beach County are committed to projects and bond finance commitments in each respective county as compared to total net toll collections attributable to users of the turnpike system. This paragraph subsection does not apply when the application of such requirements would violate any covenant established in a resolution or trust indenture relating to the issuance of turnpike bonds. The department may at any time for economic considerations establish lower temporary toll rates for a new or existing toll facility for a period not to exceed 1 year, after which the toll rates adopted pursuant to s. 120.54 shall become effective.

Section 11. Effective upon this act becoming a law, section 338.271, Florida Statutes, is created to read:

338.271 Facilities of the former Miami-Dade County Expressway Authority.-



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(1) The department shall assume the assets and liabilities of the Miami-Dade County Expressway Authority.

(2) (a) The department shall continue the system of tolls of the facilities for the former Miami-Dade County Expressway Authority until any outstanding bond obligations related to a facility on the former Miami-Dade County Expressway System are fully discharged.

(b) Notwithstanding s. 338.165(1), the department may not collect tolls on a facility of the former Miami-Dade County Expressway Authority after the discharge of any bond obligations that are outstanding as of July 1, 2018.

(3) Notwithstanding s. 338.165(3), the department may not increase toll rates on facilities of the former Miami-Dade County Expressway Authority except as required by bond covenants.

(4) (a) Fees generated from tolls shall be deposited into the State Transportation Trust Fund and may be used to:

1. Reimburse outstanding contractual obligations.

2. Operate and maintain the highways and toll facilities, including reconstruction and restoration, such that these facilities are maintained to department standards.

3. Pay for projects funded by toll revenues from the former Miami-Dade County Expressway Authority which are contained in the 5-year work program adopted by the Miami-Dade County Expressway Authority on December 5, 2018.

(b) Revenues generated annually in excess of those required to pay the expenses in paragraph (a) shall be used by the department to fund transportation projects in the area served by the former Miami-Dade County Expressway Authority.



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(5) Notwithstanding any other provision of law to the contrary, the facilities of the former Miami-Dade County Expressway Authority may not become part of the Florida Turnpike Enterprise and are not subject to the Florida Turnpike Enterprise Law.

Section 12. Subsection (6) of section 343.1003, Florida Statutes, is amended to read:

343.1003 Northeast Florida Regional Transportation Commission.—

(6) Notwithstanding s. 112.3144(1)(b) ~~s. 348.0003(4)(e)~~, members of the board shall file a statement of financial interests ~~interest~~ with the Commission on Ethics pursuant to s. 112.3145.

Section 13. Part I of chapter 348, Florida Statutes, consisting of sections 348.0001, 348.0002, 348.0003, 348.0004, 348.0005, 348.0007, 348.0008, 348.0009, 348.0010, 348.0011, 348.00115, and 348.0012, is repealed.

Section 14. (1) Effective upon this act becoming a law, the governance and control of the Miami-Dade County Expressway Authority is transferred to the Department of Transportation pursuant to the terms of this section. The assets, facilities, tangible and intangible property and any rights in such property, and any other legal rights of the authority, including the expressway system operated by the authority, are transferred to the department. The department succeeds to all powers of the authority, and the operations and maintenance of the expressway system shall be under the control of the department. Revenues collected on the expressway system shall be considered department revenues but shall be subject to the lien of the



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trust indentures securing the Miami-Dade County Expressway Authority bonds. The department also assumes all liability for bonds of the authority pursuant to subsection (2). The department shall, in consultation with the Division of Bond Finance, review all other contracts, financial obligations, and contractual relationships and liabilities of the authority, and the department may assume responsibility for the obligations that are determined to be necessary or desirable for the continued operation of the expressway system. Employees, officers, and members of the authority may not sell, dispose, encumber, transfer, or expend the assets of the authority as existed and reflected in the authority's financial statements for the fiscal year ended June 30, 2018, other than in the ordinary course of business. For purposes of this section, incurring debt or issuing bonds for projects contained in the 5-year work program approved and adopted by the authority on December 5, 2018, is not considered the ordinary course of business. Notwithstanding the foregoing, nothing contained herein shall prevent the authority from designing and planning projects contained in the 5-year work program approved and adopted by the authority on December 5, 2018.

(2) The transfer pursuant to this section is subject to all terms and covenants provided for the protection of the holders of the Miami-Dade County Expressway Authority bonds in the trust indentures or resolutions adopted in connection with the issuance of such bonds. Further, the transfer does not impair the terms of the contract between the authority and the bondholders, does not act to the detriment of the bondholders, and does not diminish the security for the bonds. After the



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transfer, the department shall operate and maintain the expressway system and any other facilities of the authority in accordance with the terms, conditions, and covenants contained in the trust indentures or bond resolutions securing such bonds. The department shall collect toll revenues and apply them to the payment of debt service as provided in the trust indentures or bond resolutions securing such bonds and expressly assumes all obligations relating to the bonds to ensure that the transfer of the authority will have no adverse impact on the security for the bonds of the authority.

(3) After the transfer, the department shall consider refinancing all or a portion of outstanding Miami-Dade County Expressway Authority bonds if doing so would result in net cost savings. Any resulting cost savings shall be used to reduce toll rates.

(4) The department shall use the unencumbered cash balances transferred under this section to prepay or defease outstanding Miami-Dade County Expressway Authority bonds or debts to the extent allowed by or consistent with the terms and covenants provided for the protection of the holders of the Miami-Dade County Expressway Authority bonds in the trust indentures or resolutions adopted in connection with the issuance of such bonds.

(5) The department must display signs showing the date on or year in which the bonds will be paid. Such signs must be placed near the roadway signage that displays the toll rates.

(6) By October 1 of each year beginning in 2020, the department shall provide a report to the Miami-Dade County Board of County Commissioners and the Miami-Dade County Transportation



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Planning Organization detailing the toll collections, costs, and net revenues collected from the expressway system and turnpike operations in Miami-Dade County. The report shall include details on projects funded and scheduled to be funded by toll revenues, including revenues of the Florida Turnpike Enterprise, in Miami-Dade County.

Section 15. Section 348.635, Florida Statutes, is created to read:

348.635 Public-private partnership.—The Legislature declares that there is a public need for the rapid construction of safe and efficient transportation facilities for traveling within this state and that it is in the public's interest to provide for public-private partnership agreements to effectuate the construction of additional safe, convenient, and economical transportation facilities.

(1) Notwithstanding any other provision of this part, the authority may receive or solicit proposals and enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of authority transportation facilities or new transportation facilities within the jurisdiction of the authority which increase transportation capacity. The authority may not sell or lease any transportation facility owned by the authority without providing the analysis required in s. 334.30(6)(e)2. to the Legislative Budget Commission created pursuant to s. 11.90 for review and approval before awarding a contract on a lease of an existing toll facility. The authority may adopt rules to implement this section and shall, by rule, establish an application fee for the submission of unsolicited proposals under this section. The fee



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533 must be sufficient to pay the costs of evaluating the proposals.
534 The authority may engage private consultants to assist in the
535 evaluation. Before approval, the authority must determine that a
536 proposed project:

537 (a) Is in the public's best interest.

538 (b) Would not require state funds to be used unless the
539 project is on or provides increased mobility on the State
540 Highway System.

541 (c) Would have adequate safeguards to ensure that no
542 additional costs or service disruptions would be realized by the
543 traveling public and residents of the state in the event of
544 default or the cancellation of the agreement by the authority.

545 (d) Would have adequate safeguards in place to ensure that
546 the department, the authority, or the private entity has the
547 opportunity to add capacity to the proposed project and other
548 transportation facilities serving similar origins and
549 destinations.

550 (e) Would be owned by the authority upon completion or
551 termination of the agreement.

552 (2) The authority shall ensure that all reasonable costs to
553 the state which are related to transportation facilities that
554 are not part of the State Highway System are borne by the
555 private entity. The authority shall also ensure that all
556 reasonable costs to the state and substantially affected local
557 governments and utilities related to the private transportation
558 facility are borne by the private entity for transportation
559 facilities that are owned by private entities. For projects on
560 the State Highway System, the department may use state resources
561 to participate in funding and financing the project as provided



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for under the department's enabling legislation.

(3) The authority may request proposals for public-private transportation projects or, if it receives an unsolicited proposal, it must publish a notice in the Florida Administrative Register and a newspaper of general circulation in the county in which it is located at least once a week for 2 weeks stating that it has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected areas. After the public notification period has expired, the authority shall rank the proposals in order of preference. In ranking the proposals, the authority shall consider professional qualifications, general business terms, innovative engineering or cost-reduction terms, finance plans, and the need for state funds to deliver the proposal. If the authority is not satisfied with the results of the negotiations, it may, at its sole discretion, terminate negotiations with the proposer. If these negotiations are unsuccessful, the authority may go to the second and lower-ranked firms, in order, using the same procedure. If only one proposal is received, the authority may negotiate in good faith, and if it is not satisfied with the results, it may, at its sole discretion, terminate negotiations with the proposer. The authority may, at its discretion, reject all proposals at any point in the process up to completion of a contract with the proposer.

(4) Agreements entered into pursuant to this section may authorize the public-private entity to impose tolls or fares for the use of the facility. However, the amount and use of toll or



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fare revenues shall be regulated by the authority to avoid unreasonable costs to users of the facility.

(5) Each public-private transportation facility constructed pursuant to this section shall comply with all requirements of federal, state, and local laws; state, regional, and local comprehensive plans; the authority's rules, policies, procedures, and standards for transportation facilities; and any other conditions that the authority determines to be in the public's best interest.

(6) The authority may exercise any power possessed by it, including eminent domain, to facilitate the development and construction of transportation projects pursuant to this section. The authority may pay all or part of the cost of operating and maintaining the facility or may provide services to the private entity for which it receives full or partial reimbursement for services rendered.

(7) Except as herein provided, this section is not intended to amend existing laws by granting additional powers to or further restricting the governmental entities from regulating and entering into cooperative arrangements with the private sector for the planning, construction, and operation of transportation facilities.

Section 16. Section 348.7605, Florida Statutes, is created to read:

348.7605 Public-private partnership.—The Legislature declares that there is a public need for the rapid construction of safe and efficient transportation facilities for traveling within this state and that it is in the public's interest to provide for public-private partnership agreements to effectuate



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the construction of additional safe, convenient, and economical transportation facilities.

(1) Notwithstanding any other provision of this part, the authority may receive or solicit proposals and enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of authority transportation facilities or new transportation facilities within the jurisdiction of the authority which increase transportation capacity. The authority may not sell or lease any transportation facility owned by the authority without providing the analysis required in s. 334.30(6)(e)2. to the Legislative Budget Commission created pursuant to s. 11.90 for review and approval before awarding a contract on a lease of an existing toll facility. The authority may adopt rules to implement this section and shall, by rule, establish an application fee for the submission of unsolicited proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals. The authority may engage private consultants to assist in the evaluation. Before approval, the authority must determine that a proposed project:

(a) Is in the public's best interest.

(b) Would not require state funds to be used unless the project is on or provides increased mobility on the State Highway System.

(c) Would have adequate safeguards to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default or the cancellation of the agreement by the authority.

(d) Would have adequate safeguards in place to ensure that



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the department, the authority, or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations.

(e) Would be owned by the authority upon completion or termination of the agreement.

(2) The authority shall ensure that all reasonable costs to the state which are related to transportation facilities that are not part of the State Highway System are borne by the private entity. The authority shall also ensure that all reasonable costs to the state and substantially affected local governments and utilities related to the private transportation facility are borne by the private entity for transportation facilities that are owned by private entities. For projects on the State Highway System, the department may use state resources to participate in funding and financing the project as provided for under the department's enabling legislation.

(3) The authority may request proposals for public-private transportation projects or, if it receives an unsolicited proposal, it must publish a notice in the Florida Administrative Register and a newspaper of general circulation in the county in which it is located at least once a week for 2 weeks stating that it has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected areas. After the public notification period has expired, the authority shall rank the proposals in order of preference. In ranking the proposals, the authority shall consider professional qualifications, general



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business terms, innovative engineering or cost-reduction terms,
finance plans, and the need for state funds to deliver the
proposal. If the authority is not satisfied with the results of
the negotiations, it may, at its sole discretion, terminate
negotiations with the proposer. If these negotiations are
unsuccessful, the authority may go to the second and lower-
ranked firms, in order, using the same procedure. If only one
proposal is received, the authority may negotiate in good faith,
and if it is not satisfied with the results, it may, at its sole
discretion, terminate negotiations with the proposer. The
authority may, at its discretion, reject all proposals at any
point in the process up to completion of a contract with the
proposer.

(4) Agreements entered into pursuant to this section may
authorize the public-private entity to impose tolls or fares for
the use of the facility. However, the amount and use of toll or
fare revenues shall be regulated by the authority to avoid
unreasonable costs to users of the facility.

(5) Each public-private transportation facility constructed
pursuant to this section shall comply with all requirements of
federal, state, and local laws; state, regional, and local
comprehensive plans; the authority's rules, policies,
procedures, and standards for transportation facilities; and any
other conditions that the authority determines to be in the
public's best interest.

(6) The authority may exercise any power possessed by it,
including eminent domain, to facilitate the development and
construction of transportation projects pursuant to this
section. The authority may pay all or part of the cost of



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operating and maintaining the facility or may provide services
to the private entity for which it receives full or partial
reimbursement for services rendered.

(7) Except as herein provided, this section is not intended
to amend existing laws by granting additional powers to or
further restricting the governmental entities from regulating
and entering into cooperative arrangements with the private
sector for the planning, construction, and operation of
transportation facilities.

Section 17. Pursuant to section 20 of chapter 2014-171,
Laws of Florida, part V of chapter 348, Florida Statutes,
consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and
348.9961, is repealed.

Section 18. Except as otherwise expressly provided in this
act and except for this section, which shall take effect upon
this act becoming a law, this act shall take effect July 1,
2019.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to transportation; amending s. 20.23,
F.S.; conforming provisions to changes made by the
act; amending s. 112.3144, F.S.; deleting an obsolete
provision; requiring members of certain authorities to
comply with certain financial disclosure requirements;



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amending s. 212.055, F.S.; revising the required uses of proceeds from charter county and regional transportation system surtaxes; requiring certain counties to use surtax proceeds for purposes related to fixed guideway rapid transit systems, bus systems, and development of dedicated facilities for autonomous vehicles; authorizing the use of surtax proceeds for the purchase of rights-of-way under certain circumstances; authorizing the use of surtax proceeds for refinancing existing or issuing new bonds; authorizing a percentage of surtax proceeds to be distributed to certain municipalities to be used for certain purposes; prohibiting the use of such proceeds for certain purposes; amending s. 215.68, F.S.; conforming provisions to changes made by the act; reviving, reenacting, and amending s. 319.141, F.S.; requiring the Department of Highway Safety and Motor Vehicles to oversee a program, rather than a pilot program, to evaluate alternatives to certain rebuilt inspection services; deleting obsolete provisions; amending s. 334.175, F.S.; requiring the Department of Transportation to approve design plans for all transportation projects relating to department-owned rights-of-way under certain circumstances; amending s. 337.025, F.S.; authorizing the department to establish a program for transportation projects that demonstrate certain innovative techniques for measuring resiliency and structural integrity and controlling time and cost increases; amending s. 338.165, F.S.; conforming



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provisions to changes made by the act; amending s.
338.166, F.S.; limiting the toll rate for high-
occupancy toll lanes or express lanes in certain
counties; amending s. 338.231, F.S.; requiring the
department to commit all net toll collections
attributable to users of turnpike facilities in
certain counties to projects and bond finance
commitments in each respective county; creating s.
338.271, F.S.; requiring the department to assume the
assets and liabilities of the former Miami-Dade County
Expressway Authority; requiring the department to
continue tolls on certain facilities until bond
obligations are fully discharged; prohibiting certain
toll increases on former authority facilities;
requiring specified fees to be deposited in a
specified trust fund to be used for specified
purposes; providing for the use of excess revenues;
prohibiting facilities of the former authority from
becoming facilities of the Florida Turnpike
Enterprise; providing that such facilities are not
subject to the Florida Turnpike Enterprise Law;
amending s. 343.1003, F.S.; revising a cross-
reference; repealing part I of chapter 348, F.S.,
relating to the creation and operation of the Florida
Expressway Authority Act; transferring the assets and
liabilities of the Miami-Dade County Expressway
Authority to the department; providing terms of the
transfer; providing that the department succeeds to
all powers of the authority; providing that revenues



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collected on the expressway system are department revenues; requiring the department, in consultation with the Division of Bond Finance, to review certain documents of the authority; providing terms and conditions of the transfer; providing requirements for the use of cost savings and unencumbered cash balances; requiring the department to display certain signs; requiring an annual report to the Miami-Dade County Board of County Commissioners and the Miami-Dade County Transportation Planning Organization; creating ss. 348.635 and 348.7605, F.S.; providing a legislative declaration; authorizing the Tampa-Hillsborough County Expressway Authority and the Central Florida Expressway Authority, respectively, to enter into public-private partnership agreements; authorizing solicitation or receipt of certain proposals; providing rulemaking authority; providing approval requirements; requiring certain costs to be borne by the private entity; providing notice requirements for requests for proposals; providing for ranking and negotiation of proposals; requiring the authorities to regulate tolls on certain facilities; requiring compliance with specified laws, rules, and conditions; providing for development, construction, operation, and maintenance of transportation projects by the authorities or private entities; providing construction; repealing part V of ch. 348, F.S., relating to the Osceola County Expressway Authority Law; providing effective dates.

By Senator Diaz

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1 A bill to be entitled
 2 An act relating to transportation; amending s. 20.23,
 3 F.S.; conforming provisions to changes made by the
 4 act; amending s. 212.055, F.S.; revising the
 5 authorized uses of proceeds from charter county and
 6 regional transportation system surtaxes; amending s.
 7 215.68, F.S.; conforming provisions to changes made by
 8 the act; reviving, reenacting, and amending s.
 9 319.141, F.S.; requiring the Department of Highway
 10 Safety and Motor Vehicles to oversee a program for
 11 authorization of alternatives to private-sector
 12 rebuilt motor vehicle inspection services; deleting
 13 obsolete provisions; amending s. 334.046, F.S.;
 14 revising the preservation goals of the Department of
 15 Transportation to include ensuring that all work on
 16 the State Highway System meets department standards;
 17 amending s. 334.175, F.S.; requiring the department to
 18 approve design plans for all transportation projects
 19 relating to department-owned rights-of-way under
 20 certain circumstances; amending s. 337.025, F.S.;
 21 authorizing the department to establish a program for
 22 transportation projects that demonstrate certain
 23 innovative techniques for measuring resiliency and
 24 structural integrity and controlling time and cost
 25 increases; amending s. 337.25, F.S.; providing
 26 conditions for repurchase by the previous property
 27 owner of certain real or personal property acquired by
 28 the department; providing for disposal of such
 29 property under certain circumstances; amending s.

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

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30 338.165, F.S.; prohibiting the department from
 31 collecting tolls on facilities of the former Miami-
 32 Dade County Expressway Authority after the discharge
 33 of bond obligations; deleting cross-references;
 34 requiring the department to acquire the assets and
 35 assume the liabilities of the authority; providing
 36 construction; amending s. 338.166, F.S.; prohibiting
 37 the department from using toll revenues from high-
 38 occupancy toll lanes or express lanes to offset
 39 certain funding; limiting tolls on high-occupancy toll
 40 lanes or express lanes in certain counties; amending
 41 s. 338.231, F.S.; requiring the department to commit
 42 all net toll collections attributable to users of
 43 turnpike facilities in certain counties to projects
 44 and bond finance commitments in such counties;
 45 amending s. 339.175, F.S.; revising the membership
 46 criteria of the metropolitan planning organization in
 47 certain counties; repealing s. 339.176, F.S., relating
 48 to voting membership for certain metropolitan planning
 49 organizations; amending s. 343.1003, F.S.; deleting a
 50 cross-reference; repealing part I of ch. 348, F.S.,
 51 relating to the creation and operation of the Florida
 52 Expressway Authority Act; transferring the assets and
 53 liabilities of the Miami-Dade County Expressway
 54 Authority to the department; creating ss. 348.635 and
 55 348.7605, F.S.; providing a legislative declaration;
 56 authorizing the Tampa-Hillsborough County Expressway
 57 Authority and the Central Florida Expressway Authority
 58 to enter into public-private partnership agreements;

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authorizing solicitation or receipt of certain proposals; providing rulemaking authority; providing approval requirements; requiring certain costs to be borne by the private entity; providing notice requirements for requests for proposals; providing for ranking and negotiation of proposals; requiring the authorities to regulate tolls on certain facilities; requiring compliance with specified laws, rules, and conditions; providing for development, construction, operation, and maintenance of transportation projects by the authorities or private entities; providing construction; repealing part V of ch. 348, F.S., relating to the Osceola County Expressway Authority Law; providing effective dates.

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

Section 1. Paragraph (b) of subsection (2) of section 20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(2)

(b) The commission shall:

1. Recommend major transportation policies for the Governor's approval and assure that approved policies and any revisions are properly executed.

2. Periodically review the status of the state transportation system including highway, transit, rail, seaport,

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intermodal development, and aviation components of the system and recommend improvements to the Governor and the Legislature.

3. Perform an in-depth evaluation of the annual department budget request, the Florida Transportation Plan, and the tentative work program for compliance with all applicable laws and established departmental policies. Except as specifically provided in s. 339.135(4)(c)2., (d), and (f), the commission may not consider individual construction projects, but shall consider methods of accomplishing the goals of the department in the most effective, efficient, and businesslike manner.

4. Monitor the financial status of the department on a regular basis to assure that the department is managing revenue and bond proceeds responsibly and in accordance with law and established policy.

5. Monitor on at least a quarterly basis, the efficiency, productivity, and management of the department using performance and production standards developed by the commission pursuant to s. 334.045.

6. Perform an in-depth evaluation of the factors causing disruption of project schedules in the adopted work program and recommend to the Governor and the Legislature methods to eliminate or reduce the disruptive effects of these factors.

7. Recommend to the Governor and the Legislature improvements to the department's organization in order to streamline and optimize the efficiency of the department. In reviewing the department's organization, the commission shall determine if the current district organizational structure is responsive to this state's changing economic and demographic development patterns. The initial report by the commission must

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be delivered to the Governor and the Legislature by December 15, 2000, and each year thereafter, as appropriate. The commission may retain experts as necessary to carry out this subparagraph, and the department shall pay the expenses of the experts.

8. Monitor the efficiency, productivity, and management of the authorities created under chapters 348 and 349, ~~including any authority formed using part I of chapter 348~~; the Mid-Bay Bridge Authority re-created pursuant to chapter 2000-411, Laws of Florida; and any authority formed under chapter 343. The commission shall also conduct periodic reviews of each authority's operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles.

Section 2. Effective July 1, 2022, paragraphs (d) and (e) of subsection (1) of section 212.055, Florida Statutes, are amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

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(1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM SURTAX.—

(d) To the extent not prohibited by contracts or bond covenants, proceeds from the surtax shall be used only for the following purposes:

1. The planning, design, engineering, or construction of, or the acquisition of rights-of-way for, fixed-guideway rapid transit systems and bus systems, including bus rapid transit systems, and for the development of dedicated facilities for autonomous vehicles as defined in s. 316.003.

2. The purchase of buses or other capital costs for bus systems, including bus rapid transit systems.

3. The payment of principal and interest on bonds previously issued related to fixed-guideway rapid transit systems or bus systems.

4. As security by the governing body of the county to refinance existing bonds or to issue new bonds for the planning, design, engineering, or construction of fixed-guideway rapid transit systems, bus rapid transit systems, or bus systems.

Proceeds from the surtax may not be used for salaries or other personnel expenses for any governmental entity receiving these funds. shall be applied to as many or as few of the uses enumerated below in whatever combination the county commission deems appropriate.

1. Deposited by the county in the trust fund and shall be used for the purposes of development, construction, equipment, maintenance, operation, supportive services, including a countywide bus system, on-demand transportation services, and

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related costs of a fixed guideway rapid transit system;

2. ~~Remitted by the governing body of the county to an expressway, transit, or transportation authority created by law to be used, at the discretion of such authority, for the development, construction, operation, or maintenance of roads or bridges in the county, for the operation and maintenance of a bus system, for the operation and maintenance of on-demand transportation services, for the payment of principal and interest on existing bonds issued for the construction of such roads or bridges, and, upon approval by the county commission, such proceeds may be pledged for bonds issued to refinance existing bonds or new bonds issued for the construction of such roads or bridges.~~

3. ~~Used by the county for the development, construction, operation, and maintenance of roads and bridges in the county, for the expansion, operation, and maintenance of bus and fixed guideway systems; for the expansion, operation, and maintenance of on-demand transportation services; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges and no more than 25 percent used for nontransit uses; and~~

4. ~~Used by the county for the planning, development, construction, operation, and maintenance of roads and bridges in the county; for the planning, development, expansion, operation, and maintenance of bus and fixed guideway systems; for the~~

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planning, development, construction, operation, and maintenance of on-demand transportation services; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges. Pursuant to an interlocal agreement entered into pursuant to chapter 163, the governing body of the county may distribute proceeds from the tax to a municipality, or an expressway or transportation authority created by law to be expended for the purpose authorized by this paragraph. Any county that has entered into interlocal agreements for distribution of proceeds to one or more municipalities in the county shall revise such interlocal agreements no less than every 5 years in order to include any municipalities that have been created since the prior interlocal agreements were executed.

(c) ~~As used in this subsection, the term "on-demand transportation services" means transportation provided between flexible points of origin and destination selected by individual users with such service being provided at a time that is agreed upon by the user and the provider of the service and that is not fixed-schedule or fixed-route in nature.~~

Section 3. Subsection (2) of section 215.68, Florida Statutes, is amended to read:

215.68 Issuance of bonds; form; maturity date, execution, sale.—

(2) Such bonds may:

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(a) Be issued in either coupon form or registered form or both;

(b) Have such date or dates of issue and such maturities, not exceeding in any event 40 years from the date of issuance thereof;

(c) Bear interest at a rate or rates not exceeding the interest rate limitation set forth in s. 215.84(3);

(d) Have such provisions for registration of coupon bonds and conversion and reconversion of bonds from coupon to registered form or from registered form to coupon form;

(e) Have such provisions for payment at maturity and redemption before ~~prior to~~ maturity at such time or times and at such price or prices; and

(f) Be payable at such place or places within or without the state as the board shall determine by resolution.

~~The foregoing terms and conditions do not supersede the limitations provided in chapter 348, part I, relating to the issuance of bonds.~~

Section 4. Notwithstanding the repeal of that section, which occurred on July 1, 2018, section 319.141, Florida Statutes, is revived, reenacted, and amended to read:

319.141 ~~Pilot~~ Rebuilt motor vehicle inspection program.—

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

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

(b) "Rebuilt inspection services" means an examination of a rebuilt vehicle and a properly endorsed certificate of title, salvage certificate of title, or manufacturer's statement of

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origin and an application for a rebuilt certificate of title, a rebuilder's affidavit, a photograph of the junk or salvage vehicle taken before repairs began, receipts or invoices for all major component parts, as defined in s. 319.30, and repairs which were changed, and proof that notice of rebuilding of the vehicle has been reported to the National Motor Vehicle Title Information System.

(2) ~~By July 1, 2015,~~ The department shall oversee a ~~pilot~~ program in which the department authorizes Miami-Dade County to evaluate alternatives to the for rebuilt inspection services currently provided by private-sector offered by existing private ~~sector~~ operators. Such authorization must be based on, including the continued use of private facilities, the cost impact to consumers, and the potential savings to the department.

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

(4) Before an applicant is approved, the department shall ensure that the applicant meets basic criteria designed to protect the public. At a minimum, the applicant shall meet all of the following requirements:

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

(b) Secure and maintain a facility at a permanent structure at an address recognized by the United States Postal Service where the only services provided on such property are rebuilt

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inspection services. The operator of a facility shall annually attest that he or she is not employed by or does not have an ownership interest in or other financial arrangement with the owner, operator, manager, or employee of a motor vehicle repair shop as defined in s. 559.903, a motor vehicle dealer as defined in s. 320.27(1)(c), a towing company, a vehicle storage company, a vehicle auction, an insurance company, a salvage yard, a metal retailer, or a metal rebuilder, from which he or she receives remuneration, directly or indirectly, for the referral of customers for rebuilt inspection services.

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

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

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

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

(6) The department shall immediately terminate any operator from the program who fails to meet the minimum eligibility requirements specified in subsection (4). Before a change in ownership of a rebuilt inspection facility, the current operator must give the department 45 days' written notice of the intended sale. The prospective owner must meet the eligibility requirements of this section and execute a new memorandum of

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understanding with the department before operating the facility.

~~(7) This section is repealed on July 1, 2018, unless saved from repeal through reenactment by the Legislature.~~

Section 5. Paragraph (a) of subsection (4) of section 334.046, Florida Statutes, is amended to read:

334.046 Department mission, goals, and objectives.—

(4) At a minimum, the department's goals shall address the following prevailing principles.

(a) *Preservation.*—Protecting the state's transportation infrastructure investment. Preservation includes:

1. Ensuring that 80 percent of the pavement on the State Highway System meets department standards.~~+~~

2. Ensuring that 90 percent of department-maintained bridges meet department standards.~~+~~~~and~~

3. Ensuring that the department achieves 100 percent of the acceptable maintenance standard on the State Highway System.

4. Ensuring that all work on the State Highway System meets department standards.

Section 6. Section 334.175, Florida Statutes, is amended to read:

334.175 Certification of project design plans and surveys.—

(1) All design plans and surveys prepared by or for the department shall be signed, sealed, and certified by the professional engineer or surveyor or architect or landscape architect in responsible charge of the project work. Such professional engineer, surveyor, architect, or landscape architect must be duly registered in this state.

(2) For all transportation projects on, under, over, or abutting a department-owned right-of-way, and regardless of

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349 funding source, the department shall approve the design plans
 350 for such projects if such design plans meet department design
 351 standards.

352 Section 7. Subsection (1) of section 337.025, Florida
 353 Statutes, is amended to read:

354 337.025 Innovative transportation ~~highway~~ projects;
 355 department to establish program.—

356 (1) The department ~~may is authorized to~~ establish a program
 357 for transportation ~~highway~~ projects demonstrating innovative
 358 techniques of highway and bridge design, construction,
 359 maintenance, and finance which have the intended effect of
 360 measuring resiliency and structural integrity and controlling
 361 time and cost increases on construction projects. Such
 362 techniques may include, but are not limited to, state-of-the-art
 363 technology for pavement, safety, and other aspects of highway
 364 and bridge design, construction, and maintenance; innovative
 365 bidding and financing techniques; accelerated construction
 366 procedures; and those techniques that have the potential to
 367 reduce project life cycle costs. To the maximum extent
 368 practical, the department must use the existing process to award
 369 and administer construction and maintenance contracts. When
 370 specific innovative techniques are to be used, the department is
 371 not required to adhere to those provisions of law that would
 372 prevent, preclude, or in any way prohibit the department from
 373 using the innovative technique. However, before ~~prior to~~ using
 374 an innovative technique that is inconsistent with another
 375 provision of law, the department must document in writing the
 376 need for the exception and identify what benefits the traveling
 377 public and the affected community are anticipated to receive.

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378 The department may enter into no more than \$120 million in
 379 contracts annually for the purposes authorized by this section.

380 Section 8. Subsection (4) of section 337.25, Florida
 381 Statutes, is amended to read:

382 337.25 Acquisition, lease, and disposal of real and
 383 personal property.—

384 (4) The department may convey, in the name of the state,
 385 any land, building, or other property, real or personal, which
 386 was acquired under subsection (1) and which the department has
 387 determined is not needed for the construction, operation, and
 388 maintenance of a transportation facility. Subject to the
 389 requirements of paragraph (f), when such a determination has
 390 been made, property may be disposed of through negotiations,
 391 sealed competitive bids, auctions, or any other means the
 392 department deems to be in its best interest, with due
 393 advertisement for property valued by the department at greater
 394 than \$10,000. A sale may not occur at a price less than the
 395 department's current estimate of value, except as provided in
 396 paragraphs (a)-(d). The department may afford a right of first
 397 refusal to the local government or other political subdivision
 398 in the jurisdiction in which the parcel is situated, except in a
 399 conveyance transacted under paragraph (a), paragraph (c), ~~or~~
 400 paragraph (e), or paragraph (f).

401 (a) If the property has been donated to the state for
 402 transportation purposes and a transportation facility has not
 403 been constructed for at least 5 years, plans have not been
 404 prepared for the construction of such facility, and the property
 405 is not located in a transportation corridor, the governmental
 406 entity may authorize reconveyance of the donated property for no

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consideration to the original donor or the donor's heirs, successors, assigns, or representatives.

(b) If the property is to be used for a public purpose, the property may be conveyed without consideration to a governmental entity.

(c) If the property was originally acquired specifically to provide replacement housing for persons displaced by transportation projects, the department may negotiate for the sale of such property as replacement housing. As compensation, the state shall receive at least its investment in such property or the department's current estimate of value, whichever is lower. It is expressly intended that this benefit be extended only to persons actually displaced by the project. Dispositions to any other person must be for at least the department's current estimate of value.

(d) If the department determines that the property requires significant costs to be incurred or that continued ownership of the property exposes the department to significant liability risks, the department may use the projected maintenance costs over the next 10 years to offset the property's value in establishing a value for disposal of the property, even if that value is zero.

(e) If, at the discretion of the department, a sale to a person other than an abutting property owner would be inequitable, the property may be sold to the abutting owner for the department's current estimate of value.

(f) If the property is valued by the department at greater than \$1 million, the department must give the previous property owner the opportunity to repurchase the property at fair market

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value. The previous property owner shall have 30 days to respond to the department if he or she wishes to repurchase the property. If the previous property owner wishes to repurchase the property, the department must halt all other actions until an agreement is reached with the previous property owner or until it becomes evident that an agreement cannot be reached. If an agreement is not reached, the property must be disposed of in accordance with this subsection.

Section 9. Subsections (1), (2), and (5) of section 338.165, Florida Statutes, are amended, and subsection (12) is added to that section, to read:

338.165 Continuation of tolls.—

(1) (a) The department, any transportation or expressway authority, or, in the absence of an authority, a county or counties may continue to collect the toll on a revenue-producing project after the discharge of any bond indebtedness related to such project and may increase such toll. All tolls so collected shall first be used to pay the annual cost of the operation, maintenance, and improvement of the toll project.

(b) Notwithstanding paragraph (a), the department may not collect tolls on a facility of the former Miami-Dade County Expressway Authority after the discharge of any outstanding bond obligations related to such facility.

(2) If the revenue-producing project is on the State Highway System, any remaining toll revenue shall be used for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the revenue-producing project is located, ~~except as provided in s. 348.0004.~~

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(5) If the revenue-producing project is on the county road system, any remaining toll revenue shall be used for the construction, maintenance, or improvement of any other state or county road within the county or counties in which the revenue-producing project is located, ~~except as provided in s. 348.0004.~~

(12) The department shall acquire the assets and assume the liabilities of the Miami-Dade County Expressway Authority. The acquisition of the expressway authority by the department must be subject to the terms and covenants of any outstanding bond of the authority and may not act to the detriment of the bondholders or decrease the quality of the bonds.

Section 10. Present subsections (5), (6), and (7) of section 338.166, Florida Statutes, are renumbered as subsections (7), (8), and (9), respectively, and new subsections (5) and (6) are added to that section, to read:

338.166 High-occupancy toll lanes or express lanes.—

(5) The department may not use toll revenue from a high-occupancy toll lane or an express lane to offset funding that the facility would receive if the facility were not a high-occupancy toll lane or express lane.

(6) Any toll on a high-occupancy toll lane or an express lane that is in a county as defined in s. 125.011(1) may not be more than \$5.

Section 11. Paragraph (a) of subsection (3) of section 338.231, Florida Statutes, is amended to read:

338.231 Turnpike tolls, fixing; pledge of tolls and other revenues.—The department shall at all times fix, adjust, charge, and collect such tolls and amounts for the use of the turnpike system as are required in order to provide a fund sufficient

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with other revenues of the turnpike system to pay the cost of maintaining, improving, repairing, and operating such turnpike system; to pay the principal of and interest on all bonds issued to finance or refinance any portion of the turnpike system as the same become due and payable; and to create reserves for all such purposes.

(3) (a) ~~For the period July 1, 1998, through June 30, 2027,~~ The department shall, ~~to the maximum extent feasible,~~ program sufficient funds in the tentative work program such that all of the percentage of turnpike toll and bond financed commitments in Miami-Dade County, Broward County, and Palm Beach County as compared to total turnpike toll and bond financed commitments shall be at least 90 percent of the share of net toll collections attributable to users of the turnpike facilities system in Miami-Dade County, Broward County, and Palm Beach Counties are committed to projects and bond finance commitments in such counties ~~County as compared to total net toll collections attributable to users of the turnpike system.~~ This ~~paragraph subsection~~ does not apply when the application of such requirements would violate any covenant established in a resolution or trust indenture relating to the issuance of turnpike bonds. The department may at any time for economic considerations establish lower temporary toll rates for a new or existing toll facility for a period not to exceed 1 year, after which the toll rates adopted pursuant to s. 120.54 shall become effective.

Section 12. Paragraph (d) of subsection (3) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—

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(3) VOTING MEMBERSHIP.—

(d) Notwithstanding any other provision of this section to the contrary, a county as defined in s. 125.011(1) Any other provision of this section to the contrary notwithstanding, any county chartered under s. 6(c), Art. VIII of the State Constitution may elect to have its county commission serve as the M.P.O., if the M.P.O. jurisdiction is wholly contained within the county. Any ~~charter~~ county that elects to exercise the provisions of this paragraph shall so notify the Governor in writing. Upon receipt of such notification, the Governor must designate the county commission as the M.P.O. The Governor must appoint four additional voting members to the M.P.O., one of whom must be an elected official representing a municipality that has a population of 65,000 or more within the county, one of whom must be an expressway authority member, one of whom must be a person who does not hold elected public office and who resides in the unincorporated portion of the county, and one of whom must be a school board member.

Section 13. Section 339.176, Florida Statutes, is repealed.

Section 14. Subsection (6) of section 343.1003, Florida Statutes, is amended to read:

343.1003 Northeast Florida Regional Transportation Commission.—

(6) ~~Notwithstanding s. 348.0003(4)(c),~~ Members of the board shall file a statement of financial interests ~~interest~~ with the Commission on Ethics pursuant to s. 112.3145.

Section 15. Part I of chapter 348, Florida Statutes, consisting of sections 348.0001, 348.0002, 348.0003, 348.0004, 348.0005, 348.0007, 348.0008, 348.0009, 348.0010, 348.0011,

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348.00115, and 348.0012, is repealed.

Section 16. The Miami-Dade County Expressway Authority is transferred by a type two transfer, pursuant to s. 20.06, Florida Statutes, to the Department of Transportation. Any binding contract or interagency agreement entered into between the Miami-Dade County Expressway Authority or an agent of the authority and any other agency, entity, or person shall continue to be a binding contract or agreement of the Miami-Dade County Expressway Authority for the remainder of the term of such contract or agreement.

Section 17. Section 348.635, Florida Statutes, is created to read:

348.635 Public-private partnership.—The Legislature declares that there is a public need for the rapid construction of safe and efficient transportation facilities for traveling within the state and that it is in the public's best interest to provide for public-private partnership agreements to develop additional safe, convenient, and economical transportation facilities.

(1) Notwithstanding any other provision of this part, the authority may receive or solicit proposals and enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of authority transportation facilities or new transportation facilities within the jurisdiction of the authority which increase transportation capacity. The authority may not sell or lease any transportation facility it owns without providing the analysis required in s. 334.30(6)(e)2. to the Legislative Budget Commission created pursuant to s. 11.90 for review and approval.

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The authority may adopt rules to implement this section and shall establish by rule an application fee for the submission of unsolicited proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals. The authority may engage private consultants to assist in the evaluation. Before approval, the authority must determine that a proposed project meets all of the following requirements:

(a) Is in the public's best interest.

(b) Would not require state funds to be used unless the project is on, or provides increased mobility on, the State Highway System.

(c) Would have adequate safeguards to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default or the cancellation of the agreement by the authority.

(d) Would have adequate safeguards in place to ensure that the department, the authority, or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations.

(e) Would be owned by the authority upon completion or termination of the agreement.

(2) The authority shall ensure that all reasonable costs to the state which are related to transportation facilities that are not part of the State Highway System are borne by the private entity. The authority shall also ensure that, for transportation facilities that are owned by private entities, all reasonable costs to the state and substantially affected local governments and utilities related to the private

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transportation facility are borne by the private entity. For projects on the State Highway System, the department may use state resources to participate in funding and financing the project as provided for under the department's enabling legislation.

(3) The authority may request proposals for public-private transportation projects. If the authority receives an unsolicited proposal, it must publish a notice in the Florida Administrative Register and a newspaper of general circulation in the county in which the authority is located at least once a week for 2 weeks stating that it has received the proposal and that, for 60 days after the initial date of publication, it will accept other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected areas. After the public notification period has expired, the authority shall rank the proposals in order of preference. In ranking the proposals, the authority shall consider professional qualifications, general business terms, innovative engineering or cost-reduction terms, finance plans, and the need for state funds to deliver the proposal. If the authority is not satisfied with the results of the negotiations, it may, at its sole discretion, terminate negotiations with the proposer. If these negotiations are unsuccessful, the authority may go to the second and lower-ranked firms, in order of their rankings, using the same procedure. If only one proposal is received, the authority may negotiate in good faith and, if it is not satisfied with the results, may, at its sole discretion, terminate negotiations with the proposer. The authority may, at its discretion, reject all proposals at any point in the process

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up to completion of a contract with the proposer.

(4) Agreements entered into pursuant to this section may authorize the public-private entity to impose tolls or fares for the use of the facility. However, the amount and use of toll or fare revenues must be regulated by the authority to avoid unreasonable costs to users of the facility.

(5) Each public-private transportation facility constructed pursuant to this section must comply with all requirements of federal, state, and local laws; state, regional, and local comprehensive plans; the authority's rules, policies, procedures, and standards for transportation facilities; and any other conditions that the authority determines to be in the public's best interest.

(6) The authority may exercise any power it has, including eminent domain, to facilitate the development and construction of transportation projects pursuant to this section. The authority may pay all or part of the cost of operating and maintaining the facility or may provide services to the private entity for which it receives full or partial reimbursement.

(7) Except as herein provided, this section is not intended to amend existing laws by granting additional powers to or further restricting the governmental entities from regulating and entering into cooperative arrangements with the private sector for the planning, construction, and operation of transportation facilities.

Section 18. Section 348.7605, Florida Statutes, is created to read:

348.7605 Public-private partnership.—The Legislature declares that there is a public need for the rapid construction

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of safe and efficient transportation facilities for traveling within the state and that it is in the public's interest to provide for public-private partnership agreements to develop additional safe, convenient, and economical transportation facilities.

(1) Notwithstanding any other provision of this part, the authority may receive or solicit proposals and enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of authority transportation facilities or new transportation facilities within the jurisdiction of the authority which increase transportation capacity. The authority may not sell or lease any transportation facility it owns without providing the analysis required in s. 334.30(6)(e)2. to the Legislative Budget Commission created pursuant to s. 11.90 for review and approval. The authority may adopt rules to implement this section and shall establish by rule an application fee for the submission of unsolicited proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals. The authority may engage private consultants to assist in the evaluation. Before approval, the authority must determine that a proposed project meets all of the following requirements:

(a) Is in the public's best interest.

(b) Would not require state funds to be used unless the project is on or provides increased mobility on the State Highway System.

(c) Would have adequate safeguards to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of

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697 default or the cancellation of the agreement by the authority.

698 (d) Would have adequate safeguards in place to ensure that
 699 the department, the authority, or the private entity has the
 700 opportunity to add capacity to the proposed project and other
 701 transportation facilities serving similar origins and
 702 destinations.

703 (e) Would be owned by the authority upon completion or
 704 termination of the agreement.

705 (2) The authority shall ensure that all reasonable costs to
 706 the state which are related to transportation facilities that
 707 are not part of the State Highway System are borne by the
 708 private entity. The authority shall also ensure that all
 709 reasonable costs to the state and substantially affected local
 710 governments and utilities related to the private transportation
 711 facility are borne by the private entity for transportation
 712 facilities that are owned by private entities. For projects on
 713 the State Highway System, the department may use state resources
 714 to participate in funding and financing the project as provided
 715 for under the department's enabling legislation.

716 (3) The authority may request proposals for public-private
 717 transportation projects or, if it receives an unsolicited
 718 proposal, it must publish a notice in the Florida Administrative
 719 Register and a newspaper of general circulation in the county in
 720 which it is located at least once a week for 2 weeks stating
 721 that it has received the proposal and that, for 60 days after
 722 the initial date of publication, it will accept other proposals
 723 for the same project purpose. A copy of the notice must be
 724 mailed to each local government in the affected areas. After the
 725 public notification period has expired, the authority shall rank

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726 the proposals in order of preference. In ranking the proposals,
 727 the authority shall consider professional qualifications,
 728 general business terms, innovative engineering or cost-reduction
 729 terms, finance plans, and the need for state funds to deliver
 730 the proposal. If the authority is not satisfied with the results
 731 of the negotiations, it may, at its sole discretion, terminate
 732 negotiations with the proposer. If these negotiations are
 733 unsuccessful, the authority may go to the second and lower-
 734 ranked firms, in order of their rankings, using the same
 735 procedure. If only one proposal is received, the authority may
 736 negotiate in good faith, and if it is not satisfied with the
 737 results, it may, at its sole discretion, terminate negotiations
 738 with the proposer. The authority may, at its discretion, reject
 739 all proposals at any point in the process up to completion of a
 740 contract with the proposer.

741 (4) Agreements entered into pursuant to this section may
 742 authorize the public-private entity to impose tolls or fares for
 743 the use of the facility. However, the amount and use of toll or
 744 fare revenues shall be regulated by the authority to avoid
 745 unreasonable costs to users of the facility.

746 (5) Each public-private transportation facility constructed
 747 pursuant to this section must comply with all requirements of
 748 federal, state, and local laws; state, regional, and local
 749 comprehensive plans; the authority's rules, policies,
 750 procedures, and standards for transportation facilities; and any
 751 other conditions that the authority determines to be in the
 752 public's best interest.

753 (6) The authority may exercise any power it has, including
 754 eminent domain, to facilitate the development and construction

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755 of transportation projects pursuant to this section. The
756 authority may pay all or part of the cost of operating and
757 maintaining the facility or may provide services to the private
758 entity for which it receives full or partial reimbursement.

759 (7) Except as herein provided, this section is not intended
760 to amend existing laws by granting additional powers to or
761 further restricting the governmental entities from regulating
762 and entering into cooperative arrangements with the private
763 sector for the planning, construction, and operation of
764 transportation facilities.

765 Section 19. Pursuant to section 20 of chapter 2014-171,
766 Laws of Florida, part V of chapter 348, Florida Statutes,
767 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
768 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and
769 348.9961, is repealed.

770 Section 20. Except as otherwise expressly provided in this
771 act, this act shall take effect July 1, 2019.

THE FLORIDA SENATE

APPEARANCE RECORD

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

03/17/19

Meeting Date

SB 898

Bill Number (if applicable)

Topic Transportation

Amendment Barcode (if applicable)

Name Joseph R. Salzberg ("saul's-berg")

Job Title Attorney/Gov't Consultant

Address 301 S. Bronough St, Suite 600

Street

Tallahassee

City

FL

State

32301

Zip

Phone (850) 577-9090

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing MDX

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3-12-19

Meeting Date

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

898

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

FL

33128

City

State

Zip

Email JMM2@MIAMIDADE.GOV

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(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.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12

Meeting Date

898

Bill Number (if applicable)

Topic Transportation

Amendment Barcode (if applicable)

Name Spencer Pylant

Job Title Vice President of Government Affairs

Address 1601 Biscayne Blvd, Ballroom Level

Phone 305-577-5421

Street

Miami

City

FL

State

33132

Zip

Email spylant@miamichamber.com

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Greater Miami Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: SB 974

INTRODUCER: Senator Perry

SUBJECT: Damaged, Dismantled, Derelict, or Salvage Motor Vehicles

DATE: March 13, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

SB 974 makes changes to the business of storing and selling or reselling damaged or dismantled vehicles. It allows certain independent entities in that businesses to:

- Provide notices by certified mail or another commercial delivery service that provides proof of delivery;
- Use a vehicle owner's address from both the insurance company and the titling jurisdiction identified through the National Motor Vehicle Title Information System, or an equivalent commercially available system, for sending a notice;
- Provide proof of all lien satisfactions or proof of a release on all liens on a vehicle when applying for a certificate of destruction or salvage certificate of title;
- Provide an affidavit indicating a notice had been sent to all lien holders, in the event a lien satisfaction or a release of all liens on a vehicle cannot be obtained;
- Requires proof of notice delivery to the lienholder at the address on the certificate of title and, if the address is different than the one on file with the Department of State for the lienholder's registered agent, proof of notice delivery to that address; and
- Process title transactions, derelict motor vehicle certificates, and certificates of destruction for derelict and salvaged vehicles if the entity is an electronic filing system agent.

The bill does not appear to have a significant fiscal impact to state and local government.

The bill takes effect July 1, 2019.

II. Present Situation:

Notice of Possession

Section 319.30, F.S., provides that an insurance company may notify an independent entity¹ that obtains possession of a damaged or dismantled motor vehicle (vehicle) to release the vehicle to the owner. To do that, they must provide the independent entity with a release statement on a form prescribed by the DHSMV authorizing the independent entity to release the vehicle to the owner. The form shall, at a minimum, contain the following:

- The policy and claim number;
- The name and address of the insured;
- The vehicle identification number; and
- The signature of an authorized representative of the insurance company.

The independent entity in possession of the vehicle must send a notice to the owner that the vehicle is available for pick up when it receives a release statement from the insurance company, and the notice must be sent by certified mail to the owner at the owner's address reflected in the DHSMV's records. It must inform the owner that they have 30 days after receipt of the notice to pick up the vehicle from the independent entity. If the vehicle is not claimed within 30 days after the owner receives the notice, the independent entity may apply for a certificate of destruction or a certificate of title.

The independent entity must make a notification in the National Motor Vehicle Title Information System before releasing any damaged or dismantled motor vehicle to the owner or before applying for a certificate of destruction or salvage certificate of title.

Upon applying for a certificate of destruction or salvage certificate of title, the independent entity must provide a copy of the release statement from the insurance company to the independent entity, proof of providing the 30 day notice to the owner, proof of notification to the National Motor Vehicle Title Information System, and payment of any applicable fees.

Electronic Filing System (EFS)

In 2009, legislation was passed which established state jurisdiction over a the EFS program,² which is a software application that interacts with the Florida Real-time Vehicle Information System (FRVIS) to securely process title and registration transactions, customer inquiries, and updates in real-time. Certified Service Providers (CSP) build their own interface systems that link up with the EFS to provide transaction services to EFS agents (primarily motor vehicle dealers). The EFS agents provide title and registration processing services to customers when their products are purchased. The EFS will also generate the appropriate DHSMV documents, including the vehicle registration, title application form and in some cases even the title

¹ See s. 319.30(1)(g), F.S. ("Independent entity" means a business or entity that may temporarily store damaged or dismantled motor vehicles pursuant to an agreement with an insurance company and is engaged in the sale or resale of damaged or dismantled motor vehicles. The term does not include a wrecker operator, a towing company, or a repair facility.)

