

Tab 1	CS/SB 664 by CM, Young (CO-INTRODUCERS) Steube; (Similar to CS/CS/H 00469) Salvage of Pleasure Vessels					
642094	D	S		TR, Young	Delete everything after	01/24 07:40 AM

Tab 2	SB 1482 by Young; (Identical to H 00959) Motor Vehicles and Railroad Trains					
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Tab 3	SB 712 by Brandes; (Compare to CS/H 00353) Autonomous Vehicles					
621932	A	S	RCS	TR, Brandes	btw L.200 - 201:	01/25 03:24 PM
311854	A	S	WD	TR, Rouson	btw L.200 - 201:	01/25 03:24 PM
837744	A	S	RCS	TR, Brandes	btw L.329 - 330:	01/25 03:24 PM

Tab 4	SB 818 by Powell; (Identical to H 00649) Emergency Exemption from Tolls					
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Tab 5	SB 918 by Grimsley; (Similar to H 01195) Clerks of Circuit Court					
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Tab 6	SB 1436 by Broxson; (Similar to H 01281) Garcon Point Bridge					
877804	D	S	RCS	TR, Broxson	Delete everything after	01/25 03:24 PM

Tab 7	SB 1472 by Farmer; (Identical to H 01107) Disabled Parking Permits					
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Gainer, Chair
Senator Rouson, Vice Chair

MEETING DATE: Thursday, January 25, 2018

TIME: 10:00 a.m.—12:00 noon

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	CS/SB 664 Commerce and Tourism / Young (Similar CS/CS/H 469)	Salvage of Pleasure Vessels; Designating the "Florida Salvage of Pleasure Vessels Act"; requiring salvors of pleasure vessels to provide a specified written disclosure statement and salvage work estimate; requiring such salvors to obtain customer permission before exceeding the written estimate by more than a specified amount; requiring salvors to post specified signage on their vessels, etc. CM 12/04/2017 Fav/CS TR 01/25/2018 Fav/CS RC	Fav/CS Yeas 5 Nays 2
2	SB 1482 Young (Identical H 959)	Motor Vehicles and Railroad Trains; Specifying that certain persons are not considered passengers for the purpose of making crash reports, etc. TR 01/25/2018 Favorable JU RC	Favorable Yeas 6 Nays 1
3	SB 712 Brandes (Compare CS/H 353)	Autonomous Vehicles; Exempting an autonomous vehicle being operated in autonomous mode from a certain prohibition on the operation of a motor vehicle if the vehicle is actively displaying certain content that is visible from the driver's seat while the vehicle is in motion; authorizing a fully autonomous vehicle to operate in this state regardless of whether a licensed human operator is physically present in the vehicle; authorizing the Secretary of Transportation to enroll the state in any federal pilot program or project for the collection and study of data for the review of automated driving systems, etc. TR 01/25/2018 Fav/CS BI RC	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Thursday, January 25, 2018, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 818 Powell (Identical H 649)	Emergency Exemption from Tolls; Providing an exemption from toll payment for persons operating motor vehicles on toll facilities within a county subject to a mandatory evacuation order, etc. TR 01/25/2018 Favorable ATD AP	Favorable Yeas 7 Nays 0
5	SB 918 Grimsley (Similar H 1195)	Clerks of Circuit Court; Requiring records and books to be readily accessible at the county seat; requiring all driver improvement course providers, within 7 business days, to transmit the individual completion certificate, or related data sufficient to update the Comprehensive Case Information System, through the statewide e-filing portal to a specified clerk of circuit court, etc. TR 01/25/2018 Favorable JU RC	Favorable Yeas 7 Nays 0
6	SB 1436 Broxson (Similar H 1281)	Garcon Point Bridge; Authorizing the Department of Transportation to acquire the Garcon Point Bridge and related assets and purchase specified outstanding bonds under certain circumstances; requiring the bridge to become a part of the turnpike system upon acquisition, etc. TR 01/25/2018 Fav/CS ATD AP	Fav/CS Yeas 7 Nays 0
7	SB 1472 Farmer (Identical H 1107)	Disabled Parking Permits; Requiring a disabled parking permit to display the applicant's driver license or identification card photograph; providing an exemption; specifying the amount of a civil penalty for certain violations, etc. TR 01/25/2018 Favorable 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 Commerce and Tourism

BILL: CS/CS/SB 664

INTRODUCER: Transportation Committee; Commerce and Tourism Committee; and Senators Young and Steube

SUBJECT: Salvage of Pleasure Vessels

DATE: January 26, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Little</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Price</u>	<u>Miller</u>	<u>TR</u>	<u>Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 664 creates a new section of law relating to salvage of pleasure vessels, applying its provisions to all salvors in the state, with certain exceptions, and defining relevant terms. The bill requires a salvor to provide a customer with verbal and written notice that the salvor's offered service is not covered by any towing contract before a salvor may engage in the salvage operation of a pleasure vessel. The bill requires the written notice to include a specified statement. The bill relieves a salvor of providing the verbal and written notice if there is an imminent threat of injury or death to any person on board the vessel.

The bill provides that a customer injured by a violation of the new section of law may bring an action in the appropriate court and specifies that a prevailing customer in such an action is entitled to damages in an amount that is 1.5 times that charged by the salvor, plus actual damages, court costs, and reasonable attorney fees. The bill provides that a customer may also bring an action for injunctive relief in the circuit court.

The bill takes effect on July 1, 2018.

II. Present Situation:

Salvage of Vessels

Admiralty law encourages seamen to render prompt aid to vessels and property in peril at sea by authorizing vessels of the United States and numbered motorboats owned by citizens to engage in any salvage operation within the territorial waters of the United States.¹

An award for salvage is “the compensation allowed to persons by whose voluntary assistance a ship at sea or her cargo or both have been saved in whole or in part from impending sea peril.”²

To assert a valid salvage claim, a salvor must establish three necessary elements:

- That a marine peril³ existed;
- That the salvage service was rendered voluntarily and was not required as an existing duty or from a special contract; and
- That the salvage service rendered contributed to success, in whole or in part, in saving the ship from the marine peril.⁴

Federal district courts have original jurisdiction of “any civil case of admiralty or maritime jurisdiction, saving to suitors in all cases all other remedies to which they are otherwise entitled.”^{5,6} The amount of an award for salvage can vary greatly.⁷ Traditionally, courts have considered the following factors in determining an award for salvage:

- The labor expended by the salvors in rendering the salvage service;
- The promptitude, skill, and energy displayed in rendering the salvage service;
- The value of the property employed by the salvors in rendering the service; and
- The danger to which such property was exposed;
- The risk incurred by the salvors in securing the property from the impending peril;
- The value of the property employed by the salvors in rendering the service and the danger to which such property was exposed;
- The risk incurred by the salvors in securing the property from the impending peril;
- The value of the property saved; and
- The degree of danger from which the property was rescued.⁸

¹ 19 C.F.R. s. 4.97(a) (1969).

² *The Sabine*, 101 U.S. 384, 384 (1879).

³ Marine peril does not necessarily require immediate or actual danger so long as at the time the assistance was rendered the ship was in a situation that might expose her to loss or destruction. *Fine v. Rockwood*, 895 F. Supp. 306, 309 (S.D. Fla 1995).

⁴ *Id.* See also *Klein v. Unidentified Wreck & Abandoned Sailing Vessel*, 785 F.2d 1511, 1515 (11th Cir. 1985).

⁵ 28 U.S.C. s. 1333.

⁶ The “saving to suitors clause” has been interpreted to allow state courts concurrent jurisdiction over common law claims arising in connection with admiralty claims. See *Sebastian Tow Boat & Salvage, Inc. v. Vernon Slavens & Allstate Floridian Insurance Co.*, 16 FLW Fed, D187 (M.D. Fla. 2002) (holding that the state court has concurrent jurisdiction, so long as the case proceeded *in personam* rather than *in rem*, and the cause of action arose from a contract entered into by both parties).

⁷ *Biscayne Towing & Salvage, Inc. v. Kilo Alfa Ltd.*, 2004 WL 3310573 (S.D. Fla 2004).

⁸ *The Blackwell*, 77 U.S. 1 (1869).

In an effort to establish uniformity in determining the amount of a salvage award, The 1989 International Convention on Salvage⁹ added additional factors to consider in determining the amount of a salvage award. The additional factors include consideration for the prevention or minimization of environmental damage.¹⁰

Generally, state courts may apply state law to maritime actions so long as there is no conflict with federal law.¹¹

III. Effect of Proposed Changes:

The bill creates s. 559.952, F.S., relating to salvage of pleasure vessels. The bill applies the new section to all salvors operating in Florida, with the exception of:

- Any person who performs salvage work while employed by a municipal, county, state, or federal government when carrying out the functions of that government;
- Any person who engages solely in salvage work for:
 - Pleasure vessels that are owned, maintained, and operated exclusively by such person and for the person's own use; or
 - For-hire pleasure vessels that are rented for periods of 30 days or less;
- Any person who owns or operates a marina or shore-based repair facility and is in the business of repairing pleasure vessels, where the salvage work takes place exclusively at the person's facility;
- Any person who is in the business of repairing pleasure vessels who performs the repair work at a landside or shoreside location designated by the customer; or
- Any person who is in the business of recovering, storing, or selling pleasure vessels on behalf of insurance companies that insure the vessels.

The bill provides the definitions for the customer,¹² employee,¹³ pleasure vessel,¹⁴ salvage work,¹⁵ and salvor.¹⁶

⁹ United Nations, *International Convention on Salvage*, available at <https://treaties.un.org/doc/Publication/UNTS/Volume%201953/v1953.pdf> (last visited Dec. 1, 2017).

¹⁰ *International Convention on Salvage, 1989*, <http://treaties.fco.gov.uk/docs/pdf/1996/TS0093.pdf> (last visited Dec. 1, 2017); International Maritime Organization, *International Convention on Salvage*, available at <http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-Salvage.aspx>, (last visited Dec. 1, 2017).

¹¹ *Madruga v. Superior Court of State of California ex. Rel San Diego County*, 346 U.S. 556 (1954). See the discussion under the "Other Constitutional Issues" heading below for further details.

¹² "Customer" means the person to whom a salvor offers salvage work.

¹³ "Employee" means an individual who is employed full-time or part-time by a salvor and performs salvage work.

¹⁴ "Pleasure vessel" means any watercraft no more than 60 feet in length which is used solely for personal pleasure, family use, or the transportation of executives, persons under the employment, and guests of the owner.

¹⁵ "Salvage work" means any assistance, services, repairs, or other efforts rendered by a salvor relating to saving, preserving, or rescuing a pleasure vessel or its passengers and crew which are in marine peril. Salvage work does not include towing a vessel.

¹⁶ "Salvor" means a person in the business of voluntarily providing assistance, services, repairs, or other efforts related to saving, preserving, or rescuing a pleasure vessel or the vessel's passengers and crew which are in marine peril in exchange for compensation.

The bill requires a salvor to provide a customer with verbal and written notice that the service offered is not covered by any towing contract before a salvor may engage in the salvage operation of a pleasure vessel. The written notice must include a specified statement in capital letters of at least 12-point type notifying a customer, in general, that:

- The service offered is salvage work not covered by any towing contract.
- Salvage work allows the salvor to bill you, or your insurance company for charges at a later date.
- The salvor shall calculate the charges according to federal salvage law.
- Such charges may exceed a charge based on a time and materials calculation and could amount to as much as the entire value of the vessel and its contents.
- The customer's only recourse to challenge any salvage charges is by a lawsuit in federal court or, if the customer agrees, by binding arbitration.
- The customer may agree to charges with the salvor before work begins, which is the maximum amount the salvor may charge.
- The customer has a right to reject the salvor's offer of service if the salvor will not agree to a charge before beginning work.

The bill relieves a salvor of the obligation to provide the required verbal and written notice if an imminent threat of injury or death to any person on board the vessel exists.

A customer injured by a violation of the provisions of the new section of law is authorized to bring an action for relief in the appropriate court. The bill provides that a customer that prevails in such action is entitled to:

- Damages in the amount of 1.5 times that charged by the salvor;
- Actual damages;
- Court costs; and
- Reasonable attorney fees.

The bill provides that the customer may also bring an action for injunctive relief in the circuit court and that the remedies provided are in addition to any other remedy provided by law.

The bill provides an effective date of July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

The U.S. Constitution grants federal district courts judicial power over of any civil case of admiralty or maritime jurisdiction.¹⁷ While it is established that federal courts have exclusive jurisdiction over *in rem* actions,¹⁸ courts are split as to whether states can handle admiralty or maritime *in personam* claims for *quantum meruit*.¹⁹ As noted, state courts generally may apply state law to maritime actions so long as there is no conflict with federal law.²⁰

The bill provides a legal remedy for injured customers and directs the court to award damages to a prevailing customer, including reasonable attorney fees. Federal maritime law does not award attorney fees to a prevailing party.²¹ It is unclear whether a federal court or state court would have jurisdiction over a dispute arising from the written estimate for services required by the bill. If the dispute is considered an *in personam* claim concerning a contractual agreement, it may fall within the jurisdiction of a state court. However, if a dispute arising from the written estimate is considered to fall within federal maritime jurisdiction, the language in the bill directing the court to award attorney fees to the prevailing party may be preempted.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals in need of salvage work for a pleasure vessel may see a reduction in the cost of salvage work if they are afforded an opportunity to arrive at agreed-upon charges before any salvage work is performed.

Salvors may incur costs associated with:

- Providing the required verbal and written notices.
- Participating in potential litigation that may result in the payment of the specified damages, costs, and attorney fees.

¹⁷ U.S. Const. Art. III, ss. 1 and 2.

¹⁸ *Supra* note 11.

¹⁹ See *Metropolitan Dade County v. One (1) Bronze Cannon*, 537 F.Supp. 923 (S.D. Fla. 1982) (explaining the “saving to suitors” clause affords litigants a choice of remedies but not forums) and *Lewis v. JPI Corp.*, Case No. 07-20103-CIV-TORRES (S.D. Fla. 2009) (“The salvage award, which is unique to maritime and admiralty law, is not one of *quantum meruit* as compensation for work performed”). Compare *Sebastian Tow Boat & Salvage*, *supra* note 6 and *Phillips v. Sea Tow/ Sea Spill of Savannah*, 578 S.E.2d 846 (Ga. 2002).

²⁰ *Madruga*, 346 U.S. 556 (1954).

²¹ *Garan Inc. v. MV Aivik*, 907 F.Supp. 397 (S.D. Fla. 1995) (holding that absent specific federal statutory authorization, federal maritime law does not entitle a prevailing party an award of attorney fees).

C. **Government Sector Impact:**

Indeterminate impact to the Florida Court System depending on the volume and complexity of civil lawsuits filed as result of the bill.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill creates the following section of the Florida Statutes: 559.952.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**

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

CS by Transportation on January 25, 2018:

The committee adopted a delete-all amendment that generally replaces the text of the bill as follows:

- Requires a salvor to provide a customer with verbal and written notice that the salvor's offered service is not covered by any towing contract before a salvor may engage in the salvage operation of a pleasure vessel.
- Requires the written notice to include a specified statement, including, among other items, that a customer's only recourse to challenge assessed salvage charges is by a lawsuit in federal court or, if agreed to, binding arbitration.
- Relieves a salvor of providing the verbal and written notice if there is an imminent threat of injury or death to any person on board the vessel.
- Provides that a customer injured by a violation of the new section of law may bring an action in the appropriate court.
- Deems a prevailing customer in such an action entitled to damages in an amount that is 1.5 times that charged by the salvor, plus actual damages, court costs, and reasonable attorney fees.
- Provides that a customer may also bring an action for injunctive relief in the circuit court.

CS by Commerce and Tourism Committee on December 4, 2017:

The bill is amended to:

- Clarify that the bill does not apply to any person who is in the business of recovering, storing, or selling pleasure vessels on behalf of insurance companies that insure the vessels;
- Make a technical change to correct the sequential order of the parts and statutes within ch. 559, F.S.; and

- Make a technical change to ensure the term “employee” is used consistently throughout the bill.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate

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House

The Committee on Transportation (Young) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 559.952, Florida Statutes, is created to
read:

559.952 Salvage of pleasure vessels.-

(1) This section applies to all salvors operating in this
state, except:

(a) Any person who performs salvage work while employed by



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11 a municipal, county, state, or federal government when carrying
12 out the functions of that government.

13 (b) Any person who engages solely in salvage work for:

14 1. Pleasure vessels that are owned, maintained, and
15 operated exclusively by such person and for that person's own
16 use; or

17 2. For-hire pleasure vessels that are rented for periods of
18 30 days or less.

19 (c) Any person who owns or operates a marina or shore-based
20 repair facility and is in the business of repairing pleasure
21 vessels, where the salvage work takes place exclusively at that
22 person's facility.

23 (d) Any person who is in the business of repairing pleasure
24 vessels who performs the repair work at a landside or shoreside
25 location designated by the customer.

26 (e) Any person who is in the business of recovering,
27 storing, or selling pleasure vessels on behalf of insurance
28 companies that insure the vessels.

29 (2) As used in this section, the term:

30 (a) "Customer" means the person to whom a salvor offers
31 salvage work.

32 (b) "Employee" means an individual who is employed full
33 time or part time by a salvor and performs salvage work.

34 (c) "Pleasure vessel" means any watercraft no more than 60
35 feet in length which is used solely for personal pleasure,
36 family use, or the transportation of executives, persons under
37 the employment, and guests of the owner.

38 (d) "Salvage work" means any assistance, services, repairs,
39 or other efforts rendered by a salvor relating to saving,



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40 preserving, or rescuing a pleasure vessel or its passengers and
41 crew which are in marine peril. Salvage work does not include
42 towing a pleasure vessel.

43 (e) "Salvor" means a person in the business of voluntarily
44 providing assistance, services, repairs, or other efforts
45 relating to saving, preserving, or rescuing a pleasure vessel or
46 the vessel's passengers and crew which are in marine peril, in
47 exchange for compensation.

48 (3) (a) Before a salvor may engage in the salvage operation
49 of a pleasure vessel, the salvor shall provide the customer with
50 verbal and written notice that the service offered is not
51 covered by any towing contract. The written notice must include
52 the following statement, in capital letters of at least 12-point
53 type:

54
55 THE SERVICE OFFERED BY THE SALVOR IS CONSIDERED SALVAGE
56 WORK AND IS NOT COVERED BY ANY TOWING SERVICE CONTRACT. SALVAGE
57 WORK ALLOWS THE SALVOR TO PRESENT YOU, OR YOUR INSURANCE
58 COMPANY, WITH A BILL FOR THE CHARGES AT A LATER DATE. THE SALVOR
59 SHALL CALCULATE THE CHARGES ACCORDING TO FEDERAL SALVAGE LAW AND
60 SUCH CHARGES MAY EXCEED A CHARGE BASED ON A TIME AND MATERIALS
61 CALCULATION. THE CHARGES COULD AMOUNT TO AS MUCH AS THE ENTIRE
62 VALUE OF YOUR VESSEL AND ITS CONTENTS.

63 IF YOU AGREE TO ALLOW THE SALVOR TO PERFORM THE OFFERED
64 WORK, YOUR ONLY RECOURSE TO CHALLENGE THE ASSESSED CHARGES IS BY
65 A LAWSUIT IN FEDERAL COURT OR, IF YOU AGREE, BY BINDING
66 ARBITRATION.

67 YOU MAY AGREE TO THE CHARGES WITH THE SALVOR BEFORE WORK
68 BEGINS, AND THAT AGREED AMOUNT SHALL BE THE MAXIMUM AMOUNT THE



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69 SALVOR MAY CHARGE. YOU HAVE A RIGHT TO REJECT THE SALVOR'S OFFER
70 OF SERVICES IF THE SALVOR WILL NOT AGREE TO A CHARGE BEFORE
71 BEGINNING WORK.

72
73 (b) The salvor is relieved of providing the verbal and
74 written notice pursuant to this subsection if there is an
75 imminent threat of injury or death to any person on board the
76 vessel.

77 (4) (a) Any customer injured by a violation of this section
78 may bring an action in the appropriate court for relief. A
79 customer who prevails in such an action is entitled to damages
80 equal to 1.5 times the amount charged by the salvor, plus actual
81 damages, court costs, and reasonable attorney fees. The customer
82 may also bring an action for injunctive relief in the circuit
83 court.

84 (b) The remedies provided for in this subsection shall be
85 in addition to any other remedy provided by law.

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

87
88 ===== T I T L E A M E N D M E N T =====

89 And the title is amended as follows:

90 Delete everything before the enacting clause
91 and insert:

92 A bill to be entitled
93 An act relating to the salvage of pleasure vessels;
94 creating s. 559.952, F.S.; providing scope and
95 applicability; providing definitions; requiring
96 salvors of pleasure vessels to provide specified
97 verbal and written notice; providing an exception;



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98 providing remedies; specifying that such remedies are
99 in addition to others provided by law; providing an
100 effective date.

By the Committee on Commerce and Tourism; and Senators Young and Steube

577-01778-18

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A bill to be entitled

An act relating to the salvage of pleasure vessels; providing a directive to the Division of Law Revision and Information; creating s. 559.9601, F.S.; providing a short title; creating s. 559.9602, F.S.; providing scope and applicability; creating s. 559.9603, F.S.; providing definitions; creating s. 559.9604, F.S.; requiring salvors of pleasure vessels to provide a specified written disclosure statement and salvage work estimate; creating s. 559.9605, F.S.; requiring such salvors to obtain customer permission before exceeding the written estimate by more than a specified amount; specifying salvor responsibilities and rights to certain fees in the event that a customer cancels the order for salvage; creating s. 559.9606, F.S.; requiring salvors to post specified signage on their vessels; creating s. 559.9607, F.S.; specifying violations; creating s. 559.9608, F.S.; providing remedies; specifying that such remedies are in addition to others provided by law; providing an effective date.

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

Section 1. The Division of Law Revision and Information is directed to change the title of part XII of chapter 559, Florida Statutes, from "Miscellaneous Provisions" to "Internet Sales," and to create a new part XIII of chapter 559, Florida Statutes, consisting of ss. 559.9601-559.9608, Florida Statutes, to be

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

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entitled "Salvage of Pleasure Vessels."

Section 2. Section 559.9601, Florida Statutes, is created to read:

559.9601 Short title.—Sections 559.9601-559.9608 may be cited as the "Florida Salvage of Pleasure Vessels Act."

Section 3. Section 559.9602, Florida Statutes, is created to read:

559.9602 Scope and application.—This part shall apply to all salvors operating in Florida, except:

(1) Any person who performs salvage work while employed by a municipal, county, state, or federal government when carrying out the functions of that government.

(2) Any person who engages solely in salvage work for:

(a) Pleasure vessels that are owned, maintained, and operated exclusively by such person and for that person's own use; or

(b) For-hire pleasure vessels that are rented for periods of 30 days or less.

(3) Any person who owns or operates a marina or shore-based repair facility and is in the business of repairing pleasure vessels, where the salvage work takes place exclusively at that person's facility.

(4) Any person who is in the business of repairing pleasure vessels who performs the repair work at a landside or shoreside location designated by the customer.

(5) Any person who is in the business of recovering, storing, or selling pleasure vessels on behalf of insurance companies that insure the vessels.

Section 4. Section 559.9603, Florida Statutes, is created

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59 to read:
 60 559.9603 Definitions.—As used in this part, the term:
 61 (1) "Customer" means the person who requests or signs the
 62 written salvage estimate or is entitled to receive a written
 63 salvage estimate, or any other person whom the person who
 64 requests, signs, or is entitled to receive the written salvage
 65 estimate designates on the written salvage estimate as a person
 66 who may authorize salvage work.
 67 (2) "Employee" means an individual who is employed full-
 68 time or part-time by a salvor and performs salvage work.
 69 (3) "Pleasure vessel" means any watercraft no more than 60
 70 feet in length which is used solely for personal pleasure,
 71 family use, or the transportation of executives, persons under
 72 the employment, and guests of the owner.
 73 (4) "Salvage work" means any assistance, services, repairs,
 74 or other efforts rendered by a salvor relating to saving,
 75 preserving, or rescuing a pleasure vessel or its passengers and
 76 crew which are in marine peril. Salvage work does not include
 77 towing a pleasure vessel.
 78 (5) "Salvor" means a person in the business of voluntarily
 79 providing assistance, services, repairs, or other efforts
 80 relating to saving, preserving, or rescuing a pleasure vessel or
 81 the vessel's passengers and crew which are in marine peril, in
 82 exchange for compensation.
 83 Section 5. Section 559.9604, Florida Statutes, is created
 84 to read:
 85 559.9604 Written disclosure statement and salvage work
 86 estimate.—
 87 (1) If the cost of salvage work may exceed \$500 and the

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88 customer is present on the vessel, the salvor must present to
 89 the customer a written notice conspicuously disclosing in a
 90 separate, blocked section only the following statement, in
 91 capital letters of at least 12-point type:
 92
 93 PLEASE READ CAREFULLY, CHECK ONE OF THE STATEMENTS BELOW, AND
 94 SIGN:
 95 I UNDERSTAND THAT, UNDER STATE LAW, I AM ENTITLED TO A
 96 WRITTEN ESTIMATE IF MY FINAL BILL MAY EXCEED \$500.
 97
 98 I REQUEST A WRITTEN ESTIMATE.
 99
 100 I DO NOT REQUEST A WRITTEN ESTIMATE AS LONG AS THE
 101 SALVAGE CHARGES DO NOT EXCEED \$..... THE SALVOR MAY NOT EXCEED
 102 THIS AMOUNT WITHOUT MY WRITTEN OR ORAL APPROVAL.
 103
 104 I DO NOT REQUEST A WRITTEN ESTIMATE.
 105
 106 SIGNED DATE
 107
 108 (2) When a customer requests an estimate for the cost of
 109 salvage work any time before or during the rendering of any
 110 salvage work by a salvor, the salvor shall prepare a written
 111 estimate for the costs of its services, in a form stating the
 112 estimated cost of salvage work, including the cost of any
 113 inspections or diagnostic work. The written salvage estimate
 114 must also include the following items:
 115 (a) The name, address, and telephone number of the salvor's
 116 business.

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117 (b) The name, address, and telephone number of the
 118 customer.

119 (c) The date and time of the written salvage estimate.

120 (d) A general description of the pleasure vessel.

121 (e) A general description of the customer's problem or
 122 request for repair work or service relating to the pleasure
 123 vessel.

124 (f) A statement as to the basis on which the customer is
 125 being charged, such as a flat rate, an hourly rate, or both.

126 (g) The estimated cost of the salvage work. If the salvor
 127 does not possess sufficient information concerning the source,
 128 cause, or nature of the marine peril to formulate an estimate
 129 for the salvage work, the salvor must provide the customer an
 130 estimate for the effort required to determine the source, cause,
 131 or nature of the marine peril in accordance with this section.
 132 At such time that the salvor has sufficient information to
 133 provide an estimate for the cost of the salvage work, the salvor
 134 shall provide that estimate according to this section.

135 (h) A statement indicating the daily charge for storing the
 136 customer's pleasure vessel if it is to be towed or otherwise
 137 transported to a different location than where the salvor
 138 performs the salvage work.

139 (i) A cancellation fee, as determined by the salvor, in the
 140 event a customer cancels the order for services in accordance
 141 with s. 559.9605(1).

142 (3) A copy of the disclosure statement required by
 143 subsection (1) and, if requested, the written salvage estimate
 144 required by subsection (2) must be given to the customer before
 145 salvage work begins. The disclosure statement may be provided on

Page 5 of 9

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

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146 the same form as the written estimate.

147 (4) This section may not be construed to require a salvor
 148 to give a written estimated price if the salvor does not agree
 149 to provide any assistance, service, repairs, or other effort to
 150 a potential customer.

151 (5) A customer may cancel the salvage work at any time.

152 Section 6. Section 559.9605, Florida Statutes, is created
 153 to read:

154 559.9605 Notification of charges in excess of salvage
 155 estimate; unlawful charges.—

156 (1) If a determination is made by a salvor that the actual
 157 charges for the assistance, service, or repair work will exceed
 158 the written estimate by more than 20 percent, the customer must
 159 be promptly verbally notified of the additional estimated
 160 charge. A customer so notified may, orally or in writing,
 161 authorize, modify, or cancel the order for salvage. Except as
 162 specified in this section, the salvor may only continue work on
 163 the pleasure vessel upon authorization from the customer and
 164 work must continue only within the scope the customer
 165 authorized.

166 (2) If a customer cancels the order for salvage after being
 167 advised that salvage work which she or he has authorized cannot
 168 be accomplished within the previously authorized estimate, the
 169 salvor must expeditiously place the pleasure vessel back into a
 170 condition reasonably similar to the condition in which it was
 171 received unless:

172 (a) The customer waives that effort; or
 173 (b) To do so would be unsafe.

174

Page 6 of 9

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

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175 After cancellation of the salvor's service, the salvor may
 176 charge for salvage work provided up to the point of
 177 cancellation, but the salvor's charge may not exceed the
 178 cancellation fee agreed to by the salvor pursuant to s.
 179 559.9604(2)(i). The salvor may only charge for any work
 180 undertaken on the agreed-upon basis.

181 Section 7. Section 559.9606, Florida Statutes, is created
 182 to read:

183 559.9606 Required disclosure; signs; notice to customers.—
 184 All vessels used by salvors in connection with performing
 185 salvage work shall have signs posted in a manner conspicuous to
 186 customers and potential customers and that can be read from
 187 customers' and potential customers' pleasure vessels. Those
 188 signs must inform customers and potential customers that the
 189 salvors are professional salvors that charge for their services
 190 and that customers and potential customers have a right to a
 191 written estimate for the services offered.

192 Section 8. Section 559.9607, Florida Statutes, is created
 193 to read:

194 559.9607 Unlawful acts and practices.—It is a violation of
 195 this act for a salvor or its employees to:

196 (1) Provide or charge for services that have not been
 197 expressly or implicitly authorized by the customer when the
 198 customer is present on the pleasure vessel.

199 (2) Misrepresent that a pleasure vessel being inspected is
 200 in a dangerous condition or that the customer's continued use of
 201 the pleasure vessel may be hazardous to the customer or cause
 202 great damage to, or loss of, the vessel.

203 (3) Fraudulently alter any customer contract, estimate,

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204 invoice, or other document.

205 (4) Fraudulently misuse any customer's credit card.

206 (5) Make or authorize in any manner or by any means
 207 whatsoever any written or oral statement which is untrue,
 208 deceptive, or misleading, and which is known, or which by the
 209 exercise of reasonable care the salvor should know, to be
 210 untrue, deceptive, or misleading.

211 (6) Make false statements of a character likely to
 212 influence, persuade, or induce a customer to authorize salvage
 213 work for a pleasure vessel.

214 (7) Require that any customer waive her or his rights
 215 provided in this part as a precondition to performing salvage
 216 work.

217 (8) Charge a customer more than 20 percent over the written
 218 estimate provided to the customer pursuant to s. 559.9604,
 219 unless the salvor has obtained authorization to exceed the
 220 written estimate in accordance with s. 559.9605(1).

221 (9) Perform any other act that violates this part or that
 222 constitutes fraud or misrepresentation.

223 Section 9. Section 559.9608, Florida Statutes, is created
 224 to read:

225 559.9608 Remedies.—

226 (1) Any customer injured by a violation of this part may
 227 bring an action in the appropriate court for relief. A customer
 228 who prevails in such an action shall be entitled to damages in
 229 the amount of three times that charged by the salvor, plus
 230 actual damages, court costs, and reasonable attorney fees. The
 231 customer may also bring an action for injunctive relief in the
 232 circuit court.

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233 (2) The remedies provided for in this section shall be in
234 addition to any other remedy provided by law.
235 Section 10. 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)

1/22/2018

Meeting Date

SB 644

Bill Number (if applicable)

Topic Salvage of Pleasure Vessels

Amendment Barcode (if applicable)

Name Captain Alan S. Richard

Job Title Captain, FWC/FMP (Retired); Professor of Admiralty Law

Address 333 Ball Drive

Phone 850-556-9955

Street

Tallahassee

FL

32312

Email alan.s.richard@gmail.com

City

State

Zip

Speaking: For Against Information

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

Representing Myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/25/18

Meeting Date

664

Bill Number (if applicable)

Topic Salvage Bill

Amendment Barcode (if applicable)

Name Michael Black

Job Title Attorney

Address 7700 N. Kendall Drive

Phone 305 271-8301

Street

Miami FL

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing C-Port

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/25/2018

Meeting Date

664

Bill Number (if applicable)

Topic Salvage

Amendment Barcode (if applicable)

Name Tina Cardone

Job Title Executive Director C-PORT

Address 3640 B3 N Federal Hwy #136

Phone 954-261-2012

Street

Lighthouse Pt FL 33064

Email tcardone@cport.us

City

State

Zip

Speaking: For Against Information

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

Representing C-PORT Professional towing and salvage companies

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

APPEARANCE RECORD

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

1/25/2018
Meeting Date

664
Bill Number (if applicable)

Topic Salvage

Amendment Barcode (if applicable)

Name HARRY OFFUTT

Job Title President Biscayne Towing & Salvage

Address 1635 W Bayshore Dr

Phone 305 360 1491

Street Miami FL 33132

Email howto@dochaol.com

City State Zip

Speaking: For Against Information

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

Representing Biscayne Towing & Salvage

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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APPEARANCE RECORD

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

1/25/18

Meeting Date

664

Bill Number (if applicable)

Topic Salvage of Pleasure Vessels

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior VP

Address 516 W Adams St

Phone 224-7173

Street

TLH

Email bbevis@a.f.c.

City

State

Zip

Speaking: For Against Information

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

Representing Associated Industries of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1-25-18

Meeting Date

664

Bill Number (if applicable)

Topic SALVAGE

Amendment Barcode (if applicable)

Name ERIC HULL

Job Title _____

Address 1612 LIMONA RD

Phone 513 616 8835

Street

BRANDON FL 33510

Email ERIC@MEZALEX.COM

City

State

Zip

Speaking: For Against Information

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

Representing SELF

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1-25-18

Meeting Date

664

Bill Number (if applicable)

Topic Severage

Amendment Barcode (if applicable)

Name Jon Costello

Job Title lobbyist

Address 119 S. Monroe St

Phone 681-6789

Street

Tallahassee

City

FL

State

32301

Zip

Email jon@rattledye-eceniq.com

Speaking: For Against Information

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

Representing Florida Public Advocacy

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-25-18

Meeting Date

664

Bill Number (if applicable)

Topic Salvage

Amendment Barcode (if applicable)

Name David McCreadie

Job Title Attorney

Address Suite 1700 100 S. Ashley

Phone 813 229-2121

Street

Tampa

City

Florida

State

33601

Zip

Email dmccreadie@laurique.com

Speaking: For Against Information

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

Representing Florida Public Advocacy

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: SB 1482

INTRODUCER: Senator Young

SUBJECT: Motor Vehicles and Railroad Trains

DATE: January 23, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Favorable
2.	_____	_____	JU	_____
3.	_____	_____	RC	_____

I. Summary:

SB 1482 clarifies that for the purposes of the Florida Uniform Traffic Control Law:

- A railroad train is not considered a vehicle or a motor vehicle; and
- A railroad train engineer operating a railroad train is not considered a driver or an operator.

In addition, the bill provides that a member of a railroad crew or a passenger on a railroad train is not considered a passenger for purposes of Florida's crash report forms.

The bill takes effect July 1, 2018.

II. Present Situation:

The Florida Uniform Traffic Control Law, ch. 316, F.S., is intended to make uniform traffic laws to apply throughout the state.¹ Section 316.003, F.S., defines terms used throughout the chapter.

Section 316.003(61), F.S., defines "railroad train" as "a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except a streetcar." For purposes of this chapter, the terms "motor vehicle"² and "vehicle"³ exclude a vehicle operated upon rails. Additionally, the terms "driver"⁴ and "operator"⁵ are defined as any person in actual physical control of a vehicle or motor vehicle on the highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

¹ Section 316.002, F.S.

² Section 316.003(40), F.S.

³ Section 316.003(97), F.S.

⁴ Section 316.003(19), F.S.

⁵ Section 316.003(46), F.S.

Crash Report Forms

The Department of Highway Safety and Motor Vehicles (DHSMV) must prepare and, upon request, supply to police departments, sheriffs, and other appropriate agencies or individuals forms for crash reports. The form must contain detailed information on the cause and conditions and the persons and vehicles involved in a crash. Every crash report form must contain the policy numbers of liability insurance and the names of carriers covering any vehicle involved in a crash. The crash report form must contain:

- The date, time, and location of the crash;
- A description of the vehicles involved;
- The names and addresses of the parties involved, including all drivers and passengers in the vehicles involved;
- The names and addresses of any witnesses;
- The name, badge number, and law enforcement agency of the officer investigating the crash; and
- The names of the insurance companies for the respective parties involved in the crash.⁶

A traffic crash report form must be completed and submitted to the DHSMV in the event of a traffic crash involving a motor vehicle.⁷ A train is not considered a motor vehicle for purposes of a crash report.⁸ According to the DSHMV, a Florida Traffic Crash Report is only completed in a train crash if the crash involves a train and a motor vehicle.⁹

Railroad Train Accident Reports

Florida law does not currently address railroad company reporting requirements related to accident reports. With certain exceptions, railroad companies are required to submit to the Federal Railroad Authority (FRA) a monthly report of all railroad accidents or incidents that are:

- Highway-rail grade crossing accidents;
- Rail equipment accidents; and
- Death, injury, or occupational illness.¹⁰

In addition, each railroad must immediately report certain types of accidents or incidents by calling the National Response Center.¹¹ The FRA or the National Transportation Safety Board (NTSB) may choose to investigate such train accidents or incidents.¹²

⁶ Section 316.068, F.S.

⁷ Section 316.066(1)(a), F.S.

⁸ See DHSMV, *Uniform Traffic Crash Report Manual* (December 2017), available at <https://www.flhsmv.gov/ddl/ecrash/CrashManualComplete.pdf> at p. 97 (last visited Jan. 22, 2018) and s. 316.003(40), F.S.

⁹ DHSMV, *Frequently Asked Questions Related to CRASH Reports*, available at <https://www.flhsmv.gov/ddl/ecrash/Crash-FAQ.pdf> at 12 (last visited Jan. 22, 2018).

¹⁰ 49 C.F.R. 225.11 and 225.19

¹¹ 49 C.F.R. 225.9

¹² See FRA, *FRA Investigations of Railroad Accidents*, <https://www.fra.dot.gov/Page/P0474> and NTSB, *The Investigative Process*, <https://www.ntsb.gov/investigations/process/Pages/default.aspx> (last visited Jan. 23, 2018).

III. Effect of Proposed Changes:

The bill amends s. 316.003, F.S., to clarify that for the purposes of ch. 316, F.S., the Florida Uniform Traffic Control Law:

- A railroad train is not considered a vehicle or motor vehicle; and
- A railroad train engineer operating a railroad train is not considered a driver or an operator.

The bill also amends s. 316.068, F.S., to provide that a member of a railroad train crew or a passenger on a railroad train is not considered a passenger for purposes of Florida's crash report forms.

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 may positively impact railroad train companies and their operations if all crew members and passengers of the train are not required to be interviewed in the event of a motor vehicle crash involving a train.

C. Government Sector Impact:

The bill does not appear to have a fiscal impact on state or local governments.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003 and 316.068.

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 Young

18-01396-18

20181482__

A bill to be entitled

An act relating to motor vehicles and railroad trains; amending s. 316.003, F.S.; revising definitions; amending s. 316.068, F.S.; specifying that certain persons are not considered passengers for the purpose of making crash reports; providing an effective date.

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

Section 1. Subsections (19), (40), (46), (61), and (97) of section 316.003, Florida Statutes, are amended to read:

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

(19) DRIVER.—Any person who drives or is in actual physical control of a vehicle on a highway or who is exercising control of a vehicle or steering a vehicle being towed by a motor vehicle. A railroad train engineer operating a railroad train is not a driver for purposes of this chapter.

(40) MOTOR VEHICLE.—Except when used in s. 316.1001, a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, personal delivery device, swamp buggy, or moped. For purposes of s. 316.1001, "motor vehicle" has the same meaning as provided in s. 320.01(1)(a). A railroad train is not a motor vehicle for purposes of this chapter.

(46) OPERATOR.—Any person who is in actual physical control of a motor vehicle upon the highway or who is exercising control

Page 1 of 3

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over or steering a vehicle being towed by a motor vehicle. A railroad train engineer operating a railroad train is not an operator for purposes of this chapter.

(61) RAILROAD TRAIN.—A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except a streetcar. A railroad train is not a motor vehicle for purposes of this chapter.

(97) VEHICLE.—Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except personal delivery devices and devices used exclusively upon stationary rails or tracks. A railroad train is not a vehicle for purposes of this chapter.

Section 2. Subsection (2) of section 316.068, Florida Statutes, is amended to read:

316.068 Crash report forms.—

(2) Every crash report required to be made in writing must be made on the appropriate form approved by the department and must contain all the information required therein, including:

- (a) The date, time, and location of the crash;
- (b) A description of the vehicles involved;
- (c) The names and addresses of the parties involved;
- (d) The names and addresses of all drivers and passengers in the vehicles involved;
- (e) The names and addresses of witnesses;
- (f) The name, badge number, and law enforcement agency of the officer investigating the crash; and
- (g) The names of the insurance companies for the respective parties involved in the crash,

Page 2 of 3

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20181482__

59 unless not available. A member of a railroad train crew or a
60 passenger on a railroad train is not a passenger for purposes of
61 this section. The absence of information in such written crash
62 reports regarding the existence of passengers in the vehicles
63 involved in the crash constitutes a rebuttable presumption that
64 no such passengers were involved in the reported crash.
65 Notwithstanding any other provisions of this section, a crash
66 report produced electronically by a law enforcement officer
67 must, at a minimum, contain the same information as is called
68 for on those forms approved by the department.

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

APPEARANCE RECORD

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

1/25/18

Meeting Date

1482

Bill Number (if applicable)

Topic CARS & TRAINS

Amendment Barcode (if applicable)

Name ANDRES TRUJILLO

Job Title DIRECTOR

Address 11774 SW 137th AVE

Phone 786-348-5771

Street

MIAMI FL

Email FLTRUJILLO@AOL.

City

State

Zip

Speaking: For Against Information

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

Representing SMART-TD

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1-25-18

Meeting Date

1482

Bill Number (if applicable)

Topic RAILROAD

Amendment Barcode (if applicable)

Name VICKI A. WOOLDRIDGE

Job Title GOV. APPRS. MGR.

Address 801 NW 33rd STREET

Phone 954-213-8690

Street

POMANO BEACH

FL

33064

Email wooldridgev@sta.fl.gov

City

State

Zip

Speaking: For Against Information

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

Representing S. FLA. REGIONAL TRANS. AUTH. / TRI-RAIL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

SB 1482
Bill Number (if applicable)

Meeting Date _____

Topic Motor Vehicles + Railroad Trains

Amendment Barcode (if applicable) _____

Name RUSSEN ROBERTS

Job Title VP GOVT AFFAIRS

Address 2855 LeJeune Road
Street

Phone 202-604-5952

Coral Gables FL 33134
City State Zip

Email rusty.roberts@feci.com

Speaking: For Against Information

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

Representing Fla. EAST COAST INDUSTRIES

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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The Florida Senate
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 712

INTRODUCER: Transportation Committee and Senator Brandes

SUBJECT: Autonomous Vehicles

DATE: January 26, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	Fav/CS
2.			BI	
3.			RC	

I. Summary:

CS/SB 712 revises various provisions of law relating to autonomous vehicles. The bill repeals certain existing definitions, and revises and adds others, consistent with recent federal guidance adopting such definitions. The bill provides that a licensed human operator is not required to operate a fully autonomous vehicle and authorizes operation of a fully autonomous vehicle on Florida roads regardless of whether a human operator is physically present in the vehicle. The bill deems an automated driving system to be the operator of an autonomous vehicle while operating in autonomous mode, regardless of whether a person is physically present in the vehicle.

The bill also revises the requirements for registration of an autonomous vehicle, including revisions based on the vehicle's functioning level of autonomy; and provides that the provisions of Ch. 322, F.S., relating to driver licenses, do not apply when a fully autonomous vehicle is operated in autonomous mode without a licensed human operator physically present in the vehicle. The bill provides that certain duties under Ch. 316, F.S., such as the duty to give information and render aid, do not apply to a fully autonomous vehicle operating in autonomous mode in the event of a crash involving the vehicle under certain conditions. Provisions relating to unattended motor vehicles or property are also deemed inapplicable to a fully autonomous vehicle while operating in autonomous mode.

Additionally, the bill authorizes certain television and pre-recorded video displays that are visible from the driver's seat while the vehicle is in motion and authorizes use of a wireless communications device for texting, emailing, or instant messaging, if the vehicle is an autonomous vehicle operating in autonomous mode. Various other statutory provisions are amended to incorporate the new definitions.

The bill also imposes specified insurance requirements on certain autonomous vehicles and authorizes the Florida Turnpike Enterprise (FTE) within the Florida Department of Transportation (FDOT) to fund, construct, and operate test facilities for the advancement of

autonomous, connected, and innovative transportation technology solutions for specified purposes.

The bill has an indeterminate fiscal impact on FTE resources within FDOT. Otherwise, the bill has no impact on state or local revenues or expenditures. The traveling public may also experience certain benefits relating to the environment, travel costs, and traffic crashes, and incur costs associated with the bill's insurance requirements. See the "Fiscal Impact Statement" heading below.

II. Present Situation:

The present situation for each section of the bill is discussed below in conjunction with the Effect of Proposed Changes.

Federal Policy and Guidance

According to the National Highway Traffic Safety Administration¹ (NHTSA), 37,641 lives were lost on roads in the United States in 2016. This figure represents a 5.6 percent increase over calendar year 2015.² Further, "the major factor in 94 percent of all fatal crashes is human error."³ NHTSA views the country as being "on the verge of one of the most exciting and important innovations in transportation history – the development of Automated Driving Systems, commonly referred to as automated or self-driving vehicles."⁴

Use of automated driving systems, according to NHTSA, offers a variety of benefits, such as helping people avoid crashes, reducing time spent commuting, helping millions (including the elderly and people with disabilities) gain access to transportation and, most importantly, significantly reducing highway fatalities and injuries.⁵

No mandatory federal regulations relating to autonomous vehicles currently exist, but in an announcement on January 14, 2016, the USDOT outlined a number of commitment milestones with respect to autonomous vehicles:

- NHTSA will work with industry and other stakeholders within six months of the announcement to develop guidance on the safe deployment and operation of autonomous vehicles, providing a common understanding of the performance characteristics necessary for fully autonomous vehicles and the testing and analysis methods needed to assess them.
- In the same six months, NHTSA will work with state partners, the American Association of Motor Vehicle Administrators, and other stakeholders to develop a model state policy on automated vehicles that offers a path to consistent national policy.

¹ NHTSA is a part of the United States Department of Transportation (USDOT). See the USDOT's website available at: <https://www.transportation.gov/administrations>. (Last visited January 18, 2018.)

² See NHTSA's website available at: <https://www.nhtsa.gov/>. (Last visited January 18, 2018.)

³ See NHTSA's *Automated Driving Systems 2.0, A Vision for Safety*, at p. i, available at: https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/13069a-ads2.0_090617_v9a_tag.pdf. (Last visited January 18, 2018.)

⁴ *Id.* Florida law currently refers to "autonomous vehicles" equipped with "autonomous technology." See s. 316.003(2), F.S.

⁵ *Id.*

- Manufacturers are encouraged to submit rule interpretation requests where appropriate to help enable technology innovation.⁶
- Manufacturers are encouraged to submit requests for use of the agency’s exemption authority to allow the deployment of fully autonomous vehicles, which allows NHTSA to authorize deployment of up to 2,500 vehicles for up to two years if it determines an exemption would ease development of new safety features.⁷
- The USDOT and NHTSA will develop new tools necessary for this new era of vehicle safety and mobility and will consider seeking new authority when necessary to ensure that fully autonomous vehicles, including those without a human driver, are deployable in large numbers once they are demonstrated to provide an equivalent or higher level of safety than is now available.⁸

In September of 2016, the USDOT issued a model state policy on autonomous vehicles, with the objective of ensuring the establishment of a consistent national framework, rather than a patchwork of incompatible laws. The model state policy addresses issues regarding autonomous vehicle testing, what would be considered the “driver” of an autonomous vehicle, registration and titling of autonomous vehicles, law enforcement considerations, and liability and insurance issues.⁹

In September of 2017, the USDOT released new federal guidance for automated driving systems.¹⁰ The voluntary guidance “updates the Federal Automated Vehicles Policy released in September 2016 and serves as NHTSA’s current operating guidance for [automated driving systems].”¹¹ The guidance builds on the previous policy and incorporates feedback received through public comments and Congressional hearings. The document paves the way for safe deployment of advanced driver assistance technologies by providing voluntary guidance that encourages best practices and prioritizes safety. The document also provides technical assistance to states and best practices for policymakers.

While multiple definitions for levels of vehicle automation exist, as part of the voluntary federal guidance and, “For overall awareness and to ensure consistency in taxonomy usage, NHTSA adopted SAE International’s¹² Levels of Automation and other applicable terminology.”¹³ The

⁶ As an example, see the NHTSA response to a BMW request for an interpretation confirming that BMW’s remote self-parking system meets the FMVSSs, available at: <https://isearch.nhtsa.gov/files/15-005347%20BMW%20Brake%20Transmission%20Shift%20Interlock%20v5.htm>. (Last visited January 17, 2018.)

⁷ See 49 C.F.R. 555.5 (10-1-17).

⁸ See NHTSA’s press release available at: <https://www.nhtsa.gov/press-releases/secretary-foxx-unveils-president-obamas-fy17-budget-proposal-nearly-4-billion>. (Last visited January 18, 2018.)

⁹ See USDOT *Federal Automated Vehicles Policy* (September 2016), available at: <https://www.transportation.gov/sites/dot.gov/files/docs/AV%20policy%20guidance%20PDF.pdf>. (Last visited January 18, 2018.)

¹⁰ *Supra* note 3.

¹¹ *Supra* note 3 at p. 1.

¹² The SAE’s website describes itself as follows: “SAE International is a global association of more than 128,000 engineers and related technical experts in the aerospace, automotive and commercial-vehicle industries. SAE International’s core competencies are life-long learning and voluntary consensus standards development. SAE International is a global body of scientists, engineers, and practitioners that advances self-propelled vehicle and system knowledge in a neutral forum for the benefit of society.” See the SAE’s website available at: <http://www.sae.org/about/>. (Last visited January 18, 2018.)

¹³ *Supra* note 11.

SAE International Standard J3016¹⁴ focuses on automated driving systems that function at Levels 3, 4, and 5 of driving automation and, along with related terminology, specifies the following six levels of driving automation:

- Level 0: The human driver performs all driving tasks, even when enhanced by warning or intervention systems. (No automation.)
- Level 1: The automated driving system assists the human driver by a driver-assistance system of either steering or acceleration/deceleration using information about the driving environment, with the expectation that the human driver performs all remaining aspects of the driving task. (Driver assistance.)
- Level 2: The automated driving system executes one or more driver assistance systems of both steering and acceleration/deceleration using information about the driving environment, with the expectation that the human driver performs all remaining aspects of the driving task. (Partial automation.)
- Level 3: The automated driving system performs all aspects of the driving task, with the expectation that a human driver will respond appropriately to a request to intervene. (Conditional automation.)
- Level 4: The automated driving system performs all aspects of the driving task, even if a human driver does not respond appropriately to a request to intervene. (High automation.)
- Level 5: The automated driving system performs all aspects of the driving task at all times under all roadway and environmental conditions that can be managed by a human driver. (Full automation.)

III. Effect of Proposed Changes:

Florida Law

Florida was one of the first states to enact autonomous vehicle legislation. The Florida Legislature has revised relevant statutes from time to time as industry developments have occurred and federal guidance has been updated. The bill seeks to update Florida law in light of the most recent federal guidance.¹⁵

Definitions (Section 1)

Present Situation:

Section 316.003, F.S., provides definitions relating to uniform traffic control. Specifically, with respect to autonomous vehicles, that section defines in subsection (2):

- “Autonomous vehicle” to mean “any vehicle equipped with autonomous technology.”

¹⁴ See the SAE’s website available at: <https://www.sae.org/news/3550/>. (Last visited January 18, 2018.) (Copy also on file in the Senate Transportation Committee.)

¹⁵ Legislation is also pending at the federal level. See H.R. 3388, the “SELF DRIVE Act,” with text and current status, available at: <https://www.congress.gov/bill/115th-congress/house-bill/3388>. See also S. 1885, the “AV START Act,” with text and current status available at: <https://www.congress.gov/bill/115th-congress/senate-bill/1885>. (Last visited January 18, 2018.)

- “Autonomous technology” to mean “technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed without the active control or monitoring by a human operator.”^{16, 17}

Effect of Proposed Changes:

Section 1 amends s. 316.003(2), F.S., to add, revise, and repeal certain definitions in recognition of NHTSA’s adoption of the SAE standard. The bill:

- Defines the term, “automated driving system,” to mean “the hardware and software that are collectively capable of performing the entire dynamic driving task of an autonomous vehicle on a sustained basis, regardless of whether it is limited to a specific operational design domain, as specified in SAE International Standard J3016 (Revised September 2016.)”
- Revises the term, “autonomous vehicle,” to mean “a vehicle equipped with an automated driving system designed to function at a level of driving automation of Level 3, 4, or 5, as specified in SAE International Standard J3016 (Revised September 2016).”
- Defines the term, “fully autonomous vehicle,” to mean “a vehicle equipped with an automated driving system designed to function at a level of driving automation of Level 4 or 5, as specified in SAE International Standard J3016 (Revised September 2016).”
- Repeals the current definitions of “autonomous vehicle” and “autonomous technology.”

Uniform Traffic Control Duties (Sections 2 – 5)

Present Situation:

Various provisions of current law contain certain duties relating to vehicle operation by a *driver*¹⁸ in Ch. 316, F.S. Among those duties, in general:

- Section 316.062, F.S., requires the driver of any vehicle involved in a crash resulting in any person’s injury or death, or property damage to any vehicle or other property which is driven or attended by any person, to provide personal and vehicle identification information and to render reasonable assistance to any injured person.
- Section 316.063, F.S., requires the driver of any vehicle involved in a crash with any *unattended* vehicle or other property, resulting in damage to the vehicle or property, to stop, locate, and notify the operator or owner of the vehicle or property to provide similar personal and vehicle identification information; and to notify the nearest police authority.
- Section 316.065(1), F.S., requires the driver of a vehicle involved in a crash resulting in any person’s injury or death, or damage to any vehicle or other property apparently exceeding \$500, to give notice of the crash to the appropriate law enforcement office.
- Section 316.1975, F.S., prohibits a person driving or in charge of any motor vehicle from letting the vehicle stand unattended without first stopping the engine, locking the ignition,

¹⁶ Further, autonomous technology “excludes a motor vehicle enabled with active safety systems or driver assistance systems, including, without limitation, a system to provide electronic blind spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keep assistance, lane departure warning, or traffic jam and queuing assistant, unless any such system alone or in combination with other systems enables the vehicle on which the technology is installed to drive without active control or monitoring by a human operator.”

¹⁷ “Operator,” is currently defined as “any person who is in actual physical control of a motor vehicle upon the highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.” Section 316.003(46), F.S.

¹⁸ “Driver” is currently defined as “any person who drives or is in actual physical control of a vehicle on a highway or who is exercising control of a vehicle or steering a vehicle being towed by a motor vehicle.” Section 316.003(19), F.S.

and removing the key; and from standing unattended on any perceptible grade without stopping the engine, setting the brake, and turning the front wheels to the curb or side of the street.

Effect of Proposed Changes:

Under the bill, the automated driving system in a fully autonomous vehicle (Level 4 or 5) is deemed the “operator,” and the vehicle may be operated in autonomous mode with no human operator or driver at all. Thus, sections 2, 3, and 4 amend ss. 316.062, 316.063, and 316.065(1), F.S., respectively, to provide that the provisions contained therein do not apply to a fully autonomous vehicle operating in autonomous mode in the event of a crash involving the vehicle if:

- The vehicle owner, or a person on behalf of the owner, promptly contacts a law enforcement agency to report the crash, or
- The autonomous vehicle has the capability of alerting a law enforcement agency to the crash.

Section 5 amends s. 316.1975, F.S., providing that the provisions relating to unattended motor vehicles contained in that section do not apply to a fully autonomous vehicle operating in autonomous mode.

Electronic Displays in Vehicles/Wireless Communication Devices (Sections 6 and 7)

Present Situation:

Section 316.303, F.S., prohibits operation of a motor vehicle on the highways if the vehicle is actively displaying moving television broadcast or pre-recorded video entertainment content that is visible from the driver’s seat while the vehicle is in motion, unless the vehicle is equipped with autonomous technology, as currently defined in s. 316.003(2), F.S., and is being operated in autonomous mode, as currently provided in s. 316.85(2), F.S.

However, the use of an electronic display used in conjunction with a vehicle navigation system; an electronic display used by an operator of a vehicle equipped with autonomous technology; or an electronic display used by an operator of a vehicle equipped and operating with driver-assistive truck platooning technology, as currently defined in s. 316.003, is not prohibited.

Section 316.305(3)(a), F.S., generally contains provisions prohibiting a person from operating a motor vehicle while using a wireless communications device for texting, emailing, or instant messaging. Paragraph (b) of that section provides that the prohibition in paragraph (a) does not apply to a motor vehicle operator who is, among other items, operating an autonomous vehicle, as defined in s. 316.003, F.S., in autonomous mode.

Effect of Proposed Changes:

Section 6 amends s. 316.303, F.S., to replace the phrases, “vehicle equipped with autonomous technology,” with “an autonomous vehicle, as defined in s. 316.003(2),” to incorporate the new definition. This revision allows the identified displays in autonomous vehicles with automated driving systems that function at Levels 3, 4, and 5.

Section 7 amends s. 316.305(3)(b)7., F.S., to revise the cross-reference to the new definition of “autonomous vehicle” contained in s. 316.003(2), F.S., thereby incorporating the new definition. This revision allows a person to use a wireless communications device in autonomous vehicles with automated driving systems that function at Levels 3, 4, and 5.

Autonomous Vehicle Operation and Registration (Sections 8 and 9)

Present Situation:

Section 316.85, F.S., entitled “Autonomous vehicles; operation” authorizes a person possessing a valid driver license to operate an autonomous vehicle in autonomous mode on roads in this state if the vehicle is equipped with autonomous technology, as defined in s. 316.003(2), F.S. Regardless of whether a person is physically present in an autonomous vehicle while operating in autonomous mode, that person is deemed to be the operator when the person causes the vehicle’s autonomous technology to engage.

Section 319.145, F.S., addresses requirements with respect to registration of an autonomous vehicle. That section currently requires an autonomous vehicle registered in this state to continue to meet applicable federal standards and regulations for such vehicle. Additionally, the vehicle must:

- Have a system to safely alert the operator if an autonomous technology failure is detected while the technology is engaged. When an alert is given, the system must:
 - Require the operator to take control of the autonomous vehicle; or
 - If the operator does not or is not able to take control, be capable of bringing the vehicle to a complete stop.
- Have a means inside the vehicle to visually indicate when the vehicle is operating in autonomous mode.
- Be capable of being operated in compliance with applicable Florida traffic and motor vehicle laws.

In recognition of the potential for federal preemption of state laws relating to autonomous vehicles, current law¹⁹ provides that NHTSA regulations supersede this section of Florida law when found to be in conflict with those regulations.

Innovative Technology/Turnpike Funding (Section 8)

Present Situation

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

¹⁹ Section 319.145(2), F.S.

As an example of such efforts, the FTE and other entities are participating in a project called SunTrax. According to the project website, “located off I-4 between Orlando and Tampa, SunTrax is a large-scale, cutting-edge facility dedicated to the research, development and testing of emerging transportation technologies in safe and controlled environments.”²⁰ Site construction began in June of 2017. The site covers 400 acres containing a multi-lane 2.25-mile long oval track and a 200-acre infield designed specifically for development and testing of automated driving systems.²¹

Effect of Proposed Changes:

Section 8 amends s. 316.85, F.S., revising the title to read, “Autonomous vehicles; operation; compliance with traffic and motor vehicle laws.” The bill provides that a licensed human operator is not required to operate a *fully* autonomous vehicle (Levels 4 and 5). Additionally, the bill authorizes operation of a fully autonomous vehicle in Florida regardless of whether a licensed human operator is physically present in the vehicle. Thus, an unlicensed human may “operate” a fully autonomous vehicle and may do so without being physically present in the vehicle; *i.e.*, by remote means.

The bill deems the “automated driving system” to be the operator of an autonomous vehicle while operating in autonomous mode, regardless of whether a person is physically present in the vehicle, instead of deeming a person as the operator when that person causes the vehicle’s autonomous technology to engage. While liability for actionable events relating to a “traditional” motor vehicle rests with that vehicle’s owner or operator, the bill places responsibility for actionable events related to an autonomous vehicle while operating in autonomous mode with the automated driving system, potentially including the owner, manufacturer,²² or seller of the system.

The bill also specifies that unless otherwise provided by law, applicable Florida traffic or motor vehicle laws may not be construed to:

- Prohibit the automated driving system from being deemed the operator of an autonomous vehicle operating in autonomous mode.
- Require a licensed human operator to operate a fully autonomous vehicle.

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

²⁰ For more information, see the SunTrax website available at: <http://www.suntraxfl.com/#about-us>. (Last visited January 26, 2018.)

²¹ See the SunTrax Brochure available at: <http://www.suntraxfl.com/wp-content/uploads/2017/11/SunTrax-Brochure-.pdf>. (Last visited January 26, 2018.)

²² Section 316.86, F.S., currently provides that “the original manufacturer of a vehicle converted by a third party into an autonomous vehicle is not liable in, and shall have a defense to and be dismissed from, any legal action brought against the original manufacturer by any person injured due to an alleged vehicle defect caused by the conversion of the vehicle, or by equipment installed by the converter, unless the alleged defect was present in the vehicle as originally manufactured.” The bill does not amend this provision.

Section 9 amends s. 319.145, F.S., to revise the conditional requirements for registration of an autonomous vehicle. Under the bill, all autonomous vehicles registered in this state must:

- Have been certified by the vehicle manufacturer as meeting applicable federal standards and regulations for such vehicle at the time of its manufacture;
- Be capable of being operated in compliance with the applicable traffic and motor vehicle laws of this state, whether or not the vehicle is operating in autonomous mode; and
- Have a means inside the vehicle to visually indicate when the vehicle is operating in autonomous mode.

The bill further revises current requirements, depending upon an autonomous vehicle's functioning level of autonomy. If the vehicle is not fully autonomous (Level 3), the vehicle must have a system to safely alert a *licensed* human operator *physically present* in the vehicle if an automated driving system failure is detected while the automated driving system is engaged. The system must require the licensed human operator to take control of the autonomous vehicle when an alert is given. Thus, if the vehicle's automated driving system functions at a Level 3 of automation, a licensed driver must be physically present in the vehicle.

If the vehicle is fully autonomous (Levels 4 and 5), the automated driving system must be capable of bringing the vehicle to a complete stop if a failure of the system occurs.

Driver Licensing (Section 10)

Present Situation:

Section 322.03, F.S., prohibits a person from driving any motor vehicle on highways in this state unless such person has a valid driver license, except as otherwise authorized in Ch. 322, F.S. That section does not specifically address driver licensing as it relates to operation of autonomous vehicles.

Effect of Proposed Changes:

Section 10 creates s. 322.15, F.S., entitled *Exemption*. The bill provides that the requirements of Ch. 322, F.S., relating to driver licenses, do not apply when a fully autonomous vehicle (Level 4 or 5) is operated in autonomous mode without a licensed human operator physically present in the vehicle.

Autonomous Vehicle Insurance (Sections 11 and 16)

Present Situation:

Florida law currently does not provide insurance requirements specific to autonomous vehicles.

Generally, with respect to non-autonomous motor vehicles:

- The owner or operator of any private-use motor vehicle may prove financial responsibility by furnishing evidence of holding a motor vehicle liability policy in the amount of \$10,000 for bodily injury to, or death of, one person in any one crash; subject to such limits for one

person, \$20,000 for bodily injury to, or death of, two or more persons in any one crash; and \$10,000 for injury to, or destruction of, property of others in any one crash.²³

- The owner or operator of a taxicab, limousine, jitney, or any other for-hire passenger transportation vehicle must maintain a motor vehicle liability policy with minimum limits of \$125,000 per person for bodily injury, up to \$250,000 per incident for bodily injury, and \$50,000 for property damage.²⁴
- Commercial motor vehicles²⁵ (CMVs) must be minimally insured with combined bodily liability insurance and property damage liability insurance in the amount of \$50,000 per occurrence for a CMV with a gross vehicle weight of 26,000 pounds or more but less than 35,000 pounds; \$100,000 per occurrence for a CMV with a gross vehicle weight of 35,000 or more but less than 44,000 pounds; and \$300,000 per occurrence for a CMV with a gross vehicle weight of 44,000 pounds or more.²⁶

Beginning July 1, 2017, the following insurance requirements apply to transportation network companies (TNCs), such as Uber and Lyft, and on TNC drivers,^{27, 28}

- While a participating TNC driver is logged on to the digital network but is not engaged in a prearranged ride:
 - Primary liability coverage of at least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily injury per incident, and \$25,000 for property damage;
 - Personal injury protection (PIP) benefits that meet the minimum coverage amounts required under ss. 627.730-627.7405, F.S.;²⁹ and
 - Uninsured and underinsured vehicle coverage as required by s. 627.727, F.S.³⁰
- While a TNC driver is engaged in a prearranged ride:
 - Primary liability coverage of at least \$1 million for death, bodily injury, and property damage.

²³ See ss. 324.031, 324.021(8), and 324.021(7), F.S.

²⁴ Section 324.032(1)(a), F.S.

²⁵ As defined in s. 207.002 or s. 320.01, F.S.

²⁶ Section 627.7415, F.S.

²⁷ Section 627.748(1)(e), F.S., defines “transportation network company” or “TNC” as “an entity operating in this state pursuant to this section using a digital network to connect a rider to a TNC driver, who provides prearranged rides.” Paragraphs (a) and (b), respectively, define “digital network” as “any online-enabled technology application service, website, or system offered or used by a [TNC] which enables the prearrangement of rides with [TNC] drivers; and “prearranged ride” as “the provisions of transportation by a TNC driver to a rider, beginning when a TNC driver accepts a ride requested by a rider through a digital network controlled by a [TNC], continuing while the TNC driver transports the rider, and ending when the last rider exits from and is no longer occupying the TNC vehicle.”

²⁸ The insurance coverage must recognize that the TNC driver is a TNC driver or otherwise uses a vehicle to transport riders for compensation and must cover the TNC driver while the TNC driver is logged on to the digital network of the TNC or while engaged in a prearranged ride. Section 627.748(7)(a), F.S.

²⁹ These provisions, known as the No-Fault Law, require coverage for personal injury protection to the named insured, relatives residing in the same household, persons operating the insured motor vehicle, passengers in the motor vehicle, and other persons struck by the motor vehicle and suffering bodily injury while not an occupant to a limit of \$10,000 in medical and disability benefits and \$5,000 in death benefits.

³⁰ Section 627.727(1), F.S., requires uninsured motor vehicle coverage if a policy provides bodily injury coverage, unless the uninsured coverage is specifically rejected. Generally, the limits of this coverage must not be less than the limits of bodily injury liability insurance purchased by the named insured, under s. 627.727(2), F.S.

- PIP benefits that meet the minimum coverage amounts required of a limousine³¹ under ss. 627.730-627.7405, F.S.; and
- Uninsured and underinsured vehicle coverage as required by s. 627.727, F.S.

