

Tab 1	SB 384 by Brandes (CO-INTRODUCERS) Galvano; Electric Vehicles					
490038	D	S	RCS	TR, Brandes	Delete everything after	12/05 03:43 PM

Tab 2	SB 544 by Brandes; Procurement Procedures					
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Tab 3	SB 666 by Brandes; (Identical to H 00531) Noncriminal Traffic Infractions					
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Tab 4	SB 616 by Passidomo; (Identical to H 00595) Motor Vehicle Dealers					
331322	D	S	RCS	TR, Passidomo	Delete everything after	12/05 03:50 PM

Tab 5	SB 632 by Montford; (Similar to H 00247) Vessel Registration					
204114	D	S	RCS	TR, Montford	Delete everything after	12/05 03:50 PM

Tab 6	SB 684 by Perry; Transportation Facility Designations/Tom Petty Memorial Highway					
242376	A	S	RCS	TR, Perry	Delete L.12 - 13:	12/05 03:50 PM

Tab 7	SB 752 by Mayfield; (Identical to H 00913) Specialty License Plates/Childhood Cancer Awareness					
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Tab 8	SB 468 by Baxley; Specialty License Plates/Ronald Reagan License Plate					
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Gainer, Chair
Senator Rouson, Vice Chair

MEETING DATE: Tuesday, December 5, 2017

TIME: 2:00—4:00 p.m.

PLACE: James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building

MEMBERS: Senator Gainer, Chair; Senator Rouson, Vice Chair; Senators Baxley, Galvano, Hukill, Rader, and Taddeo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 384 Brandes	Electric Vehicles; Requiring the Florida Transportation Commission to review all sources of revenue for transportation infrastructure and maintenance projects and prepare a report to the Governor and the Legislature when the commission determines that electric vehicles make up a certain percentage or more of the total number of vehicles registered in this state; requiring a long-range transportation plan to consider infrastructure and technological improvements necessary to accommodate the increased use of autonomous technology and electric vehicles, etc. TR 12/05/2017 Fav/CS ATD AP	Fav/CS Yeas 7 Nays 0
2	SB 544 Brandes	Procurement Procedures; Specifying the applicability of procedures for the resolution of protests arising from the contract solicitation or award process for certain procurements by specified transportation, expressway, and bridge authorities, etc. TR 11/14/2017 Temporarily Postponed TR 12/05/2017 Favorable ATD AP	Favorable Yeas 7 Nays 0
3	SB 666 Brandes (Identical H 531)	Noncriminal Traffic Infractions; Requiring a specified reduction for a civil penalty under certain circumstances; requiring a person to pay the clerk of the court the specified percentage previously deducted under certain circumstances, etc. TR 12/05/2017 Favorable ACJ AP	Favorable Yeas 6 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Tuesday, December 5, 2017, 2:00—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 616 Passidomo (Identical H 595)	Motor Vehicle Dealers; Revising the definitions of the terms "motor vehicle dealer," "franchised motor vehicle dealer," "independent motor vehicle dealer," "wholesale motor vehicle dealer," and "motor vehicle broker"; prohibiting persons from engaging in business as, serving in the capacity of, or acting as a motor vehicle broker in this state without first obtaining a certain license; adding an exception to the prohibition on persons other than a licensed motor vehicle dealer from advertising for sale any motor vehicle belonging to another party, etc. TR 12/05/2017 Fav/CS CM RC	Fav/CS Yeas 7 Nays 0
5	SB 632 Montford (Similar H 247)	Vessel Registration; Authorizing the Department of Highway Safety and Motor Vehicles to issue an electronic certificate of registration for a vessel, to collect electronic mail addresses, and to use electronic mail for certain purposes; authorizing a vessel operator to present such electronic certificate for inspection under certain circumstances, etc. TR 12/05/2017 Fav/CS ATD AP	Fav/CS Yeas 7 Nays 0
6	SB 684 Perry	Transportation Facility Designations/Tom Petty Memorial Highway; Providing an honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers, etc. TR 12/05/2017 Fav/CS ATD AP	Fav/CS Yeas 7 Nays 0
7	SB 752 Mayfield	Specialty License Plates/Childhood Cancer Awareness ; Establishing an annual use fee for the Childhood Cancer Awareness license plate; requiring the Department of Highway Safety and Motor Vehicles to develop a Childhood Cancer Awareness license plate, etc. TR 12/05/2017 Favorable ATD AP	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Tuesday, December 5, 2017, 2:00—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 468 Baxley	Specialty License Plates/Ronald Reagan License Plate; Directing the Department of Highway Safety and Motor Vehicles to develop a Ronald Reagan license plate; establishing an annual use fee for the plate; providing for distribution and use of fees collected from the sale of the plates, etc. TR ATD AP	Favorable Yeas 7 Nays 0

Other Related Meeting Materials

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 384

INTRODUCER: Senator Brandes

SUBJECT: Electric and Hybrid Vehicles

DATE: December 5, 2017

REVISED: _____

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

I. Summary:

CS/SB 384 requires the Florida Transportation Commission (FTC) to review all funding sources for transportation infrastructure and maintenance projects and to prepare a report containing, at a minimum, an assessment of the effect of projected electric and hybrid vehicle use on future revenues from existing taxes on certain nonelectric vehicles. The review must occur when the FTC, in consultation with the Florida Department of Highway Safety and Motor Vehicles (DHSMV), determines that electric and hybrid vehicles make up two percent or more of the total number of registered vehicles in this state. The bill also requires the FTC, in consultation with the Florida Division of Emergency Management (FDEM), to make an assessment of transportation infrastructure with respect to emergency evacuations and electric vehicles, including the availability of electric vehicle charging stations in this state.

The bill requires the report to include recommendations to the Legislature relating to transportation funding for certain maintenance and improvements and requires the report to be submitted by September 1 of the year immediately after the year in which the FTC determines that electric and hybrid vehicles make up two percent or more of the total number of vehicles registered in Florida. The FTC is authorized to complete the review and report before the two-percent threshold is reached if the FTC determines that earlier completion is appropriate to maintain a financially stable long-term transportation work program.

Lastly, the bill revises planning requirements related to autonomous technology and electric vehicles to be considered as part of each metropolitan planning organization's development of the long-range transportation plan.

The FTC will incur unknown expenses associated with determining when EVs make up two percent of vehicle registrations, with assessing transportation revenue impacts and emergency evacuation infrastructure for electric vehicles, and with preparing the required report. The

DHSMV expects the bill to have no impact on expenditures. The FDEM may incur unknown expenses associated with its participation in the emergency evacuation assessment.

II. Present Situation:

Electric Vehicles

Electric vehicles (EVs) have been in existence for some time. EVs offer a readily available and cleaner fuel source, with higher fuel efficiency and improved air quality. Increasing interest in EV use is driven by higher gas prices and greenhouse gas emission concerns, but their relative high cost compared to conventional fuel-powered vehicles and their relative limited range have restricted the commercial viability of EVs.¹ However, advancements in EV-related technology are continuing, EV manufacturing is rising, and EV prices have been dropping.²

According to the Federal Highway Administration (FHWA), most EVs have a range of 60 to 120 miles on a single charge, and almost 99% of household trips are under 60 miles. In addition, 83% of total daily vehicle miles traveled (VMT) per driver is under 60 miles, and 95% is under 120 miles.³ The FHWA concludes that “most drivers would have the ability to meet most of their transportation needs without having to stop and recharge their EV battery during their travel day.”⁴ Nonetheless, the successful adoption of EV use is “heavily dependent on the accessibility of charging stations.”⁵

Types of EVs and Charging Equipment

The U.S. Department of Energy’s Alternative Fuels Data Center (AFDC) uses the term, “electric-drive vehicles,” to collectively refer to hybrid electric vehicles (HEVs), plug-in hybrid electric vehicles (PHEVs), and all-electric vehicles (AEVs). According to the AFDC:

- HEVs are primarily powered by an internal combustion engine that runs on conventional or alternative fuel and an electric motor that uses energy stored in a battery. The battery is charged through regenerative braking and by the internal combustion engine and is not plugged in to charge.
- PHEVs are powered by an internal combustion engine that can run on conventional or alternative fuel and an electric motor that uses energy stored in a battery. The vehicle can be plugged in to an electric power source to charge the battery. Some can travel more than 70 miles on electricity alone, and all can operate solely on gasoline (similar to a conventional hybrid).

¹ See the Federal Highway Administration’s *FHWA NHTS Brief, Electric Vehicle Feasibility*, July 2016, pp. 1-2, available at: <http://nhts.ornl.gov/briefs/EVFeasibility20160701.pdf>. Last visited November 17, 2017.

² *Id.* at p. 2.

³ This conclusion is drawn from the FHWA’s 2009 National Household Travel Survey. The FHWA periodically conducts the survey to collect data for household members and for each day of the year and uses the data to understand trends in national trips and miles of travel by mode, purpose, and time-of-day for use in policy, planning, and safety. The FHWA advises, “Similar travel trends have been confirmed in the preliminary 2016 NHTS pilot results.” *Supra* note 1 at p. 1.

⁴ *Supra* note 1 at p. 2.

⁵ *Id.*

- AEVs use a battery to store the electric energy that powers the motor. AEV batteries are charged by plugging the vehicle in to an electric power source.⁶

EV charging equipment is classified based on the rate at which the equipment charges the EV batteries. Charging times vary, depending on the depletion level of the battery, how much energy the battery holds, the type of battery, and the type of supply equipment.⁷ According to the AFDC, charging times can range from less than 20 minutes to 20 hours or more, depending on the identified factors.⁸ Potential driving distance ranges from:

- Two to five miles of range per one hour of charging for AC Level 1 supply equipment;
- Ten to twenty miles per one hour of charging for AC Level 2 supply equipment; and
- Sixty to eighty miles per twenty minutes of charging for DC fast charging supply equipment.⁹

Other charging options are under development.¹⁰

Florida law currently defines two types of vehicles powered, in whole or in part, by electricity:

- Section 320.01(36), F.S., defines “electric vehicle” for purposes of vehicle registration under Chapter 320, F.S., to mean “a motor vehicle that is powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current.”
- Section 316.0741, F.S., defines “hybrid vehicle” for purposes of use of high-occupancy-vehicle lanes, as a motor vehicle:
 - That draws propulsion energy from onboard sources of stored energy which are both an internal combustion or heat engine using combustible fuel and a rechargeable energy-storage system;
 - That, in the case of a passenger automobile or light truck, has received a certificate of conformity under the Clean Air Act...and meets or exceeds the equivalent qualifying California standards for a low-emission vehicle;¹¹ and
 - That, in the case of a tri-vehicle,¹² is an inherently low-emission vehicle.

⁶ See the AFDC’s website available at: <https://www.afdc.energy.gov/vehicles/electric.html>. (Last visited November 20, 2017.)

⁷ See the AFDC’s website available at: https://www.afdc.energy.gov/fuels/electricity_infrastructure.html. (Last visited November 20, 2017.)

⁸ *Id.*

⁹ *Supra* note 7.

¹⁰ *Id.*

¹¹ For detailed information on California’s Low-Emission Vehicle Program, see the California Air Resources Board website available at: <https://www.arb.ca.gov/msprog/levprog/levprog.htm>. (Last visited December 1, 2017.)

¹² Defined in s. 316.003(93), F.S., to mean a three-wheeled passenger vehicle that is designed to operate with three wheels in contact with the ground; has a minimum unladen weight of 900 pounds; has a single, completely enclosed occupant compartment; is produced in a minimum quantity of 300 in any calendar year; is capable of a speed greater than 60 mph on level ground; and is equipped with seats certified by the manufacturer to meet a certain federal motor vehicle safety standard, a steering wheel used to maneuver the vehicle, a propulsion unit located forward or aft of the enclosed occupant compartment, a seat belt for each vehicle occupant meeting a certain federal motor vehicle safety standard, a windshield and an appropriate windshield wiper and washer system certified by the manufacturer to meet certain federal motor vehicle safety standards, and a vehicle structure certified by the manufacturer to meet certain federal standards.

Impact of EVs on Transportation Funding/Prior Studies

Taxes on gas and diesel fuel are a primary source of revenue for both the federal highway fund and the State Transportation Trust Fund.¹³ Transportation funding has generally experienced a continuing shortfall attributed to static federal gas tax rates, more fuel efficient vehicles, and increasing transportation construction and maintenance costs.¹⁴

Annual fuel tax revenues at both the state and federal levels are directly based on the number of gallons of gasoline and diesel fuel consumed. Because AEVs are not powered by gasoline or diesel, and because HEVs and PHEVs use less gasoline or diesel fuel than a conventional vehicle with only an internal combustion engine, an increase in the number of EVs operating in Florida results in less revenue being raised from fuel taxes for comparable vehicle miles traveled.

Research reveals a limited number of studies specifically focused on the impact of EVs on fuel tax revenues. Of the most recent, a 2015 study conducted by the University of Central Florida acknowledges the increasing national EV sales trend for the five-year period prior to the study but concludes:

Of course, despite the increase, electric and plug-in electric vehicles still represent a small portion of the US auto market. With total vehicles sales for 2014 coming in at around 16.5 million, EVs made up less than 1% of total sales.¹⁵

The study further concludes that EVs, for now and in the near future, will have only a small impact on gas tax revenues but notes a University of Texas study on EV market share suggesting that by 2050, over 50% of gas tax funds may be lost.¹⁶ The authors highlight the importance of understanding that “the rate at which revenue declines depends on many factors... The relationship among these factors is complex and continued investigation is warranted to better understand vehicle fleet mix, fuel economy, and fuel tax revenue.”¹⁷

According to the study, a number of states are exploring or implementing revenue generating alternatives, both to increase transportation funding in general and also to prepare for revenue reduction due to increased EV sales. These alternatives include a fee based on the number of miles a given vehicle travels,¹⁸ as well as increased direct taxes and surcharges on EV purchases.¹⁹

¹³ See the Florida Department of Transportation’s *Florida’s Transportation Tax Sources, A Primer*, January 2017, at p. 4, for a listing of federal and state transportation tax sources and rates for calendar year 2017, available at:

<http://www.fdot.gov/comptroller/pdf/GAO/RevManagement/Tax%20Primer.pdf>. (Last visited November 22, 2017.)

¹⁴ See the U.S. Department of Energy National Renewable Energy Laboratory’s *Primer on Motor Fuel Excise Taxes and the Role of Alternative Fuels and Energy Efficient Vehicles*, August 2015, at p. 7, available at:

https://www.afdc.energy.gov/uploads/publication/motor_fuel_tax_primer.pdf. (Last visited November 30, 2017.)

¹⁵ See the Electric Vehicle Transportation Center’s *Implications of Electric Vehicles on Gasoline Tax Revenues*, December 2015, at p. 8 available at: <http://www.fsec.ucf.edu/en/publications/pdf/FSEC-CR-2011-15.pdf>, (Last visited November 28, 2017.)

¹⁶ *Id.* at p. 12.

¹⁷ *Id.*

¹⁸ Known as VMT (vehicle miles traveled) and MBUF (mileage-based user fee). Fees are assessed based on the actual amount of road use, not on fuel consumption.

¹⁹ *Supra* note 14.

EV-Related Incentives and Disincentives

Incentives to purchase EVs currently exist at the federal, state, and local levels. A federal tax credit of up to \$7,500 is available for certain plug-in EVs. According to the Internal Revenue Service:

For vehicles acquired after December 31, 2009, the credit is equal to \$2,500 plus, for a vehicle which draws propulsion energy from a battery with at least 5 kilowatt hours of capacity, \$417, plus an additional \$417 for each kilowatt hour of battery capacity in excess of 5 kilowatt hours. The total amount of the credit allowed for a vehicle is limited to \$7,500.²⁰

In Florida, a number of EV-related incentives are currently available, including the following:

- Section 163.08, F.S., authorizes a property owner to apply to a local government for funding of, or to enter into a financing agreement with the local government to finance, installation of electric vehicle charging equipment on the owner's property, subject to local government ordinance or resolution.
- Section 212.055, F.S., authorizes local governments to use proceeds from the infrastructure surtax to provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their property, including, but not limited to, installation of electric vehicle charging equipment, if the local government ordinance authorizing such use is approved by referendum.
- Certain hybrid vehicles and inherently low-emission vehicles may use a high-occupancy vehicle lane (HOV lane)²¹ regardless of occupancy, and such vehicles may use any HOV lane re-designated as HOV toll lanes or express lanes without paying a toll as provided in s. 316.0741, F.S.

In addition, other entities at the local level offer EV incentives. The National Conference of State Legislatures (NCSL) reports that, through June 30 of this year or until funds were depleted,²² Duke Energy and Orlando Utilities Commission customers and employees were eligible for a \$10,000 rebate for the purchase of a new, all-electric, 2017 Nissan Leaf at participating dealerships; and the Jacksonville Electric Authority offers rebates for PHEVs with a battery less than 15 kilowatt hours in capacity to receive \$500, and PHEVs with larger battery capacity are eligible for \$1,000.²³

²⁰ See the Internal Revenue Service website for additional details, available at: <https://www.irs.gov/businesses/plug-in-electric-vehicle-credit-irc-30-and-irc-30d>. (Last visited November 27, 2017.)

²¹ Generally, a high-occupancy vehicle lane is a lane designated for use by vehicles in which there is more than one occupant. Section 316.0741(1)(a), F.S.

²² The AFDC reports this rebate expired on July 1 of this year. See the AFDC website available at: https://www.afdc.energy.gov/laws/laws_expired?jurisdiction=FL. (Last visited November 27, 2017.)

²³ See the NCSL's website for additional details on available incentives related to EVs, available at: <http://www.ncsl.org/research/energy/state-electric-vehicle-incentives-state-chart.aspx#other>. (Last visited November 27, 2017.)

Such incentives may, on the one hand, contribute to the increasing trend in EV sales identified by the FHWA.²⁴ On the other hand, state action may act as a disincentive and result in reduced EV sales. For example, in 2015, the Georgia General Assembly repealed “one of the nation’s most generous state tax credits for electric cars.” The Assembly also voted to impose a \$200 annual registration fee on owners of some plug-in hybrids and all zero-emissions vehicles to make up for the lost fuel taxes. EV sales then experienced a sharp reduction, a result attributed to the repealed credit and imposed fee.²⁵

EV Registration in Florida

The license tax for EVs is the same as that for a vehicle that is not electrically powered.²⁶ The exact number of EVs registered in Florida is somewhat unclear. Under the DHSMV’s current vehicle registration system programming, “fuel type” classification is an optional field and therefore the precise number of EVs registered is unknown.²⁷

The DHSMV analyzed vehicle identification numbers (VINs) in its motor vehicle registration database using available software and estimated that of the 16.2 million vehicles with VINs that could be analyzed, 16,116 EVs are registered in Florida, or about 0.1 percent.²⁸ A review of the DHSMV’s analysis of this bill suggests that the 16,116 EVs are actually the number of *AEVs* registered in Florida and does not include HEVs or PHEVs. Based on the DHSMV’s analysis, of the 16.2 million vehicles with VINs that could be analyzed, approximately 247,131 EVs, including *AEVs*, HEVs, and PHEVs, are registered in Florida, or about 1.53 percent.²⁹

Emergency Evacuation

The Florida Division of Emergency Management (FDEM) is responsible for maintaining a comprehensive statewide program of emergency management. Among the FDEM’s duties is a requirement to prepare a state comprehensive emergency management plan containing provisions that will ensure the state is prepared for emergencies and minor, major, and catastrophic disasters.³⁰ As part of the plan, the FDEM must include an evacuation component including specific regional and interregional planning provisions and promoting intergovernmental coordination of evacuation activities. Among other items, this part of the plan must establish strategies for ensuring sufficient, reasonably priced fueling locations along evacuation routes.³¹ A review of available documents and information on the FDEM’s website³²

²⁴ *Supra* note 1.

²⁵ See the article *Electric car sales hit the brakes as tax credit axed and fee added*, November 2, 2015, available at: <http://www.politifact.com/georgia/statements/2015/nov/02/don-francis/electric-car-sales-hit-brakes-tax-credit-axed-and-/>. (Last visited November 22, 2017.)

²⁶ Section 320.08001, F.S. Registration fees differ based on factors such as the type of vehicle, its weight, the license plate chosen, and whether the registration period is one or two years.

²⁷ The DHSMV also advises a system change is underway to make “fuel type” a mandatory field. See the email from DHSMV staff dated September 22, 2017. (On file in the Senate Transportation Committee.)

²⁸ See the DHSMV’s SB 384 bill analysis at p. 5. (On file in the Senate Transportation Committee.)

²⁹ *Id.*

³⁰ Section 252.35(2)(a), F.S.

³¹ *Id.*

³² The FDEM’s Florida Disaster website is available at: <http://www.floridadisaster.org/index.asp>. (Last visited November 28, 2017.)

did not identify an assessment of electric vehicle charging stations for the purpose of emergency evacuations.

Section 377.815, F.S., authorizes, but does not require, the Florida Department of Agriculture and Consumer Services to post information on its website relating to alternative fueling stations or electric vehicle charging stations that are available for public use in this state. However, the authorization is not specific to emergency evacuation. The Department's website³³ does contain a link to the AFDC website with information related to alternative fuels and advanced vehicles by state, including Florida.