² Ch. 2009-206, s. 3, Laws of Fla.

certificate (printed from Tallahassee).³ At the end of the EFS transaction, the customer's vehicle is titled and registered without having to visit a Tax Collector or DHSMV office.

The Tax Collector is responsible for reviewing and approving EFS title and registration transactions processed by participating EFS agents in their county. Access to the EFS by dealers and other organizations is provided through a CSP. There are currently five CSPs participating in the EFS:

- CVR
- Title Technologies, LLC
- AutoData Direct, Inc.
- Decision Dynamics, Inc.
- DLRdmv⁴

These CSPs have over 2,400 EFS agents providing title and registration services throughout the state.⁵ However, EFS is an optional service for EFS agents. All 67 counties have the capability to offer EFS connections to agents, however, all agents do not participate.

Electronic Filing System Rule Requirements

Florida Administrative Code Rule 15C-16.007, Electronic Filing Systems, prescribes and defines the DHSMV Electronic Filing System and the participation requirements, certification of service providers, system requirements and enforcement authority for noncompliance.

Tax Collectors must:

- Appoint an EFS agent to their county after the DHSMV notifies the Tax Collector that the entity is authorized;
- Review supporting documentation from EFS transactions processed in the county; and
- Receive funds collected electronically from EFS transactions from the CSP and remit funds to the State.

EFS agents must sell products that can be titled and registered, provide title and registration services on behalf of customers, enter into a contract with a CSP, apply to the DHSMV to become an authorized EFS Agent,⁶ have a satisfactory background check with no felony convictions in the last 7 years, have no state-initiated disciplinary actions within the last 2 years, and may only operate in the county for which they are authorized.

The DHSMV has the authority to enforce compliance of the EFS agents and non-compliance can result in revocation of an EFS agent's ability to use the electronic filing system. Non-compliance includes, but is not limited to, unauthorized access of data by users, failing to execute electronic

³ The Department of Highway Safety and Motor Vehicles, Electronic Filing System (EFS), <https://www.flhsmv.gov/motor-vehicles-tags-titles/electronic-lien-titles/electronic-filing-system-efs/> (last visited on Mar. 9, 2019).

⁴ *Id.*

⁵ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, EFS Background - 765, (March 7, 2019).

⁶ Form available at <https://www.flhsmv.gov/pdf/forms/82083.pdf> (last visited Mar. 9, 2019).

funds transfer, charging title and registration fees in excess of those allowed by law and failing to correct errors or clear pending transactions as required by the DHSMV.

Salvage Dealers and Metal Recyclers

Secondary Metals Recyclers⁷ (metal recyclers) must be licensed by the Department of Revenue⁸ and Salvage Motor Vehicle Dealers⁹ (salvage dealers) must be licensed by the DHSMV.¹⁰ Currently salvage dealers and metal recyclers initiating a Certificate of Destruction, Salvage Title, and Derelict Vehicle Certificate transactions must manually, in person or by mail, process the request at the Tax Collector office or License Plate Agency as directed by the DHSMV, and pay any applicable fees for the transaction.¹¹ Application documents are reviewed by the Tax Collector or License Plate Agency and then processed or rejected. If the documents are approved, the Tax Collector or License Plate Agency processes the transaction, uploads the documents to FRVIS, and prints the Certificate of Destruction, Salvage Title, or Derelict Vehicle Certificate. If the documents are rejected, the salvage dealers and metal recyclers must correct any errors in the documentation or application and start the process again.

III. Effect of Proposed Changes:

SB 974 allows an independent entity in possession of a motor vehicle to provide a notice, by certified mail or another commercially available delivery service that provides proof of delivery, to the owner and any lien holders, informing them the motor vehicle is available for pickup. The notice must be sent after receipt of a release statement from the insurance company. The notice must inform the owner and any lien holders they have 30 days after delivery or attempted delivery of the notice to claim the motor vehicle. After the 30 day period has elapsed the independent entity may apply for a certificate of destruction or a certificate of title.

In addition, the independent entity is directed to deliver the notice to the owner's address provided by the DHSMV. If the DHSMV records do not contain the owner's address, then the independent entity must deliver the notice to the address in the release statement from the insurance company, as well as any address provided by the latest titling jurisdiction identified through the National Motor Vehicle Title Information System or an equivalent commercially available system. All records related to the 30 day notice sent to the owner, the results of any

⁷ See s. 538.18, F.S. ("Secondary metals recycler" means any person who: is engaged, from a fixed location, in the business of purchase transactions or gathering or obtaining ferrous or nonferrous metals that have served their original economic purpose or is in the business of performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value; or has facilities for performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value, other than by the exclusive use of hand tools, by methods including, without limitation, processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form or chemical content thereof.

⁸ Section 538.25, F.S.

⁹ See s. 320.27, F.S. ("Salvage motor vehicle dealer" means any person who engages in the business of acquiring salvaged or wrecked motor vehicles for the purpose of reselling them and their parts.)

¹⁰ *Id.*

¹¹ The Department of Highway Safety and Motor Vehicles, Division of Motorist Services, *Motor Vehicle Procedures Manual, Uninsured Motor Vehicles or Mobile Homes Declared Total Loss, Motor Vehicles Junked by Owners and Derelict Motor Vehicles* (December 18, 2014), available at <https://www3.flhsmv.gov/dmv/Proc/tl/tl-35.pdf> (last visited on Mar. 9, 2019).

searches of the National Motor Vehicle Title Information System or an equivalent commercially available system, and any notifications to the National Motor Vehicle Title Information System must be maintained for a minimum of 3 years by the independent entity.

The bill also adds a requirement that independent entities must provide proof of all lien satisfactions or proof of a release on all liens on a vehicle when applying for a certificate of destruction or salvage certificate of title. It also provides that if the independent entity is unable to obtain a lien satisfaction or a release of all liens on the motor vehicle, the independent entity may provide an affidavit stating that notice was sent to all lienholders that the motor vehicle was available for pickup, 30 days have passed since the notice was delivered or attempted to be delivered, attempts have been made to obtain a release from all lienholders, and all such attempts have been to no avail. The notice to lienholders and attempts to obtain a release from lienholders may be by written request delivered in person or by certified mail or another commercially available delivery service that provides proof of delivery to the lienholder at the lienholder's address as provided on the certificate of title. If the lienholder's address on the certificate of title is different than the one on file with the Department of State (DOS) for a financial institution's registered agent for service of process, notice, levy, or demand¹², then the independent entity must also send the notice by certified mail or a service that provides proof of delivery to the address on file with the DOS.

The bill provides that an authorized electronic filing system agent may also electronically process title transactions, derelict motor vehicle certificates, and certificates of destruction for derelict and salvaged motor vehicles. It also provides the DHSMV with rule making authority to administer these activities, including, but not limited to, rules establishing participation requirements, certification of service providers, electronic filing system requirements, disclosures, and enforcement authority for noncompliance.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹² See s. 655.0201(2), F.S., which provide requirements for service of process, notice, levy, or demand on financial institutions.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Salvage dealers and metal recyclers may see a decrease in both processing time and cost for a Certificate of Destruction, Salvage Title, and Derelict Vehicle Certificate transactions.

C. Government Sector Impact:

Tax Collectors and License Plate Agency offices may see an indeterminate decrease in fees collected for processing a Certificate of Destruction, Salvage Title, and Derelict Vehicle Certificate transaction, and both may also see an indeterminate decrease in workload.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 319.30 and 320.03 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.)

CS by Infrastructure and Security on March 12, 2019:

- The CS allows for the use of a commercially available system, in addition to the National Motor Vehicle Title Information System, by an independent entity to obtain a vehicle owner's address.

- The CS adds a requirement that independent entities must provide proof of all lien satisfactions or proof of a release on all liens on a vehicle when applying for a certificate of destruction or salvage certificate of title.
- The CS also requires that if the lienholder's address is different than the one on file with the DOS for a financial institution's registered agent or service, then the notice must also be provided to the address on file with the DOS.

B. Amendments:

None.



825644

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/13/2019	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete lines 71 - 104

and insert:

System or an equivalent commercially available system and attempt to obtain the owner's address from that jurisdiction. If the jurisdiction returns an address that is different from the owner's address provided by the insurance company, the independent entity must send a notice that meets the requirements of paragraph (b) to both addresses.



825644

11 (d) The independent entity shall maintain for a minimum of
12 3 years the records related to the 30-day notice sent to the
13 owner, the results of searches of the National Motor Vehicle
14 Title Information System or an equivalent commercially available
15 system, and the notification to the National Motor Vehicle Title
16 Information System made pursuant to paragraph (e).

17 (e) ~~(e)~~ The independent entity shall make the required
18 notification to the National Motor Vehicle Title Information
19 System before releasing any damaged or dismantled motor vehicle
20 to the owner or before applying for a certificate of destruction
21 or salvage certificate of title.

22 (f) ~~(d)~~ Upon applying for a certificate of destruction or
23 salvage certificate of title, the independent entity shall
24 provide a copy of the release statement from the insurance
25 company to the independent entity, proof of providing the 30-day
26 notice to the owner, proof of notification to the National Motor
27 Vehicle Title Information System, proof of all lien
28 satisfactions or proof of a release of all liens on the motor
29 vehicle, and applicable fees. If the independent entity is
30 unable to obtain a lien satisfaction or a release of all liens
31 on the motor vehicle, the independent entity must provide an
32 affidavit stating that notice was sent to all lienholders that
33 the motor vehicle is available for pickup, 30 days have passed
34 since the notice was delivered or attempted to be delivered
35 pursuant to this section, attempts have been made to obtain a
36 release from all lienholders, and all such attempts have been to
37 no avail. The notice to lienholders and attempts to obtain a
38 release from lienholders may be by written request delivered in
39 person or by certified mail or another commercially available



825644

delivery service that provides proof of delivery to the
lienholder at the lienholder's address as provided on the
certificate of title and, if the address is different, as
designated with the Department of State pursuant to s.
655.0201(2).

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

And the title is amended as follows:

 Delete line 18

and insert:

 for a minimum period; requiring an independent entity
 to provide proof of all lien satisfactions or proof of
 a release of all liens on a motor vehicle upon
 applying for a certificate of destruction or salvage
 certificate of title; requiring an independent

By Senator Perry

8-00289B-19

2019974__

1 A bill to be entitled
 2 An act relating to damaged, dismantled, derelict, or
 3 salvage motor vehicles; amending s. 319.30, F.S.;
 4 authorizing a certain notice sent by certified mail
 5 that a motor vehicle is available for pickup to be
 6 sent by another commercially available delivery
 7 service that provides proof of delivery; requiring the
 8 notice to state that the owner has a specified period
 9 during which to pick up the vehicle; authorizing an
 10 independent entity to apply for a certificate of
 11 destruction or a certificate of title if the vehicle
 12 is not claimed within a specified time after the
 13 delivery or attempted delivery of the notice;
 14 specifying requirements for an independent entity if
 15 the Department of Highway Safety and Motor Vehicles'
 16 records do not contain the owner's address; requiring
 17 an independent entity to maintain specified records
 18 for a minimum period; authorizing an independent
 19 entity to provide an affidavit with specified
 20 statements if such entity is unable to obtain a lien
 21 satisfaction or a release of all liens on the motor
 22 vehicle; providing that notice to lienholders and
 23 attempts to obtain a release from lienholders may be
 24 by certain written request; amending s. 320.03, F.S.;
 25 authorizing an entity that processes certain
 26 transactions or certificates for derelict or salvage
 27 motor vehicles to be an authorized electronic filing
 28 system agent; deleting obsolete provisions;
 29 authorizing the department to adopt rules; providing

Page 1 of 6

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

8-00289B-19

2019974__

30 effective dates.
 31
 32 Be It Enacted by the Legislature of the State of Florida:
 33
 34 Section 1. Subsection (9) of section 319.30, Florida
 35 Statutes, is amended to read:
 36 319.30 Definitions; dismantling, destruction, change of
 37 identity of motor vehicle or mobile home; salvage.—
 38 (9) (a) An insurance company may notify an independent
 39 entity that obtains possession of a damaged or dismantled motor
 40 vehicle to release the vehicle to the owner. The insurance
 41 company shall provide the independent entity a release statement
 42 on a form prescribed by the department authorizing the
 43 independent entity to release the vehicle to the owner. The form
 44 must ~~shall~~, at a minimum, contain the following:
 45 1. The policy and claim number.
 46 2. The name and address of the insured.
 47 3. The vehicle identification number.
 48 4. The signature of an authorized representative of the
 49 insurance company.
 50 (b) The independent entity in possession of a motor vehicle
 51 must send a notice to the owner that the vehicle is available
 52 for pickup ~~pick-up~~ when it receives a release statement from the
 53 insurance company. The notice shall be sent by certified mail or
 54 by another commercially available delivery service that provides
 55 proof of delivery to the owner at the owner's address contained
 56 ~~reflected~~ in the department's records. The notice must state
 57 ~~inform the owner~~ that the owner has 30 days after delivery
 58 ~~receipt~~ of the notice to the owner at the owner's address to

Page 2 of 6

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

8-00289B-19

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pick up the vehicle from the independent entity. If the motor vehicle is not claimed within 30 days after the delivery or attempted delivery of the owner receives the notice, the independent entity may apply for a certificate of destruction or a certificate of title.

(c) If the department's records do not contain the owner's address, the independent entity must do all of the following:

1. Send a notice that meets the requirements of paragraph (b) to the owner's address that is provided by the insurance company in the release statement.

2. Identify the latest titling jurisdiction of the vehicle through use of the National Motor Vehicle Title Information System and attempt to obtain the owner's address from that jurisdiction. If the jurisdiction returns an address that is different from the owner's address provided by the insurance company, the independent entity must send a notice that meets the requirements of paragraph (b) to both addresses.

(d) The independent entity shall maintain for a minimum of 3 years the records related to the 30-day notice sent to the owner, the results of any National Motor Vehicle Title Information System searches, and the notification to the National Motor Vehicle Title Information System pursuant to paragraph (e).

(e)-(e) The independent entity shall make the required notification to the National Motor Vehicle Title Information System before releasing any damaged or dismantled motor vehicle to the owner or before applying for a certificate of destruction or salvage certificate of title.

(f)-(d) Upon applying for a certificate of destruction or

8-00289B-19

2019974

salvage certificate of title, the independent entity shall provide a copy of the release statement from the insurance company to the independent entity, proof of providing the 30-day notice to the owner, proof of notification to the National Motor Vehicle Title Information System, and applicable fees. If the independent entity is unable to obtain a lien satisfaction or a release of all liens on the motor vehicle, the independent entity may provide an affidavit stating that notice was sent to all lienholders that the motor vehicle is available for pickup, 30 days have passed since the notice was delivered or attempted to be delivered, attempts have been made to obtain a release from all lienholders, and all such attempts have been to no avail. The notice to lienholders and attempts to obtain a release from lienholders may be by written request delivered in person or by certified mail or another commercially available delivery service that provides proof of delivery to the lienholder at the lienholder's address.

(g)-(e) The independent entity may not charge an owner of the vehicle storage fees or apply for a title under s. 713.585 or s. 713.78.

Section 2. Effective October 1, 2019, subsection (10) of section 320.03, Florida Statutes, is amended to read:

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

(10) Jurisdiction over the electronic filing system for use by authorized electronic filing system agents to electronically title or register motor vehicles, vessels, mobile homes, or off-highway vehicles; process title transactions, derelict motor vehicle certificates, and certificates of destruction for

8-00289B-19

2019974

117 derelict and salvage motor vehicles pursuant to s. 319.30(2),
 118 (3), (7), and (8); issue or transfer registration license plates
 119 or decals; electronically transfer fees due for the title and
 120 registration process; and perform inquiries for title,
 121 registration, and lienholder verification and certification of
 122 service providers is expressly preempted to the state, and the
 123 department shall have regulatory authority over the system. The
 124 electronic filing system shall be available for use statewide
 125 and applied uniformly throughout the state. An entity that, in
 126 the normal course of its business, sells products that must be
 127 titled or registered;7 provides title and registration services
 128 on behalf of its consumers; or processes title transactions,
 129 derelict motor vehicle certificates, or certificates of
 130 destruction for derelict or salvage motor vehicles pursuant to
 131 s. 319.30(2), (3), (7), or (8) and that meets all established
 132 requirements may be an authorized electronic filing system agent
 133 and is ~~shall~~ not be precluded from participating in the
 134 electronic filing system in any county. Upon request from a
 135 qualified entity, the tax collector shall appoint the entity as
 136 an authorized electronic filing system agent for that county.
 137 ~~The department shall adopt rules in accordance with chapter 120~~
 138 ~~to replace the December 10, 2009, program standards and to~~
 139 ~~administer the provisions of this section, including, but not~~
 140 ~~limited to, establishing participation requirements,~~
 141 ~~certification of service providers, electronic filing system~~
 142 ~~requirements, and enforcement authority for noncompliance. The~~
 143 ~~December 10, 2009, program standards, excluding any standards~~
 144 ~~which conflict with this subsection, shall remain in effect~~
 145 ~~until the rules are adopted.~~ An authorized electronic filing

Page 5 of 6

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

8-00289B-19

2019974

146 system agent may charge a fee to the customer for use of the
 147 electronic filing system. The department may adopt rules to
 148 administer this subsection, including, but not limited to, rules
 149 establishing participation requirements, certification of
 150 service providers, electronic filing system requirements,
 151 disclosures, and enforcement authority for noncompliance.

152 Section 3. Except as otherwise expressly provided in this
 153 act, this act shall take effect July 1, 2019.

Page 6 of 6

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

974

Bill Number (if applicable)

825644

Amendment Barcode (if applicable)

Topic Damaged, dismantled, derelict, or salvage motor vehicles

Name Courtney Larkin

Job Title assistant vp of Government Affairs

Address 1601 Thomasville Rd

Street

Tallahassee

City

Fl

State

32302

Zip

Phone 904-10061

Email clarkin@flbankers.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Bankers Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

974

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Katie Webb

Job Title

Address

Street

Phone

City

State

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FADRA

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

974

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Ron LaFace

Job Title

Address 101 E College Ave

Phone 222-9075

Street

Tall FL 32301

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Insurance Auto Auctions

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: CS/SB 1002

INTRODUCER: Senator Hutson

SUBJECT: Motor Vehicles and Railroad Trains

DATE: March 13, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Fav/CS
2.			CJ	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1002 clarifies the duties of law enforcement with respect to the collection of information required for crash reports in the event of a motor vehicle crash involving a railroad train. The bill specifies that in the event of specified motor vehicle crashes involving a railroad train, the collection of required crash report information is at the discretion of the law enforcement officer having jurisdiction to investigate.

The bill revises the definition of “railroad train” to provide that a railroad train is not a motor vehicle for purposes of the Florida Uniform Traffic Control Law, and provides that a member of a railroad train crew or a passenger on a railroad train is not a passenger for purposes of certain crash reports.

Additionally, in the event of a motor vehicle crash involving a train, the bill requires a train crew member to furnish the date, time, and location of the crash; a description of the vehicles involved; ; and the names and addresses of witnesses and parties involved. The bill requires the train crew to also furnish the train engineer’s and the conductor’s federally-required, railroad-issued certificates, upon the request of the law enforcement officer investigating the crash.

The fiscal impact is indeterminate but expected to be positive. See the “Fiscal Impact” heading.

The bill takes effect July 1, 2019.

II. Present Situation:

Florida Uniform Traffic Control Law

The Florida Uniform Traffic Control Law, ch. 316, F.S., is intended “to make uniform traffic laws to apply throughout the state.”¹ Section 316.003, F.S., defines terms used throughout the chapter.

Section 316.003(63), F.S., defines “railroad train” as “a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except a street.” For purposes of this chapter, the term “motor vehicle”² excludes a vehicle that is “operated upon rails or guideway.” Similarly, the term “vehicle”³ excludes a device “used exclusively upon stationary rails or tracks.” Additionally, the terms “driver”⁴ and “operator”⁵ are defined as any person in actual physical control of a vehicle or motor vehicle on the highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

Duties Related to Motor Vehicle Crashes

Among other requirements, s. 316.027, F.S., requires the driver of a vehicle involved in a crash resulting in injury to a person other than serious bodily injury,⁶ serious bodily injury to a person, or death of a person, to immediately stop the vehicle at the crash scene and remain until the driver has provided personal and vehicle identification information or contacted law enforcement to report the crash, and rendered aid to any injured person, including transportation to medical care, if necessary.⁷

Section 316.061, F.S., requires the driver of a vehicle involved in a crash resulting only in damage to a vehicle or other property which is driven or attended by any person to comply with the same duties described above.⁸

Section 316.065, F.S., requires the driver of a vehicle involved in a crash resulting in injury to or death of any person or damage to any vehicle or other property in an apparent amount of at least \$500 to immediately give notice of the crash to local law enforcement.

¹ Section 316.002, F.S.

² Section 316.003(42), F.S.

³ Section 316.003(99), F.S.

⁴ Section 316.003(20), F.S.

⁵ Section 316.003(48), F.S.

⁶ Defined in s. 316.027(1)(a), F.S., as “an injury to a person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of a bodily member or organ.”

⁷ Section 316.062, F.S.

⁸ *Id.*

Section 316.066, F.S., requires a report to be filed with the Department of Highway Safety and Motor Vehicles (DHSMV) within 10 days after an investigation is completed by the law enforcement officer investigating a motor vehicle crash if such crash:

- Resulted in the death of, personal injury to, or any indication of complaints of pain or discomfort by any of the parties or passengers involved in the crash;
- Involved a violation of s. 316.061, F.S., for failure to immediately stop a vehicle involved in a crash resulting only in damage to a vehicle or other property; or a violation of s. 316.193, F.S., for driving under the influence;
- Rendered a vehicle inoperable to a degree that required a wrecker to remove it from the scene of the crash; or
- Involved a commercial motor vehicle.

Crash Report Forms

Law enforcement personnel must complete a report of each motor vehicle crash and provide it to the DHSMV. This report must include the following information:

- The date, time, and location of the crash;
- A description of the vehicles involved;
- The names and addresses of the parties involved, including all drivers and passengers in the vehicles involved;
- The names and addresses of any witnesses;
- The name, badge number, and law enforcement agency of the officer investigating the crash; and
- The names of the insurance companies for the respective parties involved in the crash.⁹

However, current law is unclear as to how to treat the passengers and crew of a railroad train when a motor vehicle crash involves a train. Because the current statute can be read to include every person on the railroad train as a “passenger” or “witness” for purposes of the crash report, law enforcement may feel compelled to interview every passenger and crew member on a railroad train as a potential witness, even though in many instances, depending on a person’s location on the train, nothing relevant was actually witnessed.

The process of interviewing every passenger and crew member on a railroad train may keep the train at the crash scene for hours, resulting in a number of potential issues, such as deteriorating passenger safety and comfort, blocked railroad crossings, and economic loss.

Railroad Train Accident Reports

Florida law does not address railroad company reporting requirements related to accident reports. However, federal regulations generally require railroad companies to submit a monthly report to the Federal Railroad Authority (FRA) of all railroad accidents or incidents that are:

- Highway-rail grade crossing accidents;
- Rail equipment accidents; and
- Death, injury, or occupational illness.¹⁰

⁹ See ss. 316.066(1) and 316.068, F.S.

¹⁰ 49 C.F.R. §§ 225.11 and 225.19.

In addition, each railroad must immediately report certain types of accidents or incidents by calling the National Response Center.¹¹ The FRA or the National Transportation Safety Board may choose to investigate such train accidents or incidents.¹²

Certification of Locomotive Engineers and Conductors

Present Situation

Federal regulations prescribe minimum federal safety standards for the eligibility, training, testing, certification, and monitoring of all locomotive engineers¹³ and conductors.¹⁴ The Federal Railroad Administration (FRA) does not test or certify engineers or conductors itself. Instead, the regulations require each railroad to adopt training and certification programs that meet the minimum requirements in the regulations,¹⁵ and the FRA must approve the design of individual railroad programs.¹⁶

Ultimately, an individual who successfully completes a railroad's FRA-approved engineer or conductor certification program receives a certificate that identifies the railroad company and person certified, and that shows the qualifications, conditions and limitations of the certification. The certificate must be signed and wallet-sized for ease of carry.¹⁷ Each locomotive engineer and conductor who receives a certificate is required to have the certificate in his or her possession while on duty.

III. Effect of Proposed Changes:

The bill seeks to clarify the duties of law enforcement with regard to collecting required information for certain crash reports.

Section 1 of the bill amends s. 316.003(63), F.S., the definition of "railroad train," to provide that a railroad train is not a motor vehicle for purposes of the Florida Uniform Traffic Control Law.

Section 2 amends s. 316.068(2)(c) and (d), F.S. These paragraphs, respectively, currently require a crash report to include the names and addresses of the parties involved in a crash and the names and addresses of all drivers and passengers in the motor vehicles involved. The bill provides that in the event of a crash covered by s. 316.027, F.S.; s. 316.061, F.S., s. 316.065, F.S., or s. 316.066, F.S., involving a railroad train, collection of names and addresses is at the discretion of the investigating law enforcement officer.

¹¹ 49 C.F.R. § 225.9.

¹² See FRA, *FRA Investigations of Railroad Accidents*, <https://www.fra.dot.gov/Page/P0474> and NTSB, *The Investigative Process*, <https://www.nts.gov/investigations/process/Pages/default.aspx> (last visited Feb. 6, 2018).

¹³ 49 C.F.R. s. 240.

¹⁴ 49 C.F.R. s. 242.

¹⁵ See, e.g., 49 C.F.R. s. 240.101 and 49 C.F.R. s. 242.101.

¹⁶ 49 C.F.R. s. 240.103 and 49 C.F.R. s. 242.103.

¹⁷ 49 C.F.R. s. 240.223 and 49 C.F.R. s. 242.207.

This section of the bill also amends s. 316.068(2)(g), F.S., to provide that a member of a railroad train crew or a passenger on a railroad train is not a passenger for purposes of completing crash reports. This section is also amended to require a train crew member to furnish:

- The date, time, and location of the crash;
- A description of the vehicles involved;
- The names and addresses of the parties involved; and
- The names and addresses of witnesses.

Lastly, the bill requires the train crew to furnish the train engineer's and conductor's federal certificates under 49 C.F.R. parts 240 and 242, respectively, upon the request of the law enforcement officer with jurisdiction to investigate the crash.

Law enforcement officers may exercise discretion in their investigations of motor vehicle crashes involving a railroad train and collection of information relevant to such crashes. Delays associated with collecting necessary information for crash reports may be reduced.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The fiscal impact is indeterminate, but the bill may positively impact railroad train companies and their operations if all crew members and passengers of the train are not required to be interviewed in the event of a motor vehicle crash involving a train.

Railroads may incur indeterminate expenses associated with the requirement that a train crew member collect and furnish the specified information. To the extent that this requirement results in delay for the train crew, the expected positive fiscal impact may be offset.

C. Government Sector Impact:

Indeterminate, but the bill may have a positive fiscal impact on government personnel involved in the investigation of train accidents. These persons will no longer need to get the name and address of each person on the train, unless these persons are still considered witnesses.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 316.003 and 316.068.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Infrastructure and Security on March 11, 2019:

The committee substitute requires a member of the railroad train crew to furnish specified information relating to a crash, as well as the train engineer's and conductor's certificates issued by the railroad in accordance with federal regulations.

B. Amendments:

None.



611068

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/14/2019	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Hutson)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 40 - 52
and insert:
in the motor vehicles involved; however, in the event of a crash
involving a railroad train, including crashes covered by s.
316.027, s. 316.061, s. 316.065, or s. 316.066, the collection
of the information specified in this paragraph shall be at the
discretion of the law enforcement officer having jurisdiction to
investigate the crash;



611068

(e) The names and addresses of witnesses;

(f) The name, badge number, and law enforcement agency of the officer investigating the crash; and

(g) The names of the insurance companies of the motor vehicles for the respective parties involved in the crash, unless not available. A member of a railroad train crew or a passenger on a railroad train is not a passenger for purposes of this section. A member of the railroad train crew shall furnish the information required under paragraphs (a), (b), (c), and (e) and, upon the request of the law enforcement officer with jurisdiction to investigate the crash, the train engineer's and conductor's federal certification pursuant to 49 C.F.R., parts 240 and 242. The absence of

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete lines 9 - 10
and insert:

revising the collection of information to include the names of insurance companies of the motor vehicles involved in the crash, rather than the names of insurance companies for all respective parties; specifying that certain persons are not considered passengers for the purpose of making crash reports; requiring a member of the railroad train crew to furnish specified information;

By Senator Hutson

7-01480-19

20191002__

A bill to be entitled

An act relating to motor vehicles and railroad trains; amending s. 316.003, F.S.; revising the definition of the term "railroad train"; amending s. 316.068, F.S.; requiring that, in the event of a crash involving a railroad train, the collection of certain information be at the discretion of the law enforcement officer having jurisdiction to investigate the crash; specifying that certain persons are not considered passengers for the purpose of making crash reports; providing an effective date.

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

Section 1. Subsection (63) of section 316.003, Florida Statutes, is amended to read:

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

(63) RAILROAD TRAIN.—A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except a streetcar. A railroad train is not a motor vehicle for purposes of this chapter.

Section 2. Subsection (2) of section 316.068, Florida Statutes, is amended to read:

316.068 Crash report forms.—

(2) Every crash report required to be made in writing must be made on the appropriate form approved by the department and

7-01480-19

20191002__

must contain all the information required therein, including:

(a) The date, time, and location of the crash;

(b) A description of the vehicles involved;

(c) The names and addresses of the parties involved;

however, in the event of a crash involving a railroad train, including crashes covered by s. 316.027, s. 316.061, s. 316.065, or s. 316.066, the collection of the information specified in this paragraph shall be at the discretion of the law enforcement officer having jurisdiction to investigate the crash;

(d) The names and addresses of all drivers and passengers in the vehicles involved; however, in the event of a crash involving a railroad train, including crashes covered by s. 316.027, s. 316.061, s. 316.065, or s. 316.066, the collection of the information specified in this paragraph shall be at the discretion of the law enforcement officer having jurisdiction to investigate the crash;

(e) The names and addresses of witnesses;

(f) The name, badge number, and law enforcement agency of the officer investigating the crash; and

(g) The names of the insurance companies for the respective parties involved in the crash, unless not available. A member of a railroad train crew or a passenger on a railroad train is not a passenger for purposes of this section. The absence of information in such written crash reports regarding the existence of passengers in the vehicles involved in the crash constitutes a rebuttable presumption that no such passengers were involved in the reported crash. Notwithstanding any other provisions of this section, a crash report produced electronically by a law enforcement officer must, at a minimum,

7-01480-19

20191002__

59 contain the same information as is called for on those forms
60 approved by the department.

61 Section 3. This act shall take effect July 1, 2019.

THE FLORIDA SENATE

APPEARANCE RECORD

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

03-12-19

Meeting Date

1002

Bill Number (if applicable)

611068

Amendment Barcode (if applicable)

Topic MOTOR VEHICLES & RAILROAD TRAINS

Name VICKI WOOLDRIDGE

Job Title DIR. OF GOV. AFFAIRS

Address 801 NW 33RD ST.

Street

POMPANO BEACH

City

FL

State

33064

Zip

Phone 954-213-8690

Email WOOLDRIDGE@SFLA.FL.GOV

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SO. FLA. REGIONAL TRANSPORTATION AUTHORITY

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: CS/SB 1052

INTRODUCER: Infrastructure and Security Committee and Senators Lee and Rouson

SUBJECT: Motor Vehicle Insurance

DATE: March 13, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Fav/CS
2.			BI	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1052 repeals the Florida Motor Vehicle No-Fault Law (No-Fault Law), which requires every owner and registrant of a motor vehicle in this state to maintain \$10,000 Personal Injury Protection (PIP) coverage. Beginning January 1, 2020, the bill enacts financial responsibility requirements for liability for damages that result from accidents arising out of the ownership, maintenance, or use of a motor vehicle that is not a commercial motor vehicle, nonpublic sector bus, or for-hire passenger transportation vehicle as follows:

- For bodily injury (BI) or death of one person in any one crash, \$25,000, and
- Subject to that limit for one person, \$50,000 for BI or death of two or more people in any one crash.

The bill retains the existing \$10,000 financial responsibility requirement for property damage (PD).

The bill also revises required coverage amounts for garage liability and commercial motor vehicle insurance, and increases the cash deposit amount required for a certificate of self-insurance establishing financial responsibility for owners and operators of motor vehicles that are not for-hire vehicles.

The bill replaces the PIP coverage mandate with optional medical payments coverage protecting the named insured, resident relatives, persons operating and passengers in the insured motor vehicle, and persons struck by the insured motor vehicle who suffer bodily injury while not an occupant of a self-propelled motor vehicle at a limit of at least \$5,000. The coverage must provide an additional death benefit of at least \$5,000. Each policy furnished as proof of financial responsibility is deemed to have:

- Medical payments coverage to a limit of \$10,000, unless the insurer obtains the policyholder's written refusal of such coverage or written selection of such coverage at a limit other than \$10,000.
- No medical payments coverage deductible, unless the insurer obtains the policyholder's written selection of a deductible of up to \$500.

Upon notice to an insurer of an accident that may be covered by medical payments coverage benefits, the bill requires the insurer to reserve \$5,000 of benefits for payment to specified physicians or dentists who provide emergency services and care or who provide hospital inpatient care for 30 days after the date the insurer receives notice of the accident.

Additionally, the bill authorizes the exclusion of a specifically named individual from specified insurance coverages under a private passenger motor vehicle policy, with the written consent of the policyholder.

The repeal of the No-Fault Law eliminates the limitations on recovering pain and suffering damages from PIP insureds, which currently require bodily injury that causes death or significant and permanent injury.

The repeal of the No-Fault Law, the financial responsibility requirements for bodily injury, and the optional medical payments coverage take effect January 1, 2020.

The bill appropriates \$83,651 in nonrecurring funds from the Insurance Regulatory Trust Fund to the Office of Insurance Regulation to implement the act. .

The bill takes effect January 1, 2020, except as otherwise provided and except that provisions relating to application of the laws during the transition from PIP coverage to the new financial responsibility requirements and the effective date section, take effect upon becoming a law.

II. Present Situation:

Under the Florida Motor Vehicle No-Fault Law (No-Fault Law),¹ owners or registrants of motor vehicles are required to purchase personal injury protection (PIP) insurance which compensates persons injured in accidents regardless of fault.² Policyholders are indemnified by their own insurer. The intent of no-fault insurance is to provide prompt medical treatment without regard to fault.³ This coverage also provides policyholders with immunity from liability for economic damages up to the policy limits and limits tort suits for non-economic damages (pain and

¹ Sections 627.730-627.7405, F.S.

² Section 627.733, F.S.

³ See s. 627.731, F.S.

suffering) below a specified injury threshold.⁴ In contrast, under a tort liability system, the negligent party is responsible for damages caused and an accident victim can sue the at-fault driver to recover economic and non-economic damages.

Florida drivers are required to purchase both PIP and property damage liability (PD) insurance.⁵ The personal injury protection must provide a minimum benefit of \$10,000 for bodily injury to any one person who sustains an emergency medical condition, which is reduced to a \$2,500 limit for medical benefits if a treating medical provider determines an emergency medical condition did not exist.⁶ PIP coverage provides reimbursement for 80 percent of reasonable medical expenses,⁷ 60 percent of loss of income,⁸ and 100 percent of replacement services,⁹ for bodily injury sustained in a motor vehicle accident, without regard to fault. The property damage liability coverage must provide a \$10,000 minimum benefit. A \$5,000 death benefit is also provided.¹⁰

PIP Medical Benefits

The 2012 Legislature revised the provision of PIP medical benefits under the No-Fault Law, effective January 1, 2013.¹¹ To receive PIP medical benefits, insureds must receive initial services and care within 14 days after the motor vehicle accident.¹² Initial services and care are only reimbursable if lawfully provided, supervised, ordered or prescribed by a licensed physician, licensed osteopathic physician, licensed chiropractic physician, licensed dentist, or must be rendered in a hospital, a facility that owns or is owned by a hospital, or a licensed emergency transportation and treatment provider.¹³ Follow-up services and care require a referral from such providers and must be consistent with the underlying medical diagnosis rendered when the individual received initial services and care.¹⁴

PIP medical benefits have two different coverage limits, based upon the severity of the medical condition of the individual. An insured may receive up to \$10,000 in medical benefits for services and care if a physician, osteopathic physician, dentist, physician's assistant or advanced registered nurse practitioner has determined that the injured person had an emergency medical condition.¹⁵ An emergency medical condition is defined as a medical condition manifesting itself by acute symptoms of sufficient severity that the absence of immediate medical attention could reasonably be expected to result in serious jeopardy to patient health, serious impairment to bodily functions, or serious dysfunction of a body organ or part.¹⁶ If a provider who rendered treatment or services determines that the insured did not have an emergency medical condition,

⁴ Section 627.737, F.S.

⁵ See ss. 324.022, F.S. and 627.733, F.S.

⁶ Section 627.736(1), F.S.

⁷ Section 627.736(1)(a), F.S.

⁸ Section 627.736(1)(b), F.S.

⁹ *Id.*

¹⁰ Section 627.736(1)(c), F.S.

¹¹ Chapter 2012-197, L.O.F. (CS/CS/HB 119)

¹² Section 627.736(1)(a), F.S.

¹³ Section 627.736(1)(a)1., F.S.

¹⁴ Section 627.736(1)(a)2., F.S.

¹⁵ Section 627.736(1)(a)3., F.S.

¹⁶ Section 627.732(16), F.S.

the PIP medical benefit limit is \$2,500.¹⁷ Massage and acupuncture are not reimbursable, regardless of the type of provider rendering such services.¹⁸

The \$5,000 PIP death benefit is provided in addition to medical and disability benefits, effective January 1, 2013. Previously, the death benefit was the lesser of the unused PIP benefits, up to a limit of \$5,000.

Medical Fee Limits for PIP Reimbursement

Section 627.736(5), F.S., authorizes insurers to limit reimbursement for benefits payable from PIP coverage to 80 percent of the following schedule of maximum charges:

- For emergency transport and treatment (ambulance and emergency medical technicians), 200 percent of Medicare;
- For emergency services and care provided by a hospital, 75 percent of the hospital's usual and customary charges;
- For emergency services and care and related hospital inpatient services rendered by a physician or dentist, the usual and customary charges in the community;
- For hospital inpatient services, 200 percent of Medicare Part A;
- For hospital outpatient services, 200 percent of Medicare Part A;
- For services supplies and care provided by ambulatory surgical centers and clinical laboratories, 200 percent of Medicare Part B;
- For durable medical equipment, 200 percent of the Durable Medical Equipment Prosthetics/Orthotics and Supplies fee schedule of Medicare Part B;
- For all other medical services, supplies, and care, 200 percent of the participating physicians fee schedule of Medicare Part B; and
- For medical care not reimbursable under Medicare, 80 percent of the workers' compensation fee schedule. If the medical care is not reimbursable under either Medicare or workers' compensation then the insurer is not required to provide reimbursement.

The insurer may not apply any utilization limits that apply under Medicare or workers' compensation.¹⁹ In addition, the insurer must reimburse a health care provider rendering services under the scope of his or her license, regardless of any restriction under Medicare that restricts payments to certain types of health care providers for specified procedures. Medical providers are not allowed to bill the insured for any excess amount when an insurer limits payment as authorized in the fee schedule, except for amounts that are not covered due to the PIP coinsurance amount (the 20 percent copayment) or for amounts that exceed maximum policy limits.²⁰

In 2012, the Legislature enacted chapter 2012-197, Laws of Florida, to revise the PIP medical fee schedule in an effort to resolve alleged ambiguities that led to conflicts and litigation between claimants and insurers. The law clarified the reimbursement levels for care provided by ambulatory surgical centers and clinical laboratories and for durable medical equipment. The law

¹⁷ Section 627.736(1)(a)4., F.S.

¹⁸ Section 627.736(1)(a)5., F.S.

¹⁹ Section 627.736(5)(a)3., F.S.

²⁰ Section 627.736(5)(a)4., F.S.

also provided that Medicare fee schedule in effect on March 1 is applicable for the remainder of that year.²¹ Insurers were authorized to use Medicare coding policies and payment methodologies of the Centers for Medicare and Medicare Services, including applicable modifiers, when applying the fee schedule if they do not constitute a utilization limit.²² The law also required insurers to include notice of the fee schedule in their policies.²³

Attorney Fees

Section 627.428, F.S., requires an insurer to pay the insured's or beneficiary's reasonable attorney fees upon a judgment against the insurer and in favor of the insured or named beneficiary under an insurance policy, and applies to disputes under the No-Fault Law.²⁴ Chapter 2012-197, L.O.F., amended provisions related to attorney fee awards in No-Fault disputes. The law prohibited the application of attorney fee multipliers.²⁵ The law also required that the attorney fees awarded must comply with prevailing professional standards, not overstate or inflate the number of hours reasonably necessary for a case of comparable skill or complexity, and represent legal services that are reasonable to achieve the result obtained.²⁶ The offer of judgment statute, s. 768.79, F.S., is applied to No-Fault cases, providing statutory authority for insurers to recover fees if the plaintiff's recovery does not exceed the insurer's settlement offer by a statutorily specified percentage.²⁷

Mandatory Rate Filings and Data Call

Chapter 2012-197, L.O.F., required the Office of Insurance Regulation to contract with a consulting firm to calculate the expected savings from the act.²⁸ The OIR retained Pinnacle Actuarial Resources, Inc., which released an August 20, 2012, report estimating an indicated statewide average savings in PIP premiums of 14 percent to 24.6 percent and an average overall motor vehicle insurance premium reduction ranging from 2.8 percent to 4.9 percent.²⁹ The report noted that if insurers' current PIP rates were inadequate they would likely offset the savings from Chapter 2012-197, L.O.F., against their indicated PIP rates. By October 1, 2012, each insurer writing private passenger automobile PIP insurance was required to submit a rate filing providing at least a 10 percent reduction of its PIP rate or explain in detail its reasons for failing to achieve those savings. The Legislature required a second mandatory rate filing due January 1, 2014, that provided at least a 25 percent reduction of the insurer's July 1, 2012, PIP rate or explained in detail its reasons for failing to achieve those savings.

The Office of Insurance Regulation performed a comprehensive PIP data call on January 1, 2015, that analyzed the impact of the 2012 act's reforms on the PIP insurance market. The top

²¹ Section 627.736(5)(a)2., F.S.

²² Section 627.736(5)(a)3., F.S.

²³ Section 627.736(5)(a)5., F.S.

²⁴ Section 627.736(8), F.S.

²⁵ See id.

²⁶ See id.

²⁷ See id.

²⁸ Section 15, Ch. 2012-197, L.O.F.

²⁹ Pinnacle Actuarial Resources, Inc., *Impact Analysis of HB 119*, (Aug. 20, 2012) available at <https://www.floir.com/siteDocuments/HB119ImpactAnalystFINAL08202012.pdf> (last viewed March 7, 2019).

25 personal lines automobile insurers³⁰ generally failed to achieve a 25 percent rate reduction and instead reduced PIP rates an average of 13.6 percent.³¹ Rates were only reduced an average of 0.1 percent for a full auto insurance premium consisting of PIP, property damage, bodily injury, uninsured motorists, collision and comprehensive coverages.³² The OIR noted that though the required rate filings were on the low end of 2012 Pinnacle report, prior to the 2012 act, the statewide average approved rate changes were a 46.3 percent increase in PIP rates, and a 12.9 percent rate increase for full auto insurance.³³

Rate filings by top 25 auto insurers from January 1, 2015, to January 18, 2017, reversed the entirety of the rate reductions achieved post the 2012 act, resulting in average premiums higher than those charged before that act became law.³⁴ Generally, motor vehicle insurance rates increased nationally. Recent data from the United States Department of Labor indicates that the consumer price index for motor vehicle insurance (U.S. city average for urban consumers) increased 3.4 percent from January of 2018 to January of 2019.³⁵ The number of crashes and crashes involving injuries reported to the Florida Department of Highway Safety and Motor Vehicles in the most recent three years is shown in the table below.³⁶

Florida Motor Vehicle Crashes			
Calendar Year	Total Crashes	Injury Crashes	Fatalities
2016	395,972	166,002	3,175
2017	402,499	166,666	3,116
2018	400,619	166,172	3,070

Motor Vehicle Insurance Fraud

Motor vehicle insurance fraud is a long-standing problem in Florida. In November 2005, the Senate Banking and Insurance Committee issued a report entitled “Florida’s Motor Vehicle No-Fault Law”, which was a comprehensive review of Florida’s No-Fault system.³⁷ The report indicated that fraud was at an “all-time” high at the time, noting:

“Florida’s no-fault laws are being exploited by sophisticated criminal organizations in schemes that involve health care clinic fraud, staging (faking) car crashes, manufacturing false crash

³⁰ On an earned premium basis.

³¹ Office of Insurance Regulation, *Report on Review of the Data Call Pursuant to HB 119 – Motor Vehicle Personal Injury Protection (PIP) Insurance*, Pg. 43 (January 1, 2015) available at <https://www.floir.com/siteDocuments/HB119DataCallReport.pdf> (last viewed March 7, 2019).

³² *Id.*

³³ *Id.* at pg. 41.

³⁴ See Office of Insurance Regulation, *Florida Personal Auto Market Presented to The Florida Senate Committee on Banking and Insurance*, pg. 3 (January 24, 2017) available at <https://www.floir.com/siteDocuments/SenateBIFLPersonalAutoMarketPresentation01242017.pdf> (last viewed March 7, 2019).

³⁵ United States Department of Labor, *Economic News Release Consumer Price Index Summary* (January 2019) available at <https://www.bls.gov/news.release/cpi.t02.htm> (last viewed March 10, 2019).

³⁶ See Florida Department of Highway Safety and Motor Vehicles, Florida Integrated Report Exchange System Quick Statistics at <https://firesportal.com/Pages/Public/QuickStats.aspx> (last viewed March 10, 2019).

³⁷ See Florida’s Motor Vehicle No-Fault Law, *Report Number 2006-102*, available at http://archive.flsenate.gov/data/Publications/2006/Senate/reports/interim_reports/pdf/2006-102bilong.pdf (last viewed March 10, 2019).

reports, adding occupants to existing crash reports, filing PIP claims using contrived injuries, colluding with dishonest medical treatment providers to fraudulently bill insurance companies for medically unnecessary or non-existent treatments, and patient-brokering...”

Fraudulent claims are a major cost-driver and result in higher motor vehicle insurance premium costs for Florida policyholders. The 2012 act contained numerous provisions designed to curtail PIP fraud. A health care practitioner found guilty of insurance fraud under s. 817.234, F.S., loses his or her license for 5 years and may not receive PIP reimbursement for 10 years. Insurers are provided an additional 60 days (90 total) to investigate suspected fraudulent claims, however, an insurer that ultimately pays the claim must also pay an interest penalty.³⁸ All entities seeking reimbursement under the No-Fault Law must obtain health care clinic licensure except for hospitals, ambulatory surgical centers, entities owned or wholly owned by a hospital, clinical facilities affiliated with an accredited medical school and practices wholly owned by a physician, dentist, or chiropractic physician or by such physicians and specified family members.³⁹ The act also defined failure to pay PIP claims within the time limits of s. 627.736(4)(b), F.S., as an unfair and deceptive practice.

Financial Responsibility Law

Florida’s financial responsibility law requires proof of ability to pay monetary damages for bodily injury and property damage liability arising out of a motor vehicle accident or serious traffic violation.⁴⁰ The owner and operator of a motor vehicle need not demonstrate financial responsibility, i.e., obtain BI and PD coverages, until *after the accident*.⁴¹ At that time, a driver’s financial responsibility is proved by the furnishing of an active motor vehicle liability policy. The minimum amounts of liability coverages required are \$10,000 in the event of bodily injury to, or death of, one person, \$20,000 in the event of injury to, or death of, two or more persons, and \$10,000 in the event of damage to property of others, or \$30,000 combined BI/PD policy.⁴² The driver’s license and registration of the driver who fails to comply with the security requirement to maintain PIP and PD insurance coverage is subject to suspension.⁴³ A driver’s license and registration may be reinstated by obtaining a liability policy and by paying a fee to the Department of Highway Safety and Motor Vehicles.⁴⁴

Review of Auto Insurance Systems

Two auto insurance systems are utilized throughout the country: the tort system and the no-fault system, with certain variations. Thirty-eight states utilize the tort system in which the at-fault party is liable for damages (medical, economic, property damage and pain and suffering) to other parties in an accident.⁴⁵ Parties seeking redress for their injuries do so from the at-fault driver,

³⁸ Section 627.736(4)(i), F.S.

³⁹ Section 627.736(5)(h), F.S.

⁴⁰ See ch. 324, F.S.

⁴¹ Section 324.011, F.S.

⁴² Section 324.022, F.S.

⁴³ Section 324.0221(2), F.S.

⁴⁴ Section 324.0221(3), F.S.

⁴⁵ Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North

and must prove negligence on the part of that individual. Nine of the 38 tort states, known as “add-on” states, require auto insurers to offer PIP coverage, but unlike no-fault states, do not restrict the right to pursue a liability claim or lawsuit.⁴⁶ Benefits are generally either offered in a PIP coverage form similar to that in no-fault states or as additional wage replacement benefits to medical payments coverage. Three tort add-on states require the purchase of PIP coverage; six do not, but require insurers to offer PIP coverage.

Twelve states (including Florida) have a no-fault system and mandate first-party PIP coverage for medical benefits, wage loss, and death benefits, with a limitation on pain and suffering lawsuits.⁴⁷ All 12 jurisdictions take different approaches to no-fault legislation in that coverage amounts, deductibles, mandated coverages, tort thresholds for pain and suffering claims, and the use of fee schedules or treatment protocols vary widely among these entities. Each state has either a “verbal” or “monetary” threshold regarding the seriousness of a person’s injuries that must be met prior to the filing of a tort suit for noneconomic damages against an at-fault driver. Florida and the four most populous no-fault states use a verbal threshold, which is a statutory description of the severity of an injury. The seven remaining no-fault states have monetary thresholds ranging from \$1,000 to \$5,000. Three of the 12 no-fault states (Kentucky, New Jersey and Pennsylvania) are known as “choice” states and offer consumers a choice between purchasing PIP coverage and traditional tort liability coverage, which does not include PIP benefits.

Tort-Based Motor Vehicle Insurance Jurisdictions

In a tort-based liability system, auto injury claimants seek payment from the at-fault driver for both economic and non-economic damages from dollar one. A tort-based system represents a more traditional legal philosophy of holding persons responsible for injuries caused by their negligent operation of a vehicle. In theory, this encourages safer operation of automobiles and is generally viewed by the public as consistent with the concept of personal responsibility.

If Florida repeals PIP and mandates BI coverage, it will be important for drivers to appreciate coverage applications under the tort system. For the most common type of accident (with one party at-fault), the at-fault party’s BI coverage would pay for injuries to the not at-fault driver, unless the at-fault party was uninsured. If the at-fault party is uninsured (or underinsured), the not at-fault party would utilize his/her Uninsured Motorist (UM) coverage, if purchased, to pay for injuries sustained in an accident. The at-fault party’s PD coverage would compensate for physical damages to the not at-fault driver’s vehicle. If the not-at-fault party has Med Pay coverage, it can be used to cover his or her own medical expenses, which could then be subrogated into the BI claim by the not at-fault driver’s insurer.