Effect of Proposed Changes:

Section 11 creates s. 324.033, F.S., entitled *Manner of proving financial responsibility; autonomous vehicles*. The bill requires all fully autonomous vehicles (Levels 4 and 5) to have:

- Uninsured and underinsured vehicle coverage as required by s. 627.727, F.S.;³²
- PIP coverage as required by s. 627.736, F.S.;³³ and
- Liability coverage of at least \$500,000 for combined bodily injury liability and property damage; **or at least:**
- \$100,000 for bodily injury to, or the death of, one person in any one accident;
- Subject to such limits for one person, \$300,000 for bodily injury to, or the death of, two or more persons in any one accident; and
- \$50,000 for damage to, or destruction of, the property of others in any one accident.

Notwithstanding the above, the bill requires the owner or operator of an autonomous vehicle (Levels 3, 4, and 5) used commercially for the pickup or delivery of passengers or goods or for providing other services for compensation, *except* in the case of a TNC, to have insurance that provides all of the following:

- Primary liability coverage of at least \$2 million for death, bodily injury, and property damage;
- PIP benefits that meet the minimum coverage amounts required under ss. 627.730-627.7405, F.S.;³⁴ and
- Uninsured and underinsured vehicle coverage as required by s. 627.727, F.S.³⁵

Section 16 amends s. 627.748(7), F.S., to apply the following insurance requirements, beginning July 1, 2018, to all autonomous vehicles (Levels 3, 4, and 5) used by a TNC during prearranged rides *while the vehicles are being driven by an automated driving system*:

- Primary liability coverage of at least \$1 million for death, bodily injury, and property damage;
- PIP benefits that meet the minimum coverage amounts required under ss. 627.730-627.7405, F.S.; and
- Uninsured and underinsured vehicle coverage as required by s. 627.727, F.S.

³¹ Because limousines are excluded from PIP requirements under s. 627.733(1)(a), F.S., the effect of this provision is to require no PIP coverage when a driver is engaged in a prearranged ride. *See* the Senate Staff Analysis for CS/CS/SB 340 (2017) at p. 6, available at: <http://www.flsenate.gov/Session/Bill/2017/340/Analyses/2017s00340.rc.PDF>. (Last visited January 26, 2018.)

³² *Supra* note 27.

³³ *Supra* note 26.

³⁴ *Id.*

³⁵ *Supra* note 27.

Additional Revisions (Sections 12 -15)

Present Situation:

Section 339.175(7), F.S., currently requires each metropolitan planning organization to develop a long-range transportation plan which, in part, must make the most efficient use of existing transportation facilities to relieve vehicular congestion, improve safety, and maximize the mobility of people and goods. Such efforts currently include, but are not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as “autonomous technology” and other developments.

Section 339.64(3), F.S., with respect to updates of the Strategic Intermodal System (SIS) Plan, requires the Florida Department of Transportation (FDOT) to coordinate with federal, regional, and local partners, and industry representatives, to consider infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as “autonomous technology” and other developments, in SIS facilities. Subsection (4) of that section requires the SIS Plan, among other items, to include a needs assessment that must include, but is not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as “autonomous technology” and other developments.

Section 339.83, F.S., authorizes the FDOT secretary to enroll the State in any federal pilot program or project for the collection and study of data for the review of federal or state roadway safety, infrastructure sustainability, congestion mitigation, transportation system efficiency, “autonomous technology,” or capacity challenges.

Section 627.0653(6), F.S., authorizes the Office of Insurance Regulation to approve a premium discount to any rates, rating schedules, or rating manuals for the liability, PIP, and collision coverages of a motor vehicle insurance policy filed with the office if the insured vehicle is equipped with “autonomous driving technology” or electronic vehicle collision avoidance technology that is factory installed or a retrofitted system that complies with NHTSA standards.

Effect of Proposed Changes:

Sections 12 – 14 amend ss. 339.175, 339.64, 339.83, F.S., respectively, to replace each occurrence of the phrase “autonomous technology” with the phrase “automated driving system,” to incorporate the new definition of the latter term.

Section 15 amends s. 627.0653, F.S., to replace the phrase “autonomous driving technology” with the phrase “automated driving system,” to incorporate the new definition.

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 traveling public may benefit from reduced congestion and commute times, increased mobility, and potential reductions in fatalities and injuries. Those subject to the insurance requirements imposed by the bill will incur indeterminate costs for insurance coverage.

Insurance companies may benefit from increased sales of insurance coverage that is required by the bill.

Manufacturers and distributors of autonomous vehicles and automated driving systems may benefit to the extent that the bill facilitates growth of the number of autonomous vehicles on the road.

C. Government Sector Impact:

The bill authorizes the FTE to fund, construct, and operate test facilities. The fiscal impact of the authorization on FTE resources within FDOT is indeterminate. Otherwise, the bill has no impact on state or local revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.062, 316.063, 316.065, 316.1975, 316.303, 316.305, 316.85, 319.145, 339.175, 339.64, 339.83, 627.0653, and 627.748.

This bill creates the following sections of the Florida Statutes: 322.015 and 324.033.

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 January 25, 2018:

The committee substitute:

- Imposes specified insurance requirements on certain autonomous vehicles, and
- Authorizes the FTE to fund, construct, and operate test facilities for the advancement of autonomous, connected, and innovative transportation technology solutions for specified purposes.

- B. **Amendments:**

None.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/25/2018	.	
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The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 200 and 201
insert:

(4) The Florida Turnpike Enterprise may fund, construct, and operate test facilities for the advancement of autonomous, connected, and innovative transportation technology solutions for the purposes of improving safety and decreasing congestion for the travelling public and to otherwise advance the enterprise's objectives under chapter 338.



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20
21

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

And the title is amended as follows:

Delete line 24

and insert:

construction; authorizing the Florida Turnpike
Enterprise to fund, construct, and operate test
facilities for the advancement of autonomous,
connected, and innovative transportation technology
solutions for specified purposes; amending s. 319.145,
F.S.; revising



311854

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/25/2018	.	
	.	
	.	
	.	

The Committee on Transportation (Rouson) recommended the following:

Senate Amendment (with title amendment)

Between lines 200 and 201
insert:

(4) This section may not be construed to diminish the rights, liabilities, remedies, or responsibilities of any individual or entity under current statutory or common law with respect to product liability.

Section 9. Section 324.033, Florida Statutes, is created to read:



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11 324.033 Manner of proving financial responsibility;
12 autonomous vehicles.-

13 (1) All fully autonomous vehicles not engaged in commercial
14 activity must have:

15 (a) Liability insurance coverage from an insurer admitted
16 to do business in this state in the amount of at least:

17 1. One hundred thousand dollars for bodily injury to, or
18 the death of, one person in any one accident, and, subject to
19 such limits for one person, \$300,000 for bodily injury to, or
20 the death of, two or more persons in any one accident, and
21 \$50,000 for damage to, or destruction of, the property of others
22 in any one accident; or

23 2. Five hundred thousand dollars combined single limit per
24 incident for combined bodily injury and property damage.

25 (b) Uninsured and underinsured vehicle coverage as required
26 by s. 627.727 correlating to the liability insurance provided;
27 and

28 (c) Personal injury protection coverage pursuant to s.
29 627.736.

30 (2) A motor vehicle liability policy required under
31 subsection (1) must insure the following persons:

32 (a) Any owner, lessee, or registrant of the autonomous
33 vehicle.

34 (b) An operator of the autonomous vehicle.

35 (c) The manufacturers of the autonomous vehicle and
36 automated driving systems.

37 (d) Any other person who is liable for the covered acts or
38 omissions of insureds under paragraph (a), paragraph (b), or
39 paragraph (c), but only to the extent of that liability.



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40 (3) A fully autonomous vehicle that engages in commercial
41 activity, other than as a TNC vehicle as defined in s. 627.748,
42 must have all of the following:

43 (a) Liability insurance coverage from an insurer admitted
44 to do business in this state, in the amount of at least \$2
45 million per incident combined single limits for bodily injury
46 and property damage liability.

47 (b) Personal injury protection benefits that meet the
48 minimum coverage required under ss. 627.730-627.7405.

49 (c) Uninsured and underinsured vehicle coverage as required
50 by s. 627.727.

51 (4) A vehicle may be operated in fully autonomous mode in
52 this state only if the manufacturers of the vehicle and the
53 autonomous driving system meet all of the following
54 requirements:

55 (a) Establishes with the Secretary of State a registered
56 agent for service of process in this state.

57 (b) Delivers to the department a surety bond in the amount
58 of at least \$10 million conditioned on the payment of any
59 judgment entered against the principal on account of use,
60 operation, ownership, or maintenance in this state of any
61 autonomous vehicle or automated driving system manufactured by
62 the principal. A bond is not adequate unless it is written by a
63 company authorized to do business in this state and is rated A+
64 by Best's.

65 Section 10. Paragraph (c) of subsection (7) of section
66 627.748, Florida Statutes, is amended to read:

67 627.748 Transportation network companies.—

68 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE



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69 REQUIREMENTS.—

70 (c) The following automobile insurance requirements apply
71 while a TNC driver or fully autonomous TNC vehicle is engaged in
72 a prearranged ride:

73 1. Automobile insurance that provides:

74 a. A primary automobile liability coverage of at least \$1
75 million for death, bodily injury, and property damage;

76 b. Personal injury protection benefits that meet the
77 minimum coverage amounts required of a limousine under ss.
78 627.730-627.7405; and

79 c. Uninsured and underinsured vehicle coverage as required
80 by s. 627.727.

81 2. The coverage requirements of this paragraph may be
82 satisfied by any of the following:

83 a. Automobile insurance maintained by the TNC driver;

84 b. Automobile insurance maintained by the TNC; or

85 c. A combination of sub-subparagraphs a. and b.

86

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

88 And the title is amended as follows:

89 Delete line 24

90 and insert:

91 construction; creating s. 324.033, F.S.; providing
92 insurance requirements for all fully autonomous
93 vehicles not engaged in commercial activity; requiring
94 a certain motor vehicle liability policy to insure
95 specified persons; providing insurance requirements
96 for a fully autonomous vehicle that engages in
97 commercial activity, other than as a transportation



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98 network company (TNC) vehicle; authorizing a vehicle
99 to be operated in fully autonomous mode in this state
100 only if the manufacturers of the vehicle and the
101 autonomous driving system meet specified requirements;
102 providing certain bond requirements; amending s.
103 627.748, F.S.; specifying automobile insurance
104 requirements that apply while a fully autonomous TNC
105 vehicle is engaged in a prearranged ride; amending s.
106 319.145, F.S.; revising



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/25/2018	.	
	.	
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	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 329 and 330

insert:

Section 15. Section 324.033, Florida Statutes, is created to read:

324.033 Manner of proving financial responsibility; autonomous vehicles.-

(1) All fully autonomous vehicles must have uninsured and underinsured vehicle coverage as required by s. 627.727,



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11 personal injury protection coverage as required by s. 627.736,
12 and liability coverage in the amount of at least \$500,000 for
13 combined bodily injury liability and property damage liability
14 or at least:

15 (a) One hundred thousand for bodily injury to, or the death
16 of, one person in any one accident;

17 (b) Subject to such limits for one person, \$300,000 for
18 bodily injury to, or the death of, two or more persons in any
19 one accident; and

20 (c) Fifty thousand for damage to, or destruction of, the
21 property of others in any one accident.

22 (2) Notwithstanding subsection (1), the owner or operator
23 of an autonomous vehicle, as defined in s. 316.003(2), used
24 commercially for the pickup or delivery of passengers or goods
25 or for providing other services for compensation, except in the
26 circumstance of a digital network connecting a user to a driver
27 or an autonomous vehicle, may prove financial responsibility by
28 furnishing satisfactory evidence of having automobile insurance
29 that provides all of the following:

30 (a) Primary automobile liability coverage of at least \$2
31 million for death, bodily injury, and property damage.

32 (b) Personal injury protection benefits that meet the
33 minimum coverage required under ss. 627.730-627.7405.

34 (c) Uninsured and underinsured vehicle coverage as required
35 by s. 627.727.

36 Section 16. Subsection (7) of section 627.748, Florida
37 Statutes, is amended to read:

38 627.748 Transportation network companies.—

39 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE



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40 REQUIREMENTS.—

41 (a) ~~Beginning July 1, 2017,~~ A TNC driver or a TNC on behalf
42 of the TNC driver shall maintain primary automobile insurance
43 that:

44 1. Recognizes that the TNC driver is a TNC driver or
45 otherwise uses a vehicle to transport riders for compensation;
46 and

47 2. Covers the TNC driver while the TNC driver is logged on
48 to the digital network of the TNC or while the TNC driver is
49 engaged in a prearranged ride.

50 (b) The following automobile insurance requirements apply
51 while a participating TNC driver is logged on to the digital
52 network but is not engaged in a prearranged ride:

53 1. Automobile insurance that provides:

54 a. A primary automobile liability coverage of at least
55 \$50,000 for death and bodily injury per person, \$100,000 for
56 death and bodily injury per incident, and \$25,000 for property
57 damage;

58 b. Personal injury protection benefits that meet the
59 minimum coverage amounts required under ss. 627.730-627.7405;
60 and

61 c. Uninsured and underinsured vehicle coverage as required
62 by s. 627.727.

63 2. The coverage requirements of this paragraph may be
64 satisfied by any of the following:

65 a. Automobile insurance maintained by the TNC driver;

66 b. Automobile insurance maintained by the TNC; or

67 c. A combination of sub-subparagraphs a. and b.

68 (c) The following automobile insurance requirements apply



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69 while a TNC driver is engaged in a prearranged ride:
70 1. Automobile insurance that provides:
71 a. A primary automobile liability coverage of at least \$1
72 million for death, bodily injury, and property damage;
73 b. Personal injury protection benefits that meet the
74 minimum coverage amounts required of a limousine under ss.
75 627.730-627.7405; and
76 c. Uninsured and underinsured vehicle coverage as required
77 by s. 627.727.
78 2. The coverage requirements of this paragraph may be
79 satisfied by any of the following:
80 a. Automobile insurance maintained by the TNC driver;
81 b. Automobile insurance maintained by the TNC; or
82 c. A combination of sub-subparagraphs a. and b.
83 (d) Beginning July 1, 2018, the following insurance
84 requirements apply to all autonomous vehicles, as defined in s.
85 316.003(2), used by a TNC during prearranged rides while the
86 vehicles are being driven by an automated driving system:
87 1. Primary automobile liability coverage of at least \$1
88 million for death, bodily injury, and property damage;
89 2. Personal injury protection benefits that meet the
90 minimum coverage amounts required of a limousine under ss.
91 627.730-627.7405; and
92 3. Uninsured and underinsured vehicle coverage as required
93 by s. 627.727.
94 ~~(e)~~ If the TNC driver's insurance under paragraph (b) or
95 paragraph (c) has lapsed or does not provide the required
96 coverage, the insurance maintained by the TNC must provide the
97 coverage required under this subsection, beginning with the



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98 first dollar of a claim, and have the duty to defend such claim.

99 (f)~~(e)~~ Coverage under an automobile insurance policy
100 maintained by the TNC must not be dependent on a personal
101 automobile insurer first denying a claim, and a personal
102 automobile insurance policy is not required to first deny a
103 claim.

104 (g)~~(f)~~ Insurance required under this subsection must be
105 provided by an insurer authorized to do business in this state
106 which is a member of the Florida Insurance Guaranty Association
107 or an eligible surplus lines insurer that has a superior,
108 excellent, exceptional, or equivalent financial strength rating
109 by a rating agency acceptable to the Office of Insurance
110 Regulation of the Financial Services Commission.

111 (h)~~(g)~~ Insurance satisfying the requirements under this
112 subsection is deemed to satisfy the financial responsibility
113 requirement for a motor vehicle under chapter 324 and the
114 security required under s. 627.733 for any period when the TNC
115 driver is logged onto the digital network or engaged in a
116 prearranged ride.

117 (i)~~(h)~~ A TNC driver shall carry proof of coverage
118 satisfying paragraphs (b) and (c) with him or her at all times
119 during his or her use of a TNC vehicle in connection with a
120 digital network. In the event of an accident, a TNC driver shall
121 provide this insurance coverage information to any party
122 directly involved in the accident or the party's designated
123 representative, automobile insurers, and investigating police
124 officers. Proof of financial responsibility may be presented
125 through an electronic device, such as a digital phone
126 application, under s. 316.646. Upon request, a TNC driver shall



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127 also disclose to any party directly involved in the accident or
128 the party's designated representative, automobile insurers, and
129 investigating police officers whether he or she was logged on to
130 a digital network or was engaged in a prearranged ride at the
131 time of the accident.

132 (j)~~(i)~~ If a TNC's insurer makes a payment for a claim
133 covered under comprehensive coverage or collision coverage, the
134 TNC shall cause its insurer to issue the payment directly to the
135 business repairing the vehicle or jointly to the owner of the
136 vehicle and the primary lienholder on the covered vehicle.

137

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

139 And the title is amended as follows:

140 Between lines 50 and 51

141 insert:

142 creating s. 324.033, F.S.; providing insurance
143 requirements for all fully autonomous vehicles;
144 authorizing the owner or operator of an autonomous
145 vehicle used for certain purposes to prove financial
146 responsibility by furnishing satisfactory evidence of
147 having certain automobile insurance; amending s.
148 627.748, F.S.; deleting an obsolete provision;
149 beginning on a specified date, providing that
150 specified insurance requirements apply to all
151 autonomous vehicles used by a transportation network
152 company (TNC) during prearranged rides while the
153 vehicles are being driven by an automated driving
154 system;

By Senator Brandes

24-00494E-18

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1 A bill to be entitled
 2 An act relating to autonomous vehicles; amending s.
 3 316.003, F.S.; defining, revising, and deleting terms;
 4 amending ss. 316.062, 316.063, 316.065, and 316.1975,
 5 F.S.; providing applicability; amending s. 316.303,
 6 F.S.; exempting an autonomous vehicle being operated
 7 in autonomous mode from a certain prohibition on the
 8 operation of a motor vehicle if the vehicle is
 9 actively displaying certain content that is visible
 10 from the driver's seat while the vehicle is in motion;
 11 revising construction; amending s. 316.305, F.S.;
 12 exempting a motor vehicle operator who is operating an
 13 autonomous vehicle from a specified provision;
 14 amending s. 316.85, F.S.; providing that a licensed
 15 human operator is not required to operate a fully
 16 autonomous vehicle; authorizing a fully autonomous
 17 vehicle to operate in this state regardless of whether
 18 a licensed human operator is physically present in the
 19 vehicle; requiring the automated driving system to be
 20 deemed to be the operator of an autonomous vehicle
 21 operating in autonomous mode, regardless of whether a
 22 person is physically present in the vehicle while the
 23 vehicle is operating in autonomous mode; providing
 24 construction; amending s. 319.145, F.S.; revising
 25 requirements for autonomous vehicles registered in
 26 this state; specifying requirements for autonomous
 27 vehicles that are not fully autonomous and vehicles
 28 that are fully autonomous; creating s. 322.015, F.S.;
 29 providing applicability; amending s. 339.175, F.S.;

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

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30 requiring a long-range transportation plan to consider
 31 infrastructure and technological improvements
 32 necessary to accommodate advances in vehicle
 33 technology, such as automated driving systems;
 34 amending s. 339.64, F.S.; requiring the Department of
 35 Transportation to coordinate with certain partners and
 36 industry representatives to consider infrastructure
 37 and technological improvements necessary to
 38 accommodate advances in vehicle technology, such as
 39 automated driving systems, in Strategic Intermodal
 40 System facilities; conforming a provision to changes
 41 made by the act; amending s. 339.83, F.S.; authorizing
 42 the Secretary of Transportation to enroll the state in
 43 any federal pilot program or project for the
 44 collection and study of data for the review of
 45 automated driving systems; amending s. 627.0653, F.S.;
 46 authorizing the Office of Insurance Regulation to
 47 approve a certain premium discount for the liability,
 48 personal injury protection, and collision coverages of
 49 a motor vehicle insurance policy if the insured
 50 vehicle is equipped with an automated driving system;
 51 providing an effective date.

52
 53 Be It Enacted by the Legislature of the State of Florida:

54
 55 Section 1. Subsection (2) of section 316.003, Florida
 56 Statutes, is amended to read:
 57 316.003 Definitions.—The following words and phrases, when
 58 used in this chapter, shall have the meanings respectively

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59 ascribed to them in this section, except where the context
60 otherwise requires:

61 (2) AUTOMATED DRIVING SYSTEM.—The hardware and software
62 that are collectively capable of performing the entire dynamic
63 driving task of an autonomous vehicle on a sustained basis,
64 regardless of whether it is limited to a specific operational
65 design domain, as specified in SAE International Standard J3016
66 (Revised September 2016). The term “autonomous vehicle” means

67 AUTONOMOUS VEHICLE.—any vehicle equipped with an automated
68 driving system designed to function at a level of driving
69 automation of Level 3, 4, or 5, as specified in SAE
70 International Standard J3016 (Revised September 2016). The term
71 “fully autonomous vehicle” means a vehicle equipped with an
72 automated driving system designed to function at a level of
73 driving automation of Level 4 or 5, as specified in SAE
74 International Standard J3016 (Revised September 2016) autonomous
75 technology. The term “autonomous technology” means technology
76 installed on a motor vehicle that has the capability to drive
77 the vehicle on which the technology is installed without the
78 active control or monitoring by a human operator. The term
79 excludes a motor vehicle enabled with active safety systems or
80 driver assistance systems, including, without limitation, a
81 system to provide electronic blind spot assistance, crash
82 avoidance, emergency braking, parking assistance, adaptive
83 cruise control, lane keep assistance, lane departure warning, or
84 traffic jam and queuing assistant, unless any such system alone
85 or in combination with other systems enables the vehicle on
86 which the technology is installed to drive without active
87 control or monitoring by a human operator.

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88 Section 2. Subsection (5) is added to section 316.062,
89 Florida Statutes, to read:

90 316.062 Duty to give information and render aid.—

91 (5) This section does not apply to a fully autonomous
92 vehicle operating in autonomous mode in the event of a crash
93 involving the vehicle if the vehicle owner, or a person on
94 behalf of the vehicle owner, promptly contacts a law enforcement
95 agency to report the crash or if the autonomous vehicle has the
96 capability of alerting a law enforcement agency to the crash.

97 Section 3. Subsection (4) is added to section 316.063,
98 Florida Statutes, to read:

99 316.063 Duty upon damaging unattended vehicle or other
100 property.—

101 (4) This section does not apply to a fully autonomous
102 vehicle operating in autonomous mode in the event of a crash
103 involving the vehicle if the vehicle owner, or a person on
104 behalf of the vehicle owner, promptly contacts a law enforcement
105 agency to report the crash or if the autonomous vehicle has the
106 capability of alerting a law enforcement agency to the crash.

107 Section 4. Subsection (5) is added to section 316.065,
108 Florida Statutes, to read:

109 316.065 Crashes; reports; penalties.—

110 (5) Subsection (1) does not apply to a fully autonomous
111 vehicle operating in autonomous mode in the event of a crash
112 involving the vehicle if the vehicle owner, or a person on
113 behalf of the vehicle owner, promptly contacts a law enforcement
114 agency to report the crash or if the autonomous vehicle has the
115 capability of alerting a law enforcement agency to the crash.

116 Section 5. Subsection (3) is added to section 316.1975,

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117 Florida Statutes, to read:

118 316.1975 Unattended motor vehicle.-

119 (3) This section does not apply to a fully autonomous
 120 vehicle operating in autonomous mode.

121 Section 6. Section 316.303, Florida Statutes, is amended to
 122 read:

123 316.303 Television receivers.-

124 (1) No motor vehicle may be operated on the highways of
 125 this state if the vehicle is actively displaying moving
 126 television broadcast or pre-recorded video entertainment content
 127 that is visible from the driver's seat while the vehicle is in
 128 motion, unless the vehicle is an autonomous vehicle equipped
 129 with autonomous technology, as defined in s. 316.003(2), and is
 130 being operated in autonomous mode, ~~as provided in s. 316.85(2)~~.

131 (2) This section does not prohibit the use of television-
 132 type receiving equipment used exclusively for safety or law
 133 enforcement purposes, provided such use is approved by the
 134 department.

135 (3) This section does not prohibit the use of an electronic
 136 display used in conjunction with a vehicle navigation system; an
 137 electronic display used by an operator of an autonomous vehicle
 138 ~~a vehicle equipped with autonomous technology~~, as defined in s.
 139 316.003(2) ~~s. 316.003~~; or an electronic display used by an
 140 operator of a vehicle equipped and operating with driver-
 141 assistive truck platooning technology, as defined in s. 316.003.

142 (4) A violation of this section is a noncriminal traffic
 143 infraction, punishable as a nonmoving violation as provided in
 144 chapter 318.

145 Section 7. Paragraph (b) of subsection (3) of section

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146 316.305, Florida Statutes, is amended to read:

147 316.305 Wireless communications devices; prohibition.-

148 (3)

149 (b) Paragraph (a) does not apply to a motor vehicle
 150 operator who is:

151 1. Performing official duties as an operator of an
 152 authorized emergency vehicle as defined in s. 322.01, a law
 153 enforcement or fire service professional, or an emergency
 154 medical services professional.

155 2. Reporting an emergency or criminal or suspicious
 156 activity to law enforcement authorities.

157 3. Receiving messages that are:

158 a. Related to the operation or navigation of the motor
 159 vehicle;

160 b. Safety-related information, including emergency,
 161 traffic, or weather alerts;

162 c. Data used primarily by the motor vehicle; or

163 d. Radio broadcasts.

164 4. Using a device or system for navigation purposes.

165 5. Conducting wireless interpersonal communication that
 166 does not require manual entry of multiple letters, numbers, or
 167 symbols, except to activate, deactivate, or initiate a feature
 168 or function.

169 6. Conducting wireless interpersonal communication that
 170 does not require reading text messages, except to activate,
 171 deactivate, or initiate a feature or function.

172 7. Operating an autonomous vehicle, as defined in s.
 173 316.003(2) ~~s. 316.003~~, in autonomous mode.

174 Section 8. Section 316.85, Florida Statutes, is amended to

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175 read:

176 316.85 Autonomous vehicles; operation; compliance with
 177 traffic and motor vehicle laws.-

178 (1) Notwithstanding any other law, a licensed human
 179 operator is not required to operate a fully autonomous vehicle ~~A~~
 180 ~~person who possesses a valid driver license may operate an~~
 181 ~~autonomous vehicle in autonomous mode on roads in this state if~~
 182 ~~the vehicle is equipped with autonomous technology, as defined~~
 183 ~~in s. 316.003(2) s. 316.003.~~

184 (2) A fully autonomous vehicle may operate in this state
 185 regardless of whether a licensed human operator is physically
 186 present in the vehicle.

187 (3) (a) For purposes of this chapter, unless the context
 188 otherwise requires, the automated driving system ~~a person~~ shall
 189 be deemed to be the operator of an autonomous vehicle operating
 190 in autonomous mode ~~when the person causes the vehicle's~~
 191 ~~autonomous technology to engage, regardless of whether a the~~
 192 ~~person is physically present in the vehicle while the vehicle is~~
 193 ~~operating in autonomous mode.~~

194 (b) Unless otherwise provided by law, applicable traffic or
 195 motor vehicle laws of this state may not be construed to:

196 1. Prohibit the automated driving system from being deemed
 197 the operator of an autonomous vehicle operating in autonomous
 198 mode.

199 2. Require a licensed human operator to operate a fully
 200 autonomous vehicle.

201 Section 9. Section 319.145, Florida Statutes, is amended to
 202 read:

203 319.145 Autonomous vehicles.-

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204 (1) An autonomous vehicle registered in this state must
 205 meet all of the following requirements:

206 (a) Have been certified by the vehicle manufacturer as
 207 meeting ~~continue to meet~~ applicable federal standards and
 208 regulations for such motor vehicle at the time of its
 209 manufacture.

210 (b) Be capable of being operated in compliance with the
 211 applicable traffic and motor vehicle laws of this state, whether
 212 or not the vehicle is operating in autonomous mode.

213 (c) Have a means, inside the vehicle, to visually indicate
 214 when the vehicle is operating in autonomous mode.

215 (2) If the autonomous vehicle is not fully autonomous, the
 216 vehicle must+

217 ~~(a)~~ have a system to safely alert a licensed human the
 218 operator physically present in the vehicle if an automated
 219 driving system autonomous technology failure is detected while
 220 the automated driving system autonomous technology is engaged.
 221 When an alert is given, the system must+

222 1. require the licensed human operator to take control of
 223 the autonomous vehicle; ~~or~~

224 2. If the operator does not, or is not able to, take
 225 control of the autonomous vehicle, be capable of bringing the
 226 vehicle to a complete stop.

227 ~~(b)~~ Have a means, inside the vehicle, to visually indicate
 228 when the vehicle is operating in autonomous mode.

229 ~~(c)~~ Be capable of being operated in compliance with the
 230 applicable traffic and motor vehicle laws of this state.

231 (3) If the vehicle is a fully autonomous vehicle, the
 232 automated driving system must be capable of bringing the vehicle

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233 to a complete stop if a failure of the system occurs.

234 ~~(4)(2)~~ Federal regulations promulgated by the National
235 Highway Traffic Safety Administration shall supersede this
236 section when found to be in conflict with this section.

237 Section 10. Section 322.015, Florida Statutes, is created
238 to read:

239 322.015 Exemption.—The requirements of this chapter do not
240 apply when a fully autonomous vehicle is operated in autonomous
241 mode without a licensed human operator physically present in the
242 vehicle.

243 Section 11. Paragraph (c) of subsection (7) of section
244 339.175, Florida Statutes, is amended to read:

245 339.175 Metropolitan planning organization.—

246 (7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must
247 develop a long-range transportation plan that addresses at least
248 a 20-year planning horizon. The plan must include both long-
249 range and short-range strategies and must comply with all other
250 state and federal requirements. The prevailing principles to be
251 considered in the long-range transportation plan are: preserving
252 the existing transportation infrastructure; enhancing Florida's
253 economic competitiveness; and improving travel choices to ensure
254 mobility. The long-range transportation plan must be consistent,
255 to the maximum extent feasible, with future land use elements
256 and the goals, objectives, and policies of the approved local
257 government comprehensive plans of the units of local government
258 located within the jurisdiction of the M.P.O. Each M.P.O. is
259 encouraged to consider strategies that integrate transportation
260 and land use planning to provide for sustainable development and
261 reduce greenhouse gas emissions. The approved long-range

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262 transportation plan must be considered by local governments in
263 the development of the transportation elements in local
264 government comprehensive plans and any amendments thereto. The
265 long-range transportation plan must, at a minimum:

266 (c) Assess capital investment and other measures necessary
267 to:

- 268 1. Ensure the preservation of the existing metropolitan
269 transportation system including requirements for the operation,
270 resurfacing, restoration, and rehabilitation of major roadways
271 and requirements for the operation, maintenance, modernization,
272 and rehabilitation of public transportation facilities; and
- 273 2. Make the most efficient use of existing transportation
274 facilities to relieve vehicular congestion, improve safety, and
275 maximize the mobility of people and goods. Such efforts must
276 include, but are not limited to, consideration of infrastructure
277 and technological improvements necessary to accommodate advances
278 in vehicle technology, such as automated driving systems
279 ~~autonomous technology~~ and other developments.

280
281 In the development of its long-range transportation plan, each
282 M.P.O. must provide the public, affected public agencies,
283 representatives of transportation agency employees, freight
284 shippers, providers of freight transportation services, private
285 providers of transportation, representatives of users of public
286 transit, and other interested parties with a reasonable
287 opportunity to comment on the long-range transportation plan.
288 The long-range transportation plan must be approved by the
289 M.P.O.

290 Section 12. Paragraph (c) of subsection (3) and paragraph

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291 (a) of subsection (4) of section 339.64, Florida Statutes, are
292 amended to read:

293 339.64 Strategic Intermodal System Plan.—

294 (3)

295 (c) The department shall coordinate with federal, regional,
296 and local partners, as well as industry representatives, to
297 consider infrastructure and technological improvements necessary
298 to accommodate advances in vehicle technology, such as automated
299 driving systems ~~autonomous technology~~ and other developments, in
300 Strategic Intermodal System facilities.

301 (4) The Strategic Intermodal System Plan shall include the
302 following:

303 (a) A needs assessment that must include, but is not
304 limited to, consideration of infrastructure and technological
305 improvements necessary to accommodate advances in vehicle
306 technology, such as automated driving systems ~~autonomous~~
307 ~~technology~~ and other developments.

308 Section 13. Section 339.83, Florida Statutes, is amended to
309 read:

310 339.83 Enrollment in federal pilot programs.—The Secretary
311 of Transportation may enroll the State of Florida in any federal
312 pilot program or project for the collection and study of data
313 for the review of federal or state roadway safety,
314 infrastructure sustainability, congestion mitigation,
315 transportation system efficiency, automated driving systems
316 ~~autonomous vehicle technology~~, or capacity challenges.

317 Section 14. Subsection (6) of section 627.0653, Florida
318 Statutes, is amended to read:

319 627.0653 Insurance discounts for specified motor vehicle

Page 11 of 12

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

24-00494E-18

2018712__

320 equipment.—

321 (6) The Office of Insurance Regulation may approve a
322 premium discount to any rates, rating schedules, or rating
323 manuals for the liability, personal injury protection, and
324 collision coverages of a motor vehicle insurance policy filed
325 with the office if the insured vehicle is equipped with an
326 automated driving system ~~autonomous driving technology~~ or
327 electronic vehicle collision avoidance technology that is
328 factory installed or a retrofitted system and that complies with
329 National Highway Traffic Safety Administration standards.

330 Section 15. This act shall take effect July 1, 2018.

Page 12 of 12

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/25/18
Meeting Date

712

Bill Number (if applicable)

837744

Amendment Barcode (if applicable)

Topic Insurance

Name James Guarneri

Job Title _____

Address 601 Bayshore Blvd Ste 910
Street

Phone 813-225-4000

Tampa FL 33606
City State Zip

Email _____

Speaking: For Against Information

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

Representing FJA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

1/25/18

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

712

Meeting Date

Bill Number (if applicable)

Topic Autonomous Vehicles

Amendment Barcode (if applicable)

Name Cesar Fernandez

Job Title Senior Public Policy Associate

Address 80 SW 8th St, Suite 1830

Phone 786 262 6092

Street

Miami

FL

33130

City

State

Zip

Email fernandez@uber.com

Speaking: For Against Information

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

Representing Uber

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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APPEARANCE RECORD

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

1/25/18

Meeting Date

712

Bill Number (if applicable)

Topic Autonomous Vehicles

Amendment Barcode (if applicable)

Name Brewster Revis

Job Title Senior VP

Address 516 N Adams

Phone 224-7173

Street

TLH

Email brevis@air.com

City

State

Zip

Speaking: For Against Information

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

Representing Associated Industries of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/25/18
Meeting Date

712
Bill Number (if applicable)

Topic Autonomous vehicles

Amendment Barcode (if applicable)

Name Martene Williams

Job Title Government Relations Manager

Address 200 W College Avenue
Street

Phone 850.491.7638

Tallahassee FL 32301
City State Zip

Email martene.williams@gm.com

Speaking: For Against Information

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

Representing General Motors

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

1.25.18

Meeting Date

712

Bill Number (if applicable)

Topic AUTONOMOUS VEHICLE

Amendment Barcode (if applicable)

Name CHRISTOPHER EMMANUEL

Job Title POLICY DIRECTOR

Address 136 S. BRONOUGH

Phone _____

Street

TALLAHASSEE FL 32301

Email csemmanuel@fchamber.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against

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

Representing FLORIDA CHAMBER OF COMMERCE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

1/25/18

Meeting Date

712

Bill Number (if applicable)

Topic Autonomous Vehicles

Amendment Barcode (if applicable)

Name James Warner

Job Title ~~for FSA~~

Address 601 Bayshore Blvd Ste 910

Phone 813-225-4000

Street

Tampa FL 33606

Email

City

State

Zip

Speaking: For Against Information

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

Representing FSA

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: SB 818

INTRODUCER: Senator Powell

SUBJECT: Emergency Exemption from Tolls

DATE: January 26, 2018

REVISED: _____

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

I. Summary:

SB 818 provides an exemption from toll payment for persons operating motor vehicles on toll facilities within a county subject to a mandatory evacuation order issued during a state of emergency declared by the Governor. The bill requires the exemption to remain in effect until the evacuation order is lifted. The bill also revises the authority granted to the Florida Department of Transportation (FDOT) regarding suspension of the payment of tolls and makes editorial revisions to improve readability.

The fiscal impact to state, regional, and local toll authority revenues is indeterminate.

The bill takes effect July 1, 2018.

II. Present Situation:

Chapter 252, Florida Statutes (F.S.), confers certain emergency powers upon the Governor, the Division of Emergency Management, and the governing bodies of each political subdivision of the state with respect to emergencies that occur within the state.¹

With respect to the Governor, s. 252.36(2), F.S., provides for declaration of a state of emergency by executive order or proclamation if the Governor finds an emergency or the threat of an emergency has occurred or is about to occur. The law provides that the state of emergency continues until the Governor finds the emergency conditions no longer exist and terminates the state of emergency. However, a state of emergency may not exist for more than 60 days unless the Governor renews it.² Section 252.36(5)(a), F.S., additionally empowers the Governor to suspend any regulatory statute or any state agency orders or rules if compliance with them would

¹ Section 252.32(1)(b), F.S.

² The Legislature may terminate a state of emergency at any time by concurrent resolution.

in any way prevent, hinder, or delay necessary action in coping with the emergency, such as the ability to suspend the provisions of s. 338.155(1), F.S., requiring the payment of a toll for the use of any toll facility.

The Governor may also compel evacuation from any stricken or threatened area in the state if he or she determines it necessary to preserve life or facilitate emergency mitigation, response and recovery; and may prescribe routes, modes of transportation, and destinations in connection with evacuation.³ Counties may also order evacuations of their jurisdictional areas pursuant to authority delegated by the Governor and through each county's emergency management director.⁴

In addition to the Governor's authority to suspend the payment of tolls under 252.36(5)(a), F.S., the Florida Department of Transportation (FDOT) secretary, or designee, may suspend the payment of tolls on a toll facility when necessary to assist in emergency evacuation under s. 338.155(1), F.S.

III. Effect of Proposed Changes:

The bill amends s. 338.155, F.S., providing that a person operating a motor vehicle on a toll facility located in a county subject to a mandatory evacuation order issued during a state of emergency declared by the Governor pursuant to s. 252.32, F.S., is exempt from the payment of a toll for use of a toll facility in such county. Thus, if the Governor declares a state of emergency in a given county and issues a mandatory evacuation order for that county, or if the county issues a mandatory evacuation order during the declared state of emergency pursuant to its authority, the bill requires suspension of toll payment until the evacuation order is lifted.

In addition, the FDOT's authority to suspend the payment of tolls on a toll facility when necessary to assist in emergency evacuation is made applicable to "other" toll facilities; i.e., those that are not located in a county subject to a mandatory evacuation order issued during a state of emergency declared by the Governor pursuant to s. 252.32, F.S.

The bill also contains various editorial revisions to improve statutory readability.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Subsection (b) of section 18, Article VII of the Florida Constitution, provides that except upon the approval of each house of the Legislature by a two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or

³ Section 252.36(5)(e) and (f), F.S.

⁴ See s. 252.36(8) and s. 252.38(1), F.S. See also Florida Attorney General Advisory Legal Opinion, AGO 95-24, dated April 3, 1995, explaining that counties may issue emergency evacuation orders in the absence of a directive from the Governor, where there is a Declaration of Emergency that expressly does not preclude such issuance. Research suggests that such language is routinely included in state emergency declarations. As an example, see the Governor's Executive Order Number 17-235 declaring a State of Emergency in every county in Florida relating to Hurricane Irma, Section 11, at p. 11, available at: <https://www.flgov.com/wp-content/uploads/2017/09/SLG-BIZHUB17090402490.pdf>. (Last visited January 20, 2018.)

counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandate requirements do not apply to laws having an insignificant impact,⁵ which, based the most recent estimate, was \$2 million or less.⁶

The mandates provision of Article VII, Section 18 of the Florida Constitution, may apply because this bill reduces county authority to raise revenue by requiring suspension of the collection of tolls on county-owned toll facilities for the duration of any specified mandatory evacuation orders. The Revenue Estimating Conference has not reviewed the impact of this bill. However, the impact may be insignificant, depending on the number and duration of those orders.

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:

Users of toll facilities in a county subject to a mandatory evacuation order issued during a state of emergency declared by the Governor will not be required to pay a toll for use of the facilities until the evacuation order is lifted.

C. Government Sector Impact:

The fiscal impact to state, regional, and local toll authority revenues, individually or in total, is dependent on the number of declared states of emergency and the number of mandatory evacuation orders issued during them, the number of counties affected by such an order, and the duration of the order. The fiscal impact is therefore indeterminate.

VI. Technical Deficiencies:

None.

⁵ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, Interim Report 2012-115: Insignificant Impact, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf>. (Last visited January 20, 2018.)

⁶ See the Demographic Estimating Conference's population adopted on December 5, 2017, available at: <http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf>. (Last visited January 20, 2018.)

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 338.155.

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 Powell

30-00964-18

2018818__

A bill to be entitled

An act relating to an emergency exemption from tolls; amending s. 338.155, F.S.; providing an exemption from toll payment for persons operating motor vehicles on toll facilities within a county subject to a mandatory evacuation order; providing an effective date.

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

Section 1. Subsections (1) and (3) of section 338.155, Florida Statutes, are amended to read:

338.155 Payment of toll on toll facilities required; exemptions.—

(1) (a) A person may not use a ~~any~~ toll facility without payment of tolls, except:

1. An employee ~~employees~~ of the agency operating the toll project when using the toll facility on official state business.

2. State military personnel while on official military business.

3. A person with a disability, ~~handicapped persons~~ as provided in subsection (3).

4. A person ~~this section, persons~~ exempt from toll payment by the authorizing resolution for bonds issued to finance the facility.

5. A person, ~~and persons~~ exempt on a temporary basis where use of such toll facility is required as a detour route.

6. A ~~Any~~ law enforcement officer operating a marked official vehicle while ~~is exempt from toll payment when~~ on

Page 1 of 3

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

30-00964-18

2018818__

official law enforcement business.

7. A ~~Any~~ person operating a fire vehicle while ~~when~~ on official business or a rescue vehicle while ~~when~~ on official business ~~is exempt from toll payment~~.

8. A ~~Any~~ person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty ~~is exempt from toll payment~~.

9. A person operating a motor vehicle on a toll facility located in a county subject to a mandatory evacuation order issued during a state of emergency declared by the Governor pursuant to s. 252.36. Such exemption shall remain in effect until the evacuation order is lifted. The secretary or the secretary's designee may suspend the payment of tolls on any other a toll facility when necessary to assist in emergency evacuation.

(b) The failure to pay a prescribed toll constitutes a noncriminal traffic infraction, punishable as a moving violation as provided in s. 318.18.

(c) The department may adopt rules relating to the payment, collection, and enforcement of tolls, as authorized in this chapter and chapters 316, 318, 320, and 322, including, but not limited to, rules for the implementation of video or other image billing and variable pricing.

(d) With respect to toll facilities managed by the department, ~~the revenues of which are not pledged to repayment of bonds,~~ the department may by rule allow the use of such facilities by public transit vehicles or by vehicles participating in a funeral procession for an active-duty military service member without the payment of tolls.

Page 2 of 3

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30-00964-18

2018818__

59 (3) A ~~Any handicapped~~ person with a disability who has a
60 valid driver license, who operates a vehicle specially equipped
61 for use by persons with disabilities ~~the handicapped~~, and who is
62 certified by a physician licensed under chapter 458 or chapter
63 459 or by comparable licensing in another state or by the
64 Adjudication Office of the United States Department of Veterans
65 Affairs or its predecessor as being severely physically disabled
66 and having permanent upper limb mobility or dexterity
67 impairments which substantially impair the person's ability to
68 deposit coins in toll baskets, shall be allowed to pass free
69 through all tollgates and over all toll bridges and ferries in
70 this state. Such ~~A person who meets the requirements of this~~
71 ~~subsection~~ shall, upon application, be issued a vehicle window
72 sticker by the Department of Transportation.

73 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 918

INTRODUCER: Senator Grimsley

SUBJECT: Clerks of Circuit Court

DATE: January 23, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Favorable
2.			JU	
3.			RC	

I. Summary:

SB 918 requires the Official Records of the county, as well as other records and books, be *readily accessible* at the county seat, rather than *kept* at the county seat or in the county. This change allows the clerk of the circuit court to electronically store records.

The bill also requires driver improvement schools transmit, within seven business days after a person successfully completes the course, the individual completion certificate, or related data, to the clerk of the circuit court through the statewide e-filing portal.

The bill takes effect July 1, 2018.

II. Present Situation:

Section 28.07, F.S., requires the clerk of the circuit court (Clerk) keep his or her office at the county seat. Additionally, this section requires the Official Records of the county be kept at the county seat, while other records and books must be kept within the county but need not be kept at the county seat. The Official Records are a record of all instruments that the Clerk is required or authorized by law to record in his or her county.¹ All instruments recorded in the Official Records are open to the public, under the supervision of the Clerk.²

Such instruments include:

- Instruments relating to the ownership, transfer, or encumbrance of, or claims against real or personal property; extensions, assignments, releases, cancellations, or satisfactions of mortgages and liens; and powers of attorney relating to any of these instruments;³

¹ Section 28.222(1) and (2), F.S.

² Section 28.222(7), F.S.

³ Section 28.222(3)(a), F.S. This includes deeds, leases, bills of sale, agreements, mortgages, notices of claims of lien, notices of levy, tax warrants, and tax executions.

- Formal notices of pending legal actions;⁴
- Judgments entered by any court having jurisdiction in this state and assignments releases and satisfaction of judgments;⁵
- The portion of a certificate of discharge, separation, or service from the U.S. military, air, or naval forces which indicates the character of discharge, separation, or service of a Florida citizen;⁶
- Notices of liens for taxes payable to the United States and other liens in favor of the United States, and certificates discharging, partially discharging, or releasing the liens;⁷
- Certified copies of petitions, decrees of adjudication, and orders approving the bonds of trustees appointed in proceedings under the U.S. Bankruptcy Act;⁸
- Certified copies of death certificates;⁹ and
- Any other instruments required or authorized by law to be recorded.¹⁰

Driver Improvement Schools

Section 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 certain noncriminal traffic infractions¹¹ may 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 driver license. In addition, individuals may be required to complete a driver improvement course as a requirement to maintain their driving privileges.¹²

Driver improvement course providers are required to submit course completion information to the DHSMV through the DHSMV's Driver Improvement Certificate Issuance System within five days.¹³ However, the person who completes the driver improvement course is required to obtain a completion certificate and submit it to the Clerk's office (as required by such office) by mail, e-mail, or in-person.¹⁴

III. Effect of Proposed Changes:

The bill amends s. 28.07, F.S., to require that the Official Records of the county, as well as other records and books, be *readily accessible* at the county seat, rather than "kept" within the county or at the county seat. This change allows Clerks to store such records electronically.

⁴ Section 28.222(3)(b), F.S. This includes notices of an action pending in a U.S. court having jurisdiction in Florida.

⁵ Section 28.222(3)(c), F.S.

⁶ Section 28.222(3)(d), F.S.

⁷ Section 28.222(3)(e), F.S.

⁸ Section 28.222(3)(f), F.S.

⁹ Section 28.222(3)(g), F.S.

¹⁰ Section 28.222(3)(h), F.S.

¹¹ The option to elect to attend a driver improvement program is not available for violations of ss. 316.183(2), 316.187, 316.189, 320.0605, 320.07(3)(a) and (b), 322.065, and 322.15(1), F.S.

¹² Section 322.0261, F.S.

¹³ Section 318.1451(6)(f), F.S.

¹⁴ See Florida Association of Court Clerks, *Bill Analysis of SB 918* (Jan. 16, 2018) (on file with the Senate Committee on Transportation).

The bill also amends s 318.1451, F.S., to require, within seven business days after a person successfully completes the course, driver improvement schools transmit individual completion certificates, or related data sufficient to update the Comprehensive Case Information System¹⁵, to the Clerk through the statewide e-filing portal¹⁶. The driver improvement school shall submit such document to the Clerk for the county that the driver improvement course participant chooses. This change eliminates the need for individuals who complete driver improvement courses to acquire and submit the certificate to the Clerk's office.

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 may have a positive impact on individuals who successfully complete driver improvement school and who will no longer be required to obtain and provide a copy of a completion certificate to the Clerk's office.

The bill may have a negative impact on driver improvement schools who will be required to electronically submit such completion certificate, and who charge a fee to issue a paper completion certificate.

C. Government Sector Impact:

Clerks may eliminate costs associated with onsite storage needed to keep paper records at the county seat.

¹⁵ Section 28.2405, F.S., requires all clerks to submit electronic case data to this system based on the case types designated by the Supreme Court.

¹⁶ The e-filing portal allows users to submit documents to the Clerks. See Florida Courts website, *eFiling*, <http://www.flcourts.org/resources-and-services/court-technology/efiling/> (last visited Jan. 23, 2018).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 28.07 and 318.1451.

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 Grimsley

26-00767A-18

2018918__

1 A bill to be entitled
 2 An act relating to clerks of circuit court; amending
 3 s. 28.07, F.S.; requiring records and books to be
 4 readily accessible at the county seat; amending s.
 5 318.1451, F.S.; requiring all driver improvement
 6 course providers, within 7 business days, to transmit
 7 the individual completion certificate, or related data
 8 sufficient to update the Comprehensive Case
 9 Information System, through the statewide e-filing
 10 portal to a specified clerk of circuit court;
 11 providing an effective date.
 12
 13 Be It Enacted by the Legislature of the State of Florida:
 14
 15 Section 1. Section 28.07, Florida Statutes, is amended to
 16 read:
 17 28.07 Place of office.—The clerk of the circuit court shall
 18 keep his or her office at the county seat. If the clerk finds a
 19 need for branch offices, they may be located in the county at
 20 places other than the county seat. Instruments presented for
 21 recording in the Official Records may be accepted and filed for
 22 that purpose at any branch office designated by the governing
 23 body of the county for the recording of instruments pursuant to
 24 s. 1, Art. VIII of the State Constitution. One or more deputy
 25 clerks authorized to issue process may be employed for such
 26 branch offices. The Official Records of the county, as well as
 27 other records and books, must be readily accessible ~~kept~~ at the
 28 county seat. ~~Other records and books must be kept within the~~
 29 ~~county but need not be kept at the county seat.~~

Page 1 of 2

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26-00767A-18

2018918__

30 Section 2. Paragraph (h) of subsection (6) of section
 31 318.1451, Florida Statutes, is amended to read:
 32 318.1451 Driver improvement schools.—
 33 (6) The department shall adopt rules establishing and
 34 maintaining policies and procedures to implement the
 35 requirements of this section. These policies and procedures may
 36 include, but shall not be limited to, the following:
 37 (h) *Miscellaneous requirements.*—The department shall
 38 require that all course providers:
 39 1. Disclose all fees associated with courses offered by the
 40 provider and associated driver improvement schools and not
 41 charge any fees that are not disclosed during registration.
 42 2. Provide proof of ownership, copyright, or written
 43 permission from the course owner to use the course in this
 44 state.
 45 3. Ensure that any course that is offered in a classroom
 46 setting, by the provider or a school authorized by the provider
 47 to teach the course, is offered at locations that are free from
 48 distractions and reasonably accessible to most applicants.
 49 4. Issue a certificate to persons who successfully complete
 50 the course.
 51 5. Within 7 business days after a person successfully
 52 completes the course, transmit the individual completion
 53 certificate, or related data sufficient to update the
 54 Comprehensive Case Information System, through the statewide e-
 55 filing portal to the clerk of the circuit court for the county
 56 the person chooses.
 57 Section 3. This act shall take effect July 1, 2018.

Page 2 of 2

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

THE FLORIDA SENATE

APPEARANCE RECORD

1.25.18

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

SB 918

Meeting Date

Bill Number (if applicable)

Topic Clerk Efficiencies

Amendment Barcode (if applicable)

Name Fred Baggett

Job Title Chairman, Greenberg Traurig

Address 10 E. College Av

Phone 222-6891

Street

Tallahassee FL 32301

Email baggettf@gtlaw.com

City

State

Zip

Speaking: [] For [] Against [] Information

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

Representing Florida's Court Clerks and Comptrollers

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [] No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1436

INTRODUCER: Transportation Committee and Senator Broxson

SUBJECT: Garcon Point Bridge

DATE: January 26, 2018

REVISED: _____

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

I. Summary:

CS/SB 1436 grants the Florida Department of Transportation (FDOT) alternative authority to acquire the Garcon Point Bridge located in Santa Rosa County as a non-Turnpike project or as a Turnpike project. The bill authorizes, but does not require, the FDOT to implement the bridge acquisition, with preference given to implementation in the manner which is in the public's best interest. As part of such acquisition under either grant of authority, the FDOT may purchase or retire outstanding Santa Rosa Bay Bridge Authority (SRBBA) bonds, enter into any agreements necessary to implement the acquisition, and specify the terms and conditions of such agreements. The bill expressly approves the issuance of certain bonds to finance the acquisition.

The bill requires the acquisition price paid by the FDOT under both grants of authority to first be used to settle all claims of bondholders of certain SRBBA bonds and prohibits the SRBBA, the FDOT, or the trustee for the bondholders from imposing a toll rate increase for use in connection with the bridge acquisition. After acquisition, the bill prohibits any increase in tolls for use of the bridge except as required by law or as required to comply with any bond covenants. In addition, under both grants of authority, the bill provides that the FDOT nor the state incurs any financial obligation for the bridge acquisition in excess of forecasted gross revenues from operation of the bridge; *i.e.*, the total acquisition price may not exceed the present value of the gross revenues anticipated to be collected from operation of the bridge between the date of any purchase agreement and the end of the anticipated remaining useful life of the bridge, determined as of the date of the agreement.

Upon the FDOT's acquisition of the bridge, the bill provides:

- The bridge becomes a part of the State Highway System or a part of the turnpike system, depending upon the selected method of implementation;
- The lease-purchase agreement between the FDOT and the SRBBA is terminated; and
- Part IV of chapter 348, F.S., creating the SRBBA, is repealed.

The bill takes effect upon becoming law.

The fiscal impact of the bill is indeterminate. See the “Fiscal Impact Statement” heading below.

II. Present Situation:

In 2017, the Legislature required the FDOT to undertake an economic feasibility study relating to the acquisition of the Garcon Point Bridge and to submit the completed study to the Governor, Senate President, and House Speaker by January 1, 2018.¹ The FDOT, in consultation with the Division of Bond Finance (DBF), recently completed the study, detailing the history of the bridge and its debt, and exploring potential avenues for its acquisition.²

History of the Santa Rosa Bay Bridge Authority/Garcon Point Bridge

The SRBBA is an agency of the state and an independent district, created in 1984 under part IV of ch. 348, F.S.³ The SRBBA has the right to acquire, hold, construct, improve, maintain, operate, own, and lease all or any part of the Santa Rosa Bay Bridge System.⁴ The “system” is comprised of the bridge⁵ and its related infrastructure, such as toll booths and access roads.⁶ The SRBBA may also fix, alter, charge establish, and collect tolls, rates, fees, rentals and other charges for the service and facilities of the system,⁷ and may borrow money and make and issue bonds.⁸ The SRBBA governing body consists of seven members,⁹ but has not held a meeting since June of 2014.¹⁰

Financing and Construction

The SRBBA began initial preparations for the bridge with funds loaned by the FDOT (from 1989 through 1994) totaling \$8.5 million from the Toll Facility Revolving Trust Fund (TFRTF) loan program. The funds were used for preliminary expenditures relating to planning, engineering, permitting, acquisition of right-of-way, and bridge design. The loans are non-interest bearing. Repayment of the principal is subordinate to the SRRBA’s debt service and administrative costs. The SRBBA was to fully repay the balance of the loans in 2006 but made no payment since August of 1999. The majority of the payments the SRBBA did make were made with unexpended funds from the loans or from bond issue proceeds that funded construction, rather than paying with toll revenues generated by the bridge.¹¹

¹ See Chapter 2017-42, s. 7, Laws of Fla.

² See the FDOT’s *Economic Feasibility Study: State Acquisition of the Garcon Point Bridge*, December 2017, available at: <https://assets.sourcemediacom/0e/5e/3afb7ef5421c88b5eef18031a557/feasibility-study-fl-garcon-point-bridge-acquisition-unlocked.pdf>. (Last visited January 21, 2018.)

³ Specifically, s. 348.967, F.S.

⁴ Section 348.968(1)(a), F.S.

⁵ A 3.5-mile bridge spanning Pensacola/East Bay between Garcon Point and Redfish Point in southwest Santa Rosa County.

⁶ *Feasibility Study* at p. 11.

⁷ Section 348.968(2)(f), F.S.

⁸ Section 348.968(2)(g), F.S.

⁹ Section 348.967(2)(a), F.S.

¹⁰ See the *Feasibility Study* at pp. 17 and B-4 for details on board member resignations.

¹¹ *Supra* note 6.

In 1996, the SRBBA financed construction of the bridge by issuing \$95 million of revenue bonds, structured with a final maturity date of 2028 and secured by the gross toll revenues¹² generated by the bridge, as well as a debt service reserve funded with \$9.2 million in cash from proceeds of the bonds.

According to the study, the bridge faced almost immediate financial difficulty because the original traffic and revenue projections used to structure the 1996 bond issue were not achieved, and toll collection revenues continue to fall short of required debt service payments.¹³ The outstanding balance on the TFRTF loans as of June 30, 2017, is \$7.9 million.¹⁴ The outstanding amount owed to bondholders as of July 1, 2017, is \$135.2 million.

The Lease-Purchase Agreement

Simultaneously with the bond issuance, the SRBBA and the FDOT entered into a lease purchase agreement (LPA), granting the FDOT exclusive possession and use of the bridge and requiring the FDOT to pay the costs of operating, maintaining, repairing, and insuring (O&M) the bridge. The LPA, as amended, requires the FDOT to collect tolls on the bridge and remit them to the bond trustee as lease payments. The LPA term extends through the date on which all of the bonds and all amounts due to the FDOT (including the TFRTF loans and all O&M costs paid by the FDOT) have been repaid. The final payoff of the bonds is currently anticipated to extend well beyond 2028.

The LPA requires the SRBBA to reimburse the FDOT for all O&M costs it incurs from available excess toll revenues. Under the LPA, the SRBBA's obligation to reimburse the FDOT for O&M costs is subordinate to all debt service, administrative costs, and repayment of the TFRTF loans. According to the study, the SRBBA has not reimbursed any of the FDOT's incurred O&M costs.¹⁵ The outstanding balance of the O&M costs as of June 30, 2017, is \$25.3 million.

In addition, according to the FDOT's study, if the bridge wears out before the bonds are fully paid, the state is also obligated to cover the cost of a substantial renovation or rebuilding of the bridge. The DBF estimates that if toll revenues remain at Fiscal year 2017 levels, the SRBBA would be unable to pay off all amounts due to bondholders until Fiscal year 2064, which is beyond the expected useful life of the bridge.¹⁶

The FDOT projects incurring an additional \$16.2 million of O&M costs over the next 11 years, "resulting in a total long-term liability of \$41.5 million in 2028 (the original termination date of the LPA)."¹⁷ However, because the FDOT is committed to pay O&M expenses through the final

¹² According to the study, toll roads and other revenue bonds are typically secured by *net* revenues, which are those remaining after paying the cost of operations and maintenance. For more details, see the *Feasibility Study* at 14.

¹³ *Feasibility Study* at 1.

¹⁴ *Id.* at 11.

¹⁵ *Id.*

¹⁶ *Feasibility Study*, Question and Answer 7, at p. 6.

¹⁷ *Id.* at 14. An amendment to the original agreement also requires the FDOT to pay certain SRBBA administrative expenses, for which the FDOT is to be reimbursed "in the same manner that [the SRBBA] is required to reimburse the accrued O&M expenses."

payoff of the bonds, currently anticipated to extend well beyond 2028, the FDOT will likely be responsible for covering additional O&M costs.¹⁸

Default

Draws on the debt service reserve fund and insufficient surplus revenues with which to replenish it resulted in technical default in February of 2002.¹⁹ After some initial toll rate increases scheduled between 1999 and 2011 in an attempt to address the bridge's financial status, no further toll rate increases have been implemented.²⁰ The bondholders, through their trustee, provided notice that toll revenues on hand and the remaining amount in the debt service reserve fund would be insufficient to make the debt service payment next due. On July 1, 2011, payment default occurred because the trustee was unable to make the full debt service payment due.²¹ The outstanding principal of the bonds was declared immediately due and payable in 2013 and, since then, the trustee has used all available gross toll revenues for partial payments on each debt service payment date.²²

Toll Increase Demand (2014 – Present)

A planned toll rate increase to \$4.00 in 2014 contained in the SRBBA's original toll rate plan has never been implemented. Because no functioning SRBBA board is in place to authorize a toll increase, the trustee in March of 2015 demanded that the FDOT immediately increase the toll for use of the bridge in amounts recommended by the trustee's consultant. The FDOT disputes its legal obligation to increase the tolls.^{23, 24}

Study Conclusions

The Feasibility Study reviews options and alternative methods for potential acquisition of the bridge. Among other conclusions, the Feasibility Study recommends authorizing the Florida Turnpike Enterprise (Turnpike) to issue revenue bonds in order to purchase the bridge directly from the bondholders at a negotiated price limited to an amount that could be supported by the current bridge revenues. This would protect against negative impacts to the Turnpike's credit rating. Precautions to insulate the Enterprise and the state from financial liability could include structuring the bonds so that current, rather than projected, toll revenues would represent at least 130-150% of the annual debt service requirements.

The DBF also recommends:

- Any Turnpike bonds used to fund the bridge acquisition should be issued in accordance with the State's Debt Management Policies, as closely as possible, particularly requiring a level annual debt service structure, as opposed to the ascending structure of the SRBBA bonds.²⁵

¹⁸ *Id.*

¹⁹ *Feasibility Study* at 17-18.

²⁰ *Id.* at 16-17.

²¹ *Id.* at 18.

²² *Id.* at 19.

²³ *Id.*

²⁴ Section 348.968(2)(f), F.S., requires tolls, rates, fees, rentals, and other charges to always be sufficient to comply with any covenants made with the bondholders. That right may be assigned or delegated by the SRBBA to the FDOT.

²⁵ For more details, see the *Feasibility Study* at p. 12.

- Issuing the Turnpike bonds with a traditional ten-year par call provision, which enables the Turnpike to prepay the bonds and refinance at lower interest rates when market rates are lower.²⁶
- An exception from the state’s debt management policies to allow a 30-year final maturity, instead of term-to-term refunding as is normally done, with the caveat that the FDOT verifies the maturity does not extend beyond the useful life of the bridge.²⁷

As the proceeds from the described bonds would be insufficient to pay off the full par amount²⁸ of the outstanding bonds, the Turnpike could issue a subordinate limited obligation series of bonds, exclusively secured by excess toll revenues to the extent any are available after payment of debt service on the Turnpike acquisition bonds. According to the study, if no residual revenues are available in any given year, neither the Turnpike nor the state would be obligated to make any payment. If toll revenues are strong, the bondholders have the right to the increased revenues until they are fully paid. The limited obligation debt would be satisfied, and any further residual revenues could then be used to help cover ongoing O&M costs, reimburse the FDOT for previous O&M costs, and repay the TFRTF loans.

The study cautions no assurance exists that this scenario would occur prior to the end of the useful life of the bridge. “This means that the Bondholders and the State may never be fully repaid.”²⁹

The Turnpike System and Economic Feasibility per s. 338.221(8), F.S.

Current law defines “turnpike system” to mean “those limited access toll highways and associated feeder roads and other structures, appurtenances, or rights previously designated, acquired, or constructed pursuant to the Florida Turnpike Enterprise Law and such other additional turnpike projects as may be acquired or constructed as approved by the Legislature.”³⁰ Section 338.223(1)(a), F.S., requires any proposed turnpike project to be constructed or acquired as part of the turnpike system and any turnpike improvements to be included in the tentative work program. Such project or projects may not be included unless determined to be economically feasible.

With respect to turnpike projects,³¹ s. 338.221(8), F.S., defines “economically feasible,” in general, to mean:

- The estimated net revenues of a “proposed project” will be sufficient to pay at least 50 percent of the annual debt service on the bonds associated with the project by the end of the 12th year of operation and to pay at least 100 percent of the debt service on the bonds by the

²⁶ *Id.* at 13.

²⁷ *Id.* at 23-24.

²⁸ The amount paid to the bondholder at maturity. See the *Investopedia* website available at: <https://www.investopedia.com/ask/answers/050415/what-difference-between-par-value-and-face-value.asp>. (Last visited January 21, 2018.)

²⁹ *Id.* at 24-25.

³⁰ Section 338.221(6), F.S.

³¹ Section 338.221(9), F.S., defines “turnpike project” as any extension to or expansion of the existing turnpike system and new limited access toll highways and associated feeder roads, and other structure, interchanges, appurtenances, or rights as may be approved in accordance with the Florida Turnpike Enterprise Law.”

end of the 30th year of operation. Up to 50 percent of the adopted work program costs of the project may be funded from turnpike revenues.

- For a turnpike project financed from revenues of the turnpike system, the project is expected to generate sufficient revenues to amortize project costs within 15 years of opening to traffic.

The study concludes that the recommended acquisition structure would satisfy the economic feasibility test contained in s. 338.221(8), F.S.³²

III. Effect of Proposed Changes:

Section 1 of the bill creates s. 338.168, F.S., authorizing the FDOT to acquire the Garcon Point Bridge, including related assets as a non-Turnpike project. As part of such acquisition, the FDOT may purchase or retire outstanding SRBBA bonds. The FDOT may enter into any agreements necessary to implement the acquisition, including the purchase of SRBBA bonds, and may specify the terms and conditions of such agreements. The bill expressly approves the issuance of bonds to finance the acquisition, consistent with the FDOT's existing bonding authority.³³ The bill requires any such bonds to be issued in accordance with the state's debt management policies. Upon acquisition under this section, the bridge becomes part of the state highway system, and the LPA between the FDOT and the SRBBA is terminated. The FDOT would continue to be responsible for O&M expenses.

The bill requires the FDOT to determine the acquisition price, which may be based on, but not limited to, the following considerations:

- Current and expected toll revenues.
- Current debt owed by the SRBBA to the FDOT for operations and maintenance expenses of the bridge, and such expected future expenses.
- The outstanding bonded indebtedness of the Santa Rosa Bay Bridge Authority.
- The cost of determining the remaining useful life of the bridge.
- Future repair or replacements costs, including labor, materials, machinery, and equipment.
- Any engineering and legal expenses and charges.
- The cost of issuance of any bonds and all other expenses of issuance of bonds.
- Any financing charges.
- The creation of initial reserve and debt service funds.
- Administrative expenses.
- Such other expenses as may be necessary or incidental to the authorized acquisition or to future bridge repair or replacement costs, or to the financing thereof.

The bill requires use of the acquisition price paid by the FDOT to first settle all claims of the bondholders of SRBBA Bonds, Series 1996, and prohibits the SRBBA, the FDOT, or the trustee from imposing a toll rate increase for use of the bridge in connection with the FDOT's acquisition. The bill also prohibits any increase in tolls for use of the bridge after its acquisition,

³² *Feasibility Study* at 25.

³³ The FDOT is authorized in s. 334.044(16)(a), F.S., "to plan, acquire, lease, construct, maintain, and operate toll facilities; to authorize the issuance and refunding of bonds; and to fix and collect tolls or other charges for travel on any such facilities."

except as required by law or as required to comply with covenants contained in any resolution under which the bonds are issued.

The bill restricts the FDOT's authority by providing that neither the FDOT nor the state incurs any financial obligation for the acquisition of the bridge in excess of forecasted gross revenues from its operation. Thus, the bill provides that the total acquisition price paid by the FDOT may not exceed the present value of the gross revenues (calculated without any toll rate increase) anticipated to be collected between the date of any authorized purchase agreement and the end of the anticipated useful life of the bridge, as it exists as of the date of the purchase agreement.

The powers conferred by the new s. 338.168, F.S., are deemed in addition and supplemental to the FDOT's existing powers, including s. 338.2275(4), F.S., relating to FDOT authority to acquire the bridge as a Turnpike project (discussed below). The bill provides that s. 338.168, F.S., may not be construed as repealing any of the provisions of any other law, or to supersede, repeal, rescind, or modify any other law or laws relating to the FDOT, the State Board of Administration, or the Florida Turnpike Enterprise Law,³⁴ but supersede such other inconsistent law or laws.

Section 2 repeals part IV of chapter 348, F.S., upon acquisition of the bridge (consisting of ss. 348-965-348-9781, F.S.), thereby abolishing the SRBBA and its powers, duties, and related provisions.

Section 3 creates a new subsection (4) of s. 338.2275, F.S., deeming the acquisition of the Garcon Point Bridge to satisfy the definition of economic feasibility for acquisition of the bridge as a Turnpike project in s. 338.221(8), F.S. The bill authorizes the FDOT to acquire the Garcon Point Bridge, including related assets and, as part of such acquisition, to purchase or retire outstanding SRBBA bonds. The FDOT may enter into any agreements necessary to implement the acquisition, including the purchase or retirement of SRBBA bonds, and may specify the terms and conditions of such agreements. The bill expressly approves the issuance of *revenue* bonds³⁵ to finance the acquisition. Upon acquisition under this section, the bridge becomes part of the Florida Turnpike Enterprise System within the FDOT. The Turnpike Enterprise would then be responsible for O&M expenses.

The bill allows a portion of such revenue bonds to be limited financial obligations of the FDOT, payable only to the extent that the gross revenues from operation of the bridge after acquisition by the FDOT exceed the debt service on the other revenue bonds issued to finance the acquisition. If such limited obligation are issued, the FDOT is authorized, but is not required, to continue maintaining the bridge in a manner consistent with its covenants in the LPA.

The bill requires use of the acquisition price paid by the FDOT to first settle all claims of the bondholders of SRBBA Bonds, Series 1996, and prohibits the SRBBA, the FDOT, or the trustee from imposing a toll rate increase for use of the bridge in connection with the FDOT's acquisition. The bill also prohibits any increase in tolls for use of the bridge after its acquisition,

³⁴ Sections 338.22-338.241, F.S.

³⁵ Section 338.227, F.S., governs the issuance of Turnpike revenue bonds. The principal of, and the interest on, such bonds are payable solely from turnpike system revenues.

except as required by law or as required to comply with covenants contained in any resolution under which the bonds are issued.

The bill restricts the FDOT's authority by providing that neither the FDOT nor the state incurs any financial obligation for the acquisition of the bridge in excess of forecasted gross revenues from its operation. Thus, the bill provides that the total acquisition price paid by the FDOT may not exceed the present value of the gross revenues (calculated without any toll rate increase) anticipated to be collected between the date of any authorized purchase agreement and the end of the anticipated useful life of the bridge, as it exists as of the date of the purchase agreement.

Upon acquisition of the bridge, this section of the bill terminates the existing lease purchase agreement, as amended, between the SRBBA and the FDOT.

The powers conferred by the new subsection of law are deemed in addition and supplemental to the FDOT's existing powers, including s. 338.168, F.S., relating to acquisition of the bridge as a non-Turnpike project. The bill provides that s. 338.2275(4), F.S., may not be construed as repealing any of the provisions of any other law, or to supersede, repeal, rescind, or modify any other law or laws relating to the FDOT, the State Board of Administration, or the Florida Turnpike Enterprise Law,³⁶ but supersede such other inconsistent law or laws.

Section 4 repeals part IV of chapter 348, F.S., upon acquisition of the bridge (consisting of ss. 348-965-348-9781, F.S.), thereby abolishing the SRBBA and its powers, duties, and related provisions.

Section 5 expresses Legislative intent that the FDOT exercise its transportation responsibilities and expertise in selecting implementation of the bridge acquisition through the authority granted in s. 338.168, or in s. 338.2275(4), created by the act. The FDOT is expressly authorized to implement the acquisition, pursuant to the alternative grants of authority, as either a turnpike or a non-Turnpike project, in the manner which is in the public's best interest.

Section 6 provides the bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³⁶ *Supra* note 34.

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

None.

B. Private Sector Impact:

The fiscal impact of the bill is indeterminate because it is dependent upon the timing, terms, and conditions of any authorized agreement. However, to the extent that the bondholders' claims are satisfied, the bondholders will experience a positive fiscal impact.

C. Government Sector Impact:

The fiscal impact of the bill is indeterminate because it is dependent upon the timing, terms, and conditions of any authorized agreement.

If the SRBBA bonds are still outstanding at the end of the useful life of the bridge, the FDOT is responsible under the LPA to pay indeterminate costs for repairs and renovations to extend the bridge's useful life, and may be responsible for future bridge replacement costs. Acquisition by the FDOT may allow funding of repairs, renovations and replacement out of toll revenues, or by using the FDOT's existing bonding authority or other work program resources. This would give the FDOT limited toll rate setting authority; *i.e.*, Consumer Price Indexing as required by s. 338.165(3), F.S.,³⁷ or as required to comply with covenants contained in any resolution under which the bonds are issued. Acquisition by the Turnpike Enterprise may allow the same repair, renovation and replacement funding from toll revenues or Turnpike bond proceeds and would give the Turnpike Enterprise within the FDOT similar limited toll rate setting authority.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following section of the Florida Statutes: 338.168.

This bill substantially amends the following sections of the Florida Statutes: 338.2275.

³⁷ The FDOT, including the Turnpike, is required to index toll rates on existing toll facilities to the annual Consumer Price Index or similar inflation indicators. The adjustments must be made no more than one a year and no less than once every five years as necessary to accommodate cash toll rate schedules. Additionally, "Toll rates may be increased beyond these limits as directed by bond documents, covenants, or governing body authorization or pursuant to department administrative rule."

This bill repeals the following sections of the Florida Statutes: 348.965, 348.9781, 348.9771, 348.97, 348.971, 348.972, 348.973, 348.974, 348.9751, 348.9761, 348.966, 348.967, 348.968, and 348.969.

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 January 25, 2018:

The committee substitute:

- Grants the FDOT alternative authority to acquire the Garcon Point Bridge, either as a non-Turnpike or a Turnpike project, with preference given to implementation in the manner which is in the public's best interest.
- As part of the acquisition under either grant of authority, authorizes the FDOT to purchase *or retire* SRBBA bonds.
- Provides that upon acquisition, the bridge becomes a part of the State Highway System or a part of the turnpike system, depending upon the selected method of implementation.
- Applies a number of provisions applicable to acquisition as a Turnpike project in the as-filed bill to acquisition as a non-Turnpike project. Such provisions include restricting the acquisition price and limiting the FDOT's and the state's financial obligations; prohibiting toll rate increases, with certain exceptions; and terminating the LPA between the FDOT and the SRBBA and repealing the statutes that created the SRBBA, if the bridge is acquired.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/25/2018	.	
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	.	

The Committee on Transportation (Broxson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 338.168, Florida Statutes, is created to
read:

338.168 Garcon Point Bridge; acquisition by the department;
bonds; complete and additional authority.-

(1) The department may acquire the Garcon Point Bridge,
including related assets, and, as part of such acquisition, may



11 purchase or retire outstanding Santa Rosa Bay Bridge Authority
12 bonds. The department may enter into any agreements necessary to
13 implement the acquisition, including the purchase or retirement
14 of Santa Rosa Bay Bridge Authority bonds, and may specify the
15 terms and conditions of such agreements. Upon its acquisition by
16 the department, the Garcon Point Bridge shall be owned by the
17 department and become part of the State Highway System.

18 (2) The issuance of bonds to finance the department's
19 acquisition of the Garcon Point Bridge, consistent with the
20 department's existing bonding authority, is approved. To the
21 extent practicable, any such bonds must be issued in accordance
22 with the state's debt management policies.

23 (3) Upon acquisition of the Garcon Point Bridge as
24 authorized in this section, the lease purchase agreement dated
25 October 23, 1996, between the Santa Rosa Bay Bridge Authority
26 and the department, as amended, is terminated.

27 (4) The price paid by the department for the acquisition
28 shall be determined by the department and may be based on, but
29 not be limited to, the following considerations:

30 (a) Current and expected toll revenues;

31 (b) Current debt owed by the Santa Rosa Bay Bridge
32 Authority to the department for operations and maintenance
33 expenses of the bridge, and such expected future expenses;

34 (c) The outstanding bonded indebtedness of the Santa Rosa
35 Bay Bridge Authority;

36 (d) The cost of determining the remaining useful life of
37 the bridge.

38 (e) Future bridge repair or replacement costs, including
39 labor, materials, machinery, and equipment.



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- 40 (f) Any engineering and legal expenses and charges.
41 (g) The cost of issuance of any bonds and all other
42 expenses of issuance of bonds.
43 (h) Any financing charges.
44 (i) The creation of initial reserve and debt service funds.
45 (j) Administrative expenses.
46 (k) Such other expenses as may be necessary or incidental
47 to the acquisition authorized in this section or to future
48 bridge repair or replacement costs, or to the financing thereof.
49 (5) The acquisition price paid by the department must first
50 be used to settle all claims of the bondholders of Santa Rosa
51 Bay Bridge Authority Revenue Bonds, Series 1996.
52 (6) The authority, the department, or the trustee for the
53 bondholders may not impose a toll rate increase for use of the
54 Garcon Point Bridge in connection with the acquisition of the
55 bridge by the department. Following acquisition of the bridge by
56 the department, no increase in tolls for use of the bridge is
57 permitted except as required by law or as required to comply
58 with the covenants contained in any resolution under which bonds
59 have been issued.
60 (7) Neither the department nor the state shall incur any
61 financial obligation for the acquisition of the Garcon Point
62 Bridge in excess of forecasted gross revenues from the operation
63 of the bridge. Therefore, the total acquisition price paid by
64 the department may not exceed the present value of the gross
65 revenues, calculated without any increase in the toll rate,
66 which are anticipated to be collected from the operation of the
67 bridge between the date of any purchase agreement entered into
68 in accordance with this section and the end of the anticipated



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69 remaining useful life of the bridge as it exists as of the date
70 of the purchase agreement.

71 (8) The powers conferred by this section shall be in
72 addition and supplemental to the existing powers of the
73 department, including s. 338.2275(4). This section shall not be
74 construed as repealing any of the provisions of any other law,
75 general, special, or local; or to supersede, repeal, rescind, or
76 modify any other law or laws relating to the department, the
77 State Board of Administration, or the Florida Turnpike
78 Enterprise Law, ss. 338.22-338.241; but shall supersede such
79 other law or laws as are inconsistent with the provisions of
80 this section.

81 Section 2. Upon acquisition of the Garcon Point Bridge by
82 the department as authorized by s. 338.168, part IV of chapter
83 348, Florida Statutes, consisting of ss.348-965-348-9781,
84 Florida Statutes, is repealed.

85 Section 3. Subsection (4) is added to section 338.2275,
86 Florida Statutes, to read:

87 (4) (a) As directed by the Legislature, the department has
88 conducted a feasibility study relating to the acquisition of the
89 Garcon Point Bridge which the legislature deems to satisfy the
90 definition of economic feasibility in s. 338.221(8).

91 Accordingly, the department may acquire the Garcon Point Bridge,
92 including related assets, and, as part of such acquisition, may
93 purchase or retire outstanding Santa Rosa Bay Bridge Authority
94 bonds. The department may enter into any agreements necessary to
95 implement the acquisition, including the purchase or retirement
96 of Santa Rosa Bay Bridge Authority bonds, and to specify the
97 terms and conditions of such agreements. Upon its acquisition by



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98 the department, the Garcon Point Bridge shall become a part of
99 the turnpike system. Pursuant to s. 11(f), Art. VII of the State
100 Constitution, the issuance of revenue bonds to finance the
101 department's acquisition of the Garcon Point Bridge is approved.

102 A portion of such revenue bonds may be limited financial
103 obligations of the department payable only to the extent that
104 the gross revenues from the operation of the bridge following
105 acquisition by the department exceed the debt service on the
106 other revenue bonds issued to finance the acquisition of the
107 bridge. If limited obligations are issued, the department may
108 agree to continue maintaining the bridge in a manner consistent
109 with its covenants in the lease purchase agreement.

110 (b) The acquisition price paid by the department must first
111 be used to settle all claims of bondholders of Santa Rosa Bay
112 Bridge Authority Revenue Bonds, Series 1996.

113 (c) The authority, the department, or the trustee for
114 bondholders may not impose a toll rate increase for use of the
115 Garcon Point Bridge in connection with the acquisition of the
116 bridge by the department. Following acquisition of the bridge by
117 the department, no increase in tolls for use of the bridge is
118 permitted except as required by law or as required to comply
119 with the covenants contained in any resolution under which bonds
120 have been issued.

121 (d) Neither the department nor the state shall incur any
122 financial obligation for the acquisition of the Garcon Point
123 Bridge in excess of forecasted gross revenues from the operation
124 of the bridge. Therefore, the total acquisition price paid by
125 the department may not exceed the present value of the gross
126 revenues, calculated without any increase in the toll rate,



127 which are anticipated to be collected from the operation of the
128 bridge between the date of any purchase agreement entered into
129 in accordance with this section and the end of the anticipated
130 remaining useful life of the bridge as it exists as of the date
131 of the purchase agreement.

132 (e) Upon acquisition of the Garcon Point Bridge as
133 authorized by this subsection, the lease purchase agreement
134 dated October 23, 1996, between the authority and the
135 department, as amended, is terminated.

136 (f) The powers conferred by this subsection shall be in
137 addition and supplemental to the existing powers of the
138 department, including s. 338.168. This section shall not be
139 construed as repealing any of the provisions of any other law,
140 general, special, or local; or to supersede, repeal, rescind, or
141 modify any other law or laws relating to the department, the
142 State Board of Administration, or the Florida Turnpike
143 Enterprise Law, ss. 338.22-338.241; but shall supersede such
144 other law or laws as are inconsistent with the provisions of
145 this section.

146 Section 4. Upon acquisition of the Garcon Point Bridge by
147 the department as authorized by s. 338.2275(4), Florida
148 Statutes, part IV of chapter 348, Florida Statutes, consisting
149 of ss. 348.965-348.9781, Florida Statutes, is repealed.

150 Section 5. It is the intent of the Legislature in passing
151 this act that the department exercise its transportation
152 responsibilities and expertise in selecting implementation of
153 the acquisition of the Garcon Point Bridge through the authority
154 granted in s. 338.168, or in s. 338.2275(4), created by this
155 act. Accordingly, the department may implement the acquisition



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156 of the Garcon Point Bridge pursuant to the grant of authority
157 contained in either s. 338.168 or s. 338.2275(4), giving
158 preference to implementation in the manner which is in the best
159 interest of the public.

160 Section 6. This act shall take effect upon becoming law.

161
162 ===== T I T L E A M E N D M E N T =====

163 And the title is amended as follows:

164 Delete everything before the enacting clause
165 and insert:

166 A bill to be entitled
167 An act relating to the Garcon Point Bridge; creating
168 s. 338.168, F.S.; authorizing the Department of
169 Transportation to acquire the Garcon Point Bridge and
170 related assets and purchase or retire specified
171 outstanding bonds; authorizing the department to enter
172 into any agreements necessary to implement the
173 acquisition and purchase or retirement of the bonds;
174 authorizing the department to specify the terms and
175 conditions of such agreements; requiring the bridge to
176 become part of the State Highway System upon
177 acquisition; authorizing the issuance of bonds to
178 finance the department's acquisition of the bridge
179 consistent with the department's existing bonding
180 authority; requiring such bonds to be issued in
181 accordance with the state's debt management policies
182 to the extent practicable; providing for the
183 termination of a certain lease purchase agreement upon
184 the department's acquisition of the bridge; requiring



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185 the department to determine the price for acquisition
186 of the bridge; authorizing the department to base the
187 price on specified considerations; requiring the
188 acquisition price paid by the department to first be
189 used to settle all claims of specified bondholders;
190 prohibiting certain toll rate increases from being
191 imposed; prohibiting the department and the state from
192 incurring financial obligations in excess of
193 forecasted gross revenues from the operation of the
194 bridge; providing for the calculation of the maximum
195 total acquisition price that may be paid by the
196 department; providing that the powers conferred are in
197 additional and supplemental to existing powers of the
198 department; providing for construction; providing for
199 the repeal of part IV of ch. 348, F.S., relating to
200 the Santa Rosa Bay Bridge Authority, upon the
201 department's acquisition of the bridge; amending s.
202 338.2275, F.S.; deeming acquisition of the bridge to
203 meet the definition of economic feasibility under s.
204 338.221(8), F.S.; authorizing the Department of
205 Transportation to acquire the Garcon Point Bridge and
206 related assets and purchase or retire specified
207 outstanding bonds; authorizing the department to enter
208 into any agreements necessary to implement the
209 acquisition and purchase or retirement of the bonds;
210 authorizing the department to specify the terms and
211 conditions of such agreements; requiring the bridge to
212 become part of the turnpike system upon acquisition;
213 authorizing the issuance of revenue bonds to finance



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214 the department's acquisition of the bridge;
215 authorizing a portion of such bonds to be limited
216 financial obligations of the department payable only
217 to a certain extent; authorizing the department to
218 agree to continue maintaining the bridge in a
219 specified manner if such limited financial obligations
220 are issued; requiring the acquisition price paid by
221 the department to first be used to settle all claims
222 of specified bondholders; prohibiting the department
223 and the state from incurring financial obligations in
224 excess of forecasted gross revenues from the operation
225 of the bridge; providing for the calculation of the
226 maximum total acquisition price that may be paid by
227 the department; providing for the termination of a
228 certain lease purchase agreement upon the department's
229 acquisition of the bridge; providing for the
230 termination of a certain lease purchase agreement upon
231 the department's acquisition of the bridge; providing
232 legislative intent; authorizing the department to
233 implement the acquisition of the Garcon Point Bridge
234 pursuant to the grant of authority contained in either
235 s. 338.168 or s. 338.2275(4); requiring the department
236 to give preference to implementation of the
237 acquisition in the manner which is in the best
238 interest of the public; providing an effective date.

By Senator Broxson

1-00801-18

20181436__

1 A bill to be entitled
 2 An act relating to the Garcon Point Bridge; amending
 3 s. 338.2275, F.S.; authorizing the Department of
 4 Transportation to acquire the Garcon Point Bridge and
 5 related assets and purchase specified outstanding
 6 bonds under certain circumstances; authorizing the
 7 department to enter into any agreement necessary to
 8 implement the acquisition and purchase the bonds;
 9 authorizing the department to specify the terms and
 10 conditions of such agreement; requiring the bridge to
 11 become a part of the turnpike system upon acquisition;
 12 authorizing the issuance of revenue bonds to finance
 13 the department's acquisition of the bridge; requiring
 14 the acquisition price paid by the department to first
 15 be used to settle all claims of specified bondholders;
 16 prohibiting certain toll rate increases from being
 17 imposed; prohibiting the department and the state from
 18 incurring financial obligations in excess of
 19 forecasted gross revenues from the operation of the
 20 bridge; providing for the calculation of the maximum
 21 total acquisition price that may be paid by the
 22 department; providing for the termination of a certain
 23 lease purchase agreement upon the department's
 24 acquisition of the bridge; providing for the repeal of
 25 part IV of ch. 348, F.S., relating to the Santa Rosa
 26 Bay Bridge Authority, upon the department's
 27 acquisition of the bridge; providing an effective
 28 date.
 29

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

1-00801-18

20181436__

30 Be It Enacted by the Legislature of the State of Florida:
 31
 32 Section 1. Subsection (4) is added to section 338.2275,
 33 Florida Statutes, to read:
 34 338.2275 Approved turnpike projects.—
 35 (4)(a) Subject to a determination of economic feasibility
 36 by the department in accordance with s. 338.221(8), the
 37 department may acquire the Garcon Point Bridge, including
 38 related assets, and, as part of such acquisition, may purchase
 39 outstanding Santa Rosa Bay Bridge Authority bonds. The
 40 department may enter into any agreement necessary to implement
 41 the acquisition, including the purchase of Santa Rosa Bay Bridge
 42 Authority bonds, and to specify the terms and conditions of such
 43 agreement. Upon its acquisition by the department, the Garcon
 44 Point Bridge shall become a part of the turnpike system.
 45 Pursuant to s. 11(f), Art. VII of the State Constitution, the
 46 issuance of revenue bonds to finance the department's
 47 acquisition of the Garcon Point Bridge is approved.
 48 (b) The acquisition price paid by the department must first
 49 be used to settle all claims of bondholders of Santa Rosa Bay
 50 Bridge Authority Revenue Bonds, Series 1996.
 51 (c) The authority, the department, or the trustee for
 52 bondholders may not impose a toll rate increase for use of the
 53 Garcon Point Bridge in connection with the acquisition of the
 54 bridge by the department. Following acquisition of the bridge by
 55 the department, no increase in tolls for use of the bridge is
 56 permitted except as required by law or as required to comply
 57 with the covenants contained in any resolution under which bonds
 58 have been issued.

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59 (d) Neither the department nor the state shall incur any
60 financial obligation for the acquisition of the Garcon Point
61 Bridge in excess of forecasted gross revenues from the operation
62 of the bridge. Therefore, the total acquisition price paid by
63 the department may not exceed the present value of the gross
64 revenues, calculated without any increase in the toll rate,
65 which are anticipated to be collected from the operation of the
66 bridge between the date of any purchase agreement entered into
67 in accordance with this section and the end of the anticipated
68 remaining useful life of the bridge as determined as of the date
69 of the purchase agreement.

70 (e) Upon the acquisition of the Garcon Point Bridge as
71 authorized by this subsection, the lease purchase agreement
72 dated October 23, 1996, between the authority and the
73 department, as amended, is terminated.

74 Section 2. Upon acquisition of the Garcon Point Bridge by
75 the department as authorized by this act, part IV of chapter
76 348, Florida Statutes, consisting of ss. 348.965-348.9781,
77 Florida Statutes, is repealed.

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

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 1472

INTRODUCER: Senator Farmer

SUBJECT: Disabled Parking Permits

DATE: January 23, 2018

REVISED: _____

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

I. Summary:

SB 1472 requires that disabled parking permits, issued on or after July 1, 2018, display the applicant's photograph as it appears on his or her driver license or identification card. The photograph must be concealed by a movable flap or cover while the placard is displayed in the vehicle. The bill provides an exemption from this requirement for applicants who are certified by a physician as having a severe disability that prevents the applicant from physically visiting or being transported to obtain a driver license or identification card.

The bill adds a mandatory civil fine of \$250 for a person who fraudulently obtains or unlawfully displays a disabled parking permit that belongs to another person while occupying a disabled parking space or who uses an unauthorized replica of such permit, which is currently a second degree misdemeanor.

The bill adds that a person who commits the following offenses commits a noncriminal traffic infraction, punishable as a nonmoving violation with a \$250 fine:

- Knowingly providing a disabled parking permit to another person for its unlawful use; or
- Displaying an expired disabled parking permit.

The Department of Highway Safety and Motor Vehicles (DHSMV) will likely incur costs to redesign the disabled parking permit; however, such costs are indeterminate at this time.

The bill takes effect July 1, 2018.

II. Present Situation:

Section 320.0848, F.S., authorizes the DHSMV and its agents to issue disabled parking permits to persons with impaired mobility. Upon application and receipt of the fee,¹ a person with a long-term mobility impairment is issued a disabled parking permit for a period of up to four years. Similarly, a person with a temporary mobility impairment is issued a temporary disabled parking permit for a period of up to six months.²

Disabled parking permits allow an individual to stop, stand, or park a vehicle within designated accessible parking spaces when the vehicle is transporting the person to whom the disabled parking permit was issued.³

A person applying for a disabled parking permit must be certified as being legally blind, or as having any of the following conditions which would render the person unable to walk 200 feet without stopping to rest:⁴

- Inability to walk without a brace, cane, crutch, prosthetic device, or other assistive device, when such device does not restore the ability to walk without severe limitations, or without the assistance of another person;
- The need to permanently use a wheelchair;
- A restriction by lung disease;⁵
- The use of portable oxygen;
- A restriction by cardiac condition;⁶ or
- A severe limitation in the ability to walk due to an arthritic, neurological, or orthopedic condition.

A certificate of disability is required for a disabled parking permit and must be provided by a licensed physician, podiatrist, optometrist, advanced registered nurse practitioner, physician's assistant, or a similarly licensed physician from another state.⁷ The certificate of disability must include the:⁸

- Disability of the applicant;
- Certifying practitioner's name, address, and certification number;
- Eligibility criteria for the permit;

¹ There is no charge for a "permanent" disabled parking permit. A temporary parking permit is \$15; however, no person will be required to pay a fee for a disabled parking permit more than once in a 12-month period. See DHSMV, *HSMV 83039 - Application for Disabled Person Parking Permit* (Oct. 2015), available at <https://www.flhsmv.gov/pdf/forms/83039.pdf> (last visited Jan. 20, 2018) and s. 320.0848(1)(a), F.S.

² Section 320.0848(1)(a), F.S.

³ Section 316.1955(1), F.S.

⁴ Section 320.0848(1)(b)1., F.S.

⁵ The restriction must be "to the extent that the person's forced (respiratory) expiratory volume for 1 second, when measured by spirometry, is less than 1 liter, or the person's arterial oxygen is less than 60 mm/hg on room air at rest.";

s. 320.0848(1)(b)c., F.S.

⁶ The restriction must be "to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association.;" s. 320.0848(1)(b)e., F.S.

⁷ If a certification of disability is provided by a similarly licensed physician from another state, the application must also include documentation of the physician's licensure in the other state and a form signed by the out-of-state physician verifying their knowledge of Florida's eligibility guidelines; s. 320.0848(1)(b)2., F.S.

⁸ Section 320.0848(1)(c), F.S.

- Penalty for falsification by either the certifying practitioner or applicant;
- Duration of the condition that entitles the applicant for the permit;
- Justification for any additional placard;
- Statement, in bold letters: “A disabled parking permit may be issued only for a medical necessity that severely affects mobility;” and
- Signatures of the applicant’s physician or other certifying practitioner, applicant, and employee of DHSMV’s authorized agent which is processing the application.

To renew or replace a disabled parking permit that has been lost or stolen, the DHSMV requires an applicant to provide a certificate of disability issued within the last 12 months.⁹

A disabled parking permit is a placard that is visible from the front and the rear of a vehicle and must be hung from the vehicle’s rear-view mirror when the vehicle is parked in a designated accessible parking space.¹⁰ Each side of the placard displays the international symbol of accessibility, and a decal indicating the expiration date of the placard.¹¹ One side of the placard must display the applicant’s Florida driver license or identification card number, along with a warning that the applicant must have such identification at all times while using the permit.¹²

A law enforcement officer or parking enforcement specialist has the right to demand to be shown the person’s disabled parking permit and driver license or identification card, and may charge the person in control of the vehicle with resisting an officer without violence if the person refuses.¹³

Penalties for the Misuse of Disabled Parking Permits

A person who unlawfully stops, stands or parks his or her vehicle in a designated accessible disabled parking space may be charged with a noncriminal traffic infraction by an officer or parking enforcement specialist.¹⁴ Such infraction is a \$100 fine, plus court costs¹⁵, or a fine of up to \$250¹⁶ pursuant to a county or municipal ordinance.

⁹ A veteran considered permanently and totally disabled by the United States Department of Veteran Affairs (DVA) or Armed Forces may provide a DVA Form Letter 27-333, or its equivalent, issued within the last 12 months in lieu of a certificate of disability; Section 320.0848(2)(d), F.S.

¹⁰ DHSMV, *RS-38 Disabled Person Parking Permit* (June 16, 2015), available at <http://www3.flhsmv.gov/dmv/Proc/RS/RS-38.pdf> at p. 9 (last visited Jan. 20, 2018).

¹¹ *Id.*

¹² An exemption may be obtained from this requirement by the certifying physician in cases where the severity of the disability prevents the person from physically visiting or being transported in order to be issued a driver license or identification card; s. 320.0848(2)(a), F.S.

¹³ Section 316.1955(1)(d), F.S.; s. 843.02, F.S., provides that a person who resists an officer without violence is guilty of a first degree misdemeanor.

¹⁴ Section 316.1955(1)(b), F.S.

¹⁵ Section 318.18(6), F.S. Court costs may increase the fine to \$178; See Florida Court Clerks and Comptrollers, *Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs and Fines* (July 1, 2017), available at http://www.flclerks.com/resource/resmgr/public_documents/2017_Distribution_Schedule_7.pdf (last visited Jan. 20, 2018).

¹⁶ Section 316.008(4), F.S.

Any person who fraudulently obtains or unlawfully displays a disabled parking permit that belongs to another person while occupying a disabled parking space, or who uses an unauthorized replica of such permit, is guilty of a second degree misdemeanor.¹⁷

Any person who knowingly makes a false or misleading statement on an application to obtain a disabled parking permit commits a first degree misdemeanor.¹⁸

III. Effect of Proposed Changes:

The bill requires disabled parking permits, issued on or after July 1, 2018, include a photograph of the applicant displayed on one side of the placard. Such photograph shall be a copy of the photograph that appears on the applicant's driver license or identification card, and must be concealed by a movable flap or cover while the placard is displayed in the vehicle.¹⁹

Individuals certified by a physician as having a severe disability that prevents the person from physically visiting or being transported to be issued a driver license or identification card is exempt from the photograph requirement.

The bill adds a \$250 mandatory civil fine for any person who fraudulently obtains or unlawfully displays a disabled parking permit that belongs to another person while occupying a disabled parking space, or who uses an unauthorized replica of such permit. This penalty is in addition to the second degree misdemeanor penalty.

The bill adds that a person who commits the following offenses commits a noncriminal traffic infraction, punishable as a nonmoving violation with a \$250 fine:²⁰

- Knowingly providing a disabled parking permit to another person for its unlawful use; or
- Displaying an expired disabled parking permit.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁷ Section 320.0848(7); ss. 775.082 and 775.083, F.S., provide that a second degree misdemeanor is punishable by up to 60 days in jail or a maximum fine of \$500.

¹⁸ Section 320.0848

¹⁹ 18 U.S.C. s. 2725(4) considers an individual's driver license or identification card photograph "highly restricted personal information." 18 U.S.C. s. 2721 prohibits the release of certain personal information from state motor vehicle records; however, such highly restricted personal information may be used by a law enforcement agency to carry out its functions, or any private person or entity acting on behalf of the agency in carrying out its functions.

²⁰ These fines are distributed as provided in s. 318.21, F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals who unlawfully use disabled parking permits will pay increased penalties if cited for certain violations.

C. Government Sector Impact:

DHSMV will likely incur costs to redesign the disabled parking permit; however, such costs are indeterminate at this time.

VI. Technical Deficiencies:

The bill does not provide distribution for the mandatory \$250 civil penalty added in s. 320.0848(7)(a), F.S.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.0848, 318.14, and 318.18.

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 Farmer

34-01321-18

20181472__

A bill to be entitled

An act relating to disabled parking permits; amending s. 320.0848, F.S.; requiring a disabled parking permit to display the applicant's driver license or identification card photograph; providing an exemption; revising and providing penalties for certain unlawful uses of a permit; amending s. 318.14, F.S.; conforming provisions to changes made by the act; amending s. 318.18, F.S.; specifying the amount of a civil penalty for certain violations; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2), paragraph (a) of subsection (3), and subsection (7) of section 320.0848, Florida Statutes, are amended to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM MOBILITY PROBLEMS.—

(a) The disabled parking permit is a placard that can be placed in a motor vehicle so as to be visible from the front and rear of the vehicle.

1. Each side of the placard must ~~display~~ have the international symbol of accessibility in a contrasting color in the center so as to be visible.

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2. One side of the placard must display:

a. The applicant's driver license number or state identification card number along with a warning that the applicant must have such identification at all times while using the parking permit.

b. For a parking permit issued on or after July 1, 2018, a copy of the applicant's photograph that appears on his or her driver license or identification card. The photograph must be concealed by a movable flap or cover in order to protect the identity of the applicant while the placard is displayed in the vehicle.

3. In those cases where the severity of the disability prevents a disabled person from physically visiting or being transported to a driver license or tax collector office to obtain a driver license or identification card, a certifying physician may sign the exemption section of the department's parking permit application to exempt the disabled person from being issued a driver license or identification card for the number and photograph to be displayed on the parking permit.

4. A validation sticker must also be issued with each disabled parking permit, showing the month and year of expiration on each side of the placard. Validation stickers must be of the size specified by the Department of Highway Safety and Motor Vehicles and must be affixed to the disabled parking permits. The disabled parking permits must use the same colors as license plate validations.

(3) DISABLED PARKING PERMIT; TEMPORARY.—

(a) The temporary disabled parking permit is a placard of a different color from the color of the long-term disabled parking

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 59 permit placard, and must clearly display the date of expiration
 60 in large print and with color coding, but is identical to the
 61 long-term disabled parking permit placard in all other respects,
 62 including, but not limited to, the inclusion of a state
 63 identification card number or driver license number and
 64 photograph on one side of the temporary permit. The temporary
 65 disabled parking permit placard must be designed to
 66 conspicuously display the expiration date of the permit on the
 67 front and back of the placard.

(7) (a) A Any person who fraudulently obtains or unlawfully
 69 displays a disabled parking permit that belongs to another
 70 person while occupying a disabled parking space or an access
 71 aisle as defined in s. 553.5041 while the owner of the permit is
 72 not being transported in the vehicle or who uses an unauthorized
 73 replica of such a disabled parking permit with the intent to
 74 deceive ~~commits is guilty of~~ a misdemeanor of the second degree,
 75 punishable as provided in s. 775.082 or s. 775.083 and by a
 76 mandatory civil fine of \$250.

(b) A person who knowingly provides a disabled parking
 78 permit to another person for the purpose of the other person's
 79 unlawful use as provided in paragraph (a) commits a noncriminal
 80 traffic infraction, punishable as a nonmoving violation as
 81 provided in chapter 318.

(c) A person who displays a disabled parking permit that is
 83 expired commits a noncriminal traffic infraction, punishable as
 84 a nonmoving violation as provided in chapter 318.

85 Section 2. Subsection (1) of section 318.14, Florida
 86 Statutes, is amended to read:

87 318.14 Noncriminal traffic infractions; exception;

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 88 procedures.-
 89 (1) Except as provided in ss. 318.17 and 320.07(3) (c), any
 90 person cited for a violation of chapter 316, s. 320.0605, s.
 91 320.07(3) (a) or (b), s. 320.0848(7) (b) or (c), s. 322.065, s.
 92 322.15(1), s. 322.16(2) or (3), s. 322.1615, s. 322.19, or s.
 93 1006.66(3) is charged with a noncriminal infraction and must be
 94 cited for such an infraction and cited to appear before an
 95 official. If another person dies as a result of the noncriminal
 96 infraction, the person cited may be required to perform 120
 97 community service hours under s. 316.027(4), in addition to any
 98 other penalties.

99 Section 3. Subsection (23) is added to section 318.18,
 100 Florida Statutes, to read:

101 318.18 Amount of penalties.-The penalties required for a
 102 noncriminal disposition pursuant to s. 318.14 or a criminal
 103 offense listed in s. 318.17 are as follows:

104 (23) Two hundred and fifty dollars for a violation of s.
 105 320.0848(7) (b) or (c).

106 Section 4. This act shall take effect July 1, 2018.

CourtSmart Tag Report

Room: SB 401

Case No.:

Type:

Caption: Senate Transportation Committee

Judge:

Started: 1/25/2018 10:01:33 AM

Ends: 1/25/2018 11:56:03 AM

Length: 01:54:31

10:01:33 AM Meeting Called To Order by Chairman Gainer
10:01:33 AM Roll call by CAA Marilyn Hudson
10:01:35 AM Quorum is announced
10:01:37 AM Chairman with opening comments
10:01:40 AM Chairman moves to Tab 4
10:01:52 AM Tab 4 - SB 818-Emergency Exemptions from Tolls by Senator Powell
10:02:27 AM SB 818 explained by Senator Powell
10:02:40 AM Chairman Gainer calls for questions
10:03:47 AM Senator Powell Waives Close
10:03:51 AM Roll Call on SB 818
10:04:08 AM SB 818 Passes Favorably
10:04:17 AM Tab 7 - SB 1472 - Disabled Parking Permits by Senator Farmer
10:04:52 AM Bill Explained by Senator Farmer
10:05:56 AM Question
10:06:32 AM Senator Farmer Responds
10:07:05 AM Debate
10:07:33 AM Senator Farmer Closes On SB 1472
10:07:49 AM Roll Call on SB 1472
10:08:06 AM SB 1472 Passes Favorably
10:08:31 AM Tab 6 - SB 1436 - Garcon Point Bridge by Senator Broxson
10:08:40 AM SB 1436 Explained By Senator Broxson
10:09:39 AM Amendment Barcode #877804
10:09:45 AM Amendment explained
10:10:34 AM Senator Broxon Closes on Amendment
10:10:46 AM Amendment Barcode #877804 Adopted
10:11:00 AM Chairman Gainer Questions Senator Broxson
10:11:09 AM Senator Broxson Responds to Chairman Gainer
10:11:35 AM Senator Broxon Waives Close on CS/SB 1436
10:11:43 AM Roll Call on CS/SB 1436
10:11:54 AM CS/SB 1436 Reported Favorably
10:12:08 AM Tab 1 - CS/SB 664- Salvage of Pleasure Vessels by Senator Young
10:12:28 AM Senator Young Explains SB 664
10:14:04 AM Amendment Barcode #642094
10:14:10 AM Amendment Explained by Senator Young
10:15:36 AM Senator Rouson Questions Senator Young
10:16:03 AM Senator Young Responds to Senator Rouson
10:16:41 AM Senator Rouson Responds to Senator Young
10:17:04 AM Senator Rader Questions Senator Young
10:17:45 AM Senator Young Responds to Senator Rader
10:19:10 AM Senator Rader Questions Senator Young
10:19:57 AM Senator Young responds to Senator Rader
10:21:09 AM Back and Forth between Senator Young and Senator Rader
10:23:11 AM Senator Hukill Questions Senator Young
10:23:48 AM Senator Young Responds to Senator Hukill
10:24:19 AM Back and Forth Between Senator Hukill and Senator Young
10:24:48 AM Senator Baxley Questions Senator Young
10:25:06 AM Senator Young Responds to Senator Baxley
10:25:31 AM Back and forth Between Senator Baxley and Senator Young
10:32:56 AM Senator Taddeo Questions Senator Young
10:33:37 AM Back and Forth Between Senator Taddeo and Senator Young
10:34:19 AM Senator Rader Questions Senator Young
10:35:31 AM Senator Young Responds to Senator Rader

10:35:35 AM Chairman Gainer Questions Senator Young
10:36:16 AM Back and Forth Between Chairman Gainer and Senator Young
10:37:24 AM Senator Hukill Questions Senator Young
10:38:04 AM Senator Rader Questions Chairman Gainer
10:38:28 AM Amendment Barcode #642094 Adopted
10:38:55 AM Captain Alan S. Richard Representing Himself Speaks With Information on SB 664
10:50:14 AM Chairman Gainer Asks Mr. Richard to Close
10:50:46 AM Senator Rader Questions Mr. Richard
10:50:55 AM Mr. Richard Responds to Senator Rader
10:51:00 AM Chairman Gainer Questions Mr. Richard
10:51:09 AM Mr. Richard Responds to Chairman Gainer
10:51:55 AM Michael Black Representing C. Port Speaks Against CS/SB 664
10:56:10 AM Chairman Gainer Leaves Committee Meeting/Vice-Chair Rouson Takes Over
10:56:47 AM Tina Cardone Representing C-Port Professional Towing and Salvage Companies Speaks Against SB 664
11:02:26 AM Harry Offut Representing Bis Tow and Salvage Speaks Against CS/SB 664
11:08:25 AM Brewster Bevis Representing Associated Industries of Florida Waives Support For CS/SB 664
11:08:35 AM Eric Hull Representing Himself Speaks in Support of CS/SB 664
11:12:27 AM Senator Rader Questions Mr. Hull
11:13:08 AM Jon Costello Representing Florida Public Advocacy Speaks in Support of CS/SB 664
11:15:51 AM David McCreadie Representing Florida Public Advocacy Speaks in Support of CS/SB 664
11:20:12 AM Senator Rader Questions Mr. McCreadie
11:20:20 AM Mr. McCreadie Responds to Senator Rader
11:20:45 AM Senator Rader Speaks Against CS/SB 664
11:22:19 AM Senator Hukill Speaks in Support of CS/SB 664
11:22:44 AM Senator Baxley Speaks in Support of CS/SB 664
11:23:30 AM Senator Taddeo Speaks Against CS/SB 664
11:24:08 AM Senator Young Closes on CS/SB 664
11:25:06 AM Roll Call on CS/SB 664
11:25:29 AM CS/SB 664 Passes Favorably
11:25:44 AM Tab 2 - SB 1482-Motor Vehicles and Railroad Trains by Senator Young
11:26:08 AM Senator Young Explains SB 1482
11:27:04 AM Senator Hukill Questions Senator Young
11:27:34 AM Senator Young Responds to Senator Hukill
11:27:51 AM Back and Forth Between Senator Hukill and Senator Young
11:30:22 AM Andre Truvillo Representing Smart-TD Waives Support
11:30:29 AM Vicki Wooldridge Representing S. Fla. Regional Transportation Authority/Tri-Rail Waives Support
11:30:34 AM Russell Roberts Representing Fla. East Coast Industries Waives Support
11:30:48 AM Senator Hukill Speaks Against SB 1482
11:31:31 AM Senator Taddeo Speaks in Support of SB 1482
11:32:47 AM Senator Baxley Speaks in Support of SB 1482
11:34:27 AM Senator Galvano Speaks in Support SB 1482
11:35:09 AM Senator Young waives close
11:35:20 AM Roll Call on SB 1482
11:35:38 AM SB 1482 passes favorably
11:35:59 AM Motion by Chairman Gainer to vote yes on CS/SB 664
11:36:16 AM Motion by Senator Baxley to be shown in favor of SB 818; SB712; SB1436
11:36:22 AM Motion by Galvano to be shown in favor of SB 818
11:36:32 AM Tab 3 - SB 712-Autonomous Vehicles by Senator Brandes
11:36:44 AM Senator Brandes Explains SB 712
11:37:37 AM Motion by Rouson to accept late-filed Amendment Barcode #837744
11:37:40 AM Brandes Explains Amendment Barcode #837744
11:38:40 AM James G. Representing FJA Speaks with Information on SB 712 Amendment 83
11:39:48 AM Brandes Waives Close on Amendment Barcode #837744
11:39:52 AM Amendment Barcode #837744 Adopted
11:39:58 AM Without objection late-filed Amendment Barcode #621932
11:40:15 AM Senator Brandes Explains Amendment Barcode #621932
11:40:54 AM Senator Brandes Waives Close on Amendment Barcode #621932
11:40:58 AM Amendment Barcode #621932 Adopted
11:41:08 AM Late-filed Amendment Barcode #311854 Withdrawn
11:41:32 AM Senator Rader Questions Senator Brandes
11:42:03 AM Senator Brandes Responds to Senator Rader
11:45:22 AM Cesar Fernandez Representing Uber Waives In Support

11:45:28 AM Brewster Bevis Representing Associated Industries of Florida Waives Support
11:45:35 AM Marlene Williams Representing General Motors Waives in support
11:45:39 AM Christopher Emmanuel Representing Florida Chamber of Commerce Waives in Support
11:46:21 AM James Gualnieri Representing FJA Speaks With Information
11:48:47 AM Senator Rader Speaks
11:50:07 AM Senator Hukill Speaks
11:50:16 AM Senator Taddeo Speaks in Support
11:50:48 AM Senator Baxley Speaks
11:51:13 AM Senator Brandes Closes on CS/SB 712
11:52:10 AM Roll Call on CS/SB 712
11:52:24 AM CS/SB 712 Reported Favorably
11:52:50 AM Tab 5 - SB 918 Clerks of Circuit Court by Senator Grimsley who explains the bill
11:53:21 AM Senator Hukill Questions Senator Grimsley
11:53:36 AM Senator Grimsley Responds To Senator Hukill
11:53:43 AM Back and Forth Between Senator Grimsley and Senator Hukill
11:55:11 AM Fred Baggett, Floridas' Court Clerks and Comptrollers, waives in support
11:55:25 AM Senator Grimsey waives close
11:55:29 AM Roll Call on SB 918 - bill reported favorably
11:55:36 AM Senator Gainer moves to adjourn
11:55:56 AM Meeting Adjourned