According to the AFDC, 882 electric vehicle charging stations (1,979 outlets) are currently available in the State of Florida, excluding private stations.³⁴ The DHSMV notes that no EV charging stations within Florida's transportation infrastructure are specifically designated for use during emergency evacuations.³⁵

Metropolitan Planning Organizations/Long Range Transportation Plans

Metropolitan planning organizations (MPOs) are intended to "be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law."³⁶ Each MPO, in cooperation with the Florida Department of Transportation, is required to develop a long-range transportation plan,³⁷ an annually updated transportation improvement program,³⁸ and an annual unified planning work program.³⁹

With respect to the long-range transportation plan and among other requirements, each MPO's plan must address at least a 20-year planning horizon. Section 339.175(7), F.S., requires each long-range plan to:

- Identify transportation facilities that will function as an integrated metropolitan transportation system, giving emphasis to those that serve national, statewide, or regional functions;⁴⁰
- Include a financial plan demonstrating how the long-range plan can be implemented, indicating resources reasonably expected to be available to carry it out;⁴¹ and
- Assess capital investment and other measures to ensure preservation of the existing metropolitan transportation system and make the most efficient use of existing transportation facilities to relieve vehicular congestion, improve safety, and maximize the mobility of people and goods.⁴²

³³ See the Florida Department of Agriculture and Consumer Services website available at:

<http://www.freshfromflorida.com/Energy/Florida-Energy-Clearinghouse/Transportation>. (Last visited November 28, 2017.)

³⁴ See the AFDC's website available at: https://www.afdc.energy.gov/fuels/electricity_locations.html, including a map and a download spreadsheet of locations and related information. (Last visited November 27, 2017.)

³⁵ *Supra* note 26 at p. 5.

³⁶ Section 339.175(6), F.S. See also 23 U.S.C. 134.

³⁷ See s. 339.175(7), F.S.

³⁸ See s. 339.175(8), F.S.

³⁹ See s. 339.175(9), F.S.

⁴⁰ Section 339.175(7)(a), F.S.

⁴¹ Section 339.175(7)(b), F.S.

⁴² Section 339.175(7)(c)1. and 2., F.S.

In making the capital investment assessment, each MPO is currently required to consider infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous technology and other developments.

III. Effect of Proposed Changes:

The bill requires the FTC to review all revenue sources for transportation infrastructure and maintenance projects and assess the effect of projected electric and hybrid vehicle use on future revenue from existing taxes, fees, and surcharges; make an assessment of transportation infrastructure with respect to emergency evacuations and electric vehicles; and prepare a report containing certain recommendations at the specified time. The bill also revises requirements to be considered as part of each M.P.O.'s development of the long-range transportation plan.

Section 1 creates an undesignated section of Florida Law requiring the FTC to review all sources of revenue for transportation infrastructure and maintenance projects and prepare a report to the Governor and the Legislature when the FTC determines that electric vehicles, as defined in s. 320.01(36), F.S., and hybrid vehicles, as defined in s. 316.0741, F.S., make up two percent or more of the total number of vehicles registered in this state.

The FTC, in consultation with the DHSMV, is authorized to use commercially available data that the commission deems reliable to support its determination and report. In consultation with the FDEM, the FTC is also required to assess transportation infrastructure with respect to emergency evacuations and emergency vehicles, including, but not limited to, the availability of electric vehicle charging stations in this state.

At a minimum, the report must assess the effect of projected electric and hybrid vehicle use in this state on future revenue from existing taxes, fees, and surcharges related to nonelectric, private-use motorcycles, mopeds, automobiles, tri-vehicles, and trucks. The report must include recommendations to the Legislature to:

- Ensure continued funding for necessary maintenance that provides for adequate levels of service on existing transportation infrastructure;
- Accomplish improvements and capacity projects on transportation infrastructure which meet the demand from projected population and economic growth; and
- Accomplish necessary improvements to transportation infrastructure that would support emergency evacuations by users of electric vehicles.

The bill requires the report to be submitted to the Governor and the Legislature by September 1 of the year immediately after the year in which the FTC determines that electric and hybrid vehicles make up two percent or more of the total number of vehicles registered in this state. The FTC is authorized to complete the review and report before the two-percent threshold is reached if the FTC determines that earlier completion is appropriate to maintain a financially stable long-term transportation work program.

Section 2 amends s. 339.175(7)(c)2., F.S., requiring each MPO to consider *the increased use of autonomous technology and electric vehicles*, and other developments, when making its capital investment assessment as part of development of its long-range transportation plan.

Section 3 provides the bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FTC will incur unknown expenses associated with:

- Determining when EVs make up two percent of vehicle registrations;
- Assessing transportation revenue impacts of EV registrations;
- Assessing infrastructure related to emergency evacuations for EVs; and
- Preparing the report required by the bill.

The DHSMV expects the bill to have no impact on expenditures.

The FDEM may incur unknown expenses associated with its participation in the emergency evacuation assessment.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of Florida Law.

This bill amends the following section of the Florida Statutes: 339.175.

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 December 5, 2017:

The CS incorporates an amendment to clarify that in determining when the two-percent threshold percentage of electric vehicles reaches two percent or more of the total number of vehicles registered in Florida, hybrid vehicles are to be included in the calculation.

The amendment also authorizes the FTC to undertake and complete the review before the two-percent threshold is reached if the FTC determines that earlier completion is appropriate to maintain a financially stable long-term transportation work program.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/05/2017	.	
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The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Florida Transportation Commission review;
electric and hybrid vehicles report.-

(1) (a) The Florida Transportation Commission shall review
all sources of revenue for transportation infrastructure and
maintenance projects and prepare a report to the Governor and
the Legislature when the commission determines that electric



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11 vehicles, as defined in s. 320.01(36), Florida Statutes, and
12 hybrid vehicles, as defined in s. 316.0741, Florida Statutes,
13 make up 2 percent or more of the total number of vehicles
14 registered in this state.

15 (b) The commission, in consultation with the Department of
16 Highway Safety and Motor Vehicles, may use commercially
17 available data that the commission deems reliable to support its
18 determination and report. The report must, at a minimum, assess
19 the effect of projected electric and hybrid vehicle use in this
20 state on future revenue from existing taxes, fees, and
21 surcharges related to nonelectric, private-use motorcycles,
22 mopeds, automobiles, tri-vehicles, and trucks.

23 (c) The commission, in consultation with the Division of
24 Emergency Management, shall also make an assessment of
25 transportation infrastructure with respect to emergency
26 evacuations and electric vehicles, including, but not limited
27 to, the availability of electric vehicle charging stations in
28 this state.

29 (2) The report must include recommendations to the
30 Legislature:

31 (a) To ensure continued funding for necessary maintenance
32 that provides for adequate levels of service on existing
33 transportation infrastructure;

34 (b) To accomplish improvements and capacity projects on
35 transportation infrastructure which meet the demand from
36 projected population and economic growth; and

37 (c) To accomplish necessary improvements to transportation
38 infrastructure that would support emergency evacuations by users
39 of electric vehicles.



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40 (3) The report shall be submitted to the Governor and the
41 Legislature no later than September 1 of the year immediately
42 after the year in which the commission determines that electric
43 vehicles, as defined in s. 320.01(36), Florida Statutes, and
44 hybrid vehicles, as defined in s. 316.0741, Florida Statutes,
45 make up 2 percent or more of the total number of vehicles
46 registered in this state.

47 (4) Notwithstanding any other provisions of this section,
48 the commission may undertake and complete the review and report
49 before the 2-percent threshold is reached if the commission
50 finds that earlier completion is appropriate to maintain a
51 financially stable long-term transportation work program.

52 Section 2. Paragraph (c) of subsection (7) of section
53 339.175, Florida Statutes, is amended to read:

54 339.175 Metropolitan planning organization.—

55 (7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must
56 develop a long-range transportation plan that addresses at least
57 a 20-year planning horizon. The plan must include both long-
58 range and short-range strategies and must comply with all other
59 state and federal requirements. The prevailing principles to be
60 considered in the long-range transportation plan are: preserving
61 the existing transportation infrastructure; enhancing Florida's
62 economic competitiveness; and improving travel choices to ensure
63 mobility. The long-range transportation plan must be consistent,
64 to the maximum extent feasible, with future land use elements
65 and the goals, objectives, and policies of the approved local
66 government comprehensive plans of the units of local government
67 located within the jurisdiction of the M.P.O. Each M.P.O. is
68 encouraged to consider strategies that integrate transportation



69 and land use planning to provide for sustainable development and
70 reduce greenhouse gas emissions. The approved long-range
71 transportation plan must be considered by local governments in
72 the development of the transportation elements in local
73 government comprehensive plans and any amendments thereto. The
74 long-range transportation plan must, at a minimum:

75 (c) Assess capital investment and other measures necessary
76 to:

77 1. Ensure the preservation of the existing metropolitan
78 transportation system including requirements for the operation,
79 resurfacing, restoration, and rehabilitation of major roadways
80 and requirements for the operation, maintenance, modernization,
81 and rehabilitation of public transportation facilities; and

82 2. Make the most efficient use of existing transportation
83 facilities to relieve vehicular congestion, improve safety, and
84 maximize the mobility of people and goods. Such efforts must
85 include, but are not limited to, consideration of infrastructure
86 and technological improvements necessary to accommodate advances
87 in vehicle technology, such as the increased use of autonomous
88 technology and electric vehicles, and other developments.

89
90 In the development of its long-range transportation plan, each
91 M.P.O. must provide the public, affected public agencies,
92 representatives of transportation agency employees, freight
93 shippers, providers of freight transportation services, private
94 providers of transportation, representatives of users of public
95 transit, and other interested parties with a reasonable
96 opportunity to comment on the long-range transportation plan.
97 The long-range transportation plan must be approved by the



98 M.P.O.

99 Section 3. This act shall take effect July 1, 2018.

100

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

102 And the title is amended as follows:

103 Delete everything before the enacting clause

104 and insert:

105 A bill to be entitled

106 An act relating to electric and hybrid vehicles;
107 requiring the Florida Transportation Commission to
108 review all sources of revenue for transportation
109 infrastructure and maintenance projects and prepare a
110 report to the Governor and the Legislature when the
111 commission determines that electric and hybrid
112 vehicles make up a certain percentage or more of the
113 total number of vehicles registered in this state;
114 authorizing the commission, in consultation with the
115 Department of Highway Safety and Motor Vehicles, to
116 use certain commercially available data; requiring the
117 commission, in consultation with the Division of
118 Emergency Management, to make an assessment of
119 transportation infrastructure with respect to
120 emergency evacuations and electric vehicles;
121 specifying requirements for the report; requiring the
122 report to be submitted to the Governor and the
123 Legislature no later than a certain date; authorizing
124 the commission to undertake and complete the review
125 before the specified-percentage threshold is reached,
126 under certain circumstances; amending s. 339.175,



490038

127 F.S.; requiring a long-range transportation plan to
128 consider infrastructure and technological improvements
129 necessary to accommodate the increased use of
130 autonomous technology and electric vehicles; providing
131 an effective date.

By Senator Brandes

24-00287D-18

2018384__

A bill to be entitled

An act relating to electric vehicles; requiring the Florida Transportation Commission to review all sources of revenue for transportation infrastructure and maintenance projects and prepare a report to the Governor and the Legislature when the commission determines that electric vehicles make up a certain percentage or more of the total number of vehicles registered in this state; authorizing the commission, in consultation with the Department of Highway Safety and Motor Vehicles, to use certain commercially available data; requiring the commission, in consultation with the Division of Emergency Management, to make an assessment of transportation infrastructure with respect to emergency evacuations and electric vehicles; specifying requirements for the report; requiring the report to be submitted to the Governor and the Legislature by a certain date; amending s. 339.175, F.S.; requiring a long-range transportation plan to consider infrastructure and technological improvements necessary to accommodate the increased use of autonomous technology and electric vehicles; providing an effective date.

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

Section 1. Florida Transportation Commission review; electric vehicles report.

(1) (a) The Florida Transportation Commission shall review

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

24-00287D-18

2018384__

all sources of revenue for transportation infrastructure and maintenance projects and prepare a report to the Governor and the Legislature when the commission determines that electric vehicles, as defined in s. 320.01(36), Florida Statutes, make up 2 percent or more of the total number of vehicles registered in this state.

(b) The commission, in consultation with the Department of Highway Safety and Motor Vehicles, may use commercially available data that the commission deems reliable to support its determination and report. The report must, at a minimum, assess the effect of projected electric vehicle use in this state on future revenue from existing taxes, fees, and surcharges related to nonelectric, private-use motorcycles, mopeds, automobiles, tri-vehicles, and trucks.

(c) The commission, in consultation with the Division of Emergency Management, shall also make an assessment of transportation infrastructure with respect to emergency evacuations and electric vehicles, including, but not limited to, the availability of electric vehicle charging stations in this state.

(2) The report must include recommendations to the Legislature:

(a) To ensure continued funding for necessary maintenance that provides for adequate levels of service on existing transportation infrastructure;

(b) To accomplish improvements and capacity projects on transportation infrastructure which meet the demand from projected population and economic growth; and

(c) To accomplish necessary improvements to transportation

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

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59 infrastructure that would support emergency evacuations by users
60 of electric vehicles.

61 (3) The report shall be submitted to the Governor and the
62 Legislature by September 1 of the year immediately after the
63 year in which the commission determines electric vehicles, as
64 defined in s. 320.01(36), Florida Statutes, make up 2 percent or
65 more of the total number of vehicles registered in this state.

66 Section 2. Paragraph (c) of subsection (7) of section
67 339.175, Florida Statutes, is amended to read:

68 339.175 Metropolitan planning organization.-

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70 develop a long-range transportation plan that addresses at least
71 a 20-year planning horizon. The plan must include both long-
72 range and short-range strategies and must comply with all other
73 state and federal requirements. The prevailing principles to be
74 considered in the long-range transportation plan are: preserving
75 the existing transportation infrastructure; enhancing Florida's
76 economic competitiveness; and improving travel choices to ensure
77 mobility. The long-range transportation plan must be consistent,
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79 and the goals, objectives, and policies of the approved local
80 government comprehensive plans of the units of local government
81 located within the jurisdiction of the M.P.O. Each M.P.O. is
82 encouraged to consider strategies that integrate transportation
83 and land use planning to provide for sustainable development and
84 reduce greenhouse gas emissions. The approved long-range
85 transportation plan must be considered by local governments in
86 the development of the transportation elements in local
87 government comprehensive plans and any amendments thereto. The

Page 3 of 4

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

24-00287D-18

2018384__

88 long-range transportation plan must, at a minimum:

89 (c) Assess capital investment and other measures necessary
90 to:

- 91 1. Ensure the preservation of the existing metropolitan
92 transportation system including requirements for the operation,
93 resurfacing, restoration, and rehabilitation of major roadways
94 and requirements for the operation, maintenance, modernization,
95 and rehabilitation of public transportation facilities; and
- 96 2. Make the most efficient use of existing transportation
97 facilities to relieve vehicular congestion, improve safety, and
98 maximize the mobility of people and goods. Such efforts must
99 include, but are not limited to, consideration of infrastructure
100 and technological improvements necessary to accommodate advances
101 in vehicle technology, such as the increased use of autonomous
102 technology and electric vehicles, and other developments.

103
104 In the development of its long-range transportation plan, each
105 M.P.O. must provide the public, affected public agencies,
106 representatives of transportation agency employees, freight
107 shippers, providers of freight transportation services, private
108 providers of transportation, representatives of users of public
109 transit, and other interested parties with a reasonable
110 opportunity to comment on the long-range transportation plan.
111 The long-range transportation plan must be approved by the
112 M.P.O.

113 Section 3. This act shall take effect July 1, 2018.

Page 4 of 4

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

12/05/2017
Meeting Date

384
Bill Number (if applicable)

Topic Electric Vehicles

Amendment Barcode (if applicable)

Name Carl Mikyska

Job Title Executive Director

Address 605 Suwannee St
Street

Phone _____

Tallahassee, FL 32399
City State Zip

Email _____

Speaking: For Against Information

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

Representing FL MPO Advisory Council

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

12 / 5 / 2017

Meeting Date

Topic _____

Bill Number 384

(if applicable)

Name BRIAN PITTS

Amendment Barcode _____

(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG

FLORIDA

33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

The Florida Senate
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 544

INTRODUCER: Senator Brandes

SUBJECT: Procurement Procedures

DATE: December 5, 2017 REVISED: _____

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

I. Summary:

SB 544 requires transportation-related entities created under Chapters 343, 348, or 349, F.S., to use the uniform rules of procedure adopted pursuant to s. 120.54(5), F.S., for resolution of protests arising from certain contract solicitations or award processes. The uniform rules would apply to any procurement exceeding the Category Five threshold amount (\$325,000), or if the term of the procurement, including the number of days specified in the initial contract and the number of days specified in any authorized contract extension or renewal, exceeds 365 days.

The identified entities and bid protesters may incur some administrative and legal expenses associated with protests of the specified procurements. With respect to the identified entities, such costs may increase or decrease. However, because the existing processes used by such entities, and their associated costs, are unknown, the amounts of any increases or decreases is unknown. The amount of such expenses is also dependent on the number of bid protests and their complexity and is therefore unknown.

The Division of Administrative Hearings (DOAH) may incur insignificant expenses for conducting expedited hearings and issuing recommended orders.

See Section V., Fiscal Impact Statement, for details.

The bill takes effect July 1, 2018.

II. Present Situation:

Entities Created Under Chapters 343, 348, and 349, F.S.

The following entities are created under Chapter 343, F.S.:

- Northeast Florida Regional Transportation Commission: The Commission is charged with improving mobility and expanding multimodal transportation operations for persons and freight throughout the six-county North Florida region, including Baker, Clay, Duval, Nassau, Putnam, and St. John Counties.¹
- South Florida Regional Transportation Authority: The Authority is granted the right to own, operate, maintain, and manage a transit system in the tri-county area of Broward, Miami-Dade, and Palm Beach Counties,² known as Tri-Rail.
- Central Florida Regional Transportation Authority: The Authority is granted the right to own, operate, maintain, and manage a public transportation system in Seminole, Orange, and Osceola Counties,³ known as Lynx.
- Northwest Florida Transportation Corridor Authority: The Authority is charged with improving mobility on the U.S. 98 corridor⁴ in the Northwest Florida counties of Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla, to enhance traveler safety, identify and develop hurricane evacuation routes, promote economic development along the corridor, and implement transportation projects to alleviate current or anticipated traffic congestion.⁵
- Tampa Bay Area Regional Transit Authority: The Authority is charged with planning, implementing, and operating mobility improvements and expansions of multimodal transportation options for passengers and freight throughout the region of Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties; and with producing a regional transit development plan, integrating the transit development plans of participant counties, to include a prioritization of regionally significant transit projects and facilities.⁶

The following entities are created under Chapter 348, F.S.:

- Miami-Dade Expressway Authority: Created pursuant to the provisions of Part I of Chapter 348, F.S., the Authority is granted the right to acquire, hold, construct, improve, maintain, operate, and own an expressway system in Miami-Dade County.^{7, 8}

¹ Part I of Chapter 343, F.S., specifically, s. 343.1004(1), F.S.

² Part II of Chapter 343, F.S., specifically, s. 343.54(1)(a), F.S.

³ Part III of Chapter 343, F.S., specifically, s. 343.64(1)(a), F.S.

⁴ Defined in s. 343.805(9), F.S., to mean U.S. Highway 98 and any feeder roads, reliever roads, connector roads, bridges, and other transportation appurtenances, existing or constructed in the future, that support U.S. Highway 98 in the identified counties.

⁵ Part IV of Chapter 343, F.S., specifically, s. 343.82(1), F.S.

⁶ Part V of Chapter 343, F.S., specifically s. 343.922(1), F.S.

⁷ Part I of Chapter 348, F.S., the Florida Expressway Authority Act, authorizes any county or two or more contiguous counties within a single Florida Department of Transportation district, by resolution adopted by the board of county commissioners, to form an expressway authority. The Miami-Dade County Commission adopted ordinance 94-215 in 1994 creating the Miami-Dade County Expressway Authority, which is the only expressway authority created under Part I of Chapter 348, F.S.

⁸ Section 348.0004(12)(a), F.S.

- Tampa-Hillsborough County Expressway Authority: The Authority is granted the power to construct, reconstruct, improve, extend, repair, maintain and operate an expressway system in the metropolitan area of the City of Tampa or within any area of Hillsborough County.⁹
- Central Florida Expressway Authority: The Authority is granted the right to acquire, hold, construct, improve, maintain, operate, own, and lease the Central Florida Expressway System, serving Orange, Seminole, Lake, Brevard, and Osceola Counties.¹⁰
- Santa Rosa Bay Bridge Authority: The Authority is granted the right to acquire, hold, construct, improve, maintain, operate, own, and lease a bridge between Red Fish Point and Garcon Point in Santa Rosa County, known as the Garcon Point Bridge.¹¹
- Osceola County Expressway Authority: The Authority is granted the right to acquire, hold, construct, improve, maintain, operate, and own an expressway system in Osceola County.¹²

The following entity is created under Chapter 349, F.S.:

- Jacksonville Transportation Authority: The Authority is granted the right to acquire, hold, construct, improve, maintain, operate, own, and lease the Jacksonville Expressway System in the Jacksonville, Duval County, metropolitan area.¹³

The Administrative Procedure Act (APA or Act)

Located in Chapter 120, F.S., the APA “provides uniform procedures for the exercise of specified authority.”¹⁴ It sets up “a comprehensive administrative process by which agencies exercise the authority granted by the Legislature while offering opportunities for citizen involvement.” It also provides a “process [that] subjects state agencies to a uniform procedure in enacting rules and issuing orders and allows citizens to challenge an agency’s decision.”¹⁵

The Act’s central purpose is “to provide that basic fairness that should surround all governmental activity, such as:

- (1) The opportunity for adequate and full notice of agency activities;
- (2) The right to present viewpoints and to challenge the views of others;

⁹ Part II of Chapter 348, F.S., specifically, s. 348.53, F.S.

¹⁰ Part III of Chapter 348, F.S., specifically, s. 348.754, F.S.

¹¹ Part IV of Chapter 348, F.S., specifically s. 348.968, F.S. According to the Florida Transportation Commission’s Transportation Authority Monitoring and Oversight Report for 2016, the Authority last met in June of 2014 and is currently inactive, with toll operations provided by Florida’s Turnpike Enterprise and maintenance performed by the Department of Transportation’s District Three. See the Commission’s report at p. 71, available at:

<http://www.ftc.state.fl.us/documents/reports/TAMO/FY2016OversightReport.pdf>. (Last visited November 7, 2017.)

