

Tab 1	SB 1570 by Simmons; (Compare to CS/H 1373) School Bus Stop Safety				
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687218	D	S	WD	TR, Evers	Delete everything after	02/18 11:48 AM
703828	D	S L	RCS	TR, Evers	Delete everything after	02/18 11:48 AM

Tab 2	SB 1690 by Garcia; (Identical to H 0961) Transportation				
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Brandes, Chair
Senator Bullard, Vice Chair

MEETING DATE: Wednesday, February 17, 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 1570 Simmons (Compare CS/H 1373)	School Bus Stop Safety; Citing this act as the "Gabby's Law for School Bus Stop Safety"; revising the terms of violation and the penalties for failure to stop a vehicle upon approaching a school bus that displays a stop signal; authorizing school districts to use cameras and video recording devices under certain circumstances, etc. TR 02/17/2016 Fav/CS ATD FP	Fav/CS Yeas 5 Nays 0

2	SB 1690 Garcia (Identical H 961)	Transportation; Requiring toll agencies to adopt a policy regarding removal of directors under certain circumstances; directing the Florida Transportation Commission to conduct a study of the potential for express toll lanes to display estimated travel times; directing the Department of Transportation to pay expenses of necessary experts, etc. TR 02/17/2016 Favorable ATD AP	Favorable Yeas 6 Nays 0
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TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.			
Florida Transportation Commission			
3	Sarnoff, Teresa (Miami)	09/30/2019	Recommend Confirm Yeas 6 Nays 0
	Trumbull, Jay N. (Panama City)	09/30/2019	Recommend Confirm Yeas 6 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	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 1570

INTRODUCER: Transportation Committee and Senator Simmons

SUBJECT: School Bus Stop Safety

DATE: February 18, 2016

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1570 reclassifies the offense for passing a stopped school bus on the side that children enter and exit while displaying a stop signal from a noncriminal traffic infraction to the criminal offense of reckless driving.

The bill takes effect October 1, 2016.

II. Present Situation:

School buses are required to stop as far to the right of the street as possible and display warning lights and stop signals before discharging or loading passengers, and, when possible, not stop where visibility is obscured for a distance of 200 feet either way from the bus.¹

Florida law requires that any person, upon approaching a stopped school bus displaying a stop signal, bring his or her vehicle to a full stop until the signal has been withdrawn.² Furthermore, it is unlawful to pass a school bus on the side that children enter and exit while the school bus displays a stop signal.³ However, a driver is not required to stop if the vehicle is traveling in the

¹ Section 316.172(3), F.S.

² Section 316.172(1)(a), F.S.

³ Section 316.172(1)(b), F.S.

opposite direction of a stopped school bus “upon a divided highway with an unpaved space of at least 5 feet, a raised median, or a physical barrier.”⁴

If, at a hearing, a person is found to have failed to fully stop for or passed a stopped school bus,⁵ both of which are noncriminal traffic infractions, the person must pay a minimum civil penalty of \$100 or \$200, respectively, plus an additional \$65.⁶ For any subsequent violation, the Department of Highway Safety and Motor Vehicles (DHSMV), may suspend a person’s driver license if such violation is committed within a period of 5 years after the first violation.⁷

In addition, if a court withholds adjudication of a driver who receives a traffic citation for illegally passing a school bus, the driver is required by the DHSMV to complete a driver improvement course. The DHSMV, within 10 days after receiving notice of judicial disposition, will send a notice to the driver indicating the requirement to attend a driver improvement course. If the course is not completed within 90 days of receiving the notice, the driver’s license will be canceled until the course is successfully completed.⁸

School Bus Safety

The National Highway Safety Transportation Safety Association (NHTSA) estimates approximately 24 children are killed in school bus accidents each year.⁹ However, few occur while actually on the bus. Typically, one-third of the fatalities occur when a child is struck by the school bus in the loading or unloading zone, one-third are struck by motorists who fail to stop for the bus, and one-third are pedestrians killed approaching or leaving the school bus.

2015 Illegal Passing of School Buses

Since 2011, the Florida Department of Education has posted survey results on its website of the number of vehicles that illegally pass a stopped school bus in a single day of the school year, according to the school bus drivers.¹⁰ In Academic Year 2014-2015, 9,807 school bus drivers in the state completed the survey. The bus drivers indicated the school bus was illegally passed by 10,987 vehicles throughout the day. Of those, 371 vehicles were reported passing to the right side of the bus, the side students generally enter and exit.¹¹

⁴ Section 316.172(2), F.S.

⁵ A person cited for passing a stopped school bus on the side children enter or exit must attend a mandatory hearing at a specified time and location. See ss. 316.172(1)(b) and 318.19(3), F.S.

⁶ Section 318.18(5), F.S. The additional \$65 is remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health for the purpose of funding trauma centers. See s. 395.4036, F.S.

⁷ *Id.* at 5(a) and (b). A person who passes a stopped school bus will receive 4 points on his or her driver license or, depending on the circumstances, his or her driver license may be suspended or, if a habitual traffic offender, shall be revoked. See s. 322.27(1)(f) and (3)(d)4., F.S. See also s. 322.264, F.S., for the definition of the term “habitual traffic offender.”

⁸ Section 322.0261(4)(c), F.S.

⁹ See National Conference of State Legislatures (NCSL), *Transportation Review – School Bus Safety* (July 2012) at p. 1, available at: http://www.ncsl.org/documents/transportation/schoolbus_tranrev0810.pdf (last visited Feb. 12, 2016).

¹⁰ See Florida Department of Education website, *School Transportation, Illegal Passing of School Buses – Survey Results*, <http://www.fldoe.org/schools/safe-healthy-schools/transportation/> (last visited Feb. 12, 2016).

¹¹ *Id.* under link titled “Florida survey results of 2015”

The DHSMV has indicated, in 2015 approximately 2,136 citations were issued for failure to stop for a school bus, and 44 for passing a school bus on the side children enter and exit.¹²

Reckless Driving

A person “who drives any vehicle in willful or wanton disregard for the safety of persons or property” or flees from a law enforcement officer in a vehicle shall be charged with reckless driving, which is a criminal offense.¹³

If convicted, a person is subject to punishment by imprisonment for not more than 90 days or by a minimum fine of \$25 and a maximum fine of \$500, or both.¹⁴ For any subsequent conviction, a person is subject to punishment by imprisonment for a maximum of six months or by a minimum fine of \$50 and a maximum fine of \$1,000, or both.¹⁵ If a person’s reckless driving causes damage to person or property, he or she commits a first degree misdemeanor, punishable by imprisonment not exceeding one year or a maximum fine of \$1,000.¹⁶ If a person’s reckless driving causes serious bodily injury to another person, he or she commits a third degree felony, punishable by imprisonment not to exceed five years, a maximum fine of \$5,000 or, if a habitual felony offender, an extended term of imprisonment.¹⁷

If convicted of a violation of passing a school bus or reckless driving, four points are assessed against the offender’s driver license.¹⁸

III. Effect of Proposed Changes:

Section 1 amends s. 316.172, F.S., increasing the penalty from a noncriminal moving violation to the criminal offense of reckless driving for a person operating a motor vehicle who passes a school bus on the side that children enter and exit when the bus displays a stop signal.

Section 2 creates a subsection (6) within the reckless driving statute, to retain the \$65 penalty currently collected for a violation of passing a school bus on the side that children enter and exit when the bus is displaying a stop signal.

Section 3 amends s. 318.17, F.S., to make conforming changes.

Section 4 removes the civil penalty for illegally passing a school bus on the side children enter and exit, as that penalty is reclassified as reckless driving.

Sections 5 and 6 conform cross-references to changes made by this act.

¹² Email from the DHSMV (Feb. 15, 2016) (on file with the Senate Committee on Transportation).

¹³ Sections 316.192(1) and 318.17(4), F.S.

¹⁴ Section 316.192(2)(a), F.S.

¹⁵ Section 316.192(2)(b), F.S..

¹⁶ Sections 316.192(3)(c)1., 775.082(4)(a), 775.083(1)(d), F.S. A court has the discretion to suspend or cancel a driver license and impose any other civil penalty it deems fit. s. 775.082(7), F.S.

¹⁷ Sections 316.192(3)(c)2., 775.082(3)(e), 775.083(1)(c), and 775.084(1)(a), F.S. Section 316.192(3)(c)2., F.S. defines “serious bodily injury” as “an injury to another person, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.”

¹⁸ Section 322.27(3)(d), F.S.

Section 7 provides the bill takes effect October 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:

Individuals cited for illegally passing a school bus will incur increased penalties.

C. Government Sector Impact:

SB 1570 has an indeterminate fiscal impact.

