

Agenda Order

Tab 1	CS/SB 288 by TR, Rodriguez (CO-INTRODUCERS) Hooper, Wright, DiCeglie, Broxson; (Similar to CS/H 00341) Designation of a Certain Diagnosis on Motor Vehicle Registrations						
409106	A	S	RCS	ATD, Rodriguez	Delete L.66 - 71:	02/13 03:33 PM	
Tab 2	CS/SB 440 by TR, Wright; (Compare to H 00649) Utility Terrain Vehicles						
Tab 3	CS/SB 592 by GO, Burgess; (Similar to H 01679) Historical Preservation Programs						
Tab 4	CS/SB 858 by TR, Jones; (Similar to CS/H 00911) Specialty License Plates/Recycle Florida and Boating Capital of the World						
Tab 5	CS/SB 868 by TR, Boyd (CO-INTRODUCERS) Rouson; (Compare to H 00061) Transportation Facility Designations						
866596	A	S	RCS	ATD, Boyd	Delete L.22 - 36:	02/13 03:33 PM	
Tab 6	CS/SB 994 by TR, Burgess; (Similar to CS/H 01045) Student Transportation Safety						
720974	D	S	L RCS	ATD, Burgess	Delete everything after	02/13 03:33 PM	

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

**APPROPRIATIONS COMMITTEE ON TRANSPORTATION,
 TOURISM, AND ECONOMIC DEVELOPMENT**

**Senator Hooper, Chair
 Senator Trumbull, Vice Chair**

MEETING DATE: Tuesday, February 13, 2024
TIME: 1:30—5:30 p.m.
PLACE: *Toni Jennings Committee Room, 110 Senate Building*

MEMBERS: Senator Hooper, Chair; Senator Trumbull, Vice Chair; Senators DiCeglie, Stewart, Thompson, Wright, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 288 Transportation / Rodriguez (Similar CS/H 341)	Designation of a Certain Diagnosis on Motor Vehicle Registrations; Citing this act as the "Safeguarding American Families Everywhere (SAFE) Act"; requiring the application form for motor vehicle registration to include certain language allowing an applicant to indicate that he or she has been diagnosed with, or is the parent or legal guardian of a child or ward who has been diagnosed with, specified disabilities or disorders; requiring the Department of Highway Safety and Motor Vehicles to allow specified persons to update a motor vehicle registration to include or remove information regarding a diagnosis at any time, etc. TR 02/06/2024 Fav/CS ATD 02/13/2024 Fav/CS FP	Fav/CS Yeas 6 Nays 0
2	CS/SB 440 Transportation / Wright (Compare H 649)	Utility Terrain Vehicles; Authorizing a utility terrain vehicle (UTV) to be operated during all hours; authorizing the operation of UTVs on certain roadways; authorizing the Department of Transportation to prohibit the use of UTVs under certain circumstances; requiring the department to issue a license plate to the owner or lessee of a vehicle registered as a UTV upon payment of certain taxes and fees, etc. TR 01/30/2024 Fav/CS ATD 02/13/2024 Favorable FP	Favorable Yeas 6 Nays 0
3	CS/SB 592 Governmental Oversight and Accountability / Burgess (Similar H 1679)	Historical Preservation Programs; Requiring the Department of State to partner with the Florida African American Heritage Preservation Network for a specified purpose; specifying preservation efforts that may be undertaken through the partnership; requiring the department and the network to determine other eligible expenditures necessary to further the partnership's mission and goals, etc. GO 01/22/2024 Fav/CS ATD 02/13/2024 Favorable FP	Favorable Yeas 5 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Transportation, Tourism, and Economic Development
Tuesday, February 13, 2024, 1:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 858 Transportation / Jones (Similar CS/H 911)	Specialty License Plates/Recycle Florida and Boating Capital of the World; Directing the Department of Highway Safety and Motor Vehicles to develop Recycle Florida and Boating Capital of the World license plates; providing for distribution and use of fees collected from the sale of the plates, etc. TR 01/23/2024 Fav/CS ATD 02/13/2024 Favorable FP	Favorable Yeas 6 Nays 0
5	CS/SB 868 Transportation / Boyd (Compare H 61, CS/H 389, CS/H 841, H 1341, S 806, S 1148)	Transportation Facility Designations; Providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers, etc. TR 01/30/2024 Fav/CS ATD 02/13/2024 Fav/CS FP	Fav/CS Yeas 6 Nays 0
6	CS/SB 994 Transportation / Burgess (Similar CS/H 1045, Compare CS/H 7039, CS/S 7002)	Student Transportation Safety; Revising the definition of the term "local hearing officer"; authorizing charter schools and private schools to install and operate school bus infraction detection systems; authorizing traffic infraction enforcement officers who meet specified requirements and school board security agencies to enforce specified violations; providing that a school safety officer who completes certain training may be authorized by a county, municipality, or school entity as a traffic infraction enforcement officer and may issue certain notices and citations, etc. TR 01/30/2024 Fav/CS ATD 02/13/2024 Fav/CS FP	Fav/CS Yeas 5 Nays 1

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Transportation, Tourism, and Economic Development

BILL: CS/CS/SB 288

INTRODUCER: Appropriations Committee on Transportation, Tourism, and Economic Development, Transportation Committee; and Senator Rodriguez and others

SUBJECT: Designation of a Certain Diagnosis on Motor Vehicle Registrations

DATE: February 14, 2024 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Shutes</u>	<u>Vickers</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Jerrett</u>	<u>ATD</u>	<u>Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 288 is to be cited as the “Safeguarding American Families Everywhere (SAFE) Act.” The bill provides that the application form for motor vehicle registrations must include language allowing an applicant to voluntarily indicate that the applicant has been diagnosed with, or is the parent or legal guardian of a child or ward who has been diagnosed with certain disabilities or disorders by a physician. If the applicant indicates a certain diagnosis on the application, the Department of Highway Safety and Motor Vehicles (DHSMV) must include the designation “SAFE” in the motor vehicle record. The department may not include in the motor vehicle record personal identifying information of or any diagnosis of a person for whom a diagnosis is indicated. The “SAFE” designation may be included or removed at any time upon request of the owner or co-owner.

The bill has an insignificant, negative fiscal impact on state government. See Section V., Fiscal Impact Statement.

The bill takes effect October 1, 2024.

II. Present Situation:

Motor Vehicle Registration Application

Every owner or person in charge of a motor vehicle that is operated or driven on the roads of Florida must register the vehicle in the state. The owner or person in charge must apply to the Department of Highway Safety and Motor Vehicles (DHSMV) or to its authorized agent for registration of each such vehicle on a form prescribed by the DHSMV.¹

The application for registration must include the street address of the owner's permanent residence or the address of his or her permanent place of business and be accompanied by personal or business identification information. An individual applicant must provide a valid driver license or identification card issued by this state or another state or a valid passport. A business applicant must provide a federal employer identification number, if applicable, or verification that the business is authorized to conduct business in the state, or a Florida municipal or county business license or number.²

Additionally, the DHSMV must include certain language on the application form such as, but not limited to, language allowing an applicant who is deaf or hard of hearing to voluntarily indicate that he or she is deaf or hard of hearing. If the applicant indicates on the application that he or she is deaf or hard of hearing, such information must be included through the Driver and Vehicle Information Database and available through the Florida Crime Information Center system.³

The DHSMV does not currently allow a motor vehicle owner or registrant to designate on his or her application form for the motor vehicle registration, whether or not he or she, or is the parent or legal guardian of a child or ward who has been diagnosed with a developmental disability or psychiatric disorder.

Driver License and Identification Card Designations

Driver license and identification cards contain various designations/identifiers/symbols that inform law enforcement, emergency medical personnel, retail establishments, or any persons reviewing the card of certain conditions or entitlements.⁴ Designations related to physical health are as follows:

- Developmental disability is designated as a "D";
- Deaf or hard of hearing may have the international symbol for the deaf; and
- Insulin dependent persons may have the insulin dependent designation.

The SAFE Program

The Santa Rosa County Sheriff's Office created and operates the SAFE Program with the intent to protect Santa Rosa County's special needs community and any person who may not respond

¹ Section 320.02(1), F.S.

² Section 320.02(2)(a), F.S.

³ Section 320.02(14), F.S.

⁴ DHSMV 2024 Legislative Bill Analysis: SB 288 (December 14, 2023) at p. 2.

as expected in an emergency situation.⁵ The SAFE Program allows families to voluntarily fill out a form to enroll their loved ones in the program. Once the information from the form is received from a family or individual, the dispatchers enter the details into their local communication system. The information is then securely shared with other first responders in the community. After enrollment in the program, a family will be mailed complimentary decals to place at the entrance of their home and on the rear window of their vehicles if they so choose. The decal is an immediate signal to all Santa Rosa's first responders that the family's situation is different and that there is extra information available to keep everyone safe. The decal indicates for first responders to handle the situation with a little extra care.⁶

III. Effect of Proposed Changes:

The bill provides legislative intent and provides that the act be known as the "Safeguarding American Families Everywhere (SAFE) Act."

The bill amends s. 320.02, F.S., to provide that the application form for motor vehicle registrations must include language allowing an applicant to voluntarily indicate that the applicant has been diagnosed with, or is the parent or legal guardian of a child or ward has been diagnosed with any of the following disabilities or disorders by a physician licensed under ch. 458, F.S., or ch. 459, F.S.:

- Autism;
- Attention deficit hyperactivity disorder;
- Down syndrome;
- Alzheimer's disease;
- Traumatic brain injury;
- Posttraumatic stress disorder;
- Diabetes;
- An autoimmune disorder;
- Deafness;
- Blindness; or
- Any other mentally or physically limiting disorder

If the applicant indicates a diagnosis listed above on the application, the department must include the designation "SAFE" in the motor vehicle record. The department may not include in the motor vehicle record personal identifying information of or any diagnosis of a person for whom a diagnosis is indicated. The department must also allow a motor vehicle owner or co-owner to update a motor vehicle registration to include or remove the "SAFE" designation at any time.

The bill makes conforming changes in s. 320.27, F.S.

⁵ Certain law enforcement data has suggested that individuals with special needs are seven times more likely to have law enforcement encounters than the general population. Moreover, studies have suggested that there needs to be better preparation of law enforcement and the special needs community to understand these interactions and to improve the safety of everyone involved in emergency situations. Autism Speaks, *How better understanding can support better outcomes in police interactions with autistics*, (Dec. 23, 2020), <https://www.autismspeaks.org/science-news/how-better-understanding-can-support-better-outcomes-police-interactions-autistics> (last visited Jan. 29, 2024).

⁶ Santa Rosa Sheriff Office, *SAFE Program*, <https://santarosasheriff.org/safe-program/> (last visited Jan. 29, 2024).

The bill takes effect October 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has an insignificant, negative fiscal impact on the DHSMV, as the department will need to make changes to its motor vehicle registration application and enter the new information in the Driver and Vehicle Information Database. Additionally, the MyDMV Portal will need to be updated. The DHSMV estimates that the bill will cost \$33,120 for such programming and implementation.⁷

VI. Technical Deficiencies:

None.

⁷ DHSMV, 2024 Legislative Bill Analysis: SB 288 (December 14, 2023) at p. 5.

VII. Related Issues:

The DHSMV recommends that the effective date of the bill should be amended to October 1, 2025, in order to allow adequate time for programming and implementation of the bill.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.02 and 320.27.

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 Appropriations Committee on Transportation, Tourism, and Economic Development on February 13, 2024:

The committee substitute:

- Removes a reference to the Driver and Vehicle Information Database and substitutes the term “motor vehicle record.”
- Prohibits DHSMV from including any personal identifying information of any diagnosis of a person who has indicated a disability in a motor vehicle record.
- Clarifies that a motor vehicle owner or co-owner may update a motor vehicle registration to include or remove the “SAFE” designation at any time.

CS by Transportation on February 6, 2024:

The committee substitute:

- Adds the term “American” to the title of the act to read “Safeguarding American Families Everywhere (SAFE) Act.”
- Lists specific disabilities or disorders which may be included on the application for motor vehicle registration.
- Specifies the information on the application must be included through the Driver and Vehicle Information Database.
- Changes the effective date from July 1, 2024 to October 1, 2024.

- B. **Amendments:**

None.



409106

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2024	.	
	.	
	.	
	.	

The Appropriations Committee on Transportation, Tourism, and Economic Development (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

1 Delete lines 66 - 71
2
3 and insert:
4 the application, the department must include the designation
5 "SAFE" in the motor vehicle record. For purposes of this
6 subsection, the department may not include in the motor vehicle
7 record personal identifying information of or any diagnosis of a
8 person for whom a diagnosis is indicated. The department must
9 allow a motor vehicle owner or co-owner to update a motor
10



409106

11 vehicle registration to include or remove the "SAFE" designation
12 under this subsection at any

13
14

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

16 And the title is amended as follows:

17 Delete lines 10 - 16

18 and insert:

19 disorders; requiring a specified designation to be
20 included in a motor vehicle record; prohibiting
21 inclusion of specified information in a motor vehicle
22 record for certain purposes; requiring the Department
23 of Highway Safety and Motor Vehicles to allow
24 specified persons to update a motor vehicle
25 registration to include or remove the specified
26 designation at any time;

27

By the Committee on Transportation; and Senators Rodriguez and Hooper

596-02953-24

2024288c1

1 A bill to be entitled
 2 An act relating to designation of a certain diagnosis
 3 on motor vehicle registrations; providing a short
 4 title; amending s. 320.02, F.S.; requiring the
 5 application form for motor vehicle registration to
 6 include certain language allowing an applicant to
 7 indicate that he or she has been diagnosed with, or is
 8 the parent or legal guardian of a child or ward who
 9 has been diagnosed with, specified disabilities or
 10 disorders; requiring that certain information be
 11 included in a specified database if an applicant
 12 indicates a certain diagnosis and provides proof of
 13 such; requiring the Department of Highway Safety and
 14 Motor Vehicles to allow specified persons to update a
 15 motor vehicle registration to include or remove
 16 information regarding a diagnosis at any time;
 17 amending s. 320.27, F.S.; conforming a cross-
 18 reference; providing an effective date.
 19
 20 WHEREAS, persons with special needs, including
 21 developmental disabilities and mental illnesses, are among the
 22 most vulnerable within their communities, and
 23 WHEREAS, interacting with law enforcement officers or first
 24 responders in an emergency, such as a motor vehicle crash or
 25 other crisis situation, can be more complex for persons with
 26 special needs, as language, physical, cognitive, learning, or
 27 mental disabilities may create barriers to receiving immediate
 28 and appropriate assistance, and
 29 WHEREAS, providing law enforcement officers and first

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

596-02953-24

2024288c1

30 responders with advance notice that a person with whom they are
 31 about to interact has a developmental disability, mental
 32 illness, or other special need will improve communication,
 33 reduce unnecessary adverse actions, and ensure that the person
 34 receives the specific response and care he or she requires, NOW,
 35 THEREFORE,
 36
 37 Be It Enacted by the Legislature of the State of Florida:
 38
 39 Section 1. This act may be cited as the "Safeguarding
 40 American Families Everywhere (SAFE) Act."
 41 Section 2. Present subsections (15) through (20) of section
 42 320.02, Florida Statutes, are redesignated as subsections (16)
 43 through (21), respectively, and a new subsection (15) is added
 44 to that section, to read:
 45 320.02 Registration required; application for registration;
 46 forms.-
 47 (15) The application form for motor vehicle registration
 48 must include language allowing an applicant to voluntarily
 49 indicate that the applicant has been diagnosed with, or is the
 50 parent or legal guardian of a child or ward who has been
 51 diagnosed with, any of the following disabilities or disorders
 52 by a physician licensed under chapter 458 or chapter 459:
 53 (a) Autism.
 54 (b) Attention deficit hyperactivity disorder.
 55 (c) Down syndrome.
 56 (d) Alzheimer's disease.
 57 (e) Traumatic brain injury.
 58 (f) Posttraumatic stress disorder.

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

596-02953-24

2024288c1

- 59 (g) Diabetes.
 60 (h) An autoimmune disorder.
 61 (i) Deafness.
 62 (j) Blindness.
 63 (k) Any other mentally or physically limiting disorder.

64
 65 If the applicant indicates one of the diagnoses listed above on
 66 the application and provides proof acceptable to the department
 67 of such diagnosis, the information from the application must be
 68 included through the Driver and Vehicle Information Database.
 69 The department must allow a motor vehicle owner or co-owner to
 70 update a motor vehicle registration to include or remove
 71 information regarding a diagnosis under this subsection at any
 72 time.

73 Section 3. Paragraph (b) of subsection (9) of section
 74 320.27, Florida Statutes, is amended to read:

75 320.27 Motor vehicle dealers.—

76 (9) DENIAL, SUSPENSION, OR REVOCATION.—

77 (b) The department may deny, suspend, or revoke any license
 78 issued hereunder or under the provisions of s. 320.77 or s.
 79 320.771 upon proof that a licensee has committed, with
 80 sufficient frequency so as to establish a pattern of wrongdoing
 81 on the part of a licensee, violations of one or more of the
 82 following activities:

83 1. Representation that a demonstrator is a new motor
 84 vehicle, or the attempt to sell or the sale of a demonstrator as
 85 a new motor vehicle without written notice to the purchaser that
 86 the vehicle is a demonstrator. For the purposes of this section,
 87 a "demonstrator," a "new motor vehicle," and a "used motor

596-02953-24

2024288c1

88 vehicle" shall be defined as under s. 320.60.

89 2. Unjustifiable refusal to comply with a licensee's
 90 responsibility under the terms of the new motor vehicle warranty
 91 issued by its respective manufacturer, distributor, or importer.
 92 However, if such refusal is at the direction of the
 93 manufacturer, distributor, or importer, such refusal shall not
 94 be a ground under this section.

95 3. Misrepresentation or false, deceptive, or misleading
 96 statements with regard to the sale or financing of motor
 97 vehicles which any motor vehicle dealer has, or causes to have,
 98 advertised, printed, displayed, published, distributed,
 99 broadcast, televised, or made in any manner with regard to the
 100 sale or financing of motor vehicles.

101 4. Failure by any motor vehicle dealer to provide a
 102 customer or purchaser with an odometer disclosure statement and
 103 a copy of any bona fide written, executed sales contract or
 104 agreement of purchase connected with the purchase of the motor
 105 vehicle purchased by the customer or purchaser.

106 5. Failure of any motor vehicle dealer to comply with the
 107 terms of any bona fide written, executed agreement, pursuant to
 108 the sale of a motor vehicle.