¹² Part V of Chapter 348, F.S., specifically s. 348.9953, F.S. The Osceola County Expressway Authority Law is repealed “on the same date that the Osceola County Expressway System is transferred to the Central Florida Expressway Authority,” per ch. 2014-171, L.O.F. According to the Transportation Commission’s 2016 Monitoring and Oversight Report, the Osceola County Expressway System will be transferred to the Central Florida Expressway Authority sometime after December 31, 2018. The Authority transferred the lead for its 2040 Master Plan development to the Central Florida Expressway Authority, which began feasibility studies on the unbuilt Master Plan projects in April of this year. *Supra* note 11 at p. 7. Section 348.9961, F.S., provides that if, before January 2, 2020, the Authority has not encumbered any funds to further its authorized purposes and powers, the Authority is dissolved.

¹³ Chapter 349, F.S., specifically s. 349.04.

¹⁴ Section 120.515, F.S.

¹⁵ See the Joint Administrative Procedures Committee’s publication, *A Primer on Florida’s Administrative Procedure Act*, available at: <http://www.japc.state.fl.us/Documents/Publications/PocketGuideFloridaAPA.pdf>. (Last visited November 3, 2017.)

- (3) The right to develop a record which is capable of court review;
- (4) The right to locate precedent and have it applied; and
- (5) The right to know the factual bases and policy reasons for agency action.”¹⁶

Agencies subject to the APA are required to use the uniform rules of procedure adopted by the Administration Commission establishing procedures for each agency subject to the Act, unless the Administration Commission grants an exception. Those procedures specifically include uniform rules for the filing of notice of protests and formal written protests.¹⁷

“Agencies” Subject to the APA

The APA defines “agency” to mean the following officers or governmental entities:¹⁸

- The Governor; each state officer and state department, and each departmental unit described in s. 20.04, F.S.; the Board of Governors of the State University System; the Commission on Ethics; the Fish and Wildlife Conservation Commission; a regional water supply authority; a regional planning agency; a multicounty special district, but only if a majority of its governing board is comprised of nonelected persons; educational units; and each entity described in chapters 163, 373, 380, 582, and s. 186.504, F.S.;
- Each officer and governmental entity in the state having statewide jurisdiction or jurisdiction in more than one county; and
- Each officer and governmental entity in the state having jurisdiction in one county or less than one county, to the extent they are expressly made subject to chapter 120, F.S., by general or special law or existing judicial decisions.

However, among other entities, an expressway authority pursuant to chapter 348, F.S., or any transportation authority or commission under chapters 343 or 349, F.S., is expressly excluded from the definition of “agency” and is therefore excluded from the requirements of the APA, including s. 120.57(3), F.S., containing procedures specifically applicable to protests to contract solicitations or awards; and from the uniform rules of procedure adopted by the Administration Commission¹⁹ pursuant to s. 120.54(5), F.S., including Chapter 28-110, F.A.C., relating specifically to bid protests.

Bid Protest Procedures

Aside from the general provisions of Chapter 120, F.S., current law provides additional procedures specifically applicable to protests to contract solicitations or awards. Section 120.57(3), F.S., requires agencies subject to that chapter to use the uniform rules, which must provide at least that:

- The agency shall provide notice of a decision or intended decision concerning a solicitation, contract award, or exceptional purchase by electronic posting. The notice must include the following statement: “Failure to file a protest within the time prescribed in s. 120.57(3),

¹⁶ 2 Fla. Jur 2d *Administrative Law*, s. 1 (2014), *citations omitted*. Section 120.52(2), F.S., defines “agency action” to mean the whole or part of a rule or order, or the equivalent, or the denial of a petition to adopt a rule or issue an order, including any denial of a request to initiate rulemaking under s. 120.52(7), F.S.

¹⁷ Section 120.54(5), F.S, and specifically s. 120.54(5)(b)3., F.S.

¹⁸ If they are acting pursuant to powers other than those derived from the constitution.

¹⁹ The Governor and Cabinet compose the Administration Commission, created under s. 14.202, F.S.

Florida Statutes, or failure to post the bond²⁰ or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under chapter 120, Florida Statutes.”²¹

- Any person adversely affected by the decision or intended decision shall file with the agency a notice of protest in writing within 72 hours after the posting of the notice of decision or intended decision. If the protest is to the terms, conditions, and specifications contained in a solicitation, the notice shall be filed in writing within 72 hours after the posting of the solicitation. A formal written protest shall be filed within 10 days after the date the notice of protest is filed, particularly stating the facts and law upon which the protest is based.²² Saturdays, Sundays, and holidays are excluded from the computation of the 72-hour time period.
- Upon receipt of a timely filed formal written protest, the agency is required to stop the solicitation or contract award process until the subject of the protest is resolved by final agency action, unless the agency head sets forth in writing particular facts and circumstances requiring the continuance of the solicitation or contract award process without delay, to avoid an immediate and serious danger to the public health, safety, or welfare.²³
- The agency is required to provide an opportunity to resolve the protest by mutual agreement between the parties within 7 days, excluding Saturdays, Sundays, and state holidays, after receipt of a formal written protest.
 - If the subject of a protest is not resolved within the specified 7 days, and if there is no disputed issue of material fact, an informal proceeding must be conducted in accordance with s. 120.57(2), F.S., and applicable agency rules before a person whose qualifications have been prescribed by rules of the agency.
 - If the protest is not resolved within the specified 7 days, and if there is a disputed issue of material fact, the agency is required to refer the protest to the DOAH for a formal hearing in accordance with s. 120.57(1), F.S.²⁴
- Upon receipt of a referred formal written protest, DOAH must expedite the hearing and assign an administrative law judge, who must commence a hearing within 30 days after receipt of the protest and enter a recommended order within 30 days after the hearing or within 30 days after receipt of the hearing transcript by the judge, whichever is later. Each party must be allowed 10 days in which to submit written exceptions to the recommended

²⁰ Chapter 28-110.005, F.A.C., describes required bid protest bonds, when bonds are not required, which bonds must be filed with the formal written protest or within the 10-day period allowed for filing the formal written protest, and sets out the bond form. If a required bond is not posted, the rule requires the agency to dismiss the petition. The rule also addresses disposition of the bond at the conclusion of the proceeding or any appellate proceeding.

²¹ Section 120.57(3)(a), F.S. Chapter 28-110.003(1), F.A.C., supplements the statute by requiring the notice to be addressed to the office that issued the solicitation or made a decision intended to be protested, to identify the solicitation by number and title or any other language that enables identification, and to state that the person intends to protest the decision. If a bond is required, the rule prohibits filing the bond with the notice unless otherwise required by law.

²² Section 120.57(3)(b), F.S. Chapter 28-110.00(2) and (3), F.A.C., supplement the statute by prohibiting the filing of a notice of protest before the 72-hour period begins. It begins upon electronic posting of a decision or intended decision. The notice must be received before the 72-hour period expires and must be filed with the agency clerk unless otherwise designated by the solicitation. The 72-hour period is not extended by service of the notice of protest by mail. Chapter 28-110.0004, F.A.C., describes a “formal written protest,” sets out the form of a petition, requires inclusion of specified information, and specifies conditions under which the formal written protest will also constitute the notice of protest, after which all time limits relative to formal written protests apply.

²³ Section 120.57(3)(c), F.S.

²⁴ Section 120.57(3)(d), F.S.

order, and a final order must be entered by the agency within 30 days of the entry of a recommended order. These provisions may be waived upon stipulation by all parties.²⁵

Research suggests that some of the statutorily created entities impacted by this bill adhere to some extent to the provisions of the APA, but because these entities are not currently subject to the bid protest procedures of Chapter 120, F.S., those protesting any such entity's solicitation or contract award decisions must directly seek judicial remedies.

Purchasing Category Threshold Amounts

Chapter 287, F.S., regulates state agency procurement of personal property and services. Agencies may use a variety of procurement methods, depending on factors such as the cost and characteristics of the needed good or service, the complexity of the procurement, and the number of available vendors. These include the following:

- "Single source contracts," which are used when an agency determines that only one vendor is available to provide a commodity or service at the time of purchase;
- "Invitations to bid (ITB)," which are used when an agency determines that standard services or goods will meet needs, wide competition is available, and the vendor's experience will not greatly influence the agency's results;
- "Requests for proposals (RFP)," which are used when the procurement requirements allow for consideration of various solutions and the agency believes more than two or three vendors exist who can provide the required goods or services; and
- "Invitations to negotiate (ITN)," which are used when negotiations are determined to be necessary to obtain the best value and involve a request for high complexity, customized, mission-critical services, by an agency dealing with a limited number of vendors.²⁶

With respect to cost, section 287.017, F.S., sets out five purchasing categories, the thresholds of which may trigger a required contract procurement method. The categories are:

- CATEGORY ONE: \$20,000.
- CATEGORY TWO: \$35,000.
- CATEGORY THREE: \$65,000.
- CATEGORY FOUR: \$195,000.
- CATEGORY FIVE: \$325,000.

III. Effect of Proposed Changes:

Section 1 amends s. 120.57(3), F.S., requiring transportation-related entities created under chapters 343, 348, or 349, F.S., to use the uniform rules of procedure for resolution of protests arising from the contract solicitation or award process for any procurement exceeding the Category Five threshold amount (\$325,000), or if the term of the procurement, including the number of days specified in the initial contract and the number of days specified in any authorized contract extension or renewal, exceeds 365 days.

²⁵ Section 120.57(3)(e), F.S.

²⁶ See ss. 287.012(6) and 287.057, F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Bid protesters may incur administrative and legal expenses associated with protests of the specified procurements; *e.g.*, notice and bond requirements, potential settlement negotiations, participating in formal and informal hearings, and submitting written exceptions to DOAH recommended orders. The amount of such expenses is dependent on the number of bid protests and their complexity and is therefore unknown.

C. Government Sector Impact:

The identified entities may incur administrative and legal expenses associated with protests of the specified procurements; *e.g.*, notice requirements, potential settlement negotiations, conducting and participating in informal hearings, participating in formal hearings, submitting exceptions to recommended orders, issuing final orders, and defending potential appeals. The extent to which the identified entities incur expenses for their existing procurement protest processes is unknown. Because the costs associated with the entities' existing protest processes are unknown, whether these entities will experience an increase or a decrease in such costs is unknown. The amount of such expenses is also dependent on the number of bid protests and their complexity and is therefore unknown.

The DOAH may incur expenses for conducting expedited hearings and issuing recommended orders, which are expected to be insignificant.²⁷

²⁷ Telephone conversation with DOAH staff, November 8, 2017.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following section of the Florida Statutes: 120.57.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Brandes

24-00618-18

2018544__

1 A bill to be entitled
 2 An act relating to procurement procedures; amending s.
 3 120.57, F.S.; specifying the applicability of
 4 procedures for the resolution of protests arising from
 5 the contract solicitation or award process for certain
 6 procurements by specified transportation, expressway,
 7 and bridge authorities; providing an effective date.
 8
 9 Be It Enacted by the Legislature of the State of Florida:
 10
 11 Section 1. Subsection (3) of section 120.57, Florida
 12 Statutes, is amended to read:
 13 120.57 Additional procedures for particular cases.-
 14 (3) ADDITIONAL PROCEDURES APPLICABLE TO PROTESTS TO
 15 CONTRACT SOLICITATION OR AWARD.-Agencies subject to this chapter
 16 or an entity created under chapter 343, chapter 348, or chapter
 17 349 when required by this subsection shall use the uniform rules
 18 of procedure, which provide procedures for the resolution of
 19 protests arising from the contract solicitation or award
 20 process. Such rules shall at least provide that:
 21 (a) The agency shall provide notice of a decision or
 22 intended decision concerning a solicitation, contract award, or
 23 exceptional purchase by electronic posting. This notice shall
 24 contain the following statement: "Failure to file a protest
 25 within the time prescribed in section 120.57(3), Florida
 26 Statutes, or failure to post the bond or other security required
 27 by law within the time allowed for filing a bond shall
 28 constitute a waiver of proceedings under chapter 120, Florida
 29 Statutes."

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24-00618-18

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30 (b) Any person who is adversely affected by the agency
 31 decision or intended decision shall file with the agency a
 32 notice of protest in writing within 72 hours after the posting
 33 of the notice of decision or intended decision. With respect to
 34 a protest of the terms, conditions, and specifications contained
 35 in a solicitation, including any provisions governing the
 36 methods for ranking bids, proposals, or replies, awarding
 37 contracts, reserving rights of further negotiation, or modifying
 38 or amending any contract, the notice of protest shall be filed
 39 in writing within 72 hours after the posting of the
 40 solicitation. The formal written protest shall be filed within
 41 10 days after the date the notice of protest is filed. Failure
 42 to file a notice of protest or failure to file a formal written
 43 protest shall constitute a waiver of proceedings under this
 44 chapter. The formal written protest shall state with
 45 particularity the facts and law upon which the protest is based.
 46 Saturdays, Sundays, and state holidays shall be excluded in the
 47 computation of the 72-hour time periods provided by this
 48 paragraph.
 49 (c) Upon receipt of the formal written protest that has
 50 been timely filed, the agency shall stop the solicitation or
 51 contract award process until the subject of the protest is
 52 resolved by final agency action, unless the agency head sets
 53 forth in writing particular facts and circumstances which
 54 require the continuance of the solicitation or contract award
 55 process without delay in order to avoid an immediate and serious
 56 danger to the public health, safety, or welfare.
 57 (d)1. The agency shall provide an opportunity to resolve
 58 the protest by mutual agreement between the parties within 7

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59 days, excluding Saturdays, Sundays, and state holidays, after
60 receipt of a formal written protest.

61 2. If the subject of a protest is not resolved by mutual
62 agreement within 7 days, excluding Saturdays, Sundays, and state
63 holidays, after receipt of the formal written protest, and if
64 there is no disputed issue of material fact, an informal
65 proceeding shall be conducted pursuant to subsection (2) and
66 applicable agency rules before a person whose qualifications
67 have been prescribed by rules of the agency.

68 3. If the subject of a protest is not resolved by mutual
69 agreement within 7 days, excluding Saturdays, Sundays, and state
70 holidays, after receipt of the formal written protest, and if
71 there is a disputed issue of material fact, the agency shall
72 refer the protest to the division by electronic means through
73 the division's website for proceedings under subsection (1).

74 (e) Upon receipt of a formal written protest referred
75 pursuant to this subsection, the director of the division shall
76 expedite the hearing and assign an administrative law judge who
77 shall commence a hearing within 30 days after the receipt of the
78 formal written protest by the division and enter a recommended
79 order within 30 days after the hearing or within 30 days after
80 receipt of the hearing transcript by the administrative law
81 judge, whichever is later. Each party shall be allowed 10 days
82 in which to submit written exceptions to the recommended order.
83 A final order shall be entered by the agency within 30 days of
84 the entry of a recommended order. The provisions of this
85 paragraph may be waived upon stipulation by all parties.

86 (f) In a protest to an invitation to bid or request for
87 proposals procurement, no submissions made after the bid or

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88 proposal opening which amend or supplement the bid or proposal
89 shall be considered. In a protest to an invitation to negotiate
90 procurement, no submissions made after the agency announces its
91 intent to award a contract, reject all replies, or withdraw the
92 solicitation which amend or supplement the reply shall be
93 considered. Unless otherwise provided by statute, the burden of
94 proof shall rest with the party protesting the proposed agency
95 action. In a competitive-procurement protest, other than a
96 rejection of all bids, proposals, or replies, the administrative
97 law judge shall conduct a de novo proceeding to determine
98 whether the agency's proposed action is contrary to the agency's
99 governing statutes, the agency's rules or policies, or the
100 solicitation specifications. The standard of proof for such
101 proceedings shall be whether the proposed agency action was
102 clearly erroneous, contrary to competition, arbitrary, or
103 capricious. In any bid-protest proceeding contesting an intended
104 agency action to reject all bids, proposals, or replies, the
105 standard of review by an administrative law judge shall be
106 whether the agency's intended action is illegal, arbitrary,
107 dishonest, or fraudulent.

108
109 ~~(g)~~ For purposes of this subsection, the definitions in s.
110 287.012 apply. This subsection applies to any procurement by an
111 entity created under chapter 343, chapter 348, or chapter 349
112 which exceeds the CATEGORY FIVE threshold amount provided in s.
113 287.017 or if the term of the procurement, including the number
114 of days specified in the initial contract and the number of days
115 specified in any authorized contract extension or renewal,
116 exceeds 365 days.

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117

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

12 15 2017

Meeting Date

Topic _____

Bill Number 544
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG

FLORIDA

33705

City

State

Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

The Florida Senate
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 666

INTRODUCER: Senator Brandes

SUBJECT: Noncriminal Traffic Infractions

DATE: December 1, 2017 REVISED: 12/05/17

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Favorable
2.			ACJ	
3.			AP	

I. Summary:

SB 666 provides that a person who elects and attends a driver improvement course, approved by the Department of Highway Safety and Motor Vehicles (DHSMV), after receiving a noncriminal traffic infraction citation will have the penalty assessed reduced by 18 percent. The bill removes language indicating that the 18 percent is deposited in the State Courts Revenue Trust Fund.

Due to the loss of fees deposited in the State Courts Revenue Trust Fund, the bill is estimated to have a negative impact to the state of approximately \$3.6 million annually. This recurring impact is based on a \$3.3 million impact to the State Courts Revenue Trust Fund and a \$300,000 impact to the General Revenue Fund.

The bill takes effect July 1, 2018.

II. Present Situation:

A person who commits a noncriminal traffic infraction and is issued a citation, must elect to appear before a designated official, pay the citation, or enter into a payment plan with the clerk of court within 30 days after the citation is issued to avoid having his or her driver license suspended.¹ However, s. 318.14(9), F.S., provides that any person who does not hold a commercial driver license or commercial learner's permit and who is cited while driving a noncommercial vehicle for a noncriminal traffic infraction may, in lieu of a court appearance, elect to attend a basic driver improvement course approved by the DHSMV.

If the individual completes the course, adjudication is withheld and no points may be assessed against the individual's license. Additionally, 18 percent of the civil penalty imposed is

¹ Section 318.14, F.S.

deposited into the State Courts Revenue Trust Fund². Prior to a law change in 2009, the individual who was assessed the civil penalty³ received an 18 percent discount on the penalty if he or she completed a driver improvement course.⁴

The option to elect to attend a driver improvement program is not available for violations of:

- Sections 316.183(2), 316.187, or 316.189, F.S., violating the posted speed limit when the driver exceeds the posted speed limit by 30 miles per hour or more;
- Section 320.0605, F.S., not carrying the vehicle's certificate of registration while the vehicle is in use;
- Section 320.07(3)(a) or (b), F.S., operating a motor vehicle with an expired registration;
- Section 322.065, F.S., operating a motor vehicle with a driver license expired for six months or less; and
- Section 322.15(1), F.S., operating a motor vehicle without carrying a driver license.

The option to elect driver improvement school is only available if the person has not made this election in the preceding 12 months, and individuals are limited to no more than five such elections in their lifetime.

According to the DHSMV, in 2016, approximately 253,000 people elected to attend a driver improvement course (of which, 17,279 did not attend).⁵ The cost of driver improvement courses range from \$15 to \$40, depending on the provider.⁶

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 318.14(9), F.S., providing that if a person elects a driver improvement course, the civil penalty assessed will be reduced by 18 percent. The bill removes a provision that the 18 percent is deposited in the State Courts Revenue Trust Fund.

Section 2 requires an individual who elects but does not attend a driver improvement course within the time specified by the court to pay the clerk of the court the reduced portion of the penalty.

Section 3 provides the bill takes effect July 1, 2018.

² The State Courts Revenue Trust Fund was established in 2009, to be used for funding the activities of the state courts system. See chs. 2009-7 and 2011-19, Laws of Florida

³ Civil penalties, court costs, and service charges for various noncriminal traffic infractions can be viewed in the Florida Court Clerks & Comptrollers' *2017 Distribution of Court-Related Filing Fees, Service Charges, Costs and Fines, including a Fee Schedule for Recording – Effective July 1, 2017*, available at http://www.flclerks.com/resource/resmgr/public_documents_/2017_Distribution_Schedule_7.xls (last visited Nov. 30, 2017).

⁴ See ch. 2009-6, Laws of Florida

⁵ DHSMV, *2017 Agency Legislative Bill Analysis: SB 488* (Mar. 13, 2017) (on file with the Senate Committee on Transportation).

⁶ *Id.*

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

The Revenue Estimating Committee (REC) reviewed the bill on November 30, 2017.⁷ The REC estimates that the bill will result in a negative recurring loss to the state of approximately \$3.6 million each fiscal year, with the General Revenue Fund being negatively impacted by \$300,000, and the State Courts Revenue Trust Fund being negatively impacted by \$3.3 million.

B. Private Sector Impact:

The bill may have a positive fiscal impact on individuals who elect to attend a driver improvement course to receive an 18 percent discount off the assessed penalty. The bill may also positively impact providers of the driver improvement courses, as the bill further incentivizes electing to take a driver improvement course.

C. Government Sector Impact:

The Office of the State Courts Administrator estimates the bill will leave a minimal amount of funding in the State Courts Revenue Trust Fund by June 30, 2019.⁸ Without alternative revenue sources, clerks of court may be forced to reduce local expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁷ Office of Economic and Demographic Research, REC, *Article V Fees – HB 531 and SB 666* (Nov. 30, 2017), available at http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/_pdf/page147-148.pdf (last visited Dec. 5, 2017).

⁸ Office of the State Courts Administrator, *2018 Judicial Impact Statement – SB 666* (Dec. 5, 2017) (on file with the Senate Committee on Transportation).

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 318.14 and 318.15.