The fiscal impact of changing the violation of passing a school bus on the side children enter and exit¹⁹ from a noncriminal moving violation to a charge of reckless driving is unknown.

The Office of State Courts Administrator has indicated the change to a reckless driving charge could impact revenues to the State Court Revenue Trust Fund, which currently receives \$5 for each non-criminal traffic violation, but believes this revenue reduction would have a minimal impact on the trust fund.²⁰

The DHSMV anticipates the bill will require approximately 298.5 hours of programming and implementation, having an estimated impact of \$13,447.50 to the DHSMV.²¹

¹⁹ Section 316.172(1)(b), F.S.

²⁰ See Office of the State Court Administrator, *2015 Judicial Impact Statement for SB 346* (March 3, 2015) (on file with the Senate Committee on Transportation).

²¹ DHSMV, *2016 Agency Legislative Bill Analysis for SB 1570* (Feb. 11, 2016) (on file with the Senate Committee on Transportation).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.172, 316.192, 318.17, and 318.18.

This bill makes conforming changes to the following sections of the Florida Statutes: 318.21 and 395.4036.

IX. 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 February 17, 2016:

The CS modifies the bill by removing the penalty increase for failing to stop for a school bus under s. 318.18(5)(a), F.S., and removes provisions allowing a school district to use cameras and video recording devices to enforce s. 316.172, F.S.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/18/2016	.	
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The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (b) of subsection (1) of section
316.172, Florida Statutes, is amended to read:

316.172 Traffic to stop for school bus.—

(1)

(b) A ~~Any~~ person using, operating, or driving a vehicle
that passes a school bus on the side that children enter and



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11 ~~exit while when~~ the school bus displays a stop signal commits
12 ~~reckless driving a moving violation~~, punishable as provided in
13 ~~s. 316.192 chapter 318~~, and is subject to a mandatory hearing
14 ~~under the provisions of s. 318.19.~~

15 Section 2. This act shall take effect October 1, 2016.

16
17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 Delete everything before the enacting clause
20 and insert:

21 A bill to be entitled

22 An act relating to school bus safety; amending s.
23 316.172, F.S.; providing that a person operating a
24 vehicle who passes a school bus on the side that
25 children enter and exit while the school bus displays
26 a stop signal commits reckless driving; specifying
27 that such violations are punishable as reckless
28 driving violations rather than moving violations;
29 providing an effective date.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2016	.	
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	.	
	.	

The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1) of section 316.172, Florida
Statutes, is amended to read:

316.172 Traffic to stop for school bus.—

(1) (a) A ~~Any~~ person using, operating, or driving a vehicle
on or over the roads or highways of this state shall, upon
approaching a any school bus that ~~which~~ displays a stop signal,



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11 bring such vehicle to a full stop while the bus is stopped, and
12 the vehicle may ~~shall~~ not pass the school bus until the signal
13 has been withdrawn. A person who violates this paragraph ~~section~~
14 commits a moving violation, punishable as provided in chapter
15 318.

16 (b) A ~~Any~~ person using, operating, or driving a vehicle
17 that passes a school bus on the side that children enter and
18 exit when the school bus displays a stop signal commits reckless
19 driving a moving violation, punishable as provided in s. 316.192
20 chapter 318, and is subject to a mandatory hearing under the
21 provisions of s. 318.19.

22 Section 2. Subsection (6) is added to section 316.192,
23 Florida Statutes, to read:

24 316.192 Reckless driving.—

25 (6) In addition to any other penalty provided under this
26 section, \$65 shall be added to a fine imposed pursuant to this
27 section for a violation of s. 316.172(1)(b). The clerk shall
28 remit the \$65 to the Department of Revenue for deposit in the
29 Emergency Medical Services Trust Fund, to be used as provided in
30 s. 395.4036.

31 Section 3. Section 318.17, Florida Statutes, is amended to
32 read:

33 318.17 Offenses excepted.—No provision of this chapter is
34 available to a person who is charged with any of the following
35 offenses:

36 (1) Fleeing or attempting to elude a police officer, in
37 violation of s. 316.1935.†

38 (2) Leaving the scene of a crash, in violation of ss.
39 316.027 and 316.061.†



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40 (3) Driving, or being in actual physical control of, any
41 vehicle while under the influence of alcoholic beverages, any
42 chemical substance set forth in s. 877.111, or any substance
43 controlled under chapter 893, in violation of s. 316.193, or
44 driving with an unlawful blood-alcohol level.†

45 (4) Reckless driving, in violation of s. 316.172(1)(b) or
46 s. 316.192.†

47 (5) Making false crash reports, in violation of s.
48 316.067.†

49 (6) Willfully failing or refusing to comply with any lawful
50 order or direction of any police officer or member of the fire
51 department, in violation of s. 316.072(3).†

52 (7) Obstructing an officer, in violation of s. 316.545(1).†
53 ~~or~~

54 (8) Any other offense in chapter 316 which is classified as
55 a criminal violation.

56 Section 5. Paragraphs (b) and (c) of subsection (5) of
57 section 318.18, Florida Statutes, are amended to read:

58 318.18 Amount of penalties.—The penalties required for a
59 noncriminal disposition pursuant to s. 318.14 or a criminal
60 offense listed in s. 318.17 are as follows:

61 (5)

62 ~~(b) Two hundred dollars for a violation of s.~~
63 ~~316.172(1)(b), passing a school bus on the side that children~~
64 ~~enter and exit when the school bus displays a stop signal. If,~~
65 ~~at a hearing, the alleged offender is found to have committed~~
66 ~~this offense, the court shall impose a minimum civil penalty of~~
67 ~~\$200. In addition to this penalty, for a second or subsequent~~
68 ~~offense within a period of 5 years, the department shall suspend~~



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69 ~~the driver license of the person for not less than 180 days and~~
70 ~~not more than 1 year.~~

71 ~~(b)(e)~~ In addition to the penalty under paragraph (a) ~~or~~
72 ~~paragraph (b)~~, \$65 for a violation of s. 316.172(1) (a) ~~or (b)~~.
73 If the alleged offender is found to have committed the offense,
74 the court shall impose the civil penalty under paragraph (a) ~~or~~
75 ~~paragraph (b)~~ plus an additional \$65. The additional \$65
76 collected under this paragraph shall be remitted to the
77 Department of Revenue for deposit into the Emergency Medical
78 Services Trust Fund of the Department of Health to be used as
79 provided in s. 395.4036.

80 Section 5. Subsection (21) of section 318.21, Florida
81 Statutes, is amended to read:

82 318.21 Disposition of civil penalties by county courts.—All
83 civil penalties received by a county court pursuant to the
84 provisions of this chapter shall be distributed and paid monthly
85 as follows:

86 (21) Notwithstanding subsections (1) and (2), the proceeds
87 from the additional penalties imposed pursuant to s.
88 318.18(5) (b) ~~s. 318.18(5) (e)~~ and (20) shall be distributed as
89 provided in that section.

90 Section 6. Paragraph (b) of subsection (1) of section
91 395.4036, Florida Statutes, is amended to read:

92 395.4036 Trauma payments.—

93 (1) Recognizing the Legislature's stated intent to provide
94 financial support to the current verified trauma centers and to
95 provide incentives for the establishment of additional trauma
96 centers as part of a system of state-sponsored trauma centers,
97 the department shall utilize funds collected under s. 318.18 and



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98 deposited into the Emergency Medical Services Trust Fund of the
99 department to ensure the availability and accessibility of
100 trauma services throughout the state as provided in this
101 subsection.

102 (b) Funds collected under ss. 316.192(6), 318.18(5)(b), and
103 318.18(20) ~~s. 318.18(5)(c) and (20)~~ shall be distributed as
104 follows:

105 1. Thirty percent of the total funds collected shall be
106 distributed to Level II trauma centers operated by a public
107 hospital governed by an elected board of directors as of
108 December 31, 2008.

109 2. Thirty-five percent of the total funds collected shall
110 be distributed to verified trauma centers based on trauma
111 caseload volume for the most recent calendar year available. The
112 determination of caseload volume for distribution of funds under
113 this subparagraph shall be based on the department's Trauma
114 Registry data.

115 3. Thirty-five percent of the total funds collected shall
116 be distributed to verified trauma centers based on severity of
117 trauma patients for the most recent calendar year available. The
118 determination of severity for distribution of funds under this
119 subparagraph shall be based on the department's International
120 Classification Injury Severity Scores or another statistically
121 valid and scientifically accepted method of stratifying a trauma
122 patient's severity of injury, risk of mortality, and resource
123 consumption as adopted by the department by rule, weighted based
124 on the costs associated with and incurred by the trauma center
125 in treating trauma patients. The weighting of scores shall be
126 established by the department by rule.