109 6. Failure to apply for transfer of a title as prescribed
 110 in s. 319.23(6).

111 7. Use of the dealer license identification number by any
 112 person other than the licensed dealer or his or her designee.

113 8. Failure to continually meet the requirements of the
 114 licensure law.

115 9. Representation to a customer or any advertisement to the
 116 public representing or suggesting that a motor vehicle is a new

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117 motor vehicle if such vehicle lawfully cannot be titled in the
118 name of the customer or other member of the public by the seller
119 using a manufacturer's statement of origin as permitted in s.
120 319.23(1).

121 10. Requirement by any motor vehicle dealer that a customer
122 or purchaser accept equipment on his or her motor vehicle which
123 was not ordered by the customer or purchaser.

124 11. Requirement by any motor vehicle dealer that any
125 customer or purchaser finance a motor vehicle with a specific
126 financial institution or company.

127 12. Requirement by any motor vehicle dealer that the
128 purchaser of a motor vehicle contract with the dealer for
129 physical damage insurance.

130 13. Perpetration of a fraud upon any person as a result of
131 dealing in motor vehicles, including, without limitation, the
132 misrepresentation to any person by the licensee of the
133 licensee's relationship to any manufacturer, importer, or
134 distributor.

135 14. Violation of any of the provisions of s. 319.35 by any
136 motor vehicle dealer.

137 15. Sale by a motor vehicle dealer of a vehicle offered in
138 trade by a customer prior to consummation of the sale, exchange,
139 or transfer of a newly acquired vehicle to the customer, unless
140 the customer provides written authorization for the sale of the
141 trade-in vehicle prior to delivery of the newly acquired
142 vehicle.

143 16. Willful failure to comply with any administrative rule
144 adopted by the department or the provisions of s. 320.131(8).

145 17. Violation of chapter 319, this chapter, or ss. 559.901-

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146 559.9221, which has to do with dealing in or repairing motor
147 vehicles or mobile homes. Additionally, in the case of used
148 motor vehicles, the willful violation of the federal law and
149 rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the
150 consumer sales window form.

151 18. Failure to maintain evidence of notification to the
152 owner or co-owner of a vehicle regarding registration or titling
153 fees owed as required in s. 320.02(18) ~~s. 320.02(17)~~.

154 19. Failure to register a mobile home salesperson with the
155 department as required by this section.

156 Section 4. This act shall take effect October 1, 2024.

APPEARANCE RECORD

2/13/24

Meeting Date

288

Bill Number or Topic

Transportation, Tourism & Development

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

409106

Amendment Barcode (if applicable)

Name Abdelilah Skhir

Phone 786-363-1660

Address 4343 W Flagler St Ste 400

Email askhir@acluf.org

Street

Miami

City

FL

State

33134

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

ACLU of Florida

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

2/13/24

Meeting Date

Transpo Tourism and Dev.

Committee

Name Olivia Babis Keller

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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288

Bill Number or Topic

409106

Amendment Barcode (if applicable)

Phone 850-617-9718

Address 2473 Care Drive, suite 200

Email oliviak@drflorida.org

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Disability Rights Florida

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

APPEARANCE RECORD

2/13/2024

SB 288

Meeting Date
Senate Appropriations Committee on transportation
Tourism, and economic development
Committee

Deliver both copies of this form to
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Bill Number or Topic

Amendment Barcode (if applicable)

Name Cody Gonyo Phone 850-960-1914

Address 6658 De Soto St Email gonyocody@gmail.com

Street

Navarre

City

FL

State

32566

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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APPEARANCE RECORD

SB 288

Bill Number or Topic

13 Feb 24
Meeting Date
appropriations committee on
transportation, tourism and economic development
Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Stephan John Boezar

Phone 850-375-7077

Address 2264 Prytania Cir
Street

Email _____

Navarre
City

FL
State

32566
Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) (flsenate.gov)

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The Florida Senate

APPEARANCE RECORD

Feb 13, 2024

Meeting Date

SB 208

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Appropriations Committee on Transportation, Tourism and Economic Development

Amendment Barcode (if applicable)

Name Angela Nandin Phone 702-336-8465

Address 6602 Federal St. Street

City NAVARRE State FL Zip 32566

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

- [X] I am appearing without compensation or sponsorship. [] I am a registered lobbyist, representing: [] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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The Florida Senate

APPEARANCE RECORD

2/13/2024

288

Meeting Date

Bill Number or Topic

Appropriations Committee on Transportation, Tourism, and Economic Development

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name Matt Dunagan Phone 850-877-2165

Address 2617 Mahan Drive Email mdunagan@flsheriffs.org

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Sheriffs Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Hooper, Chair
Committee on Appropriations Committee on Transportation, Tourism, and
Economic Development

Subject: Committee Agenda Request

Date: February 6, 2024

I respectfully request that **CS/SB #288**, relating to Designation of a Certain Diagnosis on Motor Vehicle Registrations, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script, appearing to read "Ana Maria Rodriguez".

Senator Ana Maria Rodriguez
Florida Senate, District 40

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 Appropriations Committee on Transportation, Tourism, and Economic Development

BILL: CS/SB 440

INTRODUCER: Transportation Committee and Senator Wright

SUBJECT: Utility Terrain Vehicles

DATE: February 13, 2024 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Shutes</u>	<u>Vickers</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Jerrett</u>	<u>ATD</u>	<u>Favorable</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 440 creates a definition for “utility terrain vehicle” (UTV) and authorizes the operation of such vehicles on certain roadways. Specifically, the bill defines a UTV as a vehicle less than 70 inches in width which has at least two seats allowing passengers to sit in a side-by-side manner, is operated by foot controls and a steering wheel, and is equipped with headlamps, stop lamps, turn signals, tail lamps, rearview mirrors, a windshield, seat belts, and a horn. A UTV must comply with specified insurance and registration requirements.

The bill authorizes a UTV to legally operate on two-lane county roads and two-lane municipal streets in which the posted speed limit is less than 55 miles per hour. A UTV may only be operated on a part of the State Highway System necessary to cross the highway at an angle of approximately 90 degrees to the direction of the roadway and at a place where a quick and safe crossing can be made. The bill allows the operator to drive the UTV during all hours, however, a UTV may only be operated by a licensed driver or a person possessing a learner’s driver license who is under the direct supervision of a licensed driver.

The bill provides that a county or municipality may enact an ordinance regulating UTV operation and equipment that is more restrictive than statutory requirements. A county or municipality is authorized to prohibit the operation of a UTV on any road under its jurisdiction if the governing body determines that such prohibition is necessary in the interest of safety.

The bill establishes penalties associated with the operation of a UTV. A violation of such is a noncriminal traffic infraction, punishable as a nonmoving violation, as provided in ch. 318, F.S.

The bill will likely have both positive and negative fiscal impacts on private and governmental sectors. *See* Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2024.

II. Present Situation:

Florida law establishes various regulations governing golf carts, all terrain vehicles and low speed vehicles, among others. These regulations generally address applicable traffic laws, equipment, registration, titling, and insurance. Currently, Florida law does not define a utility terrain vehicle or authorize their operation on public roads.

Operation of Golf Carts

A golf cart is defined as a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.¹ Section 316.212, F.S, provides for the operation of golf carts on certain roadways. Except as provided in statute, the operation of a golf cart upon public roads or streets is prohibited.

A golf cart may be operated upon a county road designated by the county, a municipal street designated by the municipality, or a two-lane county road located within the jurisdiction of a municipality designated by that municipality, for use by golf carts. Prior to making a designation, the responsible local governmental entity must first determine that golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume, and character of motor vehicle traffic using the road or street. Upon a determination that golf carts may be safely operated on a designated road or street, the responsible governmental entity must post appropriate signs to indicate that such operation is allowed.²

A golf cart may be operated on a part of the State Highway System³ under the following conditions:⁴

- To cross a portion of the State Highway System which intersects a county road or municipal street that has been designated for use by golf carts if the Florida Department of Transportation (FDOT) has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

¹ Section 320.01(22), F.S.

² Section 316.212(1), F.S.

³ Section 334.03(24), F.S., defines the term “State Highway System” to mean the interstate system and all other roads within the state which were under the jurisdiction of the state on June 10, 1995, and roads constructed by an agency of the state for the State Highway System, plus roads transferred to the state's jurisdiction after that date by mutual consent with another governmental entity, but not including roads so transferred from the state's jurisdiction. These facilities shall be facilities to which access is regulated.

⁴ Section 316.212(2), F.S.

- To cross, at midblock, a part of the State Highway System where a golf course is constructed on both sides of the highway if the FDOT has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

Upon its determination that golf carts may be operated on a given road, the FDOT must post appropriate signs on the road to indicate that such operation is allowed.⁵

A golf cart may only be operated during the hours between sunrise and sunset, unless the responsible governmental entity has determined that a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.⁶

A golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.⁷

A golf cart may not be operated on public roads or streets by a person:

- Who is under 18 unless that person has a valid learner's driver license or driver license.
- Who is 18 or older unless that person possesses a valid government-issued photographic identification.⁸

A local governmental entity may enact an ordinance relating to golf cart operation and equipment that is more restrictive than those enumerated in s. 316.212, F.S. However, such an ordinance must apply only to an unlicensed driver. Upon enactment of such ordinance, the local governmental entity must post appropriate signs or otherwise inform the residents that such an ordinance exists and that it will be enforced within the local government's jurisdictional territory.⁹

A violation of age or equipment requirements regarding the use of a golf cart is a noncriminal traffic infraction punishable as a nonmoving violation.¹⁰ A violation of the permissible operation of a golf cart on public roads or a violation of the hours of permissible operation of a golf cart is a noncriminal traffic infraction punishable as a moving violation.¹¹

All Terrain Vehicles (ATVs)

Section 316.2123, F.S., provides for the operation of an ATV on certain roadways. An ATV is defined as any motorized off-highway or all-terrain vehicle 55 inches or less in width which has

⁵ *Id.*

⁶ Section 316.212(5), F.S.

⁷ Section 316.212(6), F.S.

⁸ Section 316.212(7), F.S.

⁹ Section 316.212(8)(a), F.S.

¹⁰ Section 316.212(9), F.S. Section 318.18, F.S., provides the statutory base fine for a nonmoving violation is \$30 plus court costs and fees, which can increase the total penalty up to \$108.

¹¹ Section 316.212(9), F.S. Section 318.18, F.S., provides the statutory base fine for a moving violation is \$60 plus court costs and fees, which can increase the total penalty up to \$158.

a dry weight of 1,500 pounds or less, is designed to travel on three or more nonhighway tires, and is manufactured for recreational use by one or more persons.¹²

An ATV is prohibited upon public roads or streets of Florida, except that an ATV may be operated during the daytime on an unpaved roadway where a posted speed limit is less than 35 miles per hour.¹³

A county is exempt from s. 316.2123, F.S., (specifically, the authorization for ATV operation on specified roadways) if the governing body of the county, by a majority vote, following a noticed public hearing, votes to exempt the county from this provision. Alternatively, a county may, by majority vote after such hearing, designate certain unpaved roadways where an ATV may be operated during the daytime as long as each such designated roadway has a posted speed limit of 35 miles per hour or less, and appropriately marked to indicate permissible ATV use.¹⁴

Any ATV operation that is permitted under s. 316.2123, F.S., may be undertaken only by a licensed driver or a minor, who may be unlicensed, who is under the direct supervision of licensed driver. The operator must provide proof of ownership under ch. 317, F.S., upon the request of a law enforcement officer.¹⁵

ATVs are titled pursuant to ch. 317, F.S.,¹⁶ but not registered nor provided with a license plate. The manufacturing, distribution, and sale of ATVs is not regulated under ch. 320, F.S., as a motor vehicle and therefore are not required to meet Florida's motor vehicle franchise laws.

Low-speed Vehicles and Mini Trucks

A low-speed vehicle is defined as any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 and s. 316.2122, F.S.¹⁷ A mini-truck is defined as any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 and s. 316.2122, F.S.¹⁸

A low-speed vehicle or mini truck may be operated only on streets where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle or mini truck from

¹² Section 317.0003(1), F.S.

¹³ Section 316.2123(1), F.S.

¹⁴ Section 316.2123(2), F.S.

¹⁵ Section 316.2123(3), F.S.

¹⁶ Chapter 317, F.S., provides that the administration of off-highway vehicle titling laws is under the DHSMV, which shall provide for the issuing, handling, and recording of all off-highway vehicle titling applications and certificates, including the receipt and accounting of off-highway vehicle titling fees. Section 317.0002, F.S., states that it is the intent of the Legislature that all off-highway vehicles operated on public lands be titled and issued a certificate of title to allow for easy determination of ownership.

¹⁷ Section 320.01(41), F.S. 49 CFR Part 571 is a set of Federal Motor Vehicle Safety Standards that establish minimum performance requirements for motor vehicles and motor vehicle equipment in the United States. This standard specifies requirements for low-speed vehicles.

¹⁸ Section 320.01(41), F.S.

crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour. A low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.¹⁹

A low-speed vehicle or mini truck must be registered and insured in accordance with s. 320.02, F.S., and titled pursuant to ch. 319, F.S. Any person operating a low-speed vehicle or mini truck must have in his or her possession a valid driver license.²⁰

Low-speed vehicles and mini trucks are regulated under ch. 320, F.S., and fall under the manufacturing, distribution, and sales requirements, which are included in Florida's motor vehicle franchise dealer laws.

Utility Terrain Vehicles (UTVs)

As previously noted, current Florida law does not define a UTV (sometimes referred to as Recreational Off-Highway Vehicles (ROVs)²¹ or "side-by-sides"), nor does it allow for UTVs to be operated on public roads or streets. Section 317.0003(6), F.S., defines "OHM" or "Off-highway vehicles" to mean any ATV, two-rider ATV, ROV, or OHM that is used off the roads or highways of this state and that is not registered and licensed for highway use pursuant to ch. 320, F.S.

While there are various definitions used in connection with UTVs, the Recreational Off-Highway Vehicle Association²² provides the following definition:

- Designed to travel on four or more non-highway tires;
- Intended by the manufacturer for use by one or more persons and having the following characteristics:
 - A steering wheel for steering control;
 - Non-straddle seating;
 - Seatbelts;
 - An occupant protective structure;
 - Engine displacement of up to 1,000 cc;
 - Maximum speed capability greater than 30 miles per hour; and
 - Less than 80 inches in overall width, exclusive of accessories.²³

Currently, 20 states allow for UTVs (variously defined) to be operated on public roadways, but regulations vary widely from state to state in terms of the requirements for making a UTV street-

¹⁹ Section 316.2122(1), F.S.

²⁰ *Id.*

²¹ Section 317.0003, F.S., provides the following definition for the term "ROV": any motorized recreational off-highway vehicle 80 inches or less in width which has a dry weight of 3,500 pounds or less, is designed to travel on four or more nonhighway tires, and is manufactured for recreational use by one or more persons. The term does not include a golf cart as defined in ss. 316.003 and 320.01, F.S., or a low-speed vehicle as defined in s. 320.01, F.S.

²² The Recreational Off-Highway Vehicle Association is a national, not-for-profit trade association formed to promote the safe and responsible use of recreational off-highway vehicles manufactured or distributed in the United States. Recreational Off-Highway Vehicle Association, <https://rohva.org/about-us/> (last visited January 26, 2024).

²³ The Recreational Off-Highway Vehicle Association, *What is an ROV?*, <https://rohva.org/what-is-an-rov/> (last visited January 26, 2024)

legal. “Street-legal UTVs are universally required to have brake lights, turn signals, headlights, and hazard lights. Some states require additional equipment before they deem a UTV to be street-legal. Just as each state has different regulations for the equipment that street-legal UTVs must have, each state also has varying regulations for how these vehicles can be operated on public roads. Most states only allow UTVs to be operated on county roads. UTVs are not allowed on interstate highways.”²⁴

III. Effect of Proposed Changes:

The bill creates s. 316.21275, F.S., to define the term “utility terrain vehicle” or “UTV” to mean a vehicle less than 70 inches in width which has at least two seats allowing passengers to sit in a side-by-side manner, operated by foot controls and a steering wheel and which is equipped with headlamps, stop lamps, turn signals, tail lamps, rearview mirrors, a windshield, seat belts, and a horn. The bill defines the term “direct supervision” to mean a person who is in the adjacent front passenger seat of the UTV being operated.

A UTV may only be operated on designated two-lane county roads or two-lane municipal streets in which the posted speed limit is less than 55 miles per hour. Before making such designation, the responsible county or municipality must first determine that a UTV may safely travel on or cross the public road or street, considering factors including speed, volume, and character of motor vehicle traffic using the road or street.

A UTV may be operated only on a part of the State Highway System necessary to cross the highway at an angle of approximately 90 degrees to the direction of the roadway and at a place where a quick and safe crossing can be made. The Department of Transportation may prohibit the operation of UTVs on any road in its jurisdiction if it determines that such prohibition is necessary in the interest of safety.

The bill allows the operator to drive the UTV during all hours. A UTV may only be operated by a licensed driver pursuant to s. 322.18, F.S., or a person possessing a learner’s driver license pursuant to s 322.1615, F.S., who is under the direct supervision of a licensed driver.

The owner or operator of a UTV must comply with all of the following requirements and regulations:

- Obey traffic regulations enumerated in ch. 316, F.S., and operate his or her UTV with due care.
- Provide proof of ownership under ch. 317, F.S., upon the request of a law enforcement officer.
- Fulfill all insurance requirements pursuant to s. 324.022, F.S.
- Ensure that the UTV has the proper license plate pursuant to s. 320.0847, F.S.

The bill allows a county or municipality to enact an ordinance regarding UTV operation and equipment which is more restrictive than those requirements enumerated in statute. A county or municipality may also prohibit the use of UTVs on any road under its jurisdiction if the

²⁴ World Population Review, *UTV Street Legal States 2024*, [UTV Street Legal States 2024 \(worldpopulationreview.com\)](https://worldpopulationreview.com/utv-street-legal-states-2024), (last visited January 24, 2024).

governing body of such county or municipality determines that such prohibition is necessary in the interest of safety.

The bill authorizes penalties associated with operating a UTV. A violation of such is a noncriminal traffic infraction, punishable as a nonmoving violation, as provided in ch. 318.