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 Brandes

24-00466-18

2018666__

1 A bill to be entitled
 2 An act relating to noncriminal traffic infractions;
 3 amending s. 318.14, F.S.; requiring a specified
 4 reduction for a civil penalty under certain
 5 circumstances; deleting the requirement that a
 6 specified percentage of the civil penalty be deposited
 7 in the State Courts Revenue Trust Fund; amending s.
 8 318.15, F.S.; requiring a person to pay the clerk of
 9 the court the specified percentage previously deducted
 10 under certain circumstances; providing an effective
 11 date.
 12
 13 Be It Enacted by the Legislature of the State of Florida:
 14
 15 Section 1. Subsection (9) of section 318.14, Florida
 16 Statutes, is amended to read:
 17 318.14 Noncriminal traffic infractions; exception;
 18 procedures.—
 19 (9) Any person who does not hold a commercial driver
 20 license or commercial learner's permit and who is cited while
 21 driving a noncommercial motor vehicle for an infraction under
 22 this section other than a violation of s. 316.183(2), s.
 23 316.187, or s. 316.189 when the driver exceeds the posted limit
 24 by 30 miles per hour or more, s. 320.0605, s. 320.07(3) (a) or
 25 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in
 26 lieu of a court appearance, elect to attend in the location of
 27 his or her choice within this state a basic driver improvement
 28 course approved by the Department of Highway Safety and Motor
 29 Vehicles. In such a case, adjudication must be withheld; ~~and~~

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24-00466-18

2018666__

30 points, as provided by s. 322.27, may not be assessed; and any
 31 civil penalty that is imposed under s. 318.18(3) must be reduced
 32 by 18 percent. However, a person may not make an election under
 33 this subsection if the person has made an election under this
 34 subsection in the preceding 12 months. A person may not make
 35 more than five elections within his or her lifetime under this
 36 subsection. The requirement for community service under s.
 37 318.18(8) is not waived by a plea of nolo contendere or by the
 38 withholding of adjudication of guilt by a court. ~~If a person~~
 39 ~~makes an election to attend a basic driver improvement course~~
 40 ~~under this subsection, 18 percent of the civil penalty imposed~~
 41 ~~under s. 318.18(3) shall be deposited in the State Courts~~
 42 ~~Revenue Trust Fund; however, that portion is not revenue for~~
 43 ~~purposes of s. 28.36 and may not be used in establishing the~~
 44 ~~budget of the clerk of the court under that section or s. 28.35.~~
 45 Section 2. Paragraph (b) of subsection (1) of section
 46 318.15, Florida Statutes, is amended to read:
 47 318.15 Failure to comply with civil penalty or to appear;
 48 penalty.—
 49 (1)
 50 (b) However, a person who elects to attend driver
 51 improvement school and has paid the civil penalty as provided in
 52 s. 318.14(9), but who subsequently fails to attend the driver
 53 improvement school within the time specified by the court shall
 54 be deemed to have admitted the infraction and shall be
 55 adjudicated guilty. In such a case in which there is was an 18-
 56 percent reduction pursuant to s. 318.14(9) ~~as it existed before~~
 57 ~~February 1, 2009~~, the person must pay the clerk of the court
 58 that amount and a processing fee of up to \$18, after which ~~he~~

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24-00466-18

2018666__

59 additional penalties, court costs, or surcharges may not ~~shall~~
60 be imposed for the violation. In all other such cases, the
61 person must pay the clerk a processing fee of up to \$18, after
62 which ~~no~~ additional penalties, court costs, or surcharges may
63 not shall be imposed for the violation. The clerk of the court
64 shall notify the department of the person's failure to attend
65 driver improvement school and points shall be assessed pursuant
66 to s. 322.27.

67 Section 3. This act shall take effect July 1, 2018.

THE FLORIDA SENATE

APPEARANCE RECORD

12/5/17

Meeting Date

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

SB 666

Bill Number (if applicable)

Topic Noncriminal Traffic Infractions

Amendment Barcode (if applicable)

Name Mack Mahon

Job Title Chief Judge, 4th Jud. Circuit, Vice Chair, Trial Court Budget Commission

Address 501 West Adams Street

Phone 904-255-1228

Street

Jacksonville, FL 32202

City

State

Zip

Email -

Speaking: For Against Information

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

Representing State Courts System

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

December 5, 2017

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

666

Meeting Date

Bill Number (if applicable)

Topic Noncriminal Traffic Infractions

Amendment Barcode (if applicable)

Name Darrick D. McGhee, Sr.

Job Title Vice President, Johnson & Blanton, LLC.

Address 537 East Park Avenue

Phone (850) 321-6489

Street
Tallahassee

Florida

32301

Email darrick@teamjtb.com

City

State

Zip

Speaking: For Against Information

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

Representing American Safety Council

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

The Florida Senate
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 616

INTRODUCER: Transportation Committee and Senator Passidomo

SUBJECT: Motor Vehicle Dealers

DATE: December 5, 2017

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 616 amends provisions relating to motor vehicle dealer licensing by the Department of Highway Safety and Motor Vehicles (DHSMV). The bill:

- Expands the definition of “motor vehicle dealer” to include additional activities, including leasing motor vehicles, that would qualify a person to be considered a motor vehicle dealer;
- Amends the definitions of “franchised motor vehicle dealer”, “independent motor vehicle dealer” and “wholesale motor vehicle dealer,” to remove the term “dealing in” motor vehicles;
- Provides that the following are not considered motor vehicle dealers:
 - Persons whose sole dealing in motor vehicles is owning or hosting a publication or website which displays motor vehicles for sale by licensed dealers is not a motor vehicle dealer; and
 - Persons primarily engaged in the business of short-term rentals of motor vehicles (rental terms that do not exceed 12 months), who are not involved in the retail sale of vehicles;
- Modifies the definition of “motor vehicle broker” and requires that any advertisement or solicitation by a motor vehicle broker include notice that the broker is receiving a fee and is not a licensed motor vehicle dealer;
- Provides that a licensed manufacturer, distributor, or importer is not considered a motor vehicle broker;
- Requires motor vehicle brokers to be licensed by the DHSMV in order to conduct business in Florida, which includes meeting application requirements, paying licensing fees, and following laws and rules related to licensure;

- Allows persons, other than licensed motor vehicle dealers, to advertise vehicles for sale belonging to another party if such person contracts with a motor vehicle dealer;
- Removes pre-licensing dealer training requirements for *all* applicants, instead requiring training for only franchise and independent motor vehicle dealers; and
- Revises training requirements for franchise motor vehicle dealers.

The bill will likely have a negative fiscal impact on motor vehicle brokers, other persons required to obtain a license from the DHSMV, and licensed dealer training schools. See V. Fiscal Impact Statement. DHSMV will incur costs associated with an increase of license applications; however, DHSMV will receive increased application fees in order to review and process such applications.

The bill takes effect July 1, 2018.

II. Present Situation:

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

The term “motor vehicle dealer” does not include:²

- Persons not engaged in the purpose or sale of motor vehicles as a business who are disposing of vehicles acquired for their own personal or business use, or acquired by foreclosure or operation of law, provided such vehicles are acquired and sold in good faith and not for the purpose of avoiding dealer licensing provisions;
- Persons engaged in the business of manufacturing, selling, or offering or displaying for sale no more than 25 trailers in a 12-month period;
- Public officers performing their official duties;
- Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under the judgement or order of, any court;
- Banks, finance companies, or other loan agencies that acquire motor vehicles as an incident to their regular business;
- Motor vehicle rental and leasing companies that sell motor vehicles to licensed dealers; or
- Motor vehicle brokers.

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

¹ As defined in s. 320.60(1), F.S., an “agreement” or “franchise agreement” means “a contract, franchise, new motor vehicle franchise, sales and service agreement, or dealer agreement or any other terminology used to describe the contractual relationship between a manufacturer, factory branch, distributor, or importer, and a motor vehicle dealer, pursuant to which the motor vehicle dealer is authorized to transact business pertaining to motor vehicles of a particular line-make.”

² Section 320.27(1)(c), F.S.

vehicle for the purpose of selling the vehicle. A motor vehicle broker is not required to obtain a motor vehicle dealer license.

Motor Vehicle Dealer Licenses

Motor vehicle dealers are required to be licensed by the state to conduct business. Currently, there are six classes of motor vehicle dealer licenses.³ They are:

- *Independent Dealer*: for persons dealing in used motor vehicles only;
- *Franchise Dealer*: for a licensee who sells new vehicles under an agreement with a manufacturer;
- *Service Facility*: for dealerships that perform maintenance or repairs of motor vehicles pursuant to a motor vehicle warranty;
- *Wholesale Dealer*: for licensees who may only buy from, sell to, and deal at wholesale with licensed dealers;
- *Auction Dealer*: for those licensed to sell vehicles to licensed dealers through the bid process; and
- *Salvage Dealer*: for licensees who deal in salvage or wrecked vehicles.

Section 320.27(2), F.S., allows motor vehicle owners to advertise and offer for sale vehicles on their own behalf; however, with the exception of transactions with motor vehicle auctions, no person other than a licensed dealer may offer for sale a vehicle belonging to another party unless it is as a result of a legal proceeding, court order, estate settlement, or by operation of law.

Motor Vehicle Dealer License Application Requirements

To become a licensed motor vehicle dealer, a person or persons must have their business site approved by a DHSMV Division of Motorist Services Regional Office, and submit an application to the DHSMV with required documentation and fees, which may include:⁴

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

Section 320.27(3), F.S., provides that the applicant must certify that the business location is not a residence, provides an adequately equipped office, affords sufficient unoccupied space to store

³ DHSMV website, *Licensing Requirements for Motor Vehicle Dealers*, <http://www.flhsmv.gov/dmv/dealer.html> (last visited Nov. 27, 2017).

⁴ See s. 320.27, F.S., and *Id.*

motor vehicles offered and displayed for sale, and is suitable for keeping and maintaining books, records, and files necessary to conduct such business, which shall be available at all reasonable hours to inspection by the DHSMV. The applicant also must certify that the business of a motor vehicle dealer is the principal business which shall be conducted at that location.

Pre-licensing Dealer Training and Continuing Education Requirements

Section 320.27(4), F.S., requires each initial license application be accompanied with verification that, within the preceding six months, the applicant (or designated employee) has attended a training and information seminar conducted by a licensed motor vehicle dealer training school.⁵ Such seminar shall review statutory dealer requirements, including required bookkeeping and recordkeeping procedures, and requirements for the collection of sales and use taxes. Any applicant who had held a valid motor vehicle dealer's license continuously within the past two years and who remains in good standing with the DHSMV is exempt from such pre-licensing requirements.

Applicants applying for an independent motor vehicle dealer license are required to submit verification to the DHSMV that, within the preceding six months, the applicant, which includes an owner, partner, officer, director of the applicant, or a full-time, management-level employee of the applicant, has *successfully completed*⁶ training conducted by a motor vehicle dealer training school. Such training includes:

- Training in titling and registration of motor vehicles;
- Training in laws relating to financing, and unfair and deceptive trade practices; and
- Training in other information that the DHSMV feels will promote good business practices.

Upon renewal of the motor vehicle dealer license (once every two years), an independent motor vehicle dealer must submit certification to the DHSMV that the dealer⁷ has completed eight hours of continuing education, which includes at least two hours of legal or legislative issues, one hour of DHSMV issues, and five hours of relevant motor vehicle industry topics.

Motor Vehicle Dealer License Fees

An initial applicant for a motor vehicle dealer license must pay a fee of \$300 to the DHSMV in addition to any other fees required by law.⁸ Upon application approval by the DHSMV, a dealer license is valid until December 31 for franchise motor vehicle dealers and April 30 for independent, wholesale, or auction dealers.⁹ License renewal requires a \$75 fee for the second year; thereafter, motor vehicle dealers may renew their license for a period of one or two years for a fee of \$75 for each year.¹⁰ Additionally, a dealer who files license renewal with the DHSMV within 45 days after the license's expiration date will be required to pay a \$100

⁵ A list of licensed dealer training schools is available on the DHSMV website. See *Licensed Dealer Training Schools* (Oct. 9, 2017), https://www.flhsmv.gov/pdf/dealerservices/1_dealer_trng_sch.pdf (last visited Nov. 30, 2017).

⁶ Section 320.27(4)(b), F.S., provides that "successful completion" of the training is determined by an exam administered at the end of the course and attendance of no less than 90 percent of the total hours required by the school.

⁷ Or an owner, partner, officer, director of the applicant, or a full-time, management-level employee of the applicant.

⁸ Section 320.27(3), F.S.

⁹ Section 320.27(4), F.S.

¹⁰ Section 320.27(3), F.S.

delinquent fee; thereafter, a new initial application and application fee is required.¹¹ Furthermore, a licensee is required to obtain a supplemental license for each permanent additional place of business for a \$50 annual fee.¹²

Additional Licensee Requirements

Motor vehicle dealers are required to follow numerous state laws and procedures in order to maintain their dealer license. Any person who violates these license requirements can be found guilty of a second-degree misdemeanor¹³, and could be liable under civil law in violation of Florida's Deceptive and Unfair Trade Practices Act¹⁴.

Section 320.27, F.S., provides requirements for motor vehicle dealers to maintain their licensed status, as well as conduct for which the DHSMV may deny, suspend, or revoke a license. For example, s. 320.27(9)(a), F.S., provides that the DHSMV may deny, suspend, or revoke such license upon proof that an applicant or licensee has committed fraud or willful misrepresentation in obtaining a license, has been convicted of a felony or has failed to provide payment to the DHSMV. Additionally, the DHSMV may deny, suspend, or revoke a license upon proof that a licensee has committed certain acts, with sufficient frequency so as to establish a pattern of wrongdoing on the part of the licensee.¹⁵ The terms "licensee" and "motor vehicle dealer" appear to be used interchangeably throughout s. 320.27, F.S.

III. Effect of Proposed Changes:

Motor Vehicle Dealer and Broker Definitions

The bill amends the definitions of "motor vehicle dealer" and "motor vehicle broker." Specifically, the bill adds that the term "motor vehicle dealer" also includes any person:

- Who engages in the business of leasing three or more motor vehicles in any 12-month period;
- Who engages in possessing, storing, or displaying motor vehicles for retail sale or lease;
- Who advertises motor vehicles held in his or her inventory for retail sale or lease;
- Who compensates customers for vehicles at wholesale or retail (trade-ins);
- Who negotiates with customers regarding the terms of sale or lease for a motor vehicle;
- Who provides test drives of motor vehicles he or she is offering for retail sale or lease;
- Who delivers or arranges for delivery a motor vehicle in conjunction with the retail sale or lease of a motor vehicle; or
- Who offers to sell a motor vehicle service agreement at the time of the retail sale or lease of a motor vehicle.

The bill clarifies that a person is not a motor vehicle dealer if his or her sole dealing in motor vehicles is owning a publication or hosting a website that displays vehicles for sale by licensed motor vehicle dealers. The bill adds that persons, other than licensed motor vehicle dealers, may

¹¹ Section 320.27(4), F.S.

¹² Section 320.27(5), F.S.

¹³ Section 320.27(8), F.S.

¹⁴ Part II, ch. 501, F.S.

¹⁵ See s. 320.27(9)(b), F.S.

advertise vehicles for sale or lease belonging to another party if such person contracts with a motor vehicle dealer.

The bill amends the definition of the term “motor vehicle broker,” which the bill defines as any person engaged in the business of, or who holds himself out as being in the business of, assisting the general public in purchasing or leasing a motor vehicle from a licensed dealer, and who does not store, display, or take ownership of any vehicle for the purpose of selling such vehicle. The bill requires any advertisement or solicitation by a motor vehicle broker to include notice that the broker is receiving a fee and clearly state that the broker is not a licensed motor vehicle dealer. Additionally, a licensed manufacturer, distributor, or importer is not considered a motor vehicle broker.

The bill also amends the definitions of “franchised motor vehicle dealer”, “independent motor vehicle dealer” and “wholesale motor vehicle dealer,” to remove the term “dealing in” motor vehicles.¹⁶ The bill adds that the definition of “independent motor vehicle dealer” includes persons in the business of leasing motor vehicles, but exempts from the term “motor vehicle dealer” persons primarily engaged in the business of short-term vehicle rentals (which do not exceed 12 months) who are not involved in the retail sale of motor vehicles.

Motor Vehicle Broker Licensing Requirements

The bill amends s. 320.27(2), F.S., requiring motor vehicle brokers to be licensed to engage in business in the state. Motor vehicle brokers will be required to apply for a license with the DHSMV, pay licensing fees, and follow other requirements of licensees provided in law. It is unclear how the DHSMV will implement the bill’s new broker licensing requirements, as some requirements for motor vehicle dealers may not be appropriate for motor vehicle brokers.

Pre-licensing Dealer Training and Continuing Education Requirements

The bill removes the requirement that each initial license applicant provide verification to the DHSMV that the applicant (or designated employee) attended a training and information seminar conducted by a licensed motor vehicle dealer training school.

Section 320.27(4)(b), F.S., of the bill continues to require initial independent motor vehicle license applicants to submit verification regarding a training and information seminar conducted by a licensed motor vehicle dealer training school. However, the bill removes that the seminar must be *successfully completed* by the applicant, which includes an owner, partner, officer, director of the applicant, or a full-time, management-level employee of the applicant. Instead, the bill requires an applicant *or* an applicant’s designated employee to *attend* such seminar.

The bill adds s. 320.27(4)(c)2., F.S., requiring that each franchised motor vehicle dealer certify, every two years, that the dealer operator, owner, partner, director, or general manager of the licensee has completed eight hours of industry certification on legal and legislative issues. Such certification shall be provided by a Florida-based, non-profit, dealer-owned, statewide industry

¹⁶ Current law refers to each as any person who engages in the business of buying, selling, or dealing in motor vehicles. See ss. 320.27(1)(c)2. And 3., F.S.

association of franchised motor vehicle dealers with state and federal compliance credentials approved by the DHSMV, and such association may charge a fee for providing the industry certification. For licensees belonging to a dealership group¹⁷, certification may be satisfied for all licensees by one designated owner, officer, director, or manager of the group. Certification shall be required in a classroom setting in a convenient location within Florida. Designated individuals shall receive certificates of completion, which must be filed with their license renewal form.

Technical Changes and Effective Date

The bill makes technical changes throughout s 320.27(4), F.S., to provide clarity.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will likely have a negative fiscal impact on motor vehicle brokers and other persons who will be considered a “motor vehicle dealer” and required to be licensed by the DHSMV.

Due to the removal of pre-licensing dealer training requirements for certain license applicants, the bill may have a negative fiscal impact on licensed dealer training schools.

¹⁷ The bill defines “dealership group” as “two or more licensed franchise motor vehicle dealers with a common owner which has legal or equitable title of at least 80 percent of each dealer in the group.”

C. Government Sector Impact:

DHSMV will likely incur costs associated with an increase of license applications; however, DHSMV will receive increased application fees in order to review and process such applications.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The DHSMV recommends the bill take effect January 1, 2019.¹⁸ DHSMV will be required to add the new broker license type in the Florida Real-Time Vehicle Information System; amend license application forms, bureau procedures, the dealer handbook, and on-line licensing information; train staff and perform stakeholder outreach on new licensing procedures; and establish procedures for handling customer complaints against motor vehicle brokers.¹⁹

VIII. Statutes Affected:

This bill substantially amends section 320.27 of the Florida Statutes.

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

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

CS by Transportation on December 5, 2017:

The CS:

- Adds that a person who leases three or more vehicles in any 12-month period shall be presumed to be a motor vehicle dealer, and adds references to leasing throughout the “motor vehicle dealer” definition;
- Exempts from the term “motor vehicle dealer” persons primarily engaged in the business of short-term vehicle rentals (which do not exceed 12 months) who are not involved in the retail sale of motor vehicles;
- Removes language from s. 320.27(1)(c), F.S., requiring a vehicle to be titled as a used vehicle when a motor vehicle dealer transferring the motor vehicle does not meet certain qualifications;
- Amends the definition of “franchised motor vehicle dealer”, “independent motor vehicle dealer” and “wholesale motor vehicle dealer” to remove the term “dealing in” motor vehicles;
- Reinserts language previously removed by the bill, which provides that a motor vehicle broker does not store, display, or take ownership of any vehicle for the purpose of selling such vehicles;

¹⁸ DHSMV, *2018 Agency Legislative Bill Analysis – SB 616 – Motor Vehicle Dealers* (Nov. 30, 2017) (on file with the Senate Committee on Transportation).

¹⁹ *Id.*

- Adds that a licensed manufacturer, distributor, or importer is not considered a motor vehicle broker;
- Includes additional requirements for pre-licensing training for independent motor vehicle dealers that were removed by the bill and currently required of all motor vehicle dealer applicants;
- Adds that the franchised motor vehicle dealer industry certification be provided by a statewide industry association of franchised motor vehicles dealers, and such association may charge a fee for providing industry certification; and
- Provides industry certification requirements for licensees in dealership groups, and defines the term “dealership group” for purposes of s. 320.27, F.S.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/05/2017	.	
	.	
	.	
	.	

The Committee on Transportation (Passidomo) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (c) and (d) of subsection (1) and
subsections (2), (3), and (4) of section 320.27, Florida
Statutes, are amended to read:

320.27 Motor vehicle dealers.—

(1) DEFINITIONS.—The following words, terms, and phrases
when used in this section have the meanings respectively



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11 ascribed to them in this subsection, except where the context
12 clearly indicates a different meaning:

13 (c) "Motor vehicle dealer" means any person engaged in the
14 business of buying, selling, or leasing ~~dealing in~~ motor
15 vehicles or offering or displaying motor vehicles for sale or
16 lease at wholesale or retail, or who may service and repair
17 motor vehicles pursuant to an agreement as defined in s.
18 320.60(1). Any person who buys, sells, or leases ~~deals in~~ three
19 or more motor vehicles in any 12-month period or who offers or
20 displays for sale or lease three or more motor vehicles in any
21 12-month period shall be prima facie presumed to be ~~engaged in~~
22 such business a motor vehicle dealer. Any person who engages in
23 any of the following activities shall be deemed to be a motor
24 vehicle dealer: possessing, storing, or displaying motor
25 vehicles for retail sale or lease by the person; advertising
26 motor vehicles held in inventory by the person for retail sale
27 or lease by the person; compensating customers for vehicles at
28 wholesale or retail, also known as trade-ins; negotiating with
29 customers regarding the terms of sale or lease for a motor
30 vehicle; providing test drives of motor vehicles offered for
31 retail sale or lease by the person; delivering or arranging for
32 the delivery of a motor vehicle in conjunction with the retail
33 sale or lease of the motor vehicle; or offering to sell a motor
34 vehicle service agreement at the time of the retail sale or
35 lease of a motor vehicle. The terms "selling" and "sale" include
36 lease-purchase transactions. A motor vehicle dealer may, at
37 retail or wholesale, sell a recreational vehicle as described in
38 s. 320.01(1)(b)1.-6. and 8., acquired in exchange for the sale
39 of a motor vehicle, provided such acquisition is incidental to



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40 the principal business of being a motor vehicle dealer. However,
41 a motor vehicle dealer may not buy a recreational vehicle for
42 the purpose of resale unless licensed as a recreational vehicle
43 dealer pursuant to s. 320.771. ~~A motor vehicle dealer may apply
44 for a certificate of title to a motor vehicle required to be
45 registered under s. 320.08(2)(b), (c), and (d), using a
46 manufacturer's statement of origin as permitted by s. 319.23(1),
47 only if such dealer is authorized by a franchised agreement as
48 defined in s. 320.60(1), to buy, sell, or deal in such vehicle
49 and is authorized by such agreement to perform delivery and
50 preparation obligations and warranty defect adjustments on the
51 motor vehicle; provided this limitation shall not apply to
52 recreational vehicles, van conversions, or any other motor
53 vehicle manufactured on a truck chassis. The transfer of a motor
54 vehicle by a dealer not meeting these qualifications shall be
55 titled as a used vehicle. The classifications of motor vehicle
56 dealers are defined as follows:~~

57 1. "Franchised motor vehicle dealer" means any person who
58 engages in the business of repairing, servicing, buying,
59 selling, or leasing ~~dealing in~~ motor vehicles pursuant to an
60 agreement as defined in s. 320.60(1). A motor vehicle dealer may
61 apply for a certificate of title to a motor vehicle required to
62 be registered under s. 320.08(2)(b), (c), or (d) or s.
63 320.08(3)(a), (b), or (c), using a manufacturer's statement of
64 origin as required by s. 319.23(1), only if such dealer is
65 authorized by a franchise agreement as defined in s. 320.60(1)
66 to buy, sell, or deal in such vehicles and is authorized by such
67 agreement to perform delivery and preparation obligations and
68 warranty defect adjustments on the motor vehicle. This



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69 limitation does not apply to recreational vehicles, van
70 conversions, or any other motor vehicle manufactured on a truck
71 chassis.

72 2. "Independent motor vehicle dealer" means any person
73 other than a franchised or wholesale motor vehicle dealer who
74 engages in the business of buying, selling, or leasing ~~dealing~~
75 ~~in~~ motor vehicles, and who may service and repair motor
76 vehicles.

77 3. "Wholesale motor vehicle dealer" means any person who
78 engages exclusively in the business of buying or ~~selling, or~~
79 ~~dealing in~~ motor vehicles at wholesale or with motor vehicle
80 auctions. Such person shall be licensed to do business in this
81 state, shall not sell or auction a vehicle to any person who is
82 not a licensed dealer, and shall not have the privilege of the
83 use of dealer license plates. Any person who buys, sells, or
84 deals in motor vehicles at wholesale or with motor vehicle
85 auctions on behalf of a licensed motor vehicle dealer and as a
86 bona fide employee of such licensed motor vehicle dealer is not
87 required to be licensed as a wholesale motor vehicle dealer. In
88 such cases it shall be prima facie presumed that a bona fide
89 employer-employee relationship exists. A wholesale motor vehicle
90 dealer shall be exempt from the display provisions of this
91 section but shall maintain an office wherein records are kept in
92 order that those records may be inspected.

93 4. "Motor vehicle auction" means any person offering motor
94 vehicles or recreational vehicles for sale to the highest bidder
95 where buyers are licensed motor vehicle dealers. Such person
96 shall not sell a vehicle to anyone other than a licensed motor
97 vehicle dealer.



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

101
102 Notwithstanding anything in this subsection to the contrary, the
103 term "motor vehicle dealer" does not include persons not engaged
104 in the purchase or sale of motor vehicles as a business who are
105 disposing of vehicles acquired for their own use or for use in
106 their business or acquired by foreclosure or by operation of
107 law, provided such vehicles are acquired and sold in good faith
108 and not for the purpose of avoiding the provisions of this law;
109 persons engaged in the business of manufacturing, selling, or
110 offering or displaying for sale at wholesale or retail no more
111 than 25 trailers in a 12-month period; public officers while
112 performing their official duties; receivers; trustees,
113 administrators, executors, guardians, or other persons appointed
114 by, or acting under the judgment or order of, any court; banks,
115 finance companies, or other loan agencies that acquire motor
116 vehicles as an incident to their regular business; motor vehicle
117 brokers; persons whose sole dealing in motor vehicles is owning
118 a publication in, or hosting a website on, which licensed motor
119 vehicle dealers display vehicles for sale; persons primarily
120 engaged in the business of the short-term rental of motor
121 vehicles, which rental term may not exceed 12 months, who are
122 not also involved in the retail sale of motor vehicles; and
123 motor vehicle rental and leasing companies that sell motor
124 vehicles only to motor vehicle dealers licensed under this
125 section. Vehicles owned under circumstances described in this
126 paragraph may be disposed of at retail, wholesale, or auction,



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127 unless otherwise restricted. A manufacturer of fire trucks,
128 ambulances, or school buses may sell such vehicles directly to
129 governmental agencies or to persons who contract to perform or
130 provide firefighting, ambulance, or school transportation
131 services exclusively to governmental agencies without processing
132 such sales through dealers if such fire trucks, ambulances,
133 school buses, or similar vehicles are not presently available
134 through motor vehicle dealers licensed by the department.

135 (d) "Motor vehicle broker" means any person engaged in the
136 business of, or who holds himself or herself out through
137 solicitation, advertisement, or other means as being in the
138 business of, assisting ~~offering to procure or procuring motor~~
139 ~~vehicles for the general public in purchasing or leasing a motor~~
140 ~~vehicle from a licensed motor vehicle dealer, or who holds~~
141 ~~himself or herself out through solicitation, advertisement, or~~
142 ~~otherwise as one who offers to procure or procures motor~~
143 ~~vehicles for the general public, and who does not store,~~
144 display, or take ownership of any vehicles for the purpose of
145 selling such vehicles. Any advertisement or solicitation by a
146 motor vehicle broker must include notice that the broker is
147 receiving a fee and must clearly state that the broker is not a
148 licensed motor vehicle dealer. A licensed manufacturer,
149 distributor, or importer is not considered a motor vehicle
150 broker.

151 (2) LICENSE REQUIRED.—No person shall engage in business
152 as, serve in the capacity of, or act as a motor vehicle dealer
153 or motor vehicle broker in this state without first obtaining a
154 license therefor in the appropriate classification as provided
155 in this section. With the exception of transactions with motor



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156 vehicle auctions, no person other than a licensed motor vehicle
157 dealer may advertise for sale or lease any motor vehicle
158 belonging to another party unless as a direct result of a bona
159 fide legal proceeding, court order, settlement of an estate, ~~or~~
160 by contract with a motor vehicle dealer, or by operation of law.
161 However, owners of motor vehicles titled in their names may
162 advertise and offer vehicles for sale on their own behalf. It
163 shall be unlawful for a licensed motor vehicle dealer to allow
164 any person other than a bona fide employee to use the motor
165 vehicle dealer license for the purpose of acting in the capacity
166 of or conducting motor vehicle sales transactions as a motor
167 vehicle dealer. Any person acting ~~selling or offering a motor~~
168 ~~vehicle for sale~~ in violation of the licensing requirements of
169 this subsection, or who misrepresents to any person its
170 relationship with any manufacturer, importer, or distributor, in
171 addition to the penalties provided herein, shall be deemed to
172 have committed ~~guilty of~~ an unfair and deceptive trade practice
173 ~~as defined~~ in violation of part II of chapter 501 and shall be
174 subject to the provisions of subsections (8) and (9).

175 (3) APPLICATION AND FEE.—The application for the license
176 shall be in such form as may be prescribed by the department and
177 shall be subject to such rules with respect thereto as may be so
178 prescribed by it. Such application shall be verified by oath or
179 affirmation and shall contain a full statement of the name and
180 birth date of the person or persons applying therefor; the name
181 of the firm or copartnership, with the names and places of
182 residence of all members thereof, if such applicant is a firm or
183 copartnership; the names and places of residence of the
184 principal officers, if the applicant is a body corporate or



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185 other artificial body; the name of the state under whose laws
186 the corporation is organized; the present and former place or
187 places of residence of the applicant; and prior business in
188 which the applicant has been engaged and the location thereof.
189 Such application shall describe the exact location of the place
190 of business and shall state whether the place of business is
191 owned by the applicant and when acquired, or, if leased, a true
192 copy of the lease shall be attached to the application. The
193 applicant shall certify that the location provides an adequately
194 equipped office and is not a residence; that the location
195 affords sufficient unoccupied space upon and within which
196 adequately to store all motor vehicles offered and displayed for
197 sale; and that the location is a suitable place where the
198 applicant can in good faith carry on such business and keep and
199 maintain books, records, and files necessary to conduct such
200 business, which shall be available at all reasonable hours to
201 inspection by the department or any of its inspectors or other
202 employees. The applicant shall certify that the business of a
203 motor vehicle dealer is the principal business which shall be
204 conducted at that location. The application shall contain a
205 statement that the applicant is: either franchised by a
206 manufacturer of motor vehicles, in which case the name of each
207 motor vehicle that the applicant is franchised to sell shall be
208 included; ~~or~~ an independent (nonfranchised) motor vehicle
209 dealer; or a motor vehicle broker. The application shall contain
210 other relevant information as may be required by the department,
211 including evidence that the applicant is insured under a garage
212 liability insurance policy or a general liability insurance
213 policy coupled with a business automobile policy, which shall



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214 include, at a minimum, \$25,000 combined single-limit liability
215 coverage including bodily injury and property damage protection
216 and \$10,000 personal injury protection. However, a salvage motor
217 vehicle dealer as defined in subparagraph (1)(c)5. is exempt
218 from the requirements for garage liability insurance and
219 personal injury protection insurance on those vehicles that
220 cannot be legally operated on roads, highways, or streets in
221 this state. Franchise dealers must submit a garage liability
222 insurance policy, and all other dealers must submit a garage
223 liability insurance policy or a general liability insurance
224 policy coupled with a business automobile policy. Such policy
225 shall be for the license period, and evidence of a new or
226 continued policy shall be delivered to the department at the
227 beginning of each license period. Upon making initial
228 application, the applicant shall pay to the department a fee of
229 \$300 in addition to any other fees required by law. Applicants
230 may choose to extend the licensure period for 1 additional year
231 for a total of 2 years. An initial applicant shall pay to the
232 department a fee of \$300 for the first year and \$75 for the
233 second year, in addition to any other fees required by law. An
234 applicant for renewal shall pay to the department \$75 for a 1-
235 year renewal or \$150 for a 2-year renewal, in addition to any
236 other fees required by law. Upon making an application for a
237 change of location, the person shall pay a fee of \$50 in
238 addition to any other fees now required by law. The department
239 shall, in the case of every application for initial licensure,
240 verify whether certain facts set forth in the application are
241 true. Each applicant, general partner in the case of a
242 partnership, or corporate officer and director in the case of a



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243 corporate applicant, must file a set of fingerprints with the
244 department for the purpose of determining any prior criminal
245 record or any outstanding warrants. The department shall submit
246 the fingerprints to the Department of Law Enforcement for state
247 processing and forwarding to the Federal Bureau of Investigation
248 for federal processing. The actual cost of state and federal
249 processing shall be borne by the applicant and is in addition to
250 the fee for licensure. The department may issue a license to an
251 applicant pending the results of the fingerprint investigation,
252 which license is fully revocable if the department subsequently
253 determines that any facts set forth in the application are not
254 true or correctly represented.

255 (4) LICENSE CERTIFICATE.—

256 (a) An initial A license certificate shall be issued by the
257 department in accordance with such application when the
258 application is regular in form and in compliance with the
259 provisions of this section. The license certificate may be in
260 the form of a document or a computerized card as determined by
261 the department. The actual cost of each original, additional, or
262 replacement computerized card shall be borne by the licensee and
263 is in addition to the fee for licensure. Such license, when so
264 issued, entitles the licensee to carry on and conduct the
265 business of a motor vehicle dealer or broker. Each license
266 issued to a franchise motor vehicle dealer or motor vehicle
267 broker expires on December 31 of the year of its expiration
268 unless revoked or suspended prior to that date. Each license
269 issued to an independent or wholesale dealer or auction expires
270 on April 30 of the year of its expiration unless revoked or
271 suspended prior to that date. ~~At least 60 days before the~~



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272 ~~license expiration date, the department shall deliver or mail to~~
273 ~~each licensee the necessary renewal forms. Each independent~~
274 ~~dealer shall certify that the dealer (owner, partner, officer,~~
275 ~~or director of the licensee, or a full-time employee of the~~
276 ~~licensee that holds a responsible management-level position) has~~
277 ~~completed 8 hours of continuing education prior to filing the~~
278 ~~renewal forms with the department. Such certification shall be~~
279 ~~filed once every 2 years. The continuing education shall include~~
280 ~~at least 2 hours of legal or legislative issues, 1 hour of~~
281 ~~department issues, and 5 hours of relevant motor vehicle~~
282 ~~industry topics. Continuing education shall be provided by~~
283 ~~dealer schools licensed under paragraph (b) either in a~~
284 ~~classroom setting or by correspondence. Such schools shall~~
285 ~~provide certificates of completion to the department and the~~
286 ~~customer which shall be filed with the license renewal form, and~~
287 ~~such schools may charge a fee for providing continuing~~
288 ~~education. Any licensee who does not file his or her application~~
289 ~~and fees and any other requisite documents, as required by law,~~
290 ~~with the department at least 30 days prior to the license~~
291 ~~expiration date shall cease to engage in business as a motor~~
292 ~~vehicle dealer on the license expiration date. A renewal filed~~
293 ~~with the department within 45 days after the expiration date~~
294 ~~shall be accompanied by a delinquent fee of \$100. Thereafter, a~~
295 ~~new application is required, accompanied by the initial license~~
296 ~~fee. A license certificate duly issued by the department may be~~
297 ~~modified by endorsement to show a change in the name of the~~
298 ~~licensee, provided, as shown by affidavit of the licensee, the~~
299 ~~majority ownership interest of the licensee has not changed or~~
300 ~~the name of the person appearing as franchisee on the sales and~~



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301 ~~service agreement has not changed. Modification of a license~~
302 ~~certificate to show any name change as herein provided shall not~~
303 ~~require initial licensure or reissuance of dealer tags; however,~~
304 ~~any dealer obtaining a name change shall transact all business~~
305 ~~in and be properly identified by that name. All documents~~
306 ~~relative to licensure shall reflect the new name. In the case of~~
307 ~~a franchise dealer, the name change shall be approved by the~~
308 ~~manufacturer, distributor, or importer. A licensee applying for~~
309 ~~a name change endorsement shall pay a fee of \$25 which fee shall~~
310 ~~apply to the change in the name of a main location and all~~
311 ~~additional locations licensed under the provisions of subsection~~
312 ~~(5). Each initial license application received by the department~~
313 ~~shall be accompanied by verification that, within the preceding~~
314 ~~6 months, the applicant, or one or more of his or her designated~~
315 ~~employees, has attended a training and information seminar~~
316 ~~conducted by a licensed motor vehicle dealer training school.~~
317 ~~Any applicant for a new franchised motor vehicle dealer license~~
318 ~~who has held a valid franchised motor vehicle dealer license~~
319 ~~continuously for the past 2 years and who remains in good~~
320 ~~standing with the department is exempt from the prelicensing~~
321 ~~training requirement. Such seminar shall include, but is not~~
322 ~~limited to, statutory dealer requirements, which requirements~~
323 ~~include required bookkeeping and recordkeeping procedures,~~
324 ~~requirements for the collection of sales and use taxes, and such~~
325 ~~other information that in the opinion of the department will~~
326 ~~promote good business practices. No seminar may exceed 8 hours~~
327 ~~in length.~~

328 ~~(b) Each initial license application received by the~~
329 ~~department for licensure under subparagraph (1)(c)2. shall be~~



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330 ~~accompanied by verification that, within the preceding 6 months,~~
331 ~~the applicant (owner, partner, officer, or director of the~~
332 ~~applicant, or a full-time employee of the applicant that holds a~~
333 ~~responsible management-level position) has successfully~~
334 ~~completed training conducted by a licensed motor vehicle dealer~~
335 ~~training school. Such training must include training in titling~~
336 ~~and registration of motor vehicles, laws relating to unfair and~~
337 ~~deceptive trade practices, laws relating to financing with~~
338 ~~regard to buy-here, pay-here operations, and such other~~
339 ~~information that in the opinion of the department will promote~~
340 ~~good business practices. Successful completion of this training~~
341 ~~shall be determined by examination administered at the end of~~
342 ~~the course and attendance of no less than 90 percent of the~~
343 ~~total hours required by such school. Any applicant who had held~~
344 ~~a valid motor vehicle dealer's license continuously within the~~
345 ~~past 2 years and who remains in good standing with the~~
346 ~~department is exempt from the prelicensing requirements of this~~
347 ~~section. The department shall have the authority to adopt any~~
348 ~~rule necessary for establishing the training curriculum; length~~
349 ~~of training, which shall not exceed 8 hours for required~~
350 ~~department topics and shall not exceed an additional 24 hours~~
351 ~~for topics related to other regulatory agencies' instructor~~
352 ~~qualifications; and any other requirements under this section.~~
353 ~~The curriculum for other subjects shall be approved by any and~~
354 ~~all other regulatory agencies having jurisdiction over specific~~
355 ~~subject matters; however, the overall administration of the~~
356 ~~licensing of these dealer schools and their instructors shall~~
357 ~~remain with the department. Such schools are authorized to~~
358 ~~charge a fee.~~



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359 (b) Each application for initial licensure as an
360 independent motor vehicle dealer received by the department
361 shall be accompanied by verification that, within the preceding
362 6 months, the applicant or one or more of his or her designated
363 employees has attended a training and information seminar
364 conducted by a licensed motor vehicle dealer training school.
365 Such seminar must include, but need not be limited to, statutory
366 dealer requirements, which include required bookkeeping and
367 recordkeeping procedures, requirements for the collection of
368 sales and use taxes, and any other information that, in the
369 opinion of the department, will promote good business practices.
370 A seminar may not exceed 8 hours in length. Such training must
371 include instruction in titling and registration of motor
372 vehicles, laws relating to unfair and deceptive trade practices,
373 laws relating to financing with regard to buy-here, pay-here
374 operations, and such other information that in the opinion of
375 the department promotes good business practices. Successful
376 completion of this training shall be determined by examination
377 administered at the end of the seminar and attendance of no less
378 than 90 percent of the total hours required by such school. Any
379 applicant for an independent dealer license who had held a valid
380 motor vehicle dealer license continuously within the past 2
381 years and who remains in good standing with the department is
382 exempt from the prelicensing requirements of this section. The
383 department may adopt any rule necessary for establishing the
384 training curriculum; length of training, which shall not exceed
385 8 hours for required department topics and shall not exceed an
386 additional 24 hours for topics related to other regulatory
387 agencies' instructor qualifications; and any other requirements



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388 under this section. The curriculum for other subjects shall be
389 approved by any and all other regulatory agencies having
390 jurisdiction over the specific subject matters; however, the
391 overall administration of the licensing of these dealer schools
392 and their instructors shall remain with the department. Such
393 schools are authorized to charge a fee for training.

394 (c) At least 60 days before the license expiration date,
395 the department shall deliver or mail to each licensee the
396 necessary renewal forms.

397 1. Each independent motor vehicle dealer must certify that
398 the dealer has completed 8 hours of continuing education before
399 filing the renewal forms with the department. For purposes of
400 this subparagraph, the term "dealer" means an owner, partner,
401 officer, or director of the licensee, or a full-time employee of
402 the licensee that holds a responsible management-level position.
403 Such certification must be filed once every 2 years. The
404 continuing education shall include at least 2 hours of
405 instruction in legal or legislative issues, 1 hour of
406 instruction in department issues, and 5 hours of instruction in
407 relevant motor vehicle industry topics. Continuing education
408 shall be provided by dealer schools licensed under paragraph (b)
409 either in a classroom setting or by correspondence. Such schools
410 shall provide certificates of completion to the department and
411 the customer which must be filed with the license renewal form,
412 and such schools may charge a fee for providing continuing
413 education.

414 2. Each franchised motor vehicle dealer shall certify that
415 the dealer, operator, owner, partner, director, or general
416 manager of the licensee has completed 8 hours of industry



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417 certification on legal and legislative issues every 2 years
418 provided by a Florida-based, nonprofit, dealer-owned, statewide
419 industry association of franchised motor vehicle dealers with
420 state and federal compliance credentials approved by the
421 department. Such association may charge a fee for providing the
422 industry certification. In the case of licensees belonging to a
423 dealership group, the required certification may be satisfied
424 for all licensees in the dealership group through completion of
425 the industry certification by one designated owner, officer,
426 director, or manager of the dealership group. For purposes of
427 this section, a dealership group is two or more licensed
428 franchised motor vehicle dealers with a common owner which has
429 legal or equitable title of at least 80 percent of each dealer
430 in the group. Certification shall be required in a classroom
431 setting in a convenient location within the state and designated
432 individuals shall receive certificates of completion from the
433 organization which must be filed with their license renewal
434 form. A licensee who seeks to satisfy the required certification
435 through a dealership group must provide the department with
436 evidence of the required common ownership at the time of filing
437 the certificate of completion.

438 3. Any licensee who does not file his or her application
439 and any other requisite documents with, and pay the fees to, as
440 required by law, the department at least 30 days before the
441 license expiration date must cease to engage in business as a
442 motor vehicle dealer no later than the license expiration date.
443 A renewal filed with the department within 45 days after the
444 expiration date must be accompanied by a delinquent fee of \$100.
445 Thereafter, a new application is required, accompanied by the



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446 initial license fee.

447 (d) A license certificate duly issued by the department may
448 be modified by endorsement to show a change in the name of the
449 licensee, provided, as shown by affidavit of the licensee, the
450 majority ownership interest of the licensee has not changed or
451 the name of the person appearing as franchisee on the sales and
452 service agreement has not changed. Modification of a license
453 certificate to show any name change as provided in this
454 paragraph does not require initial licensure or reissuance of
455 dealer tags; however, any dealer obtaining a name change shall
456 transact all business in and be properly identified by that
457 name. All documents relative to licensure shall reflect the new
458 name. In the case of a franchised motor vehicle dealer, the name
459 change shall be approved by the manufacturer, distributor, or
460 importer. A licensee applying for a name change endorsement
461 shall pay a fee of \$25 which shall apply to the change in the
462 name of a main location and all additional locations licensed
463 under subsection (5).

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

465
466 ===== T I T L E A M E N D M E N T =====

467 And the title is amended as follows:

468 Delete everything before the enacting clause
469 and insert:

470 A bill to be entitled

471 An act relating to motor vehicle dealers; amending s.
472 320.27, F.S.; revising the definitions of the terms
473 "motor vehicle dealer," "franchised motor vehicle
474 dealer," "independent motor vehicle dealer,"



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475 "wholesale motor vehicle dealer," and "motor vehicle
476 broker"; prohibiting persons from engaging in business
477 as, serving in the capacity of, or acting as a motor
478 vehicle broker in this state without first obtaining a
479 certain license; adding an exception to the
480 prohibition on persons other than a licensed motor
481 vehicle dealer from advertising for sale or lease any
482 motor vehicle belonging to another party; requiring
483 any person acting in violation of specified licensing
484 requirements to be deemed to have committed an unfair
485 and deceptive trade practice in violation of specified
486 provisions; requiring an initial license certificate
487 to be issued by the Department of Highway Safety and
488 Motor Vehicles in accordance with an application when
489 the application is regular in form and in compliance
490 with specified provisions; providing for expiration of
491 a license issued to a motor vehicle broker; deleting
492 provisions relating to renewal forms, license
493 certificates, and initial license applications;
494 requiring each initial application for licensure as an
495 independent motor vehicle dealer received by the
496 department to be accompanied by certain verification
497 of attending training and an information seminar;
498 providing seminar and training requirements; providing
499 an exemption; authorizing the department to adopt
500 certain rules; providing that the curriculum for
501 certain subjects is approved by any and all other
502 regulatory agencies having jurisdiction over the
503 specific subject matters; requiring that the overall



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504 administration of the licensing of dealer schools and
505 their instructors remains with the department;
506 authorizing the schools to charge a fee for training;
507 requiring the department to deliver or mail to each
508 licensee the necessary renewal forms within a
509 specified period; requiring independent motor vehicle
510 dealers to complete certain certification relating to
511 continuing education, subject to certain requirements;
512 defining the term "dealer"; providing requirements for
513 continuing education; requiring dealer schools to
514 provide certificates of completion to the department
515 and customer; authorizing the schools to charge a fee
516 for providing continuing education; requiring
517 franchised motor vehicle dealers to complete certain
518 industry certification, subject to certain
519 requirements; authorizing a certain association to
520 charge a fee for providing the industry certification;
521 authorizing such certification to be accomplished by a
522 certain designated person under certain circumstances;
523 providing certification requirements; requiring
524 designated individuals to receive certificates of
525 completion; requiring a licensee who seeks to satisfy
526 the certification through a dealership group to
527 provide the department with certain evidence at the
528 time of filing the certificate of completion;
529 requiring licensees who do not file their application
530 and any other requisite documents with, and pay the
531 fees to, the department within a specified period to
532 cease engaging in business; providing fees for a



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533 renewal or new application filed with the department
534 within specified periods after the expiration date;
535 authorizing a license certificate to be modified to
536 show a change in the name of the licensee, subject to
537 certain requirements; requiring a specified fee for
538 such modification; conforming provisions to changes
539 made by the act; providing an effective date.

By Senator Passidomo

28-00731-18

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1 A bill to be entitled
 2 An act relating to motor vehicle dealers; amending s.
 3 320.27, F.S.; revising the definitions of the terms
 4 "motor vehicle dealer," "franchised motor vehicle
 5 dealer," "independent motor vehicle dealer,"
 6 "wholesale motor vehicle dealer," and "motor vehicle
 7 broker"; prohibiting persons from engaging in business
 8 as, serving in the capacity of, or acting as a motor
 9 vehicle broker in this state without first obtaining a
 10 certain license; adding an exception to the
 11 prohibition on persons other than a licensed motor
 12 vehicle dealer from advertising for sale any motor
 13 vehicle belonging to another party; requiring any
 14 person acting in violation of specified licensing
 15 requirements to be deemed to have committed an unfair
 16 and deceptive trade practice in violation of specified
 17 provisions; requiring an initial license certificate
 18 to be issued by the Department of Highway Safety and
 19 Motor Vehicles in accordance with an application when
 20 the application is regular in form and in compliance
 21 with specified provisions; providing for expiration of
 22 a license issued to a motor vehicle broker; deleting
 23 provisions relating to renewal forms, license
 24 certificates, and initial license applications;
 25 requiring each initial application for licensure as an
 26 independent motor vehicle dealer received by the
 27 department to be accompanied by certain verification
 28 of training; providing training requirements;
 29 providing an exemption; authorizing the department to

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30 adopt certain rules; providing that the curriculum for
 31 certain subjects is approved by any and all other
 32 regulatory agencies having jurisdiction over the
 33 specific subject matters; requiring that the overall
 34 administration of the licensing of dealer schools and
 35 their instructors remains with the department;
 36 authorizing the schools to charge a fee for training;
 37 requiring the department to deliver or mail to each
 38 licensee the necessary renewal forms within a
 39 specified period; requiring independent motor vehicle
 40 dealers to complete certain certification relating to
 41 continuing education, subject to certain requirements;
 42 defining the term "dealer"; providing requirements for
 43 continuing education; requiring dealer schools to
 44 provide certificates of completion to the department
 45 and customer; requiring franchised motor vehicle
 46 dealers to complete certain industry certification,
 47 subject to certain requirements; authorizing such
 48 certification to be accomplished by one designated
 49 employee under certain circumstances; providing
 50 certification requirements; requiring designated
 51 individuals to receive certificates of completion;
 52 requiring licensees who do not file their application
 53 and any other requisite documents with, and pay the
 54 fees to, the department within a specified period to
 55 cease engaging in business; providing fees for a
 56 renewal or new application filed with the department
 57 within specified periods after the expiration date;
 58 authorizing a license certificate to be modified to

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59 show a change in the name of the licensee, subject to
60 certain requirements; requiring a specified fee for
61 such modification; conforming provisions to changes
62 made by the act; providing an effective date.

63
64 Be It Enacted by the Legislature of the State of Florida:

65
66 Section 1. Paragraphs (c) and (d) of subsection (1) and
67 subsections (2), (3), and (4) of section 320.27, Florida
68 Statutes, are amended to read:

69 320.27 Motor vehicle dealers.—

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

74 (c) "Motor vehicle dealer" means any person engaged in the
75 business of buying, selling, or leasing ~~dealing in~~ motor
76 vehicles or offering or displaying motor vehicles for sale at
77 wholesale or retail, or who may service and repair motor
78 vehicles pursuant to an agreement as defined in s. 320.60(1).
79 Any person who buys, sells, leases or ~~deals in three or more~~
80 ~~motor vehicles in any 12-month period or who offers or displays~~
81 ~~for sale three or more motor vehicles in any 12-month period~~
82 ~~shall be prima facie presumed to be engaged in such business a~~
83 motor vehicle dealer. Any person who engages in any of the
84 following activities shall be deemed to be a motor vehicle
85 dealer: possessing, storing, or displaying motor vehicles for
86 retail sale; advertising motor vehicles in inventory for retail
87 sale; compensating customers for vehicles at wholesale or

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88 retail, also known as trade-ins; negotiating with customers
89 regarding the terms of sale for a motor vehicle; providing test
90 drives of motor vehicles offered for sale; delivering or
91 arranging for the delivery of a motor vehicle in conjunction
92 with the sale of the motor vehicle; and offering vehicle service
93 protection products or retail installment sales contracts to
94 buyers. The terms "selling" and "sale" include lease-purchase
95 ~~transactions.~~ A motor vehicle dealer may, at retail or
96 wholesale, sell a recreational vehicle as described in s.
97 320.01(1)(b)1.-6. and 8., acquired in exchange for the sale of a
98 motor vehicle, provided such acquisition is incidental to the
99 principal business of being a motor vehicle dealer. However, a
100 motor vehicle dealer may not buy a recreational vehicle for the
101 purpose of resale unless licensed as a recreational vehicle
102 dealer pursuant to s. 320.771. ~~A motor vehicle dealer may apply~~
103 ~~for a certificate of title to a motor vehicle required to be~~
104 ~~registered under s. 320.08(2)(b), (c), and (d), using a~~
105 ~~manufacturer's statement of origin as permitted by s. 319.23(1),~~
106 ~~only if such dealer is authorized by a franchised agreement as~~
107 ~~defined in s. 320.60(1), to buy, sell, or deal in such vehicle~~
108 ~~and is authorized by such agreement to perform delivery and~~
109 ~~preparation obligations and warranty defect adjustments on the~~
110 ~~motor vehicle; provided this limitation shall not apply to~~
111 ~~recreational vehicles, van conversions, or any other motor~~
112 ~~vehicle manufactured on a truck chassis. The transfer of a motor~~
113 ~~vehicle by a dealer not meeting these qualifications shall be~~
114 ~~titled as a used vehicle.~~ The classifications of motor vehicle
115 dealers are defined as follows:

116 1. "Franchised motor vehicle dealer" means any person who

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117 engages in the business of repairing, servicing, buying,
 118 selling, or ~~leasing~~ ~~dealing in~~ motor vehicles pursuant to an
 119 agreement as defined in s. 320.60(1). A motor vehicle dealer may
 120 apply for a certificate of title to a motor vehicle required to
 121 be registered under s. 320.08(2)(b), (c), or (d), using a
 122 manufacturer's statement of origin as required by s. 319.23(1),
 123 only if such dealer is authorized by a franchise agreement as
 124 defined in s. 320.60(1) to buy, sell, or deal in such vehicles
 125 and is authorized by such agreement to perform delivery and
 126 preparation obligations and warranty defect adjustments on the
 127 motor vehicle. This limitation does not apply to recreational
 128 vehicles, van conversions, or any other motor vehicle
 129 manufactured on a truck chassis. If the transfer of a motor
 130 vehicle by a dealer does not meet these qualifications, the
 131 motor vehicle shall be titled as a used vehicle.

132 2. "Independent motor vehicle dealer" means any person
 133 other than a franchised or wholesale motor vehicle dealer who
 134 engages in the business of buying, and selling, ~~or dealing in~~
 135 motor vehicles, and who may service and repair motor vehicles.

136 3. "Wholesale motor vehicle dealer" means any person who
 137 engages exclusively in the business of buying, and selling, ~~or~~
 138 ~~dealing in~~ motor vehicles at wholesale or with motor vehicle
 139 auctions. Such person shall be licensed to do business in this
 140 state, shall not sell or auction a vehicle to any person who is
 141 not a licensed dealer, and shall not have the privilege of the
 142 use of dealer license plates. Any person who buys, sells, or
 143 deals in motor vehicles at wholesale or with motor vehicle
 144 auctions on behalf of a licensed motor vehicle dealer and as a
 145 bona fide employee of such licensed motor vehicle dealer is not

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146 required to be licensed as a wholesale motor vehicle dealer. In
 147 such cases it shall be prima facie presumed that a bona fide
 148 employer-employee relationship exists. A wholesale motor vehicle
 149 dealer shall be exempt from the display provisions of this
 150 section but shall maintain an office wherein records are kept in
 151 order that those records may be inspected.

152 4. "Motor vehicle auction" means any person offering motor
 153 vehicles or recreational vehicles for sale to the highest bidder
 154 where buyers are licensed motor vehicle dealers. Such person
 155 shall not sell a vehicle to anyone other than a licensed motor
 156 vehicle dealer.

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

160
 161 Notwithstanding anything in this subsection to the contrary, the
 162 term "motor vehicle dealer" does not include persons not engaged
 163 in the purchase or sale of motor vehicles as a business who are
 164 disposing of vehicles acquired for their own use or for use in
 165 their business or acquired by foreclosure or by operation of
 166 law, provided such vehicles are acquired and sold in good faith
 167 and not for the purpose of avoiding the provisions of this law;
 168 persons engaged in the business of manufacturing, selling, or
 169 offering or displaying for sale at wholesale or retail no more
 170 than 25 trailers in a 12-month period; public officers while
 171 performing their official duties; receivers; trustees,
 172 administrators, executors, guardians, or other persons appointed
 173 by, or acting under the judgment or order of, any court; banks,
 174 finance companies, or other loan agencies that acquire motor

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175 vehicles as an incident to their regular business; motor vehicle
 176 brokers; persons whose sole dealing in motor vehicles is owning
 177 a publication in, or hosting a website on, which licensed motor
 178 vehicle dealers display vehicles for sale; and motor vehicle
 179 rental and leasing companies that sell motor vehicles only to
 180 motor vehicle dealers licensed under this section. Vehicles
 181 owned under circumstances described in this paragraph may be
 182 disposed of at retail, wholesale, or auction, unless otherwise
 183 restricted. A manufacturer of fire trucks, ambulances, or school
 184 buses may sell such vehicles directly to governmental agencies
 185 or to persons who contract to perform or provide firefighting,
 186 ambulance, or school transportation services exclusively to
 187 governmental agencies without processing such sales through
 188 dealers if such fire trucks, ambulances, school buses, or
 189 similar vehicles are not presently available through motor
 190 vehicle dealers licensed by the department.

191 (d) "Motor vehicle broker" means any person engaged in the
 192 business of, or who holds himself or herself out through
 193 solicitation, advertisement, or other means as being in the
 194 business of, assisting offering to procure or procuring motor
 195 vehicles for the general public in purchasing or leasing a motor
 196 vehicle from a licensed motor vehicle dealer, or who holds
 197 himself or herself out through solicitation, advertisement, or
 198 otherwise as one who offers to procure or procures motor
 199 vehicles for the general public, and who does not store,
 200 display, or take ownership of any vehicles for the purpose of
 201 selling such vehicles. Any advertisement or solicitation by a
 202 motor vehicle broker must include notice that the broker is
 203 receiving a fee and must clearly state that the person is not a

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204 licensed motor vehicle dealer.

205 (2) LICENSE REQUIRED.—No person shall engage in business
 206 as, serve in the capacity of, or act as a motor vehicle dealer
 207 or motor vehicle broker in this state without first obtaining a
 208 license therefor in the appropriate classification as provided
 209 in this section. With the exception of transactions with motor
 210 vehicle auctions, no person other than a licensed motor vehicle
 211 dealer may advertise for sale any motor vehicle belonging to
 212 another party unless as a direct result of a bona fide legal
 213 proceeding, court order, settlement of an estate, or by contract
 214 with a motor vehicle dealer or operation of law. However, owners
 215 of motor vehicles titled in their names may advertise and offer
 216 vehicles for sale on their own behalf. It shall be unlawful for
 217 a licensed motor vehicle dealer to allow any person other than a
 218 bona fide employee to use the motor vehicle dealer license for
 219 the purpose of acting in the capacity of or conducting motor
 220 vehicle sales transactions as a motor vehicle dealer. Any person
 221 acting selling or offering a motor vehicle for sale in violation
 222 of the licensing requirements of this subsection, or who
 223 misrepresents to any person its relationship with any
 224 manufacturer, importer, or distributor, in addition to the
 225 penalties provided herein, shall be deemed to have committed
 226 guilty of an unfair and deceptive trade practice as defined in
 227 violation of part II of chapter 501 and shall be subject to the
 228 provisions of subsections (8) and (9).

229 (3) APPLICATION AND FEE.—The application for the license
 230 shall be in such form as may be prescribed by the department and
 231 shall be subject to such rules with respect thereto as may be so
 232 prescribed by it. Such application shall be verified by oath or

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233 affirmation and shall contain a full statement of the name and
 234 birth date of the person or persons applying therefor; the name
 235 of the firm or copartnership, with the names and places of
 236 residence of all members thereof, if such applicant is a firm or
 237 copartnership; the names and places of residence of the
 238 principal officers, if the applicant is a body corporate or
 239 other artificial body; the name of the state under whose laws
 240 the corporation is organized; the present and former place or
 241 places of residence of the applicant; and prior business in
 242 which the applicant has been engaged and the location thereof.
 243 Such application shall describe the exact location of the place
 244 of business and shall state whether the place of business is
 245 owned by the applicant and when acquired, or, if leased, a true
 246 copy of the lease shall be attached to the application. The
 247 applicant shall certify that the location provides an adequately
 248 equipped office and is not a residence; that the location
 249 affords sufficient unoccupied space upon and within which
 250 adequately to store all motor vehicles offered and displayed for
 251 sale; and that the location is a suitable place where the
 252 applicant can in good faith carry on such business and keep and
 253 maintain books, records, and files necessary to conduct such
 254 business, which shall be available at all reasonable hours to
 255 inspection by the department or any of its inspectors or other
 256 employees. The applicant shall certify that the business of a
 257 motor vehicle dealer is the principal business which shall be
 258 conducted at that location. The application shall contain a
 259 statement that the applicant is: ~~either~~ franchised by a
 260 manufacturer of motor vehicles, in which case the name of each
 261 motor vehicle that the applicant is franchised to sell shall be

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262 included; ~~or~~ an independent (nonfranchised) motor vehicle
 263 dealer; or a motor vehicle broker. The application shall contain
 264 other relevant information as may be required by the department,
 265 including evidence that the applicant is insured under a garage
 266 liability insurance policy or a general liability insurance
 267 policy coupled with a business automobile policy, which shall
 268 include, at a minimum, \$25,000 combined single-limit liability
 269 coverage including bodily injury and property damage protection
 270 and \$10,000 personal injury protection. However, a salvage motor
 271 vehicle dealer as defined in subparagraph (1)(c)5. is exempt
 272 from the requirements for garage liability insurance and
 273 personal injury protection insurance on those vehicles that
 274 cannot be legally operated on roads, highways, or streets in
 275 this state. Franchise dealers must submit a garage liability
 276 insurance policy, and all other dealers must submit a garage
 277 liability insurance policy or a general liability insurance
 278 policy coupled with a business automobile policy. Such policy
 279 shall be for the license period, and evidence of a new or
 280 continued policy shall be delivered to the department at the
 281 beginning of each license period. Upon making initial
 282 application, the applicant shall pay to the department a fee of
 283 \$300 in addition to any other fees required by law. Applicants
 284 may choose to extend the licensure period for 1 additional year
 285 for a total of 2 years. An initial applicant shall pay to the
 286 department a fee of \$300 for the first year and \$75 for the
 287 second year, in addition to any other fees required by law. An
 288 applicant for renewal shall pay to the department \$75 for a 1-
 289 year renewal or \$150 for a 2-year renewal, in addition to any
 290 other fees required by law. Upon making an application for a

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291 change of location, the person shall pay a fee of \$50 in
 292 addition to any other fees now required by law. The department
 293 shall, in the case of every application for initial licensure,
 294 verify whether certain facts set forth in the application are
 295 true. Each applicant, general partner in the case of a
 296 partnership, or corporate officer and director in the case of a
 297 corporate applicant, must file a set of fingerprints with the
 298 department for the purpose of determining any prior criminal
 299 record or any outstanding warrants. The department shall submit
 300 the fingerprints to the Department of Law Enforcement for state
 301 processing and forwarding to the Federal Bureau of Investigation
 302 for federal processing. The actual cost of state and federal
 303 processing shall be borne by the applicant and is in addition to
 304 the fee for licensure. The department may issue a license to an
 305 applicant pending the results of the fingerprint investigation,
 306 which license is fully revocable if the department subsequently
 307 determines that any facts set forth in the application are not
 308 true or correctly represented.

