

Tab 1 SB 522 by Soto (CO-INTRODUCERS) Flores; (Identical to H 0357) Traffic Safety on State Roads							
528810	A	S	RCS	TR, Bullard	Delete L.18 - 33:	01/21	11:10 AM

Tab 2 SB 960 by Bradley; (Identical to H 1087) Protection of Motor Vehicle Dealers' Consumer Data							
465836	D	S L	RCS	TR, Grimsley	Delete everything after	01/21	11:10 AM

Tab 3 SB 1046 by Hutson; (Identical to H 0411) Farm Vehicles							
806326	D	S L	RCS	TR, Simpson	Delete everything after	01/21	11:10 AM
645060	AA	S	RCS	TR, Simpson	Delete L.33 - 42:	01/21	11:10 AM

Tab 4 SB 1390 by Brandes; (Similar to H 7081) Issuance of Specialty License Plates							
445042	A	S	RCS	TR, Brandes	Delete L.54:	01/21	11:11 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Brandes, Chair
Senator Bullard, Vice Chair

MEETING DATE: Wednesday, January 20, 2016
TIME: 4:00—6:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Brandes, Chair; Senator Bullard, Vice Chair; Senators Braynon, Evers, Grimsley, Simpson, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 522 Soto (Identical H 357)	Traffic Safety on State Roads; Creating "Chloe's Law"; requiring the Department of Transportation to erect guardrails along certain water bodies that are contiguous with state roads; requiring the department to conduct a study related to certain motor vehicle accidents on state roads contiguous with water bodies which occurred during a specified timeframe; requiring the department to submit a report to the Legislature by a specified date, subject to certain requirements, etc. TR 01/20/2016 Fav/CS ATD AP	Fav/CS Yeas 6 Nays 0
2	SB 960 Bradley (Identical H 1087)	Protection of Motor Vehicle Dealers' Consumer Data; Requiring that a licensee or a third party comply with certain restrictions on reuse or disclosure of consumer data received from a motor vehicle dealer; requiring that upon request of a motor vehicle dealer a licensee provide a list of the consumer data obtained and all persons to whom any of the data has been disclosed, subject to certain requirements; requiring the licensee to indemnify the motor vehicle dealer for certain claims or damages, etc. TR 01/20/2016 Fav/CS CM RC	Fav/CS Yeas 6 Nays 0
3	SB 1046 Hutson (Identical H 411)	Farm Vehicles; Defining the term "covered farm vehicle" for purposes of the Florida Uniform Traffic Control Law; revising requirements for a person who operates a commercial motor vehicle solely in intrastate commerce while transporting agricultural products; exempting the driver of a covered farm vehicle from commercial driver license requirements, etc. TR 01/20/2016 Fav/CS ATD FP	Fav/CS Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Wednesday, January 20, 2016, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1390 Brandes (Similar H 7081)	Issuance of Specialty License Plates; Revising presale requirements for issuance of a specialty plate; revising conditions for discontinuing issuance of a specialty plate, etc. TR 01/20/2016 Fav/CS ATD AP	Fav/CS Yeas 6 Nays 0
5	Red Light Camera Summary Report by Department of Highway Safety and Motor Vehicles (DHSMV)		Presented
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 Transportation

BILL: CS/SB 522

INTRODUCER: Transportation Committee; and Senators Soto and Flores

SUBJECT: Traffic Safety on State Roads

DATE: January 21, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 522, cited as “Chloe’s Law,”¹ requires the Florida Department of Transportation (FDOT), by June 30, 2018, to install roadside barriers to shield water bodies contiguous with state roads where a death due to drowning resulted from a motor vehicle accident in which a vehicle departed the adjacent state road during the period between July 1, 2006, and July 1, 2016.

The bill also requires the FDOT to review all such motor vehicle accidents, using reconciled crash data received from the Department of Highway Safety & Motor Vehicles (DHSMV), and submit a report, providing recommendations regarding any necessary changes to state laws and to the FDOT’s rules to enhance traffic safety.

The FDOT expects a negative fiscal impact for additional installation of *guardrail* of approximately \$2.4 million.

The bill takes effect July 1, 2016.

¹ Chloe Arenas was a 21-year old UCF student who died on June 28, 2015, when her car left the road and went into a bordering pond. See the Central Florida Future article: <http://www.centralfloridafuture.com/story/news/2015/07/09/friends-family-petition-chloes-law-to-protect-drivers/29930455/>. Last visited January 13, 2016.

II. Present Situation:

Florida reportedly leads the nation in drowning deaths associated with motor vehicle accidents. This result may be partly explained by the larger number of miles of road with water frontage in Florida relative to other states. Nonetheless, according to one review of federal crash data during the five-year period from 2008-2012, 49 people drowned inside vehicles in Florida. Texas followed with 18 deaths, 14 in Indiana, and 10 each in Louisiana and Arizona. And that number is underestimated, according to a study by the National Highway Traffic Safety Administration (NHTSA). The NHTSA study found that during 2004-2007, an average of 57 deaths occurred in each of those years in Florida.² This difference is attributed to researchers' having included in the study, in addition to crash records, death certificate records that revealed vehicle drownings not recorded as such by law enforcement.

While current law does not appear to specifically address the installation of guardrail in any fashion, the FDOT does adhere to published engineering principles with respect to "canal hazards." Whether these standards apply to water bodies that do not fit the definition of a canal hazard is unclear.

Existing FDOT Requirements

Research reveals no current statutory provision relating to guardrail installation along water bodies that are contiguous with state roads. However, the FDOT's 2016 Plans Preparation Manual (PPM)³ does define "canal hazard" as follows:

A canal hazard is defined as an open ditch parallel to the roadway for a minimum distance of 1000 feet and with a seasonal water depth in excess of 3 feet for extended periods of time (24 hours or more).⁴

The PPM also addresses "clear zones," which are defined as the amount of recoverable area provided beyond the traveled way, and which include shoulders and bike lanes. A clear zone is intended to provide "an opportunity for an errant vehicle to safely recover." The PPM generally prohibits aboveground fixed objects, water bodies, and non-traversable slopes⁵ in the clear zone.⁶ The required clear zone is dependent upon the type of roadway facility and the design speed.⁷

² See the Orlando Sentinel article: <http://www.orlandosentinel.com/news/os-cars-crash-into-lakes-20141108-story.html>. Last visited January 16, 2016.

³ The PPM recites that it "sets forth geometric and other design criteria, as well as procedures, for Florida Department of Transportation (FDOT) projects. The information contained herein applies to the preparation of contract plans for roadways and structures." See the FDOT's website, heading "Introduction": <http://www.dot.state.fl.us/rddesign/PPMManual/2016PPM.shtm>. Last visited January 13, 2016.

⁴ See the FDOT's website, heading "Chapter 4," subheading "4.3.2.": <http://www.dot.state.fl.us/rddesign/PPMManual/2016PPM.shtm>. Last visited January 13, 2016.

⁵ A non-traversable slope is classified as a slope that is rough, obstructed, or slopes steeper than a 1:3 ratio. *Supra* note 4, subheading "4.2.2" and "4.2.3."

⁶ *Supra* note 4, subheading "4.2.2" and "4.2.3."

⁷ See the FDOT's SB 522 bill analysis, July 1, 2016, at p. 2. (On file in the Senate Transportation Committee.)

The FDOT advises that water bodies greater than three feet deep are treated as roadside hazards and must be outside the clear zone, if possible.⁸

The PPM contains special lateral offset⁹ requirements that apply to canal hazards that exceed standard clear zone distances. Generally, the minimum required distances are:

- Not less than 60 feet for flush shoulder roadways with design speeds of 50 mph or greater.
- Not less than 50 feet for flush shoulder roadways with design speeds less than 50 mph.
- Not less than 50 feet for curb or curb and gutter roadways.¹⁰

If a canal hazard cannot be located outside the required clear zone, the canal hazard must be shielded.¹¹ The PPM provides the following instruction in such cases:

Shield the canal hazard with an approved roadside barrier when the required minimum lateral offset cannot be met. Locate barrier as far from the travel way as practical. When shielding canal hazards locate the barrier outside of the clear zone where possible. Locate guardrail no closer than 6 feet from the canal front slope and place high tension cable barrier no closer than 15 feet from the canal front slope.¹²

The FDOT's Previous Study and Conclusions

The FDOT advises¹³ the canal hazard criteria contained in the PPM were incorporated following a study conducted between February 2013 and July 2014, based on crash data from 2003-2011.¹⁴ The study included cost-benefit analyses of shielding parallel water bodies of various lengths and offset distances from the roadway for selected roadway types and traffic volumes, the findings of which “show that shielding water bodies based on FDOT’s current offset clearance requirements in most cases is cost beneficial and/or results in a reduction in societal crash costs.”¹⁵

The FDOT concluded that its criteria for shielding canal hazards are reasonable.¹⁶ Further, the FDOT concluded:

A benefit cost analysis shows that increasing the clearance requirement from 60 feet to 80 feet on limited access roadways may be cost beneficial. However, such an increase may not be warranted given the following:

- Actual crash experience does not indicate increasing the clearance requirement will result in significant benefit.

⁸*Supra* note 6.

⁹ A canal hazard lateral offset is the distance from the edge of the travel lane, auxiliary lane, or ramp to the top of the canal side slope nearest the road. *Supra* note 2.

¹⁰*Supra* note 3.

¹¹*Supra* note 6.

¹²*Supra* note 3.

¹³*Supra* note 6

¹⁴See the FDOT documentation, “A Re-examination of FDOT Criteria for Shielding Canal Hazards.” (On file in the Senate Transportation Committee.) The document reflects an extensive review of the history of the FDOT’s design criteria since it was first established in 1965.

¹⁵*Id.*, at “Task 5 – Benefit Cost Analysis.”

¹⁶*Id.*, at “Task 6 – Conclusions and Recommendations.”

- Increasing the clearance requirement in certain cases may result in higher crash costs due to the presence of additional barriers.
- None of the four states interviewed in this study (Texas, Louisiana, Minnesota, and Michigan) have clearance requirements as stringent as Florida's current requirements.

The 1000' length definition should be retained.

- A cost benefit analysis indicates shielding parallel lengths shorter than 1000 feet is generally not cost beneficial. The exception is on high speed volume limited access roadways. Yet these type roadways had no fatal crashes into parallel water bodies less than 1000' in length from 2007 through 2011.
- Applying the criteria to water bodies less than 1000' may result in higher crash costs due to the presence of additional barriers.¹⁷

Barrier Type Selection

The FDOT indicates that guardrails are not the only potential way to shield water hazards.¹⁸ A number of different types of barriers are reflected in the FDOT's PPM. The PPM instructs as follows:

The evaluation of numerous factors is required to ensure that the appropriate barrier type is selected for a given application. Provide consideration for the following factors when evaluating each particular site:

1. Barrier Placement requirements (see Section 4.4.6)
2. Traffic characteristics (e.g. vehicles types/percentages, volume, and growth)
3. Site characteristics (e.g. terrain, alignment, geometry, access facility type, access locations, design speed, etc.)
4. Expected frequency of impacts
5. Initial and replacement/repair costs
6. Ease of maintenance
7. Exposure of workers when conducting repairs/maintenance
8. Aesthetics¹⁹

Further, the PPM provides the following guidance:

The evaluation of Roadside Safety is highly dependent on site specific conditions and constraints which are unique to a given situation. Therefore the determination as to when shielding is warranted for [a] given roadside feature must be made on a case-by-case basis, and generally requires engineering judgment. It should be noted that the installation of roadside barriers presents a hazard in and of itself, and as such, the designer must analyze whether or not the installation of a barrier presents a greater risk than the feature it is intended to shield.²⁰

¹⁷*Id.*

¹⁸*Supra* note 6, at p. 4. (On file in the Senate Transportation Committee.)

¹⁹*Supra* note 3, subheading "4.4.5."

²⁰*Supra* note 4, subheading "4.4.7."

Application to Water Bodies Other Than Canal Hazards

As previously noted, whether the provisions of the PPM applicable to canal hazards, and shielding of such hazards, are also applicable to other water bodies, such as ponds, is unclear. To illustrate, in the evaluation of roadside hazards, the PPM recommends barriers “when hazards exist within the clear zone, hazards cannot be cost effectively eliminated or corrected, and collisions with the hazards are more serious than collisions with the barriers.”²¹

When listing conditions within the clear zone that are normally considered more hazardous than a roadside barrier, “canals, ponds, and other bodies of water (*other than parallel ditches*)”²² are included. Thus, it appears that water bodies may exist that do not meet the definition of a canal hazard, defined in part as an “open ditch parallel to the roadway.”

III. Effect of Proposed Changes:

The bill creates s. 335.085, F.S., requiring the FDOT, by June 30, 2018, to install roadside barriers to shield water bodies contiguous with state roads at locations where a death due to drowning resulted from a motor vehicle accident in which a vehicle departed the adjacent state road between July 1, 2006, and July 1, 2016. This provision appears to require barrier installation, as specified, along water bodies that do not necessarily meet the FDOT’s definition of a “canal hazard.” However, because crash reports do not always reflect that a death was due to drowning, the FDOT is unable to definitively identify all locations where such deaths occurred in the period of time identified in the bill.

The bill also provides that the barrier installation requirement does not apply to any location at which the FDOT’s chief engineer determines, based on engineering principles, that installation of a barrier would increase the risk of injury to motorists traveling on the adjacent

In addition, the bill requires the FDOT to review all motor vehicle accidents that resulted in death due to drowning in a water body contiguous with a state road which occurred during the same period. The FDOT must use reconciled²³ crash data from the DHSMV and submit a report to the Senate President and House Speaker by January 3, 2017, providing recommendations for any necessary changes to state laws and the FDOT’s rules to enhance traffic safety.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

²¹ *Supra* note 4, subheading “4.4.7.1.”

²² Emphasis added.

²³ The process of reconciling involves ensuring the data taken from fatality crash reports and included in the DHSMV’s crash database is accurate. *See* DHSMV email to committee staff, January 20, 2016. On file in the Senate Transportation Committee.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

The FDOT provided a spreadsheet attachment to its SB 522 analysis which appears to identify deaths between an unspecified date in 2006 and an unspecified date in 2015 reported on specified crash report form numbers, as well as costs associated with additional *guardrail* installation at the identified locations. The spreadsheet reflects that whether drowning was the cause of each death is in some cases undetermined. These locations, with limited exception, do not appear to be anticipated as candidates for additional guardrail installation. However, the spreadsheet does indicate, “for cases where nearly identical water hazard scenarios were present in the vicinity, the proposals [add] guardrail for shielding all water hazards seen nearby (with the exception of interchange approaches, as explained in the comments [].”

Aside from this information, the FDOT provided the following estimate based on the bill’s language, as filed, requiring *guardrail* installation, as opposed to roadside *barriers*:

Assuming [] the addition of varying feet of guardrail at each location, the bill would result in the addition of 132,845 linear feet of guardrail at a cost of approximately \$17 per foot for a total estimated cost of \$2,381,613.90. New installation locations will be added to existing inventory and maintained at an additional [unspecified] cost.²⁴

VI. Technical Deficiencies:

None.

²⁴*Supra* note 6, at p. 3. *See* also the spreadsheet attached to the FDOT’s bill analysis for information on specific identified locations for additional shielding.

VII. Related Issues:

None.

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

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

CS by Transportation on January 20, 2016:

The CS modifies the bill by:

- Requiring installation of roadside *barriers*, rather than erection of *guardrail*, by June 30, 2018.
- Providing that such installation does not apply to any location at which the FDOT's chief engineer determines, based on engineering principles, that installation of a barrier would increase the risk of injury to motorists traveling on the adjacent state road.
- Requiring the FDOT to use DHSMV reconciled data for the purpose of conducting the required review of accidents and for providing its recommendations.

B. Amendments:

None.



528810

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/21/2016	.	
	.	
	.	
	.	

The Committee on Transportation (Bullard) recommended the following:

Senate Amendment (with title amendment)

Delete lines 18 - 33

and insert:

335.085 Installation of roadside barriers along certain water bodies contiguous with state roads.-

(1) This section shall be cited as "Chloe's Law."

(2) By June 30, 2018, the department shall install roadside barriers to shield water bodies contiguous with state roads at locations where a death due to drowning resulted from a motor



528810

11 vehicle accident in which a vehicle departed the adjacent state
12 road during the period between July 1, 2006, and July 1, 2016.
13 This requirement does not apply to any location at which the
14 department's chief engineer determines, based on engineering
15 principles, that installation of a barrier would increase the
16 risk of injury to motorists traveling on the adjacent state
17 road.

18 Section 2. The Department of Transportation shall review
19 all motor vehicle accidents that resulted in death due to
20 drowning in a water body contiguous with a state road and that
21 occurred during the period between July 1, 2006, and July 1,
22 2016. The department shall use the reconciled crash data
23 received from the Department of Highway Safety and Motor
24 Vehicles and shall submit a report to the President of the
25 Senate and the Speaker of the House of Representatives by
26 January 3, 2017, providing recommendations regarding any
27 necessary changes to state laws and department rules to enhance
28 traffic safety.

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

30 And the title is amended as follows:

31 Delete lines 4 - 9

32 and insert:

33 requiring the Department of Transportation to install
34 roadside barriers to shield water bodies contiguous
35 with state roads at certain locations by a specified
36 date under certain circumstances; providing
37 applicability; requiring the department to conduct a
38 study related to certain motor vehicle accidents on
39 state roads contiguous with water bodies which



528810

40
41

occurred during a specified timeframe, subject to
certain requirements; requiring

By Senator Soto

14-00504-16

2016522__

1 A bill to be entitled
 2 An act relating to traffic safety on state roads;
 3 creating s. 335.085, F.S.; providing a short title;
 4 requiring the Department of Transportation to erect
 5 guardrails along certain water bodies that are
 6 contiguous with state roads; requiring the department
 7 to conduct a study related to certain motor vehicle
 8 accidents on state roads contiguous with water bodies
 9 which occurred during a specified timeframe; requiring
 10 the department to submit a report to the Legislature
 11 by a specified date, subject to certain requirements;
 12 providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Section 335.085, Florida Statutes, is created to
 17 read:

18 335.085 Erection of guardrails along certain water bodies
 19 contiguous with state roads.-

20 (1) This section shall be cited as "Chloe's Law."

21 (2) The department shall erect guardrails along all water
 22 bodies contiguous with state roads where motor vehicle accidents
 23 that resulted in death due to drowning occurred during the
 24 period between July 1, 2006, and July 1, 2016.

25 Section 2. The Department of Transportation shall review
 26 all motor vehicle accidents that resulted in death due to
 27 drowning in a water body contiguous with a state road which
 28 occurred during the period between July 1, 2006, and July 1,
 29 2016. The department shall submit a report to the President of

Page 1 of 2

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

14-00504-16

2016522__

30 the Senate and the Speaker of the House of Representatives by
 31 January 3, 2017, providing recommendations regarding any
 32 necessary changes to state laws and department rules to enhance
 33 traffic safety.

34 Section 3. This act shall take effect July 1, 2016.

Page 2 of 2

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

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 Transportation

BILL: CS/SB 960

INTRODUCER: Transportation Committee and Senator Bradley

SUBJECT: Protection of Motor Vehicle Dealers' Consumer Data

DATE: January 21, 2016 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	Fav/CS
2.			CM	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 960 requires a licensee or third party acting on behalf of a licensee to comply with certain restrictions on sharing or reusing consumer data provided by motor vehicle dealers. Specifically, the bill requires a licensee:

- Comply with all laws on the reuse or disclosure of data, not knowingly cause a dealer to violate any applicable restrictions on the reuse or disclosure of consumer data, and, if requested by the dealer, provide a written statement specifying established procedures to safeguard consumer data;
- Provide a written list of consumer data obtained by a dealer and all persons who the data has been provided to during the previous six months, if requested by the dealer, exempting certain individuals who need not be included in the list;
- May not require a dealer grant the licensee or third party acting on behalf of the licensee direct access to the dealer's data management system to collect consumer data;
- Must allow a dealer to furnish consumer data in a widely accepted file format and through a third-party dealer selected by the dealer;
- Must compensate the dealer for any third-party claims asserted against or damages incurred by the dealer from the licensee's or third party's access, use, or disclosure of the consumer data.

The bill also provides that any cause of action against a licensee for a violation of the prohibitions or requirements established in the bill, the person bringing the action has the burden

of proving that the violation was willful or with sufficient frequency to establish a pattern of wrongdoing.

The bill takes effect upon becoming law.

II. Present Situation:

Florida has substantially regulated the relationship between motor vehicle manufacturers and motor vehicle dealers since 1970. Manufacturers, distributors, and importers (collectively referred to as licensees) enter into contractual agreements with dealers to sell particular vehicles that the licensee manufactures, distributes, or imports. Chapter 320, F.S., provides, in part, for the regulation of the relationship between manufacturers and dealers. Existing law requires the licensing of manufacturers, and regulates numerous aspects of the contracts between manufacturers and dealers.

Florida Automobile Dealers Act

A manufacturer, factory branch, distributor, or importer must be licensed under to engage in business in this state.¹ The requirements regulating the contractual business relationship between a dealer and a manufacturer are primarily found in ss. 320.60-320.70, F.S., (the Florida Automobile Dealers Act).² These sections of law specify, in part:

- The conditions and situations under which the DHSMV may deny, suspend, or revoke a license;
- The process, timing, and notice requirements for licensees wanting to discontinue, cancel, modify, or otherwise replace a franchise agreement with a dealer, and the conditions under which the DHSMV may deny such a change;
- The procedures a licensee must follow if it wants to add a dealership in an area already served by a franchised dealer, the protest process, and the DHSMV's role in these circumstances;
- Amounts of damages that can be assessed against a licensee 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 ss. 320.60-320.70, F.S., shall apply to all presently existing or hereafter established systems of distribution of motor vehicles in this state, except to the extent that such application would impair valid contractual agreements in violation of the State Constitution or Federal Constitution. The provisions do not apply to any judicial or administrative proceeding pending as of October 1, 1988, but all agreements renewed, amended, or entered into subsequent to October 1, 1988, shall be governed by these sections, including amendments, unless specifically providing otherwise.