In order to implement the bill the DHSMV would issue a title to the UTV owner and the operator of a UTV would be required to provide proof of ownership under ch. 317, F.S., upon the request of a law enforcement officer. As a result, UTVs would be titled as an Off-Highway Vehicle, but unlike ATVs that are not registered, UTVs would be registered as an on-highway vehicle (like low-speed vehicles and mini-trucks).²⁵

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The reclassification of UTVs will subject owners of such vehicles to existing motor vehicle registration fees.

²⁵ Department of Highway Safety and Motor Vehicles, Agency Analysis of 2024 Senate Bill 440, p. 3, December 12, 2023. (On file with the Senate Committee on Transportation)

B. Private Sector Impact:

Manufacturers and dealers of UTVs may be subject to regulation under the state's motor vehicle manufacturer and franchise dealer laws.

C. Government Sector Impact:

The DHSMV estimates that the bill will have an indeterminate positive fiscal impact on state government revenue associated with the resulting increase in motor vehicle titling and registration fees.²⁶

The DHSMV anticipates the bill will have an indeterminate negative fiscal impact associated with additional expenditures on title stock, registration stock, license plates, and decal inventory.²⁷

The DHSMV estimates a negative fiscal impact of \$69,090 associated with new programming and implementation of the bill.²⁸ These costs can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

In view of the extensive programming, communication, and education requirements associated with the implementation of the bill, the DHSMV recommends changing the effective date to October 1, 2025.²⁹

VIII. Statutes Affected:

This bill creates section 316.21275 of the Florida Statutes.

This bill substantially amends section 320.0847 of the Florida Statutes.

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

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

CS by Transportation on January 30, 2024:

The committee substitute:

- Creates a new section of the Florida Statutes governing the operation of UTVs on certain roadways.

²⁶ *Id.* at 5.

²⁷ *Id.* at 6.

²⁸ *Id.* at 5.

- Amends the definition of UTV to include foot controls and a steering wheel, and defines the term “direct supervision.”
- Provides that a UTV can only be operated on a two-lane county road or a two-lane municipal street that has a posted speed limit of less than 55 miles per hour that has been designated for UTV use by the appropriate local government.
- Specifies that a UTV may only operate on part of the State Highway System if it is crossing at an angle of approximately a 90 degrees to the direction of the roadway and at a place where a quick and safe crossing can be made. The Department of Transportation is authorized to prohibit the operation of UTVs on any road in its jurisdiction.
- Clarifies that a UTV may only be operated by a licensed driver, or a person possessing a learner’s driver license who is under the direct supervision of a licensed driver.
- Authorizes a county or municipality to enact an ordinance regulating UTV operation and equipment that is more restrictive than statutory requirements. A county or municipality may also prohibit the operation of a UTV on any road under its jurisdiction if it is necessary in the interest of safety.
- Provides that a violation of the newly created UTV section of law is a noncriminal traffic infraction, punishable as a nonmoving violation.

B. Amendments:

None.

By the Committee on Transportation; and Senator Wright

596-02668-24

2024440c1

A bill to be entitled

An act relating to utility terrain vehicles; creating s. 316.21275, F.S.; defining terms; authorizing a utility terrain vehicle (UTV) to be operated during all hours; authorizing the operation of UTVs on certain roadways; authorizing the operation of UTVs on certain parts of the State Highway System only under specified conditions; authorizing the Department of Transportation to prohibit the use of UTVs under certain circumstances; authorizing persons possessing certain licenses to operate a UTV; requiring owners or operators of a UTV to follow certain regulations and requirements; authorizing a county or municipality to restrict the operation of UTVs under certain circumstances; providing penalties; amending s. 320.0847, F.S.; requiring the department to issue a license plate to the owner or lessee of a vehicle registered as a UTV upon payment of certain taxes and fees; requiring that license plates for UTVs comply with specified provisions; providing an effective date.

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

Section 1. Section 316.21275, Florida Statutes, is created to read:

316.21275 Operation of a UTV on certain roadways.—

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

(a) "Direct supervision" means a licensed driver is in the

Page 1 of 4

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

596-02668-24

2024440c1

adjacent front passenger seat of the UTV being operated.

(b) "Utility terrain vehicle" or "UTV" means a vehicle less than 70 inches in width which has at least two seats allowing passengers to sit in a side-by-side manner, is operated by foot controls and a steering wheel, and is equipped with headlamps, stop lamps, turn signals, tail lamps, rearview mirrors, a windshield, seat belts, and a horn.

(2) A UTV, may be operated during all hours.

(3) A UTV may be operated only upon:

(a) A two-lane county road with a posted speed limit of less than 55 miles per hour which has been designated by a county; or

(b) A two-lane municipal street with a posted speed limit of less than 55 miles per hour which has been designated by a municipality.

Before making such designation, the responsible county or municipality must first determine that a UTV may safely travel on or cross the public road or street, considering factors including the speed, volume, and character of motor vehicle traffic using the road or street.

(4) A UTV may be operated only on a part of the State Highway System necessary to cross the highway at an angle of approximately 90 degrees to the direction of the roadway and at a place where a quick and safe crossing can be made. The Department of Transportation may prohibit the operation of UTVs on any road in its jurisdiction if it determines that such prohibition is necessary in the interest of safety.

(5) A UTV may only be operated by a person possessing a

Page 2 of 4

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

596-02668-24 2024440c1

59 driver license pursuant to s. 322.18, or a person possessing a
 60 learner's driver license pursuant to s. 322.1615 and who is
 61 under the direct supervision of a licensed driver.

62 (6) The owner or operator of a UTV must comply with all of
 63 the following requirements and regulations:

64 (a) Obey traffic regulations enumerated in this chapter and
 65 operate his or her UTV with due care.

66 (b) Provide proof of ownership under chapter 317 upon
 67 request of a law enforcement officer.

68 (c) Fulfil all insurance requirements pursuant to s.
 69 324.022.

70 (d) Ensure that the UTV has the proper license plate
 71 pursuant to s. 320.0847.

72 (7) A county or municipality may enact an ordinance
 73 regarding UTV operation and equipment which is more restrictive
 74 than those requirements enumerated in this section.

75 (8) A county or municipality may prohibit the operation of
 76 a UTV on any road under its jurisdiction if the governing body
 77 of such county or municipality determines that such prohibition
 78 is necessary in the interest of safety.

79 (9) A violation of this section is a noncriminal traffic
 80 infraction, punishable as a nonmoving violation, as provided in
 81 chapter 318.

82 Section 2. Section 320.0847, Florida Statutes, is amended
 83 to read:

84 320.0847 Mini truck, utility terrain vehicle, and low-speed
 85 vehicle license plates.-

86 (1) The department shall issue a license plate to the owner
 87 or lessee of any vehicle registered as a low-speed vehicle as

596-02668-24 2024440c1

88 defined in s. 320.01, ~~or~~ a mini truck as defined in s. 320.01,
 89 or a utility terrain vehicle as defined in s. 316.21275 upon
 90 payment of the appropriate license taxes and fees prescribed in
 91 s. 320.08.

92 (2) The license plate for a low-speed vehicle, ~~or~~ mini
 93 truck, or utility terrain vehicle shall comply with the
 94 provisions of s. 320.06.

95 Section 3. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

2/13/24

Meeting Date

SB 440

Bill Number or Topic

APPZOPS - TRANS TOURISM ECO DEV

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name WENN PEEPLES

Phone 850 524 2033

Address 201 S MONROE ST

Street

Email Winnpeoples@aol.com

TALL

City

FL

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

RECREATIONAL OFF-HIGHWAY VEHICLE ASSOC / SPECIALTY VEHICLE INSTITUTE OF AMERICA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) [flsenate.gov](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/13/2024

Meeting Date

Appropriations Committee on Transportation, Tourism, and Economic Development

Committee

440

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Matt Dunagan**

Phone **850-877-2165**

Address **2617 Mahan Drive**

Email **mdunagan@flsheriffs.org**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Sheriffs Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Ed Hooper, Chair
Appropriations Committee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: January 30, 2024

I respectfully request that **Senate Bill 440**, relating to Utility Terrain Vehicles, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Tom A. Wright".

Senator Tom A. Wright
Florida Senate, District 8

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 Appropriations Committee on Transportation, Tourism, and Economic Development

BILL: CS/SB 592

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Burgess

SUBJECT: Historical Preservation Programs

DATE: February 13, 2024 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Limonés-Borja</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Jerrett</u>	<u>ATD</u>	<u>Favorable</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 592 creates a partnership between the Department of State (DOS) and the Florida African American Heritage Preservation Network (FAAHPN). Subject to legislative funding, the DOS and the FAAHPN will preserve Florida's black and African-American history by supporting museums, galleries, archives, technology, training, tourism, and marketing efforts. Additional eligible expenditures, such as internships and living history presentations, will be determined jointly by the DOS and the FAAHPN.

The bill takes effect upon becoming a law.

II. Present Situation:

Florida African American Heritage Preservation Network

The Florida African American Heritage Preservation Network (FAAHPN) is a professional association organized in 2001 by the John Gilmore Riley Center Museum. The FAAHPN serves as an informational and technical assistance resource in response to a growing interest in preserving Florida's African American culture, that of the African Diaspora and that of other related ethnically diverse historic resources globally.¹ The FAAHPN provides the following:

- Technical assistance to museum and historic preservation professionals;

¹ The Blanchard House Museum, *The Network*, <http://www.blanchardhousemuseum.org/network.html> (last visited Jan. 16, 2024).

- Content development and management;
- Enhancement of organizational resource allocation;
- Professional development for staff, board members, and volunteers;
- Information technology upgrades through hardware and software integration;
- Grant, fundraising and private-funding development training;
- Archival research and digitization;
- Consultation for obtaining historic designation; and
- Creation of living history exhibits and educational products.²

The following is the history of state appropriated funds received by the Network and the funds requested by the Network by fiscal year:

Spending Category	Description	2020-2021 ³	2021-2022 ⁴	2022-2023 ⁵	2023-2024 ⁶
Executive Director Salary and Benefits	Contract fees to oversee and provide ongoing administrative and technical assistance to network museums.	\$73,000	\$58,200	\$116,400	\$116,400
Expense/ Equipment/Travel/ Supplies/ Other	Office needs, network field meeting costs for workshops, and on-site technical assistance.	\$7,250	\$5,400	\$10,000	\$10,000
Consultants/ Contracted Services/Study	Technicians, specific subject/skill consultants	\$57,750	\$28,800	\$26,000	\$56,000
Salary and Benefits for others	Network interns; stipends paid and expense allowances to regular docents and volunteer FAAHPN Museum Directors.	\$95,150	\$72,800	\$142,600	\$145,600

² The Florida African American Heritage Preservation Network, *About FAAHPN*, <http://faahpn.com/about-faahpn/> (last visited Jan. 17, 2024).

³ The Florida Senate, *Local Funding Initiative Request Fiscal Year 2020-2021*, https://flsenate.gov/PublishedContent/Session/FiscalYear/FY2020-21/LocalFundingInitiativeRequests/FY2020-21_S1360.PDF (last visited Jan. 17, 2024).

⁴ The Florida Senate, *Local Funding Initiative Request Fiscal Year 2021-2022*, https://flsenate.gov/PublishedContent/Session/FiscalYear/FY2021-22/LocalFundingInitiativeRequests/FY2021-22_S1553.PDF (last visited Jan. 17, 2024).

⁵ The Florida Senate, *Local Funding Initiative Request Fiscal Year 2022-2023*, https://flsenate.gov/PublishedContent/Session/FiscalYear/FY2022-23/LocalFundingInitiativeRequests/FY2022-23_S1931.PDF (last visited Jan. 17, 2024).

⁶ The Florida Senate, *Local Funding Initiative Request Fiscal Year 2023-2024*, https://flsenate.gov/PublishedContent/Session/FiscalYear/FY2023-24/LocalFundingInitiativeRequests/FY2023-24_S1790.PDF (last visited Jan. 17, 2024).

Spending Category	Description	2020-2021 ³	2021-2022 ⁴	2022-2023 ⁵	2023-2024 ⁶
Expense/Equipment /Travel/Supplies/ Other	Grants; exhibits/ tech/events/ collections; additional \$25,000 increase to fulfill requests for the installation of state historic markers at eligible museum locations and increase in fund allowances resulting from two new network museums.	\$254,850	\$207,200	\$400,000	\$414,400
Consultants/ Contracted Services/Study	Research; public relations; communications; and marketing	\$12,000	\$27,600	\$25,000	\$57,600
Total State Funds Requested		\$500,000	\$400,000	\$720,000	\$800,000
Total State Funds Received		\$325,000	\$720,000	\$800,000	\$800,000

Florida Historical Resources Act

Chapter 267, F.S., is referred to as the “Florida Historical Resources Act.”⁷ This chapter gives the Division of Historical Resources authority to adopt rules to implement the duties provided for in ch. 267, F.S.⁸ The chapter establishes programs and policies to encourage preservation of historic resources for the public benefit. Major goals of Florida's historic preservation program are to identify, register, protect, and preserve significant historical resources which belong to the public.⁹

Division of Historical Resources

The DOS’s Division of Historical Resources (Division) is responsible for preserving and promoting Florida’s historical, archaeological, and folk culture resources. The Division Director’s Office oversees a Historic Preservation Grants program to help preserve and maintain Florida’s historic buildings and archaeological sites and coordinates outreach programs. The Division Director also serves as the State Historic Preservation Officer, acting as the liaison with the national historic preservation program conducted by the National Park Service.¹⁰

The Division is comprised of the following Bureaus:

- Bureau of Historic Preservation;

⁷ Section 267.011, F.S.

⁸ Section 267.031, F.S.

⁹ Department of State, Florida Division of Historical Resources, *Laws*, <https://dos.fl.gov/historical/archaeology/underwater/laws/#:~:text=Florida%20Historical%20Resources%20Act,land%20and%20in%20the%20water> (last visited Jan. 14, 2024).

¹⁰ Florida Department of State, Florida Division of Historical Resources, *About*, <https://dos.myflorida.com/historical/about/> (last visited Jan. 14, 2024).

- Bureau of Historical Museums; and
- Bureau of Archeological Research.¹¹

Department of State

The Department of State (DOS), created in s. 20.10, F.S., is composed of six divisions: Elections, Historical Resources, Corporations, Library and Information Services, Arts and Culture, and Administration. The head of the DOS is the Secretary of State (Secretary). The Secretary is appointed by and serves at the pleasure of the Governor, and is confirmed by the Senate. The Secretary performs functions conferred by the State Constitution upon the custodian of state records.¹² The Secretary also serves as the state protocol officer and, in consultation with the Governor and other governmental officials, develops, maintains, publishes, and distributes the state protocol manual.¹³

III. Effect of Proposed Changes:

Section 1 creates a partnership between the DOS and the FAAHPN. Subject to legislative funding, the DOS and the FAAHPN will preserve the history, culture, and contributions of Florida's black and African-American residents. The preservation efforts must include, but are not limited to the following:

- Providing funding to support member museums and affiliates and the institutions served;
- Supporting galleries and archives;
- Providing funding in the following areas:
 - Technology;
 - Equipment acquisition; and
 - Content and exhibit development, fabrication, and installation;
- Preserving documents and artifacts;
- Providing professional and resource development services such as conferences and workshops; and
- Providing funding for training, tourism, and marketing to promote visitation to and viewership of Florida's black history and African-American history museums, places, and other spaces.

The DOS and the FAAHPN will determine other eligible expenditure's related to the goal and mission of the partnership.

Section 2 provides that the bill will take effect on July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to

¹¹ *Id.*

¹² Section 20.10(1), F.S.

¹³ Section 15.01(1), F.S.

raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None. The bill directs the Department of State to contract with the Network if funds are appropriated for that purpose. However, it should be noted that the Legislature, when making the appropriation, may direct the expenditure differently than described in this bill.

C. Government Sector Impact:

The bill is not expected to impact state or local government revenues and expenditures because no funds are appropriated in this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

If the intent of this bill is to establish “an appropriation that is specifically authorized by statute,” the language in the bill (“subject to the appropriation of funds by the Legislature...”) may be deficient. The State Constitution provides “no money shall be drawn from the treasury except in pursuance of appropriation made by law.”¹⁴ Section 216.011(1)(c), F.S., defines “appropriation” to mean “a legal authorization to make expenditures for specific purposes within the amounts

¹⁴ Art. VII, s. 1(1)(c), State Constitution.

authorized by law.” Thus, an appropriation is the legal authority granted by the legislature to draw money from the treasury.

In its simplest form, the bill requires the Department of State to contract with the Florida African American Heritage Preservation Network to conduct certain tasks *if* the department is appropriated funds for this purpose. This language recognizes that the Legislature must take another legislative action to authorize the drawing for funds, which could be done without the authority granted in this bill. The language of the bill is akin to proviso that would typically attach to a legislative appropriation included in the General Appropriations Act.

VIII. Statutes Affected:

This bill creates section 267.0724 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Governmental Oversight and Accountability on January 22, 2024:

The committee substitute clarifies that the “department” on line 18, is referring to the Department of State.

B. Amendments:

None.

By the Committee on Governmental Oversight and Accountability;
and Senator Burgess

585-02364-24

2024592c1

1 A bill to be entitled
2 An act relating to historical preservation programs;
3 creating s. 267.0724, F.S.; requiring the Department
4 of State to partner with the Florida African American
5 Heritage Preservation Network for a specified purpose;
6 specifying preservation efforts that may be undertaken
7 through the partnership; requiring the department and
8 the network to determine other eligible expenditures
9 necessary to further the partnership's mission and
10 goals; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 267.0724, Florida Statutes, is created
15 to read:

16 267.0724 Florida African American Heritage Preservation
17 Network.—Subject to the appropriation of funds by the
18 Legislature, the Department of State shall, in accordance with
19 s. 267.071, partner with the Florida African American Heritage
20 Preservation Network to preserve the history, culture, and
21 contributions of Florida's black and African-American residents.
22 Such preservation efforts must include, but are not limited to,
23 providing funding to support member museums and affiliates and
24 institutions served; supporting galleries and archives;
25 providing funding in the areas of technology, equipment
26 acquisition, content and exhibit development, fabrication, and
27 installation; preserving documents and artifacts; providing
28 professional and resource development services, including
29 conducting conferences and workshops; and providing funding for

Page 1 of 2

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

585-02364-24

2024592c1

30 training, tourism, and marketing to promote visitation to and
31 viewership of Florida's black and African-American history
32 museums, places, and other spaces. The department and the
33 Florida African American Heritage Preservation Network shall
34 determine other eligible expenditures related to the
35 partnership's stated mission and goals, which may include
36 providing funding for an internship, field training sessions,
37 virtual communication methods to maintain connectivity among the
38 museums, traveling exhibits, and living history presentations.
39 Section 2. This act shall take effect July 1, 2024.