With respect to the at-fault party, that driver’s own health insurance, if available, would cover his or her own expenses. Med Pay coverage, if purchased, would pay for his/her medical expenses up to the Med Pay limits, at which point health insurance would apply. In the event the at-fault

Carolina, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

⁴⁶ Arkansas, Delaware, Maryland, Oregon, South Dakota, Texas, Virginia, Washington, and Wisconsin.

⁴⁷ Hawaii, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Dakota, Pennsylvania, and Utah are the other No-Fault states.

party did not have health insurance, then the medical costs would not be reimbursed and the individual would be responsible for these costs or such costs would be assumed by the health care provider.

For single car accidents, the driver of the vehicle is presumed to be the at-fault party and therefore will be essentially in the same situation as the at-fault party described above. Occupants in the vehicle can sue the driver of the vehicle for their injuries and are in a similar circumstance to the not at-fault party's situation, previously described. Family members are precluded from suing the driver because of the intra-family exclusion resulting in the fact that only non-family occupants can pursue a tort claim. Pedestrians who are injured in an accident are in a similar situation as the not at-fault party.

III. Effect of Proposed Changes:

Repeal of the Florida Motor Vehicle No-Fault Law

Section 1 repeals ss. 627.730-627.7405, F.S., which constitute the Florida Motor Vehicle No-Fault Law.

Two of the most significant provisions repealed are the tort exemption in s. 627.737, F.S., which prohibits tort actions to recover pain and suffering damages from PIP insureds unless death or significant and permanent injury causes such damages, and coverage for disability and death benefits under PIP.

Section 2 repeals s. 627.7407, F.S., which explained how the Florida Motor Vehicle No-Fault Law was to be applied after being reinstated by ch. 2007-324, Laws of Florida.

Mandatory Bodily Injury Liability Coverage Requirements

Chapter 324, F.S., requires the owners and operators of motor vehicles to demonstrate the ability to respond to damages for liability because of crashes arising out of the use of a motor vehicle.⁴⁸ This requirement is usually met through the purchase of motor vehicle insurance.

Sections 12 and 13 amend ss. 324.021 and 324.022, F.S., respectively, to require beginning January 1, 2020, every owner or operator of a motor vehicle registered in this state to maintain the ability to respond to damages for liability that results from accidents arising out of the ownership, maintenance, or use of a motor vehicle that is not a commercial motor vehicle, nonpublic sector bus, or for-hire passenger transportation vehicle as follows:

- For BI or death of one person in any one crash, \$25,000.
- Subject to that limit for one person, \$50,000 for BI or death of two or more people in any one crash.

The bill retains current law that requires drivers to maintain the ability to respond to damages of \$10,000 for damage to, or the destruction of, other's property in a crash.

⁴⁸ Owners and operators of motor vehicles may satisfy financial responsibility requirements by alternate means, such as depositing security with the Department of Highway Safety and Motor Vehicles pursuant to s. 324.161, F.S., or qualifying as a self-insurer pursuant to s. 324.171, F.S.

Financial responsibility may be met through motor vehicle insurance that provides BI and PD coverage in at least the minimum amounts required to meet responsibility or through insurance that provides BI and PD with a combined single coverage limit that equals the BI requirement for more than one person plus the PD requirement. Beginning January 1, 2020, the minimum combined single limit will be \$60,000.

Required Provisions in Motor Vehicle Liability Policies

Section 21 amends s. 324.151, F.S., which requires motor vehicle liability insurance policies that serve as proof of financial responsibility to contain certain provisions. The bill requires policies issued to the owner of a motor vehicle registered in this state to insure all named insureds and any operator using the vehicle with the permission of the owner of the vehicle insured by the policy from liability resulting from the use of the motor vehicle referenced in the policy. The section of the bill also inserts a cross-reference to new provisions in the bill relating to excluding named drivers from certain coverage, discussed below.

Meeting Financial Responsibility through a Certificate of Self-Insurance

Section 16 amends s. 324.031, F.S., which allows owners and operators of motor vehicles that are not for-hire vehicles to prove financial responsibility by providing evidence of holding a motor vehicle liability policy. Two alternatives are also available under the statute. A person may prove financial responsibility by furnishing a certificate of self-insurance that shows a deposit of cash with a financial institution, or furnishing a certificate of self-insurance issued by the DHSMV based on demonstrating sufficient net unencumbered worth.

A certificate of self-insurance showing a deposit of cash must, beginning January 1, 2020, require a certificate of deposit equal to the number of vehicles owned times \$60,000, to a maximum of \$240,000. Current law requires a deposit equal to the number of vehicles times \$30,000, to a maximum of \$120,000.

The bill also requires all persons using this method to maintain excess coverage of the amount deposited. Current law does not require this of natural persons, and requires the excess coverage of a \$10,000/\$20,000/\$10,000 BI/PD or a \$30,000 combined single limit. The bill retains current law that the excess coverage must have limits of at least \$125,000/\$250,000/\$50,000 BI/PD or a \$300,000 BI/PD combined single limit.

Under **Section 23** of the bill amending s. 324.161, F.S., the proof of a certificate of deposit must be provided annually, and must be from a financial institution insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

The second alternative method is obtaining a certificate of self-insurance issued by the DHSMV.

Section 24 amends s. 324.171, F.S., effective January 1, 2020, to provide that a certificate of self-insurance from the DHSMV pursuant to this section may be obtained by a private individual with private passenger vehicles by demonstrating sufficient net unencumbered worth of at least \$100,000. Current law requires a net unencumbered worth of at least \$40,000. A person other than a natural person may obtain a certificate of self-insurance from the DHSMV by possessing a

net unencumbered worth of at least \$100,000 for the first motor vehicle and \$50,000 for each additional vehicle. Current law requires a net unencumbered worth of \$40,000 for the first motor vehicle and \$20,000 for each additional motor vehicle. The bill retains current law that authorizes the DHSMV to promulgate by rule an alternative net worth requirement for persons other than natural persons.

Garage Liability Insurance Requirement

Section 7 amends s. 320.27, F.S., which requires the licensure of motor vehicle dealers. The bill defines “garage liability insurance” to mean, beginning January 1, 2020, combined single-limit liability coverage, including property damage and BI liability coverage, of at least \$60,000.

Current law only requires at least \$25,000 in such coverage and requires \$10,000 of PIP coverage.

Section 8 amends s. 320.771, F.S., and applies the same garage liability insurance requirement to recreational vehicle dealers.

Financial Responsibility Requirement for For-Hire Vehicles

Section 17 amends s. 324.032, F.S., which provides the financial responsibility requirements for for-hire passenger vehicles. The bill retains current law requiring the owner or lessee to meet the financial responsibility requirement and retains the minimum limits of coverage, which are \$125,000/\$250,000 of BI and \$50,000 of PD. The bill amends current law by specifying the coverage must be purchased by an insurer that is a member of the Florida Insurance Guaranty Association.

Section 42 amends s. 627.7275, F.S., to require all motor vehicle insurance policies delivered or issued in Florida for a motor vehicle registered or principally garaged in this state to include BI liability coverage and PD liability coverage as required by s. 324.022, F.S.

Optional Medical Payments Coverage

Medical Payments Coverage Benefits

Section 40 creates s. 627.7265, F.S., which authorizes the inclusion of medical payments coverage of at least \$5,000 in each motor vehicle liability insurance policy used to meet the financial responsibility requirements of s. 324.031, F.S. Before issuing a motor vehicle liability policy furnished as proof of financial responsibility, an insurer must offer medical payments coverage at limits of \$5,000 and \$10,000, with an option for no deductible or a \$500 deductible, for medical expense incurred due to bodily injury, sickness, or disease arising out of the ownership, maintenance, or use of a motor vehicle. The coverage also includes a death benefit of at least \$5,000. Medical payments coverage protects the named insured, resident relatives, all passengers and operators of the insured vehicle, and all persons struck by the motor vehicle while not occupying a self-propelled motor vehicle.

Each motor vehicle liability policy furnished as proof of financial responsibility is deemed to have:

- Medical payments coverage to a limit of \$10,000, unless the policyholder, in writing on an approved form, refuses the coverage or selects coverage at a limit other than \$10,000.
- No medical payments coverage deductible, unless the policyholder, in writing on an approved form, selects a deductible of up to \$500.⁴⁹

The forms must fully advise the applicant of the nature of the coverage being rejected or the policy limit or deductible being selected. The named insured's signature on such form constitutes a conclusive presumption of an informed, knowing rejection or selection. If the policyholder does not request in writing the specified coverage, the coverage need not be provided in any other policy that renews, insures, extends, changes, supersedes, or replaces an existing policy if the policyholder has rejected the coverage or has selected an alternative coverage limit or deductible. An insurer must provide at least annually a notice of availability of coverage, which must be attached to the notice of premium and provide a means allowing the insured to request medical payments coverage at the limits and deductibles specified. Receipt of the notice does not constitute a waiver of an insured's right to medical payments coverage if the insured has not signed a selection or rejection form.

Upon receiving notice of an accident potentially covered by medical payments coverage benefits, the insurer must reserve \$5,000 for payment to licensed physicians and licensed dentists who provide emergency services and care or who provide hospital indigent care. The reserve amount may be used only to pay claims from such physicians or dentists until 30 days after the date the insurer receives notice of the accident. After the 30-day period, any amount of the reserve for which the insurer has not received notice may be used by the insurer to pay other claims.

An insurer providing medical payments coverage benefits may not have a:

- Lien on any recovery in tort by judgment, settlement, or otherwise for medical payments coverage benefits, whether suit has been filed or settlement has been reached;
- Cause of action against an alleged tortfeasor for benefits paid under medical payments coverage; or
- Cause of action against a person to whom or for whom medical payments coverage benefits were paid, except when benefits are paid by reason of fraud by such person.

Section 26 amends s. 400.9905, F.S., providing that an entity is deemed a "clinic" and must be licensed in order to receive medical payments coverage reimbursement under s. 627.7265, F.S., unless the entity is:

- Wholly owned by a licensed physician, a licensed dentist, or a licensed chiropractic physician, or by the physician, dentist, or chiropractic physician and the spouse, parent, child, or sibling of the physician, dentist, or chiropractic physician;
- A licensed hospital or ambulatory surgical center;
- An entity that wholly owns or is wholly owned, directly or indirectly, by a licensed hospital or hospitals;

⁴⁹ These provisions are similar to current law applicable to selection or rejection of uninsured motorist vehicle coverage in s. 627.727, F.S., which provisions are retained.

- A clinical facility affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows;
- A clinic certified under federal law to provide outpatient physical therapy and speech pathology services; or
- Owned by a publicly traded corporation which has \$250 million or more in total annual sales of health care services provided by licensed health care practitioners, if one or more of the persons responsible for operations of the entity are licensed health care practitioners in this state and are responsible for supervising the business and the entity's compliance with state law.

This section of the bill also revises the definition of a “clinic” contained in s. 400.9905, F.S., of the Health Care Clinic Act, to replace references to PIP coverage and the Florida Motor Vehicle No-Fault Law with references to medical payments coverage.

Uninsured and Underinsured Motor Vehicle Insurance Coverage

Section 41 amends s. 627.727, F.S., which governs uninsured and underinsured motor vehicle insurance coverage. The bill deletes subsection (7), under which current law specifies that UM coverage does not include damages in tort for pain, suffering, mental anguish, and inconvenience unless the injury or disease is of sufficient severity under “verbal threshold” s. 627.737(2), F.S. Under PIP, if an injured person's injuries exceed a certain severity threshold, that person cannot recover “pain and suffering” damages from the at-fault driver's bodily injury coverage. Personal injury protection is considered a no-fault coverage because the injured person trades a limitation on the ability to recover pain and suffering damages for the ability to get PIP benefits even if the injured person is at fault in the accident. Uninsured motorist coverage generally provides the policyholder with benefits if the at-fault driver does not have sufficient bodily injury coverage. Current law does not allow the recovery of uninsured motorist benefits for pain and suffering damages unless the injury surpasses the “verbal threshold” because an injured person cannot recovery bodily injury coverage for pain and suffering damages unless the injury is sufficiently severe. The bill repeals the “verbal threshold” contained in the No-Fault Law, thus this corresponding provision is also repealed.

Named Driver Exclusion

Section 22 creates s. 627.747, F.S., authorizing a private passenger motor vehicle policy to exclude an identified individual from certain coverages. Currently, a motor vehicle liability policy providing coverage for BI, death, and PD is required to provide coverage for individuals named on the policy and anyone operating a motor vehicle listed on the policy when the operator has the express or implied permission of the insured motor vehicle owner.⁵⁰ An insured motor vehicle operated without such consent of the owner is an uninsured/underinsured motor vehicle for purposes of uninsured/underinsured motor vehicle coverage. Unless separate policies provide coverage for each individual driver, neither the policyholder nor the insurer can exclude anyone residing in the same household.

⁵⁰ Section 324.151(1)(a), F.S.

Under the bill, if an identified individual is specifically excluded by name on the policy declarations page or by endorsement, and a policyholder consents to such exclusion in writing, a private passenger motor vehicle policy may exclude an identified individual from the following coverages:

- Property damage liability coverage.
- Bodily injury liability coverage.
- Uninsured motorist coverage for any damages sustained by the identified excluded individual, if the policyholder has purchased such coverage.
- Any coverage the policyholder is not required by law to purchase.

However, a private passenger motor vehicle policy may not exclude coverage when:

- The identified excluded individual is injured while not operating a motor vehicle;
- The exclusion is unfairly discriminatory under the Florida Insurance Code, as determined by the Office of Insurance Regulation; or
- The exclusion is inconsistent with the underwriting rules filed by the insurer.

An individual would not be covered for damages that occur while operating a motor vehicle that is insured under a policy that excludes the individual, under the conditions specified, from any or all of the specified coverages, unless the individual is injured while not operating a motor vehicle, the exclusion is unfair discrimination, or if the exclusion is inconsistent with the insurer's underwriting rules.

Commercial Motor Vehicle Coverage Requirements

Section 45 amends s. 627.7415, F.S., to increase the minimum levels of combined BI liability and PD liability coverage that commercial motor vehicles must have.

Beginning January 1, 2020, a commercial motor vehicle that weighs 26,000 pounds or more but less than 35,000 pounds must have coverage of no less than \$60,000. Current law requires \$50,000 of coverage.

A commercial motor vehicle that weighs 35,000 pounds or more but less than 44,000 pounds must have coverage of no less than \$120,000 per occurrence beginning January 1, 2020. Current law requires \$100,000 of coverage.

Technical and Conforming Changes

Section 3 amends s. 316.646, F.S., which requires drivers to maintain and be able to display proof of security demonstrating compliance with financial responsibility requirements. The bill specifies that any person required by s. 324.022, F.S., to maintain liability security for operating a motor vehicle must have proof of security in his or her immediate possession and deletes references to PIP and amended or repealed sections of law.

Section 4 amends s. 318.18(2), F.S., regarding nonmoving traffic violations, to remove a reference to PIP and conform cross references.

Section 5 amends s. 320.02, F.S., which contains the requirements to register a motor vehicle. The bill amends the section to require proof of motor vehicle insurance that meets the minimum limits of bodily injury liability and property damage liability.

Section 6 amends s. 320.0609, F.S., regarding transfer and exchange of registration license plates to eliminate a reference to PIP.

Section 9 amends s. 322.251, F.S., regarding notice of cancellation, suspension, or revocation of a driver's license to repeal references to the No-Fault Law.

Section 10 amends s. 322.34, F.S., deleting a reference to the No-Fault Law.

Section 11 amends s. 324.011, F.S., which provides the purpose of ch. 324, F.S., to specify that under the chapter all owners or operators of a motor vehicle required to be registered in this state must establish, maintain and show proof of financial responsibility. Currently, financial responsibility requirements only apply after an operator is involved in a crash or convicted of certain traffic offenses.

Section 14 amends s. 324.0221, F.S., which requires insurers to report motor vehicle insurance cancellations to the DHSMV, to remove references to PIP and property damage coverage, insert references to BI liability coverage, and conform cross references.

Section 15 corrects cross references in s. 324.023, F.S., which requires drivers who plead guilty or nolo contendere to a charge of driving under the influence to meet additional liability insurance requirements.

Section 18 amends s. 324.051, F.S., regarding crash reports, to refer to motor vehicle liability policies rather than automobile liability policies.

Section 19 amends s. 324.071, F.S., to provide stylistic changes to provisions governing the reinstatement of a suspended license.

Section 20 amends s. 324.091, F.S., which requires owners and operators involved in a crash or conviction case to furnish evidence of liability insurance, by deleting references to automobile liability policy while retaining references to a motor vehicle liability policy.

Section 25 amends s. 324.251, F.S., to revise the short title of ch. 324, F.S., to the "Financial Responsibility Law of 2019" and state it will be effective at 12:01 a.m., on January 1, 2020. Currently the chapter is the "Financial Responsibility Law of 1955."

Sections 27 and 28 amend s. 400.991, F.S., and s. 400.9935, F.S., respectively, of the Health Care Clinic Act to remove references to PIP and the No-Fault Law and insert references to medical payments coverage.

Section 29 revises the definition of a "third party benefit" in s. 409.901, F.S., for purposes of Medicaid to refer to medical payments coverage rather than PIP coverage.

Section 30 amends s. 409.910(11), F.S., to specify that the Agency for Health Care Administration may recoup the total amount of medical assistance provided by Medicaid from motor vehicle insurance coverage benefits provided to a Medicaid beneficiary. Current law refers to PIP.

Section 31 amends s. 456.057, F.S., regarding patient records, to correct a cross-reference.

Section 32 amends s. 456.072, F.S., which allows the Department of Health to discipline licensees for submitting claims for PIP reimbursement when treatment was not rendered or that is intentionally upcoded, to relocate from the repealed s. 627.732, F.S., the existing definition of “upcoded” and refer instead to medical payments coverage.

Section 33 amends s. 626.9541(1)(i) and (o), F.S., regarding unfair insurance trade practices related to motor vehicle insurance. The bill deletes the unfair trade practice in paragraph (i) for failing to pay claims within statutory time periods required under the No-Fault Law to conform to the repeal of those time frames by the bill. The section makes a technical amendment to paragraph (o) to reference BI liability coverage, property damage liability coverage, and medical payments coverage, rather than PIP, in the prohibitions against the unfair insurance trade practice of increasing premium or cancelling a motor vehicle insurance policy solely because the insured was involved in a motor vehicle accident without having information the insured was substantially at fault.

Section 34 amends s. 626.989, F.S., to revise the “fraudulent insurance acts” detailed in the section to refer to medical payments coverage, rather than the No-Fault Law.

Section 35 amends s. 627.06501, F.S., regarding insurance discounts for completing a driver improvement course, to delete a reference to PIP and insert a reference to medical payments.

Sections 36 and 37 amend s. 627.0652, F.S., and s. 627.0653, F.S., respectively, relating to insurance discounts for motor vehicle coverage, by replacing references to PIP with references to medical payments coverage.

Section 38 amends s. 627.4132, F.S., regarding the general prohibition against stacking of motor vehicle coverages, to refer to BI and PD instead of PIP or other coverage.

Section 39 amends s. 627.7263, F.S., which generally makes rental and leasing driver’s insurance primary, to delete references to PIP and insert references to medical payments coverage.

Section 43 amends s. 627.728, F.S., which governs cancellations of motor vehicle insurance policies, to delete a reference to PIP in the definition of “policy.”

Section 44 amends s. 627.7295, F.S., to revise definitions relating to motor vehicle insurance contracts by deleting references to PIP and inserting references to BI liability coverage.

Section 46 amends s. 627.748, relating to insurance requirements for transportation network companies, to remove references to PIP required under the repealed No-Fault law and insert a

cross-reference to the revised financial responsibility requirements for for-hire passenger transportation vehicles in section 17 of the bill.

Section 47 amends s. 627.8405, F.S., regarding prohibited acts of premium finance companies to replace a reference to a PIP/PD only policy with a reference to a policy that only provides BI/PD.

Section 48 amends s. 627.915, F.S., which requires private passenger automobile insurers to report annually information to the office, to remove references to PIP.

Section 49 amends s. 628.909, F.S., which applies certain provisions of the Insurance Code to captive insurance companies, to delete references to the No-Fault Law.

Section 50 amends s. 705.184, F.S., which governs derelict or abandoned motor vehicles on the premises of public-use airports, to delete references to s. 627.736, F.S., which is repealed by the bill.

Section 51 amends s. 713.78, F.S., regarding liens for recovering, towing, or storing vehicles and vessels, to delete references to s. 627.736, F.S., which is repealed by the bill.

Section 51 amends s. 817.234, F.S., regarding false and fraudulent insurance claims, to delete references to PIP and replace them with references to medical payments coverage.

Application of Bill and Effective Date

Section 53 creates s. 627.7278, F.S., applying financial responsibility requirements and optional medical payments coverage created by the bill as follows:

- Effective January 1, 2020:
 - All motor vehicle insurance policies issued or renewed may not include PIP.
 - All persons must maintain at least minimum security requirements, which is the ability to respond to damages for liability because of motor vehicle crashes in the amounts required for private use motor vehicles, for-hire passenger transportation vehicles, commercial motor vehicles, and nonpublic sector buses.
 - Any new or renewal motor vehicle insurance policy delivered or issued in this state must provide coverage that complies with minimum security requirements.
 - An existing motor vehicle insurance policy that provides PIP and property damage liability coverage but does not meet the new bodily injury liability requirements is deemed to meet the bodily injury requirements until the policy is renewed, non-renewed or cancelled on or after January 1, 2020, and the provisions of the No-Fault law and other related statutes remain in full force and effect for motor vehicle accidents covered under a policy issued under the No-Fault law before that date, until the policy is renewed, nonrenewed, or canceled.
- Insurers must allow each insured who has a policy providing PIP which is effective before January 1, 2020, and whose policy does not meet minimum security requirements, to eliminate PIP coverage and obtain coverage providing minimum security requirements effective on or after January 1, 2020. The insurer is also required to offer each insured the optional medical payments coverage required by the bill. Insurers may not impose additional

fees solely to change coverage, but may charge an additional premium that is actuarially indicated.

- By September 1, 2019, each motor vehicle insurer shall provide notice that:
 - The Florida Motor Vehicle No-Fault Law is repealed effective January 1, 2020, and that PIP coverage is no longer required or available for purchase.
 - Effective January 1, 2020, a person subject to the financial security requirements of s. 324.022, F.S., must maintain minimum security requirements for bodily injury liability and property damage liability in the following amounts:
 - \$25,000 for BI or death of one person in any one crash and, subject to such limits, \$50,000 for BI or death of two or more persons in any one crash, and
 - \$10,000 for PD in any one crash.
 - BI liability coverage protects the insured, up to the coverage limits, against loss if the insured is legally responsible for the death of or bodily injury to others in a motor vehicle accident.
 - Effective January 1, 2020, each holder of a motor vehicle liability insurance policy purchased as proof of financial responsibility must be offered the optional medical payments coverage benefits at limits of \$5,000 and \$10,000 without a deductible, may be offered such coverage at limits greater than \$5,000, and may be offered coverage with a deductible of up to \$500. Medical payments coverage pays covered medical expenses, up to the limits, for injuries sustained in a motor vehicle crash by the named insured, resident relatives, persons operating the insured motor vehicle, passengers in the insured motor vehicle, and persons who are struck by the insured motor vehicle and suffer bodily injury while not an occupant of a self-propelled motor vehicle. Medical payments coverage also provides a death benefit of at least \$5,000.
 - A policyholder may obtain underinsured motorist coverage, which provides benefits to a policyholder entitled to recover bodily injury damages resulting from a motor vehicle accident with an uninsured or underinsured owner or operator of a motor vehicle.
 - A policy effective before January 1, 2020, is deemed to meet minimum security requirements until it is renewed, non-renewed, or canceled.
 - A policyholder may change coverages to eliminate PIP protection and obtain coverage providing minimum security requirements.
 - If the policyholder has any questions, he or she should contact the person named at the telephone number provided in the notice.

This section is effective upon the act becoming a law.

Section 54 creates s. 324.0222, F.S., requiring all driver license and motor vehicle registration suspensions for failure to maintain required security as required by law in effect before January 1, 2020, to remain in full force and effect after the effective date of this act. A driver may reinstate a suspended driver's license or registration as provided under s. 324.0221, F.S.

Section 55 appropriates \$83,651 in nonrecurring funds from the Insurance Regulatory Trust Fund to the Office of Insurance Regulation for the purpose of implementing the act.

Section 56 provides that except as otherwise expressly provided in the act and this section, which take effect upon this act becoming a law, the act is effective January 1, 2020.

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:**

Bodily injury coverage is not a required coverage under Florida law unless a person is involved in certain accidents causing bodily injury, convicted of certain offenses, or is otherwise required to maintain BI liability coverage in statute. Failure to maintain BI coverage, when required, can result in the suspension of a license or registration. The reinstatement fee under s. 324.071, F.S., for such suspension under current law is \$15. The bill retains this reinstatement fee for a license suspension based upon a crash report under s. 324.051(2), F.S.; a registration suspension under s. 324.072, F.S., based on a license suspension pursuant to s. 322.26, F.S., or s. 322.27, F.S.; suspension of the operating privileges of a nonresident driver under s. 324.081, F.S.; or suspension of license and registration under s. 324.121, F.S., for failure to satisfy a judgment.

The bill retains the current reinstatement fees under s. 324.0221, F.S., for a suspended license or registration for failure to maintain required insurance based on a report by an insurer. The reinstatement fee for such suspensions under s. 324.0221, F.S., is \$150 for a first reinstatement, while second and subsequent reinstatements within 3 years of the first reinstatement require fees of \$250 and \$500, respectively.

B. Private Sector Impact:

The fiscal impact to policyholders, health insurers, health care providers, and injured claimants is indeterminate. However, in a 2016 report, *Florida Office of Insurance Regulation: Review of Personal Injury Protection Legislation*, provided, among other information, actuarial estimates of the savings expected from repealing the No-Fault Law.⁵¹ The report concludes, based only on repeal of the No-Fault Law with financial responsibility limits of \$25,000/\$50,000, that a 5.6 percent savings would be realized in the statewide average premium charge. The 2016 PIP Study estimated that health insurers would cover approximately \$469.7 million of current PIP loss if No-Fault were repealed.

⁵¹ Office of Insurance Regulation, *Review of Personal Injury Protection Legislation*, (Sept. 13, 2016), Appendix 3, p. 1. Available at <http://www.floir.com/siteDocuments/FLAIRReviewPIP20160913.pdf> (last viewed March 6, 2019).

Health care providers would cover approximately \$32.8 million of current PIP losses. Injured claimants would cover approximately \$82.9 million of current PIP losses.⁵²

The actuarial consulting firm Milliman, Inc., estimated the impact of similar, but not identical, legislation in 2018, on behalf of the Property and Casualty Insurers Association of America. The Milliman report, dated January 25, 2018, estimated that repealing PIP and mandating BI coverage of at least \$25,000/\$50,000 would increase premiums on average by \$67 (5.3 percent), increase premiums on average for drivers that currently purchase full coverage by \$105 (7.2 percent), and increase premiums on average \$230 (50.1 percent) for drivers who currently purchase only PIP and PD at the minimum mandatory limits.⁵³ The report estimates that *mandating* \$5,000 of MedPay in addition to mandating BI coverage of at least \$25,000/\$50,000 would increase premiums on average by \$115.85 (9.2 percent).⁵⁴ The report identifies as cost-drivers increasing premium the elimination of the No-Fault verbal threshold for noneconomic damages and the elimination of the PIP co-insurance provisions (20 percent for medical expenses and 40 percent for loss of income expenses).⁵⁵

Policyholders who reside in the same household as a high-risk individual who is of driving age could see a decrease in their rates if they exclude such drivers from one or more of the specified coverages.

C. Government Sector Impact:

The bill appropriates \$83,651 in nonrecurring funds from the Insurance Regulatory Trust Fund to the Office of Insurance Regulations to implement the act. The fiscal impact to state and local governments is otherwise indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.646, 318.18, 320.02, 320.0609, 320.27, 320.771, 322.251, 322.34, 324.011, 324.021, 324.022, 324.0221, 324.023, 324.031, 324.032, 324.051, 324.071, 324.091, 324.151, 324.161, 324.171, 324.251, 400.9905, 400.991, 400.9935, 409.901, 409.910, 456.057, 456.072, 626.9541, 626.989,

⁵² *Id.* at p. 69.

⁵³ Milliman, Inc., *Florida Personal Auto Insurance Impact of Repealing No-Fault Coverage – Prepared for Property Casualty Insurers Association of America*, pg. 4 (Jan. 25, 2018). Available at http://floridapolitics.com/wp-content/uploads/2018/02/Impact-of-Repealing-No-Fault_Final.pdf (last viewed March 7, 2019).

⁵⁴ See Milliman at pg. 6.

⁵⁵ See Milliman at pgs. 9-10.

627.06501, 627.0652, 627.0653, 627.4132, 627.7263, 627.727, 627.7275, 627.728, 627.7295, 627.7415, 627.8405, 627.915, 628.909, 705.184, 713.78, and 817.234.

This bill creates sections 324.0222, 627.7265, and 627.7278 of the Florida Statutes.

This bill repeals the following sections of the Florida Statutes: 627.730, 627.731, 627.7311, 627.732, 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403, 627.7405, and 627.7407.

IX. Additional Information:

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

CS by Infrastructure and Security on March 13, 2019:

The CS incorporates technical revisions to correct grammar, statutory cross-references, and references to “paragraph” that should read “subparagraph.” In addition, the CS incorporates authorization for the exclusion of a specifically named individual from specified insurance coverages under a private passenger motor vehicle policy, under certain conditions.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/13/2019	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Lee) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Sections 627.730, 627.731, 627.7311, 627.732, 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403, and 627.7405, Florida Statutes, which comprise the Florida Motor Vehicle No-Fault Law, are repealed.

Section 2. Section 627.7407, Florida Statutes, is repealed.

Section 3. Subsection (1) of section 316.646, Florida



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Statutes, is amended to read:

316.646 Security required; proof of security and display thereof.—

(1) Any person required by s. 324.022 to maintain liability security for property damage, ~~liability security, required by s. 324.023 to maintain liability security for~~ bodily injury, or death, ~~or required by s. 627.733 to maintain personal injury protection security on a motor vehicle~~ shall have in his or her immediate possession at all times while operating such motor vehicle proper proof of maintenance of the ~~required~~ security required under s. 324.021(7).

(a) Such proof must ~~shall~~ be in a uniform paper or electronic format, as prescribed by the department, a valid insurance policy, an insurance policy binder, a certificate of insurance, or such other proof as may be prescribed by the department.

(b)1. The act of presenting to a law enforcement officer an electronic device displaying proof of insurance in an electronic format does not constitute consent for the officer to access any information on the device other than the displayed proof of insurance.

2. The person who presents the device to the officer assumes the liability for any resulting damage to the device.

Section 4. Paragraph (b) of subsection (2) of section 318.18, Florida Statutes, is amended to read:

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

(2) Thirty dollars for all nonmoving traffic violations



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and:

(b) For all violations of ss. 320.0605, 320.07(1), 322.065, and 322.15(1). A ~~Any~~ person who is cited for a violation of s. 320.07(1) shall be charged a delinquent fee pursuant to s. 320.07(4).

1. If a person who is cited for a violation of s. 320.0605 or s. 320.07 can show proof of having a valid registration at the time of arrest, the clerk of the court may dismiss the case and may assess a dismissal fee of up to \$10. A person who finds it impossible or impractical to obtain a valid registration certificate must submit an affidavit detailing the reasons for the impossibility or impracticality. The reasons may include, but are not limited to, the fact that the vehicle was sold, stolen, or destroyed; that the state in which the vehicle is registered does not issue a certificate of registration; or that the vehicle is owned by another person.

2. If a person who is cited for a violation of s. 322.03, s. 322.065, or s. 322.15 can show a driver license issued to him or her and valid at the time of arrest, the clerk of the court may dismiss the case and may assess a dismissal fee of up to \$10.

3. If a person who is cited for a violation of s. 316.646 can show proof of security as required by s. 324.021(7) ~~s. 627.733~~, issued to the person and valid at the time of arrest, the clerk of the court may dismiss the case and may assess a dismissal fee of up to \$10. A person who finds it impossible or impractical to obtain proof of security must submit an affidavit detailing the reasons for the impracticality. The reasons may include, but are not limited to, the fact that the vehicle has



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69 since been sold, stolen, or destroyed; ~~that the owner or~~
70 ~~registrant of the vehicle is not required by s. 627.733 to~~
71 ~~maintain personal injury protection insurance;~~ or that the
72 vehicle is owned by another person.

73 Section 5. Paragraphs (a) and (d) of subsection (5) of
74 section 320.02, Florida Statutes, are amended to read:

75 320.02 Registration required; application for registration;
76 forms.—

77 (5) (a) Proof that bodily injury liability coverage and
78 property damage liability coverage ~~personal injury protection~~
79 ~~benefits~~ have been purchased if required under s. 324.022, s.
80 324.032, or s. 627.742 ~~s. 627.733, that property damage~~
81 ~~liability coverage has been purchased as required under s.~~
82 324.022, that bodily injury liability ~~or death~~ coverage has been
83 purchased if required under s. 324.023, and that combined bodily
84 liability insurance and property damage liability insurance have
85 been purchased if required under s. 627.7415 must ~~shall~~ be
86 provided in the manner prescribed by law by the applicant at the
87 time of application for registration of any motor vehicle that
88 is subject to such requirements. The issuing agent may not ~~shall~~
89 ~~refuse to~~ issue registration if such proof of purchase is not
90 provided. Insurers shall furnish uniform proof-of-purchase cards
91 in a paper or electronic format in a form prescribed by the
92 department and include the name of the insured's insurance
93 company, the coverage identification number, and the make, year,
94 and vehicle identification number of the vehicle insured. The
95 card must contain a statement notifying the applicant of the
96 penalty specified under s. 316.646(4). The card or insurance
97 policy, insurance policy binder, or certificate of insurance or



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a photocopy of any of these; an affidavit containing the name of the insured's insurance company, the insured's policy number, and the make and year of the vehicle insured; or such other proof as may be prescribed by the department constitutes ~~shall constitute~~ sufficient proof of purchase. If an affidavit is provided as proof, it must be in substantially the following form:

Under penalty of perjury, I ...(Name of insured)... do hereby certify that I have ...(bodily injury liability and ~~Personal Injury Protection~~, property damage liability, ~~and, if required, Bodily Injury Liability~~)... insurance currently in effect with ...(Name of insurance company)... under ...(policy number)... covering ...(make, year, and vehicle identification number of vehicle).... ...(Signature of Insured)...

Such affidavit must include the following warning:

WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS SUBJECT TO PROSECUTION.

If an application is made through a licensed motor vehicle dealer as required under s. 319.23, the original or a photocopy ~~photostatic copy~~ of such card, insurance policy, insurance policy binder, or certificate of insurance or the original affidavit from the insured must ~~shall~~ be forwarded by the dealer to the tax collector of the county or the Department of Highway



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Safety and Motor Vehicles for processing. By executing the
~~aforesaid~~ affidavit, a ~~no~~ licensed motor vehicle dealer is not
~~will be~~ liable in damages for any inadequacy, insufficiency, or
falsification of any statement contained therein. ~~A card must~~
~~also indicate the existence of any bodily injury liability~~
~~insurance voluntarily purchased.~~

(d) The verifying of ~~proof of personal injury protection~~
~~insurance, proof of property damage liability insurance, proof~~
~~of combined bodily liability insurance and property damage~~
~~liability insurance, or proof of financial responsibility~~
~~insurance~~ and the issuance or failure to issue the motor vehicle
registration under ~~the provisions of~~ this chapter may not be
construed in any court as a warranty of the reliability or
accuracy of the evidence of such proof, or as meaning that the
provisions of any insurance policy furnished as proof of
financial responsibility comply with state law. Neither the
department nor any tax collector is liable in damages for any
inadequacy, insufficiency, falsification, or unauthorized
modification of any item of ~~the proof of personal injury~~
~~protection insurance, proof of property damage liability~~
~~insurance, proof of combined bodily liability insurance and~~
~~property damage liability insurance, or proof of financial~~
responsibility before ~~insurance prior to~~, during, or subsequent
to the verification of the proof. The issuance of a motor
vehicle registration does not constitute prima facie evidence or
a presumption of insurance coverage.

Section 6. Paragraph (b) of subsection (1) of section
320.0609, Florida Statutes, is amended to read:

320.0609 Transfer and exchange of registration license



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plates; transfer fee.—

(1)

(b) The transfer of a license plate from a vehicle disposed of to a newly acquired vehicle does not constitute a new registration. The application for transfer shall be accepted without requiring proof of ~~personal injury protection or~~ liability insurance.

Section 7. Paragraph (g) is added to subsection (1) of section 320.27, Florida Statutes, and subsection (3) of that section is amended, to read:

320.27 Motor vehicle dealers.—

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

(g) "Garage liability insurance" means, beginning January 1, 2020, combined single-limit liability coverage, including property damage and bodily injury liability coverage, in the amount of at least \$60,000.

(3) APPLICATION AND FEE.—~~The application for the license application must shall~~ be in such form as may be prescribed by the department and ~~is shall be~~ subject to such rules ~~with respect thereto~~ as may be so prescribed by the department ~~it~~. Such application ~~must shall~~ be verified by oath or affirmation and ~~must shall~~ contain a full statement of the name and birth date of the person or persons applying for the license ~~therefor~~; the name of the firm or copartnership, with the names and places of residence of all members ~~thereof~~, if such applicant is a firm or copartnership; the names and places of residence of the



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principal officers, if the applicant is a body corporate or other artificial body; the name of the state under whose laws the corporation is organized; the present and former place or places of residence of the applicant; and the prior business in which the applicant has been engaged and its ~~the~~ location ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact location of the place of business and must ~~shall~~ state whether the place of business is owned by the applicant and when acquired, or, if leased, a true copy of the lease must ~~shall~~ be attached to the application. The applicant shall certify that the location provides an adequately equipped office and is not a residence; that the location affords sufficient unoccupied space upon and within which adequately to store all motor vehicles offered and displayed for sale; and that the location is a suitable place where the applicant can in good faith carry on such business and keep and maintain books, records, and files necessary to conduct such business, which must ~~shall~~ be available at all reasonable hours to inspection by the department or any of its inspectors or other employees. The applicant shall certify that the business of a motor vehicle dealer is the principal business that will ~~which shall~~ be conducted at that location. The application must ~~shall~~ contain a statement that the applicant is either franchised by a manufacturer of motor vehicles, in which case the name of each motor vehicle that the applicant is franchised to sell must ~~shall~~ be included, or an independent (nonfranchised) motor vehicle dealer. The application must ~~shall~~ contain other relevant information as may be required by the department. The applicant shall furnish, including evidence, in a form approved



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by the department, that the applicant is insured under a garage liability insurance policy or a general liability insurance policy coupled with a business automobile policy having the coverages and limits of the garage liability insurance coverage in accordance with paragraph (1)(g), ~~which shall include, at a minimum, \$25,000 combined single-limit liability coverage including bodily injury and property damage protection and \$10,000 personal injury protection.~~ However, a salvage motor vehicle dealer as defined in subparagraph (1)(c)5. is exempt from the requirements for garage liability insurance ~~and personal injury protection insurance~~ on those vehicles that cannot be legally operated on roads, highways, or streets in this state. Franchise dealers must submit a garage liability insurance policy, and all other dealers must submit a garage liability insurance policy or a general liability insurance policy coupled with a business automobile policy. Such policy must ~~shall~~ be for the license period, and evidence of a new or continued policy must ~~shall~~ be delivered to the department at the beginning of each license period. Upon making an initial application, the applicant shall pay to the department a fee of \$300 in addition to any other fees required by law. Applicants may choose to extend the licensure period for 1 additional year for a total of 2 years. An initial applicant shall pay to the department a fee of \$300 for the first year and \$75 for the second year, in addition to any other fees required by law. An applicant for renewal shall pay to the department \$75 for a 1-year renewal or \$150 for a 2-year renewal, in addition to any other fees required by law. Upon making an application for a change of location, the applicant ~~person~~ shall pay a fee of \$50



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in addition to any other fees now required by law. The department shall, in the case of every application for initial licensure, verify whether certain facts set forth in the application are true. Each applicant, general partner in the case of a partnership, or corporate officer and director in the case of a corporate applicant shall, ~~must~~ file a set of fingerprints with the department for the purpose of determining any prior criminal record or any outstanding warrants. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and forwarding to the Federal Bureau of Investigation for federal processing. The actual cost of state and federal processing must ~~shall~~ be borne by the applicant and is in addition to the fee for licensure. The department may issue a license to an applicant pending the results of the fingerprint investigation, which license is fully revocable if the department subsequently determines that any facts set forth in the application are not true or correctly represented.

Section 8. Paragraph (j) of subsection (3) of section 320.771, Florida Statutes, is amended to read:

320.771 License required of recreational vehicle dealers.—

(3) APPLICATION.—The application for such license shall be in the form prescribed by the department and subject to such rules as may be prescribed by it. The application shall be verified by oath or affirmation and shall contain:

(j) A statement that the applicant is insured under a garage liability insurance policy in accordance with s. 320.27(1)(g), ~~which shall include, at a minimum, \$25,000 combined single-limit liability coverage, including bodily~~



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~~injury and property damage protection, and \$10,000 personal~~
~~injury protection,~~ if the applicant is to be licensed as a
dealer in, or intends to sell, recreational vehicles.

The department shall, if it deems necessary, cause an
investigation to be made to ascertain if the facts set forth in
the application are true and shall not issue a license to the
applicant until it is satisfied that the facts set forth in the
application are true.

Section 9. Subsections (1) and (2) of section 322.251,
Florida Statutes, are amended to read:

322.251 Notice of cancellation, suspension, revocation, or
disqualification of license.—

(1) All orders of cancellation, suspension, revocation, or
disqualification issued under ~~the provisions of~~ this chapter,
chapter 318, or chapter 324 must, ~~or ss. 627.732-627.734 shall~~
be given either by personal delivery thereof to the licensee
whose license is being canceled, suspended, revoked, or
disqualified or by deposit in the United States mail in an
envelope, first class, postage prepaid, addressed to the
licensee at his or her last known mailing address furnished to
the department. Such mailing by the department constitutes
notification, and any failure by the person to receive the
mailed order will not affect or stay the effective date or term
of the cancellation, suspension, revocation, or disqualification
of the licensee's driving privilege.

(2) The giving of notice and an order of cancellation,
suspension, revocation, or disqualification by mail is complete
upon expiration of 20 days after deposit in the United States



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mail for all notices except those issued under chapter 324 ~~or~~
~~ss. 627.732-627.734~~, which are complete 15 days after deposit in
the United States mail. Proof of the giving of notice and an
order of cancellation, suspension, revocation, or
disqualification in either manner must ~~shall~~ be made by entry in
the records of the department that such notice was given. The
entry is admissible in the courts of this state and constitutes
sufficient proof that such notice was given.

Section 10. Paragraph (a) of subsection (8) of section
322.34, Florida Statutes, is amended to read:

322.34 Driving while license suspended, revoked, canceled,
or disqualified.—

(8)(a) Upon the arrest of a person for the offense of
driving while the person's driver license or driving privilege
is suspended or revoked, the arresting officer shall determine:

1. Whether the person's driver license is suspended or
revoked.

2. Whether the person's driver license has remained
suspended or revoked since a conviction for the offense of
driving with a suspended or revoked license.

3. Whether the suspension or revocation was made under s.
316.646 ~~or s. 627.733~~, relating to failure to maintain required
security, or under s. 322.264, relating to habitual traffic
offenders.

4. Whether the driver is the registered owner or coowner of
the vehicle.

Section 11. Section 324.011, Florida Statutes, is amended
to read:

324.011 Legislative intent and purpose of chapter.—It is



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the Legislature's intent of this chapter to ensure that the
privilege of owning or operating a motor vehicle in this state
is exercised ~~recognize the existing privilege to own or operate~~
~~a motor vehicle on the public streets and highways of this state~~
~~when such vehicles are used~~ with due consideration for others'
safety ~~others~~ and their property, ~~and~~ to promote safety, and to
provide financial security requirements for ~~such~~ owners and ~~or~~
operators whose responsibility it is to recompense others for
injury to person or property caused by the operation of a motor
vehicle. Therefore, this chapter requires that every owner or
operator of a motor vehicle required to be registered in this
state establish, maintain, and it is required herein that the
~~operator of a motor vehicle involved in a crash or convicted of~~
~~certain traffic offenses meeting the operative provisions of s.~~
~~324.051(2) shall respond for such damages and show proof of~~
financial ability to respond for damages arising out of the
ownership, maintenance, or use of a motor vehicle in future
~~accidents~~ as a requisite to owning or operating a motor vehicle
in this state ~~his or her future exercise of such privileges.~~

Section 12. Subsections (1) and (7) and paragraph (c) of
subsection (9) of section 324.021, Florida Statutes, are
amended, and subsection (12) is added to that section, to read:

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

(1) MOTOR VEHICLE.—Every self-propelled vehicle that is
designed and required to be licensed for use upon a highway,



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including trailers and semitrailers designed for use with such vehicles, except traction engines, road rollers, farm tractors, power shovels, and well drillers, and every vehicle that is propelled by electric power obtained from overhead wires but not operated upon rails, but not including any personal delivery device or mobile carrier as defined in s. 316.003, bicycle, or moped. ~~However, the term "motor vehicle" does not include a motor vehicle as defined in s. 627.732(3) when the owner of such vehicle has complied with the requirements of ss. 627.730-627.7405, inclusive, unless the provisions of s. 324.051 apply, and, in such case, the applicable proof of insurance provisions of s. 320.02 apply.~~

(7) PROOF OF FINANCIAL RESPONSIBILITY. ~~That~~ Proof of ability to respond in damages for liability on account of crashes arising out of the ownership, maintenance, or use of a motor vehicle:

(a) Beginning January 1, 2020, with respect to a motor vehicle that is not a commercial motor vehicle, nonpublic sector bus, or for-hire passenger transportation vehicle, in the amount of:

1. Twenty-five thousand dollars for ~~\$10,000 because of~~ bodily injury to, or the death of, one person in any one crash and,

~~(b)~~ subject to such limits for one person, in the amount of \$50,000 for ~~\$20,000 because of~~ bodily injury to, or the death of, two or more persons in any one crash; and

2.(c) Ten thousand dollars for damage ~~In the amount of~~ \$10,000 because of ~~injury to, or destruction of, property of~~ others in any one crash. ~~;~~ and



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~~(b)-(d)~~ With respect to commercial motor vehicles ~~and~~
~~nonpublic sector buses~~, in the amounts specified in s. 627.7415
~~ss. 627.7415 and 627.742, respectively.~~

(c) With respect to nonpublic sector buses, in the amounts
specified in s. 627.742.

(d) With respect to for-hire passenger transportation
vehicles, in the amounts specified in s. 324.032.

(9) OWNER; OWNER/LESSOR.—

(c) *Application*.—

1. The limits on liability in subparagraphs (b)2. and 3. do
not apply to an owner of motor vehicles that are used for
commercial activity in the owner's ordinary course of business,
other than a rental company that rents or leases motor vehicles.
For purposes of this paragraph, the term "rental company"
includes only an entity that is engaged in the business of
renting or leasing motor vehicles to the general public and that
rents or leases a majority of its motor vehicles to persons with
no direct or indirect affiliation with the rental company. The
term also includes a motor vehicle dealer that provides
temporary replacement vehicles to its customers for up to 10
days. The term "rental company" also includes:

a. A related rental or leasing company that is a subsidiary
of the same parent company as that of the renting or leasing
company that rented or leased the vehicle.

b. The holder of a motor vehicle title or an equity
interest in a motor vehicle title if the title or equity
interest is held pursuant to or to facilitate an asset-backed
securitization of a fleet of motor vehicles used solely in the
business of renting or leasing motor vehicles to the general



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public and under the dominion and control of a rental company,
as described in this subparagraph, in the operation of such
rental company's business.

2. Furthermore, with respect to commercial motor vehicles
as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on
liability in subparagraphs (b)2. and 3. do not apply if, at the
time of the incident, the commercial motor vehicle is being used
in the transportation of materials found to be hazardous for the
purposes of the Hazardous Materials Transportation Authorization
Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
required pursuant to such act to carry placards warning others
of the hazardous cargo, unless at the time of lease or rental
either:

a. The lessee indicates in writing that the vehicle will
not be used to transport materials found to be hazardous for the
purposes of the Hazardous Materials Transportation Authorization
Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq.; or

b. The lessee or other operator of the commercial motor
vehicle has in effect insurance with limits of at least \$5
million ~~\$5,000,000~~ combined property damage and bodily injury
liability.

(12) FOR-HIRE PASSENGER TRANSPORTATION VEHICLE.—Every "for-
hire vehicle" as defined in s. 320.01(15) which is offered or
used to provide transportation for persons, including taxicabs,
limousines, and jitneys.

Section 13. Section 324.022, Florida Statutes, is amended
to read:

324.022 Financial responsibility requirements ~~for property~~
~~damage.—~~



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(1) (a) Beginning January 1, 2020, every owner or operator of a motor vehicle required to be registered in this state shall establish and continuously maintain the ability to respond in damages for liability on account of accidents arising out of the use of the motor vehicle in the amount of:

1. Twenty-five thousand dollars for bodily injury to, or the death of, one person in any one crash and, subject to such limits for one person, in the amount of \$50,000 for bodily injury to, or the death of, two or more persons in any one crash; and

2. Ten thousand dollars for ~~\$10,000 because of damage to, or destruction of, property of others in any one crash.~~

(b) The requirements of paragraph (a) ~~this section~~ may be met by one of the methods established in s. 324.031; by self-insuring as authorized by s. 768.28(16); or by maintaining a motor vehicle liability insurance policy that ~~an insurance policy providing coverage for property damage liability in the amount of at least \$10,000 because of damage to, or destruction of, property of others in any one accident arising out of the use of the motor vehicle. The requirements of this section may also be met by having a policy which provides~~ combined property damage liability and bodily injury liability coverage for any one crash arising out of the ownership, maintenance, or use of a motor vehicle which conforms to the requirements of s. 324.151 in the amount of at least \$60,000 for every owner or operator subject to the financial responsibility required in paragraph (a) \$30,000 for combined property damage liability and bodily injury liability for any one crash arising out of the use of the motor vehicle. The policy, with respect to coverage for property



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~~damage liability, must meet the applicable requirements of s. 324.151, subject to the usual policy exclusions that have been approved in policy forms by the Office of Insurance Regulation. No insurer shall have any duty to defend uncovered claims irrespective of their joinder with covered claims.~~

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

(a) "Motor vehicle" means any self-propelled vehicle that has four or more wheels and that is of a type designed and required to be licensed for use on the highways of this state, and any trailer or semitrailer designed for use with such vehicle. The term does not include the following:

1. A mobile home as defined in s. 320.01.

2. A motor vehicle that is used in mass transit and designed to transport more than five passengers, exclusive of the operator of the motor vehicle, and that is owned by a municipality, transit authority, or political subdivision of the state.

3. A school bus as defined in s. 1006.25, which must maintain security as required under s. 316.615.

4. A commercial motor vehicle as defined in s. 207.002 or s. 320.01, which must maintain security as required under ss. 324.031 and 627.7415.

5. A nonpublic sector bus, which must maintain security as required under ss. 324.031 and 627.742.

~~6.4. A vehicle providing for-hire passenger transportation vehicle, which must that is subject to the provisions of s. 324.031. A taxicab shall maintain security as required under s. 324.032 s. 324.032(1).~~

~~7.5. A personal delivery device as defined in s. 316.003.~~



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(b) "Owner" means the person who holds legal title to a motor vehicle or the debtor or lessee who has the right to possession of a motor vehicle that is the subject of a security agreement or lease with an option to purchase.

(3) Each nonresident owner or registrant of a motor vehicle that, whether operated or not, has been physically present within this state for more than 90 days during the preceding 365 days shall maintain security as required by subsection (1). The security must be ~~that is~~ in effect continuously throughout the period the motor vehicle remains within this state.

(4) An ~~The~~ owner or registrant of a motor vehicle who is ~~exempt from the requirements of this section if she or he is a~~ member of the United States Armed Forces and is called to or on active duty outside the United States in an emergency situation is exempt from this section while he or she. ~~The exemption provided by this subsection applies only as long as the member of the Armed Forces is on such active duty. This exemption outside the United States and applies only while the vehicle covered by the security is not operated by any person. Upon receipt of a written request by the insured to whom the exemption provided in this subsection applies, the insurer shall cancel the coverages and return any unearned premium or suspend the security required by this section. Notwithstanding s. 324.0221(2) s. 324.0221(3), the department may not suspend the registration or operator's license of an~~ any owner or registrant of a motor vehicle during the time she or he qualifies for the ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant of a motor vehicle who qualifies for the ~~an~~ exemption under this subsection shall immediately notify the department before ~~prior~~



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to and at the end of the expiration of the exemption.

Section 14. Subsections (1) and (2) of section 324.0221, Florida Statutes, are amended to read:

324.0221 Reports by insurers to the department; suspension of driver license and vehicle registrations; reinstatement.—

(1)(a) Each insurer that has issued a policy providing ~~personal injury protection coverage or property damage~~ liability coverage shall report the cancellation or nonrenewal thereof to the department within 10 days after the processing date or effective date of each cancellation or nonrenewal. Upon the issuance of a policy providing ~~personal injury protection coverage or property damage~~ liability coverage to a named insured not previously insured by the insurer during that calendar year, the insurer shall report the issuance of the new policy to the department within 10 days. The report must ~~shall~~ be in the form ~~and format~~ and contain any information required by the department and must be provided in a format that is compatible with the data processing capabilities of the department. Failure by an insurer to file proper reports with the department as required by this subsection constitutes a violation of the Florida Insurance Code. These records may ~~shall~~ be used by the department only for enforcement and regulatory purposes, including the generation by the department of data regarding compliance by owners of motor vehicles with the requirements for financial responsibility coverage.

(b) With respect to an insurance policy providing ~~personal injury protection coverage or property damage~~ liability coverage, each insurer shall notify the named insured, or the first-named insured in the case of a commercial fleet policy, in



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writing that any cancellation or nonrenewal of the policy will be reported by the insurer to the department. The notice must also inform the named insured that failure to maintain bodily injury liability ~~personal injury protection~~ coverage and property damage liability coverage on a motor vehicle when required by law may result in the loss of registration and driving privileges in this state and inform the named insured of the amount of the reinstatement fees required by this section. This notice is for informational purposes only, and an insurer is not civilly liable for failing to provide this notice.

(2) The department shall suspend, after due notice and an opportunity to be heard, the registration and driver license of any owner or registrant of a motor vehicle for ~~with respect to~~ which security is required under s. 324.022, s. 324.032, s. 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

(a) The department's records showing that the owner or registrant of such motor vehicle did not have the ~~in full force and effect when~~ required security in full force and effect ~~that complies with the requirements of ss. 324.022 and 627.733;~~ or

(b) Notification by the insurer to the department, in a form approved by the department, of cancellation or termination of the required security.

Section 15. Section 324.023, Florida Statutes, is amended to read:

324.023 Financial responsibility for bodily injury or death.—In addition to any other financial responsibility required by law, every owner or operator of a motor vehicle that is required to be registered in this state, or that is located within this state, and who, regardless of adjudication of guilt,



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has been found guilty of or entered a plea of guilty or nolo contendere to a charge of driving under the influence under s. 316.193 after October 1, 2007, shall, by one of the methods established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~, establish and maintain the ability to respond in damages for liability on account of accidents arising out of the use of a motor vehicle in the amount of \$100,000 because of bodily injury to, or death of, one person in any one crash and, subject to such limits for one person, in the amount of \$300,000 because of bodily injury to, or death of, two or more persons in any one crash and in the amount of \$50,000 because of property damage in any one crash. If the owner or operator chooses to establish and maintain such ability by furnishing a certificate of deposit pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of deposit must be at least \$350,000. Such higher limits must be carried for a minimum period of 3 years. If the owner or operator has not been convicted of driving under the influence or a felony traffic offense for a period of 3 years from the date of reinstatement of driving privileges for a violation of s. 316.193, the owner or operator shall be exempt from this section.

Section 16. Section 324.031, Florida Statutes, is amended to read:

324.031 Manner of proving financial responsibility.—

~~(1) The owner or operator of a taxicab, limousine, jitney, or any other for-hire passenger transportation vehicle may prove financial responsibility by providing satisfactory evidence of holding a motor vehicle liability policy as defined in s. 324.021(8) or s. 324.151, which policy is issued by an insurance~~



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~~carrier which is a member of the Florida Insurance Guaranty Association.~~ The operator or owner of a motor vehicle other than a for-hire passenger transportation vehicle ~~any other vehicle~~ may prove his or her financial responsibility by:

(a) ~~(1)~~ Furnishing satisfactory evidence of holding a motor vehicle liability policy as defined in ss. 324.021(8) and 324.151;

(b) ~~(2)~~ Furnishing a certificate of self-insurance showing a deposit of cash in accordance with s. 324.161; or

(c) ~~(3)~~ Furnishing a certificate of self-insurance issued by the department in accordance with s. 324.171.

(2) (a) Beginning January 1, 2020, any person, ~~including any firm, partnership, association, corporation, or other person, other than a natural person,~~ electing to use the method of proof specified in paragraph (1)(b) ~~subsection (2)~~ shall furnish a certificate of deposit equal to the number of vehicles owned times \$60,000 ~~\$30,000~~, to a maximum of \$240,000. ~~\$120,000;~~

(b) In addition, any such person, ~~other than a natural person,~~ shall maintain insurance providing coverage conforming to the requirements of s. 324.151 in excess of the amount of the certificate of deposit, with limits of at least:

1. One hundred twenty-five thousand dollars for bodily injury to, or the death of, one person in any one crash and, subject to such limits for one person, in the amount of \$250,000 for bodily injury to, or the death of, two or more persons in any one crash, and \$50,000 for damage to, or destruction of, property of others in any one crash; or

2. Three hundred thousand dollars for combined bodily injury liability and property damage liability for any one crash



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~~\$10,000/20,000/10,000 or \$30,000 combined single limits, and such excess insurance shall provide minimum limits of \$125,000/250,000/50,000 or \$300,000 combined single limits. These increased limits shall not affect the requirements for proving financial responsibility under s. 324.032(1).~~

Section 17. Section 324.032, Florida Statutes, is amended to read:

324.032 ~~Manner of proving~~ Financial responsibility ~~for~~, for-hire passenger transportation vehicles. ~~Notwithstanding the provisions of s. 324.031:~~

(1) An owner or lessee of a for-hire passenger transportation vehicle that is required to be registered in this state shall establish and continuously maintain the ability to respond in damages for liability on account of accidents arising out of the ownership, maintenance, or use of the for-hire passenger transportation vehicle, in the amount of:

(a) One hundred twenty-five thousand dollars for bodily injury to, or the death of, one person in any one crash and, subject to such limits for one person, in the amount of \$250,000 for bodily injury to, or the death of, two or more persons in any one crash; and ~~A person who is either the owner or a lessee required to maintain insurance under s. 627.733(1) (b) and who operates one or more taxicabs, limousines, jitneys, or any other for-hire passenger transportation vehicles may prove financial responsibility by furnishing satisfactory evidence of holding a motor vehicle liability policy, but with minimum limits of \$125,000/250,000/50,000.~~

(b) Fifty thousand dollars for damage to, or destruction of, property of others in any one crash ~~A person who is either~~



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~~the owner or a lessee required to maintain insurance under s. 324.021(9) (b) and who operates limousines, jitneys, or any other for-hire passenger vehicles, other than taxicabs, may prove financial responsibility by furnishing satisfactory evidence of holding a motor vehicle liability policy as defined in s. 324.031.~~

(2) Except as provided in subsection (3), the requirements of this section must be met by the owner or lessee providing satisfactory evidence of holding a motor vehicle liability policy conforming to the requirements of s. 324.151 which is issued by an insurance carrier that is a member of the Florida Insurance Guaranty Association.

~~(3) (2) An owner or a lessee who is required to maintain insurance under s. 324.021(9) (b) and who operates at least 300 taxicabs, limousines, jitneys, or any other for-hire passenger transportation vehicles may provide financial responsibility by complying with the provisions of s. 324.171, which must such compliance to be demonstrated by maintaining at its principal place of business an audited financial statement, prepared in accordance with generally accepted accounting principles, and providing to the department a certification issued by a certified public accountant that the applicant's net worth is at least equal to the requirements of s. 324.171 as determined by the Office of Insurance Regulation of the Financial Services Commission, including claims liabilities in an amount certified as adequate by a Fellow of the Casualty Actuarial Society.~~

Upon request by the department, the applicant shall ~~must~~ provide the department at the applicant's principal place of



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business in this state access to the applicant's underlying financial information and financial statements that provide the basis of the certified public accountant's certification. The applicant shall reimburse the requesting department for all reasonable costs incurred by it in reviewing the supporting information. The maximum amount of self-insurance permissible under this subsection is \$300,000 and must be stated on a per-occurrence basis, and the applicant shall maintain adequate excess insurance issued by an authorized or eligible insurer licensed or approved by the Office of Insurance Regulation. All risks self-insured shall remain with the owner or lessee providing it, and the risks are not transferable to any other person, unless a policy complying with subsections (1) and (2) ~~subsection (1)~~ is obtained.

Section 18. Paragraph (b) of subsection (2) of section 324.051, Florida Statutes, is amended to read:

324.051 Reports of crashes; suspensions of licenses and registrations.—

(2)

(b) This subsection does ~~shall~~ not apply:

1. To such operator or owner if such operator or owner had in effect at the time of such crash or traffic conviction a motor vehicle ~~an automobile~~ liability policy with respect to all of the registered motor vehicles owned by such operator or owner.

2. To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such crash or traffic conviction a motor vehicle ~~an automobile~~ liability policy or bond with respect to his or her operation of motor



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vehicles not owned by him or her.

3. To such operator or owner if the liability of such operator or owner for damages resulting from such crash is, in the judgment of the department, covered by any other form of liability insurance or bond.

4. To any person who has obtained from the department a certificate of self-insurance, in accordance with s. 324.171, or to any person operating a motor vehicle for such self-insurer.

No such policy or bond shall be effective under this subsection unless it contains limits of not less than those specified in s. 324.021(7).

Section 19. Section 324.071, Florida Statutes, is amended to read:

324.071 Reinstatement; renewal of license; reinstatement fee.—~~An~~ Any operator or owner whose license or registration has been suspended pursuant to s. 324.051(2), s. 324.072, s. 324.081, or s. 324.121 may effect its reinstatement upon compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or s. 324.081(2) and (3), as the case may be, and with one of the provisions of s. 324.031 and upon payment to the department of a nonrefundable reinstatement fee of \$15. Only one such fee may ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the number of licenses and registrations to be then reinstated or issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to a department trust fund. If ~~When~~ the reinstatement of any license or registration is effected by compliance with s. 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the license or registration within ~~a period of~~ 3 years after ~~from~~



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such reinstatement, nor may ~~shall~~ any other license or registration be issued in the name of such person, unless the operator continues ~~is continuing~~ to comply with ~~one of the provisions of~~ s. 324.031.

Section 20. Subsection (1) of section 324.091, Florida Statutes, is amended to read:

324.091 Notice to department; notice to insurer.—

(1) Each owner and operator involved in a crash or conviction case within the purview of this chapter shall furnish evidence of ~~automobile liability insurance or~~ motor vehicle liability insurance within 14 days after the date of the mailing of notice of crash by the department in the form and manner as it may designate. Upon receipt of evidence that a ~~an automobile liability policy or~~ motor vehicle liability policy was in effect at the time of the crash or conviction case, the department shall forward to the insurer such information for verification in a method as determined by the department. The insurer shall respond to the department within 20 days after the notice as to whether ~~or not~~ such information is valid. If the department determines that a ~~an automobile liability policy or~~ motor vehicle liability policy was not in effect and did not provide coverage for both the owner and the operator, it must ~~shall~~ take action as it is authorized to do under this chapter.

Section 21. Section 324.151, Florida Statutes, is amended to read:

324.151 Motor vehicle liability policies; required provisions.—

(1) A motor vehicle liability policy that serves as ~~to be~~ proof of financial responsibility under s. 324.031(1)(a) ~~must s.~~



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324.031(1), ~~shall~~ be issued to owners or operators of motor vehicles under the following provisions:

(a) A motor vehicle ~~An owner's~~ liability insurance policy issued to an owner of a motor vehicle registered in this state must ~~shall~~ designate by explicit description or by appropriate reference all motor vehicles for ~~with respect to~~ which coverage is thereby granted. The policy must ~~and shall~~ insure the person or persons ~~owner~~ named therein and any other person as operator using such motor vehicle or motor vehicles with the express or implied permission of such owner against loss from the liability imposed by law for damage arising out of the ownership, maintenance, or use of any such motor vehicle or motor vehicles within the United States or ~~the Dominion of~~ Canada, subject to limits, exclusive of interest and costs with respect to each such motor vehicle, as is provided for under s. 324.021(7). Insurers may make available, with respect to property damage liability coverage, a deductible amount not to exceed \$500. In the event of a property damage loss covered by a policy containing a property damage deductible provision, the insurer shall pay to the third-party claimant the amount of any property damage liability settlement or judgment, subject to policy limits, as if no deductible existed.

(b) An operator's motor vehicle liability policy of insurance must ~~shall~~ insure the person or persons named therein against loss from the liability imposed ~~upon him or her~~ by law for damages arising out of the use by the person of any motor vehicle not owned by him or her, with the same territorial limits and subject to the same limits of liability as referred to above with respect to an owner's policy of liability



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insurance.

(c) All such motor vehicle liability policies must ~~shall~~ state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability, and must ~~shall~~ contain an agreement or be endorsed that insurance is provided in accordance with the coverage defined in this chapter ~~as respects bodily injury and death or property damage or both~~ and is subject to ~~all provisions of~~ this chapter. The said policies must ~~shall~~ also contain a provision that the satisfaction by an insured of a judgment for such injury or damage may ~~shall~~ not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage, and must ~~shall~~ also contain a provision that bankruptcy or insolvency of the insured or of the insured's estate may ~~shall~~ not relieve the insurance carrier of any of its obligations under the said policy.

(2) ~~The provisions of~~ This section is ~~shall~~ not be applicable to any motor vehicle ~~automobile~~ liability policy unless and until it is furnished as proof of financial responsibility for the future pursuant to s. 324.031, and then applies only from ~~and after~~ the date the said policy is ~~so~~ furnished.

Section 22. Section 324.161, Florida Statutes, is amended to read:

324.161 Proof of financial responsibility; deposit.—If a person elects to prove his or her financial responsibility under the method of proof specified in s. 324.031(1)(b), he or she annually must obtain and submit to the department proof of a



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certificate of deposit in the amount required under s.
324.031(2) from a financial institution insured by the Federal
Deposit Insurance Corporation or the National Credit Union
Administration. ~~Annually, before any certificate of insurance may
be issued to a person, including any firm, partnership,
association, corporation, or other person, other than a natural
person, proof of a certificate of deposit of \$30,000 issued and
held by a financial institution must be submitted to the
department. A power of attorney will be issued to and held by
the department and may be executed upon a judgment issued
against such person making the deposit, for damages for because
of bodily injury to or death of any person or for damages for
~~because of~~ injury to or destruction of property resulting from
the use or operation of any motor vehicle occurring after such
deposit was made. Money so deposited is ~~shall~~ not be subject to
attachment or execution unless such attachment or execution
arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages as
aforesaid.~~

Section 23. Subsections (1) and (2) of section 324.171,
Florida Statutes, are amended to read:

324.171 Self-insurer.—

(1) A ~~Any~~ person may qualify as a self-insurer by obtaining
a certificate of self-insurance from the department. ~~which may,
in its discretion and~~ Upon application of such a person, the
department may issue a ~~said~~ certificate of self-insurance to an
applicant who satisfies ~~when such person has satisfied~~ the
requirements of this section. Effective January 1, 2020 ~~to~~
~~qualify as a self-insurer under this section:~~

(a) A private individual with private passenger vehicles



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shall possess a net unencumbered worth of at least \$100,000
~~\$40,000~~.

(b) A person, including any firm, partnership, association, corporation, or other person, other than a natural person, shall:

1. Possess a net unencumbered worth of at least \$100,000
~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each additional motor vehicle; or

2. Maintain sufficient net worth, in an amount determined by the department, to be financially responsible for potential losses. The department annually shall determine the minimum net worth sufficient to satisfy this subparagraph ~~as determined annually by the department~~, pursuant to rules adopted ~~promulgated~~ by the department, with the assistance of the Office of Insurance Regulation of the Financial Services Commission, ~~to be financially responsible for potential losses~~. The rules must consider any ~~shall take into consideration~~ excess insurance carried by the applicant. The department's determination must ~~shall~~ be based upon reasonable actuarial principles considering the frequency, severity, and loss development of claims incurred by casualty insurers writing coverage on the type of motor vehicles for which a certificate of self-insurance is desired.

(c) The owner of a commercial motor vehicle, as defined in s. 207.002 or s. 320.01, may qualify as a self-insurer subject to the standards provided ~~for~~ in subparagraph (b)2.

(2) The self-insurance certificate must ~~shall~~ provide limits of liability insurance in the amounts specified under s. 324.021(7) ~~or s. 627.7415 and shall provide personal injury protection coverage under s. 627.733(3) (b)~~.



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Section 24. Section 324.251, Florida Statutes, is amended to read:

324.251 Short title.—This chapter may be cited as the “Financial Responsibility Law of 2019 ~~1955~~” and is ~~shall become~~ effective at 12:01 a.m., January 1, 2020 ~~October 1, 1955~~.

Section 25. Subsection (4) of section 400.9905, Florida Statutes, is amended to read:

400.9905 Definitions.—

(4) (a) “Clinic” means an entity where health care services are provided to individuals and which tenders charges for reimbursement for such services, including a mobile clinic and a portable equipment provider. As used in this part, the term does not include and the licensure requirements of this part do not apply to:

1. ~~(a)~~ Entities licensed or registered by the state under chapter 395; entities licensed or registered by the state and providing only health care services within the scope of services authorized under their respective licenses under ss. 383.30-383.332, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; providers certified under 42 C.F.R. part 485, subpart B or subpart H; or any entity that provides neonatal or pediatric hospital-based health care services or other health care services by licensed practitioners solely within a hospital licensed under chapter 395.

2. ~~(b)~~ Entities that own, directly or indirectly, entities licensed or registered by the state pursuant to chapter 395;



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entities that own, directly or indirectly, entities licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses under ss. 383.30-383.332, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; providers certified under 42 C.F.R. part 485, subpart B or subpart H; or any entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital licensed under chapter 395.

3.~~(e)~~ Entities that are owned, directly or indirectly, by an entity licensed or registered by the state pursuant to chapter 395; entities that are owned, directly or indirectly, by an entity licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses under ss. 383.30-383.332, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; providers certified under 42 C.F.R. part 485, subpart B or subpart H; or any entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital under chapter 395.

4.~~(d)~~ Entities that are under common ownership, directly or indirectly, with an entity licensed or registered by the state pursuant to chapter 395; entities that are under common



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ownership, directly or indirectly, with an entity licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses under ss. 383.30-383.332, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; providers certified under 42 C.F.R. part 485, subpart B or subpart H; or any entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital licensed under chapter 395.

5.~~(e)~~ An entity that is exempt from federal taxation under 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan under 26 U.S.C. s. 409 that has a board of trustees at least two-thirds of which are Florida-licensed health care practitioners and provides only physical therapy services under physician orders, any community college or university clinic, and any entity owned or operated by the federal or state government, including agencies, subdivisions, or municipalities thereof.

6.~~(f)~~ A sole proprietorship, group practice, partnership, or corporation that provides health care services by physicians covered by s. 627.419, that is directly supervised by one or more of such physicians, and that is wholly owned by one or more of those physicians or by a physician and the spouse, parent, child, or sibling of that physician.

7.~~(g)~~ A sole proprietorship, group practice, partnership, or corporation that provides health care services by licensed



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health care practitioners under chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 466, chapter 467, chapter 480, chapter 484, chapter 486, chapter 490, chapter 491, or part I, part III, part X, part XIII, or part XIV of chapter 468, or s. 464.012, and that is wholly owned by one or more licensed health care practitioners, or the licensed health care practitioners set forth in this subparagraph and the spouse, parent, child, or sibling of a licensed health care practitioner if one of the owners who is a licensed health care practitioner is supervising the business activities and is legally responsible for the entity's compliance with all federal and state laws. However, a health care practitioner may not supervise services beyond the scope of the practitioner's license, except that, for the purposes of this part, a clinic owned by a licensee in s. 456.053(3)(b) which provides only services authorized pursuant to s. 456.053(3)(b) may be supervised by a licensee specified in s. 456.053(3)(b).

8.~~(h)~~ Clinical facilities affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows.

9.~~(i)~~ Entities that provide only oncology or radiation therapy services by physicians licensed under chapter 458 or chapter 459 or entities that provide oncology or radiation therapy services by physicians licensed under chapter 458 or chapter 459 which are owned by a corporation whose shares are publicly traded on a recognized stock exchange.

10.~~(j)~~ Clinical facilities affiliated with a college of chiropractic accredited by the Council on Chiropractic Education



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at which training is provided for chiropractic students.

11.~~(k)~~ Entities that provide licensed practitioners to staff emergency departments or to deliver anesthesia services in facilities licensed under chapter 395 and that derive at least 90 percent of their gross annual revenues from the provision of such services. Entities claiming an exemption from licensure under this subparagraph must provide documentation demonstrating compliance.

12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or perinatology clinical facilities or anesthesia clinical facilities that are not otherwise exempt under subparagraph 1. or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are a publicly traded corporation or are wholly owned, directly or indirectly, by a publicly traded corporation. As used in this subparagraph, a publicly traded corporation is a corporation that issues securities traded on an exchange registered with the United States Securities and Exchange Commission as a national securities exchange.

13.~~(m)~~ Entities that are owned by a corporation that has \$250 million or more in total annual sales of health care services provided by licensed health care practitioners where one or more of the persons responsible for the operations of the entity is a health care practitioner who is licensed in this state and who is responsible for supervising the business activities of the entity and is responsible for the entity's compliance with state law for purposes of this part.

14.~~(n)~~ Entities that employ 50 or more licensed health care practitioners licensed under chapter 458 or chapter 459 where the billing for medical services is under a single tax



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identification number. The application for exemption under this subsection must include ~~shall contain information that includes:~~ the name, residence, and business address and telephone ~~phone~~ number of the entity that owns the practice; a complete list of the names and contact information of all the officers and directors of the corporation; the name, residence address, business address, and medical license number of each licensed Florida health care practitioner employed by the entity; the corporate tax identification number of the entity seeking an exemption; a listing of health care services to be provided by the entity at the health care clinics owned or operated by the entity; and a certified statement prepared by an independent certified public accountant which states that the entity and the health care clinics owned or operated by the entity have not received payment for health care services under medical payments ~~personal injury protection~~ insurance coverage for the preceding year. If the agency determines that an entity that ~~which~~ is exempt under this subsection has received payments for medical services under medical payments ~~personal injury protection~~ insurance coverage, the agency may deny or revoke the exemption from licensure under this subsection.

(b) Notwithstanding paragraph (a) ~~this subsection~~, an entity is ~~shall be~~ deemed a clinic and must be licensed under this part in order to receive medical payments coverage reimbursement under s. 627.7265 unless the entity is: ~~the Florida Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

1. Wholly owned by a physician licensed under chapter 458 or chapter 459, or by the physician and the spouse, parent,



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child, or sibling of the physician;

2. Wholly owned by a dentist licensed under chapter 466, or by the dentist and the spouse, parent, child, or sibling of the dentist;

3. Wholly owned by a chiropractic physician licensed under chapter 460, or by the chiropractic physician and the spouse, parent, child, or sibling of the chiropractic physician;

4. A hospital or ambulatory surgical center licensed under chapter 395;

5. An entity that wholly owns or is wholly owned, directly or indirectly, by a hospital or hospitals licensed under chapter 395;

6. A clinical facility affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows;

7. Certified under 42 C.F.R. part 485, subpart H; or

8. Owned by a publicly traded corporation, either directly or indirectly through its subsidiaries, which has \$250 million or more in total annual sales of health care services provided by licensed health care practitioners, if one or more of the persons responsible for the operations of the entity are health care practitioners who are licensed in this state and are responsible for supervising the business activities of the entity and the entity's compliance with state law for purposes of this section.

Section 26. Subsection (6) of section 400.991, Florida Statutes, is amended to read:

400.991 License requirements; background screenings; prohibitions.—



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(6) All agency forms for licensure application or exemption from licensure under this part must contain the following statement:

INSURANCE FRAUD NOTICE.—A person commits a fraudulent insurance act, as defined in s. 626.989, Florida Statutes, if the person who knowingly submits a false, misleading, or fraudulent application or other document when applying for licensure as a health care clinic, seeking an exemption from licensure as a health care clinic, or demonstrating compliance with part X of chapter 400, Florida Statutes, with the intent to use the license, exemption from licensure, or demonstration of compliance to provide services or seek reimbursement under a motor vehicle liability insurance policy's medical payments coverage ~~the Florida Motor Vehicle No-Fault Law, commits a fraudulent insurance act, as defined in s. 626.989, Florida Statutes.~~ A person who presents a claim for benefits under medical payments coverage, personal injury protection benefits knowing that the payee knowingly submitted such health care clinic application or document, commits insurance fraud, as defined in s. 817.234, Florida Statutes.

Section 27. Paragraph (g) of subsection (1) of section 400.9935, Florida Statutes, is amended to read:

400.9935 Clinic responsibilities.—

(1) Each clinic shall appoint a medical director or clinic director who shall agree in writing to accept legal responsibility for the following activities on behalf of the clinic. The medical director or the clinic director shall:



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(g) Conduct systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful. Upon discovery of an unlawful charge, the medical director or clinic director shall take immediate corrective action. If the clinic performs only the technical component of magnetic resonance imaging, static radiographs, computed tomography, or positron emission tomography, and provides the professional interpretation of such services, in a fixed facility that is accredited by a national accrediting organization that is approved by the Centers for Medicare and Medicaid Services for magnetic resonance imaging and advanced diagnostic imaging services and if, in the preceding quarter, the percentage of scans performed by that clinic which was billed to motor vehicle ~~all personal injury protection~~ insurance carriers under medical payments coverage was less than 15 percent, the chief financial officer of the clinic may, in a written acknowledgment provided to the agency, assume the responsibility for the conduct of the systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful.

Section 28. Subsection (28) of section 409.901, Florida Statutes, is amended to read:

409.901 Definitions; ss. 409.901-409.920.—As used in ss. 409.901-409.920, except as otherwise specifically provided, the term:

(28) "Third-party benefit" means any benefit that is or may be available at any time through contract, court award, judgment, settlement, agreement, or any arrangement between a third party and any person or entity, including, without limitation, a Medicaid recipient, a provider, another third



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party, an insurer, or the agency, for any Medicaid-covered injury, illness, goods, or services, including costs of medical services related thereto, for bodily ~~personal~~ injury or for death of the recipient, but specifically excluding ~~policies of~~ life insurance policies on the recipient, unless available under terms of the policy to pay medical expenses before ~~prior to~~ death. The term includes, without limitation, collateral, as defined in this section; ~~health insurance;~~ any benefit under a health maintenance organization, a preferred provider arrangement, a prepaid health clinic, liability insurance, uninsured motorist insurance, or medical payments coverage; or ~~personal injury protection coverage,~~ medical benefits under workers' compensation, and any obligation under law or equity to provide medical support.

Section 29. Paragraph (f) of subsection (11) of section 409.910, Florida Statutes, is amended to read:

409.910 Responsibility for payments on behalf of Medicaid-eligible persons when other parties are liable.—

(11) The agency may, as a matter of right, in order to enforce its rights under this section, institute, intervene in, or join any legal or administrative proceeding in its own name in one or more of the following capacities: individually, as subrogee of the recipient, as assignee of the recipient, or as lienholder of the collateral.

(f) Notwithstanding any provision in this section to the contrary, in the event of an action in tort against a third party in which the recipient or his or her legal representative is a party which results in a judgment, award, or settlement from a third party, the amount recovered shall be distributed as



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follows:

1. After attorney ~~attorney's~~ fees and taxable costs as defined by the Florida Rules of Civil Procedure, one-half of the remaining recovery shall be paid to the agency up to the total amount of medical assistance provided by Medicaid.

2. The remaining amount of the recovery shall be paid to the recipient.

3. For purposes of calculating the agency's recovery of medical assistance benefits paid, the fee for services of an attorney retained by the recipient or his or her legal representative shall be calculated at 25 percent of the judgment, award, or settlement.

4. Notwithstanding any other provision of this section to the contrary, the agency shall be entitled to all medical coverage benefits up to the total amount of medical assistance provided by Medicaid. For purposes of this paragraph, the term "medical coverage" means any benefits under health insurance, a health maintenance organization, a preferred provider arrangement, or a prepaid health clinic, and the portion of benefits designated for medical payments under ~~coverage for~~ workers' compensation coverage, motor vehicle insurance coverage, ~~personal injury protection~~, and casualty coverage.

Section 30. Paragraph (k) of subsection (2) of section 456.057, Florida Statutes, is amended to read:

456.057 Ownership and control of patient records; report or copies of records to be furnished; disclosure of information.—

(2) As used in this section, the terms "records owner," "health care practitioner," and "health care practitioner's employer" do not include any of the following persons or



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entities; furthermore, the following persons or entities are not authorized to acquire or own medical records, but are authorized under the confidentiality and disclosure requirements of this section to maintain those documents required by the part or chapter under which they are licensed or regulated:

(k) Persons or entities practicing under s. 627.7265 ~~s. 627.736(7)~~.

Section 31. Paragraphs (ee) and (ff) of subsection (1) of section 456.072, Florida Statutes, are amended to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(ee) With respect to making a medical payments coverage ~~personal injury protection~~ claim under s. 627.7265 as required ~~by s. 627.736~~, intentionally submitting a claim, statement, or bill that has been upcoded. As used in this paragraph, the term “upcoded” means an action that submits a billing code that would result in payment greater in amount than would be paid using a billing code that accurately describes the services performed. The term does not include an otherwise lawful bill by a magnetic resonance imaging facility, which globally combines both technical and professional components, if the amount of the global bill is not more than the components if billed separately; however, payment of such a bill constitutes payment in full for all components of such service ~~“upcoded” as defined in s. 627.732.~~

(ff) With respect to making a medical payments coverage ~~personal injury protection~~ claim as required under s. 627.7265



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by ~~s. 627.736~~, intentionally submitting a claim, statement, or bill for payment of services that were not rendered.

Section 32. Paragraphs (i) and (o) of subsection (1) of section 626.9541, Florida Statutes, are amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(i) *Unfair claim settlement practices*.—

1. Attempting to settle claims on the basis of an application, when serving as a binder or intended to become a part of the policy, or any other material document which was altered without notice to, or knowledge or consent of, the insured;

2. A material misrepresentation made to an insured or any other person having an interest in the proceeds payable under such contract or policy, for the purpose and with the intent of effecting settlement of such claims, loss, or damage under such contract or policy on less favorable terms than those provided in, and contemplated by, such contract or policy; ~~or~~

3. Committing or performing with such frequency as to indicate a general business practice any of the following:

a. Failing to adopt and implement standards for the proper investigation of claims;

b. Misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue;

c. Failing to acknowledge and act promptly upon communications with respect to claims;



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d. Denying claims without conducting reasonable investigations based upon available information;

e. Failing to affirm or deny full or partial coverage of claims, and, as to partial coverage, the dollar amount or extent of coverage, or failing to provide a written statement that the claim is being investigated, upon the written request of the insured within 30 days after proof-of-loss statements have been completed;

f. Failing to promptly provide a reasonable explanation in writing to the insured of the basis in the insurance policy, in relation to the facts or applicable law, for denial of a claim or for the offer of a compromise settlement;

g. Failing to promptly notify the insured of any additional information necessary for the processing of a claim; or

h. Failing to clearly explain the nature of the requested information and the reasons why such information is necessary.

~~i. Failing to pay personal injury protection insurance claims within the time periods required by s. 627.736(4)(b). The office may order the insurer to pay restitution to a policyholder, medical provider, or other claimant, including interest at a rate consistent with the amount set forth in s. 55.03(1), for the time period within which an insurer fails to pay claims as required by law. Restitution is in addition to any other penalties allowed by law, including, but not limited to, the suspension of the insurer's certificate of authority.~~

4. Failing to pay undisputed amounts of partial or full benefits owed under first-party property insurance policies within 90 days after an insurer receives notice of a residential property insurance claim, determines the amounts of partial or



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full benefits, and agrees to coverage, unless payment of the undisputed benefits is prevented by an act of God, prevented by the impossibility of performance, or due to actions by the insured or claimant that constitute fraud, lack of cooperation, or intentional misrepresentation regarding the claim for which benefits are owed.

(o) *Illegal dealings in premiums; excess or reduced charges for insurance.*—

1. Knowingly collecting any sum as a premium or charge for insurance, which is not then provided, or is not in due course to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as permitted by this code.

2. Knowingly collecting as a premium or charge for insurance any sum in excess of or less than the premium or charge applicable to such insurance, in accordance with the applicable classifications and rates as filed with and approved by the office, and as specified in the policy; or, in cases when classifications, premiums, or rates are not required by this code to be so filed and approved, premiums and charges collected from a Florida resident in excess of or less than those specified in the policy and as fixed by the insurer.

Notwithstanding any other provision of law, this provision shall not be deemed to prohibit the charging and collection, by surplus lines agents licensed under part VIII of this chapter, of the amount of applicable state and federal taxes, or fees as authorized by s. 626.916(4), in addition to the premium required by the insurer or the charging and collection, by licensed agents, of the exact amount of any discount or other such fee



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charged by a credit card facility in connection with the use of a credit card, as authorized by subparagraph (q)3., in addition to the premium required by the insurer. This subparagraph shall not be construed to prohibit collection of a premium for a universal life or a variable or indeterminate value insurance policy made in accordance with the terms of the contract.

3.a. Imposing or requesting an additional premium for bodily injury liability coverage, property damage liability coverage ~~a policy of motor vehicle liability, personal injury protection, medical payments coverage payment, or collision coverage in a motor vehicle liability insurance policy insurance or any combination thereof~~ or refusing to renew the policy solely because the insured was involved in a motor vehicle accident unless the insurer's file contains information from which the insurer in good faith determines that the insured was substantially at fault in the accident.

b. An insurer which imposes and collects such a surcharge or which refuses to renew such policy shall, in conjunction with the notice of premium due or notice of nonrenewal, notify the named insured that he or she is entitled to reimbursement of such amount or renewal of the policy under the conditions listed below and will subsequently reimburse him or her or renew the policy, if the named insured demonstrates that the operator involved in the accident was:

(I) Lawfully parked;

(II) Reimbursed by, or on behalf of, a person responsible for the accident or has a judgment against such person;

(III) Struck in the rear by another vehicle headed in the same direction and was not convicted of a moving traffic



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violation in connection with the accident;

(IV) Hit by a "hit-and-run" driver, if the accident was reported to the proper authorities within 24 hours after discovering the accident;

(V) Not convicted of a moving traffic violation in connection with the accident, but the operator of the other automobile involved in such accident was convicted of a moving traffic violation;

(VI) Finally adjudicated not to be liable by a court of competent jurisdiction;

(VII) In receipt of a traffic citation which was dismissed or nolle prossed; or

(VIII) Not at fault as evidenced by a written statement from the insured establishing facts demonstrating lack of fault which are not rebutted by information in the insurer's file from which the insurer in good faith determines that the insured was substantially at fault.

c. In addition to the other provisions of this subparagraph, an insurer may not fail to renew a policy if the insured has had only one accident in which he or she was at fault within the current 3-year period. However, an insurer may nonrenew a policy for reasons other than accidents in accordance with s. 627.728. This subparagraph does not prohibit nonrenewal of a policy under which the insured has had three or more accidents, regardless of fault, during the most recent 3-year period.

4. Imposing or requesting an additional premium for, or refusing to renew, a policy for motor vehicle insurance solely because the insured committed a noncriminal traffic infraction



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as described in s. 318.14 unless the infraction is:

a. A second infraction committed within an 18-month period, or a third or subsequent infraction committed within a 36-month period.

b. A violation of s. 316.183, when such violation is a result of exceeding the lawful speed limit by more than 15 miles per hour.

5. Upon the request of the insured, the insurer and licensed agent shall supply to the insured the complete proof of fault or other criteria which justifies the additional charge or cancellation.

6. No insurer shall impose or request an additional premium for motor vehicle insurance, cancel or refuse to issue a policy, or refuse to renew a policy because the insured or the applicant is a handicapped or physically disabled person, so long as such handicap or physical disability does not substantially impair such person's mechanically assisted driving ability.

7. No insurer may cancel or otherwise terminate any insurance contract or coverage, or require execution of a consent to rate endorsement, during the stated policy term for the purpose of offering to issue, or issuing, a similar or identical contract or coverage to the same insured with the same exposure at a higher premium rate or continuing an existing contract or coverage with the same exposure at an increased premium.

8. No insurer may issue a nonrenewal notice on any insurance contract or coverage, or require execution of a consent to rate endorsement, for the purpose of offering to issue, or issuing, a similar or identical contract or coverage



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to the same insured at a higher premium rate or continuing an existing contract or coverage at an increased premium without meeting any applicable notice requirements.

9. No insurer shall, with respect to premiums charged for motor vehicle insurance, unfairly discriminate solely on the basis of age, sex, marital status, or scholastic achievement.

10. Imposing or requesting an additional premium for motor vehicle comprehensive or uninsured motorist coverage solely because the insured was involved in a motor vehicle accident or was convicted of a moving traffic violation.

11. No insurer shall cancel or issue a nonrenewal notice on any insurance policy or contract without complying with any applicable cancellation or nonrenewal provision required under the Florida Insurance Code.

12. No insurer shall impose or request an additional premium, cancel a policy, or issue a nonrenewal notice on any insurance policy or contract because of any traffic infraction when adjudication has been withheld and no points have been assessed pursuant to s. 318.14(9) and (10). However, this subparagraph does not apply to traffic infractions involving accidents in which the insurer has incurred a loss due to the fault of the insured.

Section 33. Paragraph (a) of subsection (1) of section 626.989, Florida Statutes, is amended to read:

626.989 Investigation by department or Division of Investigative and Forensic Services; compliance; immunity; confidential information; reports to division; division investigator's power of arrest.—

(1) For the purposes of this section:



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(a) A person commits a "fraudulent insurance act" if the person:

1. Knowingly and with intent to defraud presents, causes to be presented, or prepares with knowledge or belief that it will be presented, to or by an insurer, self-insurer, self-insurance fund, servicing corporation, purported insurer, broker, or any agent thereof, any written statement as part of, or in support of, an application for the issuance of, or the rating of, any insurance policy, or a claim for payment or other benefit pursuant to any insurance policy, which the person knows to contain materially false information concerning any fact material thereto or if the person conceals, for the purpose of misleading another, information concerning any fact material thereto.

2. Knowingly submits:

a. A false, misleading, or fraudulent application or other document when applying for licensure as a health care clinic, seeking an exemption from licensure as a health care clinic, or demonstrating compliance with part X of chapter 400 with an intent to use the license, exemption from licensure, or demonstration of compliance to provide services or seek reimbursement under a motor vehicle liability insurance policy's medical payments coverage ~~the Florida Motor Vehicle No-Fault Law~~.

b. A claim for payment or other benefit under medical payments coverage ~~pursuant to a personal injury protection insurance policy under the Florida Motor Vehicle No-Fault Law~~ if the person knows that the payee knowingly submitted a false, misleading, or fraudulent application or other document when



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applying for licensure as a health care clinic, seeking an exemption from licensure as a health care clinic, or demonstrating compliance with part X of chapter 400.

Section 34. Subsection (1) of section 627.06501, Florida Statutes, is amended to read:

627.06501 Insurance discounts for certain persons completing driver improvement course.—

(1) Any rate, rating schedule, or rating manual for the liability, medical payments ~~personal injury protection~~, and collision coverages of a motor vehicle insurance policy filed with the office may provide for an appropriate reduction in premium charges as to such coverages if ~~when~~ the principal operator on the covered vehicle has successfully completed a driver improvement course approved and certified by the Department of Highway Safety and Motor Vehicles which is effective in reducing crash or violation rates, or both, as determined pursuant to s. 318.1451(5). Any discount, not to exceed 10 percent, used by an insurer is presumed to be appropriate unless credible data demonstrates otherwise.

Section 35. Subsection (1) of section 627.0652, Florida Statutes, is amended to read:

627.0652 Insurance discounts for certain persons completing safety course.—

(1) Any rates, rating schedules, or rating manuals for the liability, medical payments ~~personal injury protection~~, and collision coverages of a motor vehicle insurance policy filed with the office must ~~shall~~ provide for an appropriate reduction in premium charges as to such coverages if ~~when~~ the principal operator on the covered vehicle is an insured 55 years of age or



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older who has successfully completed a motor vehicle accident prevention course approved by the Department of Highway Safety and Motor Vehicles. Any discount used by an insurer is presumed to be appropriate unless credible data demonstrates otherwise.

Section 36. Subsections (1), (3), and (6) of section 627.0653, Florida Statutes, are amended to read:

627.0653 Insurance discounts for specified motor vehicle equipment.—

(1) Any rates, rating schedules, or rating manuals for the liability, medical payments ~~personal injury protection~~, and collision coverages of a motor vehicle insurance policy filed with the office must ~~shall~~ provide a premium discount if the insured vehicle is equipped with factory-installed, four-wheel antilock brakes.

(3) Any rates, rating schedules, or rating manuals for ~~personal injury protection coverage and~~ medical payments coverage, ~~if offered,~~ of a motor vehicle insurance policy filed with the office must ~~shall~~ provide a premium discount if the insured vehicle is equipped with one or more air bags that ~~which~~ are factory installed.

(6) The Office of Insurance Regulation may approve a premium discount to any rates, rating schedules, or rating manuals for the liability, medical payments ~~personal injury protection~~, and collision coverages of a motor vehicle insurance policy filed with the office if the insured vehicle is equipped with autonomous driving technology or electronic vehicle collision avoidance technology that is factory installed or a retrofitted system and that complies with National Highway Traffic Safety Administration standards.



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Section 37. Section 627.4132, Florida Statutes, is amended to read:

627.4132 Stacking of coverages prohibited.—If an insured or named insured is protected by any type of motor vehicle insurance policy for bodily injury and property damage liability, ~~personal injury protection, or other coverage~~, the policy must ~~shall~~ provide that the insured or named insured is protected only to the extent of the coverage she or he has on the vehicle involved in the accident. However, if none of the insured's or named insured's vehicles are ~~is~~ involved in the accident, coverage is available only to the extent of coverage on any one of the vehicles with applicable coverage. Coverage on any other vehicles may ~~shall~~ not be added to or stacked upon that coverage. This section does not apply:

(1) To uninsured motorist coverage that ~~which~~ is separately governed by s. 627.727.

(2) To reduce the coverage available by reason of insurance policies insuring different named insureds.

Section 38. Section 627.7263, Florida Statutes, is amended to read:

627.7263 Rental and leasing driver's insurance to be primary; exception.—

(1) The valid and collectible liability insurance and ~~medical payments coverage or personal injury protection~~ ~~insurance providing coverage~~ for the lessor of a motor vehicle for rent or lease is primary unless otherwise stated in at least 10-point type on the face of the rental or lease agreement. Such insurance is primary for the limits of liability ~~and personal injury protection~~ coverage as required by s. 324.021(7) and the



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medical payments coverage limit specified under s. 627.7265 ~~ss.~~
~~324.021(7) and 627.736.~~

(2) If the lessee's coverage is to be primary, the rental
or lease agreement must contain the following language, in at
least 10-point type:

"The valid and collectible liability insurance and medical
payments coverage ~~personal injury protection insurance~~ of an ~~any~~
authorized rental or leasing driver is primary for the limits of
liability ~~and personal injury protection~~ coverage required under
section 324.021(7), Florida Statutes, and the medical payments
coverage limit specified under section 627.7265 ~~by ss.~~
~~324.021(7) and 627.736,~~ Florida Statutes."

Section 39. Section 627.7265, Florida Statutes, is created
to read:

627.7265 Motor vehicle insurance; medical payments
coverage.-

(1) Medical payments coverage must protect the named
insured, resident relatives, persons operating the insured motor
vehicle, passengers in the insured motor vehicle, and persons
who are struck by the insured motor vehicle and suffer bodily
injury while not an occupant of a self-propelled motor vehicle
at a limit of at least \$5,000 for medical expense incurred due
to bodily injury, sickness, or disease arising out of the
ownership, maintenance, or use of a motor vehicle. The coverage
must provide an additional death benefit of at least \$5,000.

(a) Before issuing a motor vehicle liability insurance
policy that is furnished as proof of financial responsibility
under s. 324.031, the insurer must offer medical payments



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coverage at limits of \$5,000 and \$10,000. The insurer may also offer medical payments coverage at limits greater than \$5,000.

(b) The medical payments coverage must be offered with an option with no deductible. The insurer may also offer medical payments coverage with a deductible not to exceed \$500.

(c) Each motor vehicle liability insurance policy that is furnished as proof of financial responsibility under s. 324.031 is deemed to have:

1. Medical payments coverage to a limit of \$10,000, unless the insurer obtains the policyholder's written refusal of medical payments coverage or written selection of medical payments coverage at a limit other than \$10,000. The rejection or selection of coverage at a limit other than \$10,000 must be made on a form approved by the office.

2. No medical payments coverage deductible, unless the insurer obtains the policyholder's written selection of a deductible of up to \$500. The selection of a deductible must be made on a form approved by the office.

(d)1. The forms in subparagraphs (c)1. and 2. must fully advise the applicant of the nature of the coverage being rejected or the policy limit or deductible being selected. If such form is signed by a named insured, it is conclusively presumed that there was an informed, knowing rejection of the coverage or election of the policy limit or deductible selected.

2. Unless the policyholder requests in writing the coverage specified in this section, it need not be provided in or supplemental to any other policy that renews, insures, extends, changes, supersedes, or replaces an existing policy if the policyholder has rejected the coverage specified in this section



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or has selected an alternative coverage limit or deductible. At least annually, the insurer shall provide the policyholder with a notice of the availability of such coverage in a form approved by the office. Such notice must be part of, and attached to, the notice of premium and must provide for a means to allow the insured to request medical payments coverage at the limits and deductibles required to be offered under this section. The notice must be given in a manner approved by the office. Receipt of this notice does not constitute an affirmative waiver of the insured's right to medical payments coverage if the insured has not signed a selection or rejection form.

(e) This section may not be construed to limit any other coverage made available by an insurer.

(2) Upon receiving notice of an accident that is potentially covered by medical payments coverage benefits, the insurer must reserve \$5,000 of medical payments coverage benefits for payment to physicians licensed under chapter 458 or chapter 459 or dentists licensed under chapter 466 who provide emergency services and care, as defined in s. 395.002, or who provide hospital inpatient care. The amount required to be held in reserve may be used only to pay claims from such physicians or dentists until 30 days after the date the insurer receives notice of the accident. After the 30-day period, any amount of the reserve for which the insurer has not received notice of such claims may be used by the insurer to pay other claims. This subsection does not require an insurer to establish a claim reserve for insurance accounting purposes.

(3) An insurer providing medical payments coverage benefits may not have a:



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(a) Lien on any recovery in tort by judgment, settlement, or otherwise for medical payments coverage benefits, whether suit has been filed or settlement has been reached without suit;

(b) Cause of action against an alleged tortfeasor for benefits paid under medical payments coverage; or

(c) Cause of action against a person to whom or for whom medical payments coverage benefits were paid, except when medical payments coverage benefits are paid by reason of fraud by such person.

Section 40. Subsections (1) and (7) of section 627.727, Florida Statutes, are amended, and present subsections (8), (9), and (10) of that section are redesignated as subsections (7), (8), and (9), respectively, to read:

627.727 Motor vehicle insurance; uninsured and underinsured vehicle coverage; insolvent insurer protection.—

(1) A ~~No~~ motor vehicle liability insurance policy that ~~which~~ provides bodily injury liability coverage may not ~~shall~~ be delivered or issued for delivery in this state with respect to any specifically insured or identified motor vehicle registered or principally garaged in this state, unless uninsured motor vehicle coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness, or disease, including death, resulting therefrom. However, the coverage required under this section is not applicable if ~~when~~, or to the extent that, an insured named in the policy makes a written rejection of the coverage on behalf of all insureds under the policy. If ~~When~~ a motor vehicle is leased for ~~a period~~



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1693 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
1694 of the lease contract, provides liability coverage on the leased
1695 vehicle, the lessee of such vehicle has ~~shall have~~ the sole
1696 privilege to reject uninsured motorist coverage or to select
1697 lower limits than the bodily injury liability limits, regardless
1698 of whether the lessor is qualified as a self-insurer pursuant to
1699 s. 324.171. Unless an insured, or a lessee having the privilege
1700 of rejecting uninsured motorist coverage, requests such coverage
1701 or requests higher uninsured motorist limits in writing, the
1702 coverage or such higher uninsured motorist limits need not be
1703 provided in or supplemental to any other policy that ~~which~~
1704 renews, extends, changes, supersedes, or replaces an existing
1705 policy with the same bodily injury liability limits when an
1706 insured or lessee had rejected the coverage. When an insured or
1707 lessee has initially selected limits of uninsured motorist
1708 coverage lower than her or his bodily injury liability limits,
1709 higher limits of uninsured motorist coverage need not be
1710 provided in or supplemental to any other policy that ~~which~~
1711 renews, extends, changes, supersedes, or replaces an existing
1712 policy with the same bodily injury liability limits unless an
1713 insured requests higher uninsured motorist coverage in writing.
1714 The rejection or selection of lower limits must ~~shall~~ be made on
1715 a form approved by the office. The form must ~~shall~~ fully advise
1716 the applicant of the nature of the coverage and must ~~shall~~ state
1717 that the coverage is equal to bodily injury liability limits
1718 unless lower limits are requested or the coverage is rejected.
1719 The heading of the form must ~~shall~~ be in 12-point bold type and
1720 must ~~shall~~ state: "You are electing not to purchase certain
1721 valuable coverage that ~~which~~ protects you and your family or you



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are purchasing uninsured motorist limits less than your bodily injury liability limits when you sign this form. Please read carefully." If this form is signed by a named insured, it will be conclusively presumed that there was an informed, knowing rejection of coverage or election of lower limits on behalf of all insureds. The insurer shall notify the named insured at least annually of her or his options as to the coverage required by this section. Such notice must ~~shall~~ be part of, and attached to, the notice of premium, must ~~shall~~ provide for a means to allow the insured to request such coverage, and must ~~shall~~ be given in a manner approved by the office. Receipt of this notice does not constitute an affirmative waiver of the insured's right to uninsured motorist coverage if ~~where~~ the insured has not signed a selection or rejection form. The coverage described under this section must ~~shall~~ be over and above, but may ~~shall~~ not duplicate, the benefits available to an insured under any workers' compensation law, ~~personal injury protection benefits,~~ disability benefits law, or similar law; under any automobile medical payments ~~expense~~ coverage; under any motor vehicle liability insurance coverage; or from the owner or operator of the uninsured motor vehicle or any other person or organization jointly or severally liable together with such owner or operator for the accident, ~~+~~ and such coverage must ~~shall~~ cover the difference, if any, between the sum of such benefits and the damages sustained, up to the maximum amount of such coverage provided under this section. The amount of coverage available under this section may ~~shall~~ not be reduced by a setoff against any coverage, including liability insurance. Such coverage does ~~shall~~ not inure directly or indirectly to the benefit of any



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workers' compensation or disability benefits carrier or any person or organization qualifying as a self-insurer under any workers' compensation or disability benefits law or similar law.