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127 Section 7. This act shall take effect October 1, 2016.

128

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

130 And the title is amended as follows:

131 Delete everything before the enacting clause

132 and insert:

133 A bill to be entitled

134 An act relating to school bus stop safety; amending s.
135 316.172, F.S.; revising the terms of violation and the
136 penalties for failure to stop a vehicle upon
137 approaching a school bus that displays a stop signal;
138 providing for criminal penalties under certain
139 circumstances; amending s. 316.192, F.S.; requiring an
140 additional fee to be added to a fine imposed for a
141 specified violation; providing for distribution of the
142 fee; amending s. 318.17, F.S.; conforming provisions
143 to changes made by the act; amending s. 318.18, F.S.;
144 removing provisions made obsolete by the act; amending
145 s. 318.21, F.S.; conforming a cross-reference;
146 amending s. 395.4036, F.S.; conforming a cross-
147 reference; conforming provisions to changes made by
148 the act; providing an effective date.

By Senator Simmons

10-00628-16

20161570__

A bill to be entitled

An act relating to school bus stop safety; providing a short title; amending s. 316.172, F.S.; revising the terms of violation and the penalties for failure to stop a vehicle upon approaching a school bus that displays a stop signal; providing for criminal penalties under certain circumstances; defining the terms "recorded image" and "video recording device"; authorizing school districts to use cameras and video recording devices under certain circumstances; requiring a school bus driver to record specified observations under certain circumstances; requiring certain photographs and recorded images to be submitted to a local law enforcement agency within a specified timeframe; amending s. 316.192, F.S.; requiring an additional fee to be added to a fine imposed for a specified violation; providing for distribution of the fee; amending s. 318.17, F.S.; conforming provisions to changes made by the act; amending s. 318.18, F.S.; revising penalties for specified violations; amending s. 318.21, F.S.; conforming a cross-reference; amending s. 395.4036, F.S.; conforming a cross-reference; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. This act may be cited as "Gabby's Law for School Bus Stop Safety."

Section 2. Subsection (1) of section 316.172, Florida Statutes, is amended to read:

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

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316.172 Traffic to stop for school bus.-

(1) (a) A ~~Any~~ person using, operating, or driving a vehicle on or over the roads or highways of this state shall, upon approaching a ~~any~~ school bus ~~that~~ which displays a stop signal, bring such vehicle to a full stop while the bus is stopped, and the vehicle ~~may shall~~ not pass the school bus until the signal has been withdrawn. A person who violates this ~~paragraph section~~ commits a moving violation, punishable as provided in chapter 318.

(b) A ~~Any~~ person using, operating, or driving a vehicle that passes a school bus on the side that children enter and exit when the school bus displays a stop signal commits reckless driving a moving violation, punishable as provided in s. 316.192 chapter 318, and is subject to a mandatory hearing under the ~~provisions of s. 318.19~~.

(c)1. As used in this paragraph, the term:

a. "Recorded image" means an image recorded by a video recording device mounted on a school bus which has a clear view of vehicles that pass the bus on either side and which shows the date and time the recording was made and an electronic symbol that shows the activation of amber lights, flashing red lights, stop arms, and brakes.

b. "Video recording device" means a camera capable of recording digital images that show the date and time of the images so recorded.

2. A school district may use cameras and video recording devices to enforce this section. A school bus driver who observes a violation of paragraph (a) or paragraph (b) shall record the license number of the offending vehicle, a

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

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62 description of the vehicle, and the time and date of the
 63 violation. Any photograph and recorded image of the violation
 64 shall be submitted within 15 days after its occurrence to the
 65 local law enforcement agency that has jurisdiction over the area
 66 where the violation occurs.

67 Section 3. Subsection (6) is added to section 316.192,
 68 Florida Statutes, to read:

69 316.192 Reckless driving.—

70 (6) In addition to any other penalty provided under this
 71 section, \$65 shall be added to a fine imposed pursuant to this
 72 section for a violation of s. 316.172(1)(b). The clerk shall
 73 remit the \$65 to the Department of Revenue for deposit in the
 74 Emergency Medical Services Trust Fund, to be used as provided in
 75 s. 395.4036.

76 Section 4. Section 318.17, Florida Statutes, is amended to
 77 read:

78 318.17 Offenses excepted.—No provision of this chapter is
 79 available to a person who is charged with any of the following
 80 offenses:

81 (1) Fleeing or attempting to elude a police officer, in
 82 violation of s. 316.1935~~._~~

83 (2) Leaving the scene of a crash, in violation of ss.
 84 316.027 and 316.061~~._~~

85 (3) Driving, or being in actual physical control of, any
 86 vehicle while under the influence of alcoholic beverages, any
 87 chemical substance set forth in s. 877.111, or any substance
 88 controlled under chapter 893, in violation of s. 316.193, or
 89 driving with an unlawful blood-alcohol level~~._~~

90 (4) Reckless driving, in violation of s. 316.172(1)(b) or

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91 s. 316.192~~._~~

92 (5) Making false crash reports, in violation of s.

93 316.067~~._~~

94 (6) Willfully failing or refusing to comply with any lawful
 95 order or direction of any police officer or member of the fire
 96 department, in violation of s. 316.072(3)~~._~~

97 (7) Obstructing an officer, in violation of s. 316.545(1)~~._~~

98 ~~or~~

99 (8) Any other offense in chapter 316 which is classified as
 100 a criminal violation.

101 Section 5. Subsection (5) of section 318.18, Florida
 102 Statutes, is amended to read:

103 318.18 Amount of penalties.—The penalties required for a
 104 noncriminal disposition pursuant to s. 318.14 or a criminal
 105 offense listed in s. 318.17 are as follows:

106 (5) (a) Two hundred fifty ~~One hundred~~ dollars for a
 107 violation of s. 316.172(1)(a), failure to stop for a school bus.
 108 If, at a hearing, the alleged offender is found to have
 109 committed this offense, the court shall impose a minimum civil
 110 penalty of \$250 ~~\$100~~. In addition to this penalty, for a second
 111 or subsequent offense within ~~a period of~~ 5 years, the department
 112 shall suspend the driver license of the person for not less than
 113 6 months ~~90 days~~ and not more than 1 year ~~6 months~~.

114 ~~(b) Two hundred dollars for a violation of s.~~
 115 ~~316.172(1)(b), passing a school bus on the side that children~~
 116 ~~enter and exit when the school bus displays a stop signal. If,~~
 117 ~~at a hearing, the alleged offender is found to have committed~~
 118 ~~this offense, the court shall impose a minimum civil penalty of~~
 119 ~~\$200. In addition to this penalty, for a second or subsequent~~

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120 ~~offense within a period of 5 years, the department shall suspend~~
 121 ~~the driver license of the person for not less than 180 days and~~
 122 ~~not more than 1 year.~~

123 ~~(b)(e)~~ In addition to the penalty under paragraph (a) ~~or~~
 124 ~~paragraph (b)~~, \$65 for a violation of s. 316.172(1) (a) ~~or (b)~~.
 125 If the alleged offender is found to have committed the offense,
 126 the court shall impose the civil penalty under paragraph (a) ~~or~~
 127 ~~paragraph (b)~~ plus an additional \$65. The additional \$65
 128 collected under this paragraph shall be remitted to the
 129 Department of Revenue for deposit into the Emergency Medical
 130 Services Trust Fund of the Department of Health to be used as
 131 provided in s. 395.4036.

132 Section 6. Subsection (21) of section 318.21, Florida
 133 Statutes, is amended to read:

134 318.21 Disposition of civil penalties by county courts.—All
 135 civil penalties received by a county court pursuant to the
 136 provisions of this chapter shall be distributed and paid monthly
 137 as follows:

138 (21) Notwithstanding subsections (1) and (2), the proceeds
 139 from the additional penalties imposed pursuant to s.
 140 318.18(5)(b) ~~s. 318.18(5)(e)~~ and (20) shall be distributed as
 141 provided in that section.

142 Section 7. Paragraph (b) of subsection (1) of section
 143 395.4036, Florida Statutes, is amended to read:

144 395.4036 Trauma payments.—

145 (1) Recognizing the Legislature's stated intent to provide
 146 financial support to the current verified trauma centers and to
 147 provide incentives for the establishment of additional trauma
 148 centers as part of a system of state-sponsored trauma centers,

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149 the department shall utilize funds collected under s. 318.18 and
 150 deposited into the Emergency Medical Services Trust Fund of the
 151 department to ensure the availability and accessibility of
 152 trauma services throughout the state as provided in this
 153 subsection.