Page 2 of 2

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



The Florida Senate

Committee Agenda Request

To: Senator Ed Hooper, Chair
Appropriations Committee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: February 1, 2024

I respectfully request that **Senate Bill #592**, relating to Historic Preservation Programs, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Danny".

Senator Danny Burgess
Florida Senate, District 23

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 Appropriations Committee on Transportation, Tourism, and Economic Development

BILL: CS/SB 858

INTRODUCER: Transportation Committee and Senator Jones

SUBJECT: Specialty License Plates/Recycle Florida and Boating Capital of the World

DATE: February 13, 2024 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Shutes</u>	<u>Vickers</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Jerrett</u>	<u>ATD</u>	<u>Favorable</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 858 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to create two new specialty license plates: Recycle Florida and Boating Capital of the World. The annual use fee for each plate is \$25.

Annual use fees from the sale of the Recycle Florida license plate will be distributed to the Recycle Florida Today Foundation, Inc., to be used to increase public awareness about the importance of recycling, resource conservation, and environmental stewardship; to promote robust, comprehensive, and sustainable recycling programs; and to support the professional development of persons employed in the relevant fields.

Annual use fees from the sale of the Boating Capital of the World license plate will be distributed to Captain Sandy Yawn, Inc., to increase public awareness of employment opportunities in the maritime industry; to fund maritime workforce instruction and training; to promote professional development and job placement in all sectors; and to support advancement of education for trainees in the maritime industry.

The DHSMV estimates programming and implementation of each plate will cost \$7,680. See Section V., Fiscal Impact Statement.

The bill takes effect October 1, 2024.

II. Present Situation:

Recycle Florida Today Foundation, Inc.

Recycle Florida Today Foundation, Inc., was founded in 2022 and is a Florida not-for-profit corporation registered with the Florida Department of State.¹ The organization’s mission is “provide value to our membership by promoting resource conservation and environmental stewardship”².

The organization’s vision is to inform the public, law-making bodies, and the business community of the economic significance and importance of waste prevention and source reduction and to demonstrate the high professional standards of those involved in the business of recycling. The organization believes that this is accomplished through sponsorship of education meetings, research, and publication of articles, reports, statistics, and other material.³

Captain Sandy Yawn, Inc.

Captain Sandy Yawn, Inc., was founded by Captain Sandy Yawn in 2019 and is a Florida not-for-profit corporation registered with the Florida Department of State.⁴ Captain Sandy Yawn, Inc., supports Captain Sandy’s Charities, which “promote awareness, funding, and structure of four foundational pillars based on Captain Sandy’s direct experience, her desire to give back, and in recognition of those critical people, places, and institutions that helped her along the way.”⁵

The organization focuses on maritime employment opportunities, environmental education, behavioral health assistance, and developmental disability services.⁶

Specialty License Plates

As of December 2023, there are 144 specialty license plates authorized by the Legislature. Of these plates, 109 are available for immediate purchase and 31 are in the presale process.⁷ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and

¹ Florida Department of State: Division of Corporations, *Recycle Florida Today Foundation, Inc.*, Sunbiz.org, Document number N22000012565 (December 20, 2023).

² *Id.*

³ Recycle Florida Today Foundation, Inc., *Home*, [Recycle Florida Today, Inc. – Recycle Today for a Sustainable Tomorrow](#) (last visited December 20, 2023).

⁴ Florida Department of State: Division of Corporations, *Captain Sandy Yawn, Inc.*, Sunbiz.org, Document number N19000006425 (December 20, 2023).

⁵ *Id.*

⁶ Captain Sandy Yawn, *Charities*, [Donate to Captain Sandy’s Charities – Captain Sandy Yawn](#) (last visited December 20, 2023).

⁷ DHSMV Presentation to the Senate Transportation Committee, *Specialty License Plates* (January 24, 2023), slideshow available at https://www.flsenate.gov/Committees/Show/TR/MeetingPacket/5615/10046_MeetingPacket_5615_3.pdf (last visited October 10, 2023).

service fees.⁸ The annual use fees are distributed to organizations in support of a particular cause or charity signified on the plate's design and designated in statute.⁹

In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue presale vouchers for the specialty license plate; and
- Within 24 months after the presale vouchers are established, the organization must obtain a minimum of 3,000 voucher sales before manufacturing of the plate may begin.¹⁰

If the minimum sales requirement has not been met by the end of the 24-month presale period, then the DHSMV will discontinue the plate and issuance of presale vouchers. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.¹¹

New specialty license plates that have been approved by law but are awaiting issuance will be issued in the order they appear in s. 320.08058, F.S., provided that presale requirements have been met. If the next listed specialty license plate has not met the presale requirement, the DHSMV will proceed in the order provided in s. 320.08058, F.S., to identify the next qualified specialty license plate that has met the presale requirement.¹²

If the Legislature has approved 135 or more specialty license plates, the DHSMV may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued so that the number of plates being issued does not exceed 135.¹³

Use of Specialty License Plate Fees

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.¹⁴ Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.¹⁵

The annual use fees collected by an organization and the interest earned from those fees may not be used for commercial or for-profit activities, or general or administrative expenses, unless

⁸ Section 320.08056(3)(d), F.S., provides that except if specifically provided in s. 320.08056(4), the annual use fee for a specialty license plate is \$25.

⁹ Section 320.08058, F.S.

¹⁰ Chapter 2022-189, Laws of Fla., extended the presale requirement by an additional 24 months for an approved specialty license plate organization that, as of June 15, 2022, is in the presale period but had not recorded at least 3,000 voucher sales.

¹¹ Section 320.08053(2)(b), F.S.

¹² Section 320.08053(3)(a), F.S.

¹³ Section 320.08053(3)(b), F.S.

¹⁴ Section 320.08056(10)(a), F.S.

¹⁵ Section 320.08062, F.S.; Such fees may be used to pay for the cost of this required audit or report. See s. 320.08056(10)(a), F.S.

authorized by s. 320.08058, F.S.¹⁶ Additionally, the annual use fees and interest earned from those fees may not be used for the purpose of marketing to, or lobbying, entertaining, or rewarding, any employee of a governmental agency that is responsible for the sale and distribution of specialty license plates, or any elected member or employee of the Legislature.¹⁷

Discontinuance of Specialty Plates

Prior to June 30, 2023, the DHSMV was required to discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter was mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations fell below 1,000 plates. Collegiate plates for Florida universities were exempt from the minimum specialty license plate requirement.¹⁸ In addition, the DHSMV was authorized to discontinue any specialty license plate if the organization ceased to exist, stopped providing services that are funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.¹⁹

However, effective July 1, 2023, the requirement increased so that the DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 3,000 or in the case of an out-of-state college or university license plate, 4,000, for at least 12 consecutive months. The DHSMV must mail a warning letter to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 3,000, or in the case of an out-of-state college or university license plate, 4,000. This does not apply to in-state collegiate license plates established under s. 320.08058(3), F.S., license plates of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, specialty license plates for which annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, or Florida professional sports team license plates established under s. 320.08058(9), F.S.²⁰

III. Effect of Proposed Changes:

The bill amends s. 320.08058, F.S., to authorize DHSMV to create two new specialty license plates: Recycle Florida and Boating Capital of the World. The annual use fee for each plate is \$25. The two plates must bear the colors and designs approved by the department, with the word "Florida" at the top of the plate and the words "Recycle Florida" and "Boating Capital of the World" at the bottom of the respective plates.

Proceeds from the sale of each plate will be distributed to Recycle Florida Today Foundation, Inc., and Captain Sandy Yawn, Inc. The organizations may use up to 10 percent of the proceeds

¹⁶ Section 320.08056(10)(a), F.S.

¹⁷ Section 320.08056(11), F.S.

¹⁸ Section 320.08056(8)(a), F.S.

¹⁹ Section 320.08056(8)(b), F.S.

²⁰ Chapter 2020-181, s. 7, Laws of Fla.

to promote and market each plate. Thereafter, annual use fees from the sale of the plates will be distributed as follows:

- *Recycle Florida License Plate* - Annual use fees shall be used to distributed to the Recycle Florida Today Foundation, Inc., to increase public awareness about the importance of recycling, resource conservation, and environmental stewardship; to promote robust, comprehensive, and sustainable recycling programs; and to support the professional development of persons employed in the fields including, but not limited to, recycling, conservation, and sustainability.
- *Boating Capital of the World License Plate* - Annual use fees shall be distributed to Captain Sandy Yawn, Inc., to be used to increase public awareness of employment opportunities in the maritime industry; to fund maritime workforce instruction and training; to promote professional development and job placement in all sectors of employment; and to support advancement of education for trainees in the maritime industry, both at sea and on land.

The plates will be added to the DHSMV presale voucher process, but will not be produced unless the presale requirement of 3,000 vouchers is met and the 135 plate cap has not been reached.

The bill takes effect October 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If the specialty license plates are produced, the Recycle Florida Today Foundation, Inc., and Captain Sandy Yawn, Inc., will receive the annual use fees associated with sales of the plates.

C. Government Sector Impact:

The DHSMV estimates programming and implementation of each plate will cost \$7,680.²¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 320.08058 of the Florida Statutes.

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

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

CS by Transportation on January 23, 2024:

The committee substitute removes obsolete language and limits the permissible amount for administrative costs and marketing to 10 percent of annual use fees from the sale of each plate. Additionally, the committee substitutes clarifies names of corporations who will receive the annual use fees associated with the plates.

B. Amendments:

None.

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

²¹ DHSMV, *2024 Legislative Bill Analysis: SB 858* (December 12,, 2023) at p. 6.

By the Committee on Transportation; and Senator Jones

596-02423-24

2024858c1

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop Recycle Florida and Boating Capital of the World license plates; providing for distribution and use of fees collected from the sale of the plates; providing an effective date.

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

Section 1. Subsections (127) and (128) are added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(127) RECYCLE FLORIDA LICENSE PLATES.—

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

(b) The annual use fees from the sale of the plate must be distributed to the Recycle Florida Today Foundation, Inc., which may use up to 10 percent of such fees for administrative costs and marketing of the plate. The balance of the fees shall be used by the Recycle Florida Today Foundation, Inc., to increase public awareness about the importance of recycling, resource conservation, and environmental stewardship; to promote robust, comprehensive, and sustainable recycling programs; and to support the professional development of persons employed in

Page 1 of 2

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596-02423-24

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fields relating to recycling, conservation, and sustainability.

(128) BOATING CAPITAL OF THE WORLD LICENSE PLATES.—

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

(b) The annual use fees from the sale of the plate must be distributed to Captain Sandy Yawn, Inc., which may use up to 10 percent of such fees for administrative costs and marketing of the plate. The balance of the fees shall be used by Captain Sandy Yawn, Inc., to increase public awareness of employment opportunities in the maritime industry; to fund maritime workforce instruction and training; to promote professional development and job placement in all sectors of employment; and to support the advancement of education of trainees in the maritime industry, both at sea and on land.

Section 2. This act shall take effect October 1, 2024.

Page 2 of 2

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

The Florida Senate

APPEARANCE RECORD

858

Bill Number or Topic

2-13-24

Meeting Date

Deliver both copies of this form to Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Susan Goldstein

Phone

(904) 830 6300

Representing
Address

Captain Sandy's Chair Tris

Email

Susan@LogisGroupFL.com

Street

Jacksonville, FL

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) ([flsenate.gov](#))

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

The Florida Senate

APPEARANCE RECORD

SB 858

2/13/24

Meeting Date

Bill Number or Topic

Appops on Transportation

Deliver both copies of this form to Senate professional staff conducting the meeting

Committee

Tourism + Economic Dev.

Amendment Barcode (if applicable)

Name

Heather Armstrong

Phone

(850) 459-9082

Address

Exec. Director/Recycle FL Today

Email

heather@recyclefloridatoday.org

Street

Ocala FL 34474

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Recycle FL Today

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Ed Hooper, Chair
Appropriations Committee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: February 6, 2024

I respectfully request that **Senate Bill #858**, relating to Specialty License Plates/Recycle Florida and Boating Capital of the World, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink, appearing to read "Shev", written over a horizontal line.

Senator Shevrin D. "Shev" Jones
Florida Senate, District 34

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 Appropriations Committee on Transportation, Tourism, and Economic Development

BILL: CS/CS/SB 868

INTRODUCER: Appropriations Committee on Transportation, Tourism, and Economic Development; Transportation Committee, and Senator Boyd

SUBJECT: Transportation Facility Designations

DATE: February 14, 2024 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Vickers</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Nortelus</u>	<u>Jerrett</u>	<u>ATD</u>	<u>Fav/CS</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 868 creates the following honorary transportation facility designations and directs the Florida Department of Transportation (FDOT) to erect suitable markers for:

- Army Specialist Nicholas Panipinto Memorial Highway in Manatee County.
- Dylan Roberts Memorial Crosswalk in Alachua County.
- AWF3 Mohammed ‘Mo’ Haitham Memorial Way in Hillsborough and Pinellas Counties.
- Deputy Sheriff Christopher Taylor Memorial Highway in Charlotte County.
- Deputy Sheriff George Pfeil Memorial Highway in Seminole County.
- Deputy Sheriff Robert Moore Memorial Highway in Seminole County.
- Deputy Sheriff James Cleveland Jacobs Memorial Highway in Seminole County.
- Henry Dean Road in St. Johns County.
- Abe Resnick Drive in Miami-Dade County.

The bill has an insignificant, negative fiscal impact on state government. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2024.

II. Present Situation:

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

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

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, each affected local government must pass resolutions supporting the designations before the installation of the markers.³

III. Effect of Proposed Changes:

The bill creates an undesignated section of Florida law creating honorary designations of transportation facilities.

Subsection 1 designates that portion of U.S. 19 between Palm View Road and Terra Ceia Road in Manatee County as “Army Specialist Nicholas Panipinto Memorial Highway.”

On November 6, 2019, 20-year old Army Specialist Nicholas Panipinto was killed when, in a training accident, his Bradley fighting vehicle rolled over.⁴ He graduated from Manatee High School in 2017 and joined the US Army in January 2018, as an Infantryman. Nicholas was awarded the Army Commendation Medal, National Defense Service Medal, Global War on Terrorism Medal, Army Service Ribbon and received the Expert Marksmanship Badge.⁵

Subsection 2 designates the mid-block crossing and pedestrian hybrid beacon on that portion of E. University Avenue/S.R. 26 between N.E. 26th Terrace and S.E. 26th Terrace in Alachua County as “Dylan Roberts Memorial Crosswalk.”

¹ Section 334.071(1), F.S.

² Section 334.071(2), F.S.

³ Section 334.071(3), F.S.

⁴ My Fallen Soldiers, *Panipinto Nicholas*, <https://myfallensoldiers.com/2019/11/06/panipinto-nicholasarmy-specialist/>, (last visited February 2, 2024).

⁵ Nicholas C. Panipinto Obituary, <https://www.brownandsonsfuneral.com/obituary/nicholas-panipinto> (last visited February 2, 2024).

On October 27, 2021, four-year old Dylan Roberts was tragically killed when hit by a car while crossing East University Avenue in Gainesville.⁶ The FDOT has installed a pedestrian crosswalk at the site of Dylan’s death.⁷

Subsection 3 designates those portions of the Gandy Bridge on U.S. 92 located within of Hillsborough and Pinellas Counties as “AWF3 Mohammed “Mo” Haitham Memorial Way.”

On December 6, 2019, Airman Mohammed “Mo” Sameh Haitham was the victim of an active shooter at the Naval Air Station, Pensacola, Florida. He has been widely recognized as a hero for his actions in connection with the incident. Airman Haitham was a 2018 graduate of Lakewood High School in St. Petersburg.⁸

Subsection 4 designates that portion of I-75 between U.S. 17/Duncan Road and Harbor View Road in Charlotte County as “Deputy Sheriff Christopher Taylor Memorial Highway.”

On November 22, 2022, 23-year old Deputy Sheriff Christopher Taylor was fatally struck by an impaired motorist while conducting a traffic stop on I-75. Deputy Sheriff Taylor joined the Charlotte County Sheriff’s Office in August 2021 and was officially sworn in on February 14, 2022.⁹

Subsection 5 designates that portion of S.R. 434 between S.R. 400 and Ronald Reagan Blvd. in Seminole County as “Deputy Sheriff George Pfeil Memorial Highway.”

On December 29, 1977, Deputy Sheriff George Pfeil was mortally wounded when he interrupted an armed robbery at a pharmacy in Longwood. Deputy Sheriff Pfeil was a retired New York City police officer who served as a reserve deputy sheriff after moving to Florida.¹⁰

Subsection 6 designates that portion of U.S. 17-92 between 1st Street and 25th Street in Seminole County as “Deputy Sheriff Robert Moore Memorial Highway.”

On June 9, 1975, Deputy Sheriff Robert Moore succumbed to smoke inhalation and intense heat exposure while rescuing inmates during a fire at the Seminole County Jail. Deputy Sheriff Moore had successfully brought several inmates to safety before heroically re-entering the burning jail, in yet another attempt to save trapped inmates.¹¹

⁶ Aaron Adelson, *Mother of 4-year old hit and killed pleas for pedestrian safety*, November 10, 2021, <https://mycbs4.com/news/local/mother-of-4-year-old-hit-and-killed-pleas-pedestrian-safety> (last visited February 2, 2024).

⁷ Seth Johnson, *Gainesville unveils new road sign in honor of Dylan Roberts*, October 27, 2023, <https://www.mainstreetdailynews.com/news/gainesville-road-sign-dylan-roberts> (last visited February 2, 2023).

⁸ The United States Navy Memorial, *Mohammed Sameh "Mo" Haitham*, <https://navylog.navyemorial.org/haitham-mohammed> (last visited February 2, 2024).

⁹ Charlotte County Sheriff’s Office, *Deputy Christopher Taylor tragically killed in the line of duty*, <https://ccsoblog.org/2022/11/23/deputy-christopher-taylor-tragically-killed-in-the-line-of-duty/> (last visited February 2, 2024).

¹⁰ Seminole County Sheriff’s Office, *In Memoriam*, <https://www.seminolesheriff.org/page.aspx?id=18> (last visited February 2, 2024).

¹¹ *Id.*

Subsection 7 designates that portion of C.R. 419 between Snow Hill Road and the Orange County line in Seminole County as “Deputy Sheriff James Cleveland Jacobs Memorial Highway.”