¹ Section 320.61(1), F.S.

²Walter 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 (2002) (No section of the statute provides a short title; however, many courts have referred to the provisions as such.), <http://law-wss-01.law.fsu.edu/journals/lawreview/downloads/293/Forehand.pdf> (last visited Jan. 15, 2016).

In 2009, the DHSMV held, in an administrative proceeding, amendments to the Florida Automobile Dealers Act do not apply to dealers having franchise agreements which were signed prior to the effective date of various amendments to that Act.³ The DHSMV has indicated it will be applying this holding to every amendment to the Florida Automobile Dealers Act, meaning dealers may have different protections under the law depending on when they signed their franchise agreement.

Civil Damages

Section 320.697, F.S., provides that any person who has suffered pecuniary loss or who has been otherwise affected because of a violation by a licensee, notwithstanding any other remedies under the Florida Automobile Dealers Act, has a cause of action against the licensee for damages and may recover damages in the amount of three times the loss, with costs and a reasonable attorney's fee to be assessed by the court. The licensee has the burden of proving that such violation did not occur upon a prima facie showing by the person bringing the action.

Consumer Data Protection

Consumer data can refer to a variety of information, including, but not limited to data such as one's:

- Personal-identifying data: name, address, telephone number, or email address;
- Demographic data: age, race, occupation, income, or education;
- Retail data: purchase history, credit card numbers, or bank account information; and
- Government data: social security or driver license numbers.

In the United States there is no all-encompassing law regulating the acquisition, storage, or use of consumer data in general terms. However, partial regulations do exist in state and federal law, including in the Federal Trade Commission (FTC) Privacy and Safeguards Rule, the Gramm-Leach-Bliley Act, and state law.

Gramm-Leach Bliley Act (GLBA)⁴

The GLBA, also known as the Financial Services Modernization Act of 1999, implemented law regarding the protection and disclosure of nonpublic personal information obtained by financial institutions, limits on reuse of information, and privacy notice requirements. The GLBA gave the Federal Trade Commission (FTC) authority to prescribe rules necessary to carry out certain purposes of the Act.

The FTC is the chief federal agency on privacy policy and enforcement. The FTC's Privacy Rule (*The Financial Privacy Rule*) is a principle part of the GLBA, and applies to vehicle dealers who extend credit to someone, arrange for someone to finance or lease a car, or provide financial

³ 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 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).

⁴ 15 U.S.C. ss. 6801 *et. seq.*

advice or counseling to individuals.⁵ Personal information collected by a dealer to provide these services is covered under the Privacy Rule, which outlines when privacy notices are required to be given to consumers, information to be included in the privacy notices, limits on the disclosure and reuse of non-public personal information, and opt out requirements.⁶

The FTC's Safeguards Rule, also part of the GLBA, outlines standards for safeguarding customer information.⁷ The rule requires service providers who handle or are permitted access to customer information through its services directly to a financial institution must have a written security plan to protect the confidentiality and integrity of customer data.⁸

Florida Information Protection Act of 2014⁹

The Florida Information Protection Act of 2014 provides the procedure for protection and security of confidential personal information¹⁰ in the possession of covered entities.¹¹ Covered entities, governmental entities, and third-party agents are required to take reasonable measures to protect and secure electronic data containing personal information. When the security of a data system is breached, a covered entity must provide notice to the Department of Legal Affairs and affected individuals unless an investigation and consultation with relevant law enforcement agencies determines the breach has not and will not likely result in identity theft or financial harm to the individuals whose personal information has been accessed.¹² If a covered entity fails to provide the required notices, it may face civil penalties.

III. Effect of Proposed Changes:

The bill creates a new section of Florida Statutes, s. 320.646, within the "Florida Automobile Dealers Act" that addresses consumer data protection.

The bill defines the terms "consumer data" and "data management system" for the purposes of the created section. The term "consumer data" means "nonpublic personal information" as defined in 15 U.S.C. s. 6809(4), which means personally identifiable financial information provided by a consumer to a financial institution that results from any transaction with the

⁵ Federal Trade Commission, *FTC's Privacy Rule and Auto Dealers: FAQ*, (January 2005), <https://www.ftc.gov/tips-advice/business-center/guidance/ftcs-privacy-rule-auto-dealers-faq> (last visited Jan. 17, 2016).

⁶ See 16 C.F.R. part 313.

⁷ See 16 C.F.R. part 314

⁸ *Id.*

⁹ Section 501.171, F.S.

¹⁰ "Personal information" includes an individual's first name or first initial and last name in combination with one of the following: a social security number; driver license or identification card number, passport number, military identification number, or other number issued by a governmental entity used to verify identity; a financial account number or credit or debit card number, in combination with any required security code, access code, or password needed to permit access to the financial account; an individual's medical history, mental or physical condition, or medical treatment or diagnosis; or an individual's health insurance policy number or subscriber identification number and any unique identifier used by a health insurer. A user name or e-mail address, in combination with a password or security question and answer is also considered "personal information." Information that is publicly available from a federal, state, or local governmental entity or information that is encrypted, secured, or modified by a method or technology that removes personally identifiable information is not considered "personal information."

¹¹ A "covered entity" is a sole proprietorship, partnership, corporation, trust, estate, cooperative, association, or other commercial entity that acquires, maintains, stores, or uses personal information.

¹² Section 501.171(4), F.S.

consumer or service performed for the consumer, or otherwise obtained by the financial institution. The term means consumer data collected by a motor vehicle dealer, provided by a dealer directly to a licensee or third party acting on behalf of the licensee, and does not include publicly available information or data obtained by a licensee from another source. The “data management system” refers to a computer system and web-based applications owned, leased, or licensed by a dealer. The data management system stores and provides access to consumer data collected or stored by the dealer.

The bill requires, notwithstanding a franchise agreement, that a licensee or a third party acting on behalf of the licensee that receives consumer data from a motor vehicle dealer:

- Comply with all restrictions on the reuse or disclosure of data established by state and federal law, and may not knowingly cause a dealer to violate any applicable restrictions;
- Provide a written statement to the dealer describing the established procedures adopted by the licensee or third party acting on behalf of the licensee to safeguard consumer data, if requested by the dealer;
- Provide a written list of the consumer data obtained from the dealer and list all persons who the data has been provided to by the licensee or third party acting on behalf of the licensee during the preceding six months, if requested by the dealer in writing. The dealer can make this request no more than once every six months, and the list must indicate the specific fields of data that were provided to each person. The list need not include a licensee’s service providers, subcontractors or consultants acting in the course of his or her performance of services on behalf of or for the benefit of the licensee or dealer, or the data provided, if the person also has agreed to comply with applicable consumer data laws. The list also need not include persons or the data provided to a person if the dealer has consented in writing that such person may receive consumer data.;
- May not require that a dealer grant the licensee or a third party access to the dealer’s data management system to collect consumer data;
- Must allow a dealer to furnish consumer data in a widely accepted file format and through a third-party dealer selected by the dealer;
- May access or obtain consumer data directly from a dealer’s data management system if given express consent from the dealer, in writing, that is separate from the franchise agreement and may be withdrawn upon 30 days’ written notice to the licensee; and
- Must compensate the dealer for any third-party claims asserted against or damages incurred by the dealer caused by the licensee’s or third party’s access, use, or disclosure of the consumer data.

The bill provides that in any cause of action against a licensee for prohibitions or requirements within the bill, the person bringing the action has the burden of proving that the violation was willful or with sufficient frequency to establish a pattern of wrongdoing with respect to such person’s consumer data.

The bill also reenacts s. 320.6992, F.S., to incorporate the newly created section.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill could positively impact motor vehicle dealers who will be compensated by a licensee for any damages incurred as a result of the licensee's or a third party's access, use, or disclosure of consumer data. For that reason, as well as the additional restrictions placed upon licensees in obtaining consumer data from a dealer, the bill could have a negative impact to the licensees.

C. Government Sector Impact:

The bill does not appear to have an impact on state or local government.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 320.646 of the Florida Statutes.

This bill reenacts section 320.6992 of the Florida Statutes.

IX. Additional Information:

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

CS by Transportation on January 20, 2016:

The CS:

- Changes the definition of “consumer data” from information collected or record created by a motor vehicle dealer which contains personal information from which the consumer’s identity could be derived, to the definition of “nonpublic personal information” as defined in 15 U.S.C. s. 6809(4), collected by the dealer and provided to the licensee or third party acting on behalf of the licensee.
- Adds that the definition of “consumer data” does not include the same or similar data obtained by a licensee from any source other than the dealer.
- Clarifies in the bill that the consumer data restrictions apply to a third party *acting on behalf of the licensee*.
- Adds that a licensee may not *knowingly* cause a dealer to violate any applicable restrictions on the reuse or disclosure of consumer data.
- Adds *upon request* from the dealer, the licensee or third party acting on behalf of the licensee must provide a written statement describing the established procedures to safeguard consumer data.
- Regarding the dealer requesting a list of consumer data obtained by the licensee and all persons the dealer’s consumer data has been provided to by the licensee or third party acting on behalf of the licensee, the CS lowers the preceding period of time the list must include, from 12 to 6 months.
- Adds that the list need not include a licensee’s service providers, subcontractors or consultants acting in the course of his or her performance of services on behalf of or for the benefit of the licensee or dealer, or the data provided, if the person also has agreed to comply with applicable consumer data laws. The list also need not include persons or the data provided to a person if the dealer has consented in writing that such person may receive consumer data.
- Makes a technical change regarding widely accepted file formats, from comma delineated to comma delimited.
- Concerning a dealer granting a licensee access to the dealer’s data management system to obtain consumer data, the CS adds the dealer must provide the licensee 30 days’ written notice to withdraw such consent.
- Adds a section to the bill providing in any cause of action against a licensee for prohibitions or requirements within the bill, the person bringing the action has the burden of proving that the violation was willful or with sufficient frequency to establish a pattern of wrongdoing.

- B. **Amendments:**

None.



465836

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/21/2016	.	
	.	
	.	
	.	

The Committee on Transportation (Grimsley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 320.646, Florida Statutes, is created to
read:

320.646 Consumer data protection.-

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

(a) "Consumer data" means "nonpublic personal information"

as such term is defined in 15 U.S.C. s. 6809(4) collected by a



465836

11 motor vehicle dealer and which is provided by the motor vehicle
12 dealer directly to a licensee or third party acting on behalf of
13 a licensee. Consumer data does not include the same or similar
14 data which is obtained by a licensee from any other source.

15 (b) "Data management system" means a computer hardware or
16 software system that is owned, leased, or licensed by a motor
17 vehicle dealer, including a system of web-based applications,
18 computer software, or computer hardware, whether located at the
19 motor vehicle dealership or hosted remotely, and that stores and
20 provides access to consumer data collected or stored by a motor
21 vehicle dealer. The term includes, but is not limited to,
22 dealership management systems and customer relations management
23 systems.

24 (2) Notwithstanding the provisions of any franchise
25 agreement, with respect to consumer data a licensee or a third
26 party acting on behalf of a licensee:

27 (a) Shall comply with all, and not knowingly cause a motor
28 vehicle dealer to violate any, applicable restrictions on reuse
29 or disclosure of the consumer data established by federal or
30 state law and must provide a written statement to the motor
31 vehicle dealer upon request describing the established
32 procedures adopted by the licensee or third party acting on
33 behalf of the licensee which meet or exceed any federal or state
34 requirements to safeguard the consumer data, including, but not
35 limited to, those established in the Gramm-Leach-Bliley Act, 15
36 U.S.C. ss. 6801 et seq.

37 (b) Shall, upon the written request of the motor vehicle
38 dealer, provide a written list of the consumer data obtained
39 from the motor vehicle dealer and all persons to whom any



465836

40 consumer data has been provided by the licensee or a third party
41 acting on behalf of a licensee during the preceding 6 months.

42 The dealer may make such a request no more than once every 6
43 months. The list must indicate the specific fields of consumer
44 data which were provided to each person. Notwithstanding the
45 foregoing, such a list need not include:

46 1. A person to whom consumer data was provided, or the
47 specific consumer data provided to such person, if the person
48 was, at the time the consumer data was provided, one of the
49 licensee's service providers, subcontractors or consultants
50 acting in the course of such person's performance of services on
51 behalf of or for the benefit of the licensee or motor vehicle
52 dealer, provided that the licensee has entered into an agreement
53 with such person requiring that the person comply with the
54 safeguard requirements of applicable state and federal law,
55 including, but not limited to, those established in the Gramm-
56 Leach-Bliley Act, 15 U.S.C. ss. 6801 et seq; or

57 2. A person to whom consumer data was provided, or the
58 specific consumer data provided to such person, if the motor
59 vehicle dealer has previously consented in writing to such
60 person receiving the consumer data provided and the motor
61 vehicle dealer has not withdrawn such consent in writing.

62 (c) May not require that a motor vehicle dealer grant the
63 licensee or a third party direct or indirect access to the
64 dealer's data management system to obtain consumer data. A
65 licensee must permit a motor vehicle dealer to furnish consumer
66 data in a widely accepted file format, such as comma delimited,
67 and through a third-party vendor selected by the motor vehicle
68 dealer. However, a licensee may access or obtain consumer data



465836

69 directly from a motor vehicle dealer's data management system
70 with the express consent of the dealer. The consent must be in
71 the form of a written document that is separate from the
72 parties' franchise agreement, is executed by the motor vehicle
73 dealer, and may be withdrawn by the dealer upon 30 days' written
74 notice to the licensee.

75 (d) Must indemnify the motor vehicle dealer for any third-
76 party claims asserted against or damages incurred by the motor
77 vehicle dealer to the extent caused by access to, use of, or
78 disclosure of consumer data in violation of this section by the
79 licensee, a third party acting on behalf of the licensee, or a
80 third party to whom the licensee has provided consumer data.

81 (3) In any cause of action against a licensee pursuant to
82 s. 320.697 for a violation of paragraphs (2) (a), (2) (b), or
83 (2) (c), the person bringing the action has the burden of proving
84 that the violation was willful or with sufficient frequency to
85 establish a pattern of wrongdoing with respect to such person's
86 consumer data.

87 Section 2. For the purpose of incorporating section
88 320.646, Florida Statutes, as created by this act, in a
89 reference thereto, section 320.6992, Florida Statutes, is
90 reenacted to read:

91 320.6992 Application.—Sections 320.60-320.70, including
92 amendments to ss. 320.60-320.70, apply to all presently existing
93 or hereafter established systems of distribution of motor
94 vehicles in this state, except to the extent that such
95 application would impair valid contractual agreements in
96 violation of the State Constitution or Federal Constitution.
97 Sections 320.60-320.70 do not apply to any judicial or



465836

98 administrative proceeding pending as of October 1, 1988. All
99 agreements renewed, amended, or entered into subsequent to
100 October 1, 1988, shall be governed by ss. 320.60-320.70,
101 including any amendments to ss. 320.60-320.70 which have been or
102 may be from time to time adopted, unless the amendment
103 specifically provides otherwise, and except to the extent that
104 such application would impair valid contractual agreements in
105 violation of the State Constitution or Federal Constitution.

106 Section 3. This act shall take effect upon becoming a law.

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

108 And the title is amended as follows:

109 Delete everything before the enacting clause
110 and insert:

111 A bill to be entitled
112 An act relating to protection of motor vehicle
113 dealers' consumer data; creating s. 320.646, F.S.;
114 defining the terms "consumer data" and "data
115 management system"; requiring that a licensee or a
116 third party comply with certain restrictions on reuse
117 or disclosure of consumer data received from a motor
118 vehicle dealer; requiring that such person provide a
119 written statement to the motor vehicle dealer
120 delineating the established procedures adopted by the
121 person which meet or exceed certain requirements to
122 safeguard consumer data; requiring that upon request
123 of a motor vehicle dealer a licensee provide a list of
124 the consumer data obtained and all persons to whom any
125 of the data has been disclosed, subject to certain
126 requirements; prohibiting a licensee from requiring a



465836

127 motor vehicle dealer to grant the licensee or third
128 party access to the dealer's data management system;
129 requiring a licensee to permit a motor vehicle dealer
130 to furnish consumer data in a widely accepted file
131 format and through a third-party vendor selected by
132 the motor vehicle dealer; authorizing a licensee to
133 access or obtain consumer data from a motor vehicle
134 dealer's data management system with the dealer's
135 express written consent, subject to certain
136 requirements; requiring the licensee to indemnify the
137 motor vehicle dealer for certain claims or damages;
138 providing that a person bringing a specified cause of
139 action for certain violations must meet certain
140 requirements; reenacting s. 320.6992, F.S., relating
141 to the provisions that apply to established systems of
142 distribution of motor vehicles in this state, to
143 incorporate s. 320.646, F.S., as created by the act,
144 in a reference thereto; providing an effective date.

By Senator Bradley

7-00308C-16

2016960__

A bill to be entitled

An act relating to protection of motor vehicle dealers' consumer data; creating s. 320.646, F.S.; defining the terms "consumer data" and "data management system"; requiring that a licensee or a third party comply with certain restrictions on reuse or disclosure of consumer data received from a motor vehicle dealer; requiring that such person provide a written statement to the motor vehicle dealer delineating the established procedures adopted by the person which meet or exceed certain requirements to safeguard consumer data; requiring that upon request of a motor vehicle dealer a licensee provide a list of the consumer data obtained and all persons to whom any of the data has been disclosed, subject to certain requirements; prohibiting a licensee from requiring a motor vehicle dealer to grant the licensee or a third party access to the dealer's data management system; requiring a licensee to permit a motor vehicle dealer to furnish consumer data in a widely accepted file format and through a third-party vendor selected by the motor vehicle dealer; authorizing a licensee to access or obtain consumer data from a motor vehicle dealer's data management system with the dealer's express written consent, subject to certain requirements; requiring the licensee to indemnify the motor vehicle dealer for certain claims or damages; reenacting s. 320.6992, F.S., relating to the

Page 1 of 4

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

7-00308C-16

2016960__

provisions that apply to established systems of distribution of motor vehicles in this state, to incorporate s. 320.646, F.S., as created by the act, in a reference thereto; providing an effective date.

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

Section 1. Section 320.646, Florida Statutes, is created to read:

320.646 Consumer data protection.-

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

(a) "Consumer data" means any information collected or record created by a motor vehicle dealer which contains personal information about a consumer, including, but not limited to, the consumer's name, address, telephone number, e-mail address, social security number, date of birth, driver license number, credit card number, or any other information from which the identity of the consumer could be derived.

(b) "Data management system" means a computer hardware or software system that is owned, leased, or licensed by a motor vehicle dealer, including a system of web-based applications, computer software, or computer hardware, whether located at the motor vehicle dealership or hosted remotely, and that stores and provides access to consumer data collected or stored by a motor vehicle dealer. The term includes, but is not limited to, dealership management systems and customer relations management systems.

(2) Notwithstanding the provisions of any franchise agreement, a licensee that receives consumer data from a motor

Page 2 of 4

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

7-00308C-16

2016960__

59 vehicle dealer or requires that a motor vehicle dealer provide
 60 consumer data to a third party:

61 (a) Must comply with all restrictions on reuse or
 62 disclosure of data established by federal and state law and must
 63 provide a written statement to the motor vehicle dealer
 64 delineating the established procedures adopted by the licensee
 65 or a third party which meet or exceed any federal or state
 66 requirements to safeguard consumer data, including, but not
 67 limited to, those established in the Gramm-Leach-Bliley Act, 15
 68 U.S.C. ss. 6801 et seq.

69 (b) Must, upon the written request of the motor vehicle
 70 dealer, provide a written list of the consumer data obtained
 71 from a motor vehicle dealer and all persons to whom any of the
 72 consumer data has been provided by the licensee or a third party
 73 during the preceding 12 months. The dealer may make such a
 74 request no more than once every 6 months. The list must indicate
 75 the specific fields of the consumer data which were provided to
 76 each person.

77 (c) May not require that a motor vehicle dealer grant the
 78 licensee or a third party direct or indirect access to the
 79 dealer's data management system to collect consumer data. A
 80 licensee must permit a motor vehicle dealer to furnish consumer
 81 data in a widely accepted file format, such as comma delineated,
 82 and through a third-party vendor selected by the motor vehicle
 83 dealer. However, a licensee may access or obtain consumer data
 84 directly from a motor vehicle dealer's data management system
 85 with the express consent of the dealer. The consent must be in
 86 the form of a written document that is separate from the
 87 parties' franchise agreement, is executed by the motor vehicle

Page 3 of 4

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

7-00308C-16

2016960__

88 dealer, and may be withdrawn by the dealer at any time.

89 (d) Must indemnify the motor vehicle dealer for any claims
 90 asserted against or damages incurred by the motor vehicle dealer
 91 as a result of the licensee's or a third party's access, use, or
 92 disclosure of the consumer data.

93 Section 2. For the purpose of incorporating section
 94 320.646, Florida Statutes, as created by this act, in a
 95 reference thereto, section 320.6992, Florida Statutes, is
 96 reenacted to read:

97 320.6992 Application.—Sections 320.60-320.70, including
 98 amendments to ss. 320.60-320.70, apply to all presently existing
 99 or hereafter established systems of distribution of motor
 100 vehicles in this state, except to the extent that such
 101 application would impair valid contractual agreements in
 102 violation of the State Constitution or Federal Constitution.
 103 Sections 320.60-320.70 do not apply to any judicial or
 104 administrative proceeding pending as of October 1, 1988. All
 105 agreements renewed, amended, or entered into subsequent to
 106 October 1, 1988, shall be governed by ss. 320.60-320.70,
 107 including any amendments to ss. 320.60-320.70 which have been or
 108 may be from time to time adopted, unless the amendment
 109 specifically provides otherwise, and except to the extent that
 110 such application would impair valid contractual agreements in
 111 violation of the State Constitution or Federal Constitution.