309 (4) LICENSE CERTIFICATE.—

310 (a) An initial A license certificate shall be issued by the
 311 department in accordance with such application when the
 312 application is regular in form and in compliance with the
 313 provisions of this section. The license certificate may be in
 314 the form of a document or a computerized card as determined by
 315 the department. The actual cost of each original, additional, or
 316 replacement computerized card shall be borne by the licensee and
 317 is in addition to the fee for licensure. Such license, when so
 318 issued, entitles the licensee to carry on and conduct the
 319 business of a motor vehicle dealer or broker. Each license

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320 issued to a franchise motor vehicle dealer or motor vehicle
 321 broker expires on December 31 of the year of its expiration
 322 unless revoked or suspended prior to that date. Each license
 323 issued to an independent or wholesale dealer or auction expires
 324 on April 30 of the year of its expiration unless revoked or
 325 suspended prior to that date. ~~At least 60 days before the~~
 326 ~~license expiration date, the department shall deliver or mail to~~
 327 ~~each licensee the necessary renewal forms. Each independent~~
 328 ~~dealer shall certify that the dealer (owner, partner, officer,~~
 329 ~~or director of the licensee, or a full-time employee of the~~
 330 ~~licensee that holds a responsible management-level position) has~~
 331 ~~completed 8 hours of continuing education prior to filing the~~
 332 ~~renewal forms with the department. Such certification shall be~~
 333 ~~filed once every 2 years. The continuing education shall include~~
 334 ~~at least 2 hours of legal or legislative issues, 1 hour of~~
 335 ~~department issues, and 5 hours of relevant motor vehicle~~
 336 ~~industry topics. Continuing education shall be provided by~~
 337 ~~dealer schools licensed under paragraph (b) either in a~~
 338 ~~classroom setting or by correspondence. Such schools shall~~
 339 ~~provide certificates of completion to the department and the~~
 340 ~~customer which shall be filed with the license renewal form, and~~
 341 ~~such schools may charge a fee for providing continuing~~
 342 ~~education. Any licensee who does not file his or her application~~
 343 ~~and fees and any other requisite documents, as required by law,~~
 344 ~~with the department at least 30 days prior to the license~~
 345 ~~expiration date shall cease to engage in business as a motor~~
 346 ~~vehicle dealer on the license expiration date. A renewal filed~~
 347 ~~with the department within 45 days after the expiration date~~
 348 ~~shall be accompanied by a delinquent fee of \$100. Thereafter, a~~

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349 new application is required, accompanied by the initial license
 350 fee. A license certificate duly issued by the department may be
 351 modified by endorsement to show a change in the name of the
 352 licensee, provided, as shown by affidavit of the licensee, the
 353 ~~majority ownership interest of the licensee has not changed or~~
 354 ~~the name of the person appearing as franchisee on the sales and~~
 355 ~~service agreement has not changed. Modification of a license~~
 356 ~~certificate to show any name change as herein provided shall not~~
 357 ~~require initial licensure or reissuance of dealer tags; however,~~
 358 ~~any dealer obtaining a name change shall transact all business~~
 359 ~~in and be properly identified by that name. All documents~~
 360 ~~relative to licensure shall reflect the new name. In the case of~~
 361 ~~a franchise dealer, the name change shall be approved by the~~
 362 ~~manufacturer, distributor, or importer. A licensee applying for~~
 363 ~~a name change endorsement shall pay a fee of \$25 which fee shall~~
 364 ~~apply to the change in the name of a main location and all~~
 365 ~~additional locations licensed under the provisions of subsection~~
 366 ~~(5). Each initial license application received by the department~~
 367 ~~shall be accompanied by verification that, within the preceding~~
 368 ~~6 months, the applicant, or one or more of his or her designated~~
 369 ~~employees, has attended a training and information seminar~~
 370 ~~conducted by a licensed motor vehicle dealer training school.~~
 371 ~~Any applicant for a new franchised motor vehicle dealer license~~
 372 ~~who has held a valid franchised motor vehicle dealer license~~
 373 ~~continuously for the past 2 years and who remains in good~~
 374 ~~standing with the department is exempt from the prelicensing~~
 375 ~~training requirement. Such seminar shall include, but is not~~
 376 ~~limited to, statutory dealer requirements, which requirements~~
 377 ~~include required bookkeeping and recordkeeping procedures,~~

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378 requirements for the collection of sales and use taxes, and such
 379 other information that in the opinion of the department will
 380 promote good business practices. No seminar may exceed 8 hours
 381 in length.

382 ~~(b) Each initial license application received by the~~
 383 ~~department for licensure under subparagraph (1)(c)2. shall be~~
 384 ~~accompanied by verification that, within the preceding 6 months,~~
 385 ~~the applicant (owner, partner, officer, or director of the~~
 386 ~~applicant, or a full-time employee of the applicant that holds a~~
 387 ~~responsible management-level position) has successfully~~
 388 ~~completed training conducted by a licensed motor vehicle dealer~~
 389 ~~training school. Such training must include training in titling~~
 390 ~~and registration of motor vehicles, laws relating to unfair and~~
 391 ~~deceptive trade practices, laws relating to financing with~~
 392 ~~regard to buy-here, pay-here operations, and such other~~
 393 ~~information that in the opinion of the department will promote~~
 394 ~~good business practices. Successful completion of this training~~
 395 ~~shall be determined by examination administered at the end of~~
 396 ~~the course and attendance of no less than 90 percent of the~~
 397 ~~total hours required by such school. Any applicant who had held~~
 398 ~~a valid motor vehicle dealer's license continuously within the~~
 399 ~~past 2 years and who remains in good standing with the~~
 400 ~~department is exempt from the prelicensing requirements of this~~
 401 ~~section. The department shall have the authority to adopt any~~
 402 ~~rule necessary for establishing the training curriculum, length~~
 403 ~~of training, which shall not exceed 8 hours for required~~
 404 ~~department topics and shall not exceed an additional 24 hours~~
 405 ~~for topics related to other regulatory agencies' instructor~~
 406 ~~qualifications; and any other requirements under this section.~~

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2018616__

407 ~~The curriculum for other subjects shall be approved by any and~~
 408 ~~all other regulatory agencies having jurisdiction over specific~~
 409 ~~subject matters; however, the overall administration of the~~
 410 ~~licensing of these dealer schools and their instructors shall~~
 411 ~~remain with the department. Such schools are authorized to~~
 412 ~~charge a fee.~~

413 (b) Each initial application for licensure as an
 414 independent motor vehicle dealer received by the department
 415 shall be accompanied by verification that, within the preceding
 416 6 months, the applicant or one or more of his or her designated
 417 employees has attended a training and information seminar
 418 conducted by a licensed motor vehicle dealer training school.
 419 Such training must include instruction in titling and
 420 registration of motor vehicles, laws relating to unfair and
 421 deceptive trade practices, laws relating to financing with
 422 regard to buy-here, pay-here operations, and such other
 423 information that in the opinion of the department promotes good
 424 business practices. Successful completion of this training shall
 425 be determined by examination administered at the end of the
 426 seminar and attendance of no less than 90 percent of the total
 427 hours required by such school. Any applicant who had held a
 428 valid motor vehicle dealer's license continuously within the
 429 past 2 years and who remains in good standing with the
 430 department is exempt from the prelicensing requirements of this
 431 section. The department may adopt any rule necessary for
 432 establishing the training curriculum; length of training, which
 433 shall not exceed 8 hours for required department topics and
 434 shall not exceed an additional 24 hours for topics related to
 435 other regulatory agencies' instructor qualifications; and any

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

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436 other requirements under this section. The curriculum for other
 437 subjects shall be approved by any and all other regulatory
 438 agencies having jurisdiction over the specific subject matters;
 439 however, the overall administration of the licensing of these
 440 dealer schools and their instructors shall remain with the
 441 department. Such schools are authorized to charge a fee for
 442 training.

443 (c) At least 60 days before the license expiration date,
 444 the department shall deliver or mail to each licensee the
 445 necessary renewal forms.

446 1. Each independent motor vehicle dealer must certify that
 447 the dealer has completed 8 hours of continuing education before
 448 filing the renewal forms with the department. For purposes of
 449 this subparagraph, the term "dealer" means an owner, partner,
 450 officer, or director of the licensee, or a full-time employee of
 451 the licensee that holds a responsible management-level position.
 452 Such certification must be filed once every 2 years. The
 453 continuing education shall include at least 2 hours of
 454 instruction in legal or legislative issues, 1 hour of
 455 instruction in department issues, and 5 hours of instruction in
 456 relevant motor vehicle industry topics. Continuing education
 457 shall be provided by dealer schools licensed under paragraph (b)
 458 either in a classroom setting or by correspondence. Such schools
 459 shall provide certificates of completion to the department and
 460 the customer which must be filed with the license renewal form,
 461 and such schools may charge a fee for providing continuing
 462 education.

463 2. Each franchised motor vehicle dealer shall certify that
 464 the dealer, operator, owner, partner, director, or general

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465 manager of the licensee has completed 8 hours of industry
 466 certification on legal and legislative issues every 2 years
 467 provided by a Florida-based, non-profit, dealer-owned industry
 468 organization with state and federal compliance credentials
 469 approved by the department. In the case of licensees with more
 470 than 5 licensed or supplemental locations, the certification may
 471 be accomplished by one designated employee as prescribed above.
 472 Certification shall be required in a classroom setting in a
 473 convenient location within the state and designated individuals
 474 shall receive certificates of completion from the organization
 475 which must be filed with their license renewal form.

476 3. Any licensee who does not file his or her application
 477 and any other requisite documents with, and pay the fees to, as
 478 required by law, the department at least 30 days before the
 479 license expiration date must cease to engage in business as a
 480 motor vehicle dealer no later than the license expiration date.
 481 A renewal filed with the department within 45 days after the
 482 expiration date must be accompanied by a delinquent fee of \$100.
 483 Thereafter, a new application is required, accompanied by the
 484 initial license fee.

485 (d) A license certificate duly issued by the department may
 486 be modified by endorsement to show a change in the name of the
 487 licensee, provided, as shown by affidavit of the licensee, the
 488 majority ownership interest of the licensee has not changed or
 489 the name of the person appearing as franchisee on the sales and
 490 service agreement has not changed. Modification of a license
 491 certificate to show any name change as provided in this
 492 paragraph does not require initial licensure or reissuance of
 493 dealer tags; however, any dealer obtaining a name change shall

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2018616__

494 transact all business in and be properly identified by that
 495 name. All documents relative to licensure shall reflect the new
 496 name. In the case of a franchised motor vehicle dealer, the name
 497 change shall be approved by the manufacturer, distributor, or
 498 importer. A licensee applying for a name change endorsement
 499 shall pay a fee of \$25 which shall apply to the change in the
 500 name of a main location and all additional locations licensed
 501 under subsection (5).

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

12/5/17

Meeting Date

616

Bill Number (if applicable)

331322

Amendment Barcode (if applicable)

Topic MOTOR VEHICLE DEALERS

Name TED SMITH

Job Title PRESIDENT

Address 400 N. MERIDIAN ST.
Street

Phone 850.224.2580

TALAHASSEE FL 32301
City State Zip

Email teds@flada.org

Speaking: For Against Information

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

Representing FLORIDA AUTOMOBILE DEALERS ASSN.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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)

12/5/17

Meeting Date

666

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Gary Hunter

Job Title Attorney

Address 119 S. Monroe St Suite 300

Phone 222-7500

Street

Tallahassee

City

FL

State

32301

Zip

Email garyh@hgsllaw.com

Speaking: For Against Information

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

Representing Alliance of Automobile Mfgs.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 632

INTRODUCER: Transportation Committee and Senator Montford

SUBJECT: Vessel Registration

DATE: December 5, 2017

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 632 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to accept applications for vessel registration by electronic or telephonic means, issue electronic vessel registrations in addition to paper registrations, and collect email addresses and use email for providing vessel registration renewal notices in lieu of the United States Postal Service (USPS). The bill also allows a vessel operator to present the electronic certificate of vessel registration on an electronic device upon inspection of the vessel. The bill provides that presentation of the electronic certificate does not constitute consent for inspection of any other information on the device, and the person who presents the device assumes liability for any damage to the device.

The bill may have a negative fiscal impact to the DHSMV for initial implementation; however, the DHSMV may experience reduced mail costs in the future.

The bill takes effect October 1, 2018.

II. Present Situation:

The term “vessel” is defined to be synonymous with boat and includes every description of watercraft, barge, or airboat, other than a seaplane on the water, used or capable of being used as

a means of transportation on water.¹ Vessels operated, used, or stored on the waters of this state must be registered with the DHSMV as a commercial or recreational² vessel within 30 days after the purchase of the vessel, unless:

- The vessel is operated, used, and stored exclusively on private lakes and ponds;
- The vessel is owned by the U.S. Government;
- The vessel is used exclusively as a ship's lifeboat; or
- The vessel is non-motor-powered and less than 16 feet in length or a non-motor-powered canoe, kayak, racing shell, or rowing scull, regardless of length.³

Vessel Registrations

Vessel registrations shall be pocket-sized and available for inspection on the vessel for which it is issued whenever the vessel is in operation.⁴ A person who operates a vessel that requires registration and who is unable to display the vessel's certificate of registration upon inspection of the vessel shall be cited for a noncriminal infraction, punishable as a \$50 civil citation.⁵

As of October 2017, there were 853,107 active vessel registrations in Florida.⁶ The Fish and Wildlife Conservation Commission (FWC) conducted 174,947 vessel and resource inspections in 2016, but the number of inspections conducted by other law enforcement agency personnel is unknown.⁷

Federal Requirements

Federal law also requires a person who is operating a vessel that is required to be registered with the state to have a "certificate of number" (the certificate of vessel registration) for that vessel on board the vessel.⁸ Such certificate must be approximately 2.5 by 3.5 inches.⁹ A person operating such vessel shall present the certificate to any Federal, State, or local law enforcement officer for inspection in such a manner that it can be handed to the person upon request.¹⁰

Electronic Registrations

Currently, the DHSMV is authorized to accept motor vehicle registration applications by electronic or telephonic means, as well as collect email addresses and use email in lieu of the USPS for the purpose of providing renewal notices.¹¹ Similarly, s. 328.80, F.S., authorizes the FWC to accept vessel registration applications by electronic or telephonic means, however,

¹ Section 327.02(46), F.S.

² Section 327.02(40), F.S. defines a "recreational vessel" as a vessel manufactured and used primarily for noncommercial purposes, or a vessel leased, rented, or chartered to a person for his or her noncommercial use.

³ Section 328.48(2), F.S.

⁴ Section 328.48(4), F.S.

⁵ Section 327.73(1), F.S.

⁶ DHSMV, *2018 Agency Legislative Bill Analysis – HB 247 (SB 632) – Vessel Registration* (Nov. 30, 2017) (on file with the Senate Committee on Transportation).

⁷ FWC, *2018 Agency Legislative Bill Analysis – HB 247 – Vessel Registration* (Nov. 14, 2017) (on file with the Senate Committee on Transportation).

⁸ 33 C.F.R. s. 173.21.

⁹ 33 C.F.R. s. 174.25.

¹⁰ 33 C.F.R. ss. 173.23 and 173.25.

¹¹ Section 320.95, F.S.

DHSMV is the state department responsible for accepting such applications and issuing certificates of vessel registration.

III. Effect of Proposed Changes:

Section 1 of the bill authorizes the DHSMV to accept vessel registration applications by electronic or telephonic means, issue electronic certificates of vessel registrations in addition to paper registrations, and collect email addresses and use email in lieu of the USPS for the purpose of providing vessel registration renewal notices.

Section 2 provides that, upon a vessel inspection, a vessel operator may display the vessel's electronic certificate of registration on an electronic device in lieu of a paper certificate. The bill provides that such presentation does not constitute consent for inspection of any information on the device other than the displayed certificate, and the person who presents the device assumes liability for any resulting damage to the device.

According to the FWC, Florida is the first state to propose bill language allowing an electronic certificate of vessel registration; therefore, it is unclear how the bill would affect vessel inspections conducted by United States Coast Guard personnel and audits of state compliance with federal requirements.¹²

Section 3 provides that the bill takes effect October 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill does not appear to have a fiscal impact on the private sector.

¹² FWC analysis, *supra* note 7.

C. Government Sector Impact:

The bill may have a negative fiscal impact to the DHSMV for initial implementation; however, the DHSMV may experience reduced mail costs in the future.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Email addresses collected by the DHSMV pursuant to the bill will not be exempt from inspection or copying under Florida's public records laws. Currently, s. 119.0712(2)(c), F.S., provides public records exemptions for email addresses collected by the DHSMV pursuant to ss. 319.40, 320.95(2), and 322.08(9), F.S.¹³

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 328.80 and 328.48.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Transportation on December 5, 2017:**

The CS amends:

- Section 1 of the bill, providing that DHSMV may issue an electronic certificate of vessel registration *in addition to* printing a paper registration, instead of the electronic certificate being issued *in lieu of* a paper registration;
- Section 2, providing that the person who presents the device displaying the electronic certificate of vessel registration assumes the liability for any resulting damage to the device; and
- The effective date, which is changed from July 1, 2018, to October 1, 2018.

B. Amendments:

None.

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

¹³ Such email addresses are collected by the DHSMV for issuing motor vehicle certificates of title, motor vehicle registration renewals, and for U.S. Veterans who provide their email address with the DHSMV for veteran outreach on federal, state, and local benefits and services available to veterans.



204114

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/05/2017	.	
	.	
	.	
	.	

The Committee on Transportation (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 328.80, Florida Statutes, is amended to
read:

328.80 Transactions by electronic or telephonic means.—

(1) The Department of Highway Safety and Motor Vehicles may
~~commission is authorized to~~ accept any application provided for
under this chapter by electronic or telephonic means.



204114

11 (2) The Department of Highway Safety and Motor Vehicles may
12 issue an electronic certificate of registration in addition to
13 printing a paper registration.

14 (3) The Department of Highway Safety and Motor Vehicles may
15 collect electronic mail addresses and use electronic mail in
16 lieu of the United States Postal Service for the purpose of
17 providing renewal notices.

18 Section 2. Subsection (4) of section 328.48, Florida
19 Statutes, is amended to read:

20 328.48 Vessel registration, application, certificate,
21 number, decal, duplicate certificate.-

22 (4) Each certificate of registration issued shall state
23 among other items the numbers awarded to the vessel, the hull
24 identification number, the name and address of the owner, and a
25 description of the vessel, except that certificates of
26 registration for vessels constructed or assembled by the owner
27 registered for the first time shall state all the foregoing
28 information except the hull identification number. The numbers
29 shall be placed on each side of the forward half of the vessel
30 in such position as to provide clear legibility for
31 identification, except, if the vessel is an airboat, the numbers
32 may be placed on each side of the rudder. The numbers awarded to
33 the vessel shall read from left to right and shall be in block
34 characters of good proportion not less than 3 inches in height.
35 The numbers shall be of a solid color which will contrast with
36 the color of the background and shall be so maintained as to be
37 clearly visible and legible; i.e., dark numbers on a light
38 background or light numbers on a dark background. The
39 certificate of registration shall be pocket-sized and shall be



204114

40 available for inspection on the vessel for which issued whenever
41 such vessel is in operation. If the certificate of registration
42 is not available for inspection on the vessel or is damaged or
43 otherwise illegible, the operator may present for inspection an
44 electronic device displaying an electronic certificate issued
45 pursuant to s. 328.80. Such presentation does not constitute
46 consent for inspection of any information on the device other
47 than the displayed certificate. The person who presents the
48 device to the officer assumes the liability for any resulting
49 damage to the device.

50 Section 3. This act shall take effect October 1, 2018.

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

53 And the title is amended as follows:

54 Delete everything before the enacting clause
55 and insert:

56 A bill to be entitled
57 An act relating to vessel registration; amending s.
58 328.80, F.S.; authorizing the Department of Highway
59 Safety and Motor Vehicles to issue an electronic
60 certificate of registration for a vessel, to collect
61 electronic mail addresses, and to use electronic mail
62 for certain purposes; amending s. 328.48, F.S.;

63 authorizing a vessel operator to present such
64 electronic certificate for inspection under certain
65 circumstances; providing construction; providing that
66 the person displaying the device assumes the liability
67 for any resulting damage to the device; providing an
68 effective date.

By Senator Montford

3-00622-18

2018632__

1 A bill to be entitled
 2 An act relating to vessel registration; amending s.
 3 328.80, F.S.; authorizing the Department of Highway
 4 Safety and Motor Vehicles to issue an electronic
 5 certificate of registration for a vessel, to collect
 6 electronic mail addresses, and to use electronic mail
 7 for certain purposes; amending s. 328.48, F.S.;
 8 authorizing a vessel operator to present such
 9 electronic certificate for inspection under certain
 10 circumstances; providing construction; providing an
 11 effective date.

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

15 Section 1. Section 328.80, Florida Statutes, is amended to
 16 read:

17 328.80 Transactions by electronic or telephonic means.—

18 (1) The Department of Highway Safety and Motor Vehicles may
 19 ~~commission is authorized to~~ accept any application provided for
 20 under this chapter by electronic or telephonic means.

21 (2) The Department of Highway Safety and Motor Vehicles may
 22 issue an electronic certificate of registration in lieu of
 23 printing a paper registration.

24 (3) The Department of Highway Safety and Motor Vehicles may
 25 collect electronic mail addresses and use electronic mail in
 26 lieu of the United States Postal Service for the purpose of
 27 providing renewal notices.

28 Section 2. Subsection (4) of section 328.48, Florida
 29 Statutes, is amended to read:

Page 1 of 2

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

3-00622-18

2018632__

30 328.48 Vessel registration, application, certificate,
 31 number, decal, duplicate certificate.—
 32 (4) Each certificate of registration issued shall state
 33 among other items the numbers awarded to the vessel, the hull
 34 identification number, the name and address of the owner, and a
 35 description of the vessel, except that certificates of
 36 registration for vessels constructed or assembled by the owner
 37 registered for the first time shall state all the foregoing
 38 information except the hull identification number. The numbers
 39 shall be placed on each side of the forward half of the vessel
 40 in such position as to provide clear legibility for
 41 identification, except, if the vessel is an airboat, the numbers
 42 may be placed on each side of the rudder. The numbers awarded to
 43 the vessel shall read from left to right and shall be in block
 44 characters of good proportion not less than 3 inches in height.
 45 The numbers shall be of a solid color which will contrast with
 46 the color of the background and shall be so maintained as to be
 47 clearly visible and legible; i.e., dark numbers on a light
 48 background or light numbers on a dark background. The
 49 certificate of registration shall be pocket-sized and shall be
 50 available for inspection on the vessel for which issued whenever
 51 such vessel is in operation. If the certificate of registration
 52 is not available for inspection on the vessel or is damaged or
 53 otherwise illegible, the operator may present for inspection an
 54 electronic device displaying an electronic certificate issued
 55 pursuant to s. 328.80. Such presentation does not constitute
 56 consent for inspection of any information on the device other
 57 than the displayed certificate.

58 Section 3. This act shall take effect July 1, 2018.

Page 2 of 2

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THE FLORIDA SENATE
APPEARANCE RECORD

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

12/5/17

Meeting Date

SB 632

Bill Number (if applicable)

Topic Vessel Registrations

Amendment Barcode (if applicable)

Name Brittany Dover

Job Title Government Relations

Address 119 S. Monroe St

Phone (850) 879-2641

Street

Tallahassee FL 32301

City

State

Zip

Email brittanyd@hgslaw.com

Speaking: For Against Information

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

Representing National marine Manufacturers Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 684

INTRODUCER: Senator Perry

SUBJECT: Transportation Facility Designations/Tom Petty Memorial Highway

DATE: December 5, 2017

REVISED: _____

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

I. Summary:

CS/SB 684 designates the portion of SW 34th Street between West University Avenue/S.R.26 and SW Archer Road/S.R. 24 in Alachua County as “Tom Petty Memorial Highway” and directs the Florida Department of Transportation to erect suitable markers.

The estimated cost to the FDOT to install the designation markers required under the bill is \$1,000. See the heading, “Fiscal Impact Statement” below for details.

The bill takes effect July 1, 2018.

II. Present Situation:

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

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

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the

¹ Section 334.071(1), F.S.

² Section 334.071(2), F.S.

designated road or bridge segment is located in more than one city or county, each affected local government must pass resolutions supporting the designations before installation of the markers.³

Tom Petty

Born on October 20, 1950, in Gainesville, Florida, Tom Petty was a singer, songwriter, music producer, and guitarist best known as the front-man of the band, Tom Petty and the Heartbreakers. His career spanned decades, and he was extremely successful, both as a member of other bands and as a collaborator with numerous other well-known musicians. His final tour with the Heartbreakers ended with a 40th anniversary performance at the Hollywood Bowl in September of this year. A week following the performance, on October 2, 2017, Mr. Petty died of cardiac arrest in California at the age of 66.

III. Effect of Proposed Changes:

The bill designates the portion of SW 34th Street between West University Avenue/S.R.26 and SW Archer Road/S.R. 24 in Alachua County as “Tom Petty Memorial Highway” and directs the Florida Department of Transportation to erect suitable markers.

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:

None.

C. Government Sector Impact:

The estimated cost to erect the designation markers required under this bill is \$1,000, based on the assumption that two markers are required at a cost to the FDOT of no less

³ Section 334.071(3), F.S.

than \$500 each. The estimate includes sign fabrication, installation, and maintenance over time but does not include any additional expenses related to maintenance of traffic, dedication event costs, or replacement necessitated by damage, vandalism, or storm events.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates an undesignated section of Florida Law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Transportation on December 5, 2017:

The CS incorporates a revision to the location of the designation to avoid overlap with an existing designation.

B. Amendments:

None.



242376

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/05/2017	.	
	.	
	.	
	.	

The Committee on Transportation (Perry) recommended the following:

Senate Amendment

Delete lines 12 - 13

and insert:

(1) That portion of SW 34th Street (26250000) between West University Avenue/S.R. 26 and SW Archer Road/S.R. 24 in Alachua

By Senator Perry

8-00937-18

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A bill to be entitled

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

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

Section 1. Tom Petty Memorial Highway designated; Department of Transportation to erect suitable markers.-

(1) That portion of U.S. 441/SW 13th Street between West University Avenue/S.R. 26 and SW 16th Avenue/S.R. 24A in Alachua County is designated as "Tom Petty Memorial Highway."

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

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

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 752

INTRODUCER: Senator Mayfield

SUBJECT: Specialty License Plates/Childhood Cancer Awareness

DATE: December 1, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Favorable
2.			ATD	
3.			AP	

I. Summary:

SB 752 directs the Department of Highway Safety and Motor Vehicles (DHSMV) to develop a Childhood Cancer Awareness specialty license plate, establishes a \$25 annual use fee for the plate, and provides the distribution and use of fees collected from the sale of the plate.

The DHSMV estimates programming and implementation for a standard specialty license plate costs \$7,680. The DHSMV is authorized to retain revenues from the first proceeds of sales to defray departmental costs.

The bill takes effect October 1, 2018.

II. Present Situation:

Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida.¹ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.² The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute.³

¹ A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited Nov. 3, 2017).

² Section 320.08056, F.S.

³ Section 320.08058, F.S.

In order to establish a specialty license plate, s. 320.08053, F.S., requires the plate must first be adopted into statute. Upon becoming law:

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

If, at the end of the 24-month pre-sale period, the minimum sales requirement has not been met, the DHSMV will discontinue the plate and issuance of the pre-sale voucher. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.⁴

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.⁵ Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.⁶

DHSMV Costs Defrayed

The DHSMV is authorized to retain sufficient annual use fees from the sale of specialty plates to defray its costs for inventory, distribution, and other direct costs associated with the program. The remainder of the proceeds collected are distributed as provided by law.⁷

Discontinuance of Specialty Plates

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum plate requirement.⁸ In addition, DHSMV is authorized to discontinue any specialty license plate if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.⁹

⁴ Section 320.08053(2)(b), F.S.

⁵ Section 320.08056(10)(a), F.S.

⁶ Section 320.08062, F.S.

⁷ Section 320.08056(7), F.S.

⁸ Section 320.08056(8)(a), F.S.

⁹ Section 320.08056(8)(b), F.S.

No Kid Should Know Cancer, Inc.¹⁰

According to corporate filings with the Department of State, No Kid Should Know Cancer, Inc., is a not-for-profit organization in Melbourne, Florida, which is organized to bring awareness to childhood cancer and help families who have been affected by childhood cancer financially and spiritually. Additionally, the organization sponsors, hosts, and participates in events that benefit clinical trials and improved treatment plans.

III. Effect of Proposed Changes:

The bill directs the DHSMV to create a Childhood Cancer Awareness specialty license plate, with an annual fee of \$25 to be distributed to No Kid Should Know Cancer, Inc. The organization may use up to 10 percent of the fees for administrative costs and marketing of the plate, and the remainder of the fees are used by the organization to:

- Provide gift cards to families who have a child recently diagnosed with cancer to help with food, tolls, and gas;
- Hold events that raise awareness about childhood cancer; and
- Support clinical trials to provide better treatment plans for children diagnosed with cancer.

The plate must bear the colors and design approved by the DHSMV, with the word “Florida” at the top of the plate, and the words “Cure Childhood Cancer” at the bottom of the plate.

The bill takes effect October 1, 2018.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

¹⁰ See Florida Department of State – Division of Corporations, *No Kid Should Know Cancer Inc.*, (Mar. 10, 2017), <http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2017%5C0310%5C10507351.tif&documentNumber=N17000002637> (last visited Nov. 20, 2017).

B. Private Sector Impact:

Individuals who choose to purchase a Childhood Cancer Awareness specialty license plate will pay a \$25 annual use fee in addition to appropriate license taxes and fees. No Kid Should Know Cancer, Inc. will receive revenue from each plate purchase.

C. Government Sector Impact:

The DHSMV estimates programming and implementation of a standard specialty license plate costs \$7,680.¹¹ The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.¹²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.08056 and 320.08058.

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.

¹¹ See DHSMV, *2018 Agency Legislative Bill Analysis: SB 468* (Nov. 9, 2017) (on file with the Senate Committee on Transportation).

¹² Section 320.08056(7), F.S.

By Senator Mayfield

17-00418A-18

2018752__

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08056, F.S.; establishing an annual use fee for the Childhood Cancer Awareness license plate; amending s. 320.08058, F.S.; requiring the Department of Highway Safety and Motor Vehicles to develop a Childhood Cancer Awareness license plate; providing for distribution and use of fees collected from the sale of the plates; providing an effective date.

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

Section 1. Paragraph (ffff) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

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

(ffff) Childhood Cancer Awareness license plate, \$25.

Section 2. Subsection (84) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(84) CHILDHOOD CANCER AWARENESS LICENSE PLATES.—

(a) The department shall develop a Childhood Cancer Awareness license plate as provided in this section and s. 320.08053. The Childhood Cancer Awareness license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Cure Childhood Cancer" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to No Kid

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

17-00418A-18

2018752__

Should Know Cancer, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code which may use up to 10 percent of the proceeds for administrative costs and for the marketing of the plate. The balance of the fees shall be used by No Kid Should Know Cancer, Inc., to:

1. Support families who have a child recently diagnosed with cancer, in the form of gift cards to help with food, tolls, and gas;

2. Hold events that raise awareness about childhood cancer;

and

3. Support clinical trials that work to provide better treatment plans for children diagnosed with cancer and, ultimately, a better prognosis.

Section 3. This act shall take effect October 1, 2018.

Page 2 of 2

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 468

INTRODUCER: Senator Baxley

SUBJECT: Specialty License Plates/Ronald Reagan License Plate

DATE: December 1, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Favorable
2.			ATD	
3.			AP	

I. Summary:

SB 468 directs the Department of Highway Safety and Motor Vehicles (DHSMV) to develop a Ronald Reagan specialty license plate, establishes a \$25 annual use fee for the plate, and provides the distribution and use of fees collected from the sale of the plate. Florida Ronald Reagan Centennial, Inc. shall use the first \$150,000 in proceeds to pay its startup costs.

The DHSMV estimates programming and implementation will cost \$7,680. The DHSMV is authorized to retain revenues from the first proceeds of sales to defray departmental costs.

The bill takes effect October 1, 2018.

II. Present Situation:

Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida.¹ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.² The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute.³

¹ A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited Nov. 3, 2017).

² Section 320.08056, F.S.

³ Section 320.08058, F.S.

In order to establish a specialty license plate, s. 320.08053, F.S., requires the plate must first be adopted into statute. Upon becoming law:

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

If, at the end of the 24-month pre-sale period, the minimum sales requirement has not been met, the DHSMV will discontinue the plate and issuance of the pre-sale voucher. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.⁴

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.⁵ Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.⁶

DHSMV Costs Defrayed

The DHSMV is authorized to retain sufficient annual use fees from the sale of specialty plates to defray its costs for inventory, distribution, and other direct costs associated with the program. The remainder of the proceeds collected are distributed as provided by law.⁷

Discontinuance of Specialty Plates

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum plate requirement.⁸ In addition, DHSMV is authorized to discontinue any specialty license plate if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.⁹

⁴ Section 320.08053(2)(b), F.S.

⁵ Section 320.08056(10)(a), F.S.

⁶ Section 320.08062, F.S.

⁷ Section 320.08056(7), F.S.

⁸ Section 320.08056(8)(a), F.S.

⁹ Section 320.08056(8)(b), F.S.

Florida Ronald Reagan Centennial, Inc.¹⁰

According to corporate filings with the Department of State, the Florida Ronald Reagan Centennial, Inc., is a not-for-profit organization created to support, promote, and fund activities, programs, and projects educating individuals about the contributions of President Reagan; supporting Alzheimer disease research; supporting the Florida National Guard Foundation; and establishing, operating, maintaining, and funding related programs.

III. Effect of Proposed Changes:

The bill directs the DHSMV to create a Ronald Reagan specialty license plate, with an annual fee of \$25 to be distributed to Florida Ronald Reagan Centennial, Inc. The first \$150,000 in proceeds is distributed to the organization to pay its startup costs¹¹, after which the organization may use proceeds earned from the sale of the plate as follows:

- Up to 15 percent for administrative costs of the organization;
- Up to 10 percent for promotion and marketing of the plate;
- Up to 10 percent to be donated to the Florida National Guard Foundation; and
- The remaining proceeds must be used to fund activities, programs, and projects that educate Florida students and residents about the contributions of President Reagan, and to support Alzheimer’s research.

The plate must bear the colors and design approved by the department, with the word “Florida” at the top of the plate, and the words “President Ronald Reagan” at the bottom of the plate.

The bill takes effect October 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁰ See Florida Department of State – Division of Corporations, *Florida Ronald Reagan Centennial, Inc.*, (Jan. 14, 2016), <http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2016%5C0119%5C00011637.Tif&documentNumber=N16000000398> (last visited Nov. 16, 2017).

¹¹ Prior to 2015, Florida law required organizations seeking to establish a specialty license plate to: submit a description, sample, and marketing plans for the proposed plate; submit a financial analysis of planned expenditures and revenues derived from the plate; and pay an application fee to the DHSMV, not to exceed \$60,000, to defray the cost to review the application and develop the plate, if authorized by the Legislature (See 2015-163, Laws of Fla.). Currently, only two specialty plates have statutory language allowing funds in excess of \$60,000 from the first proceeds of sales to be used to reimburse the organization’s startup costs not specifically affiliated with the development and issuance of the plate. [See ss 320.08058(41) and (43), F.S., related to the “Stop Child Abuse” and the “Stop Heart Disease” license plates created in 2003.]

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

None.

B. Private Sector Impact:

Individuals who choose to purchase a Ronald Reagan specialty license plate will pay a \$25 annual use fee in addition to appropriate license taxes and fees. Florida Ronald Reagan Centennial, Inc. will receive revenue from each Ronald Reagan plate purchase.

C. Government Sector Impact:

The DHSMV estimates \$7,680 in programming and implementation costs.¹² The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.¹³

VI. Technical Deficiencies:

None.

VII. Related Issues:

If the organization plans for the license plate to bear the image of President Reagan, the DHSMV will need to ensure that the organization has obtained proper approval to use such image.¹⁴

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.08056 and 320.08058.

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.

¹² DHSMV, *2018 Agency Legislative Bill Analysis: SB 468* (Nov. 9, 2017) (on file with the Senate Committee on Transportation).

¹³ Section 320.08056(7), F.S.

¹⁴ DHSMV Analysis, *supra* note 12.

By Senator Baxley

12-00469B-18

2018468__

A bill to be entitled

An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop a Ronald Reagan license plate; establishing an annual use fee for the plate; providing for distribution and use of fees collected from the sale of the plates; providing an effective date.

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

Section 1. Paragraph (ffff) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

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

(ffff) Ronald Reagan license plate, \$25.

Section 2. Subsection (84) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(84) RONALD REAGAN LICENSE PLATES.—

(a) The department shall develop a Ronald Reagan license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "President Ronald Reagan" must appear at the bottom of the plate.

(b) The department shall remit the proceeds of the annual use fees from the sale of the plate to the Florida Ronald Reagan

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12-00469B-18

2018468__

Centennial, Inc. The first \$150,000 of the use fee given to the Florida Ronald Reagan Centennial, Inc., shall be used to pay startup costs, including costs incurred in the development and issuance of plates. Thereafter, the proceeds must be used as follows:

1. Up to 15 percent of the proceeds may be used for administrative costs of the organization.

2. Up to 10 percent of the proceeds may be used for promotion and marketing of the plate.

3. Up to 10 percent of the proceeds shall be donated to the Florida National Guard Foundation. The foundation shall distribute the funds to Florida National Guard members or their relatives who are diagnosed with Alzheimer's disease. The funds must be distributed as individual grants based on applications submitted by the members or their relatives and reviewed and approved by the Florida National Guard. The chief medical officer of the Florida National Guard shall determine the amount of each grant based on need.

4. The remainder of the proceeds shall be used to fund activities, programs, and projects that educate Florida's students and residents about the contributions of the nation's 40th President to this state and the United States and to support ongoing research of Alzheimer's disease for the benefit of Florida residents who suffer from the disease and their families.

Section 3. This act shall take effect October 1, 2018.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

12-5-2017

Meeting Date

468

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Brian Pitts

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St Petersburg FL
City State

33705 Email justice2jesus@yahoo.com
Zip

Speaking: For Against Information

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

Representing Justice-2-Jesus

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.

CourtSmart Tag Report

Room: SB 401

Case No.:

Type:

Caption: Senate Committee on Transportation Judge:

Started: 12/5/2017 2:02:48 PM

Ends: 12/5/2017 3:09:28 PM Length: 01:06:41

2:02:53 PM Meeting Called to order
2:03:31 PM Quorum present
2:03:35 PM Pledge of Allegiance
2:04:07 PM Tab 7 SB 752 Sen Mayfeld
2:04:18 PM Sen Mayfeild explains
2:06:00 PM Sen Mayfield waives close
2:06:05 PM AA Hudson calls roll
2:06:14 PM SB 752 recorded favorably
2:06:45 PM Tab 5 SB 632 Sen Montford
2:06:51 PM Sen Montford explains
2:07:43 PM Amen BC 204114 Sen Montford
2:07:51 PM Sen Montford explains the Amen
2:08:49 PM Chair comments
2:08:56 PM Sen Montford responds
2:09:09 PM Sen Montford waives close
2:09:20 PM Amen adopted
2:10:05 PM Brittany Dover, National Marine Manufacturers Association, waives in support
2:10:10 PM Sen Montford waives close
2:10:15 PM Vote on CS SB 632
2:10:29 PM CS SB 632 recorded favorably
2:11:24 PM Tab 4 SB 616 Sen Passidomo
2:11:51 PM Amen BC 331332
2:12:00 PM Sen Passidomo explains
2:14:07 PM Sen Rouson question
2:14:27 PM Sen Passidomo responds
2:15:57 PM Ted Smith, Florida Automobile Dealers Assn, speaks in favor of BC 331322
2:16:21 PM Chair calls for Debate on the Amen
2:16:27 PM Sen Passidomo waives close
2:16:32 PM Amen is adopted
2:16:43 PM Chair calls for questions on bill as Amen
2:17:21 PM Gary Hunter, Alliance of Automobile Manufacturers, speaks in opposition
2:17:54 PM Chair calls for debate on bill
2:18:00 PM Sen Passidomo waives close
2:18:04 PM AA calls roll
2:18:19 PM CS SB 616 recorded favorably
2:18:56 PM Tab 6 SB 684 Sen Perry
2:19:00 PM Sen Perry explains
2:19:23 PM Amen BC 242376
2:19:28 PM Sen Perry explains
2:20:04 PM Sen Rader question
2:20:12 PM Sen Perry responds
2:20:53 PM Sen Perry close on the Amen
2:21:03 PM Amen adopted
2:21:21 PM Sen Perry waives close on bill as amen
2:21:37 PM CS SB 684 recorded favorably
2:21:56 PM Tab 1 SB 384 Sen Brandes
2:22:02 PM Sen Brandes explains
2:23:38 PM Amen BC 490038
2:23:49 PM Sen Brandes explains BC 490038
2:24:00 PM Chair calls for questions on the Amen
2:24:08 PM Sen Rader question
2:24:36 PM Sen Brandes explain

2:24:40 PM Sen Rader follow up
2:25:24 PM Chair Gainer question
2:25:28 PM Sen Brandes response
2:26:37 PM Amen adopted
2:27:12 PM Appearances
2:27:18 PM Carl Mikyska, FI MPO waives in support
2:27:44 PM Brian Pitts, Justice 2 Jesus speaks to inform
2:31:04 PM Sen Brandes closes on bill
2:32:25 PM Roll call CS SB 384
2:32:43 PM CS SB 384 recorded favorably
2:32:58 PM Tab 2 SB 544 Sen Brandes
2:33:02 PM Sen Brandes explains
2:34:14 PM Sen Rouson question
2:34:22 PM Sen Brandes response
2:34:34 PM Sen Rader question
2:34:42 PM Sen Brandes responds
2:36:24 PM Sen Rader comments
2:36:29 PM Sen Brandes responds
2:37:21 PM Brian Pitts, Justice 2 Jesus speaks to inform
2:40:13 PM Sen Brandes waives close
2:40:49 PM CS SB 544 recorded favorably
2:41:02 PM Tab 3 SB 666
2:41:15 PM Sen Brandes explains
2:41:29 PM Sen Hukill question
2:41:48 PM Sen Brandes explains
2:42:05 PM Sen Hukill question
2:42:38 PM Sen Hukill and Brandes conversation
2:42:54 PM Sen Rouson question
2:43:25 PM Sen Brandes response
2:44:00 PM Sen Baxley question
2:44:54 PM Sen Brandes response
2:45:09 PM Sen Hukill question
2:45:28 PM Sen Brandes response
2:45:31 PM Sen Rader question
2:46:53 PM Mark Mahon, Chief Judge, 4th Judicial Circuit, State Courts System, speaks to inform
2:48:01 PM Sen Hukill comments
2:48:34 PM Judge Mahon response
2:49:14 PM Darrick D. McGhee, Vice-President, Johnson & Blanton, LLC., American Safety Council, waives in support
2:49:30 PM Sen Rader comments
2:51:04 PM Sen Hukill comments
2:52:11 PM Sen Taddeo question
2:52:16 PM Sen Brandes comments
2:52:47 PM Sen Baxley comments
2:55:05 PM Sen Hukill comments
2:55:48 PM Sen Galvano comments
2:56:59 PM Sen Hukill comments
2:57:59 PM Vice Chair Rouson comments
2:59:23 PM Sen Brandes closes on SB 666
3:00:31 PM SB 666 recorded favorably
3:00:53 PM Tab 8 SB 468
3:01:03 PM Sen Baxley explains
3:02:26 PM Sen Taddeo question
3:02:48 PM Sen Baxley responds
3:04:01 PM Sen Taddeo question
3:04:05 PM Sen Baxley response
3:05:53 PM Sen Rader question
3:06:16 PM Chair responds
3:07:14 PM Brian Pitts, Justice 2 Jesus, speaks to support
3:08:25 PM Sen Galvano comments
3:08:44 PM Sen Baxley waives close
3:08:52 PM SB 468 reported favorably

3:09:19 PM Meeting adjourned