On September 14, 1922, Deputy Sheriff James Cleveland Jacobs was shot and killed while attempting to arrest a man for theft. Deputy Sheriff Jacobs located the man at a nearby home, where the suspect opened fire, striking Deputy Sheriff Jacobs. Deputy Sheriff Jacobs was transported to the hospital where he succumbed to his injuries.¹²

Subsection 8 designates that portion of Guana River Road between South Ponte Verde Boulevard and the Guana River Research Reserve in St. Johns County as “Henry Dean Road.”

Henry Dean, a long-time resident of St. Johns County, served as Executive Director of the St. Johns River Water Management District for 17 years and the South Florida Water Management District for four years. Since 2016, he has served on the St. Johns County Commission.¹³

Subsection 9 designates that portion of Bay Avenue between West 25th Street and West 27th Street in Sunset Islands in Miami Dade County as “Abe Resnick Drive.”

Abe Resnick was a Holocaust survivor who was born in Lithuania. In 1960, he moved to Miami-Dade County, and from 1985 to 1993 served on the Miami Beach City Commission. He helped develop the Holocaust Memorial in Miami Beach, which still remains open. Mr. Resnick passed away on September 3, 1998.¹⁴

Subsection 10 directs the FDOT to erect suitable markers for each of the above honorary designations.

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹² *Id.*

¹³ St. Johns County, Board of County Commissioners, *About Commissioner Dean*, <https://www.sjcfl.us/bcc-district-5/> (last visited February 13, 2024).

¹⁴ Miami-Dade County Legislative Item File No. 990425, *Codesignating Dade Boulevard as Abe Resnick Boulevard*. Adopted March 4, 1999. <https://www.miamidade.gov/govaction/matter.asp?matter=990425&file=false&yearFolder=Y1999> (last visited February 13, 2024). Holocaust Memorial Miami Beach, <https://holocaustmemorialmiamibeach.org/about/history/> (last visited February 13, 2024).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The estimated cost to erect the designation markers required under this bill is \$16,200, based on the assumption that a minimum of two markers are required at a cost to the FDOT of no less than \$900 each. The estimate includes labor, materials, manufacturing, and installation. The FDOT is expected to absorb the estimated cost within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of Florida Statutes.

IX. Additional Information:

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

CS by Appropriations Committee on Transportation, Tourism, and Economic Development on February 13, 2024:

The committee substitute:

- Adds the military rank and removes the middle name for the “AWF3 Mohammed ‘Mo’ Haitham Memorial Way” designation.
- Designates Henry Dean Road in St. Johns County.
- Designates Abe Resnick Drive in Miami-Dade County.

CS by Transportation on January 30, 2023:

The committee substitute designates the following additional honorary designations for transportation facilities:

- Dylan Roberts Memorial Crosswalk in Alachua County.
- Airman Mohammed ‘Mo’ Sameh Haitham Memorial Way in Hillsborough and Pinellas Counties.
- Deputy Sheriff Christopher Taylor Memorial Highway in Charlotte County.
- Deputy Sheriff George Pfeil Memorial Highway in Seminole County.
- Deputy Sheriff Robert Moore Memorial Highway in Seminole County.
- Deputy Sheriff James Cleveland Jacobs Memorial Highway in Seminole County.

B. Amendments:

None.



866596

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2024	.	
	.	
	.	
	.	

The Appropriations Committee on Transportation, Tourism, and Economic Development (Boyd) recommended the following:

Senate Amendment

Delete lines 22 - 36
and insert:
Counties are designated as "AWF3 Mohammed 'Mo' Haitham Memorial Way.

(4) That portion of I-75 between U.S. 17/Duncan Road and Harbor View Road in Charlotte County is designated as "Deputy Sheriff Christopher Taylor Memorial Highway."

(5) That portion of S.R. 434 between S.R. 400 and Ronald



866596

11 Reagan Boulevard in Seminole County is designated as "Deputy
12 Sheriff George Pfeil Memorial Highway."

13 (6) That portion of U.S. 17-92 between 1st Street and 25th
14 Street in Seminole County is designated as "Deputy Sheriff
15 Robert Moore Memorial Highway."

16 (7) That portion of C.R. 419 between Snow Hill Road and the
17 Orange County line in Seminole County is designated as "Deputy
18 Sheriff James Cleveland Jacobs Memorial Highway."

19 (8) That portion of Guana River Road between South Ponte
20 Vedra Boulevard and the Guana River Research Reserve in St.
21 Johns County is designated as "Henry Dean Road."

22 (9) That portion of Bay Avenue between West 25th Street and
23 West 27th Street in Sunset Islands in Miami-Dade County is
24 designated as "Abe Resnick Drive."

25 (10) The Department of Transportation is directed to erect

By the Committee on Transportation; and Senator Boyd

596-02661-24

2024868c1

1 A bill to be entitled
 2 An act relating to transportation facility
 3 designations; providing honorary designations of
 4 certain transportation facilities in specified
 5 counties; directing the Department of Transportation
 6 to erect suitable markers; providing an effective
 7 date.
 8
 9 Be It Enacted by the Legislature of the State of Florida:
 10
 11 Section 1. Transportation facility designations; Department
 12 of Transportation to erect suitable markers.
 13 (1) That portion of U.S. 19 between Palm View Road and
 14 Terra Ceia Road in Manatee County is designated as "Army
 15 Specialist Nicholas Panipinto Memorial Highway."
 16 (2) The mid-block crossing and pedestrian hybrid beacon on
 17 that portion of E. University Avenue/S.R. 26 between N.E. 26th
 18 Terrace and S.E. 26th Terrace in Alachua County is designated as
 19 "Dylan Roberts Memorial Crosswalk."
 20 (3) Those portions of the Gandy Bridge on U.S. 92 located
 21 within the geographical boundaries of Hillsborough and Pinellas
 22 Counties are designated as "Airman Mohammed 'Mo' Sameh Haitham
 23 Memorial Way."
 24 (4) That portion of I-75 between U.S. 17/Duncan Road and
 25 Harbor View Road in Charlotte County is designated as "Deputy
 26 Sheriff Christopher Taylor Memorial Highway."
 27 (5) That portion of S.R. 434 between S.R. 400 and Ronald
 28 Reagan Boulevard in Seminole County is designated as "Deputy
 29 Sheriff George Pfeil Memorial Highway."

Page 1 of 2

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

596-02661-24

2024868c1

30 (6) That portion of U.S. 17-92 between 1st Street and 25th
 31 Street in Seminole County is designated as "Deputy Sheriff
 32 Robert Moore Memorial Highway."
 33 (7) That portion of C.R. 419 between Snow Hill Road and the
 34 Orange County line in Seminole County is designated as "Deputy
 35 Sheriff James Cleveland Jacobs Memorial Highway."
 36 (8) The Department of Transportation is directed to erect
 37 suitable markers designating the transportation facilities as
 38 described in this section.
 39 Section 2. This act shall take effect July 1, 2024.

Page 2 of 2

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

The Florida Senate

APPEARANCE RECORD

858

Bill Number or Topic

2-13-24

Meeting Date

Deliver both copies of this form to Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Susan Goldstein

Phone

(904) 830 6300

Representing
Address

Captain Sandy's Chair Tris

Email

Susan@LogisGroupFL.com

Street

Jacksonville, FL

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) ([flsenate.gov](#))

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 858

2/13/24

Meeting Date

Bill Number or Topic

Appops on Transportation

Deliver both copies of this form to Senate professional staff conducting the meeting

Committee

Tourism + Economic Dev.

Amendment Barcode (if applicable)

Name

Heather Armstrong

Phone

(850) 459-9082

Address

Exec. Director/Recycle FL Today

Email

heather@recyclefloridatoday.org

Street

Ocala FL 34474

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Recycle FL Today

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Banking and Insurance, *Chair*
Agriculture, *Vice Chair*
Appropriations Committee on Agriculture, Environment,
and General Government
Finance and Tax
Fiscal Policy
Judiciary
Rules

SENATOR JIM BOYD

20th District

February 1, 2024

Senator Ed Hooper
Senate Appropriation Committee on Transportation, Tourism, and Economic Development
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Hooper:

I respectfully request CS/Senate Bill 868: Transportation Facility Designations be scheduled for a hearing in the Committee on Transportation at your earliest convenience.

If I can assist you on this or any other matter, please do not hesitate to contact me.

I appreciate your consideration of this matter.

Best regards,

A handwritten signature in blue ink that reads "Jim Boyd".

Jim Boyd

cc: Charlotte Jerrett
Brooke Conlan

REPLY TO:

- 717 Manatee Avenue West, Bradenton, Florida 34205 (941) 742-6445
- 415 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

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 Appropriations Committee on Transportation, Tourism, and Economic Development

BILL: CS/CS/SB 994

INTRODUCER: Appropriations Committee on Transportation, Tourism, and Economic Development, Transportation Committee; and Senator Burgess

SUBJECT: Student Transportation Safety

DATE: February 14, 2024 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Vickers</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Jerrett</u>	<u>ATD</u>	<u>Fav/CS</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 994 revises statutory provisions relating to the camera enforcement of traffic infractions related to passing of a stopped school bus. Specifically, the bill:

- Authorizes a private vendor or manufacturer of a school bus infraction detector system to receive a fixed amount of collected proceeds for services rendered regarding a school bus infraction detection system.
- Revises required signage on school buses with infraction detection system.
- Allocates civil penalties to the appropriate school district to pay for the program and other student transportation safety enhancements.
- Provides that the collection of evidence from a school bus infraction detection system does not constitute remote surveillance.
- Limits the use of video and images from the system to specified purposes.
- Requires specified traffic penalties to be remitted to a school district.

The bill does not appear to have a fiscal impact on the public, but may have a positive fiscal impact on the private sector. See Section V., Fiscal Impact Statement.

The bill takes effect upon becoming a law.

II. Present Situation:

Use of Cameras for Traffic Enforcement

Florida law expressly preempts to the state the regulation of the use of cameras for enforcing the Florida Uniform Traffic Control Law.¹ The only cameras currently authorized to enforce traffic laws are traffic infraction detectors (commonly known as red light cameras),² speed detection systems used to enforce school zone speed limits for violations in excess of 10 miles per hour over the speed limit,³ and school bus infraction detection systems.⁴

School Bus-Related Traffic Laws

Pursuant to s. 316.172, F.S., a school bus must stop as far to the right of the street as possible and display warning lights and stop signals before discharging or loading passengers.⁵ When possible, school buses should not stop where visibility is obscured for a distance of 200 feet from the bus.⁶

When approaching a stopped school bus displaying a stop signal, a driver must bring his or her vehicle to a full stop until the bus's signal is withdrawn.⁷ However, a driver is not required to stop if his or her vehicle is traveling in the opposite direction of a stopped school bus on a divided highway with an unpaved space of at least five feet, a raised median, or a physical barrier.⁸

A person cited for failing to stop for a school bus displaying a stop signal pursuant to s. 316.172(1)(a), F.S., commits a moving violation and is subject to a \$200 civil penalty.⁹ A person cited for a moving violation may either pay the civil penalty or request a hearing to contest the citation.¹⁰ Additionally, any person who is convicted, pleads nolo contendere, or is subject to the court withholding adjudication for such violation must attend a driver improvement course.¹¹

A driver who passes a school bus on the side that children enter and exit while the school bus displays a stop signal pursuant to s. 316.172(1)(b), F.S., also commits a moving violation; however, he or she is subject to a \$400 civil penalty¹² and must attend a mandatory hearing,¹³ and attend a driver improvement course.¹⁴

¹ Section 316.0076, F.S.; ch. 316, F.S., is the Florida Uniform Traffic Control Law.

² Section 316.0083, F.S..

³ Section 316.1896, F.S.

⁴ Section 316.173, F.S.

⁵ Section 316.172(3), F.S.

⁶ *Id.*

⁷ Section 316.172(1)(a), F.S.

⁸ Section 316.172(2), F.S.

⁹ In addition to this penalty, for a second or subsequent offense within a period of 5 years, DHSMV must suspend the driver license of the person for not less than 180 days and not more than 1 year. Section 318.18(5)(a), F.S.

¹⁰ Section 318.14, F.S.

¹¹ Sections 322.0261(4)(a) and (c), F.S.

¹² In addition to this penalty, for a second or subsequent offense within a period of 5 years, DHSMV must suspend the driver license of the person for not less than 360 days and not more than 2 years. Section. 318.18(5)(a), F.S.

¹³ Sections. 316.172(1)(b) and 318.19(3), F.S.

¹⁴ Sections 322.0261(4)(a) and (c), F.S.

A driver who illegally passes a stopped school bus and:

- Does not cause serious bodily injury or death to another, will receive four points on his or her driver license record.¹⁵
- Causes serious bodily injury or death to another, will receive six points on his or her driver license record and must:¹⁶
 - Serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents;
 - Participate in a victim’s impact panel session; if such panel does not exist, the driver must attend a driver improvement course approved by the Department of Highway Safety and Motor Vehicles (DHSMV) relating to the rights of vulnerable road users relative to vehicles on the roadway;¹⁷ and
 - Pay a \$1,500 fine and have his or her driver license suspended for at least one year.¹⁸

When a driver accumulates a specified number of points on his or her driving record within a certain time period, his or her license is suspended, as follows:

- 12 points in 12 months – 30-day suspension.
- 18 points in 18 months – 3-month suspension.
- 24 points in 36 months – 12-month suspension.¹⁹

School Bus Stop Arm Traffic Citations

The Florida Department of Education created a statewide survey for bus drivers to complete regarding the illegal passing of their school buses. The 2023 survey showed that on a single day, 11,224 illegal passes were made based on the observations of 8,432 school bus drivers who completed the survey. Of these illegal passes, 568 were made on the right side of the bus where children generally enter and exit the vehicle, and 10,660 were made on the left side.²⁰

School Bus Infraction Detection Systems

In 2023, the Legislature authorized the use of school bus infraction detection systems to enforce traffic violations for passing a stopped school bus loading or unloading passengers.²¹

That bill defined the term “school bus infraction detection system” to mean a camera system affixed to a school bus with two or more camera sensors or computers that produce a recorded video and two or more film or digital photographic still images for the purpose of documenting a motor vehicle being used or operated in a manner that allegedly violates s. 316.172(1)(a) or (b), F.S.²²

¹⁵ Section 322.27(3)(d)4.a., F.S.

¹⁶ Section 322.27(3)(d)4.b., F.S.

¹⁷ Section 316.027(4)(b), F.S.

¹⁸ Section 318.18(5)(d), F.S.

¹⁹ Section 322.27(3), F.S.

²⁰ Florida Department of Education, *School Transportation, Illegal Passing of School Buses – Survey Results for 2023*, <https://www.fldoe.org/core/fileparse.php/7585/urlt/2023illegalpassing.pdf> (last visited January 3, 2024).

²¹ CS/CS/SB 766; Chapter 2023-171, Laws of Fla.

²² Section 316.003(78), F.S.

The 2023 law authorized school districts to contract with a private vendor or manufacturer to install a school bus infraction detection system on any school bus within its fleet, whether owned, contracted, or leased, and for services including, but not limited to, the installation, operation, and maintenance of the system. The school district's decision to install school bus infraction systems must be based solely on the need to increase public safety.²³

An individual may not receive a commission from any revenue collected from violations detected through the use of a school bus infraction detection system. A private vendor or manufacturer may not receive a fee or remuneration based upon the number of violations detected through the use of a school bus infraction detection system.²⁴

School district must ensure that each school bus infraction detection system meets State Board of Education (SBE) specifications and must be tested at regular intervals according to specifications prescribed by SBE rule.²⁵ Equipment acquired via an agreement entered into by a school district on or before December 31, 2023, is not required to meet SBE specifications until July 1, 2024.²⁶

Florida law provides that a school district that elects to install a school bus infraction detection system must enter into an interlocal agreement with one or more law enforcement agencies authorized to enforce traffic violations, within the school district. The interlocal agreement jointly establishes the responsibilities of enforcement and the reimbursement of costs associated with school bus infraction detection systems.²⁷

On any school bus in which a school bus infraction detection system is installed and operational, the school district must post high-visibility reflective signage on the rear of the school bus indicating the use of such system, which must contain the following elements in substantially the following form:

- The words “STOP WHEN RED LIGHTS FLASH” or “DO NOT PASS WHEN RED LIGHTS FLASH.”
- The words “CAMERA ENFORCED.”
- A graphic depiction of a camera.²⁸

If a school district that has never conducted a school bus infraction detection system program begins such a program, the school district must make a public announcement and conduct a public awareness campaign for at least 30 days before beginning enforcement. The school district must notify the public of the specific date on which the program will begin and, during the 30-day public awareness campaign, only a warning may be issued for a violation that is enforced by a school bus infraction detection system, and a civil penalty may not be imposed.²⁹

²³ Section 316.173(1)(b), F.S.

²⁴ *Id.*

²⁵ The State Board of Education’s rules are in Rule 6A-3.003, F.A.C. The SBE was required to establish such specifications, by rule, on or before December 31, 2023.

²⁶ Section 316.173(1)(c) and (18), F.S.

²⁷ Section 316.173(1)(d), F.S.

²⁸ Section 316.173(2), F.S.

²⁹ Section 316.173(3), F.S.

Within 30 days after an alleged violation is recorded by a school bus infraction detection system, the school district or the private vendor or manufacturer with whom the school district has entered into a contract, must submit the following information to a law enforcement agency that has entered into an interlocal agreement with the school district and has traffic infraction enforcement jurisdiction at the location where the alleged violation occurred:

- A copy of the recorded video and images showing the motor vehicle's alleged violations;
- The motor vehicle's license plate number and the state of issuance of the motor vehicle's license plate; and
- The date, time, and location of the alleged violation.³⁰

Within 30 days after receiving the information required above, the law enforcement agency, if it determines that the motor vehicle violated the laws relating to traffic stopping for a school bus, must send notice of violation to the registered owner of the motor vehicle involved in the violation specifying the remedies available under s. 318.14, F.S.,³¹ and that the violator must pay the penalty under s. 318.18(5), F.S.,³² or furnish an affidavit within 30 days after the date the notice of violation is sent in order to avoid court fees, costs, and the issuance of a uniform traffic citation. The notice of violation must be sent by first-class mail and include all of the following:

- A copy of one or more recorded images showing the motor vehicle involved in the violation, including an image showing the license plate of the motor vehicle;
- The date, time, and location of the violation;
- The amount of the civil penalty, the date by which the civil penalty must be paid, and instructions on how to pay the civil penalty;
- Instructions on how to request a hearing to contest liability or the notice of violation;
- A notice that the owner has the right to review, in person or remotely, the video and images recorded by the school bus infraction detection system which constitute a rebuttable presumption that the motor vehicle was used in violation of law;
- The time when, and the place or website at which, the recorded video and images may be examined and observed; and
- A warning that failure to pay the civil penalty or to contest liability within 30 days after the notice is mailed will result in the issuance of a uniform traffic citation.³³

If the registered owner or co-owner of the motor vehicle; the person identified as having care, custody, or control of the motor vehicle at the time of the violation; or an authorized representative of the owner, co-owner, or identified person initiates a proceeding to challenge the violation, such person waives any challenge or dispute as to the delivery of the notice of violation.³⁴

³⁰ Section 316.173(4), F.S.