112 Section 3. This act shall take effect upon becoming a law.

Page 4 of 4

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)

1/20/16
Meeting Date

960
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Gary Hunter

Job Title Attorney

Address 119 S. Calhoun St, Suite 300
Street
Tallahassee FL 32301
City State Zip

Phone 850-222-7500

Email garyh@hgslaw.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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/20/2016

Meeting Date

SB 960

Bill Number (if applicable)

465836

Amendment Barcode (if applicable)

Topic SB 960 Dealer Data Sharing

Name JEFF PERRY

Job Title DIRECTOR, PUBLIC POLICY

Address 300 RENAISSANCE CENTER

Street

DETROIT

City

MI

State

48265

Zip

Phone 3136670946

Email Jeffrey.Perry@gm.com

Speaking: For Against Information

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

Representing GENERAL MOTORS

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)

1/20/16
Meeting Date

960
Bill Number (if applicable)

Topic CONSUMER DATA

Amendment Barcode (if applicable)

Name JOHN FOREHAND

Job Title GENERAL COUNSEL

Address _____
Street

Phone 850-443-0085

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing SOUTH MOTORS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/20/16
Meeting Date

SB 960
Bill Number (if applicable)

Topic Auto DATA-

Amendment Barcode (if applicable)

Name Row Book

Job Title _____

Address 104 W. Jefferson
Street
Trif City Fla State _____ Zip _____

Phone 810 224 3427

Email Row@RCBOOKPA.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.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1046

INTRODUCER: Transportation Committee and Senator Hutson

SUBJECT: Farm Vehicles

DATE: January 22, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Fav/CS
2.			ATD	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1046 exempts “covered farm vehicles,” under specified conditions, from federal regulations relating to controlled substances and alcohol use and testing; commercial driver licenses; physical qualifications and examinations; hours of service of drivers; and vehicle inspection, repair, and maintenance. These exemptions were authorized in the Moving Ahead for Progress in the 21st Century Act (MAP-21) in June of 2012¹ but are not included in Florida law.

II. Present Situation:

Current Florida and federal law, the former of which is heavily but not entirely predicated on the latter, contain requirements relating to interstate and intrastate operation of CMVs.² Both federal and state law also contain a number of exemptions specifically applied to agricultural-related CMV operation. The federal MAP-21 Act exempts “covered farm vehicles” (CFVs) and their drivers from specified federal regulations. These exemptions are not currently authorized in Florida law.

State Application of Federal Law and Relevant State Exemptions

Generally, CMVs operated in interstate or intrastate commerce are subjected to various provisions of federal law in state statute, specifically:

¹ Pub. L. 112-141.

²See s. 316.302, F.S.

- Part 382, Controlled Substance and Alcohol Use and Testing.
- Part 383, Commercial Driver's License Standards.
- Part 385, Safety Fitness Procedures.
- Part 390, General Federal Motor Carrier Safety Regulations.
- Part 391, Physical Qualifications and Examinations.^{3, 4}
- Part 392, Driving of Commercial Motor Vehicles.
- Part 393, Parts and Accessories Necessary for Safe Operation.
- Part 395, Hours of Service of Drivers.⁵
- Part 396, Inspection, Repair, and Maintenance.
- Part 397, Transportation of Hazardous Materials; Driving and Parking Rules.⁶

Driver Licensing and Agricultural-Related Exemptions

Every person driving a motor vehicle⁷ must hold a valid driver license.⁸ However, a person is exempt from this requirement while driving or operating any road machine, farm tractor,⁹ or implement of husbandry¹⁰ temporarily operated or moved on a highway.¹¹

Every person driving a CMV in this state is required to hold a valid commercial driver license (CDL),¹² with certain exceptions. Farmers transporting agricultural products, farm supplies, or farm machinery to or from their farms and within 150 miles of their farms are exempt from the CDL requirement if the transporting vehicle is not used in the operations of a common or contract motor carrier.¹³

³ Except that a person operating a CMV solely in intrastate commerce not transporting hazard materials that require placarding need not comply with 49 C.F.R., Subpart G, s. 391.11(b)(1), which generally requires a CMV driver to be at least 21 years of age. Section 316.302(2)(a), F.S.

⁴ Section 316.302 (3), F.S., authorizes a person who has not attained 18 years of age to operate a CMV with a gross vehicle weight of less than 26,001 pounds while transporting agricultural products, including horticultural or forestry products, from farm or harvest place to storage or market.

⁵ Except that a person operating a CMV solely in intrastate commerce not transporting hazard materials that require placarding need not comply with 49 C.F.R. s. 395.3(a) and (b), relating to maximum driving times for property carrying vehicles. Section 316.302(2)(a), F.S. Such operators also need not comply with the duty status record-keeping ("log book") requirements of 49 C.F.R. s. 395.8. Section 316.302(2)(d), F.S.

⁶ *Supra* note 2. While s. 316.302(1)(a), F.S., does not expressly apply 49 C.F.R. Part 383, relating to CDLs, to interstate CMV drivers, federal CDL requirements are enforced in state law through Chapter 322, F.S.

⁷ Defined for purposes of Chapter 322, F.S., as any self-propelled vehicle, including a motor vehicle combination, not operated upon rails or guideway, excluding vehicles moved solely by human power, motorized wheelchairs, and motorized bicycles as defined in s. 316.003. Section 322.01(27), F.S.

⁸ Section 322.03, F.S.

⁹ Defined for purposes of Chapter 322, F.S., as a motor vehicle that is operated principally on a farm, grove, or orchard in agricultural or horticultural pursuits and that is operated on the roads of this state only incidentally for transportation between the owner's or operator's headquarters and the farm, grove, or orchard or between one farm, grove, or orchard and another OR designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry. Section 322.01(20), F.S.

¹⁰ The term is not defined in Chapter 322, F.S., but is defined in s. 316.003(16), F.S., as any vehicle designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry *and in either case not subject to registration if used upon the highways.*

¹¹ Section 322.04(1)(b), F.S.

¹² Section 322.53, F.S.

¹³ See also s. 322.53(3), F.S., which requires all drivers of for-hire CMVs to hold a valid CDL.

Hours of Service and Agricultural-Related Exemptions

In addition, with specified exceptions, *intrastate* CMV operators not transporting hazardous materials that require placarding¹⁴ may not drive:

- More than 12 hours following 10 consecutive hours off duty, or for any period after the end of the 16th hour after coming on duty following 10 consecutive hours off duty;¹⁵ or
- After having been on duty more than 70 hours in any period of seven consecutive days, or more than 80 hours in any period of eight consecutive days if the motor carrier operates every day of the week, with 34 consecutive hours off duty constituting the end of any such period of seven or eight consecutive days.¹⁶

The latter weekly limit does not apply to a person operating solely within the state while transporting during harvest periods any unprocessed agricultural products or unprocessed food or fiber that is subject to seasonal harvesting, from place of harvest to the first place of processing or storage or from place of harvest directly to market or while transporting livestock, livestock feed, or farm supplies directly related to growing or harvesting agricultural products.¹⁷

Further, a person who operates a CMV solely within the state is generally exempt from compliance with parts 382, 385, and 390 through 397 of Title 49 while transporting agricultural products from farm or harvest place to the first place of processing or storage, or from farm or harvest place directly to market.¹⁸ However, such person must comply with parts 382, 392,¹⁹ and 393,²⁰ and with ss. 396.3(a)(1)²¹ and 396.9.²²

Vehicle Registration and Agricultural-Related Exemptions

The provisions of Chapter 320, F.S., generally require every owner or person in charge of a motor vehicle to register the vehicle, pay license taxes, and display a license plate. However, exempt from these requirements are:

- Motor vehicles operated principally on a farm, grove, or orchard in agricultural or horticultural pursuits and which is operated on the roads of this state only incidentally in going from the owner's or operator's headquarters to such farm, grove, or orchard and returning therefrom or in going from one farm, grove, or orchard to another.

¹⁴ The Code of Federal Regulations lists and classifies those materials which the U.S.D.O.T. has designated as hazardous materials for purposes of transportation. Any person who offers a hazardous material for transportation, and each carrier by air, highway, rail, or water who transports a hazardous material, is required to comply with requirements for shipping papers, package marking, labeling, and *transport vehicle placarding* applicable to the shipment and transportation of those hazardous materials. See 49 C.F.R. part 172.

¹⁵ Section 316.302(2)(b), F.S.

¹⁶ Section 316.302(2)(c), F.S.

¹⁷ *Id.*

¹⁸ Section 316.302(2)(e), F.S.

¹⁹ Relating to matters such as driving CMVs at railroad crossings, emergency signals for stopped CMVs, fueling precautions, and prohibited practices.

²⁰ Relating to parts and accessories necessary for safe operation.

²¹ Relating to systematic inspection, repair, and maintenance requirements for motor carriers and intermodal equipment providers.

²² Containing additional requirements relating to inspection of motor vehicles and intermodal equipment in operation.

- Vehicles without motive power which are used principally for the purpose of transporting plows, harrows, fertilizer distributors, spray machines, and other farm or grove equipment and which uses the roads of this state only incidentally.²³

Maximum Width, Height, and Length Limitations/Implements of Husbandry and Farm Equipment, Agricultural Trailers, Forestry Equipment

Generally, the total outside width of any vehicle or the load thereon may not exceed 102 inches, exclusive of safety devices determine to be necessary for safe and efficient operation. A vehicle may generally not exceed a height of 13 feet, 6 inches, inclusive of the load carried. General vehicle length limitations vary depending on the type of vehicle; i.e., straight trucks, semitrailers, and tandem trailer trucks.²⁴

However, a person engaged in the production of such products, or a custom hauler, is authorized to transport peanuts, grains, soybeans, citrus, cotton, hay, straw, or other perishable farm products from their point of production to the first point of change of custody or of long-term storage, and for the purpose of returning to such point of production, or for the purpose of moving tractors, movers, and implements from one point of agricultural production to another, by means of the following vehicles, if such vehicles otherwise comply with the requirements of s. 316.515, F.S.:

- Straight trucks, agricultural tractors, citrus harvesting equipment, citrus fruit loaders, and cotton module movers, not exceeding 50 feet in length.
- Any combination of up to and including three implements of husbandry, including the towing power unit.
- Any single agricultural trailer with a load thereon.
- Any agricultural implements attached to a towing power unit.
- A self-propelled agricultural implement.
- An agricultural tractor.²⁵

In addition, a person engaged in the harvesting of forestry products is authorized to transport from one point of harvest to another point of harvest equipment not exceeding 136 inches in width if the equipment is:

- Not capable of exceeding 20 miles per hour.
- Not transported more than 10 miles in distance.
- Used exclusively for harvesting forestry products, not to exceed 10 miles.
- Operated during daylight hours only, and with specified safety requirements.²⁶

Further, the width and height limitations of s. 316.515, F.S., do not apply to farming or agricultural equipment, whether self-propelled, pulled, or hauled, when temporarily operated during daylight hours on a non-limited access facility, which limitations may be exceeded by

²³ Section 320.51, F.S. This description of the exempt vehicles is virtually identical to the definition of “farm tractor” for purposes of driver licensing in Chapter 322, F.S.

²⁴ See s. 316.515, F.S.

²⁵ Section 316.515(5)(a), F.S.

²⁶ Section 316.515(5)(b), F.S.

such equipment without a special permit if the equipment is operated within a 50-mile radius of the real property owned, rented, managed, harvested, or leased by the equipment owner.²⁷

MAP-21 Exemptions

The MAP-21 Act defined a new category of vehicles, “covered farm vehicles,” (CFVs) and authorized driver operation of such vehicles under certain circumstances. If the required provisions of the definition are met, and if the driver operates a CFV as specified, the CFV and the driver are exempt from federal regulations relating to controlled substances and alcohol use and testing; commercial driver licenses; physical qualifications and examinations; hours of service of drivers; and vehicle inspection, repair, and maintenance.²⁸ A “covered farm vehicle” is:

- A straight truck²⁹ or articulated vehicle³⁰ that is:
 - Registered in a state with a license plate or other designation issued by the *state of registration* that allows law enforcement officials to identify it as a farm vehicle.
 - Operated by the owner or operator of a farm or ranch, or an employee or family member of an owner or operator of a farm or ranch.
 - Used to transport agricultural commodities, livestock, machinery or supplies to or from a farm or ranch.
 - Not used in for-hire motor carrier operations, except that a tenant’s use of a vehicle pursuant to a crop share farm lease agreement to transport the landlord’s share of crops under that agreement is not treated as “for-hire motor carrier operations.”

Drivers of vehicles meeting the above definition and having a gross vehicle weight or gross vehicle weight rating, *whichever is greater*, of:

- 26,001 pounds or less may operate anywhere in the United States.
- More than 26,001 pounds may operate anywhere in the state of registration, or across state lines within 150 air miles of the farm or ranch with respect to which the vehicle is being operated.

Florida law does not currently authorize the new federal exemptions.

III. Effect of Proposed Changes:

The bill expressly authorizes in state law new federal exemptions for CFVs.

Section 1 creates subsection (94) of s. 316.003, F.S., to define “covered farm vehicle” virtually identically to the federal definition and with the same result.

²⁷ Section 316.515(5)(c), F.S.

²⁸ 49 C.F.R. Parts 382; 383; 391, subpart E; 395; and 396, respectively.

²⁹ Straight trucks include commonly recognized vehicles such as pick-up trucks, flat-bed trucks, box trucks, and the like. The truck’s power unit and cargo unit are located on the same vehicle frame. *See* also s. 316.003(70), F.S.

³⁰ Articulated vehicles, in contrast to straight trucks, include those having a power unit coupled to the cargo-carrying unit. *See* also s. 316.003(60) and (71), F.S.

Section 2 creates a new subsection (3) of s. 316.302 with respect to CFVs, notwithstanding any contrary provision in subsections (1) and (2).³¹ This section of the bill exempts from the previously identified federal regulations a driver of a CFV and the CFV, as defined in s. 316.003, F.S., registered with a license plate or other designation issued by the state of registration when operating:

- Anywhere in this state if the CFV has a gross vehicle weight or gross vehicle weight rating, whichever is greater, of 26,001 pounds or less.
- Anywhere in the state or registration, or across state lines within 150 air miles of the farm or ranch with respect to which the vehicle is being operated, if the CFV has a gross vehicle weight or gross vehicle weight rating, whichever is greater, of more than 26,001 pounds.

The bill, consistent with Federal Motor Carrier Safety Administration's final rule on the matter,³² does not allow the federal exemptions if the vehicle is transporting hazardous materials in amounts that require placarding.³³

In some cases, vehicles used for agricultural-related purposes may qualify for more than one exemption. For example, a vehicle meeting the CFV requirements and qualifying for the MAP-21 federal exemptions might also qualify for the exemption for a person operating a CMV solely within the state from compliance with parts 382, 385, and 390 through 397 of Title 49, while transporting agricultural products from farm or harvest place to the first place of processing or storage, or from farm or harvest place directly to market.³⁴ On the other hand, a person qualifying for the latter exemption would not be able to qualify for the federal exemptions if, for example, that person is not an owner or operator of a farm or ranch, or an employee or family member of such owner or operator.

This section of the bill also corrects a cross-reference necessitated by the changes in the bill.

Section 3 amends s. 322.53(2), F.S., to exempt the driver of a CFV as defined in s. 316.003, F.S., from the requirement to hold a valid CDL, if the CFV is operated in accordance with the new s. 316.302(3), F.S.

Sections 4 and 5, respectively, amend ss. 316.3025(3)(e) and 316.3026(1), F.S., to correct cross-references necessitated by the changes in the bill.

Section 6 provides the bill takes effect July 1, 2016.

³¹ The MAP-21 exemptions do not include exemption from, for example, parts 392 and 393 of Title 49 of the C.F.R.; thus, CFVs must remain subject to those parts to retain compliance with federal law. As both subsections (1) and (2) of s. 316.302, F.S., require compliance with those parts, only *contrary* provisions in subsections (1) and (2) should be withstood.

³² See the Federal Register, Vol. 78, No. 50, Thursday, March 14, 2013, at p. 16190. (On file in the Senate Transportation Committee.)

³³ *Supra* note 14.

³⁴ *Supra* note 18.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Those qualifying for the CFV exemptions may experience a positive fiscal impact due to relief from compliance with the specified federal regulations, including but not limited to the \$75 fee for a CDL.³⁵ These savings will be offset by the cost of CFV registration. Farmers and ranchers may realize a positive fiscal impact should the new exemptions facilitate more efficient operations, thereby reducing costs.

C. Government Sector Impact:

The Revenue Estimating Conference has not yet analyzed this bill. However, a negative fiscal impact resulting from the potential loss of CDL fees, offset by fees for registration, may be realized.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.302, 316.3025, 316.3026 and 322.53.

³⁵ See the DHSMV website, "Fees": <http://www.flhsmv.gov/fees/>. Last visited January 19, 2016.

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 Transportation on January 20, 2016:

The CS modifies the bill by:

- Deleting section 2 of the original bill to retain compliance with federal law.
- Creating a new subsection (3) of s. 316.302, F.S., to address CFVs, notwithstanding contrary provisions of subsections (1) and (2), to retain compliance with federal law.
- Revising language to conform to federal language relating to CFV operation.
- Correcting cross-references.

- B. **Amendments:**

None.



806326

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/21/2016	.	
	.	
	.	
	.	

The Committee on Transportation (Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (94) is added to section 316.003,
Florida Statutes, 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:



806326

11 (94) COVERED FARM VEHICLE.—A straight truck or articulated
12 vehicle that is:

13 (a) Registered in a state with a license plate or other
14 designation issued by that state that allows law enforcement
15 officers to identify it as a farm vehicle.

16 (b) Operated by the owner or operator of a farm or ranch or
17 by an employee or family member of an owner or operator of a
18 farm or ranch in accordance with s. 316.302(3).

19 (c) Used to transport agricultural commodities, livestock,
20 machinery, or supplies to or from a farm or ranch.

21 (d) Not used in for-hire motor carrier operations; however,
22 for-hire motor carrier operations do not include the operation
23 of a vehicle meeting the requirements of paragraphs (a)-(c) by a
24 tenant pursuant to a crop share farm lease agreement to
25 transport the landlord's portion of the crops under that
26 agreement.

27 Section 2. Current subsections (3) through (12) of section
28 316.302, Florida Statutes, are re-numbered as subsections (4)
29 through (13), respectively, and a new subsection (3) of that
30 section is created to read:

31 316.302 Commercial motor vehicles; safety regulations;
32 transporters and shippers of hazardous materials; enforcement.—

33 (3) Notwithstanding subsections (1) and (2), covered farm
34 vehicles, as defined in s. 316.003, and the operators of such
35 vehicles, are exempt from the requirements relating to
36 controlled substances and alcohol use and testing in 49 C.F.R.
37 part 382; commercial driver licenses in 49 C.F.R. part 383;
38 physical qualifications and examinations in 49 C.F.R. part 391,
39 subpart E; hours of service of drivers in 49 C.F.R. part 395;



806326

40 and inspection, repair, and maintenance in 49 C.F.R. part 396
41 when operating:

42 (a) Anywhere in the United States if the covered farm
43 vehicle has a gross vehicle weight or gross vehicle weight
44 rating, whichever is greater, of 26,001 pounds or less.

45 (b) Anywhere in the state of registration, or across state
46 lines within 150 air miles of the farm or ranch with respect to
47 which the vehicle is being operated, if the covered farm vehicle
48 has a gross vehicle weight or gross vehicle weight rating,
49 whichever is greater, of more than 26,001 pounds.

50
51 The provisions in this subsection do not apply to a vehicle
52 transporting hazardous materials in amounts that require
53 placarding pursuant to 49 C.F.R. part 172.

54 Section 3. Paragraph (c) of subsection (2) of section
55 322.53, Florida Statutes, is amended to read:

56 322.53 License required; exemptions.—

57 (2) The following persons are exempt from the requirement
58 to obtain a commercial driver license:

59 (c) 1. Farmers transporting agricultural products, farm
60 supplies, or farm machinery to or from their farms and within
61 150 miles of their farms, if the vehicle operated under this
62 exemption is not used in the operations of a common or contract
63 motor carrier.

64 2. The driver of a covered farm vehicles, as defined in s.
65 316.003, when operated in accordance with s. 316.302(3).

66 Section 4. This act shall take effect July 1, 2016.

67
68



806326

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

70 And the title is amended as follows:

71 Delete everything before the enacting clause

72 and insert:

73 A bill to be entitled

74 An act relating to farm vehicles; amending s. 316.003,
75 F.S.; defining the term "covered farm vehicle" for
76 purposes of the Florida Uniform Traffic Control Law;
77 amending s. 316.302, F.S.; providing exemptions for
78 covered farm vehicles and the operators of such
79 vehicles from specified federal regulations relating
80 to controlled substances and alcohol use and testing,
81 commercial driver licenses, physical qualifications
82 and examinations, hours of service of drivers, and
83 inspection, repair, and maintenance when operating
84 under certain conditions, notwithstanding specified
85 statutory provisions; providing applicability;
86 exempting the driver of a covered farm vehicle from
87 commercial driver license requirements; providing an
88 effective date.



645060

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/21/2016	.	
	.	
	.	
	.	

The Committee on Transportation (Simpson) recommended the following:

Senate Amendment to Amendment (806326)

Delete lines 33 - 42

and insert:

(3) Notwithstanding any contrary provision in subsections (1) and (2), covered farm vehicles, as defined in s. 316.003, and the operators of such vehicles, are exempt from the requirements relating to controlled substances and alcohol use and testing in 49 C.F.R. part 382; commercial driver licenses in 49 C.F.R. part 383; physical qualifications and examinations in



645060

11 49 C.F.R. part 391, subpart E; hours of service of drivers in 49
12 C.F.R. part 395; and inspection, repair, and maintenance in 49
13 C.F.R. part 396 when operating:

14 (a) Anywhere in this state if the covered farm

By Senator Hutson

6-01245-16

20161046__

A bill to be entitled

An act relating to farm vehicles; amending s. 316.003, F.S.; defining the term "covered farm vehicle" for purposes of the Florida Uniform Traffic Control Law; amending s. 316.302, F.S.; revising requirements for a person who operates a commercial motor vehicle solely in intrastate commerce while transporting agricultural products; providing exemptions for covered farm vehicles from specified federal regulations relating to controlled substances and alcohol use and testing, commercial driver licenses, physical qualifications and examinations, hours of service of drivers, and inspection, repair, and maintenance; providing for application of such exemptions to out-of-state farm vehicles under certain circumstances; providing applicability; amending s. 322.53, F.S.; exempting the driver of a covered farm vehicle from commercial driver license requirements; providing an effective date.

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

Section 1. Subsection (94) is added to section 316.003, Florida Statutes, 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:

(94) COVERED FARM VEHICLE.—A straight truck or articulated

Page 1 of 4

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

6-01245-16

20161046__

vehicle that is:

(a) Registered in a state with a license plate or other designation issued by that state that allows law enforcement officers to identify it as a farm vehicle.

(b) Operated by the owner or operator of a farm or ranch or by an employee or family member of an owner or operator of a farm or ranch.

(c) Used to transport agricultural commodities, livestock, machinery, or supplies to or from a farm or ranch.

(d) Not used in for-hire motor carrier operations; however, for-hire motor carrier operations do not include the operation of a vehicle meeting the requirements of paragraphs (a)-(c) by a tenant pursuant to a crop share farm lease agreement to transport the landlord's portion of the crops under that agreement.

Section 2. Paragraph (e) of subsection (2) of section 316.302, Florida Statutes, is amended, and paragraph (1) is added to that subsection, to read:

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

(2)

(e) A person who operates a commercial motor vehicle solely in intrastate commerce is exempt from subsection (1) while transporting agricultural products, including horticultural or forestry products, from farm or harvest place to the first place of processing or storage, or from farm or harvest place directly to market. However, such person must comply with 49 C.F.R. parts ~~382, 392, and 393,~~ and with 49 C.F.R. ss. ~~396.3(a)(1) and 396.9.~~ A vehicle or combination of vehicles operated pursuant to this

Page 2 of 4

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

6-01245-16 20161046__

59 paragraph having a gross vehicle weight of 26,001 pounds or more
60 or having three or more axles on the power unit, regardless of
61 weight, must display the name of the vehicle owner or motor
62 carrier and the municipality or town where the vehicle is based
63 on each side of the power unit in letters that contrast with the
64 background and that are readable from a distance of 50 feet. A
65 person who violates this vehicle identification requirement may
66 be assessed a penalty as provided in s. 316.3025(3)(a).

67 (1)1. A covered farm vehicle, as defined in s. 316.003, and
68 the operator of such vehicle are exempt from requirements
69 relating to controlled substances and alcohol use and testing in
70 49 C.F.R. part 382; commercial driver licenses in 49 C.F.R. part
71 383; physical qualifications and examinations in 49 C.F.R. part
72 391, subpart E; hours of service of drivers in 49 C.F.R. part
73 395; and inspection, repair, and maintenance in 49 C.F.R. part
74 396.

75 2. The exemptions under subparagraph 1. apply to a covered
76 farm vehicle registered with a license plate or other
77 designation issued by another state and to the operator of such
78 vehicle if:

79 a. The vehicle has a gross vehicle weight of 26,001 pounds
80 or less; or

81 b. If the vehicle has a gross vehicle weight of more than
82 26,001 pounds, the vehicle is being operated within 150 air
83 miles of the farm or ranch with respect to which the vehicle is
84 being operated.

85 3. The exemptions in this paragraph do not apply to a
86 vehicle transporting hazardous materials in an amount that
87 requires a placard.

6-01245-16 20161046__

88 Section 3. Paragraph (c) of subsection (2) of section
89 322.53, Florida Statutes, is amended to read:
90 322.53 License required; exemptions.—
91 (2) The following persons are exempt from the requirement
92 to obtain a commercial driver license:
93 (c)1. Farmers transporting agricultural products, farm
94 supplies, or farm machinery to or from their farms and within
95 150 miles of their farms, if the vehicle operated under this
96 exemption is not used in the operations of a common or contract
97 motor carrier.
98 2. The driver of a covered farm vehicle as defined in s.
99 316.003.

100 Section 4. This act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/20/16
Meeting Date

1046
Bill Number (if applicable)

Topic Farm Vehicles

Amendment Barcode (if applicable)

Name Adam Basford

Job Title Director, Legislative Affairs

Address 315 S Calhoun St #850

Phone 222 2557

Street

Tallahassee,

FL

32301

City

State

Zip

Email AdamBasford@FFB.org

Speaking: For Against Information

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

Representing Florida Farm Bureau

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/20
Meeting Date

SB 1046
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Butch Calhoun

Job Title _____

Address 119 S. Monroe, Suite 300
Street
Tallahassee FL 32302
City State Zip

Phone 521-0455

Email _____

Speaking: For Against Information

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

Representing Florida Fruit & Vegetable 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.

THE FLORIDA SENATE

APPEARANCE RECORD

11/20/2016
Meeting Date

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

SB
1046
Bill Number (if applicable)

Topic FARM Vehicles

Amendment Barcode (if applicable)

Name KEVIN SWEENEY

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 FLORIDA JUSTICE 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.

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 Transportation

BILL: CS/SB 1390

INTRODUCER: Transportation Committee and Senator Brandes

SUBJECT: Issuance of Specialty License Plates

DATE: January 21, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1390 increases the minimum sales requirement for specialty license plates from 1,000 plates to 4,000. New specialty plates will be required to sell 4,000 presale vouchers before they will be manufactured. Effective July 1, 2018, existing specialty plates that fall below 4,000 valid registrations for at least 12 consecutive months will be discontinued.

The bill also exempts established specialty plates that have statutory eligibility limitations for purchase from being deauthorized by the DHSMV for not meeting the minimum sales requirement.

The bill takes effect July 1, 2016.

II. Present Situation:

Presently, there are over 120 specialty license plates available for purchase, and two in the pre-sale phase. Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.¹ The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute.²

¹ Section 320.08056, F.S.

² Section 320.08058, F.S.

In order to establish a specialty license plate, the plate must first be adopted into statute by the Legislature. Upon becoming law:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the Department of Highway Safety and Motor Vehicles (DHSMV);
- Within 120 days, the DHSMV must establish a method to issue pre-sale vouchers for the approved specialty license plate; and
- Within 24 months after the pre-sale vouchers are established, the plate must obtain a minimum of 1,000 voucher sales before manufacturing may begin.

If, at the end of the 24-month pre-sale period, the minimum sales requirement has not been met, the department will de-authorize the specialty plate, discontinue development, and discontinue issuance of the presale voucher. Upon deauthorization of the plate, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.³

DHSMV Costs Defrayed

The DHSMV retains sufficient annual use fees, from the sale of the specialty license plates, to defray its costs for inventory, distribution, and other direct costs associated with the specialty plate program. The remainder of the proceeds collected are distributed as provided by law.⁴

Minimum Sales Requirement for Existing Specialty Plates

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000 plates. Collegiate plates established under s. 320.08058(3), F.S., are exempt from the minimum sales requirement.⁵

³ Section 320.08053(2)(b), F.S.

⁴ Section 320.08056(7), F.S.

⁵ Section 320.08056(8)(a), F.S.

As of January 1, 2016, 28 specialty plates required to maintain minimum sales were below 4,000 valid registrations.⁶ Those plates are:

Specialty License Plates Below 4,000 Valid Registrations and Current Registrations			
A State Of Vision	2,194	Lauren’s Kids	3,128
Agriculture Education	1,398	Miami Marlins	2,476
American Legion	791	Moffitt Cancer Center	674
American Red Cross	973	NASCAR	3,211
Big Brother Big Sister	554	Orlando Magic	3,372
Donate Organs	2,318	Parents Make a Difference	1,652
Fallen Law Enforcement	1,360	Play Tennis	3,144
Family Values	2,057	Protect Our Oceans	3,829
Florida Panthers	2,052	Scouting Teaches Values	2,509
Florida Sheriff’s Association	1,003	Special Olympics	3,346
Florida Sheriff’s Youth Ranches	3,944	St. John’s River	617
Fraternal Order of Police	2,895	Support Homeownership for All	3,827
Hispanic Achievers	375	Trees are Cool	3,830
Kids Deserve Justice	1,436	Visit our Lights	3,830

According to the DHSMV, of the plates below 4,000 registrations, the *American Legion*, *Big Brother Big Sister*, *Fallen Law Enforcement*, *Florida Sheriff’s Association*, *Lauren’s Kids*, and *Moffitt Cancer Center* specialty plates were recently created and continue to show good public interest and growth.⁷ Additionally, the *Hispanic Achievers* and *St. John’s River* plate are still in presale and have not been manufactured.

III. Effect of Proposed Changes:

SB 1390 increases the minimum sales requirement for specialty license plates from 1,000 to 4,000 plates. Specialty license plates that enter the presale period after July 1, 2016, are required to sell at least 4,000 presale vouchers in order to be manufactured. Effective July 1, 2018, any existing specialty plate that falls below 4,000 valid registrations for at least 12 consecutive months will be de-authorized.

There are currently 28 specialty license plates that are below 4,000 valid registrations. If the plates remain under 4,000 valid registrations for the 12 consecutive months preceding July 1, 2019, they will be de-authorized. Collegiate plates representing state and independent universities domiciled in Florida are exempt from minimum sale requirements.

The bill also provides an exemption for established specialty plates from being deauthorized by the DHSMV for not meeting the minimum sales requirement if the plate has statutory limitations on who may purchase the specialty plate. For example, a registrant must be a good-standing member or related to a member of the Fraternal Order of Police in order to purchase the FOP specialty license plate.⁸ This appears to be the only plate that is exempted by this change.

⁶ Email from the DHSMV, *Draft SB 1390 Agency Legislative Bill Analysis* (Jan. 15, 2016) (on file with the Senate Committee on Transportation)

⁷ *Id.*

⁸ 320.08058(72), F.S.

The bill takes effect July 1, 2016

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will have a negative impact on organizations whose specialty plate does not meet the increased minimum sales requirement and is subsequently discontinued.

However, increasing the minimum sales requirement will reduce the amount of different specialty plates, which could increase sales for existing organizations.

C. Government Sector Impact:

Depending on the amount of plates that will be deactivated starting in July 1, 2019, the DHSMV may incur minimal programming costs associated with deactivating specialty license plates.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.08053 and 320.08056.

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 Transportation on January 20, 2016:

The CS exempts established specialty license plates that have statutory limitations on who may purchase the plate from being deauthorized by the DHSMV for not meeting the minimum sales requirement.

- B. **Amendments:**

None.



445042

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/21/2016	.	
	.	
	.	
	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete line 54
and insert:
collegiate license plates established under s. 320.08058(3) or
specialty license plates that have statutory eligibility
limitations for purchase.

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

And the title is amended as follows:



445042

11 Delete line 6
12 and insert:
13 discontinuing issuance of a specialty plate; providing
14 an exception to the minimum requirements for certain
15 specialty plates; providing

By Senator Brandes

22-01415-16

20161390__

1 A bill to be entitled
2 An act relating to issuance of specialty license
3 plates; amending s. 320.08053, F.S.; revising presale
4 requirements for issuance of a specialty plate;
5 amending s. 320.08056, F.S.; revising conditions for
6 discontinuing issuance of a specialty plate; providing
7 effective dates.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Section 320.08053, Florida Statutes, is amended
12 to read:

13 320.08053 Establishment of Requirements for requests to
14 ~~establish~~ specialty license plates.—

15 (1) If a specialty license plate requested by an
16 organization is approved by law, the organization must submit
17 the proposed art design for the specialty license plate to the
18 department, in a medium prescribed by the department, as soon as
19 practicable, but no later than 60 days after the act approving
20 the specialty license plate becomes a law.

21 (2) (a) Within 120 days following the specialty license
22 plate becoming law, the department shall establish a method to
23 issue a specialty license plate voucher to allow for the presale
24 of the specialty license plate. The processing fee as prescribed
25 in s. 320.08056, the service charge and branch fee as prescribed
26 in s. 320.04, and the annual use fee as prescribed in s.
27 320.08056 shall be charged for the voucher. All other applicable
28 fees shall be charged at the time of issuance of the license
29 plates.

30 (b) Within 24 months after the presale specialty license
31 plate voucher is established, the approved specialty license
32 plate organization must record with the department a minimum of

Page 1 of 2

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

22-01415-16

20161390__

33 4,000 ~~1,000~~ voucher sales before manufacture of the license
34 plate may begin ~~commence~~. If, at the conclusion of the 24-month
35 presale period, the minimum sales requirement has ~~requirements~~
36 ~~have~~ not been met, the specialty plate is deauthorized and the
37 department shall discontinue development of the plate and
38 discontinue issuance of the presale vouchers. Upon
39 deauthorization of the license plate, a purchaser of the license
40 plate voucher may use the annual use fee collected as a credit
41 towards any other specialty license plate or apply for a refund
42 on a form prescribed by the department.

43 Section 2. Effective July 1, 2018, paragraph (a) of
44 subsection (8) of section 320.08056, Florida Statutes, is
45 amended to read:

46 320.08056 Specialty license plates.—

47 (8) (a) The department must discontinue the issuance of an
48 approved specialty license plate if the number of valid
49 specialty plate registrations falls below 4,000 ~~1,000~~ ~~plates~~ for
50 at least 12 consecutive months. A warning letter shall be mailed
51 to the sponsoring organization following the first month in
52 which the total number of valid specialty plate registrations is
53 below 4,000 ~~1,000~~ ~~plates~~. This paragraph does not apply to
54 collegiate license plates established under s. 320.08058(3).

55 Section 3. Except as otherwise expressly provided in this
56 act, this act shall take effect July 1, 2016.

Page 2 of 2

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)

1-20-16

Meeting Date

1390

Bill Number (if applicable)

445042

Amendment Barcode (if applicable)

Topic Specialty Plates

Name JAMES PRESTON

Job Title PRESIDENT - FRATERNAL ORDER OF POLICE

Address 242 OFFICE PLAZA
Street

Phone 813 495 3959

TALLAHASSEE FL 32301
City State Zip

Email JAMES628@AOL.COM

Speaking: For Against Information

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

Representing FOF

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-20-16

Meeting Date

1390

Bill Number (if applicable)

445042

Amendment Barcode (if applicable)

Topic SPECIALTY LICENSE RATE

Name ROBERT ADAMS

Job Title POLICE SERGEANT

Address 242 OFFICE PLAZA DR

Street TALLAHASSEE

JACKSONVILLE

City

FL

State

32301

Zip

Phone _____

Email _____

Speaking: For Against Information

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

Representing FRATERNAL ORDER OF POLICE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

11-20-16
Meeting Date

5.31390
445042
Bill Number (if applicable)
Amendment Barcode (if applicable)

Special license Plate
Topic

Louise Miller Jr.
Name

Retired Police Officer
Job Title

242 Office Plaza
Address

904-614-6016
Phone

Palatkae Fla 32301
City State Zip

Email

Speaking: For Against Information

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

F.O.P. Lodge 5-30
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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

01/20/14
Meeting Date

1390
Bill Number (if applicable)

445042
Amendment Barcode (if applicable)

Topic SPECIALTY LICENSE PLATE

Name Matt Williams

Job Title MEMBER

Address 242 OFFICE PLAZA DR.
Street

Phone (904) 237-6925

TALLAHASSEE 32301
City State Zip

Email MWILLIAMSFOP@ATT.NET

Speaking: For Against Information

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

Representing FLORIDA FRATERNAL ORDER OF POLICE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/20/2014
Meeting Date

1390
Bill Number (if applicable)
445042
Amendment Barcode (if applicable)

Topic SPELLING LICENSE PLATE

Name ANDREW DINTERMAN

Job Title CEO

Address 242 OFFICE PLAZA DR
Street

Phone _____

TALLAHASSEE FL
City State Zip

Email _____

Speaking: For Against Information

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

Representing FOP LODGE # 87

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date

1390
Bill Number (if applicable)
445042
Amendment Barcode (if applicable)

Topic Specialty License Plate

Name Christopher Clark

Job Title LEO

Address 242 Office Plaza Dr

Phone _____

Street

Tallahassee

FL

Zip

City

State

Email _____

Speaking: For Against Information

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

Representing Coral Springs Lodge 87

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

01-20-16
Meeting Date

1390
Bill Number (if applicable)

Topic SPECIALTY LICENSE PLATE

445042
Amendment Barcode (if applicable)

Name DENNIS D. BLANKENHOP

Job Title LAW ENFORCEMENT

Address 242 OFFICE PLAZA DR

Phone _____

Street

INLAHASSEE
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 F. O. P.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

01-20-16

Meeting Date

SB 1390

Bill Number (if applicable)

445042

Amendment Barcode (if applicable)

Topic Specialty License Plate

Name David Meacham

Job Title Law Enforcement

Address 242 Office Plaza Dr

Street

Phone _____

Tallahassee

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 Fraternnal Order of Police

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1.20.16

Meeting Date

SB1390

Bill Number (if applicable)

445042

Amendment Barcode (if applicable)

Topic SPECIALTY LICENSE PLATE

Name JOEY OBERMEYER

Job Title DEPUTY SHERIFF

Address 242 OFFICE PLAZA DR

Street

Phone 772.215.3812

TALAHASSEE 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 F. O. P. LODGE 26

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/20/16
Meeting Date

SB 1390
Bill Number (if applicable)
445042
Amendment Barcode (if applicable)

Topic Specialty Licenses Plates

Name Jim Mosley

Job Title Specialty License Plate Retired LEO

Address 242 Office Plaza Dr. Phone _____

Street

Tallahassee

City

FL

State

32301

Zip

Email JMOSLEY@bellouth.net

Speaking: For Against Information

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

Representing FOP

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/20/16
Meeting Date

SB 1390
Bill Number (if applicable)

445042
Amendment Barcode (if applicable)

Topic _____

Name DEWAYNE MIDGETT

Job Title DEPUTY SHERIFF

Address 242 OFFICE PLAZA DR.

Street

TALLAHASSEE FL 32301

City

State

Zip

Phone _____

Email _____

Speaking: For Against Information

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

Representing FOP LODGE 26

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.



Red Light Camera Summary Report

Leaders in Service • Agents of Progress • Champions for Safety

Fiscal Year 2014–2015

DECEMBER 31, 2015

revised 01/07/16

Introduction

Section 316.0083(4)(b), Florida Statutes, directs the Department of Highway Safety and Motor Vehicles (department) to provide a summary report on the use and operation of traffic infraction detectors (red light cameras) in Florida. Per statute, the department “must include a review of information submitted to the department by the counties and municipalities and must describe the enhancement of the traffic safety and enforcement programs.”

Section 316.0083, Florida Statutes, describes the process for violations of traffic infraction detectors. A traffic infraction enforcement officer issues a Notice of Violation (NOV) to the violator within 30 days of a violation. The violator may pay the notice or contest the violation through an appeals process within 60 days. If the violator fails to pay or appeal the notice, a traffic infraction enforcement officer issues a Uniform Traffic Citation (UTC) to the violator, with a copy to the Clerk of Court for adjudication.

Part one of the report summarizes red light camera programs that were operational during Fiscal Year (FY) 2014-2015. Part two includes the department’s analysis of crashes that occurred at red light camera intersections.

Part 1

Survey Methodology

The department created an online survey to gather information and data from counties and municipalities (jurisdictions) responsible for the administration of red light camera programs during FY 2014-2015. The 26 question survey included topics such as procedures, NOVs and program size, and covered activity that occurred from July 1, 2014 to June 30, 2015. As there is no statewide oversight of red light camera programs, the department does not have a definitive number of red light cameras in operation, nor the location of such cameras. Therefore, jurisdictions were also asked to complete a spreadsheet regarding camera and intersection locations, along with dates of operation. With this self-reported information, the department was able to independently analyze crash data.

Surveys were distributed to all jurisdictions that responded to previous red light camera surveys, and to those who remitted red light camera monies to the Department of Revenue (DOR) during the reporting period. In addition, the Florida Sheriffs Association, the Florida Police Chiefs Association, the Florida League of Cities and the Florida Association of Counties aided in distributing surveys to their members.

The deadline for survey responses was October 1, 2015. Actions that jurisdictions may have taken related to their program after that date are not reflected in this report.

Summary of Survey Responses

In total, 71 jurisdictions responded that red light cameras were operational during the outlined reporting period (July 1, 2014 – June 30, 2015). Of the jurisdictions that remitted monies to the DOR during the reporting period, Bal Harbour Village and Florida City were the only jurisdictions that did not respond to the department’s survey.

Nine (12.7%) jurisdictions reported an increase in the number of red light cameras in operation, 22 (31.0%) reported a decrease and 40 (56.3%) reported no change. Similarly, six (8.5%) jurisdictions reported an increase in the number of intersections with an operational red light camera, 20 (28.2%) reported a decrease and 45 (63.4%) reported no change. Further, 53 jurisdictions reported that they are continuing their red light camera program in FY 2015-2016.

Enforcement

Jurisdictions indicated:

- 963,039 NOVs issued¹
 - 630,365 (65.4%) paid fine
 - 14,814 (1.5%) contested and dismissed
- 3,036 vehicle registration holds requested by jurisdictions
- 3,438 persons were issued multiple red light camera violations

¹ Some jurisdictions reported that they were not able to track the status of NOVs, therefore actual numbers may vary.

(Figure 1)

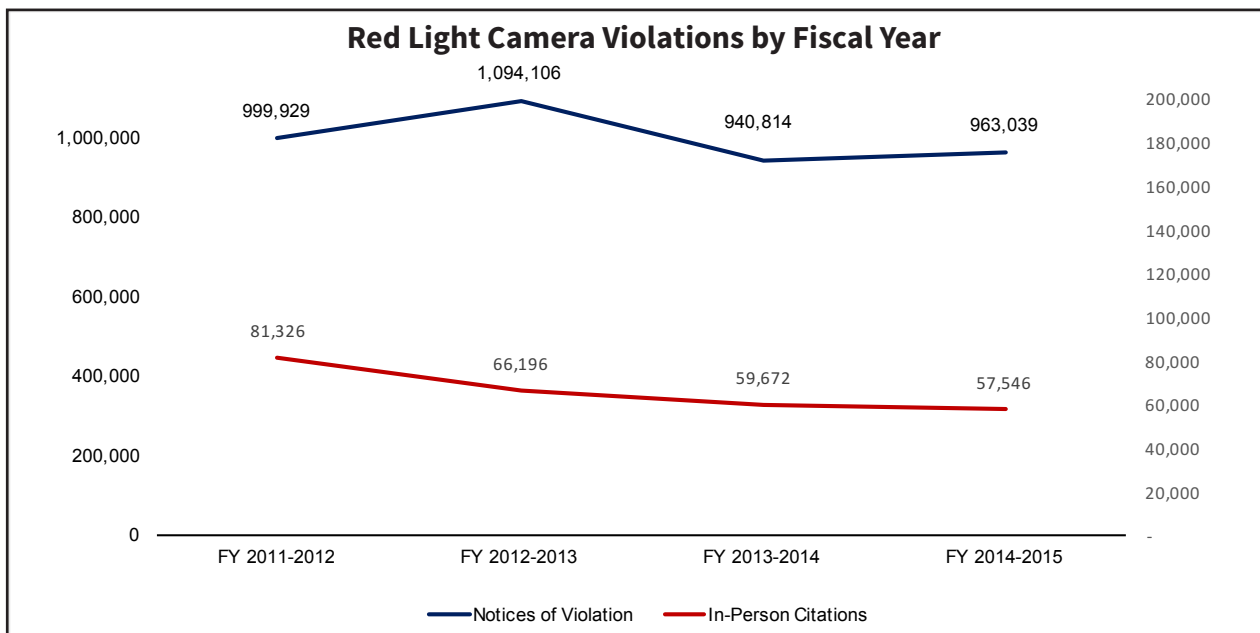


Figure 1 shows the number of NOVs issued for red light camera violations over the past four years. The graph also depicts the number of citations issued in person by law enforcement. The number of NOVs issued for red light camera violations has remained relatively steady, decreasing approximately four percent from FY 2011-2012 to FY 2014-2015. Over the same time period, the number of in-person UTCs issued for running a red light has decreased (approximately 30% reduction). The department must rely on self-reported information for the number of NOVs issued each year, but in-person citations are tracked through the Clerk of the Court System (UTC numbers reflect data submitted to the department as of 12/31/2015).

(Figure 2)

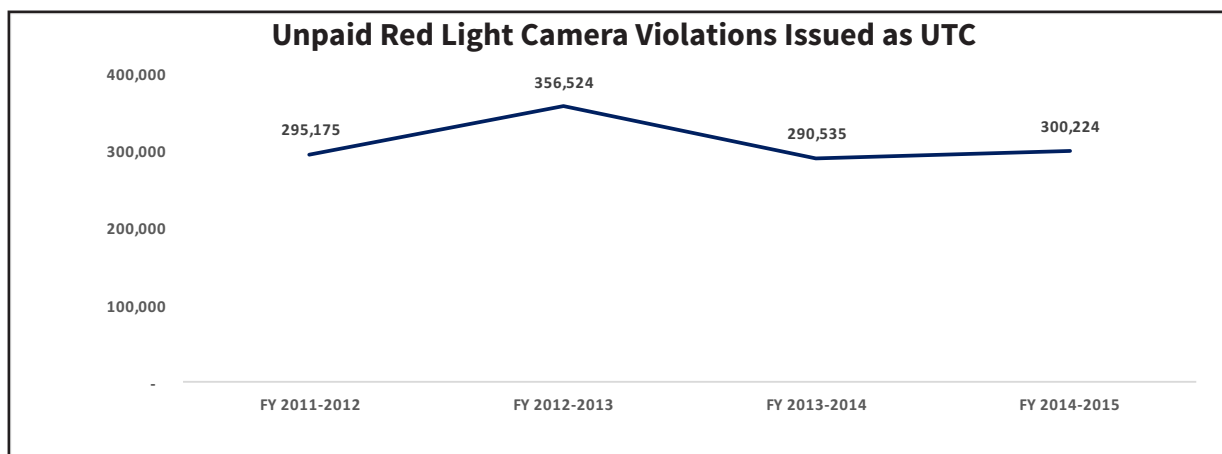


Figure 2 shows the number of unpaid red light camera violations that resulted in a UTC being assessed.

Personnel

Jurisdictions were asked who reviews the camera images before issuing NOVs, who reviews contested NOVs and who ultimately issues UTCs. Options included law enforcement officer, non-sworn government employee, non-sworn contractor employee and other. The below table reflects jurisdiction responses.

(Table 1)

Personnel	Review Camera Images	Review Contested Notices of Violation	Issue Uniform Traffic Citations
Law Enforcement Officer	62	56	57
Non-sworn Government Employee	23	24	21
Non-sworn Contractor Employee	16	7	7
Other (see Appendix D)	5	11	8

Jurisdictions could select multiple options for each question so numbers do not sum to the total number of respondents.

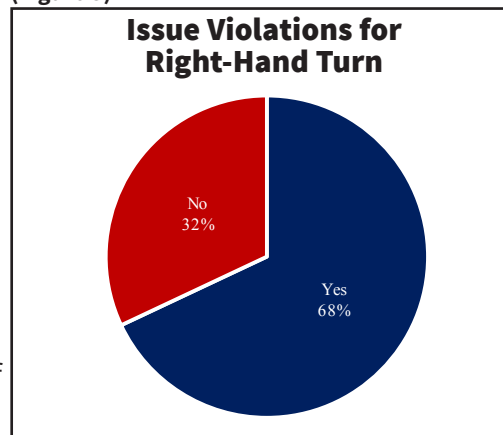
Right-Hand Turns

Pursuant to section 316.0083, Florida Statutes:

- “A Notice of Violation and a traffic citation may not be issued for failure to stop at a red light if the driver is making a right-hand turn in a careful and prudent manner at an intersection where right-hand turns are permissible.”
- “A Notice of Violation and Uniform Traffic Citation may not be issued under this section if the driver of the vehicle came to a complete stop after crossing the stop line and before turning right if permissible at a red light, but failed to stop before crossing over the stop line or other point at which a stop is required.”

The terms in this section of statute are left to the interpretation of each respective jurisdiction (see Appendix C for definitions provided to the department). For FY 2014-2015, 68 percent of responding jurisdictions issued NOVs for persons making right turns on red signals. Jurisdictions indicated that 253,744 (26.34%) NOVs were issued for right-hand turns during the reporting period (July 1, 2014 – June 30, 2015). This was the first year the department has collected these numbers.

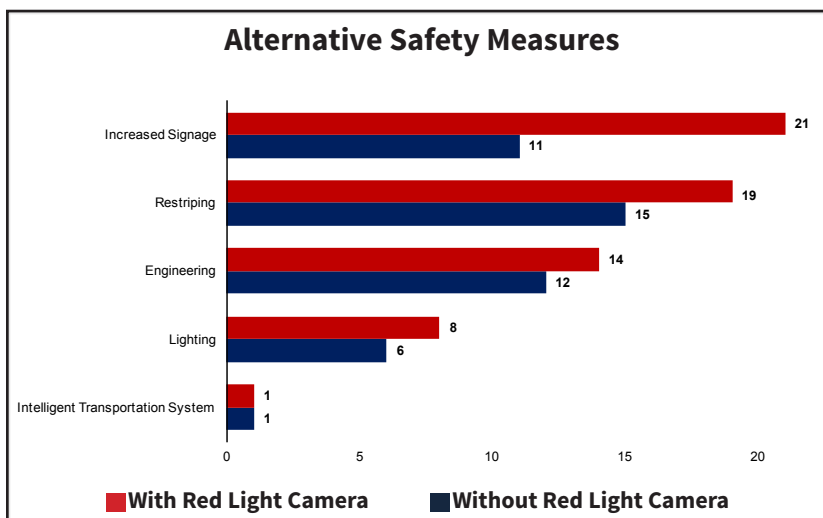
(Figure 3)



Alternative Safety Measures

The department also inquired on what other actions jurisdictions had taken to improve safety measures at intersections during the reporting period. A majority of jurisdictions indicated that they had implemented at least one action. The results of this question are shown in Figure 4 (see Appendix D for other responses).

(Figure 4)



Part 2 Crash Analysis

Jurisdictions self-reported crash information for the past three red light camera reports. This year, however, the camera and intersection information provided by the jurisdictions allowed the department to independently analyze crashes using the official crash database. Intersections were only included in the analysis if at least one camera was active for at least one year, and the camera was activated between January 1, 2012 and September 30, 2014. These criteria were chosen because the current crash report form was implemented in 2011, and these dates allow at least one year comparison before and after the activation of the camera. Table 2 shows the breakdown of crashes that occurred before and after the activation of red light cameras at intersections included in the analysis. Reference Appendix A and B for a breakdown of crashes by reporting jurisdiction.

(Table 2)

	Before RLC Installed	After RLC Installed	Percent Change
Total Crashes	3,453	3,959	14.65%
Angle Crashes	815	814	-0.12%
Rear-End Crashes	835	920	10.18%
Non-Incapacitating Injuries	495	506	2.22%
Incapacitating Injuries	174	225	29.31%
Fatalities	16	18	
Crashes involving Non-Motorists	185	216	16.75%
Fatal Crashes Involving Non-Motorists	4	7	

See Appendix C for definitions

The change in number of crashes noted in the analysis follows the statewide trend during the period of this analysis (approximately 50% increase statewide, 2011-2014). Two possible factors that could have contributed to the change in crash numbers are the increase in vehicle miles traveled (VMT) and the increase in crash reports with accurate location information (latitude and longitude). The probability of a crash occurring increases as people drive more, and daily VMT in Florida increased 4.7 percent from 2011 to 2014. The second factor is attributed to the reliance on location data for this analysis. In order to analyze crashes that occurred at certain intersections, it is necessary to know both the location of the intersection and the location of crashes. Intersection locations (latitude and longitude) were submitted along with the survey, however latitude and longitude are not attached to every crash report. The percentage of crash reports with location information has increased statewide 6.85 percent from 2011 to 2015, so it is possible that a higher percentage of crashes were analyzed in the “after” window than in the “before” window. The crash analysis should be put into context of the overall complexity of the issue at hand, as other factors may contribute to the change in number of crashes outlined in this report.

Recommendations

The following recommendations would allow for accurate reporting of information that cannot currently be tracked through existing systems.

1. Require jurisdictions to track camera information including location (GPS coordinates) and dates of operation.
2. Require jurisdictions to track the issuance of NOVs, including the status of those violations (paid, contested, issued as UTC).
3. Require jurisdictions to track the issuance of NOVs for right-hand turns.
4. Require jurisdictions to report safety countermeasures taken prior to and after the installation of red light cameras (examples: infrastructure changes, type and layout of signage, pedestrian cross walks, bike lanes, intelligent transportation systems [ITS]).
5. In accordance with statute, the department will continue to review and report on the status and trends of the use and operation of red light cameras. In order to determine the enhancement of traffic safety, the department recommends a more thorough analysis be conducted by an independent organization using appropriate local and state agency resources.

Appendix A: Crashes Before and After Red Light Camera Implementation by Jurisdiction

Reporting Jurisdiction	# Intersections Analyzed	Total Before	Total After	Total % Change	Angle Before	Angle After	Angle % Change	Rear-End Before	Rear-End After	Rear-End % Change
Apopka	4	16	27	68.75%	5	1	-80.00%	5	14	180.00%
Aventura	3	76	62	-18.42%	6	6	0.00%	7	5	-28.57%
Boca Raton	6	11	30	172.73%	2	4	100.00%	1	11	1000.00%
Boynton Beach	4	16	49	206.25%	1	0	-100.00%	0	1	---
Brooksville	7	35	17	-51.43%	6	1	-83.33%	11	6	-45.45%
Campbellton	1	2	1	-50.00%	1	0	-100.00%	1	1	0.00%
Clearwater	2	23	31	34.78%	6	8	33.33%	6	3	-50.00%
Clermont	4	38	35	-7.89%	9	2	-77.78%	9	4	-55.56%
Clewiston	2	0	1	---	0	0	---	0	1	---
Davie	1	28	10	-64.29%	6	2	-66.67%	5	3	-40.00%
Ft. Lauderdale	14	74	80	8.11%	17	11	-35.29%	11	11	0.00%
Jacksonville	23	669	684	2.24%	143	194	35.66%	258	277	7.36%
Lakeland	5	33	50	51.52%	7	27	285.71%	7	10	42.86%
Maitland	1	10	1	-90.00%	0	0	---	0	0	---
Manatee County	6	100	109	9.00%	32	31	-3.13%	44	49	11.36%
Medley	2	10	6	-40.00%	0	1	---	3	0	-100.00%
Miami	50	737	878	19.13%	110	72	-34.55%	87	49	-43.68%
Miami Springs	1	4	4	0.00%	2	2	0.00%	0	0	---
New Port Richey	5	39	58	48.72%	11	8	-27.27%	11	16	45.45%
North Miami Beach	5	62	103	66.13%	17	22	29.41%	9	22	144.44%
Ocoee	2	28	22	-21.43%	11	1	-90.91%	2	3	50.00%
Oldsmar	4	38	44	15.79%	10	2	-80.00%	8	5	-37.50%
Orange County	26	421	431	2.38%	165	169	2.42%	127	135	6.30%
Orlando	5	75	128	70.67%	8	22	175.00%	17	36	111.76%
Osceola County	11	118	147	24.58%	42	48	14.29%	46	47	2.17%
Palatka	6	24	24	0.00%	9	5	-44.44%	4	6	50.00%
Palin Beach County	5	59	71	20.34%	11	10	-9.09%	17	28	64.71%
Palm Coast	24	83	178	114.46%	27	31	14.81%	27	49	81.48%
Pinecrest	4	42	40	-4.76%	8	6	-25.00%	6	4	-33.33%
Sarasota	8	162	194	19.75%	42	38	-9.52%	34	60	76.47%
Sunrise	7	48	89	85.42%	22	42	90.91%	6	11	83.33%
Tallahassee	1	13	19	46.15%	1	0	-100.00%	4	5	25.00%
Tamarac	8	100	147	47.00%	12	14	16.67%	12	13	8.33%
Tampa	8	99	149	50.51%	12	29	141.67%	17	26	52.94%
West Miami	1	1	9	800.00%	0	1	---	1	2	100.00%
West Palm Beach	5	119	0	-100.00%	42	0	-100.00%	26	0	-100.00%
West Park	5	40	31	-22.50%	12	4	-66.67%	6	7	16.67%
Grand Total	276	3,453	3,959	14.65%	815	814	-0.12%	835	920	10.18%

Appendix A: Crashes Before and After Red Light Camera Implementation by Jurisdiction

Reporting Jurisdiction	# Intersections Analyzed	Non-Incapacitating Injuries Before	Non-Incapacitating Injuries After	Non-Incapacitating Injuries % Change	Incapacitating Injuries Before	Incapacitating Injuries After	Incapacitating Injuries % Change	Fatalities Before	Fatalities After
Apopka	4	4	5	25.00%	0	1	---	0	0
Aventura	3	18	14	-22.22%	6	4	-33.33%	0	0
Boca Raton	6	1	9	800.00%	0	3	---	0	0
Boynton Beach	4	5	12	140.00%	0	0	---	1	0
Brooksville	7	2	0	-100.00%	3	0	-100.00%	0	0
Campbellton	1	0	0	---	0	0	---	0	0
Clearwater	2	5	6	20.00%	2	3	50.00%	1	0
Clermont	4	7	6	-14.29%	2	3	50.00%	0	0
Clewiston	2	0	0	---	0	0	---	0	0
Davie	1	5	2	-60.00%	1	2	100.00%	0	1
Ft. Lauderdale	14	16	6	-62.50%	5	3	-40.00%	0	1
Jacksonville	23	74	73	-1.35%	22	21	-4.55%	4	2
Lakeland	5	8	14	75.00%	2	4	100.00%	0	0
Maitland	1	0	0	---	0	0	---	0	0
Manatee County	6	11	10	-9.09%	10	16	60.00%	1	1
Medley	2	0	1	---	0	0	---	0	1
Miami	50	50	66	32.00%	16	22	37.50%	1	4
Miami Springs	1	1	1	0.00%	0	0	---	0	0
New Port Richey	5	13	11	-15.38%	1	4	300.00%	0	1
North Miami Beach	5	16	12	-25.00%	1	2	100.00%	0	1
Ocoee	2	7	6	-14.29%	1	0	-100.00%	0	0
Oldsmar	4	3	5	66.67%	8	1	-87.50%	0	0
Orange County	26	59	50	-15.25%	38	72	89.47%	2	1
Orlando	5	10	17	70.00%	3	1	-66.67%	0	1
Osceola County	11	15	19	26.67%	10	22	120.00%	0	0
Palatka	6	8	6	-25.00%	0	1	---	0	0
Palm Beach County	5	14	12	-14.29%	4	1	-75.00%	1	0
Palm Coast	24	19	35	84.21%	12	17	41.67%	1	1
Pinecrest	4	3	1	-66.67%	0	0	---	0	0
Sarasota	8	39	36	-7.69%	5	7	40.00%	1	0
Sunrise	7	12	19	58.33%	4	7	75.00%	0	0
Tallahassee	1	5	1	-80.00%	0	0	---	0	0
Tamarac	8	15	23	53.33%	3	1	-66.67%	0	1
Tampa	8	24	25	4.17%	6	7	16.67%	0	2
West Miami	1	0	0	---	0	0	---	0	0
West Palm Beach	5	18	0	-100.00%	7	0	-100.00%	2	0
West Park	5	8	3	-62.50%	2	0	-100.00%	1	0
Grand Total	276	495	506	2.22%	174	225	29.31%	16	18

Appendix B: Crashes Involving Non-Motorists Before and After Red Light Camera Implementation

# Crashes Involving Non-Motorist (Pedestrians and Bicyclist) at Red Light Camera Intersections				
Reporting Jurisdiction	# Intersections Analyzed	Before	After	Change
Apopka	4	1	1	0
Aventura	3	2	0	-2
Boca Raton	6	1	3	2
Boynton Beach	4	0	5	5
Brooksville	7	1	0	-1
Clearwater	2	3	5	2
Clermont	4	0	2	2
Davie	1	1	1	0
Ft. Lauderdale	14	7	8	1
Jacksonville	23	18	24	6
Lakeland	5	1	1	0
Manatee County	6	2	3	1
Medley	2	1	0	-1
Miami	50	45	37	-8
New Port Richey	5	1	1	0
North Miami Beach	5	4	4	0
Ocoee	2	3	2	-1
Oldsmar	4	4	2	-2
Orange County	26	23	29	6
Orlando	5	6	14	8
Osceola County	11	1	6	5
Palatka	6	4	1	-3
Palm Beach County	5	4	3	-1
Palm Coast	24	5	16	11
Pinecrest	4	2	0	-2
Sarasota	8	25	15	-10
Sunrise	7	7	12	5
Tallahassee	1	0	0	0
Tamarac	8	3	10	7
Tampa	8	9	8	-1
West Palm Beach	5	1	1	0
West Park	5	0	2	2
Grand Total	270	185	216	31

Table does not include jurisdictions with no crashes involving Non-Motorists

Appendix C: Glossary of Terms

Angle Crash	A crash where two vehicles impact at an angle. For example, the left front of one vehicle impacts the side of another vehicle.
Rear-End Crash	A crash where the front of one vehicle impacts the back of another vehicle.
Non-incapacitating injury	Any visible injuries such as bruises, abrasions, limping, etc.
Incapacitating injury	Any visible signs of injury from a crash or person(s) who had to be carried from the scene.
Fatal Injury	Any injury that results in death within a 30 day period after the crash occurred.
Non-Motorist	Any person other than an occupant of a motor vehicle in transport. This includes pedestrians, occupants of other motor vehicles not in transport and occupants of transport vehicles other than motor vehicles.

Florida Department of Highway Safety and Motor Vehicles

Appendix D: Jurisdiction Responses to Survey

Name of Jurisdiction (City or County)	Open-Ended Response	What Department oversees the red-light camera program?	Name	Agency	Email Address	Phone Number	Has your jurisdiction operated red-light cameras within the reporting period (July 1, 2014 - June 30, 2015)?	Open-Ended Response	As of July 1, 2014, how many red-light cameras were operational?	As of June 30, 2015, how many red-light cameras were operational?
Boca Raton	Police Services		Peter Bahr	Boca Raton Police	pbahr@myboca.us	561-620-6069	Yes	12	0	
Brooksville Police Department	Red Light Camera Division		Rick Hankins	Brooksville Police Department	rhankins@cityofbrooksville.us	352-540-3900	Yes	16	16	
Campbellton	Public Safety-Law Enforcement		Edward L. Britt	Town of Campbellton	lc324.26@bellsouth.net	(850) 263-4335	Yes	2	2	
City of Apopka	Police		Lt. Stephen Brick	Apopka Police Department	swbrick@apopka.net	407-703-1757	Yes	22	21	
City of Aventura	Community Development, Code Compliance Division		Joanne Carr	City of Aventura	ccarr@cityofaventura.com	305 466 8940	Yes	12	12	
City of Boynton Beach	Boynton Beach Police Dept. - Traffic Unit		CSO A Petriello #072	Boynton Beach Police Dept.	petriello@btfl.us	561-742-6119	Yes	15	0	
City of Bradenton	Bradenton Police Department		Sgt. Phillip E. Waller	Bradenton Police Dept.	ph.waller@cityofbradenton.com	941-932-9300x318	Yes	7	7	
City of Clearwater	Patrol/Special Operations/Traffic		Lt. Michael Walek	Clearwater Police Department	michael.walek@myclearwater.com	727-567-4119	Yes	3	3	
City of Clewiston	Clewiston Police Department		Debbie McNeil	Clewiston Police Department	mcmneil@clgh.net	(863) 983-1474 ext 212	Yes	2	2	
City of Cocoa Beach	Police Department		Jeff Taylor	Cocoa Beach Police Department	jtaylor@cityofcocoabeach.com	321-868-3251	Yes	4	0	
City of Doral Police Department	Administrative Division		Police Sergeant Cathy Jewett	City of Doral Police Department	Cathy.Jewett@oralpol.com	786-246-4600	Yes	11	0	
City of Oviedo	Police		Commander George Penwise II	City of Oviedo	scott.penwise@oviedo.fl.gov	352-228-4166	Yes	2	2	
City of Gulf Breeze	Police Department		Chief Robert Fendle	Gulf Breeze Police Department	rnfendle@gulfbreeze.gov	850-934-5121	Yes	6	6	
City of Gulfport	Police Department		Robert Vincent	Gulfport Police Department	rvincent@mygulfport.us	727-893-1049	Yes	3	3	
City of Haines City, Polk County	Police Department		Tim Glover	Haines City Police Department	tglover@hainescitypd.com	863-421-3636 ext 2267	Yes	13	13	
City of Hallandale Beach	Police		Miguel Martinez	Hallandale Beach Police Dept.	mmartinez@cohb.org	954-457-1490	Yes	3	0	
City of Holly Hill	Police Department		Stephen K. Aldrich	Holly Hill Police Department	saldrich@hollyhill.org	386-248-9484	Yes	8	0	
City of Hollywood	Hollywood Police Department		Lieutenant Selina Hightower	Hollywood Police Department	slightower@hollywoodfl.org	(954) 967-4371	Yes	17	0	
City of Homestead	Police Department		Lt. Thomas Surman	Homestead Police Dept.	tsurman@homesteadpolice.com	305-224-5411	Yes	4	4	
City of Kissimmee	Kissimmee Police Department		Sgt. Jim Loughlin	Kissimmee Police Department	jloughlin@kissimmee.org	407-847-0176 *3257	Yes	16	16	
City of Margate	Police Department - Traffic Unit		Sergeant Efrain Suarez	Margate Police Department	esuarez@marginetfl.com	954-970-8186	Yes	4	0	
City of Miami	Administration Division / Red Light Camera Enforcement		Ofc. Michael Vega	City of Miami	michael.vega@miami-police.org	(305) 603-6710	Yes	143	136	
City of Miami Gardens	Police Department		William Bamford	Miami Gardens Police Department	william.bamford@mgbpd.org	304.474.1391	Yes	28	28	
City of New Port Richey	Police Department		Kim Bogart	New Port Richey Police Department	kbogart@cityofnewportrichey.org	727-841-4850	Yes	9	9	
City of North Miami Beach	Police Department		Trifany Arqueata-Chuz	North Miami Beach Police Department	Trifany.Arqueata-Chuz@nmbpd.org	(305) 949-5500 ext. 2844	Yes	5	5	
City of Oldsmar	Administrative Services		Alan Braithwaite	City of Oldsmar	abraithwaite@myoldsmar.com	813-749-1107	Yes	4	0	
City of Orlando	Code Enforcement		Kory Keith	City of Orlando Code Enforcement	kory.keith@cityoforlando.net	407-246-3479	Yes	26 cameras	30 cameras	
City of Port Richey	Police Department		Ryan Runge	Port Richey Police Department	rrunge@cityofportrichey.com	727-8350974	Yes	4	5	
City of Sarasota	Sarasota Police Department		Bryan Graham	Sarasota Police	bryan.graham@sarasotapd.com	941 954 7022	Yes	22	23	
City of South Pasadena	Administration		Carley Lewis	City of South Pasadena	clewis@mysouthpasadena.com	727-347-4171	Yes	5	5	
City of St. Petersburg	Transportation		Evan Mory	City of St. Petersburg	evan.mory@stpete.org	727-551-3322	Yes	22	0	
City of Sweetwater	City of Sweetwater		Steven Lopez	SPD	Slopez@cityofsweetwater.fl.gov	305 924 4405	Yes	7	8	
City of Tallahassee	Public Works		Allen Secrest	City of Tallahassee	allen.secrest@talgov.com	850-891-8273	Yes	19	19	
City of Tamarac	Broward Sheriff's Office - Traffic Unit		Barry A Berthow	Broward Sheriff's Office	Barry_Berthow@sheriff.org	954-720-2225 ext 76002	Yes	15	15	
City of Tampa	Tampa Police Department		Corporal Paul Smalley	Tampa Police Department	paul.smalley@tampapd.gov	813-248-2055	Yes	50	54	
City of West Miami	Police Dept.		Nelson Andreu	West Miami Police Dept.	ChiefAndreu@WestMiamiPolice.org	3052660330	Yes	6	6	
City of West Palm Beach	Police Department/Traffic Division		Chris Robinson	West Palm Beach Police Department	CRobinson@WPB.org	561-832-1636	Yes	38	0	
City of West Park	Public Works		John Wilson	City of West Park	JWilson@Cityofwestpark.org	954 931-2149	Yes	6	5	
City of Winter Park	Special Operations		Saimuel Bellflore/Sgt Stan Locke	City of Winter Park Police Dept.	stellflore@cityofwinterpark.org/ stellflore@cityofwinterpark.org	407-643-1652/407-599-3523	Yes	8	8	

Florida Department of Highway Safety and Motor Vehicles

Appendix D: Jurisdiction Responses to Survey

Name of Jurisdiction (City or County)	Open-Ended Response	As of July 1, 2014, at how many were red-light cameras operational?	As of June 30, 2015, at how many were red-light cameras operational?	Please provide the following information regarding Notices of Violation issued for red-light camera violations in your jurisdiction between July 1, 2014 and June 30, 2015.							# Pending issuance as UTC	Open-Ended Response	How does your jurisdiction submit crash data to the Department?	In order to identify the number of repeat offenders, please provide the number of distinct vehicle owners issued Notices of Violation for multiple red-light camera violations.
				Total #	# Paid	# Contested & pending	# Contested & dismissed	# Contested & upheld	# Issued as UTC	Open-Ended Response				
Boca Raton	6	0	0	1764	1177	0	9	33	528	0	0	Electronically	38	
Brooksville Police Department	7	7	7	13916	8810	7	13	46	4478	0	76	Electronically	1039	
Campbellton	1	1	1	1286	1029	0	2	11	162	0	0	Paper	21	
City of Apopka	10	10	10	30539	17925	6	20	620	7586	50	0	Electronically	1191	
City of Aventura	6	6	6	31574	18795	4	21	341	7557	99999	0	Electronically	2988	
City of Boynton Beach	7	0	0	14072	7737	866	6	76	3458	1903	approx 48 have been requested and pending	Electronically	812	
City of Bradenton	7	7	7	7375	5388	3	7	35	1424	47	3	Electronically	1	
City of Clearwater	2	2	2	8992	6144	19	713	25	1943	1	0	Electronically	191	
City of Clewiston	2	2	2	1974	1413	1	6	5	419	0	0	Electronically	Unknown	
City of Cocoa Beach	3	0	0	7066	5538	1	54	215	2061	0	None	Electronically	344	
City of Doral Police Department	3	0	0	1	1	1	1	1	3790	1	0	Electronically	0	
City of Groveland	2	2	2	1491	1025	0	7	6	468	0	0	Electronically	35	
City of Gulf Breeze	3	3	3	6575	5176	0	0	8	1261	0	0	Both	Unable to obtain data	
City of Gulfport	3	3	3	5350	3340	6	7	84	1835	0	0	Electronically	286	
City of Haines City, Polk County	7	7	7	8937	6394	72	22	50	2058	0	9	Both	268	
City of Hallandale Beach	2	0	0	1092	596	0	16	74	428	0	0	Electronically	1055	
City of Holly Hill	4	0	0	1219	923	0	30	30	470	0	None	Electronically	28	
City of Hollywood	9	0	0	12438	8459	105	33	226	3615	0	0	Electronically	81	
City of Homestead	3	3	3	7404	5060	1	12	206	495	24	0	Paper	373	
City of Kissimmee	9	9	9	16081	12010	50	70	104	3534	313	0	Electronically	760	
City of Margate	2	0	0	1906	905	0	5	0	383	0	0	Electronically	1902	
City of Miami	92	92	92	131674	83283	65	307	1133	30988	2500	482	Both	10,175 @ 2 / 2,066 @ 3 or more	
City of Miami Gardens	15	15	15	76101	63769	2259	7916	3599	12333	0	681	Electronically	5991	
City of New Port Richey	6	6	6	9686	6507	2	35	169	1676	0	0	Both	402	
City of North Miami Beach	5	5	5	8631	4917	0	17	127	2886	0	0	Electronically	200	
City of Oldsmar	4	0	0	1077	811	0	1	41	0	0	N/A	Electronically	20	
City of Orlando	13 intersections	14 intersections	14 intersections	21093	14003	0	9	81	5421	0	21	Electronically	493	
City of Port Richey	2	2	2	4069	2700	6	9	54	896	13	We do not do registration holds.	Electronically	88 plates where repeats or 2% of the violations	
City of Sarasota	10	10	10	23105	17500	9	8	243	4445	0	0	Electronically	1285	
City of South Pasadena	4	4	4	4545	3253	99999	99999	99999	952	99999	0	Electronically	154	
City of St. Petersburg	10	0	0	3511	3581	0	0	0	2395	0	82	Electronically	information not available	
City of Sweetwater	6	6	6	24922	15412	3	305	148	2777	20	72	Paper	1231	
City of Tallahassee	7	7	7	8118	5538	20	4	29	2042	120	0	Electronically	Not tracked	
City of Tamarac	8	8	8	18126	10522	0	21	37	3420	1176	0	Electronically	681	
City of Tampa	20	21	21	48460	30443	2	233	726	13681	0	0	Electronically	3009	
City of West Miami	5	5	5	14009	4884	47	138	141	2179	0	0	Electronically	731	
City of West Palm Beach	38	4	4	8393	4451	0	301	289	320	0	0	Electronically	329	
City of West Park	3	3	3	2116	968	56	0	0	1045	0	0	Electronically	49	
City of Winter Park	6	6	6	12803	8397	999999	999999	999999	1110	536	None	Electronically	493	

Florida Department of Highway Safety and Motor Vehicles

Appendix D: Jurisdiction Responses to Survey

Name of Jurisdiction (City or County)	Other than traffic crashes, please rank the following factors on importance when selecting which intersections to install red-light cameras.						Did you relocate any existing red-light cameras during the reporting period?			What factors are used to determine the success/failure of each camera location?			
Open-Ended Response	Traffic citation data	Citizen complaints	Law Enforcement Officer observations	Traffic Volume	Pedestrian safety	Other (please specify)	Response	Change in number of crashes	Change in pedestrian safety	Change in revenue	Other (please specify)		
Boca Raton	Very Important	Somewhat Important	Somewhat Important	Somewhat Important	Very Important		No	X					
Browsville Police Department	Very Important	Very Important	Somewhat Important	Very Important	Very Important		No	X	X				
Campbellton	Somewhat Important	Very Important	Somewhat Important	Very Important	Very Important		No	X	X	X			
City of Apopka	Very Important	Somewhat Important	Somewhat Important	Very Important	Very Important		No	X	X		Reduction in the number of NOVs issued as a % of traffic volume.		
City of Aventura	Somewhat Important	Somewhat Important	Somewhat Important	Very Important	Very Important		No	X					
City of Boynton Beach	Very Important	Somewhat Important	Somewhat Important	Somewhat Important	Very Important		No	X			Number of Violations		
City of Bradenton	Very Important	Somewhat Important	Somewhat Important	Not Important	Very Important		No	X	X				
City of Clearwater	Somewhat Important	Very Important	Very Important	Somewhat Important	Very Important		No	X					
City of Clearwater	Very Important	Somewhat Important	Somewhat Important	Somewhat Important	Somewhat Important		No	X			Reduced number of violations		
City of Cocoa Beach	Somewhat Important	Very Important	Very Important	Somewhat Important	Very Important		No	X	X				
City of Doral Police Department	Very Important	Very Important	Very Important	Very Important	Very Important		No	X	X				
City of Groveland	Not Important	Very Important	Very Important	Very Important	Very Important		No	X					
City of Gulf Breeze	Somewhat Important	Very Important	Very Important	Very Important	Very Important		No	X					
City of Gulf Breeze	Somewhat Important	Very Important	Very Important	Very Important	Very Important		No	X					
City of Gulfport	Somewhat Important	Very Important	Somewhat Important	Somewhat Important	Somewhat Important		No	X			Reduction in Notices issued and change in driving behavior		
City of Haines City, Polk County	Somewhat Important	Very Important	Very Important	Very Important	Very Important	changing driving behavior	No						
City of Hallandale Beach	Somewhat Important	Somewhat Important	Somewhat Important	Very Important	Very Important		No	X	X				
City of Holly Hill	Somewhat Important	Somewhat Important	Very Important	Very Important	Very Important		No	X					
City of Hollywood	Somewhat Important	Somewhat Important	Very Important	Not Important	Very Important	same intersections since 2009 not a part of original selection	No	X	X		reduction of violations		
City of Homestead	Not Important	N/A	N/A	Very Important	Somewhat Important		No						
City of Kissimmee	Very Important	Somewhat Important	Somewhat Important	Very Important	Somewhat Important	Traffic Crash Data	No	X		X			
City of Marjate	Not Important	Very Important	Somewhat Important	Somewhat Important	Very Important		No	X					
City of Miami	Very Important	Very Important	Somewhat Important	Not Important	Very Important		No	X					
City of Miami Gardens	Somewhat Important	Somewhat Important	Somewhat Important	Very Important	Very Important		No	X					
City of New Port Richey	Somewhat Important	Very Important	Very Important	Very Important	Very Important		No	X			Reduction in number of violations		
City of North Miami Beach	Somewhat Important	Very Important	Very Important	Very Important	Very Important		No	X					
City of Oldsmar	Very Important	Very Important	Very Important	Very Important	Very Important	Severity of crash data	No				N/A - we haven't moved any.		
City of Orlando	Somewhat Important	Not Important	Not Important	Not Important	Somewhat Important		No	X			Drop in number of violations		
City of Port Richey	Very Important	Very Important	Very Important	Very Important	Very Important		No	X	X	X			
City of Sarasota	Very Important	Somewhat Important	Somewhat Important	N/A	Somewhat Important		No	X					
City of South Pasadena	Very Important	Very Important	N/A	Very Important	Very Important		No			X	Change in number of violations issued		
City of St. Petersburg	N/A	N/A	N/A	N/A	N/A	Please see attached "Question 13"	No				Please see attached "Question 15"		
City of Sweetwater	Somewhat Important	Somewhat Important	Very Important	Very Important	Very Important		No	X	X				
City of Tallahassee	Very Important	Somewhat Important	Very Important	Somewhat Important	Very Important		No	X			Change in number of red light violations		
City of Tamarac	Somewhat Important	Somewhat Important	Somewhat Important	Somewhat Important	Very Important		No	X	X				
City of Tampa	Very Important	Very Important	Very Important	Somewhat Important	Very Important		No	X	X				
City of West Miami	Very Important	Somewhat Important	Very Important	Somewhat Important	Very Important		No	X	X				
City of West Palm Beach	Very Important	Somewhat Important	Somewhat Important	Very Important	Very Important		No	X			Decrease in the number of violations		
City of West Park	Somewhat Important	Somewhat Important	Somewhat Important	Very Important	Very Important		No	X					
City of Winter Park	Very Important	Somewhat Important	Somewhat Important	Very Important	Very Important		No	X	X				

Appendix D: Jurisdiction Responses to Survey

Name of Jurisdiction (City or County)	Who reviews contested Notices of Violation? (select all that apply)				Who issues Uniform Traffic Citations if Notices of Violation are unpaid? (select all that apply)			
	Law Enforcement Officer	Non-sworn government employee	Non-sworn contractor employee	Other (please specify)	Law Enforcement Officer	Non-sworn government employee	Non-sworn contractor employee	Other (please specify)
Open-Ended Response								
Boca Raton	X				X			
Brooksville Police Department	X				X			
Campbellton	X				X			
City of Apopka	X				X			
City of Aventura	X				X			
City of Boynton Beach	X	X			X	X		
City of Bradenton	X				X			
City of Clearwater	X				X			
City of Clewiston	X	X			X	X		
City of Cocoa Beach	X				X			
City of Doral Police Department	X				X			
City of Groveland	X	X			X	X		
City of Gulf Breeze	X				X			
City of Gulfport	X				X			
City of Haines City, Polk County	X			Hearing Officer and Clerk during the Hearings	X			Mailed out by an automated system
City of Hallandale Beach	X				X			Contractor via request from LEO.
City of Holly Hill	X			Hearing Officer	X			American Traffic Solutions (ATS)-Printed & mailed by ATS
City of Hollywood	X	X			X	X		
City of Homestead	X		X		X			
City of Kissimmee	X	X			X	X		
City of Margate	X		X		X			
City of Miami	X				X			Traffic Infraction Enforcement Officers
City of Miami Gardens	X	X			X	X		
City of New Port Richey	X	X		Special Magistrate contracted by the City	X		X	
City of North Miami Beach	X	X			X	X		
City of Oldsmar				Special Magistrate	X			Vendor who processes the NOVs.
City of Orlando		X		Hearing Officer		X		
City of Port Richey	X	X			X	X		
City of Sarasota	X				X			
City of South Pasadena	X		X		X		X	
City of St. Petersburg	X			Local Hearing Officer per State Statute	X	X		
City of Sweetwater	X				X			
City of Tallahassee	X				X			
City of Tamarac	X	X			X	X		
City of Tampa				Traffic Hearing Magistrate	X			
City of West Miami	X				X			
City of West Palm Beach		X			X			
City of Winter Park	X	X			X	X		

Florida Department of Highway Safety and Motor Vehicles

Appendix D: Jurisdiction Responses to Survey

Name of Jurisdiction (City or County)	Law Enforcement Officer	Non-sworn government employee	Non-sworn contractor employee	Other (please specify)	Do you issue Notices of Violation (through red light camera detection) for persons making right turns on red signals?	How many Notices of Violation were issued for right turns on red during the reporting period? (July 1, 2014- June 30, 2015)
Open-Ended Response						
Boca Raton	X				Yes	536
Brooksville Police Department	X				Yes	No method exists or collecting this data
Campbellton	X				Yes	27
City of Apopka	X				Yes	13280
City of Aventura	X		X		Yes	23816
City of Bayside Beach	X	X			No	
City of Bradenton	X				Yes	4666 (estimated)
City of Clearwater	X				No	
City of Clearwater	X				Yes	
City of Clearwater	X				Yes	5
City of Cocoa Beach	X				Yes	1271
City of Doral Police Department	X				No	
City of Groveland	X		X		Yes	45
City of Gulf Breeze	X				No	
City of Gulfport	X				Yes	713
City of Haines City, Polk County	X		X	Only issued if approved by Law Enforcement	No	
City of Hollywood	X			American Traffic Solutions (ATS) does initial review, Agency validates	Yes	3676
City of Hollywood	X				Yes	4272
City of Kissimmee	X				Yes	3350
City of Kissimmee	X		X		No	
City of Margate	X			Traffic Infraction Enforcement officers	No	
City of Miami	X				No	
City of Miami Gardens	X		X		Yes	62659
City of New Port Richey	X	X			Yes	2033
City of North Miami Beach	X	X			No	
City of Oldemar	X		X		Yes	55
City of Orlando	X	X			No	
City of Port Richey	X	X			No	
City of Sarasota	X				Yes	7623
City of South Pasadena	X		X		Yes	158
City of St. Petersburg	X	X			Yes	1206
City of Sweetwater	X				Yes	20478
City of Tallahassee	X		X		Yes	Not tracked
City of Tamarac	X	X			Yes	11954
City of Tampa	X				Yes	6845
City of West Miami	X				Yes	9345
City of West Palm Beach	X	X			No	
City of West Park	X	X			No	
City of Winter Park	X		X		Yes	Not Complied

Appendix D: Jurisdiction Responses to Survey

Open-Ended Response	Open-Ended Response	HALO technology (intelligent collision prevention system)	Restriping	Engineering	Increased signage	Lighting	HALO technology (intelligent collision prevention system)	Restriping	Engineering	Increased signage	Lighting
Statute 316.0083(1)(a), F.S., provides that "A notice of violation and a traffic citation may not be issued for failure to stop at a red light if the driver is making a right-hand turn in a careful and prudent manner at an intersection where right-hand turns are permissible." As this statute does not define "careful and prudent manner", please provide the definition used by your jurisdiction when determining if a violation should be issued.	Open-Ended Response										
Beaumont	The vehicle caused a potential hazard to other vehicles or pedestrians.		X								
Brooksville Police Department	Violations exceeding 10mph			X						X	
Campbellton	When 2nd vehicle has to slow to avoid a crash with violator		X								
City of Apopka	Having regard for angle, width, grade, curves, corners, vehicles, pedestrians and all other attendant circumstances, including but not limited to spread and visual obstructions, so as not to endanger the life, limb, or property of any person. Note: Damage or injury does not have to occur in order for an event to be considered NOT careful and prudent.		X	X	X	X			X	X	X
City of Aventura	vehicle stops before, at or after the stop bar before turning right at the intersection										
City of Boynton Beach											
City of Bradenton	Careful and prudent manner would be coming to a complete stop, ensuring that the driver of the vehicle had enough time to look at oncoming traffic to determine if it was clear to proceed.		X								
City of Clearwater	Careful and prudent manner is defined by our jurisdiction by the vehicle coming to a complete stop then proceeding as long as the flow of traffic allows.				X						
City of Clearwater	Taking into account the speed of the vehicle while turning, if there are pedestrians in the area, the length of time that the light has been red.										
City of Cocoa Beach											
City of Doral Police Department	As long as it's safe and doesn't effect other vehicles traveling in that direction.		X								
City of Groveland			X								
City of Gulf Breeze	A review is triggered if the vehicle's minimum speed at the final point of measurement before entering intersection is at least 14 mph. At that point, the issuing officer has discretion to determine careful and prudent.			X	X	X					X
City of Gulfport											
City of Haines City, Polk County	The combination of speed, proximity of other traffic, and or proximity of pedestrians, is considered to determine whether turn was careful and prudent.		X								X
City of Hallandale Beach											
City of Hobart Hill											
City of Hollywood	As it relates to right hand turn on red, the intersection must have signage stating "No turn on red" in order for a violation to be issued.			X							
City of Homestead	Reviewing Officer determination, officers are instructed to only issue notices had they been present at the intersection and would have issued a UTC for the same violation for running the red light.				X						
City of Kissimmee	We only issue right turn on red violations at one intersection. That intersection is posted no right turn on red with two signs prohibiting the right turn. One of the two signs is electronic and lights up when the light is red.				X						
City of Margate											
City of Miami	Violations are issued for right turns on red whenever the driver operates a vehicle in a continual motion without regard for oncoming, opposing or pending traffic at an intersection. The violation is also issued whenever the operator fails to slow, stop or yield to any pedestrian, or vehicle making a U-turn at a perpendicular angle.										
City of Miami Gardens	Our traffic enforcement specialists review all potential violations where motorists cross the stop bar at 15 MPH or more. The traffic enforcement officer considers the totality of the circumstances to determine if a violation occurred. A notice of violation is issued when the motorist proceeds to make the turn without slowing down, or causes other motorists to brake or take evasive action.		X	X	X	X			X	X	X
City of New Port Richey											
City of North Miami Beach											
City of Okeechobee	Less than 12 mph and determination by TIEO on statute compliance.		X	X	X	X			X	X	X
City of Orlando			X								
City of Port Richey	Only Posted Intersections Per the Hearing Officer: as long as the right turn does not violate the right of way of other vehicle or pedestrian traffic.										
City of Sarasota	This is defined by the law enforcement officer who issues the violations and by the Special Magistrate who presides over hearings for contested violations based on the individual circumstances.				X						
City of South Pasadena											
City of St. Petersburg	See attached "Question 21"										
City of Sweetwater	As a general rule, the Tallahassee Police Department uses the term "careful & prudent manner" as not negatively affecting pedestrians and other vehicles.		X	X					X		
City of Tallahassee											
City of Tamarac	Does not apply to City of Tamarac. Right turns on red are only enforced at the location which is posted "No Turn On Red"									X	X
City of Tampa	Where the violator vehicle making the right on red against a solid red light does not interfere with oncoming traffic and/or pedestrians so as to constitute a hazard.										
City of West Miami	If the reviewing officer were standing at the intersection and observed the violation, would he/she issue the driver a regular written UTC? If so, then it is also a Red Light Camera violation.		X	X	X	X			X	X	X
City of West Palm Beach											
City of West Park											
City of Winter Park	You can make a turn in a "careful and prudent manner" after coming to a complete stop pursuant to the directives of Florida Statute 316.075. However, our officers use their discretion when reviewing the violations and do not issue violations to anyone going under 12 MPH during a right turn unless aggravating circumstances exist.										X

Florida Department of Highway Safety and Motor Vehicles

Appendix D: Jurisdiction Responses to Survey

Name of Jurisdiction (City or County)	What action(s) has your jurisdiction taken to improve safety measures as a result of your red light camera program?	Other (please specify)	Is your jurisdiction continuing the red light camera program in Fiscal Year 2015-2016?	Has red light camera footage been used to investigate other crimes?	Response	If yes, please provide additional details.	Open-Ended Response
Open-Ended Response			Response	Response	Open-Ended Response	Provide any specifications/clarifications for any of your answers.	Open-Ended Response
Boca Raton			No	Yes	16		None
Brooksville Police Department			Yes	No	N/A		N/A
Campbellton			No	Yes			N/A
City of Apopka			Yes	Yes			N/A
City of Aventura			Yes	Yes			Question 18 - only a Law Enforcement Officer makes a determination as to whether a violation has occurred
City of Boynton Beach			Yes	Yes			Red Light Cameras are back Online and program is moving forward. Some information I do not have access to and have asked our vendor for information to better answer the questions. Answers provided are to the best of my ability and may contain some errors. Right turn on red violations include intersections where right turns on red are not permitted and the intersections include signage.
City of Bradenton			Yes	Yes			N/A
City of Clearwater			Yes	Yes			N/A
City of Clewiston			Yes	Yes			N/A
City of Cocoa Beach		None	No	Yes			N/A
City of Doron Police Department			No	No			Please be advised we do not have complete data N/A has been provided because our cameras have been off since 01/15
City of Groveland			Yes	No			N/A
City of Gulf Breeze		Extended the amber time 10% beyond minimum required by FDOT.	Yes	No			N/A
City of Gulfport			Yes	Yes			N/A
City of Haines City, Polk County			Yes	Yes			q.20 additional signage has been placed at the intersections where the cameras are present.
City of Hallandale Beach			No	Yes			N/A
City of Hialeah Hill			No	Yes			N/A
City of Hollywood			No	Yes			Regarding question #9, 162 cases was rescheduled. Regarding question #23, our Red Light Camera Program is currently suspended as of March 6, 2015 and at this time it is unknown if it will be reinstated for the Fiscal Year of 2015-2016
City of Homestead		none	Yes	Yes			#23 Pending contract renewal after Nov 2015
City of Kissimmee		not applicable	Yes	Yes			not applicable
City of Margate			No	Yes			None
City of Miami		Contact FDOT to study intersections for layout and signage	Yes	Yes			423 Video Requests were submitted
City of Miami Gardens			Yes	Yes			N/A
City of New Port Richey			Yes	Yes			Question 18. The footage of potential violations are forwarded to our department by a contractor based upon specific business rules provided by our department. When the footage is received, it is reviewed by our traffic enforcement specialist who determines if a notice of violations should be issued.
City of North Miami Beach			Yes	Yes	15		N/A
City of Oldsmar			No	Yes			Attem vs. City of Hollywood. Cameras operational, but Sheriff (TIO) is not processing, citing 4th DCA ruling. City invoking Budget Appropriations Clause in contract for FY 15/16, program will not be funded.
City of Orlando		Reflective backplates on traffic signals with and without red light cameras. LED street lighting was improved prior to red light camera installation.	Yes	Yes			None
City of Port Richey			Yes	Yes			Requested in forms of public record and used for in house and other agency investigations regarding traffic and other crimes
City of Sarasota			Yes	Yes			None
City of South Pasadena			Yes	Yes			N/A
City of St. Petersburg			No	Yes			N/A
City of Sweetwater			Yes	Yes			N/A
City of Tallahassee		Installation of reflective traffic signal back plates	No	Yes			N/A
City of Tamarac			Yes	Yes			Numbers 16-18: non-sworn government employee is a certified traffic infraction enforcement officer. Number 19: only at locations posted "No Turn on Red". Number 22: No data available from Broward County Traffic Engineering stating improvements made were a result of red light camera program.
City of Tampa			Yes	Yes			N/A
City of West Miami			Yes	Yes			This includes for our City and also neighboring jurisdictions.
City of West Palm Beach			No	Yes			Hit & Runs, stolen cars, homicides, traffic homicides
City of West Park		None during this time frame	Yes	Yes			N/A
City of Winter Park			Yes	Yes			None

Florida Department of Highway Safety and Motor Vehicles

Appendix D: Jurisdiction Responses to Survey

Open-Ended Response	Name	Agency	Email Address	Phone Number	Response	Open-Ended Response	Open-Ended Response
What Department oversees the red-light camera program?							
CLERMONT	DIANE CARTER	CLERMONT POLICE DEPARTMENT	DCARTER@CLERMONTFL.ORG	352-394-5588	Yes	6	6
Coral Gables	Sgt. Alex Escobar	Coral Gables PD	aescobar@coralgables.com	305-442-1600x7824	Yes	5	5
CORAL SPRINGS	KERRY DRADDY	CORAL SPRINGS POLICE	KAD@CORALSPRINGS.ORG	954-346-1277	Yes	8	0
Cutler Bay	Matthew Heilman	Town of Cutler Bay	mheilman@cutlerbay-fl.gov	305-234-4262	Yes	5	5
Edgewood Police Dept.	Stacey Salemi	Edgewood Police Dept.	ssalemi@edgewood-fl.gov	407-998-1616 X109	Yes	3	3
Fort Lauderdale Broward County	Maggie Bain	FLPD	mbain@fortlauderdale.gov	954-828-7305	Yes	32	0
Green Cove Springs	Officer J. J. Fero, Jr.	Green Cove Springs Police Department	JFero@grspfd.com	904-297-7322	Yes	5	5
Hillsborough County	Corporal David Thatcher	Hillsborough County Sheriff's Office	dthatcher@hcnso.tampa.fl.us	(813)247-0885	Yes	10	10
Jacksonville	L.L. Larry Jones	Jacksonville Sheriff's Office	larry.jones@jaxsheriff.org	904-630-7852	Yes	26	40
Lakeland Polk County	Scott Wisneski	Lakeland Police Department	Scott.Wisneski@lakelandgov.net	863-603-6649	Yes	16	16
Maitland	Dawn D'Ambrosio	Maitland PD	ddambrosio@maitlandpd.org	407-875-2810	Yes	8	4
Manatee County Government	Tammy Boggs	Manatee County Government	tammy_boggs@manatee.org	941-748-4601 x3817	Yes	8	8
Miami Beach	Joaquin Rodriguez	Miami Beach PD	joaquirodriguez@miamibeachfl.gov	305 673 7888	Yes	10	9
Miami Springs	Lieutenant Jimmy Deal	Miami Springs Police Department	ideal@mspd.us	(305) 888-9711	Yes	4	5
Milton Police Dept., Milton FL	Katherine McDaniels	Records/Milton Police Dept.	mcdanielsk@tcfm.net	(850)963-5423	Yes	5	5
North Miami	PSA Lashantavia Campbell	North Miami	lscampbell@northmiamipolice.com	305-891-0294 ext. 23208	Yes	21	21
OCoes	Lt. William Wagner	Ocoee Police Department	wagner@ocoes.org	407-905-3100 ext 3319	Yes	10	10
Orange County	Public Works Traffic Engineering	OC Traffic Engineering	krisa.baird@ocotm.net	407-338-7892	Yes	42	80
Osceola County	Joel Zabalero	Osceola County Public Works Dept	jz@osceola.org	407-742-0623	Yes	16	16
Palmate	Toby Williams	Palmate Police Department	williams@palmate-fl.gov	386-329-0115	Yes	6	6
Palm Coast	Barbara Grossman	City of Palm Coast	bgrossman@palmcoastgov.com	386-966-4739	Yes	39	4
SUNRISE	SGT. STEVE CURRAN	SUNRISE POLICE DEPT	SCURRAN@SUNRISEFL.GOV	9547463387	Yes	13	13
Temple Terrace	Bernard Seeley	Temple Terrace Police	Seeley@templeterrace.com	813-506-6506	Yes	7	7
The City of Daytona Beach	Bob Goldberg	The City of Daytona Beach	GoldbergB@CODB.US	386-671-8075	Yes	12 Cameras	None.
Town of Davie	John Wilson	Davie Police Department	John.Wilson@Davie-FL.GOV	(954) 695-8342	Yes	16	15
Town of Juno Beach	James Kos	Juno Beach Police Department	jkos@junobeachpd.com	561-656-0357	Yes	6	0
Town of Kenneth City	Sgt. Michael Viano	Kenneth City Police Department	viano@m@kennehtcityfl.org	727-498-8942	Yes	7	7
Town of Maitley	John Wilson	Town of Maitley	Wilson@Maitleypd.com	954-931-2149	Yes	4	4
Town of Orange Park	Gary Goble	OPPD	ggoble@townofop.com	904-278-3006	Yes	7	7
TOWN OF SUNRISE	JULIO TORRES	SUNRISE POLICE	JTORRES@TOWNOFSUNRISEFL.GOV	305-861-4862	Yes	5	5
VILLAGE OF KEY BISCAYNE	A. PAIGO	KEY BISCAYNE	APAIGO@KBPD.NET	305-365-5555	Yes	4	4
Village of Pinecrest (City)	Officer J.C. Gonzalez	Village of Pinecrest PD	jgonzalez@pinecrest-fl.gov	(305)234-2100 Ext. 388	Yes	None	(4)Four

Florida Department of Highway Safety and Motor Vehicles

Appendix D: Jurisdiction Responses to Survey

Name of Jurisdiction (City or County)	As of July 1, 2014, at how many were red-light cameras operational?		As of June 30, 2015, at how many were red-light cameras operational?		Please provide the following information regarding Notices of Violation issued for red-light camera violations in your jurisdiction between July 1, 2014 and June 30, 2015.							How many registration holds did your jurisdiction request as a result of red-light camera violations during the reporting period (July 1, 2014 - June 30, 2015)?		How does your jurisdiction submit crash data to the Department?		In order to identify the number of repeat offenders, please provide the number of distinct vehicle owners issued Notices of Violation for multiple red-light camera violations.	
	Open-Ended Response	Open-Ended Response	Total #	# Paid	# Contested & pending	# Contested & dismissed	# Contested & upheld	# Issued as UTC	# Pending issuance as UTC	Open-Ended Response	Response	Open-Ended Response	Response	Open-Ended Response	Response		
CLERMONT	4	4	9262	6792	88	445	931	3076	10	0	Electronically	NO DATA AVAILABLE					
Coral Gables	4	4	5098	3345	1	3	27	1266	3	unknown	Both	90					
CORAL SPRINGS	6	0	463	287	0	0	0	169	0	UNKNOWN	Both	5					
Culter Bay	2	2	3791	2022	19	10	103	1522	0	18	Electronically	108					
Edgewater Police Dept	2	2	6507	3914	4	16	32	1113	620	8	Electronically	389					
Fort Lauderdale / Broward County	20	0	14789	9026	182	27	185	3148	0	1	Both	502					
Green Cove Springs	3	3	6696	4837	0	19	104	1492	1	22	Both	257					
Hillsborough County	6	6	23314	15545	229	19	221	4846	0	83	Electronically	838					
Jacksonville	19	26	34503	27062	66	1848	112	3906	145	0	Electronically	2220					
Lakeland, Polk County	10	10	14816	9381	0	203	2452	4414	0	288	Electronically	999					
Maitland	2	1	11501	8555	4	4	21	1561	1367	0	Electronically	427					
Manatee County Government	5	5	9970	7630	9	66	63	1819	107	Our office does not perform registration holds.		236					
Miami Beach	9	8	17947	10789	0	0	0	1371	24	15	Electronically	1135					
Miami Springs	3	4	9233	5846	31	21	112	1007	290	64	Electronically	265					
Milton Police Dept., Milton FL	3	3	2618	1830	0	2	28	419	0	9	Paper	74					
North Miami	11	11	38177	17616	1064	181	838	14943	1000	1000	Both	3257					
Ocoee	6	6	14600	9264	1	44	292	4404	0	0	Electronically	969 total repeats 827 rcvd 2 notices 142 rcvd 3 notices					
Orange County	34	36	58935	35032	61	1041	304	19122	524	0	Electronically	3232					
Osceola County	9	9	5473	3363	0	11	26	1177	0	0	Electronically	176					
Palaska	6	6	4882	3252	73	186	113	1328	51	0	Electronically	34					
Palm Coast	23	4	7783	5019	5	67	175	184	0	0	Electronically	502					
SUNRISE	10	10	16573	9908	0	23	248	4653	598	0	Electronically	1243					
Temple Terrace	3	3	6304	3778	65	13	48	1463	60	0	Electronically	291 total					
The City of Daytona Beach	7	None	4098	3162	0	0	0	1075	0	0	Electronically	0					
Town of Davie	8	7	4657	2633	31	24	113	1268	0	0	Paper	94					
Town of Juno Beach	4	0	502	349	2	10	11	140	0	0	Electronically	494					
Town of Kenneth City	4	4	6251	4246	6	19	95	1633	19	0	Electronically	283					
Town of Madley	3	3	10905	7949	90	28	94	1050	0	0	Electronically	574					
Town of Orange Park	3	3	6454	4380	0	11	77	1519	0	44	Paper	235					
TOWN OF SURFSIDE	5	5	5426	3429	2	9	39	1069	3	0	Electronically	148					
VILLAGE OF KEY BISCAWNE	4	4	1555	1149	95	46	152	263	32	0	Electronically	0					
Village of Pinecrest (City)	None	(4)Four	574	191	15	0	0	0	0	None	Electronically	9					

Florida Department of Highway Safety and Motor Vehicles

Appendix D: Jurisdiction Responses to Survey

Name of Jurisdiction (City or County)	Other than traffic crashes, please rank the following factors on importance when selecting which intersections to install red-light cameras.							Did you relocate any existing red-light cameras during the reporting period?				What factors are used to determine the success/failure of each camera location?			
	Traffic citation data	Citizen complaints	Law Enforcement Officer observations	Traffic Volume	Pedestrian safety	Other (please specify)	Response	Change in number of crashes	Change in pedestrian safety	Change in revenue	Other (please specify)				
CLERMONT Coral Gables CORAL SPRINGS	Very Important Somewhat Important Somewhat Important	Very Important Somewhat Important Somewhat Important	Very Important Somewhat Important Somewhat Important	Very Important Very Important Somewhat Important	Very Important Very Important Somewhat Important		No No No	X X X	X X X		CHANGE IN # OF VIOLATIONS				
Culter Bay	Very Important	Somewhat Important	Very Important	Somewhat Important	Very Important		No	X							
Edgewood Police Dept Fort Lauderdale / Broward County Green Cove Springs	Somewhat Important Very Important Somewhat Important	Somewhat Important Very Important Somewhat Important	Very Important Very Important Very Important	Somewhat Important Very Important Somewhat Important	Very Important Very Important Very Important		No No No	X X X	X X X		Reduction of Violations				
Hillsborough County Jacksonville	Very Important Not Important	Very Important Not Important	Very Important Not Important	Very Important Somewhat Important	Very Important Very Important	Vehicle Accidents	No No	X X	X X		Lower violations results in safer intersection				
Lakeland, Polk County	Somewhat Important	Very Important	Very Important	Not Important	Very Important	Major Intersections	No	X	X						
Maitland	Very Important	Somewhat Important	Somewhat Important	Very Important	Very Important		No	X	X		Change in Number of Violations				
Manatee County Government	N/A	Very Important	Very Important	N/A	N/A		No	X							
Miami Beach	Very Important	Very Important	Very Important	Very Important	Very Important		No	X							
Miami Springs Milton Police Dept., Milton FL	Very Important Very Important	Somewhat Important Very Important	Somewhat Important Very Important	Not Important Somewhat Important	Very Important Very Important	The number of fatality crashes or hit and run crashes that occur at an intersection or approach.	No No	X X	X X		Increase or decrease in the number of violations issued over a specific period of time.				
North Miami	Very Important	Very Important	Very Important	Very Important	Very Important		No	X	X						
Ocoee Orange County Osceola County	Very Important Somewhat Important Very Important	Somewhat Important Somewhat Important Somewhat Important	Very Important N/A Very Important	Somewhat Important Somewhat Important Very Important	Very Important Very Important Very Important		No Yes No	X X X	X X X		Change in Number of Violations				
Palatka Palm Coast	Very Important Somewhat Important	Very Important Not Important	Very Important Very Important	Somewhat Important Not Important	Very Important Very Important		No No	X X	X X						
SUNRISE	Very Important	Very Important	Very Important	Very Important	Very Important		No	X			Change (decrease) in violations issued				
Temple Terrace	Very Important	Somewhat Important	Somewhat Important	Very Important	Very Important		No	X							
The City of Daytona Beach	Very Important	Not Important	Very Important	Very Important	Very Important		No	X							
Town of Davie	Somewhat Important	Somewhat Important	Somewhat Important	Very Important	Very Important		No	X	X		Change in the number of violations				
Town of Juno Beach	Somewhat Important	Somewhat Important	Very Important	Somewhat Important	Very Important		No	X							
Town of Kenneth City Town of Maitley	Somewhat Important Somewhat Important	Somewhat Important Somewhat Important	Very Important Very Important	Somewhat Important Very Important	Very Important Very Important		No No	X X	X X		Determined by number of violations and UTC issued for each camera location. Change in the number of violations issued				
Town Of Orange Park	Somewhat Important	Somewhat Important	Very Important	Very Important	Very Important		No				Change in Number of citations				
TOWN OF SUNRISIDE	Very Important	Very Important	Somewhat Important	Very Important	Very Important		No	X							
VILLAGE OF KEY BISCAYNE Village of Pinecrest (City)	Somewhat Important Somewhat Important	Very Important Very Important	Very Important Very Important	Somewhat Important Somewhat Important	Very Important Very Important		No No	X X	X X		Decrease or Increase in number of				

Appendix D: Jurisdiction Responses to Survey

Name of Jurisdiction (City or County)	Who reviews contested Notices of Violation? (select all that apply)				Who issues Uniform Traffic Citations if Notices of Violation are unpaid? (select all that apply)			
	Law Enforcement Officer	Non-sworn government employee	Non-sworn contractor employee	Other (please specify)	Law Enforcement Officer	Non-sworn government employee	Non-sworn contractor employee	Other (please specify)
CLERMONT		X		MAGISTRATE		X		
Coral Gables		X				X		
CORAL SPRINGS	X				X			
Cutter Bay	X			Special Master (Magistrate)	X			
Edgewood Police Dept		X	X			X		
Fort Lauderdale / Broward County	X	X			X			
Green Cove Springs	X				X			
Hillsborough County	X				X			
Jacksonville	X				X			
Lakeland, Polk County	X				X			
Maitland	X		X		X			
Manatee County Government	X				X			Mailed by contractor after approval by sworn law enforcement officer
Miami Beach	X			Traffic Certified Non Sworn	X		X	
Miami Springs	X	X			X	X		As of 06/23/2015, only a Law Enforcement Officer issues UTCs if NONs are unpaid.
Milton Police Dept., Milton FL			X		X			
North Miami	X			Public Service Aides	X			Public Service Aides
O'Coee	X	X			X	X		
Orange County	X	X			X			
Osceola County	X				X			
Palatka	X				X			
Palm Coast		X				X		
SUNRISE	X	X			X	X		
Temple Terrace	X				X		X	
The City of Daytona Beach	X				X			
Town of Davie			X				X	
Town of Juno Beach		X			X			
Town of Kenneth City	X				X			
Town of Medley	X				X			
Town Of Orange Park	X				X			
TOWN OF SURFSIDE	X				X			
VILLAGE OF KEY BISCAYNE	X						X	
Village of Pinecrest (City)	X				X			

Appendix D: Jurisdiction Responses to Survey

Open-Ended Response	Who reviews the camera images before Notices of Violation are issued? (select all that apply)			Other (please specify)	Do you issue Notices of Violation (through red-light camera detection) for persons making right turns on red signals?	How many Notices of Violation were issued for right turns on red during the reporting period? (July 1, 2014 - June 30, 2015)
	Law Enforcement Officer	Non-sworn government employee	Non-sworn contractor employee			
CLERMONT						
Coral Gables	X	X			Yes	NO DISTINGUISHABLE DATA
CORAL SPRINGS	X	X			No	unknown
Cutler Bay	X				No	
Edgewood Police Dept		X	X		No	
Fort Lauderdale / Broward County	X	X			No	
Green Cove Springs	X				Yes	1128
Hillsborough County	X				Yes	93
Jacksonville	X				No	
Lakeland, Polk County	X				Yes	7033
Maitland	X		X		Yes	Unknown - counts are not separated by type of violation
Manatee County Government	X				Yes	Our jurisdiction does not track those violations
Miami Beach	X			Traffic Certified Non Sworn	Yes	Not Available
Miami Springs	X	X			Yes	5384
Milton Police Dept., Milton FL	X				No	
North Miami	X		X	Public Service Aides	Yes	21839
OCee	X	X			Yes	11774
Orange County	X		X		Yes	220
Osceola County	X				No	
Palatka	X				Yes	1706
Palm Coast		X			Yes	1815
SUNRISE	X	X			Yes	12515
Temple Terrace	X		X		Yes	2484
The City of Daytona Beach	X	X			No	
Town of Davie			X		No	
Town of Juno Beach	X				Yes	37
Town of Kenneth City	X				Yes	1566
Town of Medley	X				Yes	5240
Town Of Orange Park	X				Yes	1035
TOWN OF SURFSIDE	X				Yes	121
VILLAGE OF KEY BISCAYNE	X				Yes	594
Village of Pinecrest (City)	X				No	

Florida Department of Highway Safety and Motor Vehicles

Appendix D: Jurisdiction Responses to Survey

Name of Jurisdiction (City or County)	Open-Ended Response	What action(s) has your jurisdiction taken to improve safety measures as a result of your red light camera program? (at intersection(s) with red light cameras)					What action(s) has your jurisdiction taken to improve safety measures as a result of your red light camera program? (at intersection(s) without red light cameras)							
		HALO technology (intelligent collision prevention system)	Restriping	Engineering	Increased signage	Lighting	HALO technology (intelligent collision prevention system)	Restriping	Engineering	Increased signage	Lighting			
CLERMONT	RIGHT HAND TURN TO BE MADE AFTER EXERCISING CAUTION BY SLOWING DOWN TO ALLOW FOR PEDESTRIANS IN CROSSWALK TO CONTINUE SAFELY AND TO ALSO GIVE RIGHT OF WAY TO ANY ONCOMING TRAFFIC													
COFEE	More than 15 MPH approach and/or pedestrians trying to cross the intersection.													
CORAL SPRINGS														
Cutler Bay														
Edgewood Police Dept.														
Fort Lauderdale / Broward County								X						
Green Cove Springs	If there is no apparent effort to slow down or stop and the speed exceeds a minimum of 10 mph.													
Hillsborough County	HCSO maintains a 15 mph threshold for right on red violations and only possesses two intersections with right turn enforcement.													
Jacksonville														
Lakeland, Polk County	Consideration of factors for a safe turn include: People present in the area, day or night, weather conditions, wet roads, fog/smoke, number of cars on roadway, time of day, cars in intersection, speed of cars traveling, speed of violation vehicle, size of vehicles around subject car, any obstructed views etc.													
Maitland	Motorists may make a turn in a careful and prudent manner after coming to a complete stop pursuant to the directives of Florida statute 316.075. However, our officers use their discretion when reviewing the violations and do not issue violations to anyone going under 16mph during a right hand turn unless aggravating circumstances exist.													
Manatee County Government	The camera footage is viewed by a sworn law enforcement officer employed by the Manatee County Sheriff's Office. If the deputy reviewing the footage feels they would ticket the violation if they were in person at the light then they make the determination to ticket the violation from the camera.													
Manatee County Government	The vehicle must come to a stop at some point during the negotiation of the turn. The vehicle must yield to pedestrians and on-coming traffic.													
Miami Beach	The vehicle should be traveling less than 15 miles per hour. Drivers must yield the right of way to other drivers and to pedestrians attempting to cross the street within a crosswalk.													
Miami Springs														
Milton Police Dept., Milton FL														
North Miami	Traveling at a low rate of speed (Normally between 10-15mph). No pedestrians present. Not interrupting the flow of traffic.													
Ocoee	Only vehicle which makes a right hand turn and fails to fully stop before the turn and is traveling faster than 12 mph at the start of the turn.													
Orange County	Only enforce right on red at locations that have a no turn on red sign when lit IF vehicle does not stop within their turn.													
Osceola County														
Palatka	Based on the preset and visual speed at the time a vehicle makes the right turn and if there are any pedestrians in the crosswalk or on the sidewalk.													
Palm Coast	maximum safe speeds per FDOT green book													
SUNRISE	A right turn on red conducted at a speed greater than 15 mph without hesitating to slow prior to initiating the turn. Consideration is given to the amount of traffic in the adjacent lanes, U-turning vehicles having the right of way, traffic on the road way, and pedestrian traffic at the intersection.													
Temple Terrace	The term "careful and prudent" is not specifically defined by Florida State Statute. It is however referred to in §316.1925 as follows: Careless driving- Any person operating a vehicle upon the streets or highways within the state shall drive the same in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic, and all other attendant circumstances, so as not to endanger the life, limb, or property of any person. Failure to drive in such manner shall constitute careless driving and a violation of this section. It can therefore be inferred that making a right turn in a manner that would violate §316.1925 meets the legislated standard for issuance of a right turn violation under §316.0083.													
The City of Daytona Beach														
Town of Davis														
Town of Juno Beach	Complete stop necessary prior to proceeding with the right-hand turn when heavy vehicle traffic on the roadway the vehicle turns onto. Vehicle must not turn when pedestrians are within the crosswalk.													
Town of Kenneth City	As per local head county traffic determination right turns completed at 12 mph or higher on a right turn in not careful or prudent.													
Town of Medley	Vehicle traveling at 12 MPH or less, no pedestrians in the intersection, no cross or turning traffic affected.													
Town of Orange Park	Only one intersection is monitored. A vehicle has to pull into the bicycle lane and pass other vehicles before making the right hand turn and failing to come to a complete stop.													
TOWN OF SURFSIDE	When the vehicle in question is traveling in excess of 12 miles per hour and makes a right-hand turn without stopping or when pedestrians are present in the crosswalk and the vehicle does not come to a complete stop.													
VILLAGE OF KEY BISCAYNE	THE DRIVER OF THE VEHICLE FAILED TO MAKE A COMPLETE STOP WHEN ENTERING THE INTERSECTION WITH A RED LIGHT.													
Village of Pinecrest (City)														

Florida Department of Highway Safety and Motor Vehicles

Appendix D: Jurisdiction Responses to Survey

Name of Jurisdiction (City or County)	What action(s) has your jurisdiction taken to improve safety measures as a result of your red light camera program?	Is your jurisdiction continuing the red light camera program in Fiscal Year 2015-2016?	Has red light camera footage been used to investigate other crimes?	Open-Ended Response	Open-Ended Response	Open-Ended Response
Open-Ended Response	Other (please specify)	Response	Response	Open-Ended Response	Open-Ended Response	Open-Ended Response
CLERMONT		Yes	Yes	TRAFFIC CRASH INVESTIGATIONS	VIDEO EVIDENCE OF INCIDENT	
Central Gaines		Yes	Yes	Murder, hit and runs, fleeing officers	Traffic Homicide investigations	
CORAL SPRINGS		No	Yes	SUSPECT VEHICLE'S DIRECTION OF TRAVEL AND POSSIBLE TAG NUMBERS	#9 - ANSWERS WITH ZERO WERE NO LONGER AVAILABLE	
Culter Bay		Yes	Yes	Accident, robbery, shooting, homicides have all had videos from cameras pulled for police investigation.	Accident, robbery, shooting, homicides have all had videos from cameras pulled for police investigation.	
Edgewood Police Dept		Yes	Yes	Burglaries, Robberies, Traffic Accident, hit & runs, Fleeting and eluding cases	When an incident occurs, the red light camera footage is used alot to view direction of travel, car make/model, or who is at fault	
Fort Lauderdale / Broward County		Yes	Yes	During the reporting period, footage from red light cameras were requested 63 times.	Since June 2011, red light camera footage has assisted official investigations 170 times.	
Green Cove Springs		Yes	Yes	Used to investigate some Criminal incidents and some Traffic Crashes	N/A	
Hillsborough County		Yes	Yes	Surveillance has been reviewed 34 times	NA	
Jacksonville		Yes	Yes	Homicides, Batteries, Missing Person, Robbery, Traffic Homicides, Burglary	None	
Lakeland, Polk County		Yes	Yes	166 incidents of pulling videos for traffic accidents, felony crimes, and general investigations.	None Noted	
Maitland		Yes	Yes	Footage has been used in furtherance of traffic crash investigations and routinely reviewed by criminal investigators to help gather leads for a multitude of criminal acts	N/A	
Manatee County Government		Yes	Yes	Red light camera video has been used for traffic crashes involving injuries and homicides for time line and suspect identification.	N/A	
Miami Beach		Yes	Yes	Has been used in hit and run and Fraud Investigations	Question 9 - Values denoted as zero were not available	
Miami Springs		Yes	Yes	During the reporting period, footage from RLCs was requested 60 times for crash investigations (one involving a fatality), hit and run investigations, and for other criminal investigations (i.e. robberies, thefts, etc.). Since the programs inception in 2011, RLC footage has assisted official investigations 133 times.	QUESTION #17 - As of 6/23/2015, only a Law Enforcement Officer issues UTCs if NOVs are unpaid.	
Milton Police Dept., Milton FL		Yes	Yes	For revision of accidents occurring at the intersections well as to assist in Robbery, Homicide, etc	Assist other agencies such as FHP	
North Miami		No	Yes	Hit and runs, traffic stops, homicides, missing persons, stolen vehicles etc.	RLC provide vehicle descriptions for hit and run vehicles. In some cases, it can provide owner information etc.	
OCcoee		Yes	Yes	56 traffic investigations, 1 TH, 17 general invest, 3 shootings and 4 homicides	n/a	
Orange County		Yes	Yes	Assault, crashes, and homicide investigations	n/a	
Osceola County		Yes	Yes	Homicide, Robbery, Shootings, Assaults, Fatal Crashes	none	
Palm Beach		Yes	Yes	Has been used several times to investigate vehicle crashes to determine who the at fault driver was.	Cameras have been used several times to attempt to locate suspect vehicles in other crimes.	
Palm Coast		Yes	Yes	Hit & run, bank robbers, stolen vehicle	none	
SUNRISE		Yes	Yes	Footage from our cameras was requested 62 times during this time frame. Footage has been used during various criminal investigations including murder, kidnapping, robbery, and burglary. Video footage has also been used extensively during various crash investigations including fatalities. Motorists ave also requested footage for civil actions relating to their traffic crashes.	none	
Temple Terrace		No	Yes	Video was requested 34 times from the vendor for police investigations related to hit and run crashes, fatality crashes, robberies, shootings and homicides.	The City of Temple Terrace discontinued our program effective June 21, 2015.	
The City of Daytona Beach		No	Yes	To do further investigation of some fleeing crimes, hit and run crashes and tagged some videos as evidence in cases. We also changed to the BOLO method where we have been looking for vehicles in robberies and even homicide.	See number 23.	
Town of Davie		Yes	Yes	During this time period, video has been requested 64 times to assist in the investigation of crimes from hit & run accidents to vehicular homicide.	Some calculations were done manually as ATS tracks based on a calendar year.	
Town of Juno Beach		No	Yes	Robberies, Burglaries, and other investigations	N/A	
Town of Kenneth City		No	Yes	We have pulled video for other investigations such as robbery's, accidents, and other types of investigations.	Red light camera enforcement will be discontinued as of September 2015.	
Town of Medley		Yes	Yes	13 Requests for video to assist in investigations	N/A	
Town of Orange Park		Yes	Yes	Red light camera footage has been used 13 times during the reporting period to investigate other crimes.	n/a	
TOWN OF SURFSIDE		Yes	Yes	We have used the footage to investigate hit and runs, theft, battery and other types of crimes	n/a	
VILLAGE OF KEY BISCAYNE		Yes	Yes	VIDEO HAS BEEN USED FOR ACCIDENTS AND OTHER MISCELLANEOUS CRIMES WHERE A VEHICLE WAS INVOLVED.	N/A	
Village of Pinecrest (City)		Yes	Yes	DUI crash caught on video while running the red light	Red Light Camera Program in its infancy, initiated on June 10, 2015	



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Community Affairs, *Chair*
Environmental Preservation and Conservation,
Vice Chair
Appropriations Subcommittee on General Government
Finance and Tax
Judiciary
Transportation

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR WILTON SIMPSON

18th District

January 20, 2016

The Honorable Jeff Brandes
Senate Committee on Transportation, Chair
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Brandes:

Please excuse my absence from committee today. I was presenting other bills in the Fiscal Policy Committee, held in the Knott Building.

Sincerely,

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Wilton Simpson, State Senator, 18th District

CC: Transportation Staff

REPLY TO:

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: LL 37
Caption: Senate Transportation

Case No.:
Judge:

Type:

Started: 1/20/2016 4:03:29 PM

Ends: 1/20/2016 4:32:49 PM

Length: 00:29:21

4:03:28 PM Meeting called to order by Chair Brandes
4:03:31 PM Roll call by Administrative Assistant, Marilyn Hudson
4:03:40 PM Quorum present
4:03:44 PM Comments from Chair Brandes
4:03:51 PM Introduction of SB 522 by Chair Brandes
4:04:13 PM Explanation of SB 522, Traffic Safety on State Roads by Senator Soto
4:05:07 PM Comments from Chair Brandes
4:05:14 PM Introduction of Amendment No. 528810 by Senator Soto
4:06:05 PM Comments from Chair Brandes
4:06:12 PM Chair Brandes waives closure
4:06:15 PM Amendment Barcode No. 528810 was adopted
4:06:25 PM Closure by Senator Soto
4:06:32 PM Roll call by Administrative Assistant, Marilyn Hudson
4:06:55 PM CS/SB 522 reported favorably
4:07:13 PM Introduction of Tab 3, SB 1046 by Chair Brandes
4:07:26 PM Explanation of Strike-all amendment No. 806326 by Senator Hudson
4:08:18 PM Senator Grimsley sponsored Amendment to Amendment No. 645060
4:08:29 PM Amendment Barcode No. 806326 explained by Senator Hudson
4:08:32 PM Comments from Chair Brandes
4:08:37 PM Amendment Barcode No. 806326 adopted
4:08:49 PM Comments from Chair Brandes
4:09:19 PM Adam Basford, Director, Legislative Affairs, Florida Farm Bureau waives in support
4:09:29 PM Bruce Calhoun, Florida Fruit and Vegetable Association waives in support
4:09:33 PM Kevin Sweeny, Florida Justice Association waives in support
4:09:51 PM Roll call on CS/SB 1046 by Administrative Assistant, Marilyn Hudson
4:10:00 PM CS/SB 1046 reported favorably
4:10:05 PM Introduction of Tab 2, SB 960 by Chair Brandes
4:10:11 PM Explanation of SB 960 by Senator Bradley
4:10:37 PM Introduction of Late-filed amendment Barcode No. 465836 by Chair Brandes
4:10:48 PM Explanation of strike-all Amendment Barcode No. 465836 by Senator Bradley
4:12:12 PM Comments from Chair Brandes
4:12:35 PM Speaker, Gary Hunter, Attorney, Alliance of Automobile Manufacturers in opposition
4:13:42 PM Speaker, Jeff Perry, Director, Public Policy, General Motors in opposition
4:16:18 PM John Forehand, General Counsel, South Motors waives in support
4:16:32 PM Ron Book, Auto Nation waives in support
4:16:47 PM Late-filed amendment Barcode No. 465836 adopted
4:16:49 PM Comments from Chair Brandes
4:16:58 PM Question from Senator Braynon
4:17:04 PM Response from Senator Bradley
4:17:44 PM Comments from Chair Brandes
4:17:50 PM Senator Bradley waives closure
4:17:55 PM Roll call on CS/SB 960 by Administrative Assistant, Marilyn Hudson
4:18:04 PM CS/SB 960 reported favorably
4:18:17 PM Chair Brandes passes the chair to Senator Bullard
4:18:25 PM Introduction of Tab4, SB 1390 by Chair Bullard
4:18:30 PM Explanation of SB 1390, Issuance of Specialty License Plates by Senator Brandes
4:18:50 PM Comments from Chair Bullard
4:19:04 PM Amendment Barcode No. 445042 introduced by Chair Bullard
4:19:15 PM Explanation of Amendment Barcode No. 445042 by Senator Brandes
4:19:36 PM Comments from Chair Bullard
4:19:52 PM Speaker James Preston, President, Fraternal Order of Police in support
4:20:53 PM Robert Adams, Police Sergeant, Fraternal Order of Police waives in support

4:20:59 PM Connie Miller, Retired Police Officer waives in support
4:21:06 PM Matt Williams, Florida Fraternal Order of Police waives in support
4:21:10 PM Andrew Dintelman, FOP Lodge #87 waives in support
4:21:18 PM Christopher Clark, LEO, Coral Springs Lodge #87 waives in support
4:21:24 PM Dennis Blankenship, Fraternal Order of Police waives in support
4:21:29 PM David Meacham, Fraternal Order of Police waives in support
4:21:34 PM Joey Obermeer, Deputy Sheriff, Fraternal Order of Police # 26 waives in support
4:21:39 PM Jim Mosley, Fraternal Order of Police waives in support
4:21:44 PM Dewayne Midgett, Deputy Sheriff, Fraternal Order of Police #26 waives in support
4:22:05 PM Senator Brandes waives closure on Amendment
4:22:09 PM Amendment Barcode No. 445042 adopted
4:22:17 PM Comments from Chair Bullard
4:22:22 PM Senator Brandes waives closure on bill as amended
4:22:26 PM Roll call on CS/SB 1390 by Administrative Assistant, Marilyn Hudson
4:22:40 PM CS/SB 1390 reported favorably
4:22:48 PM Chair returned to Chair Brandes
4:23:08 PM Introduction of Tab 5, Red Light Camera Summary Report by the Department of Highway Safety and Motor Vehicles by Chair Brandes
4:23:29 PM Presentation by Larry Gowen, Chief Performance Officer, Department of Highway Safety and Motor Vehicles
4:27:53 PM Chair turned over to Chair Bullard
4:28:08 PM Continued presentation by Mr. Gowen
4:31:24 PM Comments from Chair Bullard
4:31:30 PM Question from Chair Bullard
4:31:39 PM Response from Mr. Gowen
4:32:18 PM Comments from Chair Bullard regarding thanks to speaker
4:32:29 PM Senator Braynon moves to adjourn without objection