~~(7) The legal liability of an uninsured motorist coverage insurer does not include damages in tort for pain, suffering, mental anguish, and inconvenience unless the injury or disease is described in one or more of paragraphs (a) - (d) of s. 627.737(2).~~

Section 41. Subsection (1) and paragraphs (a) and (b) of subsection (2) of section 627.7275, Florida Statutes, are amended to read:

627.7275 Motor vehicle liability.—

(1) A motor vehicle insurance policy ~~providing personal injury protection as set forth in s. 627.736~~ may not be delivered or issued for delivery in this state for a with ~~respect to any~~ specifically insured or identified motor vehicle registered or principally garaged in this state must provide bodily injury liability coverage and ~~unless the policy also provides coverage for~~ property damage liability coverage as required under ~~by~~ s. 324.022.

(2) (a) Insurers writing motor vehicle insurance in this state shall make available, subject to the insurers' usual underwriting restrictions:

1. Coverage under policies as described in subsection (1) to an applicant for private passenger motor vehicle insurance coverage who is seeking the coverage in order to reinstate the applicant's driving privileges in this state if the driving privileges were revoked or suspended pursuant to s. 316.646 or s. 324.0221 due to the failure of the applicant to maintain



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required security.

2. Coverage under policies as described in subsection (1), which includes bodily injury ~~also provides~~ liability coverage and property damage liability coverage, ~~for bodily injury, death, and property damage arising out of the ownership, maintenance, or use of the motor vehicle~~ in an amount not less than the minimum limits required under ~~described in~~ s. 324.021(7) or s. 324.023 and which conforms to the requirements of s. 324.151, to an applicant for private passenger motor vehicle insurance coverage who is seeking the coverage in order to reinstate the applicant's driving privileges in this state after such privileges were revoked or suspended under s. 316.193 or s. 322.26(2) for driving under the influence.

(b) The policies described in paragraph (a) must ~~shall~~ be issued for at least 6 months and, as to the minimum coverages required under this section, may not be canceled by the insured for any reason or by the insurer after 60 days, during which period the insurer is completing the underwriting of the policy. After the insurer has completed underwriting the policy, the insurer shall notify the Department of Highway Safety and Motor Vehicles that the policy is in full force and effect and is not cancelable for the remainder of the policy period. A premium must ~~shall~~ be collected and the coverage is in effect for the 60-day period during which the insurer is completing the underwriting of the policy, whether or not the person's driver license, motor vehicle tag, and motor vehicle registration are in effect. Once the noncancelable provisions of the policy become effective, the bodily injury liability and property damage liability coverages ~~for bodily injury, property damage,~~



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~~and personal injury protection~~ may not be reduced below the minimum limits required under s. 324.021 or s. 324.023 during the policy period.

Section 42. Paragraph (a) of subsection (1) of section 627.728, Florida Statutes, is amended to read:

627.728 Cancellations; nonrenewals.—

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

(a) "Policy" means the bodily injury and property damage liability, ~~personal injury protection~~, medical payments, comprehensive, collision, and uninsured motorist coverage portions of a policy of motor vehicle insurance delivered or issued for delivery in this state:

1. Insuring a natural person as named insured or one or more related individuals who are residents ~~resident~~ of the same household; and

2. Insuring only a motor vehicle of the private passenger type or station wagon type which is not used as a public or livery conveyance for passengers or rented to others; or insuring any other four-wheel motor vehicle having a load capacity of 1,500 pounds or less which is not used in the occupation, profession, or business of the insured other than farming; other than any policy issued under an automobile insurance assigned risk plan or covering garage, automobile sales agency, repair shop, service station, or public parking place operation hazards.

The term "policy" does not include a binder as defined in s. 627.420 unless the duration of the binder period exceeds 60 days.



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Section 43. Subsection (1), paragraph (a) of subsection (5), and subsections (6) and (7) of section 627.7295, Florida Statutes, are amended to read:

627.7295 Motor vehicle insurance contracts.—

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

(a) "Policy" means a motor vehicle insurance policy that provides bodily injury liability ~~personal injury protection~~ coverage and, property damage liability coverage, ~~or both~~.

(b) "Binder" means a binder that provides motor vehicle bodily injury liability coverage ~~personal injury protection~~ and property damage liability coverage.

(5)(a) A licensed general lines agent may charge a per-policy fee up to ~~not to exceed~~ \$10 to cover the administrative costs of the agent associated with selling the motor vehicle insurance policy if the policy covers only bodily injury liability coverage ~~personal injury protection coverage as provided by s. 627.736~~ and property damage liability coverage as provided by s. 627.7275 and if no other insurance is sold or issued in conjunction with or collateral to the policy. The fee is not ~~considered~~ part of the premium.

(6) If a motor vehicle owner's driver license, license plate, and registration have previously been suspended pursuant to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy only as provided in s. 627.7275.

(7) A policy of private passenger motor vehicle insurance or a binder for such a policy may be initially issued in this state only if, before the effective date of such binder or policy, the insurer or agent has collected ~~from the insured an amount equal to~~ 2 months' premium from the insured. An insurer,



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agent, or premium finance company may not, directly or indirectly, take any action that results ~~resulting~~ in the insured paying ~~having paid~~ from the insured's own funds an amount less than the 2 months' premium required by this subsection. This subsection applies without regard to whether the premium is financed by a premium finance company or is paid pursuant to a periodic payment plan of an insurer or an insurance agent.

(a) This subsection does not apply:

1. If an insured or member of the insured's family is renewing or replacing a policy or a binder for such policy written by the same insurer or a member of the same insurer group. ~~This subsection does not apply~~

2. To an insurer that issues private passenger motor vehicle coverage primarily to active duty or former military personnel or their dependents. ~~This subsection does not apply~~

3. If all policy payments are paid pursuant to a payroll deduction plan, an automatic electronic funds transfer payment plan from the policyholder, or a recurring credit card or debit card agreement with the insurer.

(b) This subsection and subsection (4) do not apply if:

1. All policy payments to an insurer are paid pursuant to an automatic electronic funds transfer payment plan from an agent, a managing general agent, or a premium finance company and if the policy includes, at a minimum, bodily injury liability coverage and ~~personal injury protection pursuant to ss. 627.730-627.7405; motor vehicle property damage liability coverage pursuant to s. 627.7275; or and bodily injury liability in at least the amount of \$10,000 because of bodily injury to,~~



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~~or death of, one person in any one accident and in the amount of~~
~~\$20,000 because of bodily injury to, or death of, two or more~~
~~persons in any one accident. This subsection and subsection (4)~~
~~do not apply if~~

2. An insured has had a policy in effect for at least 6 months, the insured's agent is terminated by the insurer that issued the policy, and the insured obtains coverage on the policy's renewal date with a new company through the terminated agent.

Section 44. Section 627.7415, Florida Statutes, is amended to read:

627.7415 Commercial motor vehicles; additional liability insurance coverage.—Beginning January 1, 2020, commercial motor vehicles, as defined in s. 207.002 or s. 320.01, operated upon the roads and highways of this state must ~~shall~~ be insured with the following minimum levels of combined bodily liability insurance and property damage liability insurance in addition to any other insurance requirements:

(1) Sixty ~~Fifty~~ thousand dollars per occurrence for a commercial motor vehicle with a gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds.

(2) One hundred twenty thousand dollars per occurrence for a commercial motor vehicle with a gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds.

(3) Three hundred thousand dollars per occurrence for a commercial motor vehicle with a gross vehicle weight of 44,000 pounds or more.

(4) All commercial motor vehicles subject to regulations of the United States Department of Transportation, 49 C.F.R. part



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387, subpart A, and as may be hereinafter amended, shall be insured in an amount equivalent to the minimum levels of financial responsibility as set forth in such regulations.

A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 45. Paragraphs (b), (c), and (g) of subsection (7) and paragraphs (a) and (b) of subsection (8) of section 627.748, Florida Statutes, are amended to read:

627.748 Transportation network companies.—

(7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE REQUIREMENTS.—

(b) The following automobile insurance requirements apply while a participating TNC driver is logged on to the digital network but is not engaged in a prearranged ride:

1. Automobile insurance that provides:

a. A primary automobile liability coverage of at least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily injury per incident, and \$25,000 for property damage; and

~~b. Personal injury protection benefits that meet the minimum coverage amounts required under ss. 627.730-627.7405;~~
~~and~~

~~e.~~ Uninsured and underinsured vehicle coverage as required by s. 627.727.

2. The coverage requirements of this paragraph may be satisfied by any of the following:

a. Automobile insurance maintained by the TNC driver;



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b. Automobile insurance maintained by the TNC; or

c. A combination of sub-subparagraphs a. and b.

(c) The following automobile insurance requirements apply while a TNC driver is engaged in a prearranged ride:

1. Automobile insurance that provides:

a. A primary automobile liability coverage of at least \$1 million for death, bodily injury, and property damage; and

b. ~~Personal injury protection benefits that meet the minimum coverage amounts required of a limousine under ss. 627.730-627.7405; and~~

~~e.~~ Uninsured and underinsured vehicle coverage as required by s. 627.727.

2. The coverage requirements of this paragraph may be satisfied by any of the following:

a. Automobile insurance maintained by the TNC driver;

b. Automobile insurance maintained by the TNC; or

c. A combination of sub-subparagraphs a. and b.

(g) Insurance satisfying the requirements under this subsection is deemed to satisfy the financial responsibility requirement for a motor vehicle under chapter 324 ~~and the security required under s. 627.733~~ for any period when the TNC driver is logged onto the digital network or engaged in a prearranged ride.

(8) TRANSPORTATION NETWORK COMPANY AND INSURER; DISCLOSURE; EXCLUSIONS.—

(a) Before a TNC driver is allowed to accept a request for a prearranged ride on the digital network, the TNC must disclose in writing to the TNC driver:

1. The insurance coverage, including the types of coverage



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and the limits for each coverage, which the TNC provides while the TNC driver uses a TNC vehicle in connection with the TNC's digital network.

2. That the TNC driver's own automobile insurance policy might not provide any coverage while the TNC driver is logged on to the digital network or is engaged in a prearranged ride, depending on the terms of the TNC driver's own automobile insurance policy.

3. That the provision of rides for compensation which are not prearranged rides subjects the driver to the coverage requirements imposed under s. 324.032(1) and (2) and that failure to meet such coverage requirements subjects the TNC driver to penalties provided in s. 324.221, up to and including a misdemeanor of the second degree.

(b)1. An insurer that provides an automobile liability insurance policy under this part may exclude any and all coverage afforded under the policy issued to an owner or operator of a TNC vehicle while driving that vehicle for any loss or injury that occurs while a TNC driver is logged on to a digital network or while a TNC driver provides a prearranged ride. Exclusions imposed under this subsection are limited to coverage while a TNC driver is logged on to a digital network or while a TNC driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in an automobile insurance policy, including, but not limited to:

a. Liability coverage for bodily injury and property damage;

b. Uninsured and underinsured motorist coverage;

c. Medical payments coverage;



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d. Comprehensive physical damage coverage; and

e. Collision physical damage coverage; ~~and~~

~~f. Personal injury protection.~~

2. The exclusions described in subparagraph 1. apply notwithstanding any requirement under chapter 324. These exclusions do not affect or diminish coverage otherwise available for permissive drivers or resident relatives under the personal automobile insurance policy of the TNC driver or owner of the TNC vehicle who are not occupying the TNC vehicle at the time of loss. This section does not require that a personal automobile insurance policy provide coverage while the TNC driver is logged on to a digital network, while the TNC driver is engaged in a prearranged ride, or while the TNC driver otherwise uses a vehicle to transport riders for compensation.

3. This section must not be construed to require an insurer to use any particular policy language or reference to this section in order to exclude any and all coverage for any loss or injury that occurs while a TNC driver is logged on to a digital network or while a TNC driver provides a prearranged ride.

4. This section does not preclude an insurer from providing primary or excess coverage for the TNC driver's vehicle by contract or endorsement.

Section 46. Section 627.8405, Florida Statutes, is amended to read:

627.8405 Prohibited acts; financing companies.—~~A~~ No premium finance company ~~shall~~, in a premium finance agreement or other agreement, may not finance the cost of or otherwise provide for the collection or remittance of dues, assessments, fees, or other periodic payments of money for the cost of:



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(1) A membership in an automobile club. The term "automobile club" means a legal entity that ~~which~~, in consideration of dues, assessments, or periodic payments of money, promises its members or subscribers to assist them in matters relating to the ownership, operation, use, or maintenance of a motor vehicle; however, the term ~~this definition of "automobile club"~~ does not include persons, associations, or corporations ~~which are~~ organized and operated solely for the purpose of conducting, sponsoring, or sanctioning motor vehicle races, exhibitions, or contests upon racetracks, or upon racecourses established and marked as such for the duration of such particular events. The term ~~words~~ "motor vehicle" used herein has ~~have~~ the same meaning as defined in chapter 320.

(2) An accidental death and dismemberment policy sold in combination with a policy providing only bodily injury liability coverage ~~personal injury protection~~ and property damage liability coverage ~~only policy~~.

(3) Any product not regulated under ~~the provisions of~~ this insurance code.

This section also applies to premium financing by any insurance agent or insurance company under part XVI. The commission shall adopt rules to assure disclosure, at the time of sale, of coverages financed ~~with personal injury protection~~ and shall prescribe the form of such disclosure.

Section 47. Subsection (1) of section 627.915, Florida Statutes, is amended to read:

627.915 Insurer experience reporting.—



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(1) Each insurer transacting private passenger automobile insurance in this state shall report certain information annually to the office. The information will be due on or before July 1 of each year. The information must ~~shall~~ be divided into the following categories: bodily injury liability; property damage liability; uninsured motorist; ~~personal injury protection benefits~~; medical payments; and comprehensive and collision. The information given must ~~shall~~ be on direct insurance writings in the state alone and ~~shall~~ represent total limits data. The information set forth in paragraphs (a)-(f) is applicable to voluntary private passenger and Joint Underwriting Association private passenger writings and must ~~shall~~ be reported for each of the latest 3 calendar-accident years, with an evaluation date of March 31 of the current year. The information set forth in paragraphs (g)-(j) is applicable to voluntary private passenger writings and must ~~shall~~ be reported on a calendar-accident year basis ultimately seven times at seven different stages of development.

(a) Premiums earned for the latest 3 calendar-accident years.

(b) Loss development factors and the historic development of those factors.

(c) Policyholder dividends incurred.

(d) Expenses for other acquisition and general expense.

(e) Expenses for agents' commissions and taxes, licenses, and fees.

(f) Profit and contingency factors as utilized in the insurer's automobile rate filings for the applicable years.

(g) Losses paid.



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2099 (h) Losses unpaid.
2100 (i) Loss adjustment expenses paid.
2101 (j) Loss adjustment expenses unpaid.
2102 Section 48. Subsections (2) and (3) of section 628.909,
2103 Florida Statutes, are amended to read:
2104 628.909 Applicability of other laws.—
2105 (2) The following provisions of the Florida Insurance Code
2106 apply to captive insurance companies that ~~who~~ are not industrial
2107 insured captive insurance companies to the extent that such
2108 provisions are not inconsistent with this part:
2109 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2110 624.40851, 624.4095, 624.411, 624.425, and 624.426.
2111 (b) Chapter 625, part II.
2112 (c) Chapter 626, part IX.
2113 (d) ~~Sections 627.730-627.7405, when no-fault coverage is~~
2114 ~~provided.~~
2115 ~~(e) Chapter 628.~~
2116 (3) The following provisions of the Florida Insurance Code
2117 ~~shall~~ apply to industrial insured captive insurance companies to
2118 the extent that such provisions are not inconsistent with this
2119 part:
2120 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2121 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).
2122 (b) Chapter 625, part II, if the industrial insured captive
2123 insurance company is incorporated in this state.
2124 (c) Chapter 626, part IX.
2125 (d) ~~Sections 627.730-627.7405 when no-fault coverage is~~
2126 ~~provided.~~
2127 ~~(e) Chapter 628, except for ss. 628.341, 628.351, and~~



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628.6018.

Section 49. Subsections (2), (6), and (7) of section 705.184, Florida Statutes, are amended to read:

705.184 Derelict or abandoned motor vehicles on the premises of public-use airports.—

(2) The airport director or the director's designee shall contact the Department of Highway Safety and Motor Vehicles to notify that department that the airport has possession of the abandoned or derelict motor vehicle and to determine the name and address of the owner of the motor vehicle, the insurance company insuring the motor vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and any person who has filed a lien on the motor vehicle. Within 7 business days after receipt of the information, the director or the director's designee shall send notice by certified mail, return receipt requested, to the owner of the motor vehicle, the insurance company insuring the motor vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all persons of record claiming a lien against the motor vehicle. The notice must ~~shall~~ state the fact of possession of the motor vehicle, that charges for reasonable towing, storage, and parking fees, if any, have accrued and the amount thereof, that a lien as provided in subsection (6) will be claimed, that the lien is subject to enforcement pursuant to law, that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (4), and that any motor vehicle which, at the end of 30 calendar days after receipt of the notice, has not been removed from the airport upon payment in full of all accrued charges for reasonable towing, storage, and parking fees, if any, may be disposed of as provided in s. 705.182(2)(a), (b),



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(d), or (e), including, but not limited to, the motor vehicle being sold free of all prior liens after 35 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are more than 5 years of age or after 50 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are 5 years of age or less.

(6) The airport pursuant to this section or, if used, a licensed independent wrecker company pursuant to s. 713.78 shall have a lien on an abandoned or derelict motor vehicle for all reasonable towing, storage, and accrued parking fees, if any, except that no storage fee may ~~shall~~ be charged if the motor vehicle is stored less than 6 hours. As a prerequisite to perfecting a lien under this section, the airport director or the director's designee must serve a notice in accordance with subsection (2) on the owner of the motor vehicle, the insurance company insuring the motor vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all persons of record claiming a lien against the motor vehicle. If attempts to notify the owner, the insurance company insuring the motor vehicle, ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are not successful, the requirement of notice by mail shall be considered met. Serving of the notice does not dispense with recording the claim of lien.

(7) (a) For the purpose of perfecting its lien under this section, the airport shall record a claim of lien which states ~~shall state~~:

1. The name and address of the airport.
2. The name of the owner of the motor vehicle, the insurance company insuring the motor vehicle, ~~notwithstanding~~



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~~the provisions of s. 627.736,~~ and all persons of record claiming
a lien against the motor vehicle.

3. The costs incurred from reasonable towing, storage, and
parking fees, if any.

4. A description of the motor vehicle sufficient for
identification.

(b) The claim of lien must ~~shall~~ be signed and sworn to or
affirmed by the airport director or the director's designee.

(c) The claim of lien is ~~shall be~~ sufficient if it is in
substantially the following form:

CLAIM OF LIEN

State of

County of

Before me, the undersigned notary public, personally
appeared, who was duly sworn and says that he/she is
the of, whose address is.....; and that
the following described motor vehicle:

...(Description of motor vehicle)...

owned by, whose address is, has accrued
\$..... in fees for a reasonable tow, for storage, and for
parking, if applicable; that the lienor served its notice to the
owner, the insurance company insuring the motor vehicle
~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~
and all persons of record claiming a lien against the motor
vehicle on, ...(year)...., by.....

...(Signature)...

Sworn to (or affirmed) and subscribed before me this
day of, ...(year)...., by ...(name of person making



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statement)....

...(Signature of Notary Public).....(Print, Type, or Stamp
Commissioned name of Notary Public)...

Personally Known....OR Produced....as identification.

However, the negligent inclusion or omission of any
information in this claim of lien which does not prejudice the
owner does not constitute a default that operates to defeat an
otherwise valid lien.

(d) The claim of lien must ~~shall~~ be served on the owner of
the motor vehicle, the insurance company insuring the motor
vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
persons of record claiming a lien against the motor vehicle. If
attempts to notify the owner, the insurance company insuring the
motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
lienholders are not successful, the requirement of notice by
mail shall be considered met. The claim of lien must ~~shall~~ be so
served before recordation.

(e) The claim of lien must ~~shall~~ be recorded with the clerk
of court in the county where the airport is located. The
recording of the claim of lien shall be constructive notice to
all persons of the contents and effect of such claim. The lien
attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
~~take~~ priority as of that time.

Section 50. Subsection (4) of section 713.78, Florida
Statutes, is amended to read:

713.78 Liens for recovering, towing, or storing vehicles
and vessels.—

(4) (a) Any person regularly engaged in the business of



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recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2), and who claims a lien for recovery, towing, or storage services, shall give notice to the registered owner, the insurance company insuring the vehicle ~~notwithstanding the provisions of s. 627.736~~, and to all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or as disclosed by the records of any corresponding agency in any other state in which the vehicle is identified through a records check of the National Motor Vehicle Title Information System or an equivalent commercially available system as being titled or registered.

(b) If a ~~Whenever any~~ law enforcement agency authorizes the removal of a vehicle or vessel or if a ~~whenever any~~ towing service, garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law enforcement agency of the jurisdiction where the vehicle or vessel is stored shall contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications, giving the full description of the vehicle or vessel. Upon receipt of the full description of the vehicle or vessel, the department shall search its files to determine the owner's name, the insurance company insuring the vehicle or vessel, and whether any person has filed a lien upon the vehicle or vessel as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop,



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or automotive service, storage, or parking place shall obtain such information from the applicable law enforcement agency within 5 days after the date of storage and shall give notice pursuant to paragraph (a). The department may release the insurance company information to the requestor ~~notwithstanding the provisions of s. 627.736.~~

(c) Notice by certified mail must ~~shall~~ be sent within 7 business days after the date of storage of the vehicle or vessel to the registered owner, the insurance company insuring the vehicle ~~notwithstanding the provisions of s. 627.736~~, and all persons of record claiming a lien against the vehicle or vessel. The notice must ~~It shall~~ state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, ~~and~~ that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold free of all prior liens after 35 days if the vehicle or vessel is more than 3 years of age or after 50 days if the vehicle or vessel is 3 years of age or less.

(d) If attempts to locate the name and address of the owner or lienholder prove unsuccessful, the towing-storage operator must ~~shall~~, after 7 working days, excluding Saturday and Sunday, of the initial tow or storage, notify the public agency of jurisdiction where the vehicle or vessel is stored in writing by certified mail or acknowledged hand delivery that the towing-storage company has been unable to locate the name and address



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of the owner or lienholder and a physical search of the vehicle or vessel has disclosed no ownership information and a good faith effort has been made, including records checks of the Department of Highway Safety and Motor Vehicles database and the National Motor Vehicle Title Information System or an equivalent commercially available system. As used in ~~For purposes of~~ this paragraph and subsection (9), the term "good faith effort" means that the following checks have been performed by the company to establish prior state of registration and for title:

1. Check of the Department of Highway Safety and Motor Vehicles database for the owner and any lienholder.

2. Check of the electronic National Motor Vehicle Title Information System or an equivalent commercially available system to determine the state of registration when there is not a current registration record for the vehicle on file with the Department of Highway Safety and Motor Vehicles.

3. Check of vehicle or vessel for any type of tag, tag record, temporary tag, or regular tag.

4. Check of law enforcement report for tag number or other information identifying the vehicle or vessel, if the vehicle or vessel was towed at the request of a law enforcement officer.

5. Check of trip sheet or tow ticket of tow truck operator to see if a tag was on vehicle or vessel at beginning of tow, if private tow.

6. If there is no address of the owner on the impound report, check of law enforcement report to see if an out-of-state address is indicated from driver license information.

7. Check of vehicle or vessel for inspection sticker or other stickers and decals that may indicate a state of possible



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registration.

8. Check of the interior of the vehicle or vessel for any papers that may be in the glove box, trunk, or other areas for a state of registration.

9. Check of vehicle for vehicle identification number.

10. Check of vessel for vessel registration number.

11. Check of vessel hull for a hull identification number which should be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.

Section 51. Paragraph (a) of subsection (1), paragraph (c) of subsection (7), paragraphs (a), (b), and (c) of subsection (8), and subsections (9) and (10) of section 817.234, Florida Statutes, are amended to read:

817.234 False and fraudulent insurance claims.—

(1)(a) A person commits insurance fraud punishable as provided in subsection (11) if that person, with the intent to injure, defraud, or deceive any insurer:

1. Presents or causes to be presented any written or oral statement as part of, or in support of, a claim for payment or other benefit pursuant to an insurance policy or a health maintenance organization subscriber or provider contract, knowing that such statement contains ~~any~~ false, incomplete, or misleading information concerning any fact or thing material to such claim;

2. Prepares or makes any written or oral statement that is intended to be presented to an ~~any~~ insurer in connection with, or in support of, any claim for payment or other benefit



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pursuant to an insurance policy or a health maintenance organization subscriber or provider contract, knowing that such statement contains ~~any~~ false, incomplete, or misleading information concerning any fact or thing material to such claim;

3.a. Knowingly presents, causes to be presented, or prepares or makes with knowledge or belief that it will be presented to an ~~any~~ insurer, purported insurer, servicing corporation, insurance broker, or insurance agent, or any employee or agent thereof, ~~any~~ false, incomplete, or misleading information or a written or oral statement as part of, or in support of, an application for the issuance of, or the rating of, any insurance policy, or a health maintenance organization subscriber or provider contract; or

b. Knowingly conceals information concerning any fact material to such application; or

4. Knowingly presents, causes to be presented, or prepares or makes with knowledge or belief that it will be presented to any insurer a claim for payment or other benefit under medical payments coverage in a motor vehicle ~~a personal injury protection~~ insurance policy if the person knows that the payee knowingly submitted a false, misleading, or fraudulent application or other document when applying for licensure as a health care clinic, seeking an exemption from licensure as a health care clinic, or demonstrating compliance with part X of chapter 400.

(7)

~~(c) An insurer, or any person acting at the direction of or on behalf of an insurer, may not change an opinion in a mental or physical report prepared under s. 627.736(7) or direct the~~



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~~physician preparing the report to change such opinion; however, this provision does not preclude the insurer from calling to the attention of the physician errors of fact in the report based upon information in the claim file. Any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(8)(a) It is unlawful for any person intending to defraud any other person to solicit or cause to be solicited any business from a person involved in a motor vehicle accident for the purpose of making, adjusting, or settling motor vehicle tort claims or claims for benefits under medical payments coverage in a motor vehicle insurance policy ~~personal injury protection benefits required by s. 627.736~~. Any person who violates ~~the provisions of~~ this paragraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person who is convicted of a violation of this subsection shall be sentenced to a minimum term of imprisonment of 2 years.

(b) A person may not solicit or cause to be solicited any business from a person involved in a motor vehicle accident by any means of communication other than advertising directed to the public for the purpose of making motor vehicle tort claims or claims for benefits under medical payments coverage in a motor vehicle insurance policy ~~personal injury protection benefits required by s. 627.736~~, within 60 days after the occurrence of the motor vehicle accident. Any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A lawyer, health care practitioner as defined in s.



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456.001, or owner or medical director of a clinic required to be licensed pursuant to s. 400.9905 may not, at any time after 60 days have elapsed from the occurrence of a motor vehicle accident, solicit or cause to be solicited any business from a person involved in a motor vehicle accident by means of in person or telephone contact at the person's residence, for the purpose of making motor vehicle tort claims or claims for benefits under medical payments coverage in a motor vehicle insurance policy ~~personal injury protection benefits required by s. 627.736~~. Any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(9) A person may not organize, plan, or knowingly participate in an intentional motor vehicle crash or a scheme to create documentation of a motor vehicle crash that did not occur for the purpose of making motor vehicle tort claims or claims for benefits under medical payments coverage in a motor vehicle insurance policy ~~personal injury protection benefits as required by s. 627.736~~. Any person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person who is convicted of a violation of this subsection shall be sentenced to a minimum term of imprisonment of 2 years.

(10) A licensed health care practitioner who is found guilty of insurance fraud under this section for an act relating to a motor vehicle ~~personal injury protection~~ insurance policy loses his or her license to practice for 5 years and may not receive reimbursement under medical payments coverage in a motor vehicle insurance policy ~~for personal injury protection benefits~~



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for 10 years.

Section 52. Section 627.7278, Florida Statutes, is created to read:

Applicability and construction; notice to policyholders.—

(1) As used in this section, the term “minimum security requirements” means security that enables a person to respond in damages for liability on account of crashes arising out of the ownership, maintenance, or use of a motor vehicle, in the amounts required by s. 324.021(7), Florida Statutes.

(2) Effective January 1, 2020:

(a) Motor vehicle insurance policies issued or renewed on or after that date may not include personal injury protection.

(b) All persons subject to s. 324.022, s. 324.032, s. 627.7415, or s. 627.742, Florida Statutes, must maintain at least minimum security requirements.

(c) Any new or renewal motor vehicle insurance policy delivered or issued for delivery in this state must provide coverage that complies with minimum security requirements.

(d) An existing motor vehicle insurance policy issued before that date which provides personal injury protection and property damage liability coverage that meets the requirements of s. 324.022, Florida Statutes, on December 31, 2019, but which does not meet minimum security requirements on or after January 1, 2020, is deemed to meet the security requirements of s. 324.022, Florida Statutes, until such policy is renewed, nonrenewed, or canceled on or after January 1, 2020. Sections 627.730-627.7405, 400.9905, 400.991, 456.057, 456.072, 627.7263, 627.727, 627.748, 627.9541(1)(i), and 817.234, Florida Statutes 2018, remain in full force and effect for motor vehicle



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accidents covered under a policy issued under the Florida Motor Vehicle No-Fault Law before January 1, 2020, until the policy is renewed, nonrenewed, or canceled.

(3) Each insurer shall allow each insured who has a new or renewal policy providing personal injury protection which becomes effective before January 1, 2020, and whose policy does not meet minimum security requirements on or after January 1, 2020, to change coverages so as to eliminate personal injury protection and obtain coverage providing minimum security requirements, which shall be effective on or after January 1, 2020. The insurer is not required to provide coverage complying with minimum security requirements in such policies if the insured does not pay the required premium, if any, by January 1, 2020, or such later date as the insurer may allow. The insurer must also offer each insured medical payments coverage pursuant to s. 627.7265, Florida Statutes. Any reduction in the premium must be refunded by the insurer. The insurer may not impose on the insured an additional fee or charge that applies solely to a change in coverage; however, the insurer may charge an additional required premium that is actuarially indicated.

(4) By September 1, 2019, each motor vehicle insurer shall provide notice of this section to each motor vehicle policyholder who is subject to this section. The notice is subject to approval by the Office of Insurance Regulation and must clearly inform the policyholder that:

(a) The Florida Motor Vehicle No-Fault Law is repealed, effective January 1, 2020, and that on or after that date, the insured is no longer required to maintain personal injury protection insurance coverage, that personal injury protection



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coverage is no longer available for purchase in this state, and
that all new or renewal policies issued on or after that date
will not contain such coverage.

(b) Effective January 1, 2020, a person subject to the
financial responsibility requirements of s. 324.022, Florida
Statutes, must maintain minimum security requirements that
enable the person to respond to damages for liability on account
of accidents arising out of the use of a motor vehicle in the
following amounts:

1. Twenty-five thousand dollars for bodily injury to, or
the death of, one person in any one crash and, subject to such
limits for one person, in the amount of \$50,000 for bodily
injury to, or the death of, two or more persons in any one
crash; and

2. Ten thousand dollars for damage to, or destruction of,
the property of others in any one crash.

(c) Bodily injury liability coverage protects the insured,
up to the coverage limits, against loss if the insured is
legally responsible for the death of or bodily injury to others
in a motor vehicle accident.

(d) Effective January 1, 2020, each policyholder of motor
vehicle liability insurance purchased as proof of financial
responsibility must be offered medical payments coverage
benefits that comply with s. 627.7265, Florida Statutes. The
insurer must offer medical payments coverage at limits of \$5,000
and \$10,000 without a deductible. The insurer may also offer
medical payments coverage at other limits greater than \$5,000,
and may offer coverage with a deductible of up to \$500. Medical
payments coverage pays covered medical expenses, up to the



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limits of such coverage, for injuries sustained in a motor vehicle crash by the named insured, resident relatives, persons operating the insured motor vehicle, passengers in the insured motor vehicle, and persons who are struck by the insured motor vehicle and suffer bodily injury while not an occupant of a self-propelled motor vehicle as provided in s. 627.7265, Florida Statutes. Medical payments coverage also provides a death benefit of at least \$5,000.

(e) The policyholder may obtain uninsured and underinsured motorist coverage, which provides benefits, up to the limits of such coverage, to a policyholder or other insured entitled to recover damages for bodily injury, sickness, disease, or death resulting from a motor vehicle accident with an uninsured or underinsured owner or operator of a motor vehicle.

(f) If the policyholder's new or renewal motor vehicle insurance policy is effective before January 1, 2020, and contains personal injury protection and property damage liability coverage as required by state law before January 1, 2020, but does not meet minimum security requirements on or after January 1, 2020, the policy is deemed to meet minimum security requirements until it is renewed, nonrenewed, or canceled on or after January 1, 2020.

(g) A policyholder whose new or renewal policy becomes effective before January 1, 2020, but does not meet minimum security requirements on or after January 1, 2020, may change coverages under the policy so as to eliminate personal injury protection and to obtain coverage providing minimum security requirements, including bodily injury liability coverage, which are effective on or after January 1, 2020.



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(h) If the policyholder has any questions, he or she should contact the person named at the telephone number provided in the notice.

(5) This section takes effect upon this act becoming a law.
Section 53. Section 324.0222, Florida Statutes, is created to read:

Application of suspensions for failure to maintain security; reinstatement.—All suspensions for failure to maintain required security as required by law in effect before January 1, 2020, remain in full force and effect after January 1, 2020. A driver may reinstate a suspended driver license or registration as provided under s. 324.0221, Florida Statutes.

Section 54. For the 2019-2020 fiscal year, the sum of \$83,651 in nonrecurring funds is appropriated from the Insurance Regulatory Trust Fund to the Office of Insurance Regulation for the purpose of implementing this act.

Section 55. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect January 1, 2020.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to motor vehicle insurance; repealing ss. 627.730, 627.731, 627.7311, 627.732, 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403, and 627.7405, F.S., which



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2592 comprise the Florida Motor Vehicle No-Fault Law; repealing s.
2593 627.7407, F.S., relating to application of the Florida Motor
2594 Vehicle No-Fault Law; amending s. 316.646, F.S.; revising a
2595 requirement for proof of security on a motor vehicle and the
2596 applicability of the requirement; amending s. 318.18, F.S.;
2597 conforming a provision to changes made by the act; amending s.
2598 320.02, F.S.; revising the motor vehicle insurance coverages
2599 that an applicant must show to register certain vehicles with
2600 the Department of Highway Safety and Motor Vehicles; conforming
2601 a provision to changes made by the act; revising construction;
2602 amending s. 320.0609, F.S.; conforming a provision to changes
2603 made by the act; amending s. 320.27, F.S.; defining the term
2604 "garage liability insurance"; revising garage liability
2605 insurance requirements for motor vehicle dealer applicants;
2606 conforming a provision to changes made by the act; amending s.
2607 320.771, F.S.; revising garage liability insurance requirements
2608 for recreational vehicle dealer license applicants; amending ss.
2609 322.251 and 322.34, F.S.; conforming provisions to changes made
2610 by the act; amending s. 324.011, F.S.; revising legislative
2611 intent; amending s. 324.021, F.S.; revising definitions of the
2612 terms "motor vehicle" and "proof of financial responsibility";
2613 revising minimum coverage requirements for proof of financial
2614 responsibility for specified motor vehicles; defining the term
2615 "for-hire passenger transportation vehicle"; conforming
2616 provisions to changes made by the act; amending s. 324.022,
2617 F.S.; revising minimum liability coverage requirements for motor
2618 vehicle owners or operators; revising authorized methods for
2619 meeting such requirements; deleting a provision relating to an
2620 insurer's duty to defend certain claims; revising the vehicles



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2621 that are excluded from the definition of the term "motor
2622 vehicle"; providing security requirements for certain excluded
2623 vehicles; conforming provisions to changes made by the act;
2624 conforming cross-references; amending s. 324.0221, F.S.;
2625 revising coverages that subject a policy to certain insurer
2626 reporting and notice requirements; conforming provisions to
2627 changes made by the act; amending s. 324.023, F.S.; conforming
2628 cross-references; amending s. 324.031, F.S.; revising the amount
2629 of a certificate of deposit required to elect a certain method
2630 of proof of financial responsibility; revising excess liability
2631 coverage requirements for a person electing to use such method;
2632 amending s. 324.032, F.S.; revising financial responsibility
2633 requirements for owners or lessees of for-hire passenger
2634 transportation vehicles; amending ss. 324.051, 324.071, 324.091,
2635 and 324.151, F.S.; making technical changes; amending s.
2636 324.161, F.S.; revising requirements for a certificate of
2637 deposit that is required if a person elects a certain method of
2638 proving financial responsibility; amending s. 324.171, F.S.;
2639 revising the minimum net worth requirements to qualify certain
2640 persons as self-insurers; conforming provisions to changes made
2641 by the act; amending s. 324.251, F.S.; revising the short title
2642 and an effective date; amending s. 400.9905, F.S.; revising the
2643 definition of the term "clinic"; amending ss. 400.991 and
2644 400.9935, F.S.; conforming provisions to changes made by the
2645 act; amending s. 409.901, F.S.; revising the definition of the
2646 term "third-party benefit"; amending s. 409.910, F.S.; revising
2647 the definition of the term "medical coverage"; amending s.
2648 456.057, F.S.; conforming a cross-reference; amending s.
2649 456.072, F.S.; revising specified grounds for discipline for



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2650 certain health professions; amending s. 626.9541, F.S.;

2651 conforming a provision to changes made by the act; revising the

2652 type of insurance coverage applicable to a certain prohibited

2653 act; amending s. 626.989, F.S.; revising the definition of the

2654 term "fraudulent insurance act"; amending s. 627.06501, F.S.;

2655 revising coverages that may provide for a reduction in motor

2656 vehicle insurance policy premium charges under certain

2657 circumstances; amending s. 627.0652, F.S.; revising coverages

2658 that must provide a premium charge reduction under certain

2659 circumstances; amending s. 627.0653, F.S.; revising coverages

2660 subject to premium discounts for specified motor vehicle

2661 equipment; amending s. 627.4132, F.S.; revising the coverages of

2662 a motor vehicle policy which are subject to a stacking

2663 prohibition; amending s. 627.7263, F.S.; revising coverages that

2664 are deemed primary, except under certain circumstances, for the

2665 lessor of a motor vehicle for lease or rent; revising a notice

2666 that is required if the lessee's coverage is to be primary;

2667 creating s. 627.7265, F.S.; specifying persons whom medical

2668 payments coverage must protect; requiring medical payments

2669 coverage to provide specified medical expense coverage and a

2670 specified death benefit; specifying coverage options an insurer

2671 must and may offer; providing that motor vehicle liability

2672 insurance policies are deemed to have medical payments coverage

2673 at a certain limit and with no deductible, unless rejected or

2674 modified by the policyholder by certain means; specifying

2675 requirements for certain forms approved by the Office of

2676 Insurance Regulation; requiring insurers to provide

2677 policyholders with a certain annual notice; providing

2678 construction relating to limits on certain other coverages;



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2679 requiring insurers, upon receiving a certain notice of an
2680 accident, to hold a specified reserve for certain purposes for a
2681 specified time; providing that the reserve requirement does not
2682 require insurers to establish a claim reserve for accounting
2683 purposes; providing that an insurer providing medical payments
2684 coverage benefits may not have a lien on a certain recovery and
2685 may not have certain causes of action; amending s. 627.727,
2686 F.S.; conforming provisions to changes made by the act; amending
2687 s. 627.7275, F.S.; revising required coverages for a motor
2688 vehicle insurance policy; conforming provisions to changes made
2689 by the act; amending s. 627.728, F.S.; conforming a provision to
2690 changes made by the act; amending s. 627.7295, F.S.; revising
2691 the definitions of the terms "policy" and "binder"; revising the
2692 coverages of a motor vehicle insurance policy for which a
2693 licensed general lines agent may charge a specified fee;
2694 conforming a provision to changes made by the act; amending s.
2695 627.7415, F.S.; revising additional liability insurance
2696 requirements for commercial motor vehicles; amending s. 627.748,
2697 F.S.; revising insurance requirements for transportation network
2698 company drivers; conforming provisions to changes made by the
2699 act; amending s. 627.8405, F.S.; revising coverages in a policy
2700 sold in combination with an accidental death and dismemberment
2701 policy which a premium finance company may not finance; revising
2702 rulemaking authority of the Financial Services Commission;
2703 amending ss. 627.915, 628.909, 705.184, and 713.78, F.S.;
2704 conforming provisions to changes made by the act; amending s.
2705 817.234, F.S.; revising coverages that are the basis of
2706 specified prohibited false and fraudulent insurance claims;
2707 conforming provisions to changes made by the act; defining the



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2708 term "minimum security requirements"; providing requirements,
2709 applicability, and construction relating to motor vehicle
2710 insurance policies as of a certain date; requiring insurers to
2711 allow certain insureds to make certain coverage changes, subject
2712 to certain conditions; requiring an insurer to provide, by a
2713 specified date, a specified notice to policyholders relating to
2714 requirements under the act; providing that driver license or
2715 registration suspensions for failure to maintain required
2716 security which were in effect before a specified date remain in
2717 full force and effect; providing that such suspended licenses or
2718 registrations may be reinstated as provided in a specified
2719 section; providing an appropriation; providing effective dates.
2720



507362

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/13/2019	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Hutson and Bean) recommended the following:

Senate Amendment to Amendment (579484) (with title amendment)

Delete lines 801 - 845
and insert:

or persons ~~owner~~ named therein, and, except for a named driver excluded under s. 627.747, must insure any other person as operator using such motor vehicle or motor vehicles with the express or implied permission of such owner against loss from the liability imposed by law for damage arising out of the



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11 ownership, maintenance, or use of any ~~such~~ motor vehicle or
12 motor vehicles within the United States or ~~the Dominion of~~
13 Canada, subject to limits, exclusive of interest and costs with
14 respect to each such motor vehicle, as is provided for under s.
15 324.021(7). Insurers may make available, with respect to
16 property damage liability coverage, a deductible amount not to
17 exceed \$500. In the event of a property damage loss covered by a
18 policy containing a property damage deductible provision, the
19 insurer shall pay to the third-party claimant the amount of any
20 property damage liability settlement or judgment, subject to
21 policy limits, as if no deductible existed.

22 (b) An operator's motor vehicle liability policy of
23 insurance must ~~shall~~ insure the person or persons named therein
24 against loss from the liability imposed ~~upon him or her~~ by law
25 for damages arising out of the use by the person of any motor
26 vehicle not owned by him or her, with the same territorial
27 limits and subject to the same limits of liability as referred
28 to above with respect to an owner's policy of liability
29 insurance.

30 (c) All such motor vehicle liability policies must ~~shall~~
31 state the name and address of the named insured, the coverage
32 afforded by the policy, the premium charged therefor, the policy
33 period, and the limits of liability, and must ~~shall~~ contain an
34 agreement or be endorsed that insurance is provided in
35 accordance with the coverage defined in this chapter ~~as respects~~
36 ~~bodily injury and death or property damage or both~~ and is
37 subject to ~~all provisions of~~ this chapter. The ~~Said~~ policies
38 must ~~shall~~ also contain a provision that the satisfaction by an
39 insured of a judgment for such injury or damage may ~~shall~~ not be



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a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage, and ~~must shall~~ also contain a provision that bankruptcy or insolvency of the insured or of the insured's estate ~~may shall~~ not relieve the insurance carrier of any of its obligations under ~~the said~~ policy.

(2) ~~The provisions of~~ This section ~~is shall~~ not be applicable to any motor vehicle ~~automobile~~ liability policy unless and until it is furnished as proof of financial responsibility for the future pursuant to s. 324.031, and then applies only from ~~and after~~ the date ~~the said~~ policy is ~~so~~ furnished.

Section 22. Section 627.747, Florida Statutes, is created to read:

627.747 Named driver exclusion.—

(1) A private passenger motor vehicle policy may exclude an identified individual from the following coverages while the identified individual is operating a motor vehicle, provided that the identified individual is specifically excluded by name on the declarations page or by endorsement, and a policyholder consents in writing to such exclusion:

(a) Property damage liability coverage.

(b) Bodily injury liability coverage.

(c) Uninsured motorist coverage for any damages sustained by the identified excluded individual, if the policyholder has purchased such coverage.

(d) Any coverage the policyholder is not required by law to purchase.

(2) A private passenger motor vehicle policy may not



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exclude coverage when:

(a) The identified excluded individual is injured while not
operating a motor vehicle;

(b) The exclusion is unfairly discriminatory under the
Florida Insurance Code, as determined by the office; or

(c) The exclusion is inconsistent with the underwriting
rules filed by the insurer pursuant to s. 627.0651(13)(a).

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

And the title is amended as follows:

Delete lines 2634 - 2635

and insert:

transportation vehicles; amending ss. 324.051,
324.071, and 324.091, F.S.; making technical changes;
amending s. 324.151, F.S.; conforming a provision to
changes made by the act; making technical changes;
creating s. 627.747, F.S.; providing that private
passenger motor vehicle policies may exclude certain
identified individuals from specified coverages under
certain circumstances; providing that such policies
may not exclude coverage under certain circumstances;
amending s.

By Senator Lee

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1 A bill to be entitled
 2 An act relating to motor vehicle insurance; repealing
 3 ss. 627.730, 627.731, 627.7311, 627.732, 627.733,
 4 627.734, 627.736, 627.737, 627.739, 627.7401,
 5 627.7403, and 627.7405, F.S., which comprise the
 6 Florida Motor Vehicle No-Fault Law; repealing s.
 7 627.7407, F.S., relating to application of the Florida
 8 Motor Vehicle No-Fault Law; amending s. 316.646, F.S.;
 9 revising a requirement for proof of security on a
 10 motor vehicle and the applicability of the
 11 requirement; amending s. 318.18, F.S.; conforming a
 12 provision to changes made by the act; amending s.
 13 320.02, F.S.; revising the motor vehicle insurance
 14 coverages that an applicant must show to register
 15 certain vehicles with the Department of Highway Safety
 16 and Motor Vehicles; conforming a provision to changes
 17 made by the act; revising construction; amending s.
 18 320.0609, F.S.; conforming a provision to changes made
 19 by the act; amending s. 320.27, F.S.; defining the
 20 term "garage liability insurance"; revising garage
 21 liability insurance requirements for motor vehicle
 22 dealer applicants; conforming a provision to changes
 23 made by the act; amending s. 320.771, F.S.; revising
 24 garage liability insurance requirements for
 25 recreational vehicle dealer license applicants;
 26 amending ss. 322.251 and 322.34, F.S.; conforming
 27 provisions to changes made by the act; amending s.
 28 324.011, F.S.; revising legislative intent; amending
 29 s. 324.021, F.S.; revising definitions of the terms

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30 "motor vehicle" and "proof of financial
 31 responsibility"; revising minimum coverage
 32 requirements for proof of financial responsibility for
 33 specified motor vehicles; defining the term "for-hire
 34 passenger transportation vehicle"; conforming
 35 provisions to changes made by the act; amending s.
 36 324.022, F.S.; revising minimum liability coverage
 37 requirements for motor vehicle owners or operators;
 38 revising authorized methods for meeting such
 39 requirements; deleting a provision relating to an
 40 insurer's duty to defend certain claims; revising the
 41 vehicles that are excluded from the definition of the
 42 term "motor vehicle"; providing security requirements
 43 for certain excluded vehicles; conforming provisions
 44 to changes made by the act; conforming cross-
 45 references; amending s. 324.0221, F.S.; revising
 46 coverages that subject a policy to certain insurer
 47 reporting and notice requirements; conforming
 48 provisions to changes made by the act; amending s.
 49 324.023, F.S.; conforming cross-references; amending
 50 s. 324.031, F.S.; revising the amount of a certificate
 51 of deposit required to elect a certain method of proof
 52 of financial responsibility; revising excess liability
 53 coverage requirements for a person electing to use
 54 such method; amending s. 324.032, F.S.; revising
 55 financial responsibility requirements for owners or
 56 lessees of for-hire passenger transportation vehicles;
 57 amending ss. 324.051, 324.071, 324.091, and 324.151,
 58 F.S.; making technical changes; amending s. 324.161,

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59 F.S.; revising requirements for a certificate of
 60 deposit that is required if a person elects a certain
 61 method of proving financial responsibility; amending
 62 s. 324.171, F.S.; revising the minimum net worth
 63 requirements to qualify certain persons as self-
 64 insurers; conforming provisions to changes made by the
 65 act; amending s. 324.251, F.S.; revising the short
 66 title and an effective date; amending s. 400.9905,
 67 F.S.; revising the definition of the term "clinic";
 68 amending ss. 400.991 and 400.9935, F.S.; conforming
 69 provisions to changes made by the act; amending s.
 70 409.901, F.S.; revising the definition of the term
 71 "third-party benefit"; amending s. 409.910, F.S.;
 72 revising the definition of the term "medical
 73 coverage"; amending s. 456.057, F.S.; conforming a
 74 cross-reference; amending s. 456.072, F.S.; revising
 75 specified grounds for discipline for certain health
 76 professions; amending s. 626.9541, F.S.; conforming a
 77 provision to changes made by the act; revising the
 78 type of insurance coverage applicable to a certain
 79 prohibited act; amending s. 626.989, F.S.; revising
 80 the definition of the term "fraudulent insurance act";
 81 amending s. 627.06501, F.S.; revising coverages that
 82 may provide for a reduction in motor vehicle insurance
 83 policy premium charges under certain circumstances;
 84 amending s. 627.0652, F.S.; revising coverages that
 85 must provide a premium charge reduction under certain
 86 circumstances; amending s. 627.0653, F.S.; revising
 87 coverages subject to premium discounts for specified

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88 motor vehicle equipment; amending s. 627.4132, F.S.;
 89 revising the coverages of a motor vehicle policy which
 90 are subject to a stacking prohibition; amending s.
 91 627.7263, F.S.; revising coverages that are deemed
 92 primary, except under certain circumstances, for the
 93 lessor of a motor vehicle for lease or rent; revising
 94 a notice that is required if the lessee's coverage is
 95 to be primary; creating s. 627.7265, F.S.; specifying
 96 persons whom medical payments coverage must protect;
 97 requiring medical payments coverage to provide
 98 specified medical expense coverage and a specified
 99 death benefit; specifying coverage options an insurer
 100 must and may offer; providing that motor vehicle
 101 liability insurance policies are deemed to have
 102 medical payments coverage at a certain limit and with
 103 no deductible, unless rejected or modified by the
 104 policyholder by certain means; specifying requirements
 105 for certain forms approved by the Office of Insurance
 106 Regulation; requiring insurers to provide
 107 policyholders with a certain annual notice; providing
 108 construction relating to limits on certain other
 109 coverages; requiring insurers, upon receiving a
 110 certain notice of an accident, to hold a specified
 111 reserve for certain purposes for a specified time;
 112 providing that the reserve requirement does not
 113 require insurers to establish a claim reserve for
 114 accounting purposes; providing that an insurer
 115 providing medical payments coverage benefits may not
 116 have a lien on a certain recovery and may not have

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117 certain causes of action; amending s. 627.727, F.S.;
 118 conforming provisions to changes made by the act;
 119 amending s. 627.7275, F.S.; revising required
 120 coverages for a motor vehicle insurance policy;
 121 conforming provisions to changes made by the act;
 122 amending s. 627.728, F.S.; conforming a provision to
 123 changes made by the act; amending s. 627.7295, F.S.;
 124 revising the definitions of the terms "policy" and
 125 "binder"; revising the coverages of a motor vehicle
 126 insurance policy for which a licensed general lines
 127 agent may charge a specified fee; conforming a
 128 provision to changes made by the act; amending s.
 129 627.7415, F.S.; revising additional liability
 130 insurance requirements for commercial motor vehicles;
 131 amending s. 627.748, F.S.; revising insurance
 132 requirements for transportation network company
 133 drivers; conforming provisions to changes made by the
 134 act; amending s. 627.8405, F.S.; revising coverages in
 135 a policy sold in combination with an accidental death
 136 and dismemberment policy which a premium finance
 137 company may not finance; revising rulemaking authority
 138 of the Financial Services Commission; amending ss.
 139 627.915, 628.909, 705.184, and 713.78, F.S.;
 140 conforming provisions to changes made by the act;
 141 amending s. 817.234, F.S.; revising coverages that are
 142 the basis of specified prohibited false and fraudulent
 143 insurance claims; conforming provisions to changes
 144 made by the act; defining the term "minimum security
 145 requirements"; providing requirements, applicability,

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146 and construction relating to motor vehicle insurance
 147 policies as of a certain date; requiring insurers to
 148 allow certain insureds to make certain coverage
 149 changes, subject to certain conditions; requiring an
 150 insurer to provide, by a specified date, a specified
 151 notice to policyholders relating to requirements under
 152 the act; providing that driver license or registration
 153 suspensions for failure to maintain required security
 154 which were in effect before a specified date remain in
 155 full force and effect; providing that such suspended
 156 licenses or registrations may be reinstated as
 157 provided in a specified section; providing an
 158 appropriation; providing effective dates.