³¹ Section 318.14, F.S., provides procedures for noncriminal traffic infractions.

³² Section 318.18(5), F.S., provides a minimum penalty of \$200 for a failure to stop for a school bus and a minimum penalty of \$200 for passing a school bus on the side that children enter and exit if the violation is enforced by a school bus infraction detection system. In addition to these penalties, if the alleged offender is found to have committed the offense and it is enforced by a school bus infraction detection system, then the court must impose the civil penalty aforementioned plus an additional \$25.

³³ Section 316.173(5), F.S.

³⁴ Section 316.173(6), F.S.

The civil penalties assessed and collected for a violation enforced by a school bus infraction detection system are remitted to the school district in which the violation occurred. Such civil penalties must be used for the installation or maintenance of school bus infraction detection systems on school buses, for any other technology that increases the safety of the transportation of students, or for the administration and costs associated with the enforcement of violations.³⁵

If payment has not been made within 30 days after the notice of violation and if the registered owner has not submitted an affidavit supporting an exception, a uniform traffic citation must be issued, by certified mail, to the address of the registered owner of the motor vehicle involved in the violation.³⁶

Delivery of the uniform traffic citation constitutes notification of a violation. If the registered owner or co-owner of the motor vehicle; the person identified as having care, custody, or control of the motor vehicle at the time of the violation; or a duly authorized representative of the owner, co-owner, or identified person initiates a proceeding to challenge the citation, such person waives any challenge or dispute as to delivery of the uniform traffic citation.³⁷

In the case of joint ownership of a motor vehicle, the uniform traffic citation must be mailed to the first name appearing on the motor vehicle registration, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used.³⁸ The uniform traffic citation mailed to the registered owner of the motor vehicle involved in the violation must be accompanied by information that was also included in the notice of violation.³⁹

The registered owner of the motor vehicle involved in the violation is responsible and liable for paying the uniform traffic citation issued for a violation of the laws relating to traffic stopping for a school bus, unless the owner can establish that:

- The motor vehicle was, at the time of the violation, in the care, custody, or control of another person;
- A uniform traffic citation was issued by a law enforcement officer to the driver of the motor vehicle for the alleged violation; or
- The motor vehicle's owner was deceased on or before the date of the alleged violation.⁴⁰

The statute also provides requirements for establishing the above facts and provides mechanism for citing another person who had care, custody, and control of the motor vehicle.⁴¹

Florida law provides that the video and images by a school bus infraction detection system which are attached to or referenced in the traffic citation are evidence of a violation and are admissible in any proceeding. The recorded and video images raise a rebuttable presumption that the motor vehicle shown in the recorded and video images was used in violation of the laws relating to

³⁵ Section 316.173(7), F.S.

³⁶ Section 316.173(8), F.S.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Section 316.173(9), F.S.

⁴¹ *See* sections 316.173(10)-(13), F.S.

stopping for a school bus.⁴² Notwithstanding any other law, equipment deployed as part of a school bus infraction detection system may not be capable of automated or user-controlled remote surveillance.⁴³

Any recorded video or still image obtained through the use of a school bus infraction detection system must be destroyed within 90 days after the final disposition of the recorded event. The vendor providing the school bus infraction detection system must provide the school district with written notice by December 31 of each year that such records have been destroyed. Registered motor vehicle owner information obtained as a result of the operation of a school bus infraction detection system is not the property of the manufacturer or vendor of the system and may be used only for specified purposes.⁴⁴

To the extent practicable, a school bus infraction detection system may use necessary technology to ensure that personal identifying information contained in the video or still images recorded by the system which is not relevant to the alleged violation is sufficiently obscured so as not to reveal such personal identifying information. A notice of a violation or uniform traffic citation may not be dismissed solely because a recorded video or still images reveal personal identifying information as long as a reasonable effort has been made to comply with the privacy provisions.⁴⁵

By October 1, 2023, and quarterly thereafter, each school district, in consultation with the law enforcement agencies with which it has interlocal agreements, operating a school bus infraction detection system must submit a report to the Department of Highway Safety and Motor Vehicles (DHSMV) detailing the results of the school bus infraction detection systems in the school district in the preceding quarter. The information submitted by the school district must be submitted in form and manner determined by the DHSMV, and must include, the following:

- The number of school buses that have a school bus infraction detection system installed, including the date of installation and, if applicable, the date the systems were removed.
- The number of notices of violations issued and the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, and the number that were paid.
- Data for each to determine the locations in need of safety improvements.
- Any other statistical data and information the DHSMV requires to complete its required report.⁴⁶

By December 31, 2024, and annually thereafter, the DHSMV must submit a summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, regarding the use and operation of school bus infraction detection systems along with the DHSMV's recommendations and any recommended legislation. The summary report must include a review of the information submitted to the DHSMV by the school districts and must describe the enhancement of traffic safety and enforcement programs.⁴⁷

⁴² Section 316.173(14), F.S.

⁴³ Section 316.173(16), F.S.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ Section 316.173(17)(a), F.S.

⁴⁷ Section 316.173(17)(c), F.S.

III. Effect of Proposed Changes:

The bill amends s. 316.173, F.S., relating to school bus infraction detection systems for the purpose of enforcing s. 316.172(1)(a) and (b), F.S.

Prohibition on Commissions and Fee-Sharing

The bill retains the existing prohibitions on:

- An individual receiving a commission from any revenue collected from violations detected through the use of a school bus infraction detection system; and
- A private vendor or manufacturer receiving fee or remuneration based upon the number of violations detected through the use of a school bus infraction detection system.

However, the bill authorizes a private vendor or manufacturer to receive a fixed amount of collected proceeds for service rendered in relation to the installation, operation, or maintenance of a school bus infraction detection system.

School Bus Signage

The bill revises requirements for signage posted on the rear of a school bus indicating use of a school bus infraction detection system by no longer requiring the signage to be high-visibility reflective.

Court Requirements

The bill provides that a court that has jurisdiction over traffic violations must determine whether a violation has occurred. If a court finds by a preponderance of the evidence that a violation has occurred, the court must uphold the violation. If the notice of violation is upheld, the court must require the \$200 or \$400 penalty, plus an additional \$25,⁴⁸ and may also require the petitioner to pay costs, not to exceed \$250.⁴⁹

Civil Penalties

The bill provides that the civil penalties assessed and collected via the enforcement of a school bus infraction detection system must be remitted to the school district in which the violation occurred.

The bill revises the use for civil penalties assessed and collected for a violation enforced by a school bus infraction detection system. Such penalties must be used for the installation, operation, or maintenance of school bus infraction detection systems on school buses, including student transportation safety initiatives, driver recruitment and retention stipends, or other student transportation safety enhancements, or for administration and costs associated with the enforcement of the violations.

⁴⁸ These penalties are assessed pursuant to s. 318.18(5), F.S.

⁴⁹ This is the maximum county or municipal costs for red light camera violations going to a hearing. See s. 316.0083(5)(e), F.S.

The bill clarifies that the \$25 civil penalty provided in s. 318.18(5)(c), F.S., applies to a notice of violation. The bill provides that this fee must be remitted to the participating school district operating the school bus with a school bus infraction detection system.

Use of Camera Footage

The bill provides that a school bus infraction detection system may not be used for remote surveillance, and the collection of evidence by a school bus infraction detection system to enforce violations does not constitute remote surveillance.

The bill provides that a school bus infraction detection system may only be used for traffic enforcement and for purposes of determining criminal or civil liability for incidents captured by the school bus infraction detection system incidental to the permissible use of the school bus infraction detection system.

Reporting Requirements

The bill revises the quarterly report requirements due to the DHSMV by making technical changes to the requirement that such report be made in consultation with the law enforcement agencies with which the school district has interlocal agreements.

Effective Date

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

Entities that install and operate school bus infraction detection systems may experience an increase in revenues associated with the addition of additional school bus infraction detection systems.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.173 and 318.18.

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 Appropriations Committee on Transportation, Tourism, and Economic Development on February 13, 2024:

The committee substitute

- Removes the changes to the definition of “local hearing officer.”
- Removes the authorization for charter schools and private schools to equip school bus infraction detection systems on their buses.
- Authorizes a vendor or manufacturer to receive a fixed amount of collected proceeds, instead of a fixed percentage of collected proceeds.
- Removes the authorization for traffic infraction enforcement officers and school safety officers to enforce violations.
- Revises signage provisions to remove the requirement for high-visibility signage.
- Removes administrative hearing provisions from the bill.
- Provides requirements for a traffic court to review violations.

CS by Transportation Committee on January 30, 2024:

The committee substitute removes the repeal of the prohibition against commissions from school bus infraction detection systems and stipulates that a private vendor or manufacturer of school bus infraction detection systems may receive a fixed percentage of the proceeds collected in relation to the installation, operation, or maintenance of such systems.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2024	.	
	.	
	.	
	.	

The Appropriations Committee on Transportation, Tourism, and Economic Development (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (b) of subsection (1), paragraph (a) of subsection (2), subsections (5) and (7), paragraph (a) of subsection (16), and paragraph (a) of subsection (17) of section 316.173, Florida Statutes, are amended to read:



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10 316.173 School bus infraction detection systems.—

11 (1)

12 (b) The school district may contract with a private vendor
13 or manufacturer to install a school bus infraction detection
14 system on any school bus within its fleet, whether owned,
15 contracted, or leased, and for services including, but not
16 limited to, the installation, operation, and maintenance of the
17 system. The school district's decision to install school bus
18 infraction detection systems must be based solely on the need to
19 increase public safety. An individual may not receive a
20 commission from any revenue collected from violations detected
21 through the use of a school bus infraction detection system. A
22 private vendor or manufacturer may not receive a fee or
23 remuneration based upon the number of violations detected
24 through the use of a school bus infraction detection system.
25 This paragraph may not be construed to prohibit a private vendor
26 or manufacturer from receiving a fixed amount of collected
27 proceeds for service rendered in relation to the installation,
28 operation, or maintenance of school bus infraction detection
29 systems.

30 (2) (a) The school district must post ~~high-visibility~~
31 ~~reflective~~ signage on the rear of each school bus in which a
32 school bus infraction detection system is installed and
33 operational which indicates the use of such system. The signage
34 must be in the form of one or more signs or stickers and must
35 contain the following elements in substantially the following
36 form:

37 1. The words "STOP WHEN RED LIGHTS FLASH" or "DO NOT PASS
38 WHEN RED LIGHTS FLASH."



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- 39 2. The words "CAMERA ENFORCED."
- 40 3. A graphic depiction of a camera.
- 41 (5) Within 30 days after receiving the information required
- 42 in subsection (4), the law enforcement agency must, if it is
- 43 determined ~~determines~~ that the motor vehicle violated s.
- 44 316.172(1)(a) or (b), ~~must~~ send a notice of violation to the
- 45 registered owner of the motor vehicle involved in the violation
- 46 specifying the remedies available under s. 318.14 and that the
- 47 violator must pay the penalty under s. 318.18(5) or furnish an
- 48 affidavit in accordance with subsection (10) within 30 days
- 49 after the notice of violation is sent in order to avoid court
- 50 fees, costs, and the issuance of a uniform traffic citation. The
- 51 notice of violation must be sent by first-class mail and include
- 52 all of the following:
- 53 (a) A copy of one or more recorded images showing the motor
- 54 vehicle involved in the violation, including an image showing
- 55 the license plate of the motor vehicle.
- 56 (b) The date, time, and location of the violation.
- 57 (c) The amount of the civil penalty, the date by which the
- 58 civil penalty must be paid, and instructions on how to pay the
- 59 civil penalty.
- 60 (d) Instructions on how to request a hearing to contest
- 61 liability or the notice of violation.
- 62 (e) A notice that the owner has the right to review, in
- 63 person or remotely, the video and images recorded by the school
- 64 bus infraction detection system which constitute a rebuttable
- 65 presumption that the motor vehicle was used in violation of s.
- 66 316.172(1)(a) or (b).
- 67 (f) The time when, and the place or website at which, the



68 recorded video and images may be examined and observed.

69 (g) A warning that failure to pay the civil penalty or to
70 contest liability within 30 days after the notice is sent will
71 result in the issuance of a uniform traffic citation. A court
72 that has jurisdiction over traffic violations shall determine
73 whether a violation of this section has occurred. If a court
74 finds by a preponderance of the evidence that a violation
75 occurred, the court must uphold the violation. If the notice of
76 violation is upheld, the court must require the petitioner to
77 pay the penalty previously assessed under s. 318.18(5), and may
78 also require the petitioner to pay costs, not to exceed those
79 established in s. 316.0083(5) (e).

80 (7) The civil penalties assessed and collected for a
81 violation of s. 316.172(1) (a) or (b) enforced by a school bus
82 infraction detection system must be remitted to the school
83 district in which the violation occurred. Such civil penalties
84 must be used for the installation, operation, or maintenance of
85 school bus infraction detection systems on school buses,
86 including student transportation safety initiatives, driver
87 recruitment and retention stipends, or other student
88 transportation safety enhancements ~~for any other technology that~~
89 ~~increases the safety of the transportation of students,~~ or for
90 the administration and costs associated with the enforcement of
91 violations as described in this section.

92 (16) (a)1. ~~Notwithstanding any other law, equipment deployed~~
93 ~~as part of~~ A school bus infraction detection system ~~as provided~~
94 ~~under this section~~ may not be used for ~~capable of automated or~~
95 ~~user-controlled~~ remote surveillance. The collection of evidence
96 by a school bus infraction detection system to enforce



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97 violations of s. 316.172 does not constitute remote
98 surveillance.

99 2. Video and images recorded as part of a the school bus
100 infraction detection system may only be used for traffic
101 enforcement and for purposes of determining criminal or civil
102 liability for incidents captured by the school bus infraction
103 detection system incidental to the permissible use of the school
104 bus infraction detection system to document violations of s.
105 316.172(1)(a) and (b) and may not be used for any other
106 surveillance purposes.

107 3. To the extent practicable, a school bus infraction
108 detection system must use necessary technology to ensure that
109 personal identifying information contained in the video or still
110 images recorded by the system which is not relevant to the
111 alleged violation, including, but not limited to, the identity
112 of the driver and any passenger of a motor vehicle, the interior
113 or contents of a motor vehicle, the identity of an uninvolved
114 person, a number identifying the address of a private residence,
115 and the contents or interior of a private residence, is
116 sufficiently obscured so as not to reveal such personal
117 identifying information.

118 4. A notice of a violation or uniform traffic citation
119 issued under this section may not be dismissed solely because a
120 recorded video or still images reveal personal identifying
121 information as provided in subparagraph 3. as long as a
122 reasonable effort has been made to comply with this subsection.

123 (17) (a) By October 1, 2023, and quarterly thereafter, each
124 school district, ~~in consultation with the law enforcement~~
125 ~~agencies with which it has interlocal agreements pursuant to~~



126 ~~this section~~, operating a school bus infraction detection system
127 must submit, in consultation with the law enforcement agencies
128 with which it has interlocal agreements pursuant to this
129 section, a report to the department which details the results of
130 the school bus infraction detection systems in the school
131 district in the preceding quarter. The information from the
132 school districts must be submitted in a form and manner
133 determined by the department, which the department must make
134 available to the school districts by August 1, 2023, and must
135 include at least the following:

136 1. The number of school buses that have a school bus
137 infraction detection system installed, including the date of
138 installation and, if applicable, the date the systems were
139 removed.

140 2. The number of notices of violations issued, the number
141 that were contested, the number that were upheld, the number
142 that were dismissed, the number that were issued as uniform
143 traffic citations, and the number that were paid.

144 3. Data for each infraction to determine locations in need
145 of safety improvements. Such data may ~~must~~ include, but is not
146 limited to, global positioning system coordinates of the
147 infraction, the date and time of the infraction, and the name of
148 the school that the school bus was transporting students to or
149 from.

150 4. Any other statistical data and information required by
151 the department to complete the report required by paragraph (c).

152 Section 2. Paragraph (c) of subsection (5) of section
153 318.18, Florida Statutes, is amended to read:

154 318.18 Amount of penalties.—The penalties required for a



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155 noncriminal disposition pursuant to s. 318.14 or a criminal
156 offense listed in s. 318.17 are as follows:

157 (5)

158 (c) In addition to the penalty under paragraph (a) or
159 paragraph (b), \$65 for a violation of s. 316.172(1)(a) or (b).
160 If the alleged offender is found to have committed the offense,
161 the court shall impose the civil penalty under paragraph (a) or
162 paragraph (b) plus an additional \$65. The additional \$65
163 collected under this paragraph shall be remitted to the
164 Department of Revenue for deposit into the Emergency Medical
165 Services Trust Fund of the Department of Health to be used as
166 provided in s. 395.4036. If a violation of s. 316.172(1)(a) or
167 (b) is enforced by a school bus infraction detection system
168 pursuant to s. 316.173, the additional amount imposed on a
169 notice of violation, on a ~~the~~ uniform traffic citation, or by
170 the court under this paragraph must be \$25, in lieu of the
171 additional \$65, and must be remitted to the participating school
172 district and used pursuant to s. 316.173(7).