154 (b) Funds collected under ss. 316.192(6), 318.18(5)(b), and
 155 318.18(20) ~~s. 318.18(5)(e) and (20)~~ shall be distributed as
 156 follows:

157 1. Thirty percent of the total funds collected shall be
 158 distributed to Level II trauma centers operated by a public
 159 hospital governed by an elected board of directors as of
 160 December 31, 2008.

161 2. Thirty-five percent of the total funds collected shall
 162 be distributed to verified trauma centers based on trauma
 163 caseload volume for the most recent calendar year available. The
 164 determination of caseload volume for distribution of funds under
 165 this subparagraph shall be based on the department's Trauma
 166 Registry data.

167 3. Thirty-five percent of the total funds collected shall
 168 be distributed to verified trauma centers based on severity of
 169 trauma patients for the most recent calendar year available. The
 170 determination of severity for distribution of funds under this
 171 subparagraph shall be based on the department's International
 172 Classification Injury Severity Scores or another statistically
 173 valid and scientifically accepted method of stratifying a trauma
 174 patient's severity of injury, risk of mortality, and resource
 175 consumption as adopted by the department by rule, weighted based
 176 on the costs associated with and incurred by the trauma center
 177 in treating trauma patients. The weighting of scores shall be

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178 established by the department by rule.

179 Section 8. This act shall take effect October 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/17/2016
Meeting Date

1570
Bill Number (if applicable)

Topic School bus stop safety

Amendment Barcode (if applicable)

Name Donald Mair

Job Title Paralegal

Address 1147 Pilgrim Av.
Street

Phone 386-473-6464

Deltona FL 32725
City State Zip

Email gabbyslaw@outlook.com

Speaking: For Against Information

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

Representing Gabby Mair

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)

2/17/16

Meeting Date

1570

Bill Number (if applicable)

~~687518~~

Amendment Barcode (if applicable)

Topic School Bus Stop Traffic Violation

Name Vern Pickup-Crawford

Job Title Legislative Liaison

Address 571 Kingsbury Terrace
Street

Phone 561-644-2439

Wellington FL 33414
City State Zip

Email vacrow@indemsn.com

Speaking: For Against Information

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

Representing Palm Beach School District

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: SB 1690

INTRODUCER: Senator Garcia

SUBJECT: Transportation

DATE: February 18, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Favorable
2.			ATD	
3.			AP	

I. Summary:

SB 1690 relates to the operations of toll agencies and toll facilities. More specifically, the bill applies specified requirements to transportation and expressway authorities of the state, counties, and municipalities and requires each toll agency to:

- Adopt a policy for removal of directors due to ethical violations or lack of attendance and to post comprehensive information about the policy on its website.
- Post board meeting and board committee meeting video and audio files on its website within 30 days after a meeting is held.
- Provide an accounting of disbursement of a penalty assessed against a toll payer.

In addition, the bill requires the Florida Transportation Commission to conduct a study of the potential for express toll lanes operated by the Florida Department of Transportation or any transportation or expressway authority of the state, counties, or municipalities to display estimated travel times, in addition to toll rates.

Electronic toll collection systems are required to provide enrollees a minimum of 18 months of information in a simple search on its website, including, at a minimum, monthly and annual totals; and electronic toll collection system paper invoices and online statements are required to disclose any applicable processing fees, each expressed as a percentage and as a total dollar amount.

The fiscal impact is indeterminate.

II. Present Situation:

The term “toll agency” is not specifically defined in current law. However, in addition to the Department of Transportation (FDOT), various entities are currently operating tolled facilities

and collecting and reinvesting toll revenues.¹ Aside from the FDOT and Florida's Turnpike Enterprise (which is part of the FDOT), such statutorily created entities are established under ch. 348, F.S., entitled "Expressway and Bridge Authorities."² These entities include the Miami-Dade County Expressway Authority, the Tampa-Hillsborough County Expressway Authority, the Central Florida Expressway Authority, the Santa Rosa Bay Bridge Authority, and the Osceola County Expressway Authority.³

Other entities operating tolled bridge or causeway facilities include Monroe, Miami-Dade, and Lee Counties; the Town of Bay Harbor Islands; the Gasparilla Island Bridge Authority; and the Mid-Bay Bridge Authority.^{4, 5}

The Florida Transportation Commission (FTC) is created under s. 20.23, F.S., to serve as a citizen's oversight board for the FDOT, provide policy guidance on issues of statewide importance, and maintain oversight and public accountability of the FDOT. The FTC is also charged with monitoring the efficiency, productivity, and management of the entities created under chapters 348 and 349, including any authority formed using part I of chapter 348; the Mid-Bay Bridge Authority re-created pursuant to chapter 2000-411, Laws of Florida; and any authority formed under chapter 343. The commission is required to conduct periodic reviews of each authority's operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles.

Removal for Ethics Violations and Lack of Attendance

Current Florida law sets forth a number of ethical standards, violations, and penalties in the Florida Code of Ethics for Public Officers and Employees, ss. 112.311 – 112.3261, F.S. A "public officer," unless the context otherwise requires, includes any person elected or appointed to hold office in any agency, including any person serving on an advisory board.⁶ "Agency" is defined to mean any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; any public school, community college, or state university; or any special district as defined in s. 189.012.⁷

Included in the Code of Ethics are provisions such as standards for solicitation or acceptance of gifts, doing business with one's agency, unauthorized compensation, misuse of public position, conflicting employment or contractual relationships; and full and public disclosure of financial

¹ Operation and maintenance of some of these tolled facilities are performed by non-owner entities pursuant to agreements between the facility owner and the FDOT and/or the Turnpike Enterprise.

² A number of entities established in ch. 343, F.S., are authorized to construct and operate toll facilities, but none currently operate a tolled facility. The Jacksonville Transportation Authority, established under ch. 349, F.S., while authorized to do so, also does not operate any tolled facility.

³ All of these entities are special districts. See the Florida Department of Economic Opportunity website available at: <https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/>. Last visited February 14, 2016.

⁴ *Supra* note 3.

⁵ The latter two entities are also special districts. See the website, *supra* note 5.

⁶ Section 112.313(1), F.S.

⁷ Section 112.312(2), F.S.

interests.^{8,9} In addition to the Code of Ethics standards and requirements, many of the authorities established in ch. 348, F.S., are subject to additional ethical provisions as provided for in their respective statutory enacting sections¹⁰ or as provided in their own ethics code.¹¹ Other entities operating tolled bridge or causeway facilities may also be additionally required to meet the requirements of a local ethics policy.¹²

Violations of the standards of conduct and financial disclosure requirements of the Florida Code of Ethics are punishable as provided in s. 112.317, F.S. A range of potential penalties includes public censure and reprimand, suspension or dismissal from employment, a \$10,000 civil penalty, loss of some portion of salary, impeachment or removal from office, and restitution of any benefits received because of a violation. However, the Code does not appear to address lack of attendance in any fashion.

Other Provisions for Removal of Public Officers

In addition to the provisions of the Code, if a state, county, or municipal officer is made subject to suspension or removal by the terms of any statute or municipal charter, the Governor has the concurrent power of suspension.¹³ A governing body of a municipality may suspend or remove any “municipal board member”¹⁴ for:

- Malfeasance, misfeasance, neglect of duty, habitual drunkenness, incompetence, or permanent inability to perform his or her official duties.
- An arrest for a felony or for a misdemeanor related to the duties of office or who is indicted or informed against for the commission of any federal felony or misdemeanor or state felony or misdemeanor.
- A conviction of a federal felony or misdemeanor or state felony or misdemeanor.¹⁵

Additionally, the Governor may suspend from office any elected or appointed municipal official for malfeasance, misfeasance, neglect of duty, habitual drunkenness, incompetence, or permanent inability to perform official duties.¹⁶ Whenever any elected or appointed municipal official is arrested for a felony or for a misdemeanor related to the duties of office or is indicted or informed against for the commission of a federal felony or misdemeanor or state felony or misdemeanor, the Governor has the power to suspend such municipal official from office. And if

⁸ Sections 112.313 and 112.3144, F.S.

⁹ See also s. 348.0003(4)(c), F.S., which requires members of each expressway authority, transportation authority, bridge authority, or toll authority, created pursuant to chapter 348, chapter 343, or any other general law, to comply with the applicable financial disclosure requirements of s. 8, Art. II of the State Constitution.

¹⁰ See, for example, the additional requirements applied to the Miami-Dade County Expressway Authority board members in s. 348.0003(5), F.S., and those applied to board members of the Central Florida Expressway Authority in s. 348.753, F.S.