159
160 Be It Enacted by the Legislature of the State of Florida:

161
 162 Section 1. Sections 627.730, 627.731, 627.7311, 627.732,
 163 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,
 164 and 627.7405, Florida Statutes, which comprise the Florida Motor
 165 Vehicle No-Fault Law, are repealed.

166 Section 2. Section 627.7407, Florida Statutes, is repealed.

167 Section 3. Subsection (1) of section 316.646, Florida
168 Statutes, is amended to read:

169 316.646 Security required; proof of security and display
170 thereof.—

171 (1) Any person required by s. 324.022 to maintain liability
 172 security for property damage, liability security, required by s.
 173 324.023 to maintain liability security for bodily injury, or
 174 death, or required by s. 627.733 to maintain personal injury

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175 ~~protection security on a motor vehicle~~ shall have in his or her
 176 immediate possession at all times while operating such motor
 177 vehicle proper proof of maintenance of the ~~required~~ security
 178 required under s. 324.021(7).

179 (a) Such proof ~~must~~ shall be in a uniform paper or
 180 electronic format, as prescribed by the department, a valid
 181 insurance policy, an insurance policy binder, a certificate of
 182 insurance, or such other proof as may be prescribed by the
 183 department.

184 (b)1. The act of presenting to a law enforcement officer an
 185 electronic device displaying proof of insurance in an electronic
 186 format does not constitute consent for the officer to access any
 187 information on the device other than the displayed proof of
 188 insurance.

189 2. The person who presents the device to the officer
 190 assumes the liability for any resulting damage to the device.

191 Section 4. Paragraph (b) of subsection (2) of section
 192 318.18, Florida Statutes, is amended to read:

193 318.18 Amount of penalties.—The penalties required for a
 194 noncriminal disposition pursuant to s. 318.14 or a criminal
 195 offense listed in s. 318.17 are as follows:

196 (2) Thirty dollars for all nonmoving traffic violations
 197 and:

198 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,
 199 and 322.15(1). A ~~Any~~ person who is cited for a violation of s.
 200 320.07(1) shall be charged a delinquent fee pursuant to s.
 201 320.07(4).

202 1. If a person who is cited for a violation of s. 320.0605
 203 or s. 320.07 can show proof of having a valid registration at

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204 the time of arrest, the clerk of the court may dismiss the case
 205 and may assess a dismissal fee of up to \$10. A person who finds
 206 it impossible or impractical to obtain a valid registration
 207 certificate must submit an affidavit detailing the reasons for
 208 the impossibility or impracticality. The reasons may include,
 209 but are not limited to, the fact that the vehicle was sold,
 210 stolen, or destroyed; that the state in which the vehicle is
 211 registered does not issue a certificate of registration; or that
 212 the vehicle is owned by another person.

213 2. If a person who is cited for a violation of s. 322.03,
 214 s. 322.065, or s. 322.15 can show a driver license issued to him
 215 or her and valid at the time of arrest, the clerk of the court
 216 may dismiss the case and may assess a dismissal fee of up to
 217 \$10.

218 3. If a person who is cited for a violation of s. 316.646
 219 can show proof of security as required by s. 324.021(7) ~~or~~
 220 ~~627.733~~, issued to the person and valid at the time of arrest,
 221 the clerk of the court may dismiss the case and may assess a
 222 dismissal fee of up to \$10. A person who finds it impossible or
 223 impractical to obtain proof of security must submit an affidavit
 224 detailing the reasons for the impracticality. The reasons may
 225 include, but are not limited to, the fact that the vehicle has
 226 since been sold, stolen, or destroyed; ~~that the owner or~~
 227 ~~registrant of the vehicle is not required by s. 627.733 to~~
 228 ~~maintain personal injury protection insurance~~; or that the
 229 vehicle is owned by another person.

230 Section 5. Paragraphs (a) and (d) of subsection (5) of
 231 section 320.02, Florida Statutes, are amended to read:

232 320.02 Registration required; application for registration;

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forms.-

(5) (a) Proof that bodily injury liability coverage and property damage liability coverage ~~personal injury protection benefits~~ have been purchased if required under s. 324.022, s. 324.032, or s. 627.742 ~~s. 627.733, that property damage liability coverage has been purchased as required under s. 324.022,~~ that bodily injury liability or death coverage has been purchased if required under s. 324.023, and that combined bodily liability insurance and property damage liability insurance have been purchased if required under s. 627.7415 must ~~shall~~ be provided in the manner prescribed by law by the applicant at the time of application for registration of any motor vehicle that is subject to such requirements. The issuing agent may not ~~shall refuse to~~ issue registration if such proof of purchase is not provided. Insurers shall furnish uniform proof-of-purchase cards in a paper or electronic format in a form prescribed by the department and include the name of the insured's insurance company, the coverage identification number, and the make, year, and vehicle identification number of the vehicle insured. The card must contain a statement notifying the applicant of the penalty specified under s. 316.646(4). The card or insurance policy, insurance policy binder, or certificate of insurance or a photocopy of any of these; an affidavit containing the name of the insured's insurance company, the insured's policy number, and the make and year of the vehicle insured; or such other proof as may be prescribed by the department constitutes ~~shall constitute~~ sufficient proof of purchase. If an affidavit is provided as proof, it must be in substantially the following form:

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Under penalty of perjury, I ...(Name of insured)... do hereby certify that I have ...(bodily injury liability and ~~Personal Injury Protection~~, property damage liability, ~~and, if required, Bodily Injury Liability~~)... insurance currently in effect with ...(Name of insurance company)... under ...(policy number)... covering ...(make, year, and vehicle identification number of vehicle).... ...(Signature of Insured)...

Such affidavit must include the following warning:

WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS SUBJECT TO PROSECUTION.

If an application is made through a licensed motor vehicle dealer as required under s. 319.23, the original or a photocopy ~~photostatic copy~~ of such card, insurance policy, insurance policy binder, or certificate of insurance or the original affidavit from the insured must ~~shall~~ be forwarded by the dealer to the tax collector of the county or the Department of Highway Safety and Motor Vehicles for processing. By executing the ~~aforsaid~~ affidavit, a ~~no~~ licensed motor vehicle dealer is not ~~will be~~ liable in damages for any inadequacy, insufficiency, or falsification of any statement contained therein. ~~A card must also indicate the existence of any bodily injury liability insurance voluntarily purchased.~~

(d) The verifying of ~~proof of personal injury protection~~

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291 ~~insurance, proof of property damage liability insurance, proof~~
 292 ~~of combined bodily liability insurance and property damage~~
 293 ~~liability insurance, or proof of financial responsibility~~
 294 ~~insurance and the issuance or failure to issue the motor vehicle~~
 295 ~~registration under the provisions of this chapter may not be~~
 296 ~~construed in any court as a warranty of the reliability or~~
 297 ~~accuracy of the evidence of such proof, or as meaning that the~~
 298 ~~provisions of any insurance policy furnished as proof of~~
 299 ~~financial responsibility comply with state law.~~ Neither the
 300 department nor any tax collector is not liable in damages for
 301 any inadequacy, insufficiency, falsification, or unauthorized
 302 modification of any item of the ~~proof of personal injury~~
 303 ~~protection insurance, proof of property damage liability~~
 304 ~~insurance, proof of combined bodily liability insurance and~~
 305 ~~property damage liability insurance, or proof of financial~~
 306 ~~responsibility before insurance prior to~~, during, or subsequent
 307 to the verification of the proof. The issuance of a motor
 308 vehicle registration does not constitute prima facie evidence or
 309 a presumption of insurance coverage.

310 Section 6. Paragraph (b) of subsection (1) of section
 311 320.0609, Florida Statutes, is amended to read:

312 320.0609 Transfer and exchange of registration license
 313 plates; transfer fee.—

314 (1)

315 (b) The transfer of a license plate from a vehicle disposed
 316 of to a newly acquired vehicle does not constitute a new
 317 registration. The application for transfer shall be accepted
 318 without requiring proof of ~~personal injury protection or~~
 319 liability insurance.

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320 Section 7. Paragraph (g) is added to subsection (1) of
 321 section 320.27, Florida Statutes, and subsection (3) of that
 322 section is amended, to read:

323 320.27 Motor vehicle dealers.—

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

328 (g) "Garage liability insurance" means, beginning January
 329 1, 2020, combined single-limit liability coverage, including
 330 property damage and bodily injury liability coverage, in the
 331 amount of at least \$60,000.

332 (3) APPLICATION AND FEE.—~~The application for the license~~
 333 application must shall be in such form as may be prescribed by
 334 the department and is shall be subject to such rules ~~with~~
 335 ~~respect thereto~~ as may be so prescribed by the department it.
 336 Such application must shall be verified by oath or affirmation
 337 and must shall contain a full statement of the name and birth
 338 date of the person or persons applying for the license therefor;
 339 the name of the firm or copartnership, with the names and places
 340 of residence of all members ~~thereof~~, if such applicant is a firm
 341 or copartnership; the names and places of residence of the
 342 principal officers, if the applicant is a body corporate or
 343 other artificial body; the name of the state under whose laws
 344 the corporation is organized; the present and former place or
 345 places of residence of the applicant; and the prior business in
 346 which the applicant has been engaged and its the location
 347 ~~thereof~~. The Such application must shall describe the exact
 348 location of the place of business and must shall state whether

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349 the place of business is owned by the applicant and when
 350 acquired, or, if leased, a true copy of the lease ~~must shall~~ be
 351 attached to the application. The applicant shall certify that
 352 the location provides an adequately equipped office and is not a
 353 residence; that the location affords sufficient unoccupied space
 354 upon and within which adequately to store all motor vehicles
 355 offered and displayed for sale; and that the location is a
 356 suitable place where the applicant can in good faith carry on
 357 such business and keep and maintain books, records, and files
 358 necessary to conduct such business, which ~~must shall~~ be
 359 available at all reasonable hours to inspection by the
 360 department or any of its inspectors or other employees. The
 361 applicant shall certify that the business of a motor vehicle
 362 dealer is the principal business that will ~~which shall~~ be
 363 conducted at that location. The application ~~must shall~~ contain a
 364 statement that the applicant is either franchised by a
 365 manufacturer of motor vehicles, in which case the name of each
 366 motor vehicle that the applicant is franchised to sell ~~must~~
 367 ~~shall~~ be included, or an independent (nonfranchised) motor
 368 vehicle dealer. The application ~~must shall~~ contain other
 369 relevant information as may be required by the department. The
 370 applicant shall furnish, including evidence, in a form approved
 371 by the department, that the applicant is insured under a garage
 372 liability insurance policy or a general liability insurance
 373 policy coupled with a business automobile policy having the
 374 coverages and limits of the garage liability insurance coverage
 375 in accordance with paragraph (1)(g), which shall include, at a
 376 minimum, \$25,000 combined single limit liability coverage
 377 including bodily injury and property damage protection and

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378 ~~\$10,000 personal injury protection.~~ However, a salvage motor
 379 vehicle dealer as defined in subparagraph (1)(c)5. is exempt
 380 from the requirements for garage liability insurance ~~and~~
 381 ~~personal injury protection insurance~~ on those vehicles that
 382 cannot be legally operated on roads, highways, or streets in
 383 this state. Franchise dealers must submit a garage liability
 384 insurance policy, and all other dealers must submit a garage
 385 liability insurance policy or a general liability insurance
 386 policy coupled with a business automobile policy. Such policy
 387 ~~must shall~~ be for the license period, and evidence of a new or
 388 continued policy ~~must shall~~ be delivered to the department at
 389 the beginning of each license period. Upon making an initial
 390 application, the applicant shall pay to the department a fee of
 391 \$300 in addition to any other fees required by law. Applicants
 392 may choose to extend the licensure period for 1 additional year
 393 for a total of 2 years. An initial applicant shall pay to the
 394 department a fee of \$300 for the first year and \$75 for the
 395 second year, in addition to any other fees required by law. An
 396 applicant for renewal shall pay to the department \$75 for a 1-
 397 year renewal or \$150 for a 2-year renewal, in addition to any
 398 other fees required by law. Upon making an application for a
 399 change of location, the applicant ~~person~~ shall pay a fee of \$50
 400 in addition to any other fees now required by law. The
 401 department shall, in the case of every application for initial
 402 licensure, verify whether certain facts set forth in the
 403 application are true. Each applicant, general partner in the
 404 case of a partnership, or corporate officer and director in the
 405 case of a corporate applicant ~~shall, must~~ file a set of
 406 fingerprints with the department for the purpose of determining

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any prior criminal record or any outstanding warrants. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and forwarding to the Federal Bureau of Investigation for federal processing. The actual cost of state and federal processing ~~must shall~~ be borne by the applicant and is in addition to the fee for licensure. The department may issue a license to an applicant pending the results of the fingerprint investigation, which license is fully revocable if the department subsequently determines that any facts set forth in the application are not true or correctly represented.

Section 8. Paragraph (j) of subsection (3) of section 320.771, Florida Statutes, is amended to read:

320.771 License required of recreational vehicle dealers.-

(3) APPLICATION.-The application for such license shall be in the form prescribed by the department and subject to such rules as may be prescribed by it. The application shall be verified by oath or affirmation and shall contain:

(j) A statement that the applicant is insured under a garage liability insurance policy in accordance with s. 320.27(1)(g), ~~which shall include, at a minimum, \$25,000 combined single-limit liability coverage, including bodily injury and property damage protection, and \$10,000 personal injury protection,~~ if the applicant is to be licensed as a dealer in, or intends to sell, recreational vehicles.

The department shall, if it deems necessary, cause an investigation to be made to ascertain if the facts set forth in the application are true and shall not issue a license to the

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applicant until it is satisfied that the facts set forth in the application are true.

Section 9. Subsections (1) and (2) of section 322.251, Florida Statutes, are amended to read:

322.251 Notice of cancellation, suspension, revocation, or disqualification of license.-

(1) All orders of cancellation, suspension, revocation, or disqualification issued under ~~the provisions of~~ this chapter, chapter 318, or chapter 324 ~~must, or ss. 627.732-627.734 shall~~ be given either by personal delivery thereof to the licensee whose license is being canceled, suspended, revoked, or disqualified or by deposit in the United States mail in an envelope, first class, postage prepaid, addressed to the licensee at his or her last known mailing address furnished to the department. Such mailing by the department constitutes notification, and any failure by the person to receive the mailed order will not affect or stay the effective date or term of the cancellation, suspension, revocation, or disqualification of the licensee's driving privilege.

(2) The giving of notice and an order of cancellation, suspension, revocation, or disqualification by mail is complete upon expiration of 20 days after deposit in the United States mail for all notices except those issued under chapter 324 ~~or ss. 627.732-627.734~~, which are complete 15 days after deposit in the United States mail. Proof of the giving of notice and an order of cancellation, suspension, revocation, or disqualification in either manner ~~must shall~~ be made by entry in the records of the department that such notice was given. The entry is admissible in the courts of this state and constitutes

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sufficient proof that such notice was given.

Section 10. Paragraph (a) of subsection (8) of section 322.34, Florida Statutes, is amended to read:

322.34 Driving while license suspended, revoked, canceled, or disqualified.—

(8) (a) Upon the arrest of a person for the offense of driving while the person's driver license or driving privilege is suspended or revoked, the arresting officer shall determine:

1. Whether the person's driver license is suspended or revoked.

2. Whether the person's driver license has remained suspended or revoked since a conviction for the offense of driving with a suspended or revoked license.

3. Whether the suspension or revocation was made under s. 316.646 ~~or s. 627.733~~, relating to failure to maintain required security, or under s. 322.264, relating to habitual traffic offenders.

4. Whether the driver is the registered owner or coowner of the vehicle.

Section 11. Section 324.011, Florida Statutes, is amended to read:

324.011 Legislative intent and purpose of chapter.—It is the Legislature's intent of this chapter to ensure that the privilege of owning or operating a motor vehicle in this state is exercised ~~recognize the existing privilege to own or operate a motor vehicle on the public streets and highways of this state when such vehicles are used~~ with due consideration for others' safety ~~others~~ and their property, and to promote safety, and to provide financial security requirements for such owners and ~~or~~

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operators whose responsibility it is to recompense others for injury to person or property caused by the operation of a motor vehicle. Therefore, this chapter requires that every owner or operator of a motor vehicle required to be registered in this state establish, maintain, and it is required herein that the operator of a motor vehicle involved in a crash or convicted of certain traffic offenses meeting the operative provisions of s. 324.051(2) shall respond for such damages and show proof of financial ability to respond for damages arising out of the ownership, maintenance, or use of a motor vehicle in future accidents as a requisite to owning or operating a motor vehicle in this state his or her future exercise of such privileges.

Section 12. Subsections (1) and (7) and paragraph (c) of subsection (9) of section 324.021, Florida Statutes, are amended, and subsection (12) is added to that section, to read:

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

(1) MOTOR VEHICLE.—Every self-propelled vehicle that is designed and required to be licensed for use upon a highway, including trailers and semitrailers designed for use with such vehicles, except traction engines, road rollers, farm tractors, power shovels, and well drillers, and every vehicle that is propelled by electric power obtained from overhead wires but not operated upon rails, but not including any personal delivery device or mobile carrier as defined in s. 316.003, bicycle, or moped. ~~However, the term "motor vehicle" does not include a~~

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motor vehicle as defined in s. 627.732(3) when the owner of such vehicle has complied with the requirements of ss. 627.730-627.7405, inclusive, unless the provisions of s. 324.051 apply, and, in such case, the applicable proof of insurance provisions of s. 320.02 apply.

(7) PROOF OF FINANCIAL RESPONSIBILITY.—That Proof of ability to respond in damages for liability on account of crashes arising out of the ownership, maintenance, or use of a motor vehicle:

(a) Beginning January 1, 2020, with respect to a motor vehicle that is not a commercial motor vehicle, nonpublic sector bus, or for-hire passenger transportation vehicle, in the amount of:

1. Twenty-five thousand dollars for \$10,000 because of bodily injury to, or the death of, one person in any one crash and,

~~(b)~~ subject to such limits for one person, in the amount of \$50,000 for \$20,000 because of bodily injury to, or the death of, two or more persons in any one crash; and

2. ~~(c)~~ Ten thousand dollars for damage in the amount of \$10,000 because of injury to, or destruction of, property of others in any one crash, ~~and~~

~~(b)(d)~~ With respect to commercial motor vehicles and nonpublic sector buses, in the amounts specified in s. 627.7415 ss. 627.7415 and 627.742, respectively.

(c) With respect to nonpublic sector buses, in the amounts specified in s. 627.742.

(d) With respect to for-hire passenger transportation vehicles, in the amounts specified in s. 324.032.

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(9) OWNER; OWNER/LESSOR.—

(c) Application.—

1. The limits on liability in subparagraphs (b)2. and 3. do not apply to an owner of motor vehicles that are used for commercial activity in the owner's ordinary course of business, other than a rental company that rents or leases motor vehicles. For purposes of this paragraph, the term "rental company" includes only an entity that is engaged in the business of renting or leasing motor vehicles to the general public and that rents or leases a majority of its motor vehicles to persons with no direct or indirect affiliation with the rental company. The term also includes a motor vehicle dealer that provides temporary replacement vehicles to its customers for up to 10 days. The term "rental company" also includes:

a. A related rental or leasing company that is a subsidiary of the same parent company as that of the renting or leasing company that rented or leased the vehicle.

b. The holder of a motor vehicle title or an equity interest in a motor vehicle title if the title or equity interest is held pursuant to or to facilitate an asset-backed securitization of a fleet of motor vehicles used solely in the business of renting or leasing motor vehicles to the general public and under the dominion and control of a rental company, as described in this subparagraph, in the operation of such rental company's business.

2. Furthermore, with respect to commercial motor vehicles as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on liability in subparagraphs (b)2. and 3. do not apply if, at the time of the incident, the commercial motor vehicle is being used

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in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Authorization Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is required pursuant to such act to carry placards warning others of the hazardous cargo, unless at the time of lease or rental either:

a. The lessee indicates in writing that the vehicle will not be used to transport materials found to be hazardous for the purposes of the Hazardous Materials Transportation Authorization Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq.; or

b. The lessee or other operator of the commercial motor vehicle has in effect insurance with limits of at least \$5 million ~~\$5,000,000~~ combined property damage and bodily injury liability.

(12) FOR-HIRE PASSENGER TRANSPORTATION VEHICLE.—Every “for-hire vehicle” as defined in s. 320.01(15) which is offered or used to provide transportation for persons, including taxicabs, limousines, and jitneys.

Section 13. Section 324.022, Florida Statutes, is amended to read:

324.022 Financial responsibility requirements ~~for property damage.—~~

(1) (a) Beginning January 1, 2020, every owner or operator of a motor vehicle required to be registered in this state shall establish and continuously maintain the ability to respond in damages for liability on account of accidents arising out of the use of the motor vehicle in the amount of:

1. Twenty-five thousand dollars for bodily injury to, or the death of, one person in any one crash and, subject to such

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limits for one person, in the amount of \$50,000 for bodily injury to, or the death of, two or more persons in any one crash; and

2. Ten thousand dollars for ~~\$10,000 because of~~ damage to, or destruction of, property of others in any one crash.

(b) The requirements of paragraph (a) this section may be met by one of the methods established in s. 324.031; by self-insuring as authorized by s. 768.28(16); or by maintaining a motor vehicle liability insurance policy that an insurancee policy providing coverage for property damage liability in the amount of at least \$10,000 because of damage to, or destruction of, property of others in any one accident arising out of the use of the motor vehicle. The requirements of this section may also be met by having a policy which provides combined property damage liability and bodily injury liability coverage for any one crash arising out of the ownership, maintenance, or use of a motor vehicle which conforms to the requirements of s. 324.151 in the amount of at least \$60,000 for every owner or operator subject to the financial responsibility required in paragraph (a) \$30,000 for combined property damage liability and bodily injury liability for any one crash arising out of the use of the motor vehicle. The policy, with respect to coverage for property damage liability, must meet the applicable requirements of s. 324.151, subject to the usual policy exclusions that have been approved in policy forms by the Office of Insurance Regulation. No insurer shall have any duty to defend uncovered claims irrespective of their joinder with covered claims.

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

(a) “Motor vehicle” means any self-propelled vehicle that

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has four or more wheels and that is of a type designed and required to be licensed for use on the highways of this state, and any trailer or semitrailer designed for use with such vehicle. The term does not include the following:

1. A mobile home as defined in s. 320.01.

2. A motor vehicle that is used in mass transit and designed to transport more than five passengers, exclusive of the operator of the motor vehicle, and that is owned by a municipality, transit authority, or political subdivision of the state.

3. A school bus as defined in s. 1006.25, which must maintain security as required under s. 316.615.

4. A commercial motor vehicle as defined in s. 207.002 or s. 320.01, which must maintain security as required under ss. 324.031 and 627.7415.

5. A nonpublic sector bus, which must maintain security as required under ss. 324.031 and 627.742.

~~6.4. A vehicle providing for-hire passenger transportation vehicle, which must that is subject to the provisions of s. 324.031. A taxicab shall~~ maintain security as required under s. 324.032 ~~s. 324.032(1).~~

~~7.5.~~ A personal delivery device as defined in s. 316.003.

(b) "Owner" means the person who holds legal title to a motor vehicle or the debtor or lessee who has the right to possession of a motor vehicle that is the subject of a security agreement or lease with an option to purchase.

(3) Each nonresident owner or registrant of a motor vehicle that, whether operated or not, has been physically present within this state for more than 90 days during the preceding 365

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days shall maintain security as required by subsection (1). The security must be that is in effect continuously throughout the period the motor vehicle remains within this state.

(4) ~~An~~ The owner or registrant of a motor vehicle who is exempt from the requirements of this section if she or he is a member of the United States Armed Forces and is called to or on active duty outside the United States in an emergency situation is exempt from this section while he or she. The exemption provided by this subsection applies only as long as the member of the Armed Forces is on such active duty. This exemption outside the United States and applies only while the vehicle covered by the security is not operated by any person. Upon receipt of a written request by the insured to whom the exemption provided in this subsection applies, the insurer shall cancel the coverages and return any unearned premium or suspend the security required by this section. Notwithstanding s. 324.0221(2) ~~s. 324.0221(3),~~ the department may not suspend the registration or operator's license of an any owner or registrant of a motor vehicle during the time she or he qualifies for the ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant of a motor vehicle who qualifies for the ~~an~~ exemption under this subsection shall immediately notify the department before ~~prior~~ ~~to~~ and at the end of the expiration of the exemption.

Section 14. Subsections (1) and (2) of section 324.0221, Florida Statutes, are amended to read:

324.0221 Reports by insurers to the department; suspension of driver license and vehicle registrations; reinstatement.—

(1)(a) Each insurer that has issued a policy providing ~~personal injury protection coverage or property damage liability~~

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697 coverage shall report the cancellation or nonrenewal thereof to
 698 the department within 10 days after the processing date or
 699 effective date of each cancellation or nonrenewal. Upon the
 700 issuance of a policy providing ~~personal injury protection~~
 701 ~~coverage or property damage~~ liability coverage to a named
 702 insured not previously insured by the insurer during that
 703 calendar year, the insurer shall report the issuance of the new
 704 policy to the department within 10 days. The report must ~~shall~~
 705 be in the form ~~and format~~ and contain any information required
 706 by the department and must be provided in a format that is
 707 compatible with the data processing capabilities of the
 708 department. Failure by an insurer to file proper reports with
 709 the department as required by this subsection constitutes a
 710 violation of the Florida Insurance Code. These records may ~~shall~~
 711 be used by the department only for enforcement and regulatory
 712 purposes, including the generation by the department of data
 713 regarding compliance by owners of motor vehicles with the
 714 requirements for financial responsibility coverage.

715 (b) With respect to an insurance policy providing ~~personal~~
 716 ~~injury protection coverage or property damage~~ liability
 717 coverage, each insurer shall notify the named insured, or the
 718 first-named insured in the case of a commercial fleet policy, in
 719 writing that any cancellation or nonrenewal of the policy will
 720 be reported by the insurer to the department. The notice must
 721 also inform the named insured that failure to maintain bodily
 722 injury liability ~~personal injury protection~~ coverage and
 723 property damage liability coverage on a motor vehicle when
 724 required by law may result in the loss of registration and
 725 driving privileges in this state and inform the named insured of

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726 the amount of the reinstatement fees required by this section.
 727 This notice is for informational purposes only, and an insurer
 728 is not civilly liable for failing to provide this notice.

729 (2) The department shall suspend, after due notice and an
 730 opportunity to be heard, the registration and driver license of
 731 any owner or registrant of a motor vehicle for with respect to
 732 which security is required under s. 324.022, s. 324.032, s.
 733 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

734 (a) The department's records showing that the owner or
 735 registrant of such motor vehicle did not have the in full force
 736 ~~and effect when~~ required security in full force and effect ~~that~~
 737 ~~complies with the requirements of ss. 324.022 and 627.733;~~ or

738 (b) Notification by the insurer to the department, in a
 739 form approved by the department, of cancellation or termination
 740 of the required security.

741 Section 15. Section 324.023, Florida Statutes, is amended
 742 to read:

743 324.023 Financial responsibility for bodily injury or
 744 death.—In addition to any other financial responsibility
 745 required by law, every owner or operator of a motor vehicle that
 746 is required to be registered in this state, or that is located
 747 within this state, and who, regardless of adjudication of guilt,
 748 has been found guilty of or entered a plea of guilty or nolo
 749 contendere to a charge of driving under the influence under s.
 750 316.193 after October 1, 2007, shall, by one of the methods
 751 established in s. 324.031(1)(a) or (b) s. 324.031(1) or (2),
 752 establish and maintain the ability to respond in damages for
 753 liability on account of accidents arising out of the use of a
 754 motor vehicle in the amount of \$100,000 because of bodily injury

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to, or death of, one person in any one crash and, subject to such limits for one person, in the amount of \$300,000 because of bodily injury to, or death of, two or more persons in any one crash and in the amount of \$50,000 because of property damage in any one crash. If the owner or operator chooses to establish and maintain such ability by furnishing a certificate of deposit pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of deposit must be at least \$350,000. Such higher limits must be carried for a minimum period of 3 years. If the owner or operator has not been convicted of driving under the influence or a felony traffic offense for a period of 3 years from the date of reinstatement of driving privileges for a violation of s. 316.193, the owner or operator shall be exempt from this section.

Section 16. Section 324.031, Florida Statutes, is amended to read:

324.031 Manner of proving financial responsibility.—

~~(1) The owner or operator of a taxicab, limousine, jitney, or any other for-hire passenger transportation vehicle may prove financial responsibility by providing satisfactory evidence of holding a motor vehicle liability policy as defined in s. 324.021(8) or s. 324.151, which policy is issued by an insurance carrier which is a member of the Florida Insurance Guaranty Association. The operator or owner of a motor vehicle other than a for-hire passenger transportation vehicle any other vehicle may prove his or her financial responsibility by:~~

(a)(1) Furnishing satisfactory evidence of holding a motor vehicle liability policy as defined in ss. 324.021(8) and 324.151;

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(b)(2) Furnishing a certificate of self-insurance showing a deposit of cash in accordance with s. 324.161; or

~~(c)(3)~~ Furnishing a certificate of self-insurance issued by the department in accordance with s. 324.171.

~~(2) (a) Beginning January 1, 2020, any person, including any firm, partnership, association, corporation, or other person, other than a natural person, electing to use the method of proof specified in paragraph (1)(b) subsection (2) shall furnish a certificate of deposit equal to the number of vehicles owned times \$60,000 \$30,000, to a maximum of \$240,000. \$120,000;~~

(b) In addition, any such person, ~~other than a natural person,~~ shall maintain insurance providing coverage conforming to the requirements of s. 324.151 in excess of the amount of the certificate of deposit, with limits of at least:

1. One hundred twenty-five thousand dollars for bodily injury to, or the death of, one person in any one crash and, subject to such limits for one person, in the amount of \$250,000 for bodily injury to, or the death of, two or more persons in any one crash, and \$50,000 for damage to, or destruction of, property of others in any one crash; or

2. Three hundred thousand dollars for combined bodily injury liability and property damage liability for any one crash \$10,000/20,000/10,000 or \$30,000 combined single limits, and such excess insurance shall provide minimum limits of \$125,000/250,000/50,000 or \$300,000 combined single limits. These increased limits shall not affect the requirements for proving financial responsibility under s. 324.032(1).

Section 17. Section 324.032, Florida Statutes, is amended to read:

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813 324.032 ~~Manner of proving~~ Financial responsibility ~~for~~
 814 for-hire passenger transportation vehicles. ~~Notwithstanding the~~
 815 ~~provisions of s. 324.031:~~
 816 (1) An owner or lessee of a for-hire passenger
 817 transportation vehicle that is required to be registered in this
 818 state shall establish and continuously maintain the ability to
 819 respond in damages for liability on account of accidents arising
 820 out of the ownership, maintenance, or use of the for-hire
 821 passenger transportation vehicle, in the amount of:
 822 (a) One hundred twenty-five thousand dollars for bodily
 823 injury to, or the death of, one person in any one crash and,
 824 subject to such limits for one person, in the amount of \$250,000
 825 for bodily injury to, or the death of, two or more persons in
 826 any one crash; and A person who is either the owner or a lessee
 827 required to maintain insurance under s. 627.733(1)(b) and who
 828 operates one or more taxicabs, limousines, jitneys, or any other
 829 for-hire passenger transportation vehicles may prove financial
 830 responsibility by furnishing satisfactory evidence of holding a
 831 motor vehicle liability policy, but with minimum limits of
 832 \$125,000/250,000/50,000.
 833 (b) Fifty thousand dollars for damage to, or destruction
 834 of, property of others in any one crash A person who is either
 835 the owner or a lessee required to maintain insurance under s.
 836 324.021(9)(b) and who operates limousines, jitneys, or any other
 837 for-hire passenger vehicles, other than taxicabs, may prove
 838 financial responsibility by furnishing satisfactory evidence of
 839 holding a motor vehicle liability policy as defined in s.
 840 324.031.
 841 (2) Except as provided in subsection (3), the requirements

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842 of this section must be met by the owner or lessee providing
 843 satisfactory evidence of holding a motor vehicle liability
 844 policy conforming to the requirements of s. 324.151 which is
 845 issued by an insurance carrier that is a member of the Florida
 846 Insurance Guaranty Association.
 847 ~~(3)(2)~~ An owner or a lessee who is required to maintain
 848 insurance under s. 324.021(9)(b) and who operates at least 300
 849 taxicabs, limousines, jitneys, or any other for-hire passenger
 850 transportation vehicles may provide financial responsibility by
 851 complying with the provisions of s. 324.171, which must such
 852 compliance to be demonstrated by maintaining at its principal
 853 place of business an audited financial statement, prepared in
 854 accordance with generally accepted accounting principles, and
 855 providing to the department a certification issued by a
 856 certified public accountant that the applicant's net worth is at
 857 least equal to the requirements of s. 324.171 as determined by
 858 the Office of Insurance Regulation of the Financial Services
 859 Commission, including claims liabilities in an amount certified
 860 as adequate by a Fellow of the Casualty Actuarial Society.
 861
 862 Upon request by the department, the applicant ~~shall~~ must provide
 863 the department at the applicant's principal place of business in
 864 this state access to the applicant's underlying financial
 865 information and financial statements that provide the basis of
 866 the certified public accountant's certification. The applicant
 867 shall reimburse the requesting department for all reasonable
 868 costs incurred by it in reviewing the supporting information.
 869 The maximum amount of self-insurance permissible under this
 870 subsection is \$300,000 and must be stated on a per-occurrence

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871 basis, and the applicant shall maintain adequate excess
 872 insurance issued by an authorized or eligible insurer licensed
 873 or approved by the Office of Insurance Regulation. All risks
 874 self-insured shall remain with the owner or lessee providing it,
 875 and the risks are not transferable to any other person, unless a
 876 policy complying with subsections (1) and (2) ~~subsection (1)~~ is
 877 obtained.

878 Section 18. Paragraph (b) of subsection (2) of section
 879 324.051, Florida Statutes, is amended to read:

880 324.051 Reports of crashes; suspensions of licenses and
 881 registrations.-

882 (2)

883 (b) This subsection does ~~shall~~ not apply:

884 1. To such operator or owner if such operator or owner had
 885 in effect at the time of such crash or traffic conviction a
 886 motor vehicle ~~an automobile~~ liability policy with respect to all
 887 of the registered motor vehicles owned by such operator or
 888 owner.

889 2. To such operator, if not the owner of such motor
 890 vehicle, if there was in effect at the time of such crash or
 891 traffic conviction a motor vehicle ~~an automobile~~ liability
 892 policy or bond with respect to his or her operation of motor
 893 vehicles not owned by him or her.

894 3. To such operator or owner if the liability of such
 895 operator or owner for damages resulting from such crash is, in
 896 the judgment of the department, covered by any other form of
 897 liability insurance or bond.

898 4. To any person who has obtained from the department a
 899 certificate of self-insurance, in accordance with s. 324.171, or

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900 to any person operating a motor vehicle for such self-insurer.

901

902 No such policy or bond shall be effective under this subsection
 903 unless it contains limits of not less than those specified in s.
 904 324.021(7).

905 Section 19. Section 324.071, Florida Statutes, is amended
 906 to read:

907 324.071 Reinstatement; renewal of license; reinstatement
 908 fee.-An ~~Any~~ operator or owner whose license or registration has
 909 been suspended pursuant to s. 324.051(2), s. 324.072, s.
 910 324.081, or s. 324.121 may effect its reinstatement upon
 911 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or
 912 s. 324.081(2) and (3), as the case may be, and with one of the
 913 provisions of s. 324.031 and upon payment to the department of a
 914 nonrefundable reinstatement fee of \$15. Only one such fee may
 915 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
 916 number of licenses and registrations to be then reinstated or
 917 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
 918 a department trust fund. ~~If~~ When the reinstatement of any
 919 license or registration is effected by compliance with s.
 920 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the
 921 license or registration within ~~a period of~~ 3 years after ~~from~~
 922 such reinstatement, nor may ~~shall~~ any other license or
 923 registration be issued in the name of such person, unless the
 924 operator continues ~~is continuing~~ to comply with ~~one of the~~
 925 ~~provisions of~~ s. 324.031.

926 Section 20. Subsection (1) of section 324.091, Florida
 927 Statutes, is amended to read:

928 324.091 Notice to department; notice to insurer.-

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929 (1) Each owner and operator involved in a crash or
 930 conviction case within the purview of this chapter shall furnish
 931 evidence of ~~automobile liability insurance or~~ motor vehicle
 932 liability insurance within 14 days after the date of the mailing
 933 of notice of crash by the department in the form and manner as
 934 it may designate. Upon receipt of evidence that a an automobile
 935 ~~liability policy or~~ motor vehicle liability policy was in effect
 936 at the time of the crash or conviction case, the department
 937 shall forward to the insurer such information for verification
 938 in a method as determined by the department. The insurer shall
 939 respond to the department within 20 days after the notice as to
 940 whether ~~or not~~ such information is valid. If the department
 941 determines that a an automobile liability policy or motor
 942 vehicle liability policy was not in effect and did not provide
 943 coverage for both the owner and the operator, it must ~~shall~~ take
 944 action as it is authorized to do under this chapter.

945 Section 21. Section 324.151, Florida Statutes, is amended
 946 to read:

947 324.151 Motor vehicle liability policies; required
 948 provisions.—

949 (1) A motor vehicle liability policy that serves as to be
 950 proof of financial responsibility under s. 324.031(1) (a) must ~~or~~
 951 ~~324.031(1), shall~~ be issued to owners or operators of motor
 952 vehicles under the following provisions:

953 (a) A motor vehicle An owner's liability insurance policy
 954 issued to an owner of a motor vehicle registered in this state
 955 must shall designate by explicit description or by appropriate
 956 reference all motor vehicles for with respect to which coverage
 957 is thereby granted. The policy must ~~and shall~~ insure the person

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958 or persons owner named therein and any other person as operator
 959 using such motor vehicle or motor vehicles with the express or
 960 implied permission of such owner against loss from the liability
 961 imposed by law for damage arising out of the ownership,
 962 maintenance, or use of any such motor vehicle or motor vehicles
 963 within the United States or ~~the Dominion of~~ Canada, subject to
 964 limits, exclusive of interest and costs with respect to each
 965 such motor vehicle, as is provided for under s. 324.021(7).
 966 Insurers may make available, with respect to property damage
 967 liability coverage, a deductible amount not to exceed \$500. In
 968 the event of a property damage loss covered by a policy
 969 containing a property damage deductible provision, the insurer
 970 shall pay to the third-party claimant the amount of any property
 971 damage liability settlement or judgment, subject to policy
 972 limits, as if no deductible existed.

973 (b) An operator's motor vehicle liability policy of
 974 insurance must shall insure the person or persons named therein
 975 against loss from the liability imposed upon him or her by law
 976 for damages arising out of the use by the person of any motor
 977 vehicle not owned by him or her, with the same territorial
 978 limits and subject to the same limits of liability as referred
 979 to above with respect to an owner's policy of liability
 980 insurance.

981 (c) All such motor vehicle liability policies must shall
 982 state the name and address of the named insured, the coverage
 983 afforded by the policy, the premium charged therefor, the policy
 984 period, and the limits of liability, and must shall contain an
 985 agreement or be endorsed that insurance is provided in
 986 accordance with the coverage defined in this chapter ~~as respects~~

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987 ~~bodily injury and death or property damage or both~~ and is
 988 subject to ~~all provisions of~~ this chapter. ~~The said~~ policies
 989 ~~must shall~~ also contain a provision that the satisfaction by an
 990 insured of a judgment for such injury or damage ~~may shall~~ not be
 991 a condition precedent to the right or duty of the insurance
 992 carrier to make payment on account of such injury or damage, and
 993 ~~must shall~~ also contain a provision that bankruptcy or
 994 insolvency of the insured or of the insured's estate ~~may shall~~
 995 not relieve the insurance carrier of any of its obligations
 996 under the said policy.

997 (2) ~~The provisions of~~ This section ~~is shall~~ not be
 998 applicable to any motor vehicle ~~automobile~~ liability policy
 999 unless and until it is furnished as proof of financial
 1000 responsibility for the future pursuant to s. 324.031, and then
 1001 applies only from and after the date ~~the said~~ policy is ~~so~~
 1002 furnished.

1003 Section 22. Section 324.161, Florida Statutes, is amended
 1004 to read:

1005 324.161 Proof of financial responsibility; deposit.—If a
 1006 person elects to prove his or her financial responsibility under
 1007 the method of proof specified in s. 324.031(1)(b), he or she
 1008 annually must obtain and submit to the department proof of a
 1009 certificate of deposit in the amount required under s.
 1010 324.031(2) from a financial institution insured by the Federal
 1011 Deposit Insurance Corporation or the National Credit Union
 1012 Administration Annually, before any certificate of insurance may
 1013 be issued to a person, including any firm, partnership,
 1014 association, corporation, or other person, other than a natural
 1015 person, proof of a certificate of deposit of \$30,000 issued and

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1016 ~~held by a financial institution must be submitted to the~~
 1017 ~~department.~~ A power of attorney will be issued to and held by
 1018 the department and may be executed upon a judgment issued
 1019 against such person making the deposit, for damages for because
 1020 ~~of~~ bodily injury to or death of any person or for damages for
 1021 ~~because of~~ injury to or destruction of property resulting from
 1022 the use or operation of any motor vehicle occurring after such
 1023 deposit was made. Money so deposited is shall not ~~be~~ subject to
 1024 attachment or execution unless such attachment or execution
 1025 arises shall arise out of a lawsuit suit for such damages as
 1026 aforesaid.

1027 Section 23. Subsections (1) and (2) of section 324.171,
 1028 Florida Statutes, are amended to read:

1029 324.171 Self-insurer.—

1030 (1) ~~A~~ Any person may qualify as a self-insurer by obtaining
 1031 a certificate of self-insurance from the department. ~~which may,~~
 1032 ~~in its discretion and~~ Upon application of such a person, the
 1033 department may issue a said certificate of self-insurance to an
 1034 applicant who satisfies ~~when such person has satisfied~~ the
 1035 requirements of this section. Effective January 1, 2020 ~~to~~
 1036 ~~qualify as a self-insurer under this section:~~

1037 (a) A private individual with private passenger vehicles
 1038 shall possess a net unencumbered worth of at least \$100,000
 1039 ~~\$40,000~~.

1040 (b) A person, including any firm, partnership, association,
 1041 corporation, or other person, other than a natural person,
 1042 shall:

1043 1. Possess a net unencumbered worth of at least \$100,000
 1044 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each

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additional motor vehicle; or

2. Maintain sufficient net worth, in an amount determined by the department, to be financially responsible for potential losses. The department annually shall determine the minimum net worth sufficient to satisfy this subparagraph ~~as determined annually by the department,~~ pursuant to rules adopted ~~promulgated~~ by the department, with the assistance of the Office of Insurance Regulation of the Financial Services Commission, ~~to be financially responsible for potential losses. The rules must~~ consider any shall take into consideration excess insurance carried by the applicant. The department's determination must ~~shall~~ be based upon reasonable actuarial principles considering the frequency, severity, and loss development of claims incurred by casualty insurers writing coverage on the type of motor vehicles for which a certificate of self-insurance is desired.

(c) The owner of a commercial motor vehicle, as defined in s. 207.002 or s. 320.01, may qualify as a self-insurer subject to the standards provided ~~for~~ in subparagraph (b)2.

(2) The self-insurance certificate must ~~shall~~ provide limits of liability insurance in the amounts specified under s. 324.021(7) ~~or s. 627.7415 and shall provide personal injury protection coverage under s. 627.733(3)(b).~~

Section 24. Section 324.251, Florida Statutes, is amended to read:

324.251 Short title.—This chapter may be cited as the "Financial Responsibility Law of 2019 1955" and is ~~shall become~~ effective at 12:01 a.m., January 1, 2020 ~~October 1, 1955~~.

Section 25. Subsection (4) of section 400.9905, Florida Statutes, is amended to read:

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400.9905 Definitions.—

(4) (a) "Clinic" means an entity where health care services are provided to individuals and which tenders charges for reimbursement for such services, including a mobile clinic and a portable equipment provider. As used in this part, the term does not include and the licensure requirements of this part do not apply to:

1. (a) Entities licensed or registered by the state under chapter 395; entities licensed or registered by the state and providing only health care services within the scope of services authorized under their respective licenses under ss. 383.30-383.332, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; providers certified under 42 C.F.R. part 485, subpart B or subpart H; or any entity that provides neonatal or pediatric hospital-based health care services or other health care services by licensed practitioners solely within a hospital licensed under chapter 395.

2. (b) Entities that own, directly or indirectly, entities licensed or registered by the state pursuant to chapter 395; entities that own, directly or indirectly, entities licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses under ss. 383.30-383.332, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter 484, or chapter 651; end-stage renal disease providers

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authorized under 42 C.F.R. part 405, subpart U; providers certified under 42 C.F.R. part 485, subpart B or subpart H; or any entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital licensed under chapter 395.

~~3.(e)~~ Entities that are owned, directly or indirectly, by an entity licensed or registered by the state pursuant to chapter 395; entities that are owned, directly or indirectly, by an entity licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses under ss. 383.30-383.332, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; providers certified under 42 C.F.R. part 485, subpart B or subpart H; or any entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital under chapter 395.

~~4.(d)~~ Entities that are under common ownership, directly or indirectly, with an entity licensed or registered by the state pursuant to chapter 395; entities that are under common ownership, directly or indirectly, with an entity licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses under ss. 383.30-383.332, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter 484, or chapter 651; end-stage renal disease providers

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authorized under 42 C.F.R. part 405, subpart U; providers certified under 42 C.F.R. part 485, subpart B or subpart H; or any entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital licensed under chapter 395.

~~5.(e)~~ An entity that is exempt from federal taxation under 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan under 26 U.S.C. s. 409 that has a board of trustees at least two-thirds of which are Florida-licensed health care practitioners and provides only physical therapy services under physician orders, any community college or university clinic, and any entity owned or operated by the federal or state government, including agencies, subdivisions, or municipalities thereof.

~~6.(f)~~ A sole proprietorship, group practice, partnership, or corporation that provides health care services by physicians covered by s. 627.419, that is directly supervised by one or more of such physicians, and that is wholly owned by one or more of those physicians or by a physician and the spouse, parent, child, or sibling of that physician.

~~7.(g)~~ A sole proprietorship, group practice, partnership, or corporation that provides health care services by licensed health care practitioners under chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 466, chapter 467, chapter 480, chapter 484, chapter 486, chapter 490, chapter 491, or part I, part III, part X, part XIII, or part XIV of chapter 468, or s. 464.012, and that is wholly owned by one or more licensed health care practitioners, or the licensed health care practitioners set forth in this

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paragraph and the spouse, parent, child, or sibling of a licensed health care practitioner if one of the owners who is a licensed health care practitioner is supervising the business activities and is legally responsible for the entity's compliance with all federal and state laws. However, a health care practitioner may not supervise services beyond the scope of the practitioner's license, except that, for the purposes of this part, a clinic owned by a licensee in s. 456.053(3)(b) which provides only services authorized pursuant to s. 456.053(3)(b) may be supervised by a licensee specified in s. 456.053(3)(b).

8.(h) Clinical facilities affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows.

9.(i) Entities that provide only oncology or radiation therapy services by physicians licensed under chapter 458 or chapter 459 or entities that provide oncology or radiation therapy services by physicians licensed under chapter 458 or chapter 459 which are owned by a corporation whose shares are publicly traded on a recognized stock exchange.

10.(j) Clinical facilities affiliated with a college of chiropractic accredited by the Council on Chiropractic Education at which training is provided for chiropractic students.

11.(k) Entities that provide licensed practitioners to staff emergency departments or to deliver anesthesia services in facilities licensed under chapter 395 and that derive at least 90 percent of their gross annual revenues from the provision of such services. Entities claiming an exemption from licensure under this paragraph must provide documentation demonstrating

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compliance.

12.(l) Orthotic, prosthetic, pediatric cardiology, or perinatology clinical facilities or anesthesia clinical facilities that are not otherwise exempt under subparagraph 1. ~~or subparagraph 11. paragraph (a) or paragraph (k)~~ and that are a publicly traded corporation or are wholly owned, directly or indirectly, by a publicly traded corporation. As used in this paragraph, a publicly traded corporation is a corporation that issues securities traded on an exchange registered with the United States Securities and Exchange Commission as a national securities exchange.

13.(m) Entities that are owned by a corporation that has \$250 million or more in total annual sales of health care services provided by licensed health care practitioners where one or more of the persons responsible for the operations of the entity is a health care practitioner who is licensed in this state and who is responsible for supervising the business activities of the entity and is responsible for the entity's compliance with state law for purposes of this part.

14.(n) Entities that employ 50 or more licensed health care practitioners licensed under chapter 458 or chapter 459 where the billing for medical services is under a single tax identification number. The application for exemption under this subsection ~~must include shall contain information that includes:~~ the name, residence, and business address and telephone ~~phone~~ number of the entity that owns the practice; a complete list of the names and contact information of all the officers and directors of the corporation; the name, residence address, business address, and medical license number of each licensed

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Florida health care practitioner employed by the entity; the corporate tax identification number of the entity seeking an exemption; a listing of health care services to be provided by the entity at the health care clinics owned or operated by the entity; and a certified statement prepared by an independent certified public accountant which states that the entity and the health care clinics owned or operated by the entity have not received payment for health care services under medical payments ~~personal injury protection~~ insurance coverage for the preceding year. If the agency determines that an entity that ~~which~~ is exempt under this subsection has received payments for medical services under medical payments ~~personal injury protection~~ insurance coverage, the agency may deny or revoke the exemption from licensure under this subsection.

(b) Notwithstanding paragraph (a) ~~this subsection~~, an entity is ~~shall be~~ deemed a clinic and must be licensed under this part in order to receive medical payments coverage reimbursement under s. 627.7265 unless the entity is: ~~the Florida Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

1. Wholly owned by a physician licensed under chapter 458 or chapter 459, or by the physician and the spouse, parent, child, or sibling of the physician;

2. Wholly owned by a dentist licensed under chapter 466, or by the dentist and the spouse, parent, child, or sibling of the dentist;

3. Wholly owned by a chiropractic physician licensed under chapter 460, or by the chiropractic physician and the spouse, parent, child, or sibling of the chiropractic physician;

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4. A hospital or ambulatory surgical center licensed under chapter 395;

5. An entity that wholly owns or is wholly owned, directly or indirectly, by a hospital or hospitals licensed under chapter 395;

6. A clinical facility affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows;

7. Certified under 42 C.F.R. part 485, subpart H; or

8. Owned by a publicly traded corporation, either directly or indirectly through its subsidiaries, which has \$250 million or more in total annual sales of health care services provided by licensed health care practitioners, if one or more of the persons responsible for the operations of the entity are health care practitioners who are licensed in this state and are responsible for supervising the business activities of the entity and the entity's compliance with state law for purposes of this section.

Section 26. Subsection (6) of section 400.991, Florida Statutes, is amended to read:

400.991 License requirements; background screenings; prohibitions.—

(6) All agency forms for licensure application or exemption from licensure under this part must contain the following statement:

INSURANCE FRAUD NOTICE.—A person commits a fraudulent insurance act, as defined in s. 626.989, Florida Statutes, if the person ~~who~~ knowingly submits a false,

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1277 misleading, or fraudulent application or other
 1278 document when applying for licensure as a health care
 1279 clinic, seeking an exemption from licensure as a
 1280 health care clinic, or demonstrating compliance with
 1281 part X of chapter 400, Florida Statutes, with the
 1282 intent to use the license, exemption from licensure,
 1283 or demonstration of compliance to provide services or
 1284 seek reimbursement under a motor vehicle liability
 1285 insurance policy's medical payments coverage the
 1286 ~~Florida Motor Vehicle No-Fault Law, commits a~~
 1287 ~~fraudulent insurance act, as defined in s. 626.989,~~
 1288 ~~Florida Statutes.~~ A person who presents a claim for
 1289 benefits under medical payments coverage, personal
 1290 ~~injury protection benefits~~ knowing that the payee
 1291 knowingly submitted such health care clinic
 1292 application or document, commits insurance fraud, as
 1293 defined in s. 817.234, Florida Statutes.

1294
 1295 Section 27. Paragraph (g) of subsection (1) of section
 1296 400.9935, Florida Statutes, is amended to read:

1297 400.9935 Clinic responsibilities.—

1298 (1) Each clinic shall appoint a medical director or clinic
 1299 director who shall agree in writing to accept legal
 1300 responsibility for the following activities on behalf of the
 1301 clinic. The medical director or the clinic director shall:

1302 (g) Conduct systematic reviews of clinic billings to ensure
 1303 that the billings are not fraudulent or unlawful. Upon discovery
 1304 of an unlawful charge, the medical director or clinic director
 1305 shall take immediate corrective action. If the clinic performs

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1306 only the technical component of magnetic resonance imaging,
 1307 static radiographs, computed tomography, or positron emission
 1308 tomography, and provides the professional interpretation of such
 1309 services, in a fixed facility that is accredited by a national
 1310 accrediting organization that is approved by the Centers for
 1311 Medicare and Medicaid Services for magnetic resonance imaging
 1312 and advanced diagnostic imaging services and if, in the
 1313 preceding quarter, the percentage of scans performed by that
 1314 clinic which was billed to motor vehicle all-personal injury
 1315 ~~protection~~ insurance carriers under medical payments coverage
 1316 was less than 15 percent, the chief financial officer of the
 1317 clinic may, in a written acknowledgment provided to the agency,
 1318 assume the responsibility for the conduct of the systematic
 1319 reviews of clinic billings to ensure that the billings are not
 1320 fraudulent or unlawful.

1321 Section 28. Subsection (28) of section 409.901, Florida
 1322 Statutes, is amended to read:

1323 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
 1324 409.901-409.920, except as otherwise specifically provided, the
 1325 term:

1326 (28) "Third-party benefit" means any benefit that is or may
 1327 be available at any time through contract, court award,
 1328 judgment, settlement, agreement, or any arrangement between a
 1329 third party and any person or entity, including, without
 1330 limitation, a Medicaid recipient, a provider, another third
 1331 party, an insurer, or the agency, for any Medicaid-covered
 1332 injury, illness, goods, or services, including costs of medical
 1333 services related thereto, for bodily personal injury or for
 1334 death of the recipient, but specifically excluding ~~policies of~~

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life insurance policies on the recipient, unless available under terms of the policy to pay medical expenses before ~~prior to~~ death. The term includes, without limitation, collateral, as defined in this section; ~~health insurance; any benefit under a health maintenance organization, a preferred provider arrangement, a prepaid health clinic, liability insurance, uninsured motorist insurance, or medical payments coverage; or personal injury protection coverage,~~ medical benefits under workers' compensation, and any obligation under law or equity to provide medical support.

Section 29. Paragraph (f) of subsection (11) of section 409.910, Florida Statutes, is amended to read:

409.910 Responsibility for payments on behalf of Medicaid-eligible persons when other parties are liable.—

(11) The agency may, as a matter of right, in order to enforce its rights under this section, institute, intervene in, or join any legal or administrative proceeding in its own name in one or more of the following capacities: individually, as subrogee of the recipient, as assignee of the recipient, or as lienholder of the collateral.

(f) Notwithstanding any provision in this section to the contrary, in the event of an action in tort against a third party in which the recipient or his or her legal representative is a party which results in a judgment, award, or settlement from a third party, the amount recovered shall be distributed as follows:

1. After attorney ~~attorney's~~ fees and taxable costs as defined by the Florida Rules of Civil Procedure, one-half of the remaining recovery shall be paid to the agency up to the total

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amount of medical assistance provided by Medicaid.

2. The remaining amount of the recovery shall be paid to the recipient.

3. For purposes of calculating the agency's recovery of medical assistance benefits paid, the fee for services of an attorney retained by the recipient or his or her legal representative shall be calculated at 25 percent of the judgment, award, or settlement.

4. Notwithstanding any other provision of this section to the contrary, the agency shall be entitled to all medical coverage benefits up to the total amount of medical assistance provided by Medicaid. For purposes of this paragraph, the term "medical coverage" means any benefits under health insurance, a health maintenance organization, a preferred provider arrangement, or a prepaid health clinic, and the portion of benefits designated for medical payments under ~~coverage for~~ workers' compensation coverage, motor vehicle insurance coverage, personal injury protection, and casualty coverage.

Section 30. Paragraph (k) of subsection (2) of section 456.057, Florida Statutes, is amended to read:

456.057 Ownership and control of patient records; report or copies of records to be furnished; disclosure of information.—

(2) As used in this section, the terms "records owner," "health care practitioner," and "health care practitioner's employer" do not include any of the following persons or entities; furthermore, the following persons or entities are not authorized to acquire or own medical records, but are authorized under the confidentiality and disclosure requirements of this section to maintain those documents required by the part or

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chapter under which they are licensed or regulated:

(k) Persons or entities practicing under s. 627.7265 ~~or 627.736(7)~~.

Section 31. Paragraphs (ee) and (ff) of subsection (1) of section 456.072, Florida Statutes, are amended to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(ee) With respect to making a medical payments coverage personal injury protection claim under s. 627.7265 as required by s. 627.736, intentionally submitting a claim, statement, or bill that has been upcoded. As used in this paragraph, the term "upcoded" means an action that submits a billing code that would result in payment greater in amount than would be paid using a billing code that accurately describes the services performed. The term does not include an otherwise lawful bill by a magnetic resonance imaging facility, which globally combines both technical and professional components, if the amount of the global bill is not more than the components if billed separately; however, payment of such a bill constitutes payment in full for all components of such service ~~"upcoded" as defined in s. 627.732.~~

(ff) With respect to making a medical payments coverage personal injury protection claim as required under s. 627.7265 by s. 627.736, intentionally submitting a claim, statement, or bill for payment of services that were not rendered.

Section 32. Paragraphs (i) and (o) of subsection (1) of section 626.9541, Florida Statutes, are amended to read:

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626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(i) *Unfair claim settlement practices.*—

1. Attempting to settle claims on the basis of an application, when serving as a binder or intended to become a part of the policy, or any other material document which was altered without notice to, or knowledge or consent of, the insured;

2. A material misrepresentation made to an insured or any other person having an interest in the proceeds payable under such contract or policy, for the purpose and with the intent of effecting settlement of such claims, loss, or damage under such contract or policy on less favorable terms than those provided in, and contemplated by, such contract or policy; ~~or~~

3. Committing or performing with such frequency as to indicate a general business practice any of the following:

a. Failing to adopt and implement standards for the proper investigation of claims;

b. Misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue;

c. Failing to acknowledge and act promptly upon communications with respect to claims;

d. Denying claims without conducting reasonable investigations based upon available information;

e. Failing to affirm or deny full or partial coverage of claims, and, as to partial coverage, the dollar amount or extent

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of coverage, or failing to provide a written statement that the claim is being investigated, upon the written request of the insured within 30 days after proof-of-loss statements have been completed;

f. Failing to promptly provide a reasonable explanation in writing to the insured of the basis in the insurance policy, in relation to the facts or applicable law, for denial of a claim or for the offer of a compromise settlement;

g. Failing to promptly notify the insured of any additional information necessary for the processing of a claim; or

h. Failing to clearly explain the nature of the requested information and the reasons why such information is necessary.

~~1. Failing to pay personal injury protection insurance claims within the time periods required by s. 627.736(4)(b). The office may order the insurer to pay restitution to a policyholder, medical provider, or other claimant, including interest at a rate consistent with the amount set forth in s. 55.03(1), for the time period within which an insurer fails to pay claims as required by law. Restitution is in addition to any other penalties allowed by law, including, but not limited to, the suspension of the insurer's certificate of authority.~~

4. Failing to pay undisputed amounts of partial or full benefits owed under first-party property insurance policies within 90 days after an insurer receives notice of a residential property insurance claim, determines the amounts of partial or full benefits, and agrees to coverage, unless payment of the undisputed benefits is prevented by an act of God, prevented by the impossibility of performance, or due to actions by the insured or claimant that constitute fraud, lack of cooperation,

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or intentional misrepresentation regarding the claim for which benefits are owed.

(o) *Illegal dealings in premiums; excess or reduced charges for insurance.*-

1. Knowingly collecting any sum as a premium or charge for insurance, which is not then provided, or is not in due course to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as permitted by this code.

2. Knowingly collecting as a premium or charge for insurance any sum in excess of or less than the premium or charge applicable to such insurance, in accordance with the applicable classifications and rates as filed with and approved by the office, and as specified in the policy; or, in cases when classifications, premiums, or rates are not required by this code to be so filed and approved, premiums and charges collected from a Florida resident in excess of or less than those specified in the policy and as fixed by the insurer. Notwithstanding any other provision of law, this provision shall not be deemed to prohibit the charging and collection, by surplus lines agents licensed under part VIII of this chapter, of the amount of applicable state and federal taxes, or fees as authorized by s. 626.916(4), in addition to the premium required by the insurer or the charging and collection, by licensed agents, of the exact amount of any discount or other such fee charged by a credit card facility in connection with the use of a credit card, as authorized by subparagraph (q)3., in addition to the premium required by the insurer. This subparagraph shall not be construed to prohibit collection of a premium for a

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universal life or a variable or indeterminate value insurance policy made in accordance with the terms of the contract.

3.a. Imposing or requesting an additional premium for bodily injury liability coverage, property damage liability coverage ~~a policy of motor vehicle liability, personal injury protection, medical payments coverage payment, or collision coverage in a motor vehicle liability insurance policy insurance or any combination thereof~~ or refusing to renew the policy solely because the insured was involved in a motor vehicle accident unless the insurer's file contains information from which the insurer in good faith determines that the insured was substantially at fault in the accident.

b. An insurer which imposes and collects such a surcharge or which refuses to renew such policy shall, in conjunction with the notice of premium due or notice of nonrenewal, notify the named insured that he or she is entitled to reimbursement of such amount or renewal of the policy under the conditions listed below and will subsequently reimburse him or her or renew the policy, if the named insured demonstrates that the operator involved in the accident was:

(I) Lawfully parked;

(II) Reimbursed by, or on behalf of, a person responsible for the accident or has a judgment against such person;

(III) Struck in the rear by another vehicle headed in the same direction and was not convicted of a moving traffic violation in connection with the accident;

(IV) Hit by a "hit-and-run" driver, if the accident was reported to the proper authorities within 24 hours after discovering the accident;

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(V) Not convicted of a moving traffic violation in connection with the accident, but the operator of the other automobile involved in such accident was convicted of a moving traffic violation;

(VI) Finally adjudicated not to be liable by a court of competent jurisdiction;

(VII) In receipt of a traffic citation which was dismissed or nolle prossed; or

(VIII) Not at fault as evidenced by a written statement from the insured establishing facts demonstrating lack of fault which are not rebutted by information in the insurer's file from which the insurer in good faith determines that the insured was substantially at fault.

c. In addition to the other provisions of this subparagraph, an insurer may not fail to renew a policy if the insured has had only one accident in which he or she was at fault within the current 3-year period. However, an insurer may nonrenew a policy for reasons other than accidents in accordance with s. 627.728. This subparagraph does not prohibit nonrenewal of a policy under which the insured has had three or more accidents, regardless of fault, during the most recent 3-year period.

4. Imposing or requesting an additional premium for, or refusing to renew, a policy for motor vehicle insurance solely because the insured committed a noncriminal traffic infraction as described in s. 318.14 unless the infraction is:

a. A second infraction committed within an 18-month period, or a third or subsequent infraction committed within a 36-month period.

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1567 b. A violation of s. 316.183, when such violation is a
 1568 result of exceeding the lawful speed limit by more than 15 miles
 1569 per hour.

1570 5. Upon the request of the insured, the insurer and
 1571 licensed agent shall supply to the insured the complete proof of
 1572 fault or other criteria which justifies the additional charge or
 1573 cancellation.

1574 6. No insurer shall impose or request an additional premium
 1575 for motor vehicle insurance, cancel or refuse to issue a policy,
 1576 or refuse to renew a policy because the insured or the applicant
 1577 is a handicapped or physically disabled person, so long as such
 1578 handicap or physical disability does not substantially impair
 1579 such person's mechanically assisted driving ability.

1580 7. No insurer may cancel or otherwise terminate any
 1581 insurance contract or coverage, or require execution of a
 1582 consent to rate endorsement, during the stated policy term for
 1583 the purpose of offering to issue, or issuing, a similar or
 1584 identical contract or coverage to the same insured with the same
 1585 exposure at a higher premium rate or continuing an existing
 1586 contract or coverage with the same exposure at an increased
 1587 premium.

1588 8. No insurer may issue a nonrenewal notice on any
 1589 insurance contract or coverage, or require execution of a
 1590 consent to rate endorsement, for the purpose of offering to
 1591 issue, or issuing, a similar or identical contract or coverage
 1592 to the same insured at a higher premium rate or continuing an
 1593 existing contract or coverage at an increased premium without
 1594 meeting any applicable notice requirements.

1595 9. No insurer shall, with respect to premiums charged for

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1596 motor vehicle insurance, unfairly discriminate solely on the
 1597 basis of age, sex, marital status, or scholastic achievement.

1598 10. Imposing or requesting an additional premium for motor
 1599 vehicle comprehensive or uninsured motorist coverage solely
 1600 because the insured was involved in a motor vehicle accident or
 1601 was convicted of a moving traffic violation.

1602 11. No insurer shall cancel or issue a nonrenewal notice on
 1603 any insurance policy or contract without complying with any
 1604 applicable cancellation or nonrenewal provision required under
 1605 the Florida Insurance Code.

1606 12. No insurer shall impose or request an additional
 1607 premium, cancel a policy, or issue a nonrenewal notice on any
 1608 insurance policy or contract because of any traffic infraction
 1609 when adjudication has been withheld and no points have been
 1610 assessed pursuant to s. 318.14(9) and (10). However, this
 1611 subparagraph does not apply to traffic infractions involving
 1612 accidents in which the insurer has incurred a loss due to the
 1613 fault of the insured.

1614 Section 33. Paragraph (a) of subsection (1) of section
 1615 626.989, Florida Statutes, is amended to read:

1616 626.989 Investigation by department or Division of
 1617 Investigative and Forensic Services; compliance; immunity;
 1618 confidential information; reports to division; division
 1619 investigator's power of arrest.—

1620 (1) For the purposes of this section:

1621 (a) A person commits a "fraudulent insurance act" if the
 1622 person:

1623 1. Knowingly and with intent to defraud presents, causes to
 1624 be presented, or prepares with knowledge or belief that it will

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be presented, to or by an insurer, self-insurer, self-insurance fund, servicing corporation, purported insurer, broker, or any agent thereof, any written statement as part of, or in support of, an application for the issuance of, or the rating of, any insurance policy, or a claim for payment or other benefit pursuant to any insurance policy, which the person knows to contain materially false information concerning any fact material thereto or if the person conceals, for the purpose of misleading another, information concerning any fact material thereto.

2. Knowingly submits:

a. A false, misleading, or fraudulent application or other document when applying for licensure as a health care clinic, seeking an exemption from licensure as a health care clinic, or demonstrating compliance with part X of chapter 400 with an intent to use the license, exemption from licensure, or demonstration of compliance to provide services or seek reimbursement under a motor vehicle liability insurance policy's medical payments coverage ~~the Florida Motor Vehicle No-Fault Law~~.

b. A claim for payment or other benefit under medical payments coverage pursuant to a personal injury protection insurance policy under the Florida Motor Vehicle No-Fault Law if the person knows that the payee knowingly submitted a false, misleading, or fraudulent application or other document when applying for licensure as a health care clinic, seeking an exemption from licensure as a health care clinic, or demonstrating compliance with part X of chapter 400.

Section 34. Subsection (1) of section 627.06501, Florida

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Statutes, is amended to read:

627.06501 Insurance discounts for certain persons completing driver improvement course.—

(1) Any rate, rating schedule, or rating manual for the liability, medical payments ~~personal injury protection~~, and collision coverages of a motor vehicle insurance policy filed with the office may provide for an appropriate reduction in premium charges as to such coverages if ~~when~~ the principal operator on the covered vehicle has successfully completed a driver improvement course approved and certified by the Department of Highway Safety and Motor Vehicles which is effective in reducing crash or violation rates, or both, as determined pursuant to s. 318.1451(5). Any discount, not to exceed 10 percent, used by an insurer is presumed to be appropriate unless credible data demonstrates otherwise.

Section 35. Subsection (1) of section 627.0652, Florida Statutes, is amended to read:

627.0652 Insurance discounts for certain persons completing safety course.—

(1) Any rates, rating schedules, or rating manuals for the liability, medical payments ~~personal injury protection~~, and collision coverages of a motor vehicle insurance policy filed with the office must ~~shall~~ provide for an appropriate reduction in premium charges as to such coverages if ~~when~~ the principal operator on the covered vehicle is an insured 55 years of age or older who has successfully completed a motor vehicle accident prevention course approved by the Department of Highway Safety and Motor Vehicles. Any discount used by an insurer is presumed to be appropriate unless credible data demonstrates otherwise.

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Section 36. Subsections (1), (3), and (6) of section 627.0653, Florida Statutes, are amended to read:

627.0653 Insurance discounts for specified motor vehicle equipment.—

(1) Any rates, rating schedules, or rating manuals for the liability, medical payments ~~personal injury protection~~, and collision coverages of a motor vehicle insurance policy filed with the office must ~~shall~~ provide a premium discount if the insured vehicle is equipped with factory-installed, four-wheel antilock brakes.

(3) Any rates, rating schedules, or rating manuals for ~~personal injury protection coverage~~ and medical payments coverage, ~~if offered~~, of a motor vehicle insurance policy filed with the office must ~~shall~~ provide a premium discount if the insured vehicle is equipped with one or more air bags that ~~which~~ are factory installed.

(6) The Office of Insurance Regulation may approve a premium discount to any rates, rating schedules, or rating manuals for the liability, medical payments ~~personal injury protection~~, and collision coverages of a motor vehicle insurance policy filed with the office if the insured vehicle is equipped with autonomous driving technology or electronic vehicle collision avoidance technology that is factory installed or a retrofitted system and that complies with National Highway Traffic Safety Administration standards.

Section 37. Section 627.4132, Florida Statutes, is amended to read:

627.4132 Stacking of coverages prohibited.—If an insured or named insured is protected by any type of motor vehicle

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insurance policy for bodily injury and property damage liability, ~~personal injury protection, or other coverage~~, the policy must ~~shall~~ provide that the insured or named insured is protected only to the extent of the coverage she or he has on the vehicle involved in the accident. However, if none of the insured's or named insured's vehicles are ~~is~~ involved in the accident, coverage is available only to the extent of coverage on any one of the vehicles with applicable coverage. Coverage on any other vehicles may ~~shall~~ not be added to or stacked upon that coverage. This section does not apply:

(1) To uninsured motorist coverage that ~~which~~ is separately governed by s. 627.727.

(2) To reduce the coverage available by reason of insurance policies insuring different named insureds.

Section 38. Section 627.7263, Florida Statutes, is amended to read:

627.7263 Rental and leasing driver's insurance to be primary; exception.—

(1) The valid and collectible liability insurance and medical payments coverage ~~or personal injury protection insurance providing coverage~~ for the lessor of a motor vehicle for rent or lease is primary unless otherwise stated in at least 10-point type on the face of the rental or lease agreement. Such insurance is primary for the limits of liability and personal injury protection ~~coverage~~ as required by s. 324.021(7) and the medical payments coverage limit specified under s. 627.7265 ~~ss. 324.021(7) and 627.736~~.

(2) If the lessee's coverage is to be primary, the rental or lease agreement must contain the following language, in at

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least 10-point type:

"The valid and collectible liability insurance and medical payments coverage ~~personal injury protection insurance~~ of ~~an any~~ authorized rental or leasing driver is primary for the limits of liability and ~~personal injury protection~~ coverage required under section 324.021(7), Florida Statutes, and the medical payments coverage limit specified under section 627.7265 ~~by ss. 324.021(7) and 627.736~~, Florida Statutes."

Section 39. Section 627.7265, Florida Statutes, is created to read:

627.7265 Motor vehicle insurance; medical payments coverage.—

(1) Medical payments coverage must protect the named insured, resident relatives, persons operating the insured motor vehicle, passengers in the insured motor vehicle, and persons who are struck by the insured motor vehicle and suffer bodily injury while not an occupant of a self-propelled motor vehicle at a limit of at least \$5,000 for medical expense incurred due to bodily injury, sickness, or disease arising out of the ownership, maintenance, or use of a motor vehicle. The coverage must provide an additional death benefit of at least \$5,000.

(a) Before issuing a motor vehicle liability insurance policy that is furnished as proof of financial responsibility under s. 324.031, the insurer must offer medical payments coverage at limits of \$5,000 and \$10,000. The insurer may also offer medical payments coverage at limits greater than \$5,000.

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(b) The medical payments coverage must be offered with an option with no deductible. The insurer may also offer medical payments coverage with a deductible not to exceed \$500.

(c) Each motor vehicle liability insurance policy that is furnished as proof of financial responsibility under s. 324.0031 is deemed to have:

1. Medical payments coverage to a limit of \$10,000, unless the insurer obtains the policyholder's written refusal of medical payments coverage or written selection of medical payments coverage at a limit other than \$10,000. The rejection or selection of coverage at a limit other than \$10,000 must be made on a form approved by the office.

2. No medical payments coverage deductible, unless the insurer obtains the policyholder's written selection of a deductible of up to \$500. The selection of a deductible must be made on a form approved by the office.

(d)1. The forms in subparagraphs (c)1. and 2. must fully advise the applicant of the nature of the coverage being rejected or the policy limit or deductible being selected. If such form is signed by a named insured, it is conclusively presumed that there was an informed, knowing rejection of the coverage or election of the policy limit or deductible selected.

2. Unless the policyholder requests in writing the coverage specified in this section, it need not be provided in or supplemental to any other policy that renews, insures, extends, changes, supersedes, or replaces an existing policy if the policyholder has rejected the coverage specified in this section or has selected an alternative coverage limit or deductible. At least annually, the insurer shall provide the policyholder with

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1799 a notice of the availability of such coverage in a form approved
 1800 by the office. Such notice must be part of, and attached to, the
 1801 notice of premium and must provide for a means to allow the
 1802 insured to request medical payments coverage at the limits and
 1803 deductibles required to be offered under this section. The
 1804 notice must be given in a manner approved by the office. Receipt
 1805 of this notice does not constitute an affirmative waiver of the
 1806 insured's right to medical payments coverage if the insured has
 1807 not signed a selection or rejection form.

1808 (e) This section may not be construed to limit any other
 1809 coverage made available by an insurer.

1810 (2) Upon receiving notice of an accident that is
 1811 potentially covered by medical payments coverage benefits, the
 1812 insurer must reserve \$5,000 of medical payments coverage
 1813 benefits for payment to physicians licensed under chapter 458 or
 1814 chapter 459 or dentists licensed under chapter 466 who provide
 1815 emergency services and care, as defined in s. 395.002, or who
 1816 provide hospital inpatient care. The amount required to be held
 1817 in reserve may be used only to pay claims from such physicians
 1818 or dentists until 30 days after the date the insurer receives
 1819 notice of the accident. After the 30-day period, any amount of
 1820 the reserve for which the insurer has not received notice of
 1821 such claims may be used by the insurer to pay other claims. This
 1822 subsection does not require an insurer to establish a claim
 1823 reserve for insurance accounting purposes.

1824 (3) An insurer providing medical payments coverage benefits
 1825 may not have a:

1826 (a) Lien on any recovery in tort by judgment, settlement,
 1827 or otherwise for medical payments coverage benefits, whether

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1828 suit has been filed or settlement has been reached without suit;

1829 (b) Cause of action against an alleged tortfeasor for
 1830 benefits paid under medical payments coverage; or

1831 (c) Cause of action against a person to whom or for whom
 1832 medical payments coverage benefits were paid, except when
 1833 medical payments coverage benefits are paid by reason of fraud
 1834 by such person.

1835 Section 40. Subsections (1) and (7) of section 627.727,
 1836 Florida Statutes, are amended, and present subsections (8), (9),
 1837 and (10) of that section are redesignated as subsections (7),
 1838 (8), and (9), respectively, to read:

1839 627.727 Motor vehicle insurance; uninsured and underinsured
 1840 vehicle coverage; insolvent insurer protection.—

1841 (1) A ~~No~~ motor vehicle liability insurance policy that
 1842 which provides bodily injury liability coverage may not ~~shall~~ be
 1843 delivered or issued for delivery in this state with respect to
 1844 any specifically insured or identified motor vehicle registered
 1845 or principally garaged in this state, unless uninsured motor
 1846 vehicle coverage is provided therein or supplemental thereto for
 1847 the protection of persons insured thereunder who are legally
 1848 entitled to recover damages from owners or operators of
 1849 uninsured motor vehicles because of bodily injury, sickness, or
 1850 disease, including death, resulting therefrom. However, the
 1851 coverage required under this section is not applicable ~~if when~~,
 1852 or to the extent that, an insured named in the policy makes a
 1853 written rejection of the coverage on behalf of all insureds
 1854 under the policy. ~~If When~~ a motor vehicle is leased for ~~a period~~
 1855 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
 1856 of the lease contract, provides liability coverage on the leased

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1857 vehicle, the lessee of such vehicle ~~has~~ shall have the sole
 1858 privilege to reject uninsured motorist coverage or to select
 1859 lower limits than the bodily injury liability limits, regardless
 1860 of whether the lessor is qualified as a self-insurer pursuant to
 1861 s. 324.171. Unless an insured, or a lessee having the privilege
 1862 of rejecting uninsured motorist coverage, requests such coverage
 1863 or requests higher uninsured motorist limits in writing, the
 1864 coverage or such higher uninsured motorist limits need not be
 1865 provided in or supplemental to any other policy that ~~which~~
 1866 renews, extends, changes, supersedes, or replaces an existing
 1867 policy with the same bodily injury liability limits when an
 1868 insured or lessee had rejected the coverage. When an insured or
 1869 lessee has initially selected limits of uninsured motorist
 1870 coverage lower than her or his bodily injury liability limits,
 1871 higher limits of uninsured motorist coverage need not be
 1872 provided in or supplemental to any other policy that ~~which~~
 1873 renews, extends, changes, supersedes, or replaces an existing
 1874 policy with the same bodily injury liability limits unless an
 1875 insured requests higher uninsured motorist coverage in writing.
 1876 The rejection or selection of lower limits must ~~shall~~ be made on
 1877 a form approved by the office. The form must ~~shall~~ fully advise
 1878 the applicant of the nature of the coverage and must ~~shall~~ state
 1879 that the coverage is equal to bodily injury liability limits
 1880 unless lower limits are requested or the coverage is rejected.
 1881 The heading of the form must ~~shall~~ be in 12-point bold type and
 1882 must ~~shall~~ state: "You are electing not to purchase certain
 1883 valuable coverage that ~~which~~ protects you and your family or you
 1884 are purchasing uninsured motorist limits less than your bodily
 1885 injury liability limits when you sign this form. Please read

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1886 carefully." If this form is signed by a named insured, it will
 1887 be conclusively presumed that there was an informed, knowing
 1888 rejection of coverage or election of lower limits on behalf of
 1889 all insureds. The insurer shall notify the named insured at
 1890 least annually of her or his options as to the coverage required
 1891 by this section. Such notice must ~~shall~~ be part of, and attached
 1892 to, the notice of premium, must ~~shall~~ provide for a means to
 1893 allow the insured to request such coverage, and must ~~shall~~ be
 1894 given in a manner approved by the office. Receipt of this notice
 1895 does not constitute an affirmative waiver of the insured's right
 1896 to uninsured motorist coverage if ~~where~~ the insured has not
 1897 signed a selection or rejection form. The coverage described
 1898 under this section must ~~shall~~ be over and above, but may ~~shall~~
 1899 not duplicate, the benefits available to an insured under any
 1900 workers' compensation law, ~~personal injury protection benefits,~~
 1901 disability benefits law, or similar law; under any automobile
 1902 medical payments ~~expense~~ coverage; under any motor vehicle
 1903 liability insurance coverage; or from the owner or operator of
 1904 the uninsured motor vehicle or any other person or organization
 1905 jointly or severally liable together with such owner or operator
 1906 for the accident,⁷ and such coverage must ~~shall~~ cover the
 1907 difference, if any, between the sum of such benefits and the
 1908 damages sustained, up to the maximum amount of such coverage
 1909 provided under this section. The amount of coverage available
 1910 under this section may ~~shall~~ not be reduced by a setoff against
 1911 any coverage, including liability insurance. Such coverage does
 1912 ~~shall~~ not inure directly or indirectly to the benefit of any
 1913 workers' compensation or disability benefits carrier or any
 1914 person or organization qualifying as a self-insurer under any

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workers' compensation or disability benefits law or similar law.

~~(7) The legal liability of an uninsured motorist coverage insurer does not include damages in tort for pain, suffering, mental anguish, and inconvenience unless the injury or disease is described in one or more of paragraphs (a) (d) of s. 627.737(2).~~

Section 41. Subsection (1) and paragraphs (a) and (b) of subsection (2) of section 627.7275, Florida Statutes, are amended to read:

627.7275 Motor vehicle liability.—

(1) A motor vehicle insurance policy ~~providing personal injury protection as set forth in s. 627.736 may not be delivered or issued for delivery in this state for a with respect to any~~ specifically insured or identified motor vehicle registered or principally garaged in this state must provide bodily injury liability coverage and ~~unless the policy also provides coverage for~~ property damage liability coverage as required under ~~by~~ s. 324.022.

(2) (a) Insurers writing motor vehicle insurance in this state shall make available, subject to the insurers' usual underwriting restrictions:

1. Coverage under policies as described in subsection (1) to an applicant for private passenger motor vehicle insurance coverage who is seeking the coverage in order to reinstate the applicant's driving privileges in this state if the driving privileges were revoked or suspended pursuant to s. 316.646 or s. 324.0221 due to the failure of the applicant to maintain required security.

2. Coverage under policies as described in subsection (1),

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which includes bodily injury ~~also provides~~ liability coverage and property damage liability coverage, ~~for bodily injury, death, and property damage arising out of the ownership, maintenance, or use of the motor vehicle~~ in an amount not less than the minimum limits required under ~~described in~~ s. 324.021(7) or s. 324.023 and which conforms to the requirements of s. 324.151, to an applicant for private passenger motor vehicle insurance coverage who is seeking the coverage in order to reinstate the applicant's driving privileges in this state after such privileges were revoked or suspended under s. 316.193 or s. 322.26(2) for driving under the influence.

(b) The policies described in paragraph (a) must ~~shall~~ be issued for at least 6 months and, as to the minimum coverages required under this section, may not be canceled by the insured for any reason or by the insurer after 60 days, during which period the insurer is completing the underwriting of the policy. After the insurer has completed underwriting the policy, the insurer shall notify the Department of Highway Safety and Motor Vehicles that the policy is in full force and effect and is not cancelable for the remainder of the policy period. A premium must ~~shall~~ be collected and the coverage is in effect for the 60-day period during which the insurer is completing the underwriting of the policy, whether or not the person's driver license, motor vehicle tag, and motor vehicle registration are in effect. Once the noncancelable provisions of the policy become effective, the bodily injury liability and property damage liability coverages ~~for bodily injury, property damage, and personal injury protection~~ may not be reduced below the minimum limits required under s. 324.021 or s. 324.023 during

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the policy period.

Section 42. Paragraph (a) of subsection (1) of section 627.728, Florida Statutes, is amended to read:

627.728 Cancellations; nonrenewals.—

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

(a) "Policy" means the bodily injury and property damage liability, ~~personal injury protection~~, medical payments, comprehensive, collision, and uninsured motorist coverage portions of a policy of motor vehicle insurance delivered or issued for delivery in this state:

1. Insuring a natural person as named insured or one or more related individuals who are residents ~~resident~~ of the same household; and

2. Insuring only a motor vehicle of the private passenger type or station wagon type which is not used as a public or livery conveyance for passengers or rented to others; or insuring any other four-wheel motor vehicle having a load capacity of 1,500 pounds or less which is not used in the occupation, profession, or business of the insured other than farming; other than any policy issued under an automobile insurance assigned risk plan or covering garage, automobile sales agency, repair shop, service station, or public parking place operation hazards.

The term "policy" does not include a binder as defined in s. 627.420 unless the duration of the binder period exceeds 60 days.

Section 43. Subsection (1), paragraph (a) of subsection (5), and subsections (6) and (7) of section 627.7295, Florida

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Statutes, are amended to read:

627.7295 Motor vehicle insurance contracts.—

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

(a) "Policy" means a motor vehicle insurance policy that provides bodily injury liability ~~personal injury protection~~ coverage and, property damage liability coverage, ~~or both~~.

(b) "Binder" means a binder that provides motor vehicle bodily injury liability coverage ~~personal injury protection~~ and property damage liability coverage.

(5) (a) A licensed general lines agent may charge a per-policy fee up to ~~not to exceed~~ \$10 to cover the administrative costs of the agent associated with selling the motor vehicle insurance policy if the policy covers only bodily injury liability coverage ~~personal injury protection coverage~~ ~~as provided by s. 627.736~~ and property damage liability coverage as provided by s. 627.7275 and if no other insurance is sold or issued in conjunction with or collateral to the policy. The fee is not ~~considered~~ part of the premium.

(6) If a motor vehicle owner's driver license, license plate, and registration have previously been suspended pursuant to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy only as provided in s. 627.7275.

(7) A policy of private passenger motor vehicle insurance or a binder for such a policy may be initially issued in this state only if, before the effective date of such binder or policy, the insurer or agent has collected ~~from the insured an amount equal to~~ 2 months' premium from the insured. An insurer, agent, or premium finance company may not, directly or indirectly, take any action that results ~~resulting~~ in the

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insured ~~paying having paid~~ from the insured's own funds an amount less than the 2 months' premium required by this subsection. This subsection applies without regard to whether the premium is financed by a premium finance company or is paid pursuant to a periodic payment plan of an insurer or an insurance agent.

(a) This subsection does not apply:

1. If an insured or member of the insured's family is renewing or replacing a policy or a binder for such policy written by the same insurer or a member of the same insurer group. ~~This subsection does not apply~~

2. To an insurer that issues private passenger motor vehicle coverage primarily to active duty or former military personnel or their dependents. ~~This subsection does not apply~~

3. If all policy payments are paid pursuant to a payroll deduction plan, an automatic electronic funds transfer payment plan from the policyholder, or a recurring credit card or debit card agreement with the insurer.

(b) This subsection and subsection (4) do not apply if:

1. All policy payments to an insurer are paid pursuant to an automatic electronic funds transfer payment plan from an agent, a managing general agent, or a premium finance company and if the policy includes, at a minimum, bodily injury liability coverage and personal injury protection pursuant to ss. 627.730-627.7405, motor vehicle property damage liability coverage pursuant to s. 627.7275; or and bodily injury liability in at least the amount of \$10,000 because of bodily injury to, or death of, one person in any one accident and in the amount of \$20,000 because of bodily injury to, or death of, two or more

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~~persons in any one accident. This subsection and subsection (4) do not apply if~~

2. An insured has had a policy in effect for at least 6 months, the insured's agent is terminated by the insurer that issued the policy, and the insured obtains coverage on the policy's renewal date with a new company through the terminated agent.

Section 44. Section 627.7415, Florida Statutes, is amended to read:

627.7415 Commercial motor vehicles; additional liability insurance coverage. Beginning January 1, 2020, commercial motor vehicles, as defined in s. 207.002 or s. 320.01, operated upon the roads and highways of this state must ~~shall~~ be insured with the following minimum levels of combined bodily liability insurance and property damage liability insurance in addition to any other insurance requirements:

(1) Sixty Fifty thousand dollars per occurrence for a commercial motor vehicle with a gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds.

(2) One hundred twenty thousand dollars per occurrence for a commercial motor vehicle with a gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds.

(3) Three hundred thousand dollars per occurrence for a commercial motor vehicle with a gross vehicle weight of 44,000 pounds or more.

(4) All commercial motor vehicles subject to regulations of the United States Department of Transportation, 49 C.F.R. part 387, subpart A, and as may be hereinafter amended, shall be insured in an amount equivalent to the minimum levels of

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financial responsibility as set forth in such regulations.

A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 45. Paragraphs (b), (c), and (g) of subsection (7) and paragraphs (a) and (b) of subsection (8) of section 627.748, Florida Statutes, are amended to read:

627.748 Transportation network companies.—

(7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE REQUIREMENTS.—

(b) The following automobile insurance requirements apply while a participating TNC driver is logged on to the digital network but is not engaged in a prearranged ride:

1. Automobile insurance that provides:

a. A primary automobile liability coverage of at least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily injury per incident, and \$25,000 for property damage; and

b. ~~Personal injury protection benefits that meet the minimum coverage amounts required under ss. 627.730-627.7405;~~
~~and~~

~~e.~~ Uninsured and underinsured vehicle coverage as required by s. 627.727.

2. The coverage requirements of this paragraph may be satisfied by any of the following:

- a. Automobile insurance maintained by the TNC driver;
- b. Automobile insurance maintained by the TNC; or
- c. A combination of sub-subparagraphs a. and b.

(c) The following automobile insurance requirements apply

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while a TNC driver is engaged in a prearranged ride:

1. Automobile insurance that provides:

a. A primary automobile liability coverage of at least \$1 million for death, bodily injury, and property damage; and

b. ~~Personal injury protection benefits that meet the minimum coverage amounts required of a limousine under ss. 627.730-627.7405; and~~

~~e.~~ Uninsured and underinsured vehicle coverage as required by s. 627.727.

2. The coverage requirements of this paragraph may be satisfied by any of the following:

- a. Automobile insurance maintained by the TNC driver;
- b. Automobile insurance maintained by the TNC; or
- c. A combination of sub-subparagraphs a. and b.

(g) Insurance satisfying the requirements under this subsection is deemed to satisfy the financial responsibility requirement for a motor vehicle under chapter 324 ~~and the security required under s. 627.733~~ for any period when the TNC driver is logged onto the digital network or engaged in a prearranged ride.

(8) TRANSPORTATION NETWORK COMPANY AND INSURER; DISCLOSURE; EXCLUSIONS.—

(a) Before a TNC driver is allowed to accept a request for a prearranged ride on the digital network, the TNC must disclose in writing to the TNC driver:

1. The insurance coverage, including the types of coverage and the limits for each coverage, which the TNC provides while the TNC driver uses a TNC vehicle in connection with the TNC's digital network.

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2. That the TNC driver's own automobile insurance policy might not provide any coverage while the TNC driver is logged on to the digital network or is engaged in a prearranged ride, depending on the terms of the TNC driver's own automobile insurance policy.

3. That the provision of rides for compensation which are not prearranged rides subjects the driver to the coverage requirements imposed under s. 324.032(1) and (2) and that failure to meet such coverage requirements subjects the TNC driver to penalties provided in s. 324.221, up to and including a misdemeanor of the second degree.

(b)1. An insurer that provides an automobile liability insurance policy under this part may exclude any and all coverage afforded under the policy issued to an owner or operator of a TNC vehicle while driving that vehicle for any loss or injury that occurs while a TNC driver is logged on to a digital network or while a TNC driver provides a prearranged ride. Exclusions imposed under this subsection are limited to coverage while a TNC driver is logged on to a digital network or while a TNC driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in an automobile insurance policy, including, but not limited to:

- a. Liability coverage for bodily injury and property damage;
- b. Uninsured and underinsured motorist coverage;
- c. Medical payments coverage;
- d. Comprehensive physical damage coverage; and
- e. Collision physical damage coverage; ~~and~~
- f. ~~Personal injury protection.~~

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2. The exclusions described in subparagraph 1. apply notwithstanding any requirement under chapter 324. These exclusions do not affect or diminish coverage otherwise available for permissive drivers or resident relatives under the personal automobile insurance policy of the TNC driver or owner of the TNC vehicle who are not occupying the TNC vehicle at the time of loss. This section does not require that a personal automobile insurance policy provide coverage while the TNC driver is logged on to a digital network, while the TNC driver is engaged in a prearranged ride, or while the TNC driver otherwise uses a vehicle to transport riders for compensation.

3. This section must not be construed to require an insurer to use any particular policy language or reference to this section in order to exclude any and all coverage for any loss or injury that occurs while a TNC driver is logged on to a digital network or while a TNC driver provides a prearranged ride.

4. This section does not preclude an insurer from providing primary or excess coverage for the TNC driver's vehicle by contract or endorsement.

Section 46. Section 627.8405, Florida Statutes, is amended to read:

627.8405 Prohibited acts; financing companies.—~~A~~ ~~No~~ premium finance company ~~shall~~, in a premium finance agreement or other agreement, may not finance the cost of or otherwise provide for the collection or remittance of dues, assessments, fees, or other periodic payments of money for the cost of:

- (1) A membership in an automobile club. The term "automobile club" means a legal entity that ~~which~~, in consideration of dues, assessments, or periodic payments of

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money, promises its members or subscribers to assist them in matters relating to the ownership, operation, use, or maintenance of a motor vehicle; however, ~~the term this definition of "automobile club"~~ does not include persons, associations, or corporations ~~which are~~ organized and operated solely for the purpose of conducting, sponsoring, or sanctioning motor vehicle races, exhibitions, or contests upon racetracks, or upon racecourses established and marked as such for the duration of such particular events. The term words "motor vehicle" used herein has ~~have~~ the same meaning as defined in chapter 320.

(2) An accidental death and dismemberment policy sold in combination with a policy providing only bodily injury liability coverage ~~personal injury protection~~ and property damage liability coverage only policy.

(3) Any product not regulated under ~~the provisions of~~ this insurance code.

This section also applies to premium financing by any insurance agent or insurance company under part XVI. The commission shall adopt rules to assure disclosure, at the time of sale, of coverages financed ~~with personal injury protection~~ and shall prescribe the form of such disclosure.

Section 47. Subsection (1) of section 627.915, Florida Statutes, is amended to read:

627.915 Insurer experience reporting.—

(1) Each insurer transacting private passenger automobile insurance in this state shall report certain information annually to the office. The information will be due on or before

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July 1 of each year. The information must ~~shall~~ be divided into the following categories: bodily injury liability; property damage liability; uninsured motorist; ~~personal injury protection benefits~~; medical payments; and comprehensive and collision. The information given must ~~shall~~ be on direct insurance writings in the state alone and ~~shall~~ represent total limits data. The information set forth in paragraphs (a)-(f) is applicable to voluntary private passenger and Joint Underwriting Association private passenger writings and must ~~shall~~ be reported for each of the latest 3 calendar-accident years, with an evaluation date of March 31 of the current year. The information set forth in paragraphs (g)-(j) is applicable to voluntary private passenger writings and must ~~shall~~ be reported on a calendar-accident year basis ultimately seven times at seven different stages of development.

(a) Premiums earned for the latest 3 calendar-accident years.

(b) Loss development factors and the historic development of those factors.

(c) Policyholder dividends incurred.

(d) Expenses for other acquisition and general expense.

(e) Expenses for agents' commissions and taxes, licenses, and fees.

(f) Profit and contingency factors as utilized in the insurer's automobile rate filings for the applicable years.

(g) Losses paid.

(h) Losses unpaid.

(i) Loss adjustment expenses paid.

(j) Loss adjustment expenses unpaid.

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2263 Section 48. Subsections (2) and (3) of section 628.909,
 2264 Florida Statutes, are amended to read:
 2265 628.909 Applicability of other laws.—
 2266 (2) The following provisions of the Florida Insurance Code
 2267 apply to captive insurance companies that ~~who~~ are not industrial
 2268 insured captive insurance companies to the extent that such
 2269 provisions are not inconsistent with this part:
 2270 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
 2271 624.40851, 624.4095, 624.411, 624.425, and 624.426.
 2272 (b) Chapter 625, part II.
 2273 (c) Chapter 626, part IX.
 2274 (d) ~~Sections 627.730-627.7405, when no fault coverage is~~
 2275 ~~provided.~~
 2276 ~~(e)~~ Chapter 628.
 2277 (3) The following provisions of the Florida Insurance Code
 2278 ~~shall~~ apply to industrial insured captive insurance companies to
 2279 the extent that such provisions are not inconsistent with this
 2280 part:
 2281 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
 2282 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).
 2283 (b) Chapter 625, part II, if the industrial insured captive
 2284 insurance company is incorporated in this state.
 2285 (c) Chapter 626, part IX.
 2286 (d) ~~Sections 627.730-627.7405 when no fault coverage is~~
 2287 ~~provided.~~
 2288 ~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and
 2289 628.6018.
 2290 Section 49. Subsections (2), (6), and (7) of section
 2291 705.184, Florida Statutes, are amended to read:

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2292 705.184 Derelict or abandoned motor vehicles on the
 2293 premises of public-use airports.—
 2294 (2) The airport director or the director's designee shall
 2295 contact the Department of Highway Safety and Motor Vehicles to
 2296 notify that department that the airport has possession of the
 2297 abandoned or derelict motor vehicle and to determine the name
 2298 and address of the owner of the motor vehicle, the insurance
 2299 company insuring the motor vehicle, ~~notwithstanding the~~
 2300 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
 2301 the motor vehicle. Within 7 business days after receipt of the
 2302 information, the director or the director's designee shall send
 2303 notice by certified mail, return receipt requested, to the owner
 2304 of the motor vehicle, the insurance company insuring the motor
 2305 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
 2306 persons of record claiming a lien against the motor vehicle. The
 2307 notice must ~~shall~~ state the fact of possession of the motor
 2308 vehicle, that charges for reasonable towing, storage, and
 2309 parking fees, if any, have accrued and the amount thereof, that
 2310 a lien as provided in subsection (6) will be claimed, that the
 2311 lien is subject to enforcement pursuant to law, that the owner
 2312 or lienholder, if any, has the right to a hearing as set forth
 2313 in subsection (4), and that any motor vehicle which, at the end
 2314 of 30 calendar days after receipt of the notice, has not been
 2315 removed from the airport upon payment in full of all accrued
 2316 charges for reasonable towing, storage, and parking fees, if
 2317 any, may be disposed of as provided in s. 705.182(2)(a), (b),
 2318 (d), or (e), including, but not limited to, the motor vehicle
 2319 being sold free of all prior liens after 35 calendar days after
 2320 the time the motor vehicle is stored if any prior liens on the

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motor vehicle are more than 5 years of age or after 50 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are 5 years of age or less.

(6) The airport pursuant to this section or, if used, a licensed independent wrecker company pursuant to s. 713.78 shall have a lien on an abandoned or derelict motor vehicle for all reasonable towing, storage, and accrued parking fees, if any, except that no storage fee ~~may~~ shall be charged if the motor vehicle is stored less than 6 hours. As a prerequisite to perfecting a lien under this section, the airport director or the director's designee must serve a notice in accordance with subsection (2) on the owner of the motor vehicle, the insurance company insuring the motor vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all persons of record claiming a lien against the motor vehicle. If attempts to notify the owner, the insurance company insuring the motor vehicle, ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are not successful, the requirement of notice by mail shall be considered met. Serving of the notice does not dispense with recording the claim of lien.

(7) (a) For the purpose of perfecting its lien under this section, the airport shall record a claim of lien which states ~~shall state:~~

1. The name and address of the airport.
2. The name of the owner of the motor vehicle, the insurance company insuring the motor vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all persons of record claiming a lien against the motor vehicle.
3. The costs incurred from reasonable towing, storage, and

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parking fees, if any.

4. A description of the motor vehicle sufficient for identification.

(b) The claim of lien ~~must~~ shall be signed and sworn to or affirmed by the airport director or the director's designee.

(c) The claim of lien ~~is~~ shall be sufficient if it is in substantially the following form:

CLAIM OF LIEN

State of

County of

Before me, the undersigned notary public, personally appeared

....., who was duly sworn and says that he/she is the

..... of, whose address is.....; and that the following described motor vehicle:

...(Description of motor vehicle)...

owned by, whose address is, has accrued

\$..... in fees for a reasonable tow, for storage, and for parking, if applicable; that the lienor served its notice to the

owner, the insurance company insuring the motor vehicle

~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~

and all persons of record claiming a lien against the motor

vehicle on, ...(year)...., by.....

...(Signature)...

Sworn to (or affirmed) and subscribed before me this day of

....., ...(year)...., by ...(name of person making statement)....

...(Signature of Notary Public).....(Print, Type, or Stamp

Commissioned name of Notary Public)...

Personally Known....OR Produced....as identification.

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2379
2380 However, the negligent inclusion or omission of any information
2381 in this claim of lien which does not prejudice the owner does
2382 not constitute a default that operates to defeat an otherwise
2383 valid lien.

2384 (d) The claim of lien must ~~shall~~ be served on the owner of
2385 the motor vehicle, the insurance company insuring the motor
2386 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2387 persons of record claiming a lien against the motor vehicle. If
2388 attempts to notify the owner, the insurance company insuring the
2389 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
2390 lienholders are not successful, the requirement of notice by
2391 mail shall be considered met. The claim of lien must ~~shall~~ be so
2392 served before recordation.

2393 (e) The claim of lien must ~~shall~~ be recorded with the clerk
2394 of court in the county where the airport is located. The
2395 recording of the claim of lien shall be constructive notice to
2396 all persons of the contents and effect of such claim. The lien
2397 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
2398 ~~take~~ priority as of that time.

2399 Section 50. Subsection (4) of section 713.78, Florida
2400 Statutes, is amended to read:

2401 713.78 Liens for recovering, towing, or storing vehicles
2402 and vessels.—

2403 (4) (a) Any person regularly engaged in the business of
2404 recovering, towing, or storing vehicles or vessels who comes
2405 into possession of a vehicle or vessel pursuant to subsection
2406 (2), and who claims a lien for recovery, towing, or storage
2407 services, shall give notice to the registered owner, the

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2408 insurance company insuring the vehicle ~~notwithstanding the~~
2409 ~~provisions of s. 627.736,~~ and to all persons claiming a lien
2410 thereon, as disclosed by the records in the Department of
2411 Highway Safety and Motor Vehicles or as disclosed by the records
2412 of any corresponding agency in any other state in which the
2413 vehicle is identified through a records check of the National
2414 Motor Vehicle Title Information System or an equivalent
2415 commercially available system as being titled or registered.

2416 (b) If a ~~Whenever any~~ law enforcement agency authorizes the
2417 removal of a vehicle or vessel or if a ~~whenever any~~ towing
2418 service, garage, repair shop, or automotive service, storage, or
2419 parking place notifies the law enforcement agency of possession
2420 of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
2421 enforcement agency of the jurisdiction where the vehicle or
2422 vessel is stored shall contact the Department of Highway Safety
2423 and Motor Vehicles, or the appropriate agency of the state of
2424 registration, if known, within 24 hours through the medium of
2425 electronic communications, giving the full description of the
2426 vehicle or vessel. Upon receipt of the full description of the
2427 vehicle or vessel, the department shall search its files to
2428 determine the owner's name, the insurance company insuring the
2429 vehicle or vessel, and whether any person has filed a lien upon
2430 the vehicle or vessel as provided in s. 319.27(2) and (3) and
2431 notify the applicable law enforcement agency within 72 hours.
2432 The person in charge of the towing service, garage, repair shop,
2433 or automotive service, storage, or parking place shall obtain
2434 such information from the applicable law enforcement agency
2435 within 5 days after the date of storage and shall give notice
2436 pursuant to paragraph (a). The department may release the

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insurance company information to the requestor ~~notwithstanding the provisions of s. 627.736.~~

(c) Notice by certified mail ~~must shall~~ be sent within 7 business days after the date of storage of the vehicle or vessel to the registered owner, the insurance company insuring the vehicle ~~notwithstanding the provisions of s. 627.736,~~ and all persons of record claiming a lien against the vehicle or vessel. The notice must ~~It shall~~ state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, ~~and~~ that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold free of all prior liens after 35 days if the vehicle or vessel is more than 3 years of age or after 50 days if the vehicle or vessel is 3 years of age or less.

(d) If attempts to locate the name and address of the owner or lienholder prove unsuccessful, the towing-storage operator ~~must shall~~, after 7 working days, excluding Saturday and Sunday, of the initial tow or storage, notify the public agency of jurisdiction where the vehicle or vessel is stored in writing by certified mail or acknowledged hand delivery that the towing-storage company has been unable to locate the name and address of the owner or lienholder and a physical search of the vehicle or vessel has disclosed no ownership information and a good faith effort has been made, including records checks of the Department of Highway Safety and Motor Vehicles database and the

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National Motor Vehicle Title Information System or an equivalent commercially available system. As used in ~~For purposes of~~ this paragraph and subsection (9), the term "good faith effort" means that the following checks have been performed by the company to establish prior state of registration and for title:

1. Check of the Department of Highway Safety and Motor Vehicles database for the owner and any lienholder.

2. Check of the electronic National Motor Vehicle Title Information System or an equivalent commercially available system to determine the state of registration when there is not a current registration record for the vehicle on file with the Department of Highway Safety and Motor Vehicles.

3. Check of vehicle or vessel for any type of tag, tag record, temporary tag, or regular tag.

4. Check of law enforcement report for tag number or other information identifying the vehicle or vessel, if the vehicle or vessel was towed at the request of a law enforcement officer.

5. Check of trip sheet or tow ticket of tow truck operator to see if a tag was on vehicle or vessel at beginning of tow, if private tow.

6. If there is no address of the owner on the impound report, check of law enforcement report to see if an out-of-state address is indicated from driver license information.

7. Check of vehicle or vessel for inspection sticker or other stickers and decals that may indicate a state of possible registration.

8. Check of the interior of the vehicle or vessel for any papers that may be in the glove box, trunk, or other areas for a state of registration.

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2495 9. Check of vehicle for vehicle identification number.
 2496 10. Check of vessel for vessel registration number.
 2497 11. Check of vessel hull for a hull identification number
 2498 which should be carved, burned, stamped, embossed, or otherwise
 2499 permanently affixed to the outboard side of the transom or, if
 2500 there is no transom, to the outmost seaboard side at the end of
 2501 the hull that bears the rudder or other steering mechanism.
 2502 Section 51. Paragraph (a) of subsection (1), paragraph (c)
 2503 of subsection (7), paragraphs (a), (b), and (c) of subsection
 2504 (8), and subsections (9) and (10) of section 817.234, Florida
 2505 Statutes, are amended to read:
 2506 817.234 False and fraudulent insurance claims.—
 2507 (1)(a) A person commits insurance fraud punishable as
 2508 provided in subsection (11) if that person, with the intent to
 2509 injure, defraud, or deceive any insurer:
 2510 1. Presents or causes to be presented any written or oral
 2511 statement as part of, or in support of, a claim for payment or
 2512 other benefit pursuant to an insurance policy or a health
 2513 maintenance organization subscriber or provider contract,
 2514 knowing that such statement contains ~~any~~ false, incomplete, or
 2515 misleading information concerning any fact or thing material to
 2516 such claim;
 2517 2. Prepares or makes any written or oral statement that is
 2518 intended to be presented to an ~~any~~ insurer in connection with,
 2519 or in support of, any claim for payment or other benefit
 2520 pursuant to an insurance policy or a health maintenance
 2521 organization subscriber or provider contract, knowing that such
 2522 statement contains ~~any~~ false, incomplete, or misleading
 2523 information concerning any fact or thing material to such claim;

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2524 3.a. Knowingly presents, causes to be presented, or
 2525 prepares or makes with knowledge or belief that it will be
 2526 presented to an ~~any~~ insurer, purported insurer, servicing
 2527 corporation, insurance broker, or insurance agent, or any
 2528 employee or agent thereof, ~~any~~ false, incomplete, or misleading
 2529 information or a written or oral statement as part of, or in
 2530 support of, an application for the issuance of, or the rating
 2531 of, any insurance policy, or a health maintenance organization
 2532 subscriber or provider contract; or
 2533 b. Knowingly conceals information concerning any fact
 2534 material to such application; or
 2535 4. Knowingly presents, causes to be presented, or prepares
 2536 or makes with knowledge or belief that it will be presented to
 2537 any insurer a claim for payment or other benefit under medical
 2538 payments coverage in a motor vehicle ~~a personal injury~~
 2539 ~~protection~~ insurance policy if the person knows that the payee
 2540 knowingly submitted a false, misleading, or fraudulent
 2541 application or other document when applying for licensure as a
 2542 health care clinic, seeking an exemption from licensure as a
 2543 health care clinic, or demonstrating compliance with part X of
 2544 chapter 400.
 2545 (7)
 2546 ~~(c) An insurer, or any person acting at the direction of or~~
 2547 ~~on behalf of an insurer, may not change an opinion in a mental~~
 2548 ~~or physical report prepared under s. 627.736(7) or direct the~~
 2549 ~~physician preparing the report to change such opinion; however,~~
 2550 ~~this provision does not preclude the insurer from calling to the~~
 2551 ~~attention of the physician errors of fact in the report based~~
 2552 ~~upon information in the claim file. Any person who violates this~~

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2553 ~~paragraph commits a felony of the third degree, punishable as~~
 2554 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

2555 (8) (a) It is unlawful for any person intending to defraud
 2556 any other person to solicit or cause to be solicited any
 2557 business from a person involved in a motor vehicle accident for
 2558 the purpose of making, adjusting, or settling motor vehicle tort
 2559 claims or claims for benefits under medical payments coverage in
 2560 a motor vehicle insurance policy ~~personal injury protection~~
 2561 ~~benefits required by s. 627.736.~~ Any person who violates the
 2562 ~~provisions of~~ this paragraph commits a felony of the second
 2563 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 2564 775.084. A person who is convicted of a violation of this
 2565 subsection shall be sentenced to a minimum term of imprisonment
 2566 of 2 years.

2567 (b) A person may not solicit or cause to be solicited any
 2568 business from a person involved in a motor vehicle accident by
 2569 any means of communication other than advertising directed to
 2570 the public for the purpose of making motor vehicle tort claims
 2571 or claims for benefits under medical payments coverage in a
 2572 motor vehicle insurance policy ~~personal injury protection~~
 2573 ~~benefits required by s. 627.736,~~ within 60 days after the
 2574 occurrence of the motor vehicle accident. Any person who
 2575 violates this paragraph commits a felony of the third degree,
 2576 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2577 (c) A lawyer, health care practitioner as defined in s.
 2578 456.001, or owner or medical director of a clinic required to be
 2579 licensed pursuant to s. 400.9905 may not, at any time after 60
 2580 days have elapsed from the occurrence of a motor vehicle
 2581 accident, solicit or cause to be solicited any business from a

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2582 person involved in a motor vehicle accident by means of in
 2583 person or telephone contact at the person's residence, for the
 2584 purpose of making motor vehicle tort claims or claims for
 2585 benefits under medical payments coverage in a motor vehicle
 2586 insurance policy ~~personal injury protection benefits required by~~
 2587 ~~s. 627.736.~~ Any person who violates this paragraph commits a
 2588 felony of the third degree, punishable as provided in s.
 2589 775.082, s. 775.083, or s. 775.084.

2590 (9) A person may not organize, plan, or knowingly
 2591 participate in an intentional motor vehicle crash or a scheme to
 2592 create documentation of a motor vehicle crash that did not occur
 2593 for the purpose of making motor vehicle tort claims or claims
 2594 for benefits under medical payments coverage in a motor vehicle
 2595 insurance policy ~~personal injury protection benefits as required~~
 2596 ~~by s. 627.736.~~ Any person who violates this subsection commits a
 2597 felony of the second degree, punishable as provided in s.
 2598 775.082, s. 775.083, or s. 775.084. A person who is convicted of
 2599 a violation of this subsection shall be sentenced to a minimum
 2600 term of imprisonment of 2 years.

2601 (10) A licensed health care practitioner who is found
 2602 guilty of insurance fraud under this section for an act relating
 2603 to a motor vehicle ~~personal injury protection~~ insurance policy
 2604 loses his or her license to practice for 5 years and may not
 2605 receive reimbursement under medical payments coverage in a motor
 2606 vehicle insurance policy ~~for personal injury protection benefits~~
 2607 for 10 years.

2608 Section 52. Applicability and construction; notice to
 2609 policyholders.-

2610 (1) As used in this section, the term "minimum security

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2611 requirements” means security that enables a person to respond in
 2612 damages for liability on account of crashes arising out of the
 2613 ownership, maintenance, or use of a motor vehicle, in the
 2614 amounts required by s. 324.021(7), Florida Statutes.

2615 (2) Effective January 1, 2020:

2616 (a) Motor vehicle insurance policies issued or renewed on
 2617 or after that date may not include personal injury protection.

2618 (b) All persons subject to s. 324.022, s. 324.032, s.
 2619 627.7415, or s. 627.742, Florida Statutes, must maintain at
 2620 least minimum security requirements.

2621 (c) Any new or renewal motor vehicle insurance policy
 2622 delivered or issued for delivery in this state must provide
 2623 coverage that complies with minimum security requirements.

2624 (d) An existing motor vehicle insurance policy issued
 2625 before that date which provides personal injury protection and
 2626 property damage liability coverage that meets the requirements
 2627 of s. 324.022, Florida Statutes, on December 31, 2019, but which
 2628 does not meet minimum security requirements on or after January
 2629 1, 2020, is deemed to meet the security requirements of s.
 2630 324.022, Florida Statutes, until such policy is renewed,
 2631 nonrenewed, or canceled on or after January 1, 2020. Sections
 2632 627.730-627.7405, 400.9905, 400.991, 456.057, 456.072, 627.7263,
 2633 627.727, 627.748, 627.9541(1)(i), and 817.234, Florida Statutes
 2634 2018, remain in full force and effect for motor vehicle
 2635 accidents covered under a policy issued under the Florida Motor
 2636 Vehicle No-Fault Law before January 1, 2020, until the policy is
 2637 renewed, nonrenewed, or canceled.

2638 (3) Each insurer shall allow each insured who has a new or
 2639 renewal policy providing personal injury protection which

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2640 becomes effective before January 1, 2020, and whose policy does
 2641 not meet minimum security requirements on or after January 1,
 2642 2020, to change coverages so as to eliminate personal injury
 2643 protection and obtain coverage providing minimum security
 2644 requirements, which shall be effective on or after January 1,
 2645 2020. The insurer is not required to provide coverage complying
 2646 with minimum security requirements in such policies if the
 2647 insured does not pay the required premium, if any, by January 1,
 2648 2020, or such later date as the insurer may allow. The insurer
 2649 must also offer each insured medical payments coverage pursuant
 2650 to s. 627.7265, Florida Statutes. Any reduction in the premium
 2651 must be refunded by the insurer. The insurer may not impose on
 2652 the insured an additional fee or charge that applies solely to a
 2653 change in coverage; however, the insurer may charge an
 2654 additional required premium that is actuarially indicated.

2655 (4) By September 1, 2019, each motor vehicle insurer shall
 2656 provide notice of this section to each motor vehicle
 2657 policyholder who is subject to this section. The notice is
 2658 subject to approval by the Office of Insurance Regulation and
 2659 must clearly inform the policyholder that:

2660 (a) The Florida Motor Vehicle No-Fault Law is repealed,
 2661 effective January 1, 2020, and that on or after that date, the
 2662 insured is no longer required to maintain personal injury
 2663 protection insurance coverage, that personal injury protection
 2664 coverage is no longer available for purchase in this state, and
 2665 that all new or renewal policies issued on or after that date
 2666 will not contain such coverage.

2667 (b) Effective January 1, 2020, a person subject to the
 2668 financial responsibility requirements of s. 324.022, Florida

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2669 Statutes, must maintain minimum security requirements that
 2670 enable the person to respond to damages for liability on account
 2671 of accidents arising out of the use of a motor vehicle in the
 2672 following amounts:

2673 1. Twenty-five thousand dollars for bodily injury to, or
 2674 the death of, one person in any one crash and, subject to such
 2675 limits for one person, in the amount of \$50,000 for bodily
 2676 injury to, or the death of, two or more persons in any one
 2677 crash; and

2678 2. Ten thousand dollars for damage to, or destruction of,
 2679 the property of others in any one crash.

2680 (c) Bodily injury liability coverage protects the insured,
 2681 up to the coverage limits, against loss if the insured is
 2682 legally responsible for the death of or bodily injury to others
 2683 in a motor vehicle accident.

2684 (d) Effective January 1, 2020, each policyholder of motor
 2685 vehicle liability insurance purchased as proof of financial
 2686 responsibility must be offered medical payments coverage
 2687 benefits that comply with s. 627.7265, Florida Statutes. The
 2688 insurer must offer medical payments coverage at limits of \$5,000
 2689 and \$10,000 without a deductible. The insurer may also offer
 2690 medical payments coverage at other limits greater than \$5,000,
 2691 and may offer coverage with a deductible of up to \$500. Medical
 2692 payments coverage pays covered medical expenses, up to the
 2693 limits of such coverage, for injuries sustained in a motor
 2694 vehicle crash by the named insured, resident relatives, persons
 2695 operating the insured motor vehicle, passengers in the insured
 2696 motor vehicle, and persons who are struck by the insured motor
 2697 vehicle and suffer bodily injury while not an occupant of a

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2698 self-propelled motor vehicle as provided in s. 627.7265, Florida
 2699 Statutes. Medical payments coverage also provides a death
 2700 benefit of at least \$5,000.

2701 (e) The policyholder may obtain uninsured and underinsured
 2702 motorist coverage, which provides benefits, up to the limits of
 2703 such coverage, to a policyholder or other insured entitled to
 2704 recover damages for bodily injury, sickness, disease, or death
 2705 resulting from a motor vehicle accident with an uninsured or
 2706 underinsured owner or operator of a motor vehicle.

2707 (f) If the policyholder's new or renewal motor vehicle
 2708 insurance policy is effective before January 1, 2020, and
 2709 contains personal injury protection and property damage
 2710 liability coverage as required by state law before January 1,
 2711 2020, but does not meet minimum security requirements on or
 2712 after January 1, 2020, the policy is deemed to meet minimum
 2713 security requirements until it is renewed, nonrenewed, or
 2714 canceled on or after January 1, 2020.

2715 (g) A policyholder whose new or renewal policy becomes
 2716 effective before January 1, 2020, but does not meet minimum
 2717 security requirements on or after January 1, 2020, may change
 2718 coverages under the policy so as to eliminate personal injury
 2719 protection and to obtain coverage providing minimum security
 2720 requirements, including bodily injury liability coverage, which
 2721 are effective on or after January 1, 2020.

2722 (h) If the policyholder has any questions, he or she should
 2723 contact the person named at the telephone number provided in the
 2724 notice.

2725 (5) This section takes effect upon this act becoming a law.
 2726 Section 53. Application of suspensions for failure to

20-00389C-19

20191052__

2727 maintain security; reinstatement.-All suspensions for failure to
2728 maintain required security as required by law in effect before
2729 January 1, 2020, remain in full force and effect after January
2730 1, 2020. A driver may reinstate a suspended driver license or
2731 registration as provided under s. 324.0221, Florida Statutes.

2732 Section 54. For the 2019-2020 fiscal year, the sum of
2733 \$83,651 in nonrecurring funds is appropriated from the Insurance
2734 Regulatory Trust Fund to the Office of Insurance Regulation for
2735 the purpose of implementing this act.

2736 Section 55. Except as otherwise expressly provided in this
2737 act and except for this section, which shall take effect upon
2738 this act becoming a law, this act shall take effect January 1,
2739 2020.

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date

1052
Bill Number (if applicable)

507362
Amendment Barcode (if applicable)

Topic _____

Name Mark Delegal

Job Title _____

Address _____

Street

Phone _____

City

State

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing State Farm Insurance Company

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12/19

Meeting Date

1052

Bill Number (if applicable)

507362

Amendment Barcode (if applicable)

Topic Named Driver Exclusion

Name Eric Romano

Job Title Attorney

Address 11488 Paradise Cove Lane
Street

Phone 561-818-7553

Wellington FL 33449
City State Zip

Email eric@RomanoLawGroup.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida Justice Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/12/2019
Meeting Date

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

1052

Bill Number (if applicable)

579484

Amendment Barcode (if applicable)

Topic Motor Vehicle Ins.

Name Kim Driggers

Job Title Assistant General Counsel

Address Florida Chiropractic Assn

Street

3770 Piney Grove Dr, Tit

City

State

Zip

Phone

850.597.1355

Email

kdriggers@driggers-law.com

Speaking: ☐ For ☒ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL Chiropractic Assn.

Appearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

03.12.19

Meeting Date

Topic motor vehicle insurance

Bill Number 1052

Name Eric Parker

Amendment Barcode 579484
(if applicable)

Job Title _____

Address 3600 MacLay Blvd, Ste. 101
Street
Tallahassee FL 32312
City State Zip

Phone 850-894-4111

E-mail eparker@butler.legal

Speaking: ☐ For ☒ Against ☐ Information

Representing Florida Justice Reform Institute

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

3-12-19

Meeting Date

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

1052

Bill Number (if applicable)

Topic

No Fault Repeal

Amendment Barcode (if applicable)

Name

Bonny Gordon

Job Title

S.R. Counsel

Address

1 GEICO PLAZA

Street

Washington, DC

City

State

Zip

Phone

301-986-2653

Email

bgordon@geico.com

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

GEICO

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/12/19

Meeting Date

1052

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Robert Reyes

Job Title

Address 817 Ingle side Ave

Street

Phone 850 509 1802

TAH

City

FL

State

32303

Zip

Email rreyes@capitolgcp.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing All state

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/12/19
Meeting Date

1052
Bill Number (if applicable)

Topic Motor Vehicle Insurance

Amendment Barcode (if applicable)

Name Doug Bell

Job Title _____

Address 119 S. Monroe St

Phone 205 9000

Street

TLH
City

State

Zip

Email doug.bell@whdflm.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Progressive Insurance

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3-12-19

Meeting Date

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

1052

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Tiffany Faddis

Job Title _____

Address 7335 W. Sand Lake Rd.

Phone _____

Street

Orlando FL 32819

City

State

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Consumer Drivers

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

The Florida Senate
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 Committee on Infrastructure and Security

BILL: SB 1178

INTRODUCER: Senator Gruters

SUBJECT: Franchised Motor Vehicle Dealers

DATE: March 11, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	Pre-meeting
2.			CM	
3.			RC	

I. Summary:

SB 1178 addresses issues related to contractual agreements between motor vehicle licensees (manufacturers, distributors, and importers) and motor vehicle dealers.

The bill requires that prior to implementing a sales incentive program or reimbursement program, a licensee must provide in writing to each dealer of the same line-make¹ the dealer's performance requirement, sales goal, or sales objective for the program, which will include a detailed explanation of the methodology, criteria, and calculations used to establish the requirement, sales goal, or sales objective. They will also be required to provide each dealer with the performance requirement, sales goal, or sales objective for the program of all other same line-make dealers within the state.

The bill also requires that any dealer who believes that an assigned performance requirement, sales goal, or sales objective is unfair, unreasonable, arbitrary, inequitable, or not applied uniformly to other same line-make dealers of comparable size in comparable markets, may as an alternative to the administrative hearing procedure, file complaints against licensees in any court of competent jurisdiction to seek injunctive relief. It further provides that in any proceeding the licensee has the burden of proving by a preponderance of the evidence that the criteria for measuring the performance, goal, or objective complies with Florida Statutes.

The bill does not appear to have a significant fiscal impact to state and local government.

The bill takes effect July 1, 2019.

¹ Section 320.60(14), F.S., defines "Line-make vehicles" as motor vehicles offered for sale, lease, or distribution under a common name, trademark, service mark, or brand name of the manufacturer of same. However, motor vehicles sold or leased under multiple brand names or marks constitute a single line-make when they are included in a single franchise agreement and every dealer in this state authorized to sell or lease such vehicles has been offered the right to sell or lease the multiple brand names covered by a single franchise agreement.

II. Present Situation:

Florida has substantially regulated motor vehicle manufacturers and motor vehicle dealers since before 1950.² Initially, the Florida Legislature approached the issue by implementing only consumer protections aimed at preventing consumer abuse by dealers.³ In 1970, the Legislature passed more comprehensive legislation, embodied in ch. 320, F.S.,⁴ which regulates, in part, the contractual relationship between manufacturers and dealers,⁵ requires the licensing of manufacturers, and regulates numerous aspects of the contracts between the manufacturers and dealers.

Florida Automobile Dealers Act

A licensee must be licensed under s. 320.61(1), F.S., to engage in business in Florida. Sections 320.60-320.70, F.S., the “Florida Automobile Dealers Act”⁶ (act), primarily regulate the contractual business relationship between dealers and licensees, and provide for the licensure of manufacturers, factory branches, distributors, or importers. The act specifies, in part:

- The conditions and situations under which the Department of Highway Safety and Motor Vehicles (DHSMV) may deny, suspend, or revoke a regulated license;
- The process, timing, and notice requirements for licensees who wish to discontinue, cancel, modify, or otherwise replace a franchise agreement with a dealer, and the conditions under which the DHSMV may deny such a request;
- The procedures a licensee must follow to add a dealership in an area already served by a franchised dealer, the protest process, and the DHSMV’s role in these circumstances;
- The damages that can be assessed against a licensee who is in violation of Florida Statutes; and
- The DHSMV’s authority to adopt rules to implement these sections of law.

Applicability

Section 320.6992, F.S., provides that the act shall apply to all presently existing or future systems of distribution of motor vehicles in Florida, except to the extent that such application would impair valid contractual agreements in violation of the State Constitution or Federal Constitution. Generally, all agreements that are renewed, amended, or entered into subsequent to October 1, 1988, are governed by the act, including amendments to the act, unless the amendment specifically provides otherwise.

In 2009, the DHSMV held in an administrative proceeding that amendments to the act do not apply to dealers whose franchise agreements were signed prior to the effective date of various amendments to the act.⁷ The DHSMV has indicated that it will apply the *Motorsports* holding to

² Chapter 9157, Laws of Fla. (1923); Chapter 20236, Laws of Fla. (1941).

³ Walter E. Forehand and John W. Forehand, *Motor Vehicle Dealer and Motor Vehicle Manufacturers: Florida Reacts to Pressures in the Marketplace*, 29 Fla. St. Univ. Law Rev. 1058, 1064 (2002), <http://ir.law.fsu.edu/cgi/viewcontent.cgi?article=1632&context=lr> (last visited Mar. 6, 2019).

⁴ See ch. 70-424, Laws of Fla.

⁵ See s. 320.60(11), F.S.

⁶ Walter E. Forehand, *supra* note 2 at 1065.

⁷ See *Motorsports of Delray, LLC v. Yamaha Motor Corp., U.S.A.*, Case No. 09-0935 (Fla. DOAH Dec. 9, 2009). The DHSMV ruled that a 2006 amendment to the Florida Automobile Dealers Act does not apply to a dealer terminated in 2008

every amendment to the act. This may result in different protections accruing to dealers, depending on when they signed their franchise agreements.

Grounds for Denial, Suspension, or Revocation of a License

Section 320.64, F.S., provides that an application for license may be denied, or a license may be revoked or suspended, on various grounds. Denials, suspensions, or revocations of dealer licenses can be based on consumer protection, however, the grounds for acting against licensees arise principally out of their dealings with motor vehicle dealers with whom the licensees have a contractual relationship allowing the dealer to sell and service the licensee's new motor vehicles.⁸

Currently there are 42 different criteria that may cause the DHSMV to deny, suspend, or revoke the licensee's license. The criteria cross many topics, including: contractual obligations; coercion or threats; discontinuation, canceling, nonrenewing, modifying, or replacing franchise agreements; requiring changes to a dealer's sales or service facility; reducing the supply of new vehicles or parts to a dealer; audits; disclosure of confidential financial information; failure to pay the dealer; and denying a warranty repair claims.

The most recent criteria added to s. 320.64, F.S., prohibits a licensee from establishing, implementing, or enforcing criteria for measuring sales or service performance of franchised dealers which may have a negative material or adverse effect on any dealer; which is unfair, unreasonable, arbitrary, or inequitable; or which does not include all applicable local and regional criteria, data, and facts. A licensee or affiliate thereof that seeks to establish, implement, or enforce against any dealer any performance measurement must promptly describe in writing to the dealer, in detail, how the measurement criteria for the dealer's sales and service performance was designed, calculated, established, and applied.⁹

Procedure for Administrative Hearings and Adjudications

A dealer who is directly and adversely affected by the action or conduct of a licensee which is alleged to be in violation of the act, may seek a declaration and adjudication of its rights by either filing a request with the DHSMV for a proceeding and administrative hearing, or filing a written objection or notice of protest with the DHSMV.¹⁰

Hearings are held no sooner than 180 days nor later than 240 days from the date a written objection or notice of protest is filed, unless extended with good cause by the administrative law judge.¹¹

because the dealer's franchise agreement was entered into prior to the effective date of the amendment. This Final Order was initially appealed but was later voluntarily dismissed. *See also, In re Am. Suzuki Motor Corp.*, 494 B.R. 466, 480 (Bankr. C.D. Cal. 2013).

⁸ See s. 320.60(1) (defining "agreement" or "franchise agreement").

⁹ Section 320.64(42), F.S.

¹⁰ Section 320.699(1), F.S.

¹¹ Section 320.699(2), F.S.

Civil Damages

A motor vehicle dealer who can demonstrate that a violation of, or failure to comply with any of the provisions of the act by an applicant or licensee will or can adversely and pecuniarily affect the dealer, is entitled to pursue treble damages and attorney's fees in civil court.¹² The licensee has the burden to prove that such violation did not occur upon a prima facie showing by the person bringing the action.¹³ In addition, a motor vehicle dealer may make an application to any circuit court of the state for a temporary or permanent injunction, or both, restraining any licensee from violating or continuing to violate any of the provisions of ss. 320.60-320.70, F.S., or from failing or refusing to comply with these statutory requirements.¹⁴

III. Effect of Proposed Changes:

The bill amends s. 320.64, F.S., to require a licensee, before implementing any sales incentive or reimbursement program, to provide in writing to each dealer of the same line-make the dealer's performance requirement, sales goal, or sales objective for the program, which will include a detailed explanation of the methodology, criteria, and calculations used to establish the requirement, sales goal, or sales objective. The licensees will also be required to provide each dealer with the performance requirement, sales goal, or sales objective for the program of all other same line-make dealers within the state, and ensure they are applied uniformly to other same line-make dealers of comparable size in comparable markets.

The bill also provides that any dealer who believes that an assigned performance requirement, sales goal, or sales objective is unfair, unreasonable, arbitrary, inequitable, or not applied uniformly to other same line-make dealers of comparable size in comparable markets, may as an alternative to the administrative hearing procedure under current law¹⁵, file complaints against manufacturers in any court of competent jurisdiction to seek injunctive relief under s. 320.695, F.S. It further provides that in any proceeding asserting that a licensee has violated s. 320.64(42), F.S., the licensee has the burden of proving by a preponderance of the evidence that the criteria for measuring the performance, goal, or objective complies with this provision, notwithstanding the fact that the licensee has not yet implemented the program.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹² See ss. 320.64, 320.694, and 320.697, F.S.

¹³ Section 320.697, F.S.

¹⁴ Section 320.695, F.S.

¹⁵ Section 320.699, F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The Federal Contracts Clause provides that no state shall pass any law impairing the obligation of contracts. U.S. Const. art I s. 10. However, the Contracts Clause prohibition must be weighed against the State's inherent power to safeguard its people's interests. Three factors are considered when evaluating a claim that the Contracts Clause has been violated: (1) whether the law substantially impairs a contractual relationship; (2) whether there is a significant and legitimate public purpose for the law; and (3) whether the adjustments of rights and responsibilities of the contracting parties are based upon reasonable conditions and are of an appropriate nature.¹⁶

Some state laws regulating contracts between automobile manufacturers and dealers have been found to be unconstitutional while other laws have been upheld as constitutional.¹⁷

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent the agreements between dealers and motor vehicle manufacturers, distributors, and importers change due to compliance with statutory changes in SB 1178, the parties may be positively or negatively impacted. Dealers may experience increased revenue from new limitations and procedures governing the incentives, bonuses, and other benefit programs.

C. Government Sector Impact:

The DHSMV already regulates this industry, so the additional grounds proposed in the bill for regulatory actions may result in no additional state impact. In Fiscal Year 2017-2018 the DHSMV referred a total of 50 cases to the Division of Administrative

¹⁶ *Vesta Fire Ins. Corp. v. State of Fla.*, 141 F.3d 1427, 1433 (11th Cir. 1998).

¹⁷ See *Alliance of Auto. Mfrs., Inc. v. Currey*, 984 F. Supp. 2d 32 (D. Conn. 2013) (upholding state law that revised statutory method for calculating reasonable compensation for vehicle warranty work and prohibited manufacturers from recovering any additional cost of the new method from the dealers); *Arapahoe Motors, Inc. v. Gen. Motors Corp.*, No. CIV.A. 99 N 1985, 2001 WL 36400171, at 13 (D. Colo. Mar. 28, 2001) (the retroactive application of state law would be unconstitutional as it would create a new obligation or impose a new duty upon General Motors).

Hearings¹⁸. However, it is possible the DHSMV may experience an increase in the number of administrative hearings due to filed petitions as a result of the bill.

The circuit courts of the state already hear petitions for this industry, so the additional grounds proposed in the bill for civil actions may result in no additional state impact. However, it is possible the circuit courts of the state may experience an increase in the number of petitions for damages and for injunctive and declaratory relief as a result of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 320.64 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.)

None.

B. Amendments:

None.

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

¹⁸ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, SB 1178 Information, (March 8, 2019).

By Senator Gruters

23-00576A-19

20191178__

A bill to be entitled

An act relating to franchised motor vehicle dealers; amending s. 320.64, F.S.; prohibiting an applicant or licensee from establishing or implementing additional criteria for measuring the sales or service performance of franchised motor vehicle dealers; requiring an applicant, licensee, or common entity, or an affiliate thereof, which attempts to enforce any performance measurement criteria against a motor vehicle dealer to describe in writing to the dealer how the criteria were designed, calculated, established, and uniformly applied; requiring an applicant or licensee to provide in writing to each dealer of the same line-make certain performance requirements, sales goals, or sales objectives for any sales incentive or reimbursement program, subject to certain requirements; authorizing a dealer that contends that an assigned performance requirement, sales goal, or sales objective violates certain prohibited activities of licensees to maintain certain injunctive and administrative actions; requiring the applicant or licensee to have the burden of proving by a preponderance of the evidence that the criteria for measuring the performance, goal, or objective comply with a provision that prohibits certain activities of licensees; providing an effective date.

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

Page 1 of 4

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

23-00576A-19

20191178__

Section 1. Subsection (42) of section 320.64, Florida Statutes, is amended to read:

320.64 Denial, suspension, or revocation of license; grounds.—A license of a licensee under s. 320.61 may be denied, suspended, or revoked within the entire state or at any specific location or locations within the state at which the applicant or licensee engages or proposes to engage in business, upon proof that this ~~the~~ section was violated with sufficient frequency to establish a pattern of wrongdoing, and a licensee or applicant shall be liable for claims and remedies provided in ss. 320.695 and 320.697 for any violation of any of the following provisions. A licensee is prohibited from committing the following acts:

(42)(a) The applicant or licensee has established, implemented, or enforced criteria for measuring the sales or service performance of any of its franchised motor vehicle dealers in this state, including a performance requirement, goal, or objective for any such dealer, which have or may have a material or adverse effect on any motor vehicle dealer, including the dealer's right to payment under any incentive or reimbursement program, and which:

1. Are unfair, unreasonable, arbitrary, ~~or~~ inequitable, or not applied uniformly to other same line-make dealers of comparable size in comparable markets; or

2. Do not include all relevant and material local and regional criteria, data, and facts. Relevant and material criteria, data, or facts include, but are not limited to, those of motor vehicle dealerships of comparable size in comparable markets. If such performance measurement criteria are based, in

Page 2 of 4

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

23-00576A-19

20191178

whole or in part, on a survey, such survey must be based on a statistically significant and valid random sample.

(b) An applicant, licensee, or common entity, or an affiliate thereof, which enforces or attempts to enforce against any motor vehicle dealer any ~~such~~ performance measurement criteria, including a performance requirement, goal, or objective, shall, upon the request of the motor vehicle dealer, describe in writing to the motor vehicle dealer, in detail, how the performance measurement criteria were designed, calculated, established, and uniformly applied.

(c) Before implementing any sales incentive or reimbursement program, the applicant or licensee shall provide in writing to each dealer of the same line-make the dealer's performance requirement, sales goal, or sales objective for the program, which shall include a detailed explanation of the methodology, criteria, and calculations used to establish the requirement, sales goal, or sales objective. The applicant or licensee shall also provide each dealer with the performance requirement, sales goal, or sales objective for the program of all other same line-make dealers within this state. Any dealer that contends that an assigned performance requirement, sales goal, or sales objective violates this subsection may maintain an action pursuant to s. 320.695 to enjoin application of the incentive or reimbursement program in this state or may maintain an action pursuant to s. 320.699 to seek a declaration that the incentive or reimbursement program violates this subsection, notwithstanding the fact that the applicant or licensee has not yet implemented the program.

(d) In any proceeding asserting that an applicant or

23-00576A-19

20191178

licensee has violated this subsection, the applicant or licensee has the burden of proving by a preponderance of the evidence that the criteria for measuring the performance, goal, or objective comply with this subsection.

A motor vehicle dealer who can demonstrate that a violation of, or failure to comply with, any of the preceding provisions by an applicant or licensee will or may adversely and pecuniarily affect the complaining dealer, shall be entitled to pursue all of the remedies, procedures, and rights of recovery available under ss. 320.695 and 320.697.

Section 2. This act shall take effect July 1, 2019.

APPEARANCE RECORD

Tp'd

3/12/19

Meeting Date

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

1178

Bill Number (if applicable)

Topic Franchused motor vehicle Dealers

Amendment Barcode (if applicable)

Name Kelly Mallette

Job Title

Address 104 West Jefferson Street

Street

Phone (880) 224-3427

Tallahassee, FL 32301

City

State

Zip

Email kelly@rlbackpa.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Auto Nation

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)

3/12/19

Meeting Date

SB 1178
TP'd

Bill Number (if applicable)

Topic

MOTOR VEHICLE FRANCHISE

Amendment Barcode (if applicable)

Name

DIANE CARR

Job Title

W/ JOHNSON & BANTON

Address

537 E PARK

Phone

850-210-4024

Street

TALL FL 32301

City

State

Zip

Email

Diane@hearnsb.com

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

ALLIANCE OF AUTOMOBILE MANUFACTURERS

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

CourtSmart Tag Report

Room: EL 110

Case No.:

Caption: Senate Infrastructure and Security Committee

Type:

Judge:

Started: 3/12/2019 4:03:50 PM

Ends: 3/12/2019 6:00:15 PM

Length: 01:56:26

4:03:48 PM Meeting called to order by Chair Bean
4:03:54 PM Roll call by Administrative Assistant Marilyn Hudson
4:04:47 PM Quorum present
4:05:13 PM Introduction of Tab 6, SB 1052 by Senator Lee
4:05:30 PM Explanation of SB 1052, Motor Vehicle Insurance by Senator Lee
4:08:57 PM Comments from Chair Bean
4:09:04 PM Introduction of Amendment Barcode No. 579484 by Chair Bean
4:10:04 PM Introduction of the Strike-all Amendment Barcode No. 507362
4:10:12 PM Explanation of Amendment by Senator Hutson
4:10:20 PM Question from Senator Cruz
4:10:29 PM Response from Senator Hutson
4:10:58 PM Follow-up question from Senator Cruz
4:11:08 PM Response from Senator Hutson
4:12:09 PM Additional question from Senator Cruz
4:12:16 PM Response from Senator Hutson
4:13:13 PM Speaker Eric Romano, Attorney, Florida Justice Association in opposition
4:14:57 PM Question from Senator Stewart
4:15:09 PM Response from Mr. Romano
4:15:29 PM Question from Senator Lee
4:15:34 PM Response from Mr. Romano
4:16:20 PM Follow-up question from Senator Lee
4:16:29 PM Response from Mr. Romano
4:16:52 PM Question from Senator Lee
4:16:56 PM Response from Mr. Romano
4:17:16 PM Follow-up question from Senator Lee
4:17:22 PM Response from Mr. Romano
4:17:33 PM Additional question from Senator Lee
4:17:39 PM Response from Mr. Romano
4:18:16 PM Question from Senator Cruz
4:18:21 PM Response from Mr. Romano
4:18:44 PM Question from Senator Hutson
4:18:50 PM Response from Mr. Romano
4:19:08 PM Follow-up question from Senator Hutson
4:19:14 PM Response from Mr. Romano
4:19:37 PM Speaker Mark Delegal, State Farm Insurance in support
4:21:25 PM Comments from Chair Bean
4:21:33 PM Closure on the Amendment by Senator Hutson
4:22:05 PM Amendment to Amendment is adopted
4:22:20 PM Speaker Rick Parker, Florida Justice Reform Institute in opposition
4:25:51 PM Comments from Chair Bean
4:26:13 PM Speaker Bonnie Gordon, S.P. Counsel, Geico in opposition
4:27:52 PM Comments from Chair Bean
4:28:56 PM Speaker Kim Driggers, Asst. General Counsel, FL Chiropractic Association in opposition
4:32:25 PM Robert Reyes, Allstate waives in opposition
4:32:42 PM Speaker Doug Bell, Progressive Insurance in opposition
4:35:47 PM Comments from Chair Bean regarding debate
4:36:01 PM Senator Lee with closure
4:38:30 PM Comments from Chair Bean
4:38:40 PM Roll call on CS/SB 1052 by Administrative Assistant Marilyn Hudson
4:38:56 PM CS/SB 1052 reported favorably
4:39:01 PM Introduction of Tab 5, 1002 by Chair Bean
4:39:05 PM Explanation of SB 1002, Motor Vehicles and Railroad Trains by Senator Hutson

4:39:47 PM Question from Senator Cruz
4:39:54 PM Response from Senator Hutson
4:40:04 PM Introduction of Amendment Barcode No. 611068
4:40:13 PM Explanation of Amendment Barcode No. 611068 by Senator Hutson
4:40:35 PM Vicki Wooldridge, Director of Governmental Affairs, So. Florida Regional Transportation Authority waives in support
4:40:48 PM Amendment Barcode No. 611068 adopted
4:41:00 PM Senator Cruz in debate
4:41:40 PM Senator Hutson closes
4:41:48 PM Roll call on CS/SB 1002 by Administrative Assistant Marilyn Hudson
4:42:07 PM CS/SB 1002 reported favorably
4:42:22 PM Introduction of Tab 2, SB 844 by Chair Bean
4:42:37 PM Explanation of SB 844, At-Risk Adult Alert Plan by Senator Berman
4:42:55 PM Introduction of Delete-All Amendment Barcode No. 750262 by Chair Bean
4:43:06 PM Explanation of Amendment Barcode No. 750262 by Senator Berman
4:44:35 PM Comments from Chair Bean
4:44:57 PM Question from Senator Hutson
4:45:12 PM Response from Senator Berman
4:45:30 PM Follow-up question from Senator Hutson
4:45:38 PM Response from Senator Berman
4:46:18 PM Margaret Hooper, Public Policy Coordinator, Florida Developmental Disabilities Council waives in support
4:46:42 PM Amendment Barcode No. 750262 is adopted
4:47:06 PM Ivonne Fernandez, Associate State Director-Advocacy, AARP waives in support
4:47:20 PM Margaret Hooper, Public Policy Coordinator, Florida Developmental Disabilities Council waives in support
4:47:34 PM Closure by Senator Berman
4:47:40 PM Roll call on CS/SB 844 by Administrative Assistant Marilyn Hudson
4:48:06 PM CS/SB 844 reported favorably
4:48:30 PM Introduction of Tab 4, SB 974 by Chair Bean
4:48:40 PM Explanation of SB 974, Damaged, Dismantled, Derelict or Salvage Motor Vehicles by Senator Perry
4:49:05 PM Introduction of Amendment Barcode No. 825644 by Chair Bean
4:49:10 PM Explanation of Amendment Barcode No. 825644 by Senator Perry
4:49:34 PM Courtney Larkin, Assistant VP of Governmental Affairs, Florida Bankers Association waives in support of Amendment
4:49:50 PM Amendment Barcode No. 825644 is adopted
4:49:56 PM Ron LaFace, Insurance Auto Auctions waives in support
4:50:05 PM Katie Webb, FADRA waives in support
4:50:25 PM Comments by Chair Bean
4:50:39 PM Closure waived by Senator Perry
4:50:57 PM Roll call by Administrative Assistant Marilyn Hudson
4:51:04 PM CS/SB 974 reported favorably
4:51:36 PM Comments from Senator Hutson
4:53:13 PM Introduction of Tab 3, SB 898 by Chair Bean
4:53:21 PM Explanation of SB 898, Transportation by Senator Diaz
4:54:10 PM Introduction of Strike-all Amendment Barcode No. 434654 by Chair Bean
4:54:34 PM Explanation of Amendment Barcode No. 434654 by Senator Diaz
4:55:07 PM Amendment Barcode No. 434654 adopted
4:55:31 PM Spencer Pylant, Vice President of Government Affairs, Greater Miami Chamber of Commerce
4:57:37 PM Speaker Joseph Salzverg, Attorney/Government Consultant, MDX in opposition
4:58:37 PM Speaker Jess McCarty, Assistant County Attorney, Miami Dade County in opposition
4:59:36 PM Comments from Chair Bean
4:59:46 PM Senator Taddeo in debate
5:03:07 PM Comments from Chair Bean
5:03:14 PM Comments from Senator Hutson
5:03:46 PM Closure by Senator Diaz
5:05:13 PM Comments from Chair Bean
5:05:21 PM Roll call by Administrative Assistant Marilyn Hudson
5:05:29 PM CS/SB 898 reported favorably
5:05:55 PM Comments from Chair Bean stating SB 1178 is temporary postponed
5:06:11 PM Chair returned to Chair Lee
5:06:39 PM Introduction of Tab 1, CS/SB 168 by Chair Lee
5:06:50 PM Explanation of CS/SB 168, Federal Immigration Enforcement, Prohibiting Sanctuary Policies by Senator Gruters

5:08:30 PM Comments from Chair Lee
5:08:34 PM Amendment Barcode No. 523182 introduced by Chair Lee
5:08:45 PM Explanation of Amendment Barcode No. 523182 by Senator Taddeo
5:09:17 PM Question from Senator Hutson
5:09:23 PM Response from Senator Taddeo
5:10:51 PM Follow-up question from Senator Hutson
5:10:57 PM Response from Senator Taddeo
5:11:45 PM Question from Senator Hutson
5:11:50 PM Response from Senator Gruters
5:12:04 PM Comments/question from Chair Lee
5:12:29 PM Response from Senator Gruters
5:12:56 PM Follow-up question from Senator Hutson
5:13:05 PM Response from Senator Gruters
5:13:20 PM Question from Senator Taddeo
5:13:53 PM Question from Senator Bean
5:14:01 PM Response from Senator Gruters
5:14:08 PM Question from Senator Hooper
5:14:13 PM Response from Senator Gruters
5:15:09 PM Comments from Chair Lee
5:15:12 PM Response from Senator Gruters
5:16:13 PM Senator Taddeo moves to temporary postpone Amendment
5:16:30 PM Senator Taddeo moves to temporary postpone Amendment Barcode No. 436036
5:16:41 PM Roll call on Late-filed Amendment Barcode No. 480210
5:16:54 PM Amendment Barcode No. 480210 taken-up
5:17:19 PM Explanation of Amendment
5:17:35 PM Amendment Barcode No. 480210 adopted
5:17:48 PM Comments from Chair Lee
5:18:43 PM Question from Senator Taddeo
5:19:46 PM Response from Senator Gruters
5:20:35 PM Follow-up question from Senator Taddeo
5:21:24 PM Response from Senator Gruters
5:21:57 PM Additional question from Senator Taddeo
5:22:06 PM Response from Senator Gruters
5:23:36 PM Additional question from Senator Taddeo
5:23:42 PM Response from Senator Gruters
5:26:17 PM Additional question from Senator Taddeo
5:26:25 PM Comments from Chair Lee
5:27:04 PM Response from Senator Gruters
5:27:43 PM Additional question from Senator Taddeo
5:27:49 PM Response from Senator Gruters
5:28:53 PM Additional question from Senator Taddeo
5:29:03 PM Response from Senator Gruters
5:30:26 PM Question from Senator Taddeo
5:30:32 PM Response from Senator Gruters
5:31:17 PM Question from Senator Bean
5:31:36 PM Question from Senator Cruz
5:32:34 PM Response from Senator Gruters
5:33:03 PM Follow-up question from Senator Cruz
5:33:13 PM Response from Senator Gruters
5:33:42 PM Additional question from Senator Cruz
5:33:55 PM Response from Senator Gruters
5:34:08 PM Question from Senator Stewart
5:34:18 PM Response from Senator Gruters
5:34:39 PM Follow-up question from Senator Stewart
5:34:49 PM Response from Senator Gruters
5:34:56 PM Additional question from Senator Stewart
5:35:02 PM Response from Senator Gruters
5:35:11 PM Additional question from Senator Stewart
5:35:19 PM Response from Senator Gruters
5:35:50 PM Response from Senator Stewart
5:36:00 PM Response from Senator Gruters
5:36:48 PM Question from Senator Cruz

5:36:55 PM Response from Senator Gruters
5:37:04 PM Follow-up question from Senator Cruz
5:37:18 PM Response from Senator Gruters
5:38:46 PM Comments from Chair Lee
5:39:08 PM Motion to reconsider Amendment Barcode No. 480210 by Senator Cruz
5:40:16 PM Without objection Amendment didn't have 2/3 vote
5:40:36 PM Back on Amendment Barcode No. 480210
5:40:55 PM Amendment Barcode No. 480210 adopted
5:41:12 PM Senator Taddeo with comments regarding Amendments
5:41:28 PM Introduction of Amendment Barcode No. 523182 by Chair Lee
5:41:36 PM Explanation of 523182 by Senator Taddeo
5:42:01 PM Senator Hudson in debate on Amendment
5:42:51 PM Chair Lee in debate
5:43:45 PM Senator Taddeo withdraws Amendment
5:44:18 PM Amendment Barcode No 436036 explained by Senator Taddeo
5:45:00 PM Question from Senator Hudson
5:45:09 PM Response from Senator Gruters
5:45:30 PM Senator Taddeo moves to withdraw Amendment
5:45:42 PM Comments from Chair Lee
5:46:04 PM Latisha Jones in support
5:46:20 PM Speaker Robin Williams, Sarasota, FL in opposition
5:49:23 PM Speaker Robert Windham in support
5:50:51 PM Antonio Livingston in opposition
5:50:58 PM John Lazquey in support
5:51:10 PM Brett Farrell in opposition
5:51:23 PM Speaking Lane Watkins, Lake City, FL in support
5:52:29 PM Speaker Bill Stomp, Tavares, Florida in support
5:54:22 PM Margaritt Romo in opposition
5:56:02 PM Comments from Chair Lee
5:56:22 PM Motion for time-certain by Senator Perry for 5:59
5:56:56 PM Comments from Chair Lee
5:57:11 PM Senator Gruters in closure
5:57:39 PM Comments from Chair Lee regarding making Appearance Records as part of the record
5:59:00 PM Roll call by Administrative Assistant Marilyn Hudson
5:59:13 PM CS/CS/SB 168 reported favorably
5:59:39 PM Senator Stewart moves to be shown voting in the affirmative on 844, 898, 974
5:59:59 PM Senator Perry moves to adjourn, without objection