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

174
175 ===== T I T L E A M E N D M E N T =====

176 And the title is amended as follows:

177 Delete everything before the enacting clause
178 and insert:

179 A bill to be entitled
180 An act relating to student transportation safety;
181 amending s. 316.173, F.S.; providing construction;
182 revising requirements for signage posted on the rear
183 of a school bus indicating the use of a school bus



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184 infraction detection system; requiring a law
185 enforcement agency to send a notice of violation to
186 the registered owner involved in a violation within a
187 specified timeframe after receiving certain
188 information; requiring a court having jurisdiction
189 over traffic violations to make a determination
190 regarding whether a violation has occurred; requiring
191 the court to uphold the violation if the court finds
192 that a violation has occurred; requiring the court, if
193 the violation is upheld, to require the petitioner to
194 pay certain penalties and costs; revising the required
195 uses for civil penalties assessed and collected for
196 certain violations; prohibiting the use of school bus
197 infraction detection systems for remote surveillance;
198 providing construction; revising purposes for which
199 video and images recorded as part of a school bus
200 infraction detection system may be used; conforming
201 provisions to changes made by the act; making
202 technical changes; amending s. 318.18, F.S.; requiring
203 that certain civil penalties be remitted to a
204 participating school district operating a school bus
205 with a school bus infraction detection system to be
206 used for certain purposes; providing an effective
207 date.

By the Committee on Transportation; and Senator Burgess

596-02663-24

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1 A bill to be entitled
 2 An act relating to student transportation safety;
 3 amending s. 316.003, F.S.; revising the definition of
 4 the term "local hearing officer"; amending s. 316.173,
 5 F.S.; authorizing charter schools and private schools
 6 to install and operate school bus infraction detection
 7 systems; providing construction; authorizing traffic
 8 infraction enforcement officers who meet specified
 9 requirements and school board security agencies to
 10 enforce specified violations; revising requirements
 11 for signage posted on the rear of a school bus
 12 indicating usage of a school bus infraction detection
 13 system; authorizing the governing board of a school
 14 entity to establish certain procedures for a hearing
 15 to contest liability or a notice of violation;
 16 revising the required uses for civil penalties
 17 assessed and collected for certain violations;
 18 prohibiting school bus infraction detection systems
 19 from being used for remote surveillance; providing
 20 construction; revising purposes for which video and
 21 images recorded as part of a school bus infraction
 22 detection system may be used; conforming provisions
 23 and cross-references to changes made by the act;
 24 making technical changes; amending s. 316.640, F.S.;
 25 providing that a school safety officer who completes
 26 certain training may be authorized by a county,
 27 municipality, or school entity as a traffic infraction
 28 enforcement officer and may issue certain notices and
 29 citations; conforming cross-references; amending s.

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

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30 318.18, F.S.; requiring that certain civil penalties
 31 be remitted to a school district, charter school, or
 32 private school operating a school bus with a school
 33 bus infraction detection system to be used for certain
 34 purposes; providing an effective date.
 35

36 Be It Enacted by the Legislature of the State of Florida:
 37

38 Section 1. Subsection (38) of section 316.003, Florida
 39 Statutes, is amended to read:

40 316.003 Definitions.—The following words and phrases, when
 41 used in this chapter, shall have the meanings respectively
 42 ascribed to them in this section, except where the context
 43 otherwise requires:

44 (38) LOCAL HEARING OFFICER.—

45 (a) The person, designated by a department, county, or
 46 municipality that elects to authorize traffic infraction
 47 enforcement officers to issue traffic citations under ss.
 48 316.0083(1)(a) and 316.1896(1), who is authorized to conduct
 49 hearings related to a notice of violation issued pursuant to s.
 50 316.0083 or s. 316.1896. The charter county, noncharter county,
 51 or municipality may use its currently appointed code enforcement
 52 board or special magistrate to serve as the local hearing
 53 officer. The department may enter into an interlocal agreement
 54 to use the local hearing officer of a county or municipality.

55 (b) The person, designated by a school district, charter
 56 school, or private school that elects to authorize traffic
 57 infraction enforcement officers or one or more law enforcement
 58 agencies to issue traffic citations under s. 316.173, who is

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

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59 authorized to conduct hearings related to a notice of violation
 60 issued pursuant to s. 316.173. The school district, charter
 61 school, or private school may use an attorney in good standing
 62 with The Florida Bar for at least 5 years designated by the
 63 governing board to serve as the local hearing officer. A local
 64 hearing officer designated under this paragraph may serve in
 65 such office for one or more school entities, and such service
 66 does not constitute dual officeholding as prohibited by s. 5(a),
 67 Art. II of the State Constitution. The school district, charter
 68 school, or private school may enter into an interlocal agreement
 69 to use the local hearing officer of a county or municipality.

70 Section 2. Present subsections (6) through (19) of section
 71 316.173, Florida Statutes, are redesignated as subsections (7)
 72 through (20), respectively, a new subsection (6) is added to
 73 that section, and subsection (1), paragraph (a) of subsection
 74 (2), subsections (3), (4), and (5), and present subsections (7),
 75 (8), (10), (11), (12), (16), and (17) of that section are
 76 amended, to read:

77 316.173 School bus infraction detection systems.—

78 (1) (a) A school district, charter school, or private school
 79 may install and operate a school bus infraction detection system
 80 on a school bus for the purpose of enforcing s. 316.172(1) (a)
 81 and (b) as provided in and consistent with this section.

82 (b) The school district, charter school, or private school
 83 may contract with a private vendor or manufacturer to install a
 84 school bus infraction detection system on any school bus within
 85 its fleet, whether owned, contracted, or leased, and for
 86 services including, but not limited to, the installation,
 87 operation, and maintenance of the system. The school district's,

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88 charter school's, or private school's decision to install school
 89 bus infraction detection systems must be based solely on the
 90 need to increase public safety. An individual may not receive a
 91 commission from any revenue collected from violations detected
 92 through the use of a school bus infraction detection system. A
 93 private vendor or manufacturer may not receive a fee or
 94 remuneration based upon the number of violations detected
 95 through the use of a school bus infraction detection system.
 96 This paragraph may not be construed to prohibit a private vendor
 97 or manufacturer from receiving a fixed percentage of collected
 98 proceeds for service rendered in relation to the installation,
 99 operation, or maintenance of school bus infraction detection
 100 systems.

101 (c) The school district, charter school, or private school
 102 must ensure that each school bus infraction detection system
 103 meets the requirements of subsection (19) ~~(18)~~.

104 (d) The school district, charter school, or private school
 105 may ~~must~~ enter into an interlocal agreement with one or more law
 106 enforcement agencies authorized to enforce violations of s.
 107 316.172(1) (a) and (b) within the school district which jointly
 108 establishes the responsibilities of enforcement and the
 109 reimbursement of costs associated with school bus infraction
 110 detection systems consistent with this section. For the purposes
 111 of administering this section, a traffic infraction enforcement
 112 officer who meets the requirements of s. 316.640 or a certified
 113 school board security agency that employs law enforcement
 114 officers may enforce violations of s. 316.172(1) (a) and (b) as
 115 authorized by this section.

116 (2) (a) The school district, charter school, or private

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117 school must post high-visibility ~~reflective~~ signage on the rear
 118 of each school bus in which a school bus infraction detection
 119 system is installed and operational which indicates the use of
 120 such system. The signage must be in the form of one or more
 121 signs or stickers and must contain the following elements in
 122 substantially the following form:

123 1. The words "STOP WHEN RED LIGHTS FLASH" or "DO NOT PASS
 124 WHEN RED LIGHTS FLASH."

125 2. The words "CAMERA ENFORCED."

126 3. A graphic depiction of a camera.

127 (3) If a school district, charter school, or private school
 128 that has never conducted a school bus infraction detection
 129 system program begins such a program, the school district,
 130 charter school, or private school must make a public
 131 announcement and conduct a public awareness campaign of the
 132 proposed use of school bus infraction detection systems at least
 133 30 days before commencing enforcement under the school bus
 134 infraction detection system program and notify the public of the
 135 specific date on which the program will commence. During the 30-
 136 day public awareness campaign, only a warning may be issued to
 137 the registered owner of a motor vehicle for a violation of s.
 138 316.172(1)(a) or (b) enforced by a school bus infraction
 139 detection system, and a civil penalty may not be imposed under
 140 chapter 318.

141 (4) Within 30 days after an alleged violation of s.
 142 316.172(1)(a) or (b) is recorded by a school bus infraction
 143 detection system, the school district, charter school, or
 144 private school or the private vendor or manufacturer under
 145 paragraph (1)(b) must submit the following information to a law

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146 enforcement agency or a traffic infraction enforcement officer
 147 designated that has entered into an interlocal agreement with
 148 ~~the school district~~ pursuant to paragraph (1)(d) and has traffic
 149 ~~infraction enforcement jurisdiction at the location where the~~
 150 ~~alleged violation occurred:~~

151 (a) A copy of the recorded video and images showing the
 152 motor vehicle allegedly violating s. 316.172(1)(a) or (b).

153 (b) The motor vehicle's license plate number and the state
 154 of issuance of the motor vehicle's license plate.

155 (c) The date, time, and location of the alleged violation.

156 (5) Within 30 days after receiving the information required
 157 in subsection (4), the law enforcement agency or its agent, or a
 158 traffic infraction enforcement officer, if it is determined
 159 ~~determines~~ that the motor vehicle violated s. 316.172(1)(a) or
 160 (b), must send a notice of violation to the registered owner of
 161 the motor vehicle involved in the violation specifying the
 162 remedies available under s. 318.14 and that the violator must
 163 pay the penalty under s. 318.18(5) or furnish an affidavit in
 164 accordance with subsection (11) ~~(10)~~ within 30 days after the
 165 notice of violation is sent in order to avoid court fees, costs,
 166 and the issuance of a uniform traffic citation. The notice of
 167 violation must be sent by first-class mail and include all of
 168 the following:

169 (a) A copy of one or more recorded images showing the motor
 170 vehicle involved in the violation, including an image showing
 171 the license plate of the motor vehicle.

172 (b) The date, time, and location of the violation.

173 (c) The amount of the civil penalty, the date by which the
 174 civil penalty must be paid, and instructions on how to pay the

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175 civil penalty.

176 (d) Instructions on how to request a hearing to contest
 177 liability or the notice of violation. In lieu of hearings
 178 administered by a county traffic court, the governing board of a
 179 school entity, by resolution, may establish the hearing
 180 procedures provided in subsection (6).

181 (e) A notice that the owner has the right to review, in
 182 person or remotely, the video and images recorded by the school
 183 bus infraction detection system which constitute a rebuttable
 184 presumption that the motor vehicle was used in violation of s.
 185 316.172(1)(a) or (b).

186 (f) The time when, and the place or website at which, the
 187 recorded video and images may be examined and observed.

188 (g) A warning that failure to pay the civil penalty or to
 189 contest liability within 30 days after the notice is sent will
 190 result in the issuance of a uniform traffic citation.

191 (6) The governing board of a school entity, by resolution,
 192 may establish the following procedures for a hearing under this
 193 section:

194 (a) The department shall publish and make available
 195 electronically to each school entity's governing board a model
 196 Request for Hearing form to assist each school entity's
 197 governing board administering this section.

198 (b) A school district, charter school, or private school
 199 operating school bus infraction detection systems on school
 200 buses which elects to authorize traffic infraction enforcement
 201 officers or one or more law enforcement agencies to issue
 202 traffic citations under this section shall designate by
 203 resolution existing staff or a designated staff agent to serve

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204 as the clerk to the local hearing officer.

205 (c) A person, referred to in this subsection as the
 206 "petitioner," who elects to request a hearing under this section
 207 must be scheduled for a hearing by the clerk to the local
 208 hearing officer to appear before a local hearing officer with
 209 notice to be sent by first-class mail. Upon receipt of the
 210 notice, the petitioner may reschedule the hearing once by
 211 submitting a written request to reschedule to the clerk to the
 212 local hearing officer at least 5 calendar days before the day of
 213 the originally scheduled hearing. The petitioner may cancel his
 214 or her appearance before the local hearing officer by paying the
 215 penalty assessed under s. 318.18, plus \$50 in administrative
 216 costs, before the start of the hearing.

217 (d) All testimony at the hearing must be under oath and
 218 must be recorded. The local hearing officer shall take testimony
 219 from a traffic infraction enforcement officer, or law
 220 enforcement agency designee, and the petitioner, and may take
 221 testimony from others. The local hearing officer shall review
 222 the video and images made available under this section. Formal
 223 rules of evidence do not apply, but due process and the
 224 preponderance of evidence standard must be observed and govern
 225 the proceedings.

226 (e) At the conclusion of the hearing, the local hearing
 227 officer shall determine whether a violation under this section
 228 has occurred, in which case the hearing officer shall uphold or
 229 dismiss the violation. The local hearing officer shall issue a
 230 final administrative order including the determination and, if
 231 the notice of violation is upheld, require the petitioner to pay
 232 the penalty previously assessed under s. 318.18, and may also

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233 require the petitioner to pay school entity costs, including
 234 local hearing officer and hearing administrative costs, not to
 235 exceed \$250. The final administrative order must be mailed to
 236 the petitioner by first-class mail.

237 (f) An aggrieved party may appeal a final administrative
 238 order consistent with the process provided under s. 162.11.

239 (8)(7) The civil penalties assessed and collected for a
 240 violation of s. 316.172(1)(a) or (b) enforced by a school bus
 241 infraction detection system must be remitted to the school
 242 district in which the violation occurred or to the charter
 243 school or private school that reported the violation. Such civil
 244 penalties must be used for the installation, operation, or
 245 maintenance of school bus infraction detection systems on school
 246 buses, including student transportation safety initiatives,
 247 driver recruitment and retention stipends, or other student
 248 transportation safety enhancements for any other technology that
 249 increases the safety of the transportation of students, or for
 250 the administration and costs associated with the enforcement of
 251 violations as described in this section.

252 (9)(8) A uniform traffic citation must be issued by mailing
 253 the uniform traffic citation by certified mail to the address of
 254 the registered owner of the motor vehicle involved in the
 255 violation if payment has not been made within 30 days after
 256 notification under subsection (5) and if the registered owner
 257 has not submitted an affidavit in accordance with subsection
 258 (11) (10).

259 (11)(10) To establish such facts under subsection (10) (9),
 260 the registered owner of the motor vehicle must, within 30 days
 261 after the date of issuance of the notice of violation or the

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262 uniform traffic citation, furnish to the law enforcement agency
 263 or its agent who ~~that~~ issued the notice of violation or uniform
 264 traffic citation an affidavit setting forth information
 265 supporting an exception under subsection (10) ~~(9)~~.

266 (a) An affidavit supporting the exception under paragraph
 267 (10)(a) (9)(a) must include the name, address, date of birth,
 268 and, if known, the driver license number of the person who
 269 leased, rented, or otherwise had care, custody, or control of
 270 the motor vehicle at the time of the alleged violation. If the
 271 motor vehicle was stolen at the time of the alleged violation,
 272 the affidavit must include the police report indicating that the
 273 motor vehicle was stolen.

274 (b) If a uniform traffic citation for a violation of s.
 275 316.172(1)(a) or (b) was issued at the location of the violation
 276 by a law enforcement officer, the affidavit must include the
 277 serial number of the uniform traffic citation.

278 (c) If the motor vehicle's owner to whom a notice of
 279 violation or a uniform traffic citation has been issued is
 280 deceased, the affidavit must include a certified copy of the
 281 owner's death certificate showing that the date of death
 282 occurred on or before the date of the alleged violation and one
 283 of the following:

284 1. A bill of sale or other document showing that the
 285 deceased owner's motor vehicle was sold or transferred after his
 286 or her death but on or before the date of the alleged violation.

287 2. Documented proof that the registered license plate
 288 belonging to the deceased owner's motor vehicle was returned to
 289 the department or any branch office or authorized agent of the
 290 department after his or her death but on or before the date of

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291 the alleged violation.

292 3. A copy of the police report showing that the deceased
293 owner's registered license plate or motor vehicle was stolen
294 after his or her death but on or before the date of the alleged
295 violation.

296
297 Upon receipt of the affidavit and documentation required under
298 paragraphs (b) and (c), or 30 days after the date of issuance of
299 a notice of violation sent to a person identified as having
300 care, custody, or control of the motor vehicle at the time of
301 the violation under paragraph (a), the law enforcement agency or
302 its agent, or traffic infraction enforcement officer must
303 dismiss the notice or citation and provide proof of such
304 dismissal to the person who submitted the affidavit. If, within
305 30 days after the date of a notice of violation sent to a person
306 under subsection (12) (11), the law enforcement agency or its
307 agent, or traffic infraction enforcement officer receives an
308 affidavit under subsection (13) (12) from the person who was
309 sent a notice of violation affirming that the person did not
310 have care, custody, or control of the motor vehicle at the time
311 of the violation, the law enforcement agency or its agent, or
312 traffic infraction enforcement officer must notify the
313 registered owner that the notice or citation will not be
314 dismissed due to failure to establish that another person had
315 care, custody, or control of the motor vehicle at the time of
316 the violation.

317 (12) (11) Upon receipt of an affidavit under paragraph
318 (10) (a) (9) (a), the law enforcement agency may issue the person
319 identified as having care, custody, or control of the motor

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320 vehicle at the time of the violation a notice of violation
321 pursuant to subsection (5) for a violation of s. 316.172(1) (a)
322 or (b). The affidavit is admissible in a proceeding pursuant to
323 this section for the purpose of providing evidence that the
324 person identified in the affidavit was in actual care, custody,
325 or control of the motor vehicle. The owner of a leased motor
326 vehicle for which a uniform traffic citation is issued for a
327 violation of s. 316.172(1) (a) or (b) is not responsible for
328 paying the uniform traffic citation and is not required to
329 submit an affidavit as specified in subsection (11) (10) if the
330 motor vehicle involved in the violation is registered in the
331 name of the lessee of such motor vehicle.

332 (13) (12) If a law enforcement agency or traffic infraction
333 enforcement officer receives an affidavit under paragraph
334 (10) (a) (9) (a), the notice of violation required under
335 subsection (5) must be sent to the person identified in the
336 affidavit within 30 days after receipt of the affidavit. The
337 person identified in an affidavit and sent a notice of violation
338 may also affirm he or she did not have care, custody, or control
339 of the motor vehicle at the time of the violation by furnishing
340 to the appropriate law enforcement agency or traffic infraction
341 enforcement officer within 30 days after the date of the notice
342 of violation an affidavit stating such.

343 (17) (a) 1. (16) (a) 1. ~~Notwithstanding any other law, equipment~~
344 ~~deployed as part of~~ A school bus infraction detection system as
345 ~~provided under this section~~ may not be used for capable of
346 automated or user-controlled remote surveillance. The collection
347 of evidence by a school bus infraction detection system to
348 enforce violations of s. 316.172 does not constitute remote

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349 surveillance.