¹¹ See, for example, the Miami-Dade County Expressway Authority Code of Ethics available at: <http://mdxway.com/pdf/CodeOfEthics.pdf>. Last visited February 13, 2016.

¹² See, for example, the Lee County Ethics Policy available at: <https://www.leegov.com/hr/Policy%20Manual/206.pdf>. Last visited February 13, 2016.

¹³ Section 112.50, F.S.

¹⁴ Defined to mean any person who is appointed or confirmed by the governing body of a municipality to be a member of a board, commission, authority, or council which is created or authorized by general law, special act, or municipal charter. Section 112.501, F.S.

¹⁵ Section 112.501, F.S.

¹⁶ Section 112.51, F.S.

the municipal official is convicted, the Governor must remove the municipal official from office.¹⁷ Members of special district governing bodies are subject to the same provisions.¹⁸

Lastly, when a method for removal from office is not otherwise provided by the State Constitution or by law, the Governor may suspend from office an elected or appointed public official, by whatever title known, who is indicted or informed against for commission of any felony, or for any misdemeanor arising directly out of his or her official conduct or duties, and may fill the office by appointment for the period of suspension, not to extend beyond the term. If convicted, the public official may be removed from office by executive order of the Governor.¹⁹

Public Meetings

Section 286.011, F.S., generally declares to be public meetings all meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision at which official acts are to be taken. No resolution, rule, or formal action is binding except as taken or made at such a public meeting. The board or commission must provide reasonable notice of all such meetings. The minutes of any such meeting must be promptly recorded, and such records are open to public inspection.

That section also contains an exemption from the above requirements. Any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the governmental entity, may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party before a court or administrative agency under specified conditions.²⁰ Additional general exemptions²¹ include:

- The portion of a meeting that would reveal a security system plan or portion thereof that is confidential or exempt.
- Any portion of a meeting at which a negotiation with a vendor is conducted pursuant to a competitive solicitation,²² at which a vendor makes an oral presentation as part of a competitive solicitation, or at which a vendor answers questions as part of an exempt competitive solicitation.
- Any portion of a team meeting at which negotiation strategies are discussed.²³

A complete recording must be made of any portion of an exempt meeting, and no portion of an exempt meeting may be held off the record. The recording of, and any records presented at, an exempt meeting are exempt until the agency provides notice of an intended decision or until 30 days after opening the bids, proposals, or final replies, whichever occurs earlier.²⁴

¹⁷ *Id.*

¹⁸ See s. 112.511, F.S.

¹⁹ Section 112.52, F.S.

²⁰ Section 286.011(8), F.S.

²¹ See s. 286.0113, F.S.

²² "Competitive solicitation" is defined in s. 286.0113, F.S., as the process of requesting and receiving sealed bids, proposals, or replies in accordance with the terms of a competitive process, regardless of the method of procurement.

²³ "Team" is defined in s. 286.0113, F.S., as a group of members established by an agency for the purpose of conducting negotiations as part of a competitive solicitation.

²⁴ *Supra* note 21.

If the agency rejects all bids, proposals, or replies and concurrently provides notice of its intent to reissue a competitive solicitation, the recording and any records presented at the exempt meeting remain exempt until such time as the agency provides notice of an intended decision concerning the reissued competitive solicitation or until the agency withdraws the reissued competitive solicitation. The recording and records are exempt for no longer than 12 months after the initial agency notice rejecting all bids, proposals, or replies.

Payment of Tolls and Penalties for Toll Violations

With certain exceptions,²⁵ a person may not use any toll facility without payment of tolls.²⁶ Failure to pay a prescribed toll is a noncriminal moving violation, punishable by a \$60 civil penalty.²⁷ In addition to law enforcement officers authorized to enforce the traffic laws of this state, any governmental entity²⁸ that owns or operates a toll facility may, by rule or ordinance, authorize a toll enforcement officer to issue a uniform traffic citation for a toll violation.²⁹

A person not wishing to challenge a toll violation citation and appear in court must, within 30 days after the date of issuance of the citation, pay the \$60 civil penalty and delinquent fee, if applicable, either by mail or in person; or enter into a payment plan with the clerk of the court to pay the civil penalty and delinquent fee, if applicable.³⁰

Alternatively, a person may elect to pay a fine of \$25, or such other amount as imposed by the governmental entity owning the applicable toll facility, plus the amount of the unpaid toll, directly to the governmental entity that issued the citation, or on whose behalf the citation was issued, within 30 days after the date of issuance of the citation. Any person who does not make the election is granted an additional 45 days after the date of the issuance of the citation in which to request a court hearing or to pay the civil penalty and delinquent fee, if applicable.³¹

If a person requests a hearing and is found guilty at that hearing, a mandatory \$100 penalty is statutorily mandated for each toll violation. The court may order points to be assessed against the person's driver license. The clerk of the court is required to forward \$25 of the \$100 received for each violation, plus the amount of the original unpaid toll, to the governmental entity that issued the citation for citations issued by toll enforcement officers, or to the entity administering the tolls at the facility where the violation occurred for citations issued by law enforcement officers.³²

²⁵ Section 338.155, F.S.

²⁶ Section 316.1001, F.S.

²⁷ Section 318.18(3)(a), F.S.

²⁸ Defined in s. 334.03(11), F.S., to mean a unit of government, or any officially designated public agency or authority of a unit of government, that has the responsibility for planning, construction, operation, or maintenance or jurisdiction over transportation facilities; the term includes the Federal Government, the state government, a county, an incorporated municipality, a metropolitan planning organization, an expressway or transportation authority, a road and bridge district, a special road and bridge district, and a regional governmental unit.

²⁹ Section 316.1001, F.S.

³⁰ Section 318.18(4), F.S.

³¹ Section 318.14(12), F.S.

³² Section 318.18(7), F.S.

Again, however, even after this request for hearing, alternative remedies are available as follows:

- A person may elect to pay \$30 to the clerk of the court, plus the amount of the unpaid toll, in which case adjudication is withheld, and no points may be assessed against the person's driver license.
- On receipt of the \$30 and unpaid toll amount, the clerk of the court retains \$5 for administrative purposes and forwards the remaining \$25, plus the amount of the unpaid toll, to the governmental entity that issued or to the entity administering the tolls at the facility where the violation occurred.³³

And if a plea arrangement is reached prior to the date set for a scheduled hearing and, as a result of the plea, adjudication is withheld, a mandatory fine is imposed of not less than \$50 and not more than \$100, plus the amount of the unpaid toll for each citation issued. The clerk of the court forwards \$25 of the fine imposed plus the amount of the unpaid toll to the governmental entity that issued the citation or to the entity administering the tolls at the facility where the violation occurred. Any funds received by a governmental entity for these violations may be used for any lawful purpose related to the operation or maintenance of a toll facility.³⁴

Express Lanes

According to the FDOT:

[E]xpress lanes are a type of managed lane where congestion is managed with pricing, access, eligibility and dynamic tolling. Express lanes are implemented to address existing congestion, enhance transit services, accommodate future regional growth and development, enhance hurricane and other emergency evacuation and improve system connectivity between key limited access facilities.

When express lanes begin to reach their capacity, the toll is increased to discourage drivers from entering the lanes. This allows the express lanes to maintain a certain level of trip reliability.

The FDOT reports that it has several express lane systems either in operation, under construction and proposed.³⁵

Electronic Toll Collection Systems

Electronic toll collection systems use electronic devices mounted in vehicles to accomplish payment of tolls. In the case of the Turnpike Enterprise's SunPass system:

A small, pocket sized device called a "SunPass Portable transponder" or a "SunPass Mini Sticker transponder" is attached to the inside of your car windshield, just below the rearview mirror. The transponder communicates via

³³ *Id.*

³⁴ *Id.*

³⁵ For information on specific express lane projects in operation, under construction, or proposed, see the FDOT website available at: <http://www.dot.state.fl.us/publicinformationoffice/expresslanes.shtm>. Last visited February 14, 2016. An interactive map of projects in operation, under construction, and in planning is available at: <http://floridaexpresslanes.com/projects/project-map/>. Last visited February 15, 2016.

radio frequency with toll plaza readers/equipment. As the car passes through SunPass equipped lanes, the toll charges are electronically deducted from your prepaid toll account.³⁶

The Turnpike Enterprise describes all-electronic, no-cash tolling as:

[A] set of technologies that allow for the payment of tolls electronically, using special equipment located over the traffic lanes. Simply put, it refers to a toll road without cash toll booths, where traffic flows unimpeded at ramp or highway speeds. Tolls are collected through a SunPass transponder or through TOLL-BY-Plate—a system that captures images of license plates and bills customers. All-electronic toll collection provides added convenience for drivers who no longer have to slow down or stop to pay a toll.³⁷

Transponder customers have pre-paid accounts from which toll charges are deducted when a vehicle passing through a tolling point is detected through the transponder, which accounts may be set up and replenished with cash or credit. SunPass can be used to pay tolls, according to the Turnpike Enterprise, at nearly all toll roads and bridges throughout Florida.³⁸ The Turnpike is not the only entity using electronic toll collection. For example, the Central Florida Expressway Authority has a similar system of pre-paid accounts, called E-Pass, which the authority advises may be used on almost all tolled facilities in the state.³⁹ Lee County uses the “Leeway Transponder” for electronic toll collection on its tolled facilities in the same fashion.

TOLL-BY-PLATE invoices, generated from images of license plates taken as a vehicle passes through a tolling point, are mailed to non-SunPass customers and may also be paid with cash at various locations throughout the state, or otherwise by mail or contacting a service center.⁴⁰ A \$2.50 “administrative charge” is added to each TOLL-BY-PLATE invoice.⁴¹

III. Effect of Proposed Changes:

Section 1 creates s. 338.162(1), F.S., requiring each “toll agency” to adopt a policy for removal of “directors” due to ethical violations or lack of attendance and to post comprehensive information about the policy on its website. To the extent that any entity operating a tolled facility has not adopted such a policy, the bill appears to require that entity to adopt the policy and post comprehensive information about the policy on the entity’s website.

Additionally, the bill creates s. 338.162(2), F.S., requiring each “toll agency” to post “board meeting and board committee meeting” video and audio files on its website within 30 days after

³⁶ See the SunPass website, “Information about the SunPass program” heading, available at: <https://www.sunpass.com/faq>. Last visited February 15, 2016.

³⁷ See the Turnpike Enterprise website available at: <http://www.floridasturnpike.com/all-electronic tolling/FAQs.cfm>. Last visited February 14, 2016.

³⁸ *Id.*

³⁹ See the authority’s website available at: <https://www.cfxway.com/TravelersExpressways/FAQs.aspx>. Last visited February 14, 2016.

⁴⁰ *Supra* note 37.

⁴¹ *Id.*

the meeting is held, in a format that can be viewed or listened to within the user's Internet browser.

Subsection (3) of s. 338.162, F.S., is created to require a toll agency to provide an accounting of disbursement of a penalty assessed against a toll payer.

Lastly, this section of the bill creates s. 338.162(4), F.S., to apply the new section to transportation and expressway authorities of the state, counties, and municipalities.

Section 2 creates s. 338.168(1), F.S., requiring the FTC to conduct a study of the potential for express toll lanes operated by the FDOT or any "transportation or expressway authority" of the state, counties, or municipalities to display estimated travel times in addition to toll rates.

The FTC is authorized to retain reasonably necessary experts to complete the study, and the FDOT is required to pay the expenses of such experts. The FTC must complete the study and provide a written report of its findings and conclusions to the Governor, the Senate President, and the House Speaker, as well as the chairs of each of the appropriations committees of the Legislature by October 31, 2016.

The bill also creates s. 338.168(2), F.S., requiring an electronic toll collection system to provide enrollees a minimum of 18 months of information in a simple search on its website, including, at a minimum, monthly and annual totals.

Lastly, the bill creates subsection (3) of s. 338.168, F.S., requiring electronic toll collection system paper invoices and online statements to disclose any applicable processing fees, each expressed as a percentage and as a total dollar amount.

The bill takes effect July 1, 2016.

There are a number of issues that may require clarification as noted in the Related Issues section of the analysis.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, Section 18, Florida Constitution, excuses local government from complying with state mandates which impose negative fiscal consequences. Subsection (a) provides "[n]o county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds" unless certain requirements are met. However, subsection (a) of Art. VII, Section 18, Florida Constitution, contains an exemption for law having an insignificant fiscal impact. While the fiscal impact to municipalities and counties is indeterminate, costs to adopt and post the required policy, to post video and audio files, to provide the required accounting, to provide the required searchable information, and to provide the required information on paper invoices and online statements may be insignificant.

B. Public Records/Open Meetings Issues:

The bill requires each “toll agency” to post “board meeting and board committee meeting” video and audio files, as specified. The term “committee” is not defined. In some cases, meetings of committees of boards or commissions or of staff of boards or commissions may not be subject to the provisions of s. 286.011, F.S., relating to public meetings.⁴² The FDOT further notes this language could be construed to require recording of meetings, and publication of those recordings, even at a time when public disclosure of the discussion held in those meetings would not be required under an exemption. Possible interpretation of the language might mean that negotiating strategy discussions of procurement committees could be required to be made public and available to the vendors who are still competing for the public contract, while the competitive procurement is still ongoing, arguably impairing an authority’s ability to conduct fair, competitive procurements. Similarly, the FDOT advises the bill could require early public disclosure of confidential attorney-client discussions regarding the potential settlement of litigation involving an authority, which could impair an authority’s ability to resolve litigation.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

The bill authorizes the hiring of experts for the required FTC study and may result in a positive fiscal impact to any such experts.

C. Government Sector Impact:

For reasons specified in “Related Issues,” the government sector fiscal impact is indeterminate. The cost of experts authorized for the FTC study is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill expressly requires a “toll agency,” undefined in current law or in the bill, to adopt a policy for removal of “directors” due to ethical violations or lack of attendance. It is unclear how such a policy would be arbitrated and by whom. Moreover, implementation of such a policy

⁴² See *Occidental Chemical Company v. Mayo*, 351 So.2d 336 (1977).

could result in removal of an individual appointed by the Governor or county commission by a unilateral action of the “toll agency,” not the appointing entity.

If the term “toll agency” is interpreted to mean any entity operating tolled facilities, then the FDOT and Florida’s Turnpike would be included. However, neither has “directors” nor a governing body or board members in the sense that appears to be contemplated in the bill. Further, should the term “directors” be interpreted to mean a member of any of the various bodies governing toll facilities, it is unclear how the bill’s provisions related to removal would affect members who serve ex officio as in the example of counties operating tolled facilities employing the board of county commissioners to serve as the toll facility’s governing body. Consideration of revised use and/or definition of terms may be in order.

The bill requires a “toll agency” to provide an accounting of disbursement of a penalty assessed against a toll payer but does not specify, for example, at what time or interval, or in what format. Further, some toll violation penalties are assessed by third parties, e.g., law enforcement agencies, and portions thereof are retained by the clerks of court. Other such penalties, or portions thereof, are paid directly to the entities operating a given tolled facility. Whether currently existing procedures would make the bill’s required accounting possible, even with defined requirements for the accounting, is unknown.

The bill applies the policy adoption requirement to “transportation and expressway authorities of the state, counties, and municipalities.” The term “transportation authorities” is defined in s. 343.1002(6), F.S., to mean the FDOT and any entity created under chapters 343, 348, or 349, F.S. As noted, none of the entities created under chapters 343 or 349, F.S., currently operate any tolled facilities. The identified county entities operating tolled bridge or causeway facilities are not transportation authorities, as defined in current law. Nor do they appear to be “expressway authorities,” although current law does not define the term. Again, consideration of revised use and/or definition of terms may be in order.

The bill requires electronic toll collection system paper invoices and online statements to disclose any applicable “processing fees,” each expressed as a percentage and as a total dollar amount. The term “processing fees” is undefined. It is unclear whether the term could refer to “administrative charges” such as those added to TOLL-BY-PLATE invoices, perhaps to “delinquent fees,” or to some other charge. Thus, whether any such “processing fees” can be expressed as a percentage (of what) and as a total dollar amount is unclear

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 338.162 and 338.168.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Garcia

38-01481-16

20161690__

1 A bill to be entitled
 2 An act relating to transportation; creating s.
 3 338.162, F.S.; requiring toll agencies to adopt a
 4 policy regarding removal of directors under certain
 5 circumstances; requiring toll agencies to post meeting
 6 recordings on the Internet within a specified time and
 7 in a format suitable for the user's browser; requiring
 8 toll agencies to provide an accounting of
 9 disbursements of penalty amounts; providing
 10 applicability; creating s. 338.168, F.S.; directing
 11 the Florida Transportation Commission to conduct a
 12 study of the potential for express toll lanes to
 13 display estimated travel times; directing the
 14 Department of Transportation to pay expenses of
 15 necessary experts; requiring a report to the Governor
 16 and the Legislature; providing requirements for
 17 certain toll collection systems; providing an
 18 effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 338.162, Florida Statutes, is created to
 23 read:

24 338.162 Toll agencies and facilities.—Notwithstanding any
 25 other provision of law:

26 (1) Each toll agency shall adopt a policy for removal of
 27 directors due to ethical violations or lack of attendance and
 28 post comprehensive information about the policy on its website.

29 (2) Each toll agency shall post board meeting and board
 30 committee meeting video and audio files on its website within 30
 31 days after the meeting is held. Such files shall be in a format
 32 that can be viewed or listened to within the user's Internet

Page 1 of 3

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

38-01481-16

20161690__

33 browser.
 34 (3) When a toll payer is assessed a penalty, the toll
 35 agency shall provide an accounting of how the penalties are
 36 disbursed.
 37 (4) This section applies to the transportation and
 38 expressway authorities of the state, counties, and
 39 municipalities.
 40 Section 2. Section 338.168, Florida Statutes, is created to
 41 read:
 42 338.168 Toll facilities and collection systems.—
 43 (1) The Florida Transportation Commission shall conduct a
 44 study of the potential for express toll lanes operated by the
 45 department or any transportation or expressway authority of the
 46 state, counties, or municipalities to display estimated travel
 47 times in addition to toll rates. The commission may retain such
 48 experts as are reasonably necessary to complete the study, and
 49 the department shall pay the expenses of such experts. The
 50 commission shall complete the study and provide a written report
 51 of its findings and conclusions to the Governor, the President
 52 of the Senate, the Speaker of the House of Representatives, and
 53 the chairs of each of the appropriations committees of the
 54 Legislature by October 31, 2016.
 55 (2) An electronic toll collection system shall provide
 56 enrollees a minimum of 18 months of information in a simple
 57 search on its website, including, at a minimum, monthly and
 58 annual totals.
 59 (3) Electronic toll collection system paper invoices and
 60 online statements shall disclose any applicable processing fees,
 61 each expressed as a percentage and as a total dollar amount.

Page 2 of 3

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

38-01481-16

20161690__

62

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

The Florida Senate
State Senator René García
38th District

Please reply to:

□ **District Office:**

1490 West 68 Street
Suite # 201
Hialeah, FL. 33014
Phone# (305) 364-3100

February 1st, 2016

The Honorable Senator Jeff Brandes
Chair, Committee on Transportation
410 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Brandes:

Due to a scheduling conflict, I am unable to present **SB 1690: Transportation** in the Transportation Committee today. Please have this letter serve as my formal request for my legislative aide, AJ D'Amico, to present the bill on my behalf. Should you have any questions or concerns, please do not hesitate to contact my office.

Sincerely,



State Senator René García
District 38
RG:AD

CC: Kurt Eichin, Marilyn Hudson

2335

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Teresa Sarnoff

is duly appointed a member of the

Florida Transportation Commission

for a term beginning on the
Eighteenth day of December, A.D., 2015,
until the Thirtieth day of September, A.D., 2019
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Fifth day of January, A.D., 2016.*



Ken Detzner
Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.



RICK SCOTT
GOVERNOR

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2016 JAN -5 AM 8:58

DIVISION OF ELECTIONS
TALLAHASSEE, FL

December 22, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Section 20.23, Florida Statutes:

Ms. Teresa R. Sarnoff
201 South Biscayne Boulevard
Suite 915
Miami, Florida 33131

as a member of the Florida Transportation Commission, succeeding Susan Frazier, subject to confirmation by the Senate. This appointment is effective December 18, 2015, for a term ending September 30, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/cw

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
2016 JAN 25 AM 9:31

STATE OF FLORIDA

County of Miami-Dade County

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Commissioner for Florida Transportation Commission [FTC]

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

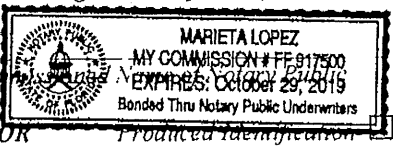
[Handwritten Signature]

Signature

Sworn to and subscribed before me this 15 day of Jan 2016

[Handwritten Signature]

Signature of Officer Administering Oath or of Notary Public



Print, Type, or Stamp Commission

Personally Known OR

Produced Identification

Type of Identification Produced

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

201 S. Biscayne Blvd. Ste. 915

Street or Post Office Box

Miami, FL. 33131

City, State, Zip Code

Teresa Sarnoff

Print name as you desire commission issued

[Handwritten Signature]

Signature

114902

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

Jan. 15, 2016

Date Completed

1. Name: Mrs. Sarnoff Teresa Rose/Forrestel
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 201 S. Biscayne Blvd. Ste. 915 Miami
Street Office # City
Florida 33131 786-295-3159
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 3100 Virginia Street Miami Miami-Dade
Street City County
Florida 33131 7860-295-3159
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # _____ (optional)

4. A. List all your places of residence for the last five (5) years.

Address City & State From To
3100 Virginia Street Miami, FL. 2000 Present

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address City & State From To
None

5. Date of Birth: 01/31/55 Place of Birth: Buffalo, N.Y.

6. Social Security Number: _____

7. Driver License Number _____ State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

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2016 JAN 25 AM 9:31
DIVISION OF ELECTIONS

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 1986 _____

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Miami-Dade B. Current Party Affiliation: Democrat _____

12. Education

A. High School: Medina Senior High, Medina, N.Y. Year Graduated: 1973
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
University of Miami	1973-1978	None
_____	_____	_____
_____	_____	_____

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: Not Applicable
B. Branch or Component: Not Applicable
C. Date & type of discharge: Not Applicable

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
None			
_____	_____	_____	_____
_____	_____	_____	_____

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
Self Employed Realtor w/Cervera	Real Estate	Realtor	2014-Present
Cigarette Racing Team	Boat Manufacturer	Administration	2012-2014
Marc David Sarnoff, P.A.	Law Office	Paralegal/Administration	2011-2014
Sarnoff & Bayer	Law Firm	Paralegal/Administration	1995-2011

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
_____	_____	_____
_____	_____	_____

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

My family's business in Western New York was Road and Bridge Construction, where I started working for the company at the age of 16-years in all aspects of the construction company.

I managed the factory for Cigarette Racing Team, one of the few boat manufacturers in South Florida, implementing Production Schedule and increasing efficiency, as well as handling Administration.

In 2014, I ran for the office City of Miami Commissioner, a position my husband had held for 9-years. During the campaign I educated myself on transportation issues, as this was the most important issue to constituents.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

None.

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
---------------------	--	-----------------------	----------------------------

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: _____

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
_____	_____	_____
_____	_____	_____

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
_____	_____	_____
_____	_____	_____

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____

B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

A. Title of Office: _____

B. Term of Appointment: _____

C. Confirmation results: _____

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
Sales Associate SL3300645	7/8/14	State of Florida DBPR	None.
Notary Public FF926044	10/12/15	State of Florida	None.

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
_____	_____	_____
_____	_____	_____

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Skip Braver			
Ralph Garcia Toledo			
Jay Solowsky			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
None.			

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

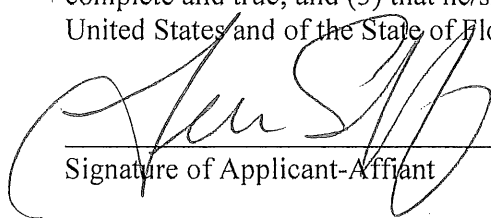
CERTIFICATION

STATE OF FLORIDA

COUNTY OF Miami-Dade


Before me, the undersigned Notary Public of Florida, personally appeared
 Teresa Sarnoff ,

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

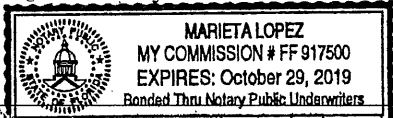


Signature of Applicant-Affiant

Sworn to and subscribed before me this 15 day of Jan. , 20 16 .



Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: _____

Personally Known **OR** Produced Identification

Type of Identification Produced _____

(seal)

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

- Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) _____

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

The Florida Senate
**COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT**

COMMITTEE: Committee on Transportation
MEETING DATE: Wednesday, February 17, 2016
TIME: 4:00—6:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

TO: The Honorable Andy Gardiner, President

FROM: Committee on Transportation

The committee was referred the following executive appointment subject to confirmation by the Senate:

Office: Florida Transportation Commission

Appointee: Sarnoff, Teresa

Term: 12/18/2015-9/30/2019

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor.

2335

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

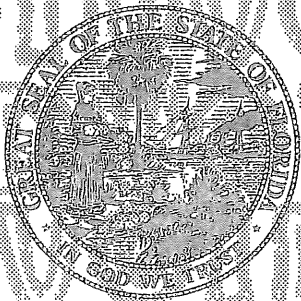
Jay N. Trumbull, Sr.

is duly appointed a member of the

Florida Transportation Commission

for a term beginning on the
Eighteenth day of December, A.D., 2015,
until the Thirtieth day of September, A.D., 2019
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the First day of February, A.D., 2016.*



Ken Detzner

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11" document.



RICK SCOTT
GOVERNOR

RECEIVED
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2016 JAN -5 AM 8:58
DIVISION OF ELECTIONS
TALLAHASSEE, FL

December 22, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 20.23, Florida Statutes:

Mr. Jay N. Trumbull
1407 Bayou Court
Panama City, Florida 32401

as a member of the Florida Transportation Commission, subject to confirmation by the Senate. This appointment is effective December 18, 2015, for a term ending September 30, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott", written over a large, stylized flourish.

Rick Scott
Governor

RS/cw

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

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2016 JAN 21 AM 9:48

STATE OF FLORIDA

County of BAY

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

FLORIDA TRANSPORTATION COMMISSION
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me this 15 day of January, 2016

[Signature]
Signature of Officer, Administrator, or Notary Public
TERESA A. HARRINGTON
Notary Public, State of Florida
My Comm. Expires Apr. 18, 2017
No. FF 9654

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

1407 BAYOU COURT
Street or Post Office Box
Panama City, FL 32401
City, State, Zip Code

JAY N. TRUMBULL SR.
Print name as you desire commission issued
[Signature]
Signature

114857

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

1. Name: MR Trumbull Jay Norbert JR.
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 315 E 15th St Panama City, FL 32405
Street Office # City

Post Office Box _____ State _____ Zip Code _____ Area Code/Phone Number _____
3. Residence Address: 1407 Bayov Court Panama City FL 32401 BAY
Street City State Zip Code Area Code/Phone Number
Post Office Box _____ State _____ Zip Code _____ Area Code/Phone Number _____

Specify the preferred mailing address: Business Residence Fax # _____ (optional)

4. A. List all your places of residence for the last five (5) years.

1407 Bayov Ct. 2010
Address City & State From

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

NONE
Address City & State From To

5. Date of Birth: 05/02/1961 Place of Birth: Panama City, FL

6. Social Security Number: _____

7. Driver License Number: DL Issuing State: FLORIDA

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

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2016 JUN 21 AM 9:48
DIVISION OF ELECTIONS

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 1961

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: BAY B. Current Party Affiliation: Republican

12. Education

A. High School: BAY High (Name and Location) Year Graduated: 1979

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>Auburn Univ.</u>	<u>1981-1985</u>	<u>BS BUS. Admin</u>

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: _____

B. Branch or Component: _____

C. Date & type of discharge: _____

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>Colligan Water</u>	<u>WATER Systems</u>	<u>owner/pres</u>	<u>1986 - Present</u>

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Operate A successful business with 75 employees.
Life resident of Florida
I've served on numerous BOARDS AND COMMISSIONS
4 YEARS on Transportation Commission Chairman

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

NONE

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

Office Title	Date of Election or Appointment	Term of Office	Level of Government
FTC	2010	4	
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: 10 TIMES PER YEAR

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
<u>10</u>	<u>0</u>	

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____

B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

A. Title of Office: FL TRANSPORTATION COMMISSION

B. Term of Appointment: 2011-2015

C. Confirmation results: CONFIRMED

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
<u>3217</u>	<u>02/2014</u>	<u>NWFWM</u>	<u>NONE</u>

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Bo Rivaud			
Jimmy Patronis			
Allen Bense			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
Kanama City Planning Comm, Union		Vice + Chair	2003 - 2008
BAY BANK + TRUST		DIRECTOR	2005 - 2013
Trustmark BANK		Director	2013 - Present
Kanama City Housing Auth.		Chairman	2008 - Present
FIRST Presby Church		ELDER	2010 - Present

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

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CERTIFICATION

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DEPARTMENT OF STATE
DIVISION OF ELECTIONS

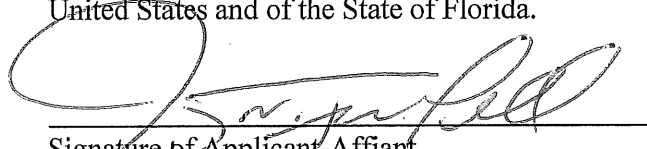
STATE OF FLORIDA
COUNTY OF

BAY JAY N. Trumbull

Before me, the undersigned Notary Public of Florida, personally appeared

JAY N. TRUMBULL

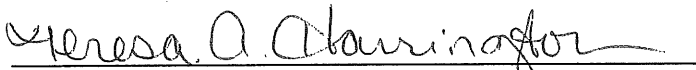
who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.



Signature of Applicant-Affiant

Jay N Trumbull

Sworn to and subscribed before me this 29th day of Jan., 2016.



Signature of Notary Public-State of Florida

Teresa A. Harrington

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: April 18, 2017

Personally Known OR Produced Identification

Type of Identification Produced _____

TERESA A. HARRINGTON
Notary Public, State of Florida
My Comm. Expires Apr. 18, 2017
No. FF 9654
(seal)

The Florida Senate
**COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT**

COMMITTEE: Committee on Transportation
MEETING DATE: Wednesday, February 17, 2016
TIME: 4:00—6:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

TO: The Honorable Andy Gardiner, President

FROM: Committee on Transportation

The committee was referred the following executive appointment subject to confirmation by the Senate:

Office: Florida Transportation Commission

Appointee: Trumbull, Jay N.

Term: 12/18/2015-9/30/2019

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor.

CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Transportation Committee

Judge:

Started: 2/17/2016 4:00:17 PM

Ends: 2/17/2016 4:19:57 PM

Length: 00:19:41

4:00:16 PM Meeting called to order by Chair Brandes
4:00:26 PM Roll call by Administrative Assistant Marilyn Hudson
4:00:36 PM Quorum present
4:00:39 PM Comments from Chair Brandes
4:00:54 PM Tab 2, SB 1690 introduced by Chair Brandes
4:01:06 PM Explanation of SB 1690, Transportation by AJ D'Amico, Senator Garcia's Aide
4:02:10 PM Comments from Chair Brandes
4:02:18 PM Question from Chair Brandes regarding removing someone who the Governor appoints
4:02:43 PM Comments from Chair Brandes
4:02:47 PM Closure waived
4:02:50 PM Roll call on SB 1690 by Administrative Assistant Marilyn Hudson
4:03:00 PM SB 1690 reported favorably
4:03:09 PM Tab 3, Confirmation Hearing on Teresa Sarnoff and Jay N. Trumbull, Florida Transportation Commission introduced by Chair Brandes
4:03:49 PM Senator Simpson moves for confirmation on Ms. Sarnoff and Mr. Trumbull
4:03:59 PM Roll call on Confirmations of Ms. Sarnoff and Mr. Trumbull by Administrative Assistant Marilyn Hudson
4:04:08 PM Confirmations are recommended favorably
4:04:19 PM Chair Brandes states that the Committee is in informal recess
4:04:38 PM Recording Paused
4:06:00 PM Recording Resumed
4:06:05 PM Chair Brandes announces that the Committee is back in order
4:06:10 PM Tab 1, SB 1570 introduced by Chair Brandes
4:06:18 PM Explanation of SB 1570, School Bus Stop Safety by Senator Simmons
4:06:57 PM Amendment Barcode #703828 introduced by Chair Brandes
4:07:14 PM Explanation of Amendment Barcode #703828 by Senator Simmons
4:07:36 PM Comments from Chair Brandes
4:07:41 PM Question from Senator Braynon regarding cameras on buses
4:08:10 PM Response from Senator Simmons
4:09:27 PM Follow-up question from Senator Braynon
4:10:30 PM Response from Chair Brandes
4:11:10 PM Comments from Chair Brandes
4:11:16 PM Objection on Amendment by Senator Braynon
4:11:56 PM Roll call on Amendment Barcode #703828
4:12:05 PM Amendment Barcode #703828 is adopted
4:12:16 PM Back on bill as amended
4:12:28 PM Speaker Donald Mair, Paralegal representing Gabby Mair
4:17:06 PM Comments from Chair Brandes to Mr. Mair
4:17:21 PM Vern Crawford, Legislative Liaison, Palm Beach School District waives in support of original bill
4:17:35 PM Comments from Chair Brandes
4:17:43 PM Comments from Senator Braynon regarding getting the cameras on buses
4:19:10 PM Closure waived by Senator Simmons
4:19:13 PM Roll call on CS/SB 1570
4:19:24 PM S/SB 1570 reported favorably
4:19:28 PM Senator Evers would like to be shown as voting in the affirmative on SB 1690 and the confirmations of Ms. Sarnoff and Mr. Turnbull
4:19:45 PM Senator Simpson moves to rise without objection