350 ~~2.~~ Video and images recorded as part of ~~a the~~ school bus
 351 infraction detection system may only be used for traffic
 352 enforcement and for purposes of determining criminal or civil
 353 liability for incidents captured by the school bus infraction
 354 detection system incidental to the permissible use of the school
 355 bus infraction detection system ~~to document violations of s.~~
 356 ~~316.172(1)(a) and (b) and may not be used for any other~~
 357 ~~surveillance purposes.~~

358 ~~2.3.~~ To the extent practicable, a school bus infraction
 359 detection system must use necessary technology to ensure that
 360 personal identifying information contained in the video or still
 361 images recorded by the system which is not relevant to the
 362 alleged violation, including, but not limited to, the identity
 363 of the driver and any passenger of a motor vehicle, the interior
 364 or contents of a motor vehicle, the identity of an uninvolved
 365 person, a number identifying the address of a private residence,
 366 and the contents or interior of a private residence, is
 367 sufficiently obscured so as not to reveal such personal
 368 identifying information.

369 ~~3.4.~~ A notice of a violation or uniform traffic citation
 370 issued under this section may not be dismissed solely because a
 371 recorded video or still images reveal personal identifying
 372 information as provided in subparagraph ~~2. 3.~~ as long as a
 373 reasonable effort has been made to comply with this subsection.

374 (b) Any recorded video or still image obtained through the
 375 use of a school bus infraction detection system must be
 376 destroyed within 90 days after the final disposition of the
 377 recorded event. The vendor of the school bus infraction

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378 detection system must provide the school district, charter
 379 school, or private school with written notice by December 31 of
 380 each year that such records have been destroyed in accordance
 381 with this section.

382 (c) Notwithstanding any other law, registered motor vehicle
 383 owner information obtained as a result of the operation of a
 384 school bus infraction detection system is not the property of
 385 the manufacturer or vendor of the system and may be used only
 386 for the purposes of this section.

387 ~~(18) (a) (17) (a)~~ By October 1, 2023, and quarterly
 388 thereafter, each school district, charter school, or private
 389 school, ~~in consultation with the law enforcement agencies with~~
 390 ~~which it has interlocal agreements pursuant to this section,~~
 391 operating a school bus infraction detection system must submit,
 392 in consultation with the law enforcement agencies with which it
 393 has interlocal agreements pursuant to this section or with
 394 traffic infraction enforcement officers designated pursuant to
 395 paragraph (1) (d), a report to the department which details the
 396 results of the school bus infraction detection systems in the
 397 school district, charter school, or private school in the
 398 preceding quarter. The information from the school districts,
 399 charter schools, or private schools must be submitted in a form
 400 and manner determined by the department, which the department
 401 must make available to the school districts by August 1, 2023,
 402 and to the charter schools and private schools by August 1,
 403 2024, and must include at least the following:

404 1. The number of school buses that have a school bus
 405 infraction detection system installed, including the date of
 406 installation and, if applicable, the date the systems were

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407 removed.

408 2. The number of notices of violations issued, the number
409 that were contested, the number that were upheld, the number
410 that were dismissed, the number that were issued as uniform
411 traffic citations, and the number that were paid.

412 3. Data for each infraction to determine locations in need
413 of safety improvements. Such data ~~may must~~ include, but is not
414 limited to, global positioning system coordinates of the
415 infraction, the date and time of the infraction, and the name of
416 the school that the school bus was transporting students to or
417 from.

418 4. Any other statistical data and information required by
419 the department to complete the report required by paragraph (c).

420 (b) Each school district, charter school, or private school
421 that operates a school bus infraction detection system is
422 responsible for and must maintain its respective data for
423 reporting purposes under this subsection for at least 2 years
424 after such data is reported to the department.

425 (c) On or before December 31, 2024, and annually
426 thereafter, the department shall submit a summary report to the
427 Governor, the President of the Senate, and the Speaker of the
428 House of Representatives regarding the use and operation of
429 school bus infraction detection systems under this section,
430 along with the department's recommendations and any recommended
431 legislation. The summary report must include a review of the
432 information submitted to the department by the school districts,
433 charter schools, and private schools and must describe the
434 enhancement of traffic safety and enforcement programs.

435 Section 3. Paragraph (a) of subsection (1), paragraph (a)

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436 of subsection (3), and paragraph (a) of subsection (5) of
437 section 316.640, Florida Statutes, are amended to read:

438 316.640 Enforcement.—The enforcement of the traffic laws of
439 this state is vested as follows:

440 (1) STATE.—

441 (a)1.a. The Division of Florida Highway Patrol of the
442 Department of Highway Safety and Motor Vehicles; the Division of
443 Law Enforcement of the Fish and Wildlife Conservation
444 Commission; the Division of Law Enforcement of the Department of
445 Environmental Protection; and the agents, inspectors, and
446 officers of the Department of Law Enforcement each have
447 authority to enforce all of the traffic laws of this state on
448 all the streets and highways thereof and elsewhere throughout
449 the state wherever the public has a right to travel by motor
450 vehicle.

451 b. University police officers may enforce all of the
452 traffic laws of this state when violations occur on or within
453 1,000 feet of any property or facilities that are under the
454 guidance, supervision, regulation, or control of a state
455 university, a direct-support organization of such state
456 university, or any other organization controlled by the state
457 university or a direct-support organization of the state
458 university, or when such violations occur within a specified
459 jurisdictional area as agreed upon in a mutual aid agreement
460 entered into with a law enforcement agency pursuant to s.
461 23.1225(1). Traffic laws may also be enforced off-campus when
462 hot pursuit originates on or within 1,000 feet of any such
463 property or facilities, or as agreed upon in accordance with the
464 mutual aid agreement.

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465 c. Florida College System institution police officers may
 466 enforce all the traffic laws of this state only when such
 467 violations occur on or within 1,000 feet of any property or
 468 facilities that are under the guidance, supervision, regulation,
 469 or control of the Florida College System institution, or when
 470 such violations occur within a specified jurisdictional area as
 471 agreed upon in a mutual aid agreement entered into with a law
 472 enforcement agency pursuant to s. 23.1225. Traffic laws may also
 473 be enforced off-campus when hot pursuit originates on or within
 474 1,000 feet of any such property or facilities, or as agreed upon
 475 in accordance with the mutual aid agreement.

476 d. Police officers employed by an airport authority may
 477 enforce all of the traffic laws of this state only when such
 478 violations occur on any property or facilities that are owned or
 479 operated by an airport authority.

480 (I) An airport authority may employ as a parking
 481 enforcement specialist any individual who successfully completes
 482 a training program established and approved by the Criminal
 483 Justice Standards and Training Commission for parking
 484 enforcement specialists but who does not otherwise meet the
 485 uniform minimum standards established by the commission for law
 486 enforcement officers or auxiliary or part-time officers under s.
 487 943.12. This sub-sub-subparagraph may not be construed to permit
 488 the carrying of firearms or other weapons, nor shall such
 489 parking enforcement specialist have arrest authority.

490 (II) A parking enforcement specialist employed by an
 491 airport authority may enforce all state, county, and municipal
 492 laws and ordinances governing parking only when such violations
 493 are on property or facilities owned or operated by the airport

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494 authority employing the specialist, by appropriate state,
 495 county, or municipal traffic citation.

496 e. The Office of Agricultural Law Enforcement of the
 497 Department of Agriculture and Consumer Services may enforce
 498 traffic laws of this state.

499 f. School safety officers may enforce all of the traffic
 500 laws of this state when such violations occur on or about any
 501 property or facilities that are under the guidance, supervision,
 502 regulation, or control of the district school board. A school
 503 safety officer who successfully completes instruction in traffic
 504 enforcement procedures and court presentation as specified in
 505 paragraph (5) (a) may be authorized by a county, municipality, or
 506 applicable school entity as a traffic infraction enforcement
 507 officer and may issue notices of violation and uniform traffic
 508 citations under s. 316.173 within the county in which the school
 509 district, charter school, or private school is located.

510 2. Any disciplinary action taken or performance evaluation
 511 conducted by an agency of the state as described in subparagraph
 512 1. of a law enforcement officer's traffic enforcement activity
 513 must be in accordance with written work-performance standards.
 514 Such standards must be approved by the agency and any collective
 515 bargaining unit representing such law enforcement officer. A
 516 violation of this subparagraph is not subject to the penalties
 517 provided in chapter 318.

518 3. The Division of the Florida Highway Patrol may employ as
 519 a traffic accident investigation officer any individual who
 520 successfully completes instruction in traffic accident
 521 investigation and court presentation through the Selective
 522 Traffic Enforcement Program as approved by the Criminal Justice

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523 Standards and Training Commission and funded through the
 524 National Highway Traffic Safety Administration or a similar
 525 program approved by the commission, but who does not necessarily
 526 meet the uniform minimum standards established by the commission
 527 for law enforcement officers or auxiliary law enforcement
 528 officers under chapter 943. Any such traffic accident
 529 investigation officer who makes an investigation at the scene of
 530 a traffic accident may issue traffic citations, based upon
 531 personal investigation, when he or she has reasonable and
 532 probable grounds to believe that a person who was involved in
 533 the accident committed an offense under this chapter, chapter
 534 319, chapter 320, or chapter 322 in connection with the
 535 accident. This subparagraph does not permit the officer to carry
 536 firearms or other weapons, and such an officer does not have
 537 authority to make arrests.

538 (3) MUNICIPALITIES.—

539 (a) The police department of each chartered municipality
 540 shall enforce the traffic laws of this state on all the streets
 541 and highways thereof and elsewhere throughout the municipality
 542 wherever the public has the right to travel by motor vehicle,
 543 including by the use of school bus infraction detection systems.
 544 In addition, the police department may be required by a
 545 municipality to enforce the traffic laws of this state on any
 546 private or limited access road or roads over which the
 547 municipality has jurisdiction pursuant to a written agreement
 548 entered into under s. 316.006(2)(b). However, nothing in this
 549 chapter shall affect any law, general, special, or otherwise, in
 550 effect on January 1, 1972, relating to "hot pursuit" without the
 551 boundaries of the municipality.

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552 (5) (a) Any sheriff's department or police department of a
 553 municipality may employ, as a traffic infraction enforcement
 554 officer, any individual who successfully completes instruction
 555 in traffic enforcement procedures and court presentation through
 556 the Selective Traffic Enforcement Program as approved by the
 557 Division of Criminal Justice Standards and Training of the
 558 Department of Law Enforcement, or through a similar program, but
 559 who does not necessarily otherwise meet the uniform minimum
 560 standards established by the Criminal Justice Standards and
 561 Training Commission for law enforcement officers or auxiliary
 562 law enforcement officers under s. 943.13. Any such traffic
 563 infraction enforcement officer who observes the commission of a
 564 traffic infraction or, in the case of a parking infraction, who
 565 observes an illegally parked vehicle may issue a traffic
 566 citation for the infraction when, based upon personal
 567 investigation, he or she has reasonable and probable grounds to
 568 believe that an offense has been committed which constitutes a
 569 noncriminal traffic infraction as defined in s. 318.14. In
 570 addition, any such traffic infraction enforcement officer may
 571 issue a traffic citation under ss. 316.0083, 316.173, and
 572 316.1896. For purposes of enforcing ss. 316.0083, 316.173,
 573 316.1895, and 316.183, any sheriff's department or police
 574 department of a municipality may designate employees as traffic
 575 infraction enforcement officers. The traffic infraction
 576 enforcement officers must be physically located in the county of
 577 the respective sheriff's or police department.

578 Section 4. Paragraph (c) of subsection (5) of section
 579 318.18, Florida Statutes, is amended to read:

580 318.18 Amount of penalties.—The penalties required for a

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581 noncriminal disposition pursuant to s. 318.14 or a criminal
582 offense listed in s. 318.17 are as follows:

583 (5)

584 (c) In addition to the penalty under paragraph (a) or
585 paragraph (b), \$65 for a violation of s. 316.172(1)(a) or (b).
586 If the alleged offender is found to have committed the offense,
587 the court shall impose the civil penalty under paragraph (a) or
588 paragraph (b) plus an additional \$65. The additional \$65
589 collected under this paragraph shall be remitted to the
590 Department of Revenue for deposit into the Emergency Medical
591 Services Trust Fund of the Department of Health to be used as
592 provided in s. 395.4036. If a violation of s. 316.172(1)(a) or
593 (b) is enforced by a school bus infraction detection system
594 pursuant to s. 316.173, the additional amount imposed on a
595 notice of violation, on a ~~the~~ uniform traffic citation, or by
596 the court under this paragraph must be \$25, in lieu of the
597 additional \$65, and must be remitted to the participating school
598 district, charter school, or private school operating the school
599 bus with a school bus infraction detection system. Such amounts
600 must be used pursuant to s. 316.173(8).

601 Section 5. This act shall take effect upon becoming a law.

2/13/24

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 0994

Bill Number or Topic

Committee
Name Julio Fuentes

Amendment Barcode (if applicable)
Phone 561-889-6655

Address 2767 Pillsbury Way
Street

Email Julio@FSHCC.com

Wellington FL 33414
City State Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Ed Hooper, Chair
Appropriations Committee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: January 31, 2024

I respectfully request that **Senate Bill #994**, relating to Student Safety Transportation, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Danny".

Senator Danny Burgess
Florida Senate, District 23

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Appropriations Committee on Transportation, Tourism, and Economic Development

Judge:

Started: 2/13/2024 1:30:24 PM

Ends: 2/13/2024 2:32:35 PM

Length: 01:02:12

1:30:27 PM	Sen. Hooper (Chair)
1:31:15 PM	S 592
1:31:19 PM	Sen. Burgess
1:32:29 PM	Sen. Thompson
1:32:56 PM	Sen. Burgess
1:33:33 PM	Sen. Thompson
1:33:45 PM	Sen. Burgess
1:34:29 PM	Sen. Thompson
1:34:39 PM	Sen. Burgess
1:35:11 PM	Sen. Thompson
1:35:36 PM	Sen. Burgess
1:36:36 PM	Sen. Thompson
1:36:52 PM	Sen. Burgess
1:37:30 PM	Sen. Hooper
1:37:35 PM	Sen. Thompson
1:37:47 PM	Sen. Burgess
1:38:04 PM	Sen. Thompson
1:38:13 PM	Sen. Burgess
1:38:33 PM	Sen. Thompson
1:38:41 PM	Althemese Barnes (waives in support)
1:38:56 PM	Sen. Thompson
1:41:11 PM	Sen. Burgess
1:42:27 PM	S 994
1:42:33 PM	Sen. Burgess
1:43:03 PM	Am. 720974
1:43:11 PM	Sen. Burgess
1:44:21 PM	Sen. Wright
1:44:34 PM	Sen. Burgess
1:46:07 PM	Sen. Stewart
1:46:21 PM	Sen. Burgess
1:46:34 PM	Sen. Stewart
1:47:07 PM	Sen. Burgess
1:48:38 PM	Sen. Stewart
1:49:20 PM	Sen. Burgess
1:50:11 PM	Sen. Stewart
1:50:13 PM	Sen. Burgess
1:50:16 PM	Sen. Stewart
1:50:22 PM	S 994 (cont.)
1:50:31 PM	Sen. Burgess
1:50:54 PM	Sen. Diceglie
1:51:27 PM	Sen. Burgess
1:52:39 PM	Julio Fuentes
1:54:39 PM	Sen. Hooper
1:54:47 PM	Sen. Diceglie
1:56:38 PM	Sen. Stewart
1:57:45 PM	Sen. Hooper
1:58:13 PM	Sen. Burgess
2:00:51 PM	S 868
2:00:59 PM	Sen. Boyd
2:01:47 PM	Am. 866596
2:02:29 PM	S 868 (cont.)
2:02:41 PM	Sen. Boyd

2:03:14 PM S 858
2:03:24 PM Sen. Jones
2:04:16 PM Heather Armstrong, Recycle Florida Today (waives in support)
2:04:27 PM Susan Goldstein, Captain Sandy's Charities (waives in support)
2:05:08 PM S 440
2:05:12 PM Sen. Wright
2:06:44 PM Sen. Thompson
2:06:55 PM Sen. Wright
2:07:17 PM Sen. Thompson
2:07:30 PM Sen. Wright
2:07:48 PM Sen. Thompson
2:07:56 PM Sen. Wright
2:08:40 PM Winn Peebles, Recreational Off-Highway Vehicle Association and Specialty Vehicle Institute of America
2:11:02 PM Matt Dunagan, Florida Sheriffs Association (waives in support)
2:11:14 PM Sen. Wright
2:13:07 PM S 288
2:13:20 PM Sen. Rodriguez
2:14:16 PM Am. 409106
2:14:20 PM Sen. Rodriguez
2:14:57 PM Abdelilah Skhir, ACLU of Florida (waives in support)
2:15:11 PM Olivia Babis Keller, Disability Rights Florida, (waives in support)
2:15:22 PM S 288 (Cont.)
2:15:35 PM Sen. Stewart
2:16:14 PM Sen. Rodriguez
2:16:40 PM Cody Gouyo
2:19:00 PM Sen. Hooper
2:19:17 PM Stephan John Boczar
2:23:25 PM Sen. Hooper
2:23:39 PM Stephan John Boczar
2:23:50 PM Sen. Hooper
2:23:56 PM Angela Nandin
2:27:26 PM Matt Dunagan, Florida Sherrifs Association (waives in support)
2:27:34 PM Sen. Rodriguez
2:28:00 PM Sen. Hooper
2:28:10 PM Sen. Wright
2:29:06 PM Sen. Diceglie
2:30:11 PM Sen. Stewart
2:30:45 PM Sen. Hooper
2:31:16 PM Sen. Rodriguez
2:31:47 PM Sen. Trumbull
2:32:11 PM Sen. Hooper
2:32:19 PM Meeting Adjourned



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Judiciary, *Chair*
Appropriations Committee on Criminal
and Civil Justice
Appropriations Committee on Transportation,
Tourism, and Economic Development
Criminal Justice
Education Postsecondary
Education Pre-K -12
Fiscal Policy
Rules

JOINT COMMITTEES:

Joint Committee on Public Counsel Oversight

SENATOR CLAY YARBOROUGH

4th District

February 13, 2024

Chair Ed Hooper
406 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

Chair Hooper,

I would like to request an excusal from today's Appropriations Committee on Transportation, Tourism, and Economic Development committee meeting.

Thank you for your consideration of this request.

Regards,

A handwritten signature in blue ink that reads "Clay Yarborough".

Clay Yarborough

REPLY TO:

- 1615 Huffingham Road, Suite 1, Jacksonville, Florida 32216 (904) 723-2034
- 308 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5004

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore