

Tab 1	SB 440 by Wright; (Identical to H 00649) Utility Terrain Vehicles					
166366	D	S	RCS	TR, Wright	Delete everything after	01/31 12:20 PM

Tab 2	SB 688 by Martin; (Similar to CS/H 00479) Alternative Mobility Funding Systems					
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Tab 3	SB 840 by DiCeglie; (Similar to CS/H 00817) Appointment of a General Lines Agency as an Agent for a Tax Collector					
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Tab 4	SB 868 by Boyd; (Similar to H 01341) Transportation Facility Designations/Army Specialist Nicholas Panipinto Memorial Highway					
778158	D	S	RCS	TR, Boyd	Delete everything after	01/31 09:56 AM

Tab 5	SB 968 by Calatayud (CO-INTRODUCERS) Trumbull; (Similar to H 00577) Spaceport Territory					
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Tab 6	SB 982 by Thompson; (Identical to H 00121) Specialty License Plates/Project Addiction: Reversing the Stigma					
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Tab 7	SB 994 by Burgess; (Similar to H 01045) Student Transportation Safety					
839192	A	S	RCS	TR, Burgess	Delete L.93 - 98:	01/31 12:20 PM

Tab 8	SB 1164 by Burton; (Similar to CS/H 01113) Use of Lights and Sirens on Emergency Vehicles					
319188	D	S	RCS	TR, Burton	Delete everything after	01/31 09:56 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator DiCeglie, Chair
Senator Davis, Vice Chair

MEETING DATE: Tuesday, January 30, 2024
TIME: 1:00—3:00 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator DiCeglie, Chair; Senator Davis, Vice Chair; Senators Gruters, Hooper, Torres, and Trumbull

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 440 Wright (Identical H 649)	Utility Terrain Vehicles; Authorizing the operation of utility terrain vehicles on certain roadways; defining the term "utility terrain vehicle" or "UTV", etc. TR 01/30/2024 Fav/CS ATD FP	Fav/CS Yeas 5 Nays 0
2	SB 688 Martin (Identical H 479)	Alternative Mobility Funding Systems; Authorizing certain local governments to adopt an alternative mobility planning and fee system or an alternative system in certain circumstances; prohibiting an alternative system from imposing responsibility for funding an existing transportation deficiency upon new development; providing that only local governments issuing building permits may charge for transportation impacts; revising requirements for the calculation of impact fees by certain local governments and special districts, etc. CA 01/09/2024 Favorable TR 01/30/2024 Favorable RC	Favorable Yeas 4 Nays 1
3	SB 840 DiCeglie (Similar CS/H 817)	Appointment of a General Lines Agency as an Agent for a Tax Collector; Requiring the tax collector, upon petition, to appoint an agent in charge of a general lines agency as an agent for the tax collector to carry out certain duties; requiring all general lines agencies appointed as agents for the tax collector to fulfill certain requirements; authorizing agents of general lines to have discretion in whether to provide certain services; limiting the locations where agents of general lines may provide services, etc. TR 01/30/2024 Favorable BI AP	Favorable Yeas 4 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Tuesday, January 30, 2024, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 868 Boyd (Similar H 1341)	Transportation Facility Designations/Army Specialist Nicholas Panipinto Memorial Highway; Providing an honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers, etc. TR 01/30/2024 Fav/CS ATD FP	Fav/CS Yeas 5 Nays 0
5	SB 968 Calatayud (Similar H 577)	Spaceport Territory; Revising spaceport territory to include certain property, etc. MS 01/16/2024 Favorable TR 01/30/2024 Favorable RC	Favorable Yeas 5 Nays 0
6	SB 982 Thompson (Identical H 121)	Specialty License Plates/Project Addiction: Reversing the Stigma; Directing the Department of Highway Safety and Motor Vehicles to develop a Project Addiction: Reversing the Stigma license plate, etc. TR 01/30/2024 Favorable ATD FP	Favorable Yeas 5 Nays 0
7	SB 994 Burgess (Similar H 1045, Compare 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 FP	Fav/CS Yeas 4 Nays 1
8	SB 1164 Burton (Similar CS/H 1113)	Use of Lights and Sirens on Emergency Vehicles; Authorizing that certain vehicles transporting organs and surgical teams for organ recovery and transplant may operate emergency lights and sirens while en route to a hospital, an airport, or other designated location; providing requirements for operators of such vehicles, etc. TR 01/30/2024 Fav/CS CA RC	Fav/CS Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Tuesday, January 30, 2024, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 440

INTRODUCER: Transportation Committee and Senator Wright

SUBJECT: Utility Terrain Vehicles

DATE: January 31, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	Fav/CS
2.			ATD	
3.			FP	

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* “Fiscal Impact Statement” for details.

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 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, 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, taillamps, 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., which defines 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), (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 chapter 318.

In order to implement the bill 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:

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

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

DHSMV estimates a negative fiscal impact of \$69,090 associated with new programming and implementation of the bill.²⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

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

VIII. Statutes Affected:

This bill creates the following section of the Florida Statutes: 316.21275.

This bill substantially amends the following section of the Florida Statutes: 320.0847.

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.
- Amends the definition of UTV to include foot controls and a steering wheel, and defines the term “direct supervision.”

²⁶ *Id.* at 5.

²⁷ *Id.* at 6.

²⁸ *Id.* at 5.

- 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.



166366

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/31/2024	.	
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	.	

The Committee on Transportation (Wright) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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 person is in the adjacent
front passenger seat of the UTV being operated.



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

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

18 (3) A UTV may be operated only upon:

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

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

25
26 Before making such designation, the responsible county or
27 municipality must first determine that a UTV may safely travel
28 on or cross the public road or street, considering factors
29 including the speed, volume, and character of motor vehicle
30 traffic using the road or street.

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

38 (5) A UTV may only be operated by a person possessing a
39 driver license pursuant to s. 322.18, or a person possessing a



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40 learner's driver license pursuant to s. 322.1615 and who is
41 under the direct supervision of a licensed driver.

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

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

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

48 (c) Fulfil all insurance requirements pursuant to s.
49 324.022.

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

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

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

59 (9) A violation of this section is a noncriminal traffic
60 infraction, punishable as a nonmoving violation, as provided in
61 chapter 318.

62 Section 2. Section 320.0847, Florida Statutes, is amended
63 to read:

64 320.0847 Mini truck, utility terrain vehicle, and low-speed
65 vehicle license plates.—

66 (1) The department shall issue a license plate to the owner
67 or lessee of any vehicle registered as a low-speed vehicle as
68 defined in s. 320.01, ~~or~~ a mini truck as defined in s. 320.01,



166366

69 or a utility terrain vehicle as defined in s. 316.21275 upon
70 payment of the appropriate license taxes and fees prescribed in
71 s. 320.08.

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

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

76
77 ===== T I T L E A M E N D M E N T =====

78 And the title is amended as follows:

79 Delete everything before the enacting clause
80 and insert:

81 A bill to be entitled
82 An act relating to utility terrain vehicles; creating
83 s. 316.21275, F.S.; defining terms; authorizing a
84 utility terrain vehicle (UTV) to be operated during
85 all hours; authorizing the operation of UTVs on
86 certain roadways; authorizing the operation of UTVs on
87 certain parts of the State Highway System; authorizing
88 the Department of Transportation to prohibit the use
89 of UTVs under certain circumstances; authorizing
90 persons possessing certain licenses to operate a UTV;
91 requiring owners or operators of a UTV to follow
92 certain regulations and requirements; authorizing a
93 county or municipality to restrict the operation of
94 UTVs under certain circumstances; providing penalties;
95 amending s. 320.0847, F.S.; requiring the department
96 to issue a license plate to the owner or lessee of a
97 vehicle registered as a UTV upon payment of certain



166366

98 | taxes and fees; requiring that license plates for UTVs
99 | comply with specified provisions; providing an
100 | effective date.

By Senator Wright

8-00500-24

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A bill to be entitled

An act relating to utility terrain vehicles; amending s. 316.2123, F.S.; authorizing the operation of utility terrain vehicles on certain roadways; providing applicability of certain operator requirements; amending s. 320.01, F.S.; defining the term "utility terrain vehicle" or "UTV"; providing an effective date.

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

Section 1. Section 316.2123, Florida Statutes, is amended to read:

316.2123 Operation of an ATV or a UTV on certain roadways.-

(1) (a) The operation of an ATV, as defined in s. 317.0003, upon the public roads or streets of this state is prohibited, except that an ATV may be operated during the daytime on an unpaved roadway where the posted speed limit is less than 35 miles per hour.

(b) A UTV, as defined in s. 320.01(46), may be operated during all hours, but only on nonfederal roadways where the posted speed limit is less than 55 miles per hour.

(2) A county is exempt from this section if the governing body of the county, by majority vote, following a noticed public hearing, votes to exempt the county from this section. Alternatively, a county may, by majority vote after such a 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 less than 35 miles per hour

Page 1 of 2

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and is appropriately marked to indicate permissible ATV use.

(3) Any ATV or UTV operation ~~that is~~ permitted under subsection (1) or subsection (2) may be undertaken only by a licensed driver or a minor who is under the direct supervision of a licensed driver. The operator must provide proof of ownership under chapter 317 upon the request of a law enforcement officer.

Section 2. Subsection (46) is added to section 320.01, Florida Statutes, to read:

320.01 Definitions, general.-As used in the Florida Statutes, except as otherwise provided, the term:

(46) "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 and which is equipped with headlamps, stop lamps, turn signals, taillamps, rearview mirrors, a windshield, seat belts, and a horn. A UTV must comply with all insurance and license requirements of mini trucks pursuant to ss. 316.2122 and 320.0847.

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

Page 2 of 2

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The Florida Senate

APPEARANCE RECORD

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

1/30

Meeting Date

SB 440

Bill Number or Topic

TRANSPORTATION

Committee

166366

Amendment Barcode (if applicable)

Name

WINN PEEPLES

Phone

350/524/2030

Address

201 S MONROE 4TH FLOOR

Email

Winnpeoples@aol.com

Street

TALL

City

FL

State

32301

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

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1/30/24

Meeting Date

SB 440

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Ben Johnson

Phone

386-527-0901

Address

2791 Grand Ave

Email

benj1952@gmail.com

Street

Deland

City

FL

State

32221

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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S-001 (08/10/2021)

1/30/2024

Meeting Date

Senate Transportation Committee

Committee

Name **Craig Orlan**

Phone **202 300 8999**

Address **1001 G St. NW**

Email **craig_orlan@na.honda.com**

Street

Washington

DC

20001

City

State

Zip

The Florida Senate

APPEARANCE RECORD

SB 440

Bill Number or Topic

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Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

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:

American Honda Motor Company, Inc.

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)

The Florida Senate

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1/30/24

Meeting Date

SB 440

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name Angela Drzewiecki (Drez-Wick-ee)

Phone

Address 301 S. Bronough St

Street

Email

angela.drzewiecki@gray-robinson.com

Tallahassee

City

FL

State

32301

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 \(flsenote.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/30/2024

Meeting Date

440

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name Izzy Garbarino

Phone 850 - 617-7700

Address Street

Email

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing: FL Dept. of Agriculture

[] 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
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 688

INTRODUCER: Senator Martin

SUBJECT: Alternative Mobility Funding Systems

DATE: January 30, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	Favorable
2.	<u>Johnson</u>	<u>Vickers</u>	<u>TR</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 688 revises provisions concerning impact fees and concurrency and provides additional guidance concerning mobility fees. The bill:

- Provides definitions for “mobility fee” and “mobility plan” to be used within the Community Planning Act;
- Provides that local governments adopting and collecting impact fees by ordinance or resolution must use localized data available within the previous 12 months of adoption for the local government’s calculation of impact fees;
- Provides that after an applicant makes its contribution or constructs its proportionate share, the project must be allowed to proceed;
- Prohibits local governments from charging for transportation impacts if they are not the local government that is issuing a building permit;
- Requires that local governments collect for extra-jurisdictional impacts if they are issuing building permits;
- Prohibits local governments from assessing multiple charges for the same transportation impact; and
- Provides that holders of transportation or road impact fee credits, which existed before the adoption of the mobility fee-based funding system, are entitled to the full benefit of the intensity and density prepaid.

The bill takes effect July 1, 2024.

II. Present Situation:

Transportation Impact Fees

The Community Planning Act requires counties and municipalities to produce and maintain a comprehensive plan for future development and growth.¹ Each comprehensive plan must include a transportation element, the purpose of which is to plan for a multimodal transportation system emphasizing feasible public transportation, addressing mobility issues pertinent to the size and character of the local government, and designed to support all other elements of the comprehensive plan.² The transportation element must address traffic circulation, including the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways.³

In furtherance of comprehensive planning, local governments charge impact fees, generally as a condition for the issuance of a project's building permit, to maintain various civic services amid growth. The principle behind the imposition of impact fees is to transfer to new users of a government-owned system a fair share of the costs the new use of the system involves.⁴ Impact fees have become an accepted method of paying for public improvements that must be constructed to serve new growth.⁵ In order for an impact fee to be a constitutional user fee and not an unconstitutional tax, the fee must meet a dual rational nexus test, through which the local government must demonstrate the impact fee is proportional and reasonably connected to, or has a rational nexus with:

- The need for additional capital facilities and the increased impact generated by the new residential or commercial construction; and
- The expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.⁶

Impact fee calculations vary from jurisdiction to jurisdiction and from fee to fee. Impact fees also vary extensively depending on local costs, capacity needs, resources, and the local government's determination to charge the full cost or only part of the cost of the infrastructure improvement through utilization of the impact fee.

Local governments must credit against impact fee collections any contribution related to public facilities or infrastructure on a dollar-for-dollar basis at fair market value for the general category or class of public facilities or infrastructure for which the contribution was made. If no impact fee is collected for that category of public facility or infrastructure for which the contribution is made, no credit may be applied.⁷ Credits for impact fees may be assigned or transferred at any time once established, from one development or parcel to another within the same impact fee

¹ Part II, chapter 163, F.S.

² Section 163.3177(6)(b), F.S.

³ Section 163.3177(6)(b)1., F.S.

⁴ *Contractors & Builders Ass'n of Pinellas County v. City of Dunedin*, 329 So. 2d 314, 317-318 (Fla. 1976).

⁵ *St. Johns County v. Ne. Florida Builders Ass'n, Inc.*, 583 So. 2d 635, 638 (Fla. 1991); section 163.31801(2), F.S.

⁶ See *St. Johns County* at 637. Codified as s. 163.31801(3)(f) and (g), F.S.

⁷ Section 163.31801(5), F.S.

zone or district or within an adjoining impact fee zone or district within the same local government jurisdiction.⁸

Concurrency and Proportionate Share

“Concurrency” is a phrase referring to a set of land use regulations requiring local governments to ensure that new development does not outstrip a local government’s ability to provide necessary services. Developments meet concurrency requirements when the local government has the infrastructure capacity to serve the new growth.

A concurrency requirement is a law stating that certain infrastructure must be in place and available to serve new development before the local government may allow new citizens to live in the new development.⁹ For example, before a local government can approve a building permit to allow a new development, it must consult with its water suppliers to ensure adequate supplies to serve the new development will be available by the time citizens can move in.¹⁰ Certain services are subject to concurrency statewide (sanitary sewer, solid waste, drainage, and potable water) while other services, such as public transportation or schools, may optionally be subjected to concurrency by a local government.¹¹

Proportionate share is a tool local governments may use to require developers to help mitigate the impacts of their development notwithstanding a failure to achieve and maintain the adopted level of service standards.¹² Proportionate share generally requires developers to contribute to costs, or build facilities, necessary to offset a new development’s impacts.¹³

Transportation Concurrency

Local governments utilizing transportation concurrency must use professionally accepted studies to evaluate levels of service and techniques to measure such levels of service when evaluating potential impacts of proposed developments.¹⁴ While local governments implementing a transportation concurrency system are encouraged to develop and use certain tools and guidelines, such as addressing potential negative impacts on urban infill and redevelopment¹⁵ and adopting long-term multimodal strategies,¹⁶ such local governments must follow specific concurrency requirements including consulting with the Florida Department of Transportation if proposed amendments to the plan affect the Strategic Intermodal System, exempting public

⁸ Section 163.31801(10), F.S. In an action challenging an impact fee or a failure to provide proper credits, the local government has the burden of proof to establish the imposition of the fee or the credit complies with the statute, and the court may not defer to the decision or expertise of the government. S. 163.31801(9), F.S.

⁹ Section 163.3180(2), F.S.

¹⁰ *Id.*

¹¹ Section 163.3180(1), F.S.

¹² Florida Department of Community Affairs (now Department of Economic Opportunity), *Transportation Concurrency: Best Practices Guide*, pg. 64 (2007), retrieved from http://www.cutr.usf.edu/pdf/DCA_TCBP%20Guide.pdf (last visited Jan. 5, 2024).

¹³ *Id.*

¹⁴ Section 163.3180(5)(b)-(c), F.S.

¹⁵ Section 163.3180(5)(e), F.S.

¹⁶ Section 163.3180(f), F.S.

transit facilities from concurrency requirements, and allowing a developer to contribute a proportionate share to mitigate transportation impacts for a specific development.¹⁷

Mobility Plans and Fees

In the Community Renewal Act¹⁸ of 2009 (Act), the Legislature found that the concept and application of transportation concurrency was “complex, inequitable, lack(ed) uniformity among jurisdictions, (was) too focused on roadways to the detriment of desired land use patterns and transportation alternatives, and frequently prevent(ed) the attainment of important growth management goals.”¹⁹ The Act required completion and submission of a mobility fee methodology study²⁰ and stated the Legislature’s intent that a mobility fee “should be designed to provide for mobility needs, ensure that development provides mitigation for its impacts on the transportation system in approximate proportionality to those impacts, fairly distribute the fee among the governmental entities responsible for maintaining the impacted roadways, and promote compact, mixed-use, and energy-efficient development.”²¹ In 2013, the concept of a mobility fee-based funding system was added to the comprehensive planning statutes as an encouraged alternative to transportation concurrency.²²

Alternative mobility funding systems using a mobility fee are encouraged to incorporate one or more of the statutory tools and techniques, including:

- Adoption of long-term strategies to facilitate development patterns that support multimodal solutions, including urban design, appropriate land use mixes, intensity and density;
- Adoption of an area wide level of service not dependent on any single road segment function;
- Exempting or discounting impacts of locally desired development;
- Assigning secondary priority to vehicle mobility and primary priority to ensuring a safe, comfortable, and attractive pedestrian environment with convenient interconnection to transit;
- Establishing multimodal level of service standards that rely primarily on non-vehicular modes of transportation where existing or planned community design will provide adequate a level of mobility; and
- Reducing impact fees or local access fees to promote development within urban areas, multimodal transportation districts, and a balance of mixed-use development in certain areas or districts, or for affordable or workforce housing.²³

Some local governments have adopted mobility plans and mobility fees.²⁴

¹⁷ Section 163.3180(5)(h), F.S.

¹⁸ Chapter 2009-96, s. 1, Laws of Fla.

¹⁹ Chapter 2009-96, s. 13(1)(a), Laws of Fla.

²⁰ Center for Urban Transportation Research, *Evaluation of the Mobility Fee Concept Final Report*, University of South Florida (Nov. 2009), available at <https://cutr.usf.edu/wp-content/uploads/2012/08/Evaluation-of-the-Mobility-Fee-Concept-CUTR-Webcast-04.21.11.pdf> (last visited Jan. 5, 2024).

²¹ Chapter 2009-96, s. 13(1)(b), Laws of Fla.

²² Chapter 2013-78, s. 1, Laws of Fla.

²³ Section 163.3180(5)(f), F.S.

²⁴ See Hillsborough County Code of County Ordinances, ch. 40, art. III, div. 2, *Mobility Fees*; Pasco County Code of Ordinances, Land Development Code, ch. 1300, s. 1302.2; City of Port St. Lucie Code of Ordinances, Title XV, ch. 159, s. 159.101, *Port St. Lucie Mobility Fee Ordinance*.

III. Effect of Proposed Changes:

The bill revises provisions concerning impact fees and concurrency while providing additional guidance concerning mobility fees.

Section 1 amends s. 163.3164, F.S., to provide definitions for “mobility fee” and “mobility plan” to be used within the Community Planning Act.

Section 2 amends s. 163.3180, F.S., to provide that, pursuant to a transportation concurrency agreement, after an applicant makes its contribution or constructs its proportionate share, the project shall be considered to have mitigated its transportation impacts and must be allowed to proceed. The section also provides that local governments may not prevent a single applicant from proceeding after the applicant has satisfied its proportionate-share contribution.

The section further prohibits local governments from charging for transportation impacts if they are not the local government that is issuing a building permit, requires that local governments collect for extra-jurisdictional impacts if they are issuing building permits, and prohibits local governments from assessing multiple charges for the same transportation impact.

Section 3 amends s. 163.31801, F.S., to provide that local governments adopting and collecting impact fees must use localized data available within the previous 12 months of adoption for the local government’s calculation of impact fees. A local government must also credit against the collection of the impact any contribution identified in the development order or any form of exaction, including monetary contributions.

The section also provides that holders of transportation or road impact fee credits which existed before the adoption of the mobility fee-based funding system, are entitled to the full benefit of the intensity and density prepaid by the credit balance as of the date it was first established.

Section 4 amends s. 212.055, F.S., to correct a statutory cross-reference.

Section 5 provides that 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:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Ideally, local governments in cooperation will continue to collect the full amount of expected transportation and mobility related impact fees. Local governments may nonetheless see costs implementing the provision of the bill requiring only the building permit issuing local government to collect such fees before dispersing them to other affected governments to the extent that current administration, such as operation through interlocal agreement, differs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:**IX.** This bill substantially amends sections 163.3164, 163.3180, 163.31801, and 212.055 of the Florida Statutes.**X. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.

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

By Senator Martin

33-01545-24

2024688__

1 A bill to be entitled
 2 An act relating to alternative mobility funding
 3 systems; amending s. 163.3164, F.S.; providing
 4 definitions; amending s. 163.3180, F.S.; revising
 5 requirements relating to agreements to pay for or
 6 construct certain improvements; authorizing certain
 7 local governments to adopt an alternative mobility
 8 planning and fee system or an alternative system in
 9 certain circumstances; providing requirements for the
 10 application of an adopted alternative system;
 11 prohibiting an alternative system from imposing
 12 responsibility for funding an existing transportation
 13 deficiency upon new development; providing that only
 14 local governments issuing building permits may charge
 15 for transportation impacts; requiring local
 16 governments that issue building permits to collect for
 17 extrajurisdictional impacts; prohibiting local
 18 governments from assessing multiple charges for the
 19 same transportation impact; amending s. 163.31801,
 20 F.S.; revising requirements for the calculation of
 21 impact fees by certain local governments and special
 22 districts; requiring local governments transitioning
 23 to alternative funding systems to provide holders of
 24 impact fee credits with full benefit of intensity and
 25 density of prepaid credit balances as of a specified
 26 date; amending s. 212.055, F.S.; conforming a cross-
 27 reference; providing an effective date.
 28
 29 Be It Enacted by the Legislature of the State of Florida:

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33-01545-24

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30
 31 Section 1. Present subsections (32) through (52) of section
 32 163.3164, Florida Statutes, are redesignated as subsections (34)
 33 through (54), respectively, and new subsections (32) and (33)
 34 are added to that section, to read:
 35 163.3164 Community Planning Act; definitions.—As used in
 36 this act:
 37 (32) "Mobility fee" means a local government fee schedule
 38 established by ordinance and based on the projects included in
 39 the local government's adopted mobility plan.
 40 (33) "Mobility plan" means an integrated land use and
 41 alternative mobility transportation plan adopted into a local
 42 government comprehensive plan that promotes a compact, mixed-
 43 use, and interconnected development served by a multimodal
 44 transportation system in an area that is urban in character as
 45 defined in s. 171.031.
 46 Section 2. Paragraphs (h) and (i) of subsection (5) of
 47 section 163.3180, Florida Statutes, are amended, and paragraph
 48 (j) is added to that subsection, to read:
 49 163.3180 Concurrency.—
 50 (5)
 51 (h)1. Local governments that continue to implement a
 52 transportation concurrency system, whether in the form adopted
 53 into the comprehensive plan before the effective date of the
 54 Community Planning Act, chapter 2011-139, Laws of Florida, or as
 55 subsequently modified, must:
 56 a. Consult with the Department of Transportation when
 57 proposed plan amendments affect facilities on the strategic
 58 intermodal system.

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59 b. Exempt public transit facilities from concurrency. For
60 the purposes of this sub-subparagraph, public transit facilities
61 include transit stations and terminals; transit station parking;
62 park-and-ride lots; intermodal public transit connection or
63 transfer facilities; fixed bus, guideway, and rail stations; and
64 airport passenger terminals and concourses, air cargo
65 facilities, and hangars for the assembly, manufacture,
66 maintenance, or storage of aircraft. As used in this sub-
67 subparagraph, the terms "terminals" and "transit facilities" do
68 not include seaports or commercial or residential development
69 constructed in conjunction with a public transit facility.

70 c. Allow an applicant for a development-of-regional-impact
71 development order, development agreement, rezoning, or other
72 land use development permit to satisfy the transportation
73 concurrency requirements of the local comprehensive plan, the
74 local government's concurrency management system, and s. 380.06,
75 when applicable, if:

76 (I) The applicant in good faith offers to enter into a
77 binding agreement to pay for or construct its proportionate
78 share of required improvements in a manner consistent with this
79 subsection. The agreement must provide that after an applicant
80 makes its contribution or constructs its proportionate share
81 pursuant to this sub-sub-subparagraph, the project shall be
82 considered to have mitigated its transportation impacts and be
83 allowed to proceed.

84 (II) The proportionate-share contribution or construction
85 is sufficient to accomplish one or more mobility improvements
86 that will benefit a regionally significant transportation
87 facility. A local government may accept contributions from

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88 multiple applicants for a planned improvement if it maintains
89 contributions in a separate account designated for that purpose.
90 A local government may not prevent a single applicant from
91 proceeding after the applicant has satisfied its proportionate-
92 share contribution.

93 d. Provide the basis upon which the landowners will be
94 assessed a proportionate share of the cost addressing the
95 transportation impacts resulting from a proposed development.

96 2. An applicant shall not be held responsible for the
97 additional cost of reducing or eliminating deficiencies. When an
98 applicant contributes or constructs its proportionate share
99 pursuant to this paragraph, a local government may not require
100 payment or construction of transportation facilities whose costs
101 would be greater than a development's proportionate share of the
102 improvements necessary to mitigate the development's impacts.

103 a. The proportionate-share contribution shall be calculated
104 based upon the number of trips from the proposed development
105 expected to reach roadways during the peak hour from the stage
106 or phase being approved, divided by the change in the peak hour
107 maximum service volume of roadways resulting from construction
108 of an improvement necessary to maintain or achieve the adopted
109 level of service, multiplied by the construction cost, at the
110 time of development payment, of the improvement necessary to
111 maintain or achieve the adopted level of service.

112 b. In using the proportionate-share formula provided in
113 this subparagraph, the applicant, in its traffic analysis, shall
114 identify those roads or facilities that have a transportation
115 deficiency in accordance with the transportation deficiency as
116 defined in subparagraph 4. The proportionate-share formula

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117 provided in this subparagraph shall be applied only to those
 118 facilities that are determined to be significantly impacted by
 119 the project traffic under review. If any road is determined to
 120 be transportation deficient without the project traffic under
 121 review, the costs of correcting that deficiency shall be removed
 122 from the project's proportionate-share calculation and the
 123 necessary transportation improvements to correct that deficiency
 124 shall be considered to be in place for purposes of the
 125 proportionate-share calculation. The improvement necessary to
 126 correct the transportation deficiency is the funding
 127 responsibility of the entity that has maintenance responsibility
 128 for the facility. The development's proportionate share shall be
 129 calculated only for the needed transportation improvements that
 130 are greater than the identified deficiency.

131 c. When the provisions of subparagraph 1. and this
 132 subparagraph have been satisfied for a particular stage or phase
 133 of development, all transportation impacts from that stage or
 134 phase for which mitigation was required and provided shall be
 135 deemed fully mitigated in any transportation analysis for a
 136 subsequent stage or phase of development. Trips from a previous
 137 stage or phase that did not result in impacts for which
 138 mitigation was required or provided may be cumulatively analyzed
 139 with trips from a subsequent stage or phase to determine whether
 140 an impact requires mitigation for the subsequent stage or phase.

141 d. In projecting the number of trips to be generated by the
 142 development under review, any trips assigned to a toll-financed
 143 facility shall be eliminated from the analysis.

144 e. The applicant shall receive a credit on a dollar-for-
 145 dollar basis for impact fees, mobility fees, and other

33-01545-24

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146 transportation concurrency mitigation requirements paid or
 147 payable in the future for the project. The credit shall be
 148 reduced up to 20 percent by the percentage share that the
 149 project's traffic represents of the added capacity of the
 150 selected improvement, or by the amount specified by local
 151 ordinance, whichever yields the greater credit.

152 3. This subsection does not require a local government to
 153 approve a development that, for reasons other than
 154 transportation impacts, is not qualified for approval pursuant
 155 to the applicable local comprehensive plan and land development
 156 regulations.

157 4. As used in this subsection, the term "transportation
 158 deficiency" means a facility or facilities on which the adopted
 159 level-of-service standard is exceeded by the existing,
 160 committed, and vested trips, plus additional projected
 161 background trips from any source other than the development
 162 project under review, and trips that are forecast by established
 163 traffic standards, including traffic modeling, consistent with
 164 the University of Florida's Bureau of Economic and Business
 165 Research medium population projections. Additional projected
 166 background trips are to be coincident with the particular stage
 167 or phase of development under review.

168 (i) If a local government elects to repeal transportation
 169 concurrency, the local government may ~~it is encouraged to~~ adopt
 170 an alternative mobility planning and fee funding system or an
 171 alternative system that is not mobility plan and fee based. The
 172 local government ~~that uses one or more of the tools and~~
 173 ~~techniques identified in paragraph (f).~~ Any alternative mobility
 174 ~~funding system adopted~~ may not use an alternative system ~~be used~~

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175 to deny, time, or phase an application for site plan approval,
 176 plat approval, final subdivision approval, building permits, or
 177 the functional equivalent of such approvals provided that the
 178 developer agrees to pay for the development's identified
 179 transportation impacts via the funding mechanism implemented by
 180 the local government. The revenue from the funding mechanism
 181 used in the alternative system must be used to implement the
 182 needs of the local government's plan which serves as the basis
 183 for the fee imposed. An alternative ~~A mobility fee-based funding~~
 184 system must comply with s. 163.31801 governing impact fees. An
 185 alternative system may not impose ~~that is not mobility fee-based~~
 186 ~~shall not be applied in a manner that imposes~~ upon new
 187 development any responsibility for funding an existing
 188 transportation deficiency as defined in paragraph (h).

189 (j) Only the local government issuing the building permit
 190 may charge for transportation impacts within its jurisdiction.
 191 Such local government must collect and account for any
 192 extrajurisdictional impacts pursuant to s. 163.3177(6)(h),
 193 regardless of whether it implements a transportation concurrency
 194 system or an alternative system. A local government may not
 195 charge new development or redevelopment for the same
 196 transportation impacts.

197 Section 3. Paragraph (a) of subsection (4), paragraph (a)
 198 of subsection (5), and subsection (7) of section 163.31801,
 199 Florida Statutes, are amended to read:

200 163.31801 Impact fees; short title; intent; minimum
 201 requirements; audits; challenges.-

202 (4) At a minimum, each local government that adopts and
 203 collects an impact fee by ordinance and each special district

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204 that adopts, collects, and administers an impact fee by
 205 resolution must:

206 (a) Ensure that the calculation of the impact fee is based
 207 on the most recent and localized data available within the
 208 previous 12 months before adoption.

209 (5) (a) Notwithstanding any charter provision, comprehensive
 210 plan policy, ordinance, development order, development permit,
 211 or resolution, the local government or special district that
 212 requires any improvement or contribution must credit against the
 213 collection of the impact fee any contribution, whether
 214 identified in a development order, proportionate share
 215 agreement, or any other form of exaction, related to public
 216 facilities or infrastructure, including monetary contributions,
 217 land dedication, site planning and design, or construction. Any
 218 contribution must be applied on a dollar-for-dollar basis at
 219 fair market value to reduce any impact fee collected for the
 220 general category or class of public facilities or infrastructure
 221 for which the contribution was made.

222 (7) If an impact fee is increased, the holder of any impact
 223 fee credits, whether such credits are granted under s. 163.3180,
 224 s. 380.06, or otherwise, which were in existence before the
 225 increase, is entitled to the full benefit of the intensity or
 226 density prepaid by the credit balance as of the date it was
 227 first established. If a local government adopts an alternative
 228 funding system pursuant to s. 163.3180(5)(i), the holder of any
 229 transportation or road impact fee credits granted under s.
 230 163.3180 or s. 380.06 or otherwise that were in existence before
 231 the adoption of the alternative funding system is entitled to
 232 the full benefit of the intensity and density prepaid by the

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233 credit balance as of the date the alternative funding system was
 234 first established.

235 Section 4. Paragraph (d) of subsection (2) of section
 236 212.055, Florida Statutes, is amended to read:

237 212.055 Discretionary sales surtaxes; legislative intent;
 238 authorization and use of proceeds.—It is the legislative intent
 239 that any authorization for imposition of a discretionary sales
 240 surtax shall be published in the Florida Statutes as a
 241 subsection of this section, irrespective of the duration of the
 242 levy. Each enactment shall specify the types of counties
 243 authorized to levy; the rate or rates which may be imposed; the
 244 maximum length of time the surtax may be imposed, if any; the
 245 procedure which must be followed to secure voter approval, if
 246 required; the purpose for which the proceeds may be expended;
 247 and such other requirements as the Legislature may provide.
 248 Taxable transactions and administrative procedures shall be as
 249 provided in s. 212.054.

250 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

251 (d) The proceeds of the surtax authorized by this
 252 subsection and any accrued interest shall be expended by the
 253 school district, within the county and municipalities within the
 254 county, or, in the case of a negotiated joint county agreement,
 255 within another county, to finance, plan, and construct
 256 infrastructure; to acquire any interest in land for public
 257 recreation, conservation, or protection of natural resources or
 258 to prevent or satisfy private property rights claims resulting
 259 from limitations imposed by the designation of an area of
 260 critical state concern; to provide loans, grants, or rebates to
 261 residential or commercial property owners who make energy

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262 efficiency improvements to their residential or commercial
 263 property, if a local government ordinance authorizing such use
 264 is approved by referendum; or to finance the closure of county-
 265 owned or municipally owned solid waste landfills that have been
 266 closed or are required to be closed by order of the Department
 267 of Environmental Protection. Any use of the proceeds or interest
 268 for purposes of landfill closure before July 1, 1993, is
 269 ratified. The proceeds and any interest may not be used for the
 270 operational expenses of infrastructure, except that a county
 271 that has a population of fewer than 75,000 and that is required
 272 to close a landfill may use the proceeds or interest for long-
 273 term maintenance costs associated with landfill closure.
 274 Counties, as defined in s. 125.011, and charter counties may, in
 275 addition, use the proceeds or interest to retire or service
 276 indebtedness incurred for bonds issued before July 1, 1987, for
 277 infrastructure purposes, and for bonds subsequently issued to
 278 refund such bonds. Any use of the proceeds or interest for
 279 purposes of retiring or servicing indebtedness incurred for
 280 refunding bonds before July 1, 1999, is ratified.

281 1. For the purposes of this paragraph, the term
 282 "infrastructure" means:

283 a. Any fixed capital expenditure or fixed capital outlay
 284 associated with the construction, reconstruction, or improvement
 285 of public facilities that have a life expectancy of 5 or more
 286 years, any related land acquisition, land improvement, design,
 287 and engineering costs, and all other professional and related
 288 costs required to bring the public facilities into service. For
 289 purposes of this sub-subparagraph, the term "public facilities"
 290 means facilities as defined in s. 163.3164(41) ~~s. 163.3164(39)~~,

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291 s. 163.3221(13), or s. 189.012(5), and includes facilities that
 292 are necessary to carry out governmental purposes, including, but
 293 not limited to, fire stations, general governmental office
 294 buildings, and animal shelters, regardless of whether the
 295 facilities are owned by the local taxing authority or another
 296 governmental entity.

297 b. A fire department vehicle, an emergency medical service
 298 vehicle, a sheriff's office vehicle, a police department
 299 vehicle, or any other vehicle, and the equipment necessary to
 300 outfit the vehicle for its official use or equipment that has a
 301 life expectancy of at least 5 years.

302 c. Any expenditure for the construction, lease, or
 303 maintenance of, or provision of utilities or security for,
 304 facilities, as defined in s. 29.008.

305 d. Any fixed capital expenditure or fixed capital outlay
 306 associated with the improvement of private facilities that have
 307 a life expectancy of 5 or more years and that the owner agrees
 308 to make available for use on a temporary basis as needed by a
 309 local government as a public emergency shelter or a staging area
 310 for emergency response equipment during an emergency officially
 311 declared by the state or by the local government under s.
 312 252.38. Such improvements are limited to those necessary to
 313 comply with current standards for public emergency evacuation
 314 shelters. The owner must enter into a written contract with the
 315 local government providing the improvement funding to make the
 316 private facility available to the public for purposes of
 317 emergency shelter at no cost to the local government for a
 318 minimum of 10 years after completion of the improvement, with
 319 the provision that the obligation will transfer to any

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320 subsequent owner until the end of the minimum period.

321 e. Any land acquisition expenditure for a residential
 322 housing project in which at least 30 percent of the units are
 323 affordable to individuals or families whose total annual
 324 household income does not exceed 120 percent of the area median
 325 income adjusted for household size, if the land is owned by a
 326 local government or by a special district that enters into a
 327 written agreement with the local government to provide such
 328 housing. The local government or special district may enter into
 329 a ground lease with a public or private person or entity for
 330 nominal or other consideration for the construction of the
 331 residential housing project on land acquired pursuant to this
 332 sub-subparagraph.

333 f. Instructional technology used solely in a school
 334 district's classrooms. As used in this sub-subparagraph, the
 335 term "instructional technology" means an interactive device that
 336 assists a teacher in instructing a class or a group of students
 337 and includes the necessary hardware and software to operate the
 338 interactive device. The term also includes support systems in
 339 which an interactive device may mount and is not required to be
 340 affixed to the facilities.

341 2. For the purposes of this paragraph, the term "energy
 342 efficiency improvement" means any energy conservation and
 343 efficiency improvement that reduces consumption through
 344 conservation or a more efficient use of electricity, natural
 345 gas, propane, or other forms of energy on the property,
 346 including, but not limited to, air sealing; installation of
 347 insulation; installation of energy-efficient heating, cooling,
 348 or ventilation systems; installation of solar panels; building

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349 modifications to increase the use of daylight or shade;
350 replacement of windows; installation of energy controls or
351 energy recovery systems; installation of electric vehicle
352 charging equipment; installation of systems for natural gas fuel
353 as defined in s. 206.9951; and installation of efficient
354 lighting equipment.

355 3. Notwithstanding any other provision of this subsection,
356 a local government infrastructure surtax imposed or extended
357 after July 1, 1998, may allocate up to 15 percent of the surtax
358 proceeds for deposit into a trust fund within the county's
359 accounts created for the purpose of funding economic development
360 projects having a general public purpose of improving local
361 economies, including the funding of operational costs and
362 incentives related to economic development. The ballot statement
363 must indicate the intention to make an allocation under the
364 authority of this subparagraph.

365 Section 5. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

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Transportation

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Committee

Amendment Barcode (if applicable)

Name

Patrick Rutter

Phone

561 355 2034

Address

301 N Olive Ave

Email

prutter@pb.gov.org

Street

West Palm Beach FL

33401

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 \(flsenate.gov\)](#)

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The Florida Senate

APPEARANCE RECORD

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Meeting Date

688

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name Rusty Payton

Phone 850-567-1073

Address 1319 Thomaswood Drive

Email rpayton@fhba.com

Street

Tallahassee FL 32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] 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

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Meeting Date

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Transportation

Committee

Amendment Barcode (if applicable)

Name Bob McKee

Phone 850 488-9200

Address 100 S Monroe

Email

Street

Tallahassee FL

32301

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 Association of Counties

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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Committee

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Amendment Barcode (if applicable)

Name Carolyn Grawi

Phone 850-595-5566

Address CIL of Northwest Florida (Escambia, Santa Rosa, Okaloosa, Walton Counties) 21 South Tarragona Suite 101

Email Carolyn@cilnwf.org

Street

Pensacola

FL

32502

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against
Access and Inclusion

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.
non-profit organization

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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Transportation

Committee

Amendment Barcode (if applicable)

Name David Cruz

Phone 701-3676

Address P.O. Box 1757

Email DCRUZ@fcities.com

Street

Tallahassee FL

32302

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:

Florida League of Cities

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. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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Transparency

Committee

Amendment Barcode (if applicable)

Name Chelsea Reed

Phone 561-346-1860

Address 94 International Lane

Email creed@progf.com

Street

Jacksonville FL 32410

City

State

Zip

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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TRANSPORTATION

Committee

Amendment Barcode (if applicable)

Name R. MAX LOHMAN

Phone 561-799-4138

Address 10500 N. MILITARY TRAIL

Email MLOHMAN@PBGFL.COM

Street

PAUM BEACH GARDENS FL 33410

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 \(flsenate.gov\)](#)

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Bill Number or Topic

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TRANSPORTATION

Committee

Amendment Barcode (if applicable)

Name Louis Rotundo

Phone 407-699-9361

Address 302 Pinestraw Circle

Email LCR5002@aiaad.com

Street

Altamonte Springs FL 32714

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:
- City of Altamonte Springs
- Celebration Park LLC

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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TRANSPORTATION

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

John DiAgostino

Phone

561-881-3304

Address

535 Park Ave

Email

JDiAgostino@LakeparkFlorida.com

Street

Lake Park FL

33403

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 \(flsenate.gov\)](#)

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Bill Number or Topic

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Transportation

Committee

Amendment Barcode (if applicable)

Name Dorothea (Da-ree-the) Taylor-Bogert Phone 863-967-0096

Address Mayor - City of Auburndale 1 Bobby Green Plaza Email DTBogertC@tcs.com

Street

Auburndale FL 33823

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 \(flsenate.gov\)](#)

The Florida Senate

APPEARANCE RECORD

SB688 Mobility Funding
Bill Number or Topic

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Meeting Date

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Transportation

Committee

Amendment Barcode (if applicable)

Name Kim Glas-Castro, Vice Mayor

Phone 561-838-3301

Address Town of Lake Park
535 Park Ave

Email kglascastro@lakepark
florida.gov

Lake Park FL 33403

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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SB 688

Bill Number or Topic

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Transportation

Committee

Amendment Barcode (if applicable)

Name

JANITH THOMAS

Phone

(561) 331-2220

Address

535 Park Ave

Email

jthomas@lakeparkflorida.com

Street

LAKE PARK FL 33403

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 \(flsenate.gov\)](#)

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The Florida Senate APPEARANCE RECORD

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SB 688

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Roger Michaud

Phone 561-718-8989

Address 535 Park Avenue

Email rmichaud@lakeparkflorida.com

Street

Lake Park FL 33403

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 \(flsenate.gov\)](#)

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Bill Number or Topic

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Amendment Barcode (if applicable)

Committee
Name Mary Taylor

Phone 561 845 2601

Address 209 Park Ave - Lake
Street

Email mtaylor@lakeparkaerial.com

Lake Park FL 33403
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 \(flsenate.gov\)](#)

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SB688
Bill Number or Topic

Amendment Barcode (if applicable)

1-30-24
Meeting Date
Transportation
Committee

Name Holly Smith Phone 239-707-9800

Address 800 Dunlap Street
Sanibel FL 33957
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.
Council member
City of Sanibel
- 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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SB 688

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name

Michael E. Dishner

Phone

(386) 236-2150

Address

4300 S. Atlantic Ave

Street

Email

mdishner@ponce-inlet.org

Ponce Inlet

City

FL

State

32127

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 \(flisenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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688

Bill Number or Topic

1/30/2024

Meeting Date

TRANSPORTATION

Committee

Amendment Barcode (if applicable)

Name LOIS PARITSKY, Mayor Ponce Inlet Phone 386-4148-2819

Address 4300 S. Atlantic Street Ponce Inlet FL 32127 Email lparitsky@ponce-inlet.org

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] 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)

1/30/24

The Florida Senate APPEARANCE RECORD

SB 688

Meeting Date

Bill Number or Topic

Transportation

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Committee

Amendment Barcode (if applicable)

Marc L (A:)

Name

Phone

Address

Email

Street

Mount Dora

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 \(flsenate.gov\)](#)

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The Florida Senate
APPEARANCE RECORD

SB 688

Meeting Date

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Cal Rolfsen

Phone 352-552-4200

Address 8044 St. James Way

Email crolfsen@comcast.net

Street

Mecent Doo FL 32757

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 \(flsenate.gov\)](#)

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1/30/24
Meeting Date

SB 688
Bill Number or Topic

Transportation
Committee

Amendment Barcode (if applicable)

Name Doug Bryant Phone 367 760 8063

Address 2437 Bar Harbor Bay Email

Mt. Dora FL 32757
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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

1/30/24

Meeting Date

The Florida Senate APPEARANCE RECORD

688

Bill Number or Topic

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Transportation
Committee

Amendment Barcode (if applicable)

Name Mark Jeffries

Phone 407-836-5909

Address 201 S. Rosalind Ave

Email mark.jeffries@ocfl.net

Street

Orlando FL 32801

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: Orange County

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
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 840

INTRODUCER: Senator DiCeglie

SUBJECT: Appointment of a General Lines Agency as an Agent for a Tax Collector

DATE: January 30, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	Favorable
2.			BI	
3.			AP	

I. Summary:

SB 840 bill authorizes a licensed general lines insurance agency holding an insurer appointment to write motor vehicle insurance in Florida to petition a tax collector for appointment, and requires the tax collector to make such appointment, as an authorized agent of the tax collector for the purpose of issuing motor vehicle registration certificates, registration license plates, validation stickers, and mobile home stickers.

The bill also permits these insurance agencies to offer applicants the option to register emergency contact information and the choice to be contacted with information about state and federal benefits available as a result of military service, subject to the requirements of law and in accordance with the rules of the Department of Highway Safety and Motor Vehicles (DHSMV).

The bill mandates that a general lines insurance agency appointed by a tax collector:

- Must file a performance bond of \$2 million with the DHSMV.
- Must provide the DHSMV with audited financial statements demonstrating that the agency has produced policy premiums in excess of \$500 million in each of the two previous years.
- Is not obligated to provide services to the general public and may choose to offer services only to its customers in the normal course of business.
- Must offer such services at no more than five locations in each county where the agency has a branch office.
- Must be authorized by the tax collector to access the DHSMV’s electronic filing system.
- Is subject to all provisions of the law, as if the insurance agency were a private tag agency, except where the context indicates otherwise.

The bill may have an indeterminate impact on state government revenues and a negative fiscal impact on state government expenditures. It may have a positive impact on the private sector. See “Fiscal Impact Statement” for details.

The bill has an effective date of July 1, 2024.

II. Present Situation:

County tax collectors are the Department of Highway Safety and Motor Vehicles' (DHSMV) authorized agents for titling and registering motor vehicles, motor homes, and vessels.¹ When processing these transactions, tax collectors charge and collect fees specified in state law,² which are remitted to the state. However, chs. 319, 320, and 328, F.S., also require tax collectors to retain certain statutorily prescribed service fees and charges.³

The renewal of existing registration is the most common motor vehicle transaction. DHSMV and the tax collectors provide registration renewal services online, by mail, in person, through a phone application, through renewal kiosks located in various retail establishments, and by express pick-up where a customer can renew a registration online and pick it up in an office the same day.⁴

Currently, 65 counties have elected tax collectors who are constitutional officers, while Broward and Miami-Dade counties have appointed tax collectors under each county's charter government. However, pursuant to s. 1(d), Article VIII of the State Constitution, these counties will have elected tax collectors effective January 7, 2025.⁵

License Plate Agents and Fees

Each tax collector is authorized to enter into contracts with private third-party license plate agents (LPAs) for the titling and registration of motor vehicles, mobile homes, and vessels. LPAs are granted online computer access to DHSMV systems and are supplied with title paper, registration decals, and license plates by the tax collector.⁶

Sixteen counties have, or until recently had, contracts with privately owned LPAs to operate 57 offices⁷, primarily in Miami Dade and Broward County, to perform title and registration services for motor vehicles, mobile homes, and vessels. In counties with elected tax collectors, LPAs only charge the fees for those services as expressly authorized in statute. In these counties, the LPAs may retain all or a portion of the statutorily authorized service fee that tax collectors are allowed to collect for motor vehicle, mobile home, and vessel title and registration services, as provided in the contracts between the LPA and the tax collector.⁸ The LPAs in Broward and Miami-Dade

¹ Chapters 320 and 328, F.S. County tax collectors are expressly made agents of the state with respect to motor vehicle registration in s. 320.03(1), F.S., and with respect to vessel registration in s. 328.73(1), F.S.

² See s. 319.32, F.S., for motor vehicle title fees, s. 320.03, for motor vehicle registration fees, s. 320.04, F.S., as to motor vehicle service charges, and s. 328.72, F.S., as to vessel registration fees.

³ Department of Highway Safety and Motor Vehicles, Agency Analysis of 2021 SB 342, p. 2, January 14, 2021 (On file with Senate Committee on Transportation)

⁴ *Id.*

⁵ Art. VIII, s. 1(d), Fla. Const.

⁶ Department of Highway Safety and Motor Vehicles, Agency Analysis of 2024 HB 817, p. 2, December 22, 2023 (On file with the Senate Committee on Transportation)

⁷ *Id.*

⁸ *Id.*

County charge fees for motor vehicle, mobile home, and vessel title and registration fees *in addition* to the statutory fees authorized in chs. 319, 320, and 328, F.S. The additional fees levied in Broward and Miami-Dade Counties are levied pursuant to county ordinance and are retained by the LPAs.⁹

Driver License Issuance Systems

DHSMV has transitioned its driver license services from DHSMV-owned facilities to elected county tax collectors. Florida law required DHSMV to completely transition all driver license issuance services to tax collectors who are constitutional officers under s. 1(d), Article VIII of the State Constitution with this transition completed on June 30, 2015. The transition of services to appointed charter county tax collectors may occur on a limited basis as directed by DHSMV.¹⁰

DHSMV's Florida Driver License Information System (FDLIS) is the legacy driver license issuance system that will be completely replaced by 2025 with the newly launched Online Registration and Identity Operating Network (ORION) database application.¹¹ ORION will be used to conduct all driver license and identification card issuances. ORION provides real-time access to extensive information on every driver, including driving history, vehicle insurance information, and personal identity information and documents.

FDLIS/ORION is installed in 195 tax collector offices in 63 counties in Florida and in the 15 driver license offices DHSMV operates in Broward and Miami-Dade counties. Only DHSMV and elected tax collectors have access to FDLIS/ORION. Access to these systems is governed by individual memoranda of understanding between DHSMV and each tax collector.

County tax collectors are required to charge a \$6.25 service fee for providing driver license services.¹²

Regulation of Insurance Agents and Agency Services

The Department of Financial Services' (DFS) Division of Insurance Agent and Agency Services is responsible for the licensing and regulation of insurance agents, adjusters, insurance agencies, as well as related personnel and business entities.¹³

No person may be, act as, or advertise, or hold himself/herself out to be an insurance agent, insurance adjuster, or customer representative unless he or she is currently licensed by DFS and appointed by an appropriate appointing entity or person.¹⁴ There are several types of insurance representatives. These include:

- General lines agents,
- Life insurance agents,
- Health insurance agents,

⁹ *Id.*

¹⁰ Section 322.02(1), F.S.

¹¹ *Supra* note 1 at p. 7; section 322.135(1)(c), F.S.

¹² Department of Highway Safety and Motor Vehicles, Agency Analysis of 2021 House Bill 613, p. 5-6. (Mar. 5, 2021).

¹³ Ch. 626, parts I, II, III, IV, V, VI, VIII, IX, and XIII, F.S.

¹⁴ S. 626.112, F.S.

- Title insurance agents,
- Personal lines agents, and
- Unaffiliated insurance agents.¹⁵

General Lines Agent

A general lines agent¹⁶ is one who sells the following lines of insurance: property;¹⁷ casualty,¹⁸ including commercial liability insurance underwritten by a risk retention group, a commercial self-insurance fund,¹⁹ or a workers' compensation self-insurance fund;²⁰ surety;²¹ health;²² and, marine.²³ The general lines agent may only transact health insurance for an insurer that the general lines agent also represents for property and casualty insurance. If the general lines agent wishes to represent health insurers that are not also property and casualty insurers, they must be licensed as a health insurance agent.²⁴ Motor vehicle insurance is a type of casualty insurance.²⁵

III. Effect of Proposed Changes:

The bill amends s. 320.03, F.S., to authorize a licensed general lines insurance agency holding an insurer appointment to write motor vehicle insurance in Florida to petition a tax collector for appointment, and requires the tax collector to make such appointment, as an authorized agent of the tax collector for the purpose of issuing:

- Registration certificates;
- Registration license plates;
- Validation stickers; and
- Mobile home stickers

The bill permits these insurance agencies to offer applicants the option to register emergency contact information and the choice to be contacted with information about state and federal benefits available as a result of military service, subject to the requirements of law and in accordance with the rules of the DHSMV.

The bill mandates that a general lines insurance agency appointed by a tax collector:

- Must file a performance bond of \$2 million with the DHSMV.
- Must provide the DHSMVs with audited financial statements, prepared by a certified public accountant licensed in Florida, for each of the two previous years, demonstrating that the agency has produced policy premiums in excess of \$500 million in each of the two previous years.

¹⁵ Section 626.015, F.S.

¹⁶ Section 626.015(5), F.S.

¹⁷ Section 624.604, F.S.

¹⁸ Section 624.605, F.S.

¹⁹ As defined in s. 624.462, F.S.

²⁰ Pursuant to s. 624.4621, F.S.

²¹ Section 626.606, F.S.

²² Sections. 624.603 and 627.6482, F.S.

²³ Section 624.607, F.S.

²⁴ Section 626.829, F.S.

²⁵ Section 624.605, F.S.

- Is not obligated to provide services to the general public and may choose to offer services only to its customers in the normal course of business.
- Must offer such services at no more than five locations in each county where the agency has a branch office.
- Must be authorized by the tax collector to access the DHSMV's electronic filing system.
- Is subject to all provisions of the law, as if the insurance agency were a private tag agency, except where the context indicates otherwise.

DHSMV is authorized to adopt rules to administer this provision, including rules establishing enforcement authority for noncompliance. However, given that general lines insurance agencies are not licensees of DHSMV, it is unclear how the department will be able to effectively discipline such agencies for noncompliance.

The bill has an effective date of 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:

None.

B. Private Sector Impact:

Eligible general lines insurance agencies that are appointed for this purpose may experience increased revenues.

C. Government Sector Impact:

DHSMV estimates the bill will produce indeterminate revenues.²⁶

According to the DHSMV, there will be a significant cost associated with providing equipment such as computers, printers, servers, ports, cabling, and software, as well as registration inventory, including license plates and decals, to insurance agencies.²⁷ Additionally, the DHSMV would require additional staff to ensure that the bill is implemented properly.²⁸ For instance, DHSMV will likely need to hire more employees in the Tax Collection Liaison Unit to oversee the proper collection of motor vehicle registration fees by insurance agencies.²⁹

Specifically, DHSMV projects a first-year cost of \$12,965,840, followed by recurring cost of \$4,603,955 for each of the following four fiscal years. In the fifth year, DHSMV estimates a cost of \$9,377,997.³⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

The DHSMV bill analysis includes a number of comments and recommended amendments, including:

- Remove language related to issuance of titles, which is not within the scope of work for general lines agencies proposed by the bill.
- Revise language to exclude the issuance of International Registration Plan registrations and permits for commercial motor vehicles.
- Delay the effective date of the bill until January 1, 2026, to allow it to be implemented after the rollout of ORION and avoid the cost of reprogramming the soon to be phased out FRVIS.³¹

VIII. Statutes Affected:

This bill substantially amends section 320.03 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.)

None.

²⁶ Department of Highway Safety and Motor Vehicles, Agency Analysis of 2024 HB 817, p 5. (December 22, 2023).

²⁷ *Id.* at 6.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.* at 5.

³¹ *Id.* at 7.

B. Amendments:

None.

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

By Senator DiCeglie

18-01035-24

2024840__

A bill to be entitled

An act relating to the appointment of a general lines agency as an agent for a tax collector; amending s. 320.03 F.S.; requiring the tax collector, upon petition, to appoint an agent in charge of a general lines agency as an agent for the tax collector to carry out certain duties; requiring all general lines agencies appointed as agents for the tax collector to fulfill certain requirements; authorizing agents of general lines to have discretion in whether to provide certain services; limiting the locations where agents of general lines may provide services; requiring the tax collector to be approved for access to the electronic filing system; subjecting the general lines agent acting as an agent of the tax collector to certain provisions of law; authorizing the Department of Highway Safety and Motor Vehicles to adopt rules; providing an effective date.

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

Section 1. Subsection (11) is added to section 320.03, Florida Statutes, to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(11) (a) Upon petition by the agent in charge of a general lines agency licensed pursuant to chapter 626 and appointed to write motor vehicle insurance, each tax collector may appoint such agency as an agent for the tax collector for purposes of

Page 1 of 3

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

18-01035-24

2024840__

issuing registration certificates, registration license plates, validation stickers, and mobile home stickers to applicants and providing to such applicants the option to register emergency contact information and the option to be contacted with information about state and federal benefits available as a result of military service, subject to the requirements of law, in accordance with the rules of the department.

(b) A general lines agency appointed as an agent for a tax collector under this subsection:

1. Must provide a performance bond of \$2 million to the department;
 2. Must provide audited financial statements from a certified public accountant licensed to practice in this state for each of the previous 2 years demonstrating the agency has produced policy premiums in excess of 500 million in each of the previous 2 years;
 3. Is not required to provide services described in paragraph (a) to the general public and may provide such services solely to its customers in the normal course of business;
 4. May not offer such services at more than five locations in each county where the agency has a branch office;
 5. Must be approved by the tax collector pursuant to paragraph (10) (c) for access to the electronic filing system; and
 6. Is subject to all provisions of law as though such agent were a private tag agency or agent, except where the context clearly indicates otherwise.
- (c) The department may adopt rules to administer this

Page 2 of 3

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

18-01035-24

2024840__

59 subsection, including, but not limited to, rules establishing
60 information that must be contained in a petition to offer
61 services under this subsection and information that must be
62 contained in the audited financial statements and enforcement
63 authority for noncompliance.

64 Section 2. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

1/30/27

Meeting Date

840

Bill Number or Topic

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

Transportation

Committee

Amendment Barcode (if applicable)

Name Mike Moor

Phone 707-6101

Address 123 S. Adams

Email

Street

Tallahassee

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:

Parco Tax Collection

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)

The Florida Senate

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1/30/24

Meeting Date

SB 840

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name David Shepp

Phone 863 581-4250

Address 123 S. Adams Street

Street

Email shepp@thesoutherngroup.com

Tallahassee FL 32301

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:

Polk County Tax Collector

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

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1/30/24

Meeting Date

SB840

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name Tim Qualls

Phone 850-222-7206

Address 216 S. Monroe St

Email TQUALLS@YULAW.NET

Street

Tally

City

FL

State

32301

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:

Florida Tax Collectors Association

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 868

INTRODUCER: Transportation Committee and Senator Boyd

SUBJECT: Transportation Facility Designations

DATE: January 31, 2024 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Fav/CS
2.			ATD	
3.			FP	

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

I. Summary:

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.
- 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.

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, 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

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.”

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

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 January 25, 2024).

⁵ Nicholas C. Panipinto Obituary, <https://www.brownandsonsfuneral.com/obituary/nicholas-panipinto> (last visited January 25, 2024).

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 January 18, 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 January 18, 2023).

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

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,

⁸ The United States Navy Memorial, *Mohammed Sameh "Mo" Haitham*, <https://navylog.navy memorial.org/haitham-mohammed> (last visited January 18, 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 January 24, 2024).

¹⁰ Seminole County Sheriff’s Office, *In Memoriam*, <https://www.seminolesheriff.org/page.aspx?id=18> (last visited January 26, 2024).

¹¹ *Id.*

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 directs 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.

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 \$12,600, based on the assumption that a minimum of two markers are required at a cost to FDOT of no less than \$900 each. The estimate includes labor, materials, manufacturing, and installation. FDOT is expected to absorb the estimated cost within existing resources.

¹² *Id.*

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill contains 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 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.



778158

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/31/2024	.	
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	.	
	.	

The Committee on Transportation (Boyd) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Transportation facility designations; Department of Transportation to erect suitable markers.

(1) That portion of U.S. 19 between Palm View Road and Terra Ceia Road in Manatee County is designated as "Army Specialist Nicholas Panipinto Memorial Highway."

(2) The mid-block crossing and pedestrian hybrid beacon on



778158

11 that portion of E. University Avenue/S.R. 26 between N.E. 26th
12 Terrace and S.E. 26th Terrace in Alachua County is designated as
13 "Dylan Roberts Memorial Crosswalk."

14 (3) Those portions of the Gandy Bridge on U.S. 92 located
15 within the geographical boundaries of Hillsborough and Pinellas
16 Counties are designated as "Airman Mohammed 'Mo' Sameh Haitham
17 Memorial Way."

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

21 (5) That portion of S.R. 434 between S.R. 400 and Ronald
22 Reagan Boulevard in Seminole County is designated as "Deputy
23 Sheriff George Pfeil Memorial Highway."

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

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

30 (8) The Department of Transportation is directed to erect
31 suitable markers designating the transportation facilities as
32 described in this section.

33 Section 2. This act shall take effect July 1, 2024.

34
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete everything before the enacting clause
38 and insert:

39 A bill to be entitled



778158

40 An act relating to transportation facility
41 designations; providing honorary designations of
42 certain transportation facilities in specified
43 counties; directing the Department of Transportation
44 to erect suitable markers; providing an effective
45 date.

By Senator Boyd

20-01140-24

2024868__

1 A bill to be entitled
2 An act relating to transportation facility
3 designations; providing an honorary designation of a
4 certain transportation facility in a specified county;
5 directing the Department of Transportation to erect
6 suitable markers; providing an effective date.
7

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

10 Section 1. Army Specialist Nicholas Panipinto Memorial
11 Highway designated; Department of Transportation to erect
12 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 Department of Transportation is directed to erect
17 suitable markers designating the transportation facility
18 described in subsection (1).

19 Section 2. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

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

11/30/23 Meeting Date

868 Bill Number or Topic

Transportation Committee

778158 Amendment Barcode (if applicable)

Candice Eicks Name

954-648-1207 Phone

205 S. Adams Street Address

Candice@pericksconsultants.com Email

Tallahassee FL 32301 City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] 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:

Seminole Sheriff Office

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)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 968

INTRODUCER: Senators Calatayud and Trumbull

SUBJECT: Spaceport Territory

DATE: January 30, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ingram</u>	<u>Proctor</u>	<u>MS</u>	Favorable
2.	<u>Shutes</u>	<u>Vickers</u>	<u>TR</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 968 expands spaceport territory to include certain real property in Miami-Dade County consisting of property that was formerly included within the boundaries of Homestead Air Force Base and is included in the Homestead Air Reserve Base or deeded to Miami-Dade County or the City of Homestead. The bill provides that Homestead Air Force Base refers to and includes federal property that is part of Homestead Air Reserve Base and former federal property that was previously part of Homestead Air Force Base and, as of July 1, 2024, or anytime thereafter, is deeded to Miami-Dade County or the City of Homestead.

In addition, the bill expands spaceport territory to include certain real property in Bay County which is included within the boundaries of Tyndall Air Force Base.

The bill may have an indeterminate likely insignificant fiscal impact due to commercial activities within the newly designated spaceport territory.

The bill takes effect July 1, 2024.

II. Present Situation:

Federal Regulations

The Office of Commercial Space Transportation was established in 1984 under the U.S. Department of Transportation, and in 1995, transferred to the Federal Aviation Administration (FAA), to regulate and facilitate safe operations of the U.S. commercial space transportation industry.¹ The Commercial Space Launch Act of 1984, as amended, authorizes the FAA to establish licensing and regulatory requirements for launch vehicles, launch sites, and reusable

¹ U.S. Dep't of Transportation, Federal Aviation Administration, Offices, *About the Office of Commercial Space Transportation*, available at https://www.faa.gov/about/office_org/headquarters_offices/ast (last visited Jan. 10, 2024).

suborbital rockets.² FAA's launch regulations require a license or permit for all commercial launches taking place within the U.S. borders as well as for launches being conducted abroad. In general, the FAA does not license launches by U.S. governmental entities. The FAA has licensed the operation of FAA approved launch sites in 10 states³ including Florida.⁴

Spaceport Territory in Florida

Section 331.304, F.S., provides that the following property constitutes spaceport territory:

- Certain real property in Brevard County which is included within the 1998 boundaries of Patrick Space Force Base, Cape Canaveral Space Force Station, or John F. Kennedy Space Center.
- Certain real property in Santa Rosa, Okaloosa, Gulf, and Walton Counties which is included within the 1997 boundaries of Eglin Air Force Base.
- Certain real property in Duval County which is included within the boundaries of Cecil Airport and Cecil Commerce Center.
- Certain real property in Brevard County which is included within the boundaries of Space Coast Regional Airport, Space Coast Regional Airport Industrial Park, and Spaceport Commerce Park.
- Real property within the state which is a spaceport licensed by the FAA, as designated by the board of directors of Space Florida.

Spaceport

A spaceport is any area of land or water, or any manmade object or facility located therein, developed by Space Florida, which is intended for public use or for the launching, takeoff, and landing of spacecraft and aircraft, and includes any associated areas which are used or intended for public use, for spaceport buildings, or for other spaceport facilities, spaceport projects, or rights-of-way.⁵ U.S. spaceports play a critical role in the growing global commercial space transportation industry.⁶

Spaceports in Florida

Currently, Florida has two federally owned spaceports and four FAA licensed commercial spaceports. The Cape Canaveral Space Force Station and the National Aeronautics and Space Administration's Kennedy Space Center are owned and operated by the federal government. The four FAA licensed commercial spaceports in Florida are the Space Florida Launch Complex 46 and Space Florida Launch and Landing Facility, both operated by Space Florida; the Cecil Air

² 51 U.S.C. ss. 50901-23.

³ The FAA website identifies the following states with one or more FAA licensed spaceports: Alabama, Alaska, California, Colorado, Florida, Georgia, New Mexico, Oklahoma, Texas, and Virginia *available at* https://www.faa.gov/space/spaceports_by_state (last visited Jan. 10, 2024).

⁴ Federal Aviation Administration, FAQs, *Launch Licenses and Launch Sites and Spaceports*, *available at* https://www.faa.gov/space/additional_information/faq#commercial2 (last visited Jan. 10, 2024).

⁵ Section 331.303(17), F.S.

⁶ U.S. Dep't of Transportation, Federal Aviation Administration, Spaceports, *available at* <https://www.faa.gov/space/spaceports> (last visited Jan. 10, 2024).

and Space Port, operated by the Jacksonville Aviation Authority; and the Space Coast Regional Airport, operated by the Titusville-Cocoa Airport Authority.⁷

State Investments and Exemptions

Strategic Space Infrastructure Investment

In consultation with Space Florida, the Florida Department of Transportation is authorized to fund up to 100 percent of the cost of a strategic spaceport launch support facilities investment project⁸ if the following conditions have been met:

- Important access and on-spaceport and commercial launch facility capacity improvements are provided;
- Capital improvements that strategically position the state to maximize opportunities in international trade are achieved;
- Goals of an integrated intermodal transportation system for the state are achieved; and
- Feasibility and availability of matching funds through federal, local, or private partners are demonstrated.⁹

Spaceport - Sales and Use Tax Incentives

The state provides a tax exemption for certain machinery and equipment purchased for a new or expanding business in a spaceport territory which is engaged in commercial spaceport activities.^{10,11} In accordance with general law and Florida Administrative Code,¹² this exemption is available for machinery for a new business ordered before the start of productive operations and received within 12 months after the date the business begins its productive operations, and for an existing business, the expanding business entity must show a minimum five percent increase in productive output. In order to receive an exemption, the qualifying business entity must file with the Florida Department of Revenue An Application for Temporary Tax Exemption Permit, Form DR-1214.¹³

⁷ U.S. Dep't of Transportation, Federal Aviation Administration, *Spaceports by State*, available at https://www.faa.gov/space/spaceports_by_state (last visited Jan. 10, 2024).

⁸ Section 331.303(14), F.S., defines project as any activity associated with any development, improvement, property, launch, utility, facility, system, works, road, sidewalk, enterprise, service, or convenience, which may include coordination with federal and state partners or agencies; any rocket, capsule, module, launch facility, assembly facility, operations or control facility, tracking facility, administrative facility, or any other type of aerospace-related transportation vehicle, station, or facility; any type of equipment or instrument to be used or useful in connection with any of the foregoing; any type of intellectual property and intellectual property protection in connection with any of the foregoing including, without limitation, any patent, copyright, trademark, and service mark for, among other things, computer software; any water, wastewater, gas, or electric utility system, plant, or distribution or collection system; any small business incubator initiative, including any startup aerospace company, and any aerospace business proposing to expand or locate its business in this state, research and development company, research and development facility, education and workforce training facility, storage facility, and consulting service; or any tourism initiative, including any space experience attraction, microgravity flight program, aerospace launch-related activity, and space museum sponsored or promoted by Space Florida.

⁹ Section 331.371, F.S.

¹⁰ Section 212.02(22), F.S., defines spaceport activities as activities directed or sponsored by Space Florida on spaceport territory pursuant to its powers and responsibilities under the Space Florida Act.

¹¹ Section 212.08(5), F.S.

¹² Fla. Admin. Code R. 12A-1.096 (2013).

¹³ Florida Dep't of Revenue, General Tax, Sales and Use Tax Incentives, Incentives Related to Machinery and Equipment, *Exemption for Industrial Machinery and Equipment Used by a New or Expanding Business to Increase Productive Output*, available at https://floridarevenue.com/taxes/taxesfees/pages/sales_tax_incent.aspx (last visited Jan. 10, 2024).

Homestead Air Force Base and Homestead Air Reserve Base

Homestead Air Force Base was renamed Homestead Air Reserve Base (HARB) in 2003.¹⁴

HARB is located in southeastern Miami-Dade County, near the southern tip of the Florida peninsula. HARB is located along U.S. Highway 1, approximately 25 miles south of Miami, five miles east of Homestead, and two miles west of Biscayne Bay. HARB is comprised of 1,943 acres, with the surrounding area being largely agricultural but in the process of being rezoned for residential and commercial purposes. Farther to the east, south, and southeast are vacant parcels of land. These vacant parcels are either protected (due to easements) or unprotected (private ownership and could be developed). There are a few commercial plots to the north and northwest of the installation; some residential areas to the south of the installation; and residential developments to the west, north, and northwest of the installation. Areas to the southwest of the installation are being developed for residential and commercial land uses according to Miami-Dade County Planning and Zoning.¹⁵

Tyndall Air Force Base

Tyndall Air Force Base (TAFB) is located one mile southeast of Panama City, Florida. TAFB encompasses approximately 29,000 acres on a narrow, 18-mile-long, northwest-southeast peninsula. Major communities surrounding the installation include Panama City, Lynn Haven, Springfield, Callaway, and Cedar Grove to the northwest, Panama City Beach to the west, and Mexico Beach to the southeast.¹⁶

III. Effect of Proposed Changes:

SB 968 amends s. 331.304, F.S., to expand spaceport territory to include certain real property in Miami-Dade County consisting of property that was formerly included within the boundaries of Homestead Air Force Base and is included in the Homestead Air Reserve Base or deeded to Miami-Dade County or the City of Homestead. The bill provides that Homestead Air Force Base refers to and includes federal property that is part of Homestead Air Reserve Base and former federal property that was previously part of Homestead Air Force Base and, as of July 1, 2024, or anytime thereafter, is deeded to Miami-Dade County or the City of Homestead.

In addition, the bill expands spaceport territory to include certain real property in Bay County which is included within the boundaries of Tyndall Air Force Base.

New and expanding businesses engaged in commercial spaceport activities which are located in a spaceport territory designated by the bill may be eligible for a tax exemption on the purchase of certain machinery and equipment.

¹⁴ U.S. Environmental Protection Agency, *Homestead Air Force Base - Cleanup Activities*, available at <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.Cleanup&id=0404746#bkground> (last visited Jan. 11, 2024).

¹⁵ *Id.*

¹⁶ U.S. Environmental Protection Agency, *Tyndall Air Force Base - Cleanup Activities*, available at <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.Cleanup&id=0401205#bkground> (last visited Jan. 11, 2024).

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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A new or expanding business located within the newly designated spaceport territory which is engaged in commercial spaceport activities may be eligible for a sales tax exemption on the purchase of certain machinery and equipment.

C. Government Sector Impact:

The bill may have an indeterminate likely insignificant fiscal impact due to commercial activities within the newly designated spaceport territory.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 331.304 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.)

None.

B. Amendments:

None.

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

By Senator Calatayud

38-00852-24

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A bill to be entitled

An act relating to spaceport territory; amending s.
331.304, F.S.; revising spaceport territory to include
certain property; providing an effective date.

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

Section 1. Subsections (6) and (7) are added to section
331.304, Florida Statutes, to read:

331.304 Spaceport territory.—The following property shall
constitute spaceport territory:

(6) Certain real property located in Miami-Dade County
which was formerly included within the boundaries of Homestead
Air Force Base and is included within the boundaries of
Homestead Air Reserve Base or deeded to Miami-Dade County or the
City of Homestead. Homestead Air Force Base refers to and
includes:

(a) Federal property that is part of Homestead Air Reserve
Base; and

(b) Former federal property that was previously part of
Homestead Air Force Base and, as of July 1, 2024, or any time
thereafter, is deeded to Miami-Dade County or the City of
Homestead.

(7) Certain real property located in Bay County which is
included within the boundaries of Tyndall Air Force Base.

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

The Florida Senate

APPEARANCE RECORD

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

1/30/24

Meeting Date

968

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name

Lindsay Pierce

Phone

334-268-8282

Address

113 E College Ave

Email

lpierce@spaceflorida.gov

Street

TLH

FL

32301

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:

Space 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.

5-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 982

INTRODUCER: Senator Thompson

SUBJECT: Specialty License Plates/Project Addiction: Reversing the Stigma

DATE: January 30, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	Favorable
2.			ATD	
3.			FP	

I. Summary:

SB 982 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to create a new specialty license plate for Project Addiction: Reversing the Stigma. The annual use fee for the plate is \$25.

Proceeds of the sale of the Project Addiction: Reversing the Stigma specialty license plate will be distributed to the not-for-profit organization Project Addiction: Reversing the Stigma, Inc., to be used to promote and support awareness of and education about substance use disorder and mental illness.

The DHSMV estimates programming and implementation of the plate will cost \$7,680.

The bill takes effect October 1, 2024.

II. Present Situation:

Project Addiction: Reversing the Stigma

Project Addiction: Reversing the Stigma, Inc., was founded in 2021 and is a Florida not-for-profit corporation registered with the Florida Department of State.¹ The organization’s mission statement is: “Empowering the lives of those with Substance Use Disorder (SUD) and Mental Illness through Education, Awareness, and Support.”²

¹ Florida Department of State: Division of Corporations, *Project Addiction: Reversing the Stigma, Inc.*, Sunbiz.org, Document number N2100011775 (December 20, 2023).

² *Id.*

The organization was founded to spread awareness of the opioid epidemic and find proactive ways to honor family members lost to Substance Use Disorder and mental illness.³

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.⁴ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.⁵ 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.⁶

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.⁷

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.⁸

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.⁹

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 135.¹⁰

³ Project Addiction: Reversing the Stigma, About *Mission Statement*, [About | Reversing The Stigma](#) (last visited December 20, 2023).

⁴ 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).

⁵ 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.

⁶ Section 320.08058, F.S.

⁷ 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.

⁸ Section 320.08053(2)(b), F.S.

⁹ Section 320.08053(3)(a), F.S.

¹⁰ Section 320.08053(3)(b), F.S.

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.¹¹ 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.¹²

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 authorized by s. 320.08058, F.S.¹³ 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.¹⁴

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.¹⁵ 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.¹⁶

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.¹⁷

¹¹ Section 320.08056(10)(a), F.S.

¹² 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.

¹³ Section 320.08056(10)(a), F.S.

¹⁴ Section 320.08056(11), F.S.

¹⁵ Section 320.08056(8)(a), F.S.

¹⁶ Section 320.08056(8)(b), F.S.

¹⁷ Chapter 2020-181, s. 7, Laws of Fla.

III. Effect of Proposed Changes:

The bill amends s. 320.08058, F.S., to authorize DHSMV to create a new specialty license plate for Project Addiction: Reversing the Stigma. The annual use fee for the plate is \$25. The plate must bear the colors and design approved by the department, with the word “Florida” at the top of the plate and the words “Project Addiction: Reversing the Stigma” at the bottom of the plate.

Proceeds from the sale of the plate will be distributed to Project Addiction: Reversing the Stigma, Inc. The organization may use up to 10 percent of proceeds to promote and market the plate. The remaining funds shall be used to fund the Project Addiction: Reversing the Stigma organization to promote and support awareness of and education about substance use disorder and mental illness.

The plate 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 plate is produced, the Project Addition: Reversing the Stigma, Inc., will receive annual use fees associated with sales of the plate.

C. Government Sector Impact:

According to previous specialty license plates fiscal impacts, DHSMV estimates programming and implementation of the plate will cost \$7,680.

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.)

None.

B. Amendments:

None.

By Senator Thompson

15-01712A-24

2024982__

1 A bill to be entitled
 2 An act relating to specialty license plates; amending
 3 s. 320.08058, F.S.; directing the Department of
 4 Highway Safety and Motor Vehicles to develop a Project
 5 Addiction: Reversing the Stigma license plate;
 6 providing for distribution and use of fees collected
 7 from the sale of the plate; providing an effective
 8 date.

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

12 Section 1. Subsection (127) is added to section 320.08058,
 13 Florida Statutes, to read:

14 320.08058 Specialty license plates.—

15 (127) PROJECT ADDICTION: REVERSING THE STIGMA LICENSE
 16 PLATES.—

17 (a) The department shall develop a Project Addiction:
 18 Reversing the Stigma license plate as provided in this section
 19 and s. 320.08053. The plate must bear the colors and design
 20 approved by the department. The word "Florida" must appear at
 21 the top of the plate, and the words "Overdose Awareness" must
 22 appear at the bottom of the plate.

23 (b) The annual use fees from the sale of the plate shall be
 24 distributed to Project Addiction: Reversing the Stigma, Inc., a
 25 Florida nonprofit corporation, as follows:

26 1. Up to 10 percent of the annual use fees may be used for:

27 a. Promotion and marketing costs of the license plate.

28 b. Reimbursing the corporation for administrative costs,
 29 startup costs, and costs incurred in the development and

Page 1 of 2

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

15-01712A-24

2024982__

30 approval process of the license plate.

31 2. The remaining funds shall be distributed with the
 32 approval of and accountability to the board of directors of
 33 Project Addiction: Reversing the Stigma, Inc., and must be used
 34 to promote and support awareness of and education about
 35 substance use disorder and mental illness.

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

Page 2 of 2

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

APPEARANCE RECORD

SB 982 Overdose Awareness Specialty Tag

1/30/2021

Meeting Date

Bill Number or Topic

Transportation

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

Committee

Amendment Barcode (if applicable)

Name RoseMarie Aldred/Project Addiction: Reversing the Stigma Phone 407-670-329

Address 2557 Prairie View Drive Email lombardorma@gmail.com
Street

Winter Garden FL 34787
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
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 994

INTRODUCER: Transportation Committee and Senator Burgess

SUBJECT: Student Transportation Safety

DATE: January 31, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Fav/CS
2.			ATD	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

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 charter schools and private schools to install and operate school bus infraction detector systems.
- Authorizes a private vendor or manufacturer of to receive a fixed percentage of collected proceeds for services rendered regarding a school bus infraction detection system.
- Authorizes charter schools and private schools to enter into interlocal agreements with law enforcement agencies to enforce school bus passing infractions.
- Authorizes traffic infraction enforcement officers and certified school board security agencies to enforce infractions detected by school bus infraction detector systems.
- Revises required signage on school buses with infraction detection system.
- Requires charter schools and private schools to conduct, prior to beginning enforcement, certain public awareness campaigns.
- Authorizes school entities to establish, by resolution, certain hearing procedures.
- Creates a process to contest a notice of violation through use of a local hearing officer and incorporates such officers into the statutory definition of “local hearing officer.”
- Allocates civil penalties to the appropriate school district, charter school, or private school 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 remove surveillance.

- Limits the use of video and images from the system to specified purposes.
- Revises certain reporting requirements.
- Authorizes school safety officers meeting specified requirements to enforce school bus traffic infractions.
- Requires specified traffic penalties to be remitted to a school district, charter school, or private school.

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

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.

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

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

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.

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).

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

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.”

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

²² Section 316.003(78), F.S.

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.

- 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

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

²⁸ Section 316.173(2), F.S.

²⁹ Section 316.173(3), F.S.

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.

- 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

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

³³ Section 316.173(5), F.S.

³⁴ Section 316.173(6), F.S.

³⁵ Section 316.173(7), F.S.

³⁶ Section 316.173(8), F.S.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

- 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 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 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.

⁴⁰ Section 316.173(9), F.S.

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

⁴² Section 316.173(14), F.S.

⁴³ Section 316.173(16), F.S.

⁴⁴ *Id.*

⁴⁵ *Id.*

- Any other statistical data and information DHSMV requires to complete its required report.⁴⁶

By December 31, 2024, and annually thereafter, 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 DHSMV's recommendations and any recommended legislation. The summary report must include a review of the information submitted to DHSMV by the school districts and must describe the enhancement of traffic safety and enforcement programs.⁴⁷

III. Effect of Proposed Changes:

The bill amends s. 316.173, F.S., relating to school bus infraction detection systems authorizing a charter school or private school to install and operate school bus infraction detection systems for the purpose of enforcing s. 316.172(1)(a) and (b), F.S. As with school districts, this decision must be based solely on the need to increase public safety.

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 percentage of collected proceeds for service rendered in relation to the installation, operation, or maintenance of a school bus infraction detection system.

Interlocal Agreements

The bill authorizes, instead of requires, a school district, charter school, or private school to enter into an interlocal agreement with one or more law enforcement agencies authorized to enforce violations within the school district which jointly establishes responsibility and reimbursement of costs associated with school bus infraction detection systems.

Traffic Infraction Enforcement Officers

The bill authorizes traffic infraction enforcement officers and certified school board security agencies that employ law enforcement officers to enforce school bus passing infractions.

Additionally, a school safety officer who successfully completes instruction in traffic enforcement procedures and court presentation may be authorized by a county, municipality, or applicable school entity as a traffic infraction enforcement officer and may issue notices of violation and uniform traffic citations under s. 316.173, F.S., within the county in which the school district, charter school, or private school is located.

⁴⁶ Section 316.173(17)(a), F.S.

⁴⁷ Section 316.173(17)(c), F.S.

Notice of Violation and Local Hearing Officer Process

For purposes of the school bus infraction detection systems, the bill defines a local hearing officer to mean a person that:

- Is designated by a school district, charter school, or private school to issue traffic citations under laws relating to the school bus infraction system.
- Is authorized to conduct hearings related to a notice of violation issued.

The local hearing officer may:

- Be an attorney in good standing with The Florida Bar for at least five years.
- Serve in such office for one or more school entities, and such service does not constitute dual office holding.⁴⁸
- Be the local hearing officer of a county or municipality.

The bill authorizes a notice of violation for a school bus passing infraction to be sent by an *agent* of law enforcement or by a traffic infraction enforcement officer.

The bill allows, in lieu of hearings administered by a county traffic court, that the governing board of a school entity, by resolution, to establish the following hearing procedures:

- DHSMV must publish and make available electronically to each school entity's governing board a model request for hearing form.⁴⁹
- The school district, charter school, or private school must designate existing staff or a designated staff agent to serve as the clerk to the local hearing officer.
- A petitioner who elects to request a hearing must be scheduled for a hearing by the clerk to the local hearing officer. The petitioner may appear before a local hearing officer in person or virtually, with notice to be sent by first-class mail. Upon receiving the notice, the petitioner may reschedule the hearing once by submitting a written request to reschedule to the clerk to the local hearing officer, at least five calendar days before the day of the originally scheduled hearing. The petitioner may, before the start of the hearing, cancel his or her appearance before the local hearing officer by paying the penalty assessed under s. 318.18, F.S.,⁵⁰ plus \$50 in administrative costs.
- All testimony at the hearing must be under oath and recorded. The local hearing officer must take testimony from a traffic infraction enforcement officer, or law enforcement agency designee, and the petitioner, and may take testimony from others. The local hearing officer must review the video and images. Formal rules of evidence do not apply, but due process and the preponderance of evidence standard must be observed and govern the proceedings.
- At the conclusion of the hearing, the local hearing officer must determine whether a violation has occurred, in which case the hearing officer must uphold or dismiss the violation. The local hearing officer must issue a final administrative order including the determination and, if the notice of violation is upheld, require the petitioner to pay the penalty previously assessed under s. 318.18, F.S., and may also require the petitioner to pay school entity costs,

⁴⁸ Dual office holding is prohibited by s. 5(a), Art. II of the State Constitution.

⁴⁹ The form must include the option for a petitioner to choose whether to attend the hearing in person or virtually.

⁵⁰ Section 318.18, F.S., provides the penalties for various traffic infractions.

including local hearing officer and hearing administrative costs, not to exceed \$250. The final administrative order shall be mailed to the petitioner by first-class mail.

- Allow for an aggrieved party to appeal a final administrative order consistent with the process provided under s. 162.11, F.S.⁵¹

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 reflective.

Public Awareness Campaign

The bill requires a charter school or private school to conduct a public awareness campaign for at least 30 days before commencing the program and notify the public the specific date that enforcement will commence. Only warnings may be issued during the public awareness campaign. The provision parallels the existing requirement for school districts.

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 or to the charter school or private school that reported the violation.

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.

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, charter school, or private school 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

⁵¹ Section 162.11, F.S. provides that an aggrieved party may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal must not be a hearing de novo but must be limited to appellate review of the record created before the enforcement board. An appeal must be filed within 30 days of the execution of the order to be appealed.

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 DHSMV by:

- Requiring that such report which details the results of the school bus infraction detection systems must be made by each school district, charter school, or private school, in consultation with the law enforcement agencies with which it has interlocal agreements or with designated traffic infraction enforcement officers.
- Providing that DHSMV must make the acquired report information available to school districts by August 1, 2023, and to charter schools and private schools by August 1, 2024.
- Amending the data requirements of the report to allow flexibility and no longer expressly mandating the data to include global positioning system coordinates of the infraction, the date and time of the infraction, and the name of the school that the school bus was transporting students to or from.

Authority of Certain Police Departments to Use School Bus Infraction Detection Systems

The bill provides that the authority of a police department of each chartered municipality to enforce traffic laws throughout the municipality includes the authority for such police department to use school bus infraction detection systems.

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:

Private schools and charter schools that choose to install school bus infraction detection systems on their buses may experience an increase in revenue, which must be used for specified purposes.

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:

Indeterminate. To the extent that school entities elect to establish by resolution the new hearing procedures outlined in the bill, DHSMV will be required to provide such entities with a model request for hearing form, which may incur programming costs. Additionally, with the addition of charter schools and private schools, DHSMV may receive data from additional schools, which may have a negative fiscal impact on DHSMV related to creating the annual summary report.

VI. Technical Deficiencies:

The bill uses the term “school entity” in several places; however, this term is not defined.

On lines 207-208, it is not clear what is meant by the term “law enforcement agency designee.”

VII. Related Issues:

The bill authorizes charter schools and private schools enter into interlocal agreements with law enforcement for the purposes of enforcing school bus passing infractions enforced with cameras. However, it appears that s. 163.01, F.S., authorizing interlocal agreements, contemplates public agencies,⁵² but not private entities, entering into interlocal agreements.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.173, 316.640, and 318.18.

⁵² Section 163.01(3)(b), F.S., defines the term “public agency” to mean a political subdivision, agency, or officer of this state or of any state of the United States, including, but not limited to, state government, county, city, school district, single and multipurpose special district, single and multipurpose public authority, metropolitan or consolidated government, a separate legal entity or administrative entity created under s. 163.01(7), F.S., an independently elected county officer, any agency of the United States Government, a federally recognized Native American tribe, and any similar entity of any other state of the United States.

IX. Additional Information:

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

CS by Transportation 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	.	
01/31/2024	.	
	.	
	.	
	.	

The Committee on Transportation (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete lines 93 - 98
and insert:
need to increase public safety. 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.



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11 This paragraph may not be construed to prohibit a private vendor
12 or manufacturer from receiving a fixed percentage of collected
13 proceeds for service rendered in relation to the installation,
14 operation, or maintenance of school bus infraction detection
15 systems.

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

18 And the title is amended as follows:

19 Delete lines 7 - 10

20 and insert:

21 systems; authorizing a private vendor or manufacturer
22 to receive a specified percentage of proceeds
23 collected for services relating to the installation,
24 operation, or maintenance of a school bus infraction
25 detection system; authorizing traffic infraction

By Senator Burgess

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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; deleting a prohibition against an individual,
 8 a vendor, or a manufacturer receiving commissions,
 9 fees, or remuneration based on the number of
 10 violations detected; authorizing traffic infraction
 11 enforcement officers who meet specified requirements
 12 and school board security agencies to enforce
 13 specified violations; revising requirements for
 14 signage posted on the rear of a school bus indicating
 15 usage of a school bus infraction detection system;
 16 authorizing the governing board of a school entity to
 17 establish certain procedures for a hearing to contest
 18 liability or a notice of violation; revising the
 19 required uses for civil penalties assessed and
 20 collected for certain violations; prohibiting school
 21 bus infraction detection systems from being used for
 22 remote surveillance; providing construction; revising
 23 purposes for which video and images recorded as part
 24 of a school bus infraction detection system may be
 25 used; conforming provisions and cross-references to
 26 changes made by the act; making technical changes;
 27 amending s. 316.640, F.S.; providing that a school
 28 safety officer who completes certain training may be
 29 authorized by a county, municipality, or school entity

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30 as a traffic infraction enforcement officer and may
 31 issue certain notices and citations; conforming cross-
 32 references; amending s. 318.18, F.S.; requiring that
 33 certain civil penalties be remitted to a school
 34 district, charter school, or private school operating
 35 a school bus with a school bus infraction detection
 36 system to be used for certain purposes; providing an
 37 effective date.

38
 39 Be It Enacted by the Legislature of the State of Florida:

40
 41 Section 1. Subsection (38) of section 316.003, Florida
 42 Statutes, is amended to read:

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

47 (38) LOCAL HEARING OFFICER.—

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

58 (b) The person, designated by a school district, charter

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

73 Section 2. Present subsections (6) through (19) of section
 74 316.173, Florida Statutes, are redesignated as subsections (7)
 75 through (20), respectively, a new subsection (6) is added to
 76 that section, and subsection (1), paragraph (a) of subsection
 77 (2), subsections (3), (4), and (5), and present subsections (7),
 78 (8), (10), (11), (12), (16), and (17) of that section are
 79 amended, to read:

80 316.173 School bus infraction detection systems.—

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

85 (b) The school district, charter school, or private school
 86 may contract with a private vendor or manufacturer to install a
 87 school bus infraction detection system on any school bus within

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88 its fleet, whether owned, contracted, or leased, and for
 89 services including, but not limited to, the installation,
 90 operation, and maintenance of the system. The school district's,
 91 charter school's, or private school's decision to install school
 92 bus infraction detection systems must be based solely on the
 93 need to increase public safety. ~~An individual may not receive a~~
 94 ~~commission from any revenue collected from violations detected~~
 95 ~~through the use of a school bus infraction detection system. A~~
 96 ~~private vendor or manufacturer may not receive a fee or~~
 97 ~~remuneration based upon the number of violations detected~~
 98 ~~through the use of a school bus infraction detection system.~~

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

102 (d) The school district, charter school, or private school
 103 ~~may not~~ enter into an interlocal agreement with one or more law
 104 enforcement agencies authorized to enforce violations of s.
 105 316.172(1) (a) and (b) within the school district which jointly
 106 establishes the responsibilities of enforcement and the
 107 reimbursement of costs associated with school bus infraction
 108 detection systems consistent with this section. For the purposes
 109 of administering this section, a traffic infraction enforcement
 110 officer who meets the requirements of s. 316.640 or a certified
 111 school board security agency that employs law enforcement
 112 officers may enforce violations of s. 316.172(1) (a) and (b) as
 113 authorized by this section.

114 (2) (a) The school district, charter school, or private
 115 school must post high-visibility ~~reflective~~ signage on the rear
 116 of each school bus in which a school bus infraction detection

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117 system is installed and operational which indicates the use of
 118 such system. The signage must be in the form of one or more
 119 signs or stickers and must contain the following elements in
 120 substantially the following form:

121 1. The words "STOP WHEN RED LIGHTS FLASH" or "DO NOT PASS
 122 WHEN RED LIGHTS FLASH."

123 2. The words "CAMERA ENFORCED."

124 3. A graphic depiction of a camera.

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

139 (4) Within 30 days after an alleged violation of s.
 140 316.172(1)(a) or (b) is recorded by a school bus infraction
 141 detection system, the school district, charter school, or
 142 private school or the private vendor or manufacturer under
 143 paragraph (1)(b) must submit the following information to a law
 144 enforcement agency or a traffic infraction enforcement officer
 145 designated that has entered into an interlocal agreement with

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146 ~~the school district pursuant to paragraph (1)(d) and has traffic~~
 147 ~~infraction enforcement jurisdiction at the location where the~~
 148 ~~alleged violation occurred:~~

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

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

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

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

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

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

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

174 (d) Instructions on how to request a hearing to contest

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175 liability or the notice of violation. In lieu of hearings
 176 administered by a county traffic court, the governing board of a
 177 school entity, by resolution, may establish the hearing
 178 procedures provided in subsection (6).

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

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

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

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

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

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

203 (c) A person, referred to in this subsection as the

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

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

224 (e) At the conclusion of the hearing, the local hearing
 225 officer shall determine whether a violation under this section
 226 has occurred, in which case the hearing officer shall uphold or
 227 dismiss the violation. The local hearing officer shall issue a
 228 final administrative order including the determination and, if
 229 the notice of violation is upheld, require the petitioner to pay
 230 the penalty previously assessed under s. 318.18, and may also
 231 require the petitioner to pay school entity costs, including
 232 local hearing officer and hearing administrative costs, not to

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233 exceed \$250. The final administrative order must be mailed to
 234 the petitioner by first-class mail.

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

237 (8)(7) The civil penalties assessed and collected for a
 238 violation of s. 316.172(1)(a) or (b) enforced by a school bus
 239 infraction detection system must be remitted to the school
 240 district in which the violation occurred or to the charter
 241 school or private school that reported the violation. Such civil
 242 penalties must be used for the installation, operation, or
 243 maintenance of school bus infraction detection systems on school
 244 buses, including student transportation safety initiatives,
 245 driver recruitment and retention stipends, or other student
 246 transportation safety enhancements for any other technology that
 247 increases the safety of the transportation of students, or for
 248 ~~the~~ administration and costs associated with the enforcement of
 249 violations as described in this section.

250 (9)(8) A uniform traffic citation must be issued by mailing
 251 the uniform traffic citation by certified mail to the address of
 252 the registered owner of the motor vehicle involved in the
 253 violation if payment has not been made within 30 days after
 254 notification under subsection (5) and if the registered owner
 255 has not submitted an affidavit in accordance with subsection
 256 (11) (10).

257 (11)(10) To establish such facts under subsection (10) (9),
 258 the registered owner of the motor vehicle must, within 30 days
 259 after the date of issuance of the notice of violation or the
 260 uniform traffic citation, furnish to the law enforcement agency
 261 or its agent who ~~that~~ issued the notice of violation or uniform

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262 traffic citation an affidavit setting forth information
 263 supporting an exception under subsection (10) (9).

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

272 (b) If a uniform traffic citation for a violation of s.
 273 316.172(1)(a) or (b) was issued at the location of the violation
 274 by a law enforcement officer, the affidavit must include the
 275 serial number of the uniform traffic citation.

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

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

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

290 3. A copy of the police report showing that the deceased

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291 owner's registered license plate or motor vehicle was stolen
 292 after his or her death but on or before the date of the alleged
 293 violation.

294
 295 Upon receipt of the affidavit and documentation required under
 296 paragraphs (b) and (c), or 30 days after the date of issuance of
 297 a notice of violation sent to a person identified as having
 298 care, custody, or control of the motor vehicle at the time of
 299 the violation under paragraph (a), the law enforcement agency or
 300 its agent, or traffic infraction enforcement officer must
 301 dismiss the notice or citation and provide proof of such
 302 dismissal to the person who submitted the affidavit. If, within
 303 30 days after the date of a notice of violation sent to a person
 304 under subsection (12) (11), the law enforcement agency or its
 305 agent, or traffic infraction enforcement officer receives an
 306 affidavit under subsection (13) (12) from the person who was
 307 sent a notice of violation affirming that the person did not
 308 have care, custody, or control of the motor vehicle at the time
 309 of the violation, the law enforcement agency or its agent, or
 310 traffic infraction enforcement officer must notify the
 311 registered owner that the notice or citation will not be
 312 dismissed due to failure to establish that another person had
 313 care, custody, or control of the motor vehicle at the time of
 314 the violation.

315 (12)(11) Upon receipt of an affidavit under paragraph
 316 (10)(a) (9)(a), the law enforcement agency may issue the person
 317 identified as having care, custody, or control of the motor
 318 vehicle at the time of the violation a notice of violation
 319 pursuant to subsection (5) for a violation of s. 316.172(1)(a)

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

330 (13)(12) If a law enforcement agency or traffic infraction
 331 enforcement officer receives an affidavit under paragraph
 332 (10)(a) (9)(a), the notice of violation required under
 333 subsection (5) must be sent to the person identified in the
 334 affidavit within 30 days after receipt of the affidavit. The
 335 person identified in an affidavit and sent a notice of violation
 336 may also affirm he or she did not have care, custody, or control
 337 of the motor vehicle at the time of the violation by furnishing
 338 to the appropriate law enforcement agency or traffic infraction
 339 enforcement officer within 30 days after the date of the notice
 340 of violation an affidavit stating such.

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

348 ~~2.~~ Video and images recorded as part of a ~~the~~ school bus

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

356 ~~2.3-~~ To the extent practicable, a school bus infraction
 357 detection system must use necessary technology to ensure that
 358 personal identifying information contained in the video or still
 359 images recorded by the system which is not relevant to the
 360 alleged violation, including, but not limited to, the identity
 361 of the driver and any passenger of a motor vehicle, the interior
 362 or contents of a motor vehicle, the identity of an uninvolved
 363 person, a number identifying the address of a private residence,
 364 and the contents or interior of a private residence, is
 365 sufficiently obscured so as not to reveal such personal
 366 identifying information.

367 ~~3.4-~~ A notice of a violation or uniform traffic citation
 368 issued under this section may not be dismissed solely because a
 369 recorded video or still images reveal personal identifying
 370 information as provided in subparagraph ~~2. 3-~~ as long as a
 371 reasonable effort has been made to comply with this subsection.

372 (b) Any recorded video or still image obtained through the
 373 use of a school bus infraction detection system must be
 374 destroyed within 90 days after the final disposition of the
 375 recorded event. The vendor of the school bus infraction
 376 detection system must provide the school district, charter
 377 school, or private school with written notice by December 31 of

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378 each year that such records have been destroyed in accordance
 379 with this section.

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

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

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

406 2. The number of notices of violations issued, the number

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407 that were contested, the number that were upheld, the number
 408 that were dismissed, the number that were issued as uniform
 409 traffic citations, and the number that were paid.

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

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

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

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

433 Section 3. Paragraph (a) of subsection (1), paragraph (a)
 434 of subsection (3), and paragraph (a) of subsection (5) of
 435 section 316.640, Florida Statutes, are amended to read:

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436 316.640 Enforcement.—The enforcement of the traffic laws of
 437 this state is vested as follows:

438 (1) STATE.—

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

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

463 c. Florida College System institution police officers may
 464 enforce all the traffic laws of this state only when such

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

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

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

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

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

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

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

516 3. The Division of the Florida Highway Patrol may employ as
 517 a traffic accident investigation officer any individual who
 518 successfully completes instruction in traffic accident
 519 investigation and court presentation through the Selective
 520 Traffic Enforcement Program as approved by the Criminal Justice
 521 Standards and Training Commission and funded through the
 522 National Highway Traffic Safety Administration or a similar

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

536 (3) MUNICIPALITIES.—

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

550 (5)(a) Any sheriff's department or police department of a
 551 municipality may employ, as a traffic infraction enforcement

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

576 Section 4. Paragraph (c) of subsection (5) of section
 577 318.18, Florida Statutes, is amended to read:

578 318.18 Amount of penalties.—The penalties required for a
 579 noncriminal disposition pursuant to s. 318.14 or a criminal
 580 offense listed in s. 318.17 are as follows:

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

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

The Florida Senate

APPEARANCE RECORD

994

01/30/2024

Meeting Date

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

Bill Number or Topic

TRANSPORTATION

Committee

and # 839192

Amendment Barcode (if applicable)

Name David Custin

Phone 305-607-8576

Address 6401 SW 113 PL

Email CustinDR@DavidRCustin.com

Street

Miami FL 33173

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:

Bus Patrol America

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 \(flisenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1164

INTRODUCER: Transportation Committee and Senator Burton

SUBJECT: Use of Lights and Sirens on Authorized Emergency Vehicles

DATE: January 31, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Fav/CS
2.			CA	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1164 relates to the use of lights and sirens by authorized emergency vehicles.

Specifically, the bill:

- Designates organ transport vehicles and emergency management vehicles as authorized emergency vehicles.
- Defines the term “organ transport vehicle” to provide that it is a dedicated and marked vehicle operated by an organ procurement organization, transplant center, or its contracted service provider to transport organs or surgical teams for organ recovery or transplant.
- Requires operators of organ transport vehicles to complete a 16-hour emergency vehicle operator course.
- Authorizes organ transport vehicles to display red lights and operate sirens while transporting organs or surgical teams to hospitals, airports, or other designated locations.
- Authorizes organ transport vehicle displaying lights and operating sirens to exercise specified privileges regarding traffic laws, such as running red lights and exceeding the maximum speed limit, provided that the vehicle operator exercises due care.

The bill takes effect July 1, 2024.

II. Present Situation:

Organ Transport and Donation

According to organ donation advocacy organizations, one organ donor can save up to eight lives, and on average, 17 people die each day while waiting for an organ transplant.¹ Once recovered from donors, life-saving organs only remain healthy for a short period of time. Therefore, transporting organs or surgical teams for organ recovery is a process that requires timely and seamless coordination between the involved parties. Involved parties include, but are not limited to, donor hospitals, organ procurement organizations, transplant centers, and other contracted service providers.² Organ transportation is most commonly achieved through ground or air transportation.³

Florida law does not currently allow motor vehicles transporting organs or surgical teams for organ recovery to operate emergency lights and sirens.

Authorized Emergency Vehicles

Florida law defines the following as “authorized emergency vehicles”:

- Vehicles of the fire department or fire patrol;
- Police vehicles;
- Ambulances; and
- Emergency vehicles operated by:
 - Municipal and county departments;
 - Volunteer ambulance services;
 - Public service corporations operated by private corporations;
 - The Fish and Wildlife Conservation Commission;
 - The Department of Environmental Protection;
 - The Department of Transportation;
 - The Department of Agriculture and Consumer Services; and
 - The Department of Corrections.⁴

Obedience to Traffic Laws by Authorized Emergency Vehicles

Under Florida law, the driver of an authorized emergency vehicle, when responding to an emergency call, when in the pursuit of an actual or suspected violator of the law, or when responding to a fire alarm, but not upon returning from a fire; may exercise specified privileges.⁵

¹ Gift of Life Donor Program, *Get the Facts*, <https://www.donors1.org/learn-about-organ-donation/who-can-donate/get-the-facts/#:~:text=One%20organ%20donor%20can%20save,are%20waiting%20for%20a%20kidney>. (last visited January 18, 2024).

² LifeSource Organ, Eye and Tissue Donation, *How are Organs Transported for Transplant*, (Sep. 22, 2020), <https://www.life-source.org/latest/how-are-organs-transported-for-transplant/#:~:text=Transportation%20often%20depends%20on%20the,time%2C%20so%20every%20minute%20counts>. (last visited January 18, 2024).

³ *Id.*

⁴ Section 316.003(1), F.S.

⁵ Section 316.072(5)(a), F.S.

As such, the driver of an authorized emergency vehicle, except when otherwise directed by a police officer, may:

- Park or stand, irrespective of provisions of Ch. 316, F.S.;
- Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- Exceed the maximum speed limits so long as the driver does not endanger life or property;
- Disregard regulations governing direction or movement or turning in specified directions, so long as the driver does not endanger life or property.⁶

The above does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor does this protect the driver from the consequences of his or her reckless disregard for the safety of others.⁷

Display of Lights by Specified Vehicles

Florida law authorizes:

- A privately owned vehicle belonging to an active firefighter member of a regularly organized volunteer firefighting company or association, while en route to the fire station for the purpose of proceeding to the scene of a fire or other emergency or while en route to the scene of a fire or other emergency in the line of duty as an active firefighter member of a regularly organized firefighting company or association, may display or use red or red and white warning signals.
- A privately owned vehicle belonging to a medical staff physician or technician of a medical facility licensed by the state or of a volunteer ambulance service, while responding to an emergency in the line of duty, may display or use red warning signals.⁸

The above warning signals must be visible from the front and from the rear of such vehicle, subject to the following:

- No more than two red or red and white warning signals may be displayed.
- No inscription of any kind may appear across the face of the lens of the red or red and white warning signal.
- In order for an active volunteer firefighter to display such red or red and white warning signals on his or her vehicle, the volunteer firefighter must first secure a written permit from the chief executive officers of the firefighting organization to use the red or red and white warning signals, and this permit must be carried by the volunteer firefighter at all times while the red or red and white warning signals are displayed.
- An emergency medical technician, doctor, or paramedic who is using his or her personal vehicle with a red light to respond to an emergency call must have completed a 16-hour emergency vehicle operator course.⁹

⁶ Section 316.072(5)(b), F.S.

⁷ Section 316.072(5)(v), F.S.

⁸ Section 316.2397(1), F.S.

⁹ Section 216.2398(1), F.S.

Authorized Use of Lights on Specified Vehicles

Under Florida law, a person may not drive or move or cause to be moved any vehicle or equipment upon any highway within this state with any lamp or device thereon showing or displaying a red, red and white, or blue light visible from directly in front thereof except for certain vehicles as provided in s. 316.2397, F.S.¹⁰

Section 316.2397(3), F.S., provides that vehicles of the fire department and fire patrol, including vehicles of volunteer firefighters¹¹ may show or display red or red and white lights. Vehicles of medical staff physicians or technicians of medical facilities licensed by the state or of volunteer ambulance services,¹² ambulance, and buses and taxicabs¹³ may show or display red lights.

A violation of these provisions is a noncriminal traffic infraction, punishable as a nonmoving violation.¹⁴ The statutory base fine is \$30, but with additional fees and court costs, the total fine may be up to \$108.¹⁵

III. Effect of Proposed Changes:

The bill amends the definition of “authorized emergency vehicle” to include emergency management vehicles and organ transport vehicles.

The bill defines the term “organ transport vehicle” to mean any dedicated and marked vehicle operated by an organ procurement organization, transplant center, or its contracted service provider to transport organs or surgical teams for organ recovery and transplant.

The bill requires an operator of an organ transport vehicle to complete a 16-hour emergency vehicle operator course. This is the same course required by the Department of Health for ambulance drivers,¹⁶ and by statute for emergency medical technicians, doctors, or paramedics displaying lights on personal vehicles to respond to emergencies.¹⁷

The bill authorizes operators of authorized emergency vehicles when transporting organs or surgical teams for organ donation or transplant while en route to a hospital, airport, or other designated location to exercise specified privileges regarding traffic laws, including, but not limited to, passing through a red light or exceeding the maximum speed limit. This must be done with due regard to the safety of all persons and does not protect the operator from the consequences of his or her reckless disregard for the safety of others.

¹⁰ Section 316.2397(1), F.S.

¹¹ This is as permitted under s. 316.2398, F.S., relating to the display or use of red or red and white warning signals.

¹² This is as authorized under s. 316.2398, F.S.

¹³ This is as authorized under s. 316.2399, F.S., relating to special warning lights for buses or taxicabs.

¹⁴ Section 316.2397(10)(b), F.S.

¹⁵ Florida Association of Clerks of Court, *2023 Distribution Schedule*, p. 39.

https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2023_Distribution_Schedule_e.pdf
(last visited January 18, 2024).

¹⁶ See Rule 64J-1.013, F.A.C.

¹⁷ See s. 316.2398, F.S.

The bill provides that organ transport vehicles transporting organs or surgical teams for transplant may operate emergency lights and sirens while en route to a hospital, an airport, or other designated location may show or display red lights and operate such sirens.

The bill amends ss. 316.271, 316.306, and 655.960, F.S., making conforming changes.

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:

None.

B. Private Sector Impact:

None.

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: 316.003, 316.072, 316.2397, 316.2398, 316.271, 316.306, and 655.960.

IX. Additional Information:

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

CS by Transportation Committee on January 30, 2024:

The committee substitute:

- Designates organ transport vehicles and emergency management vehicles as authorized emergency vehicles.
- Defines the term “organ transport vehicle.”
- Require drivers of organ transport vehicles to complete an emergency vehicle operator course.
- Authorizes organ transport vehicles to display red lights and operate sirens while transporting organs or surgical teams to hospitals, airports, or other designated locations.
- Authorizes organ transport vehicle displaying lights and operating sirens to exercise specified privileges regarding traffic laws.
- Conforms cross-references.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/31/2024	.	
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The Committee on Transportation (Burton) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Present subsections (54) through (111) of section 316.003, Florida Statutes, are redesignated as subsections (55) through (112), respectively, a new subsection (54) is added to that section, and subsection (1) and present subsection (64) of that section are amended, to read:

316.003 Definitions.—The following words and phrases, when



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11 used in this chapter, shall have the meanings respectively
12 ascribed to them in this section, except where the context
13 otherwise requires:

14 (1) AUTHORIZED EMERGENCY VEHICLES.—Vehicles of the fire
15 department (fire patrol), police vehicles, organ transport
16 vehicles, emergency management vehicles, and such ambulances and
17 emergency vehicles of municipal departments, volunteer ambulance
18 services, public service corporations operated by private
19 corporations, the Fish and Wildlife Conservation Commission, the
20 Department of Environmental Protection, the Department of
21 Health, the Department of Transportation, and the Department of
22 Corrections as are designated or authorized by their respective
23 departments or the chief of police of an incorporated city or
24 any sheriff of any of the various counties.

25 (54) ORGAN TRANSPORT VEHICLE.—Any dedicated and marked
26 vehicle operated by an organ procurement organization,
27 transplant center, or its contracted service provider to
28 transport organs or surgical teams for organ recovery or
29 transplant. An operator of such vehicle must have completed a
30 16-hour emergency vehicle operator course.

31 (65)~~(64)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
32 provided in paragraph (90) (b) ~~(89) (b)~~, any privately owned way
33 or place used for vehicular travel by the owner and those having
34 express or implied permission from the owner, but not by other
35 persons.

36 Section 2. Paragraph (a) of subsection (5) of section
37 316.072, Florida Statutes, is amended to read:

38 316.072 Obedience to and effect of traffic laws.—

39 (5) AUTHORIZED EMERGENCY VEHICLES.—



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40 (a)1. The driver of an authorized emergency vehicle, when
41 responding to an emergency call, when transporting organs or
42 surgical teams for organ recovery or transplant while en route
43 to a hospital, an airport, or other designated location, when in
44 the pursuit of an actual or suspected violator of the law, or
45 when responding to a fire alarm, but not upon returning from a
46 fire;

47 2. A medical staff physician or technician of a medical
48 facility licensed by the state or of a volunteer ambulance
49 service when responding to an emergency in the line of duty in
50 his or her privately owned vehicle, using red lights as
51 authorized in s. 316.2398; or

52 3. The driver of an authorized law enforcement vehicle,
53 when conducting a nonemergency escort, to warn the public of an
54 approaching motorcade;

55
56 may exercise the privileges set forth in this section, but
57 subject to the conditions herein stated.

58 Section 3. Subsection (3) of section 316.2397, Florida
59 Statutes, is amended to read:

60 316.2397 Certain lights prohibited; exceptions.—

61 (3) (a) Vehicles of the fire department and fire patrol,
62 including vehicles of volunteer firefighters as permitted under
63 s. 316.2398, may show or display red or red and white lights.

64 (b) Vehicles of medical staff physicians or technicians of
65 medical facilities licensed by the state or of volunteer
66 ambulance services as authorized under s. 316.2398, ambulances
67 as authorized under this chapter, and buses and taxicabs as
68 authorized under s. 316.2399 may show or display red lights.



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69 Vehicles of the fire department, fire patrol, police vehicles,
70 and such ambulances and emergency vehicles of municipal and
71 county departments, volunteer ambulance services, public service
72 corporations operated by private corporations, the Fish and
73 Wildlife Conservation Commission, the Department of
74 Environmental Protection, the Department of Transportation, the
75 Department of Agriculture and Consumer Services, and the
76 Department of Corrections as are designated or authorized by
77 their respective department or the chief of police of an
78 incorporated city or any sheriff of any county may operate
79 emergency lights and sirens in an emergency.

80 (c) Organ transport vehicles transporting organs or
81 surgical teams for organ recovery or transplant may show or
82 display red lights and operate sirens while en route to a
83 hospital, an airport, or other designated location.

84 (d) Wreckers, mosquito control fog and spray vehicles, and
85 emergency vehicles of governmental departments or public service
86 corporations may show or display amber lights when in actual
87 operation or when a hazard exists provided they are not used
88 going to and from the scene of operation or hazard without
89 specific authorization of a law enforcement officer or law
90 enforcement agency.

91 (e) Wreckers must use amber rotating or flashing lights
92 while performing recoveries and loading on the roadside day or
93 night, and may use such lights while towing a vehicle on wheel
94 lifts, slings, or under reach if the operator of the wrecker
95 deems such lights necessary. A flatbed, car carrier, or rollback
96 may not use amber rotating or flashing lights when hauling a
97 vehicle on the bed unless it creates a hazard to other motorists



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98 because of protruding objects. Further, escort vehicles may show
99 or display amber lights when in the actual process of escorting
100 overdimensioned equipment, material, or buildings as authorized
101 by law.

102 (f) Vehicles owned or leased by private security agencies
103 may show or display green and amber lights, with either color
104 being no greater than 50 percent of the lights displayed, while
105 the security personnel are engaged in security duties on private
106 or public property.

107 Section 4. Subsection (1) of section 316.2398, Florida
108 Statutes, is amended to read:

109 316.2398 Display or use of red or red and white warning
110 signals; motor vehicles of volunteer firefighters or medical
111 staff.—

112 (1) A privately owned vehicle belonging to an active
113 firefighter member of a regularly organized volunteer
114 firefighting company or association, while en route to the fire
115 station for the purpose of proceeding to the scene of a fire or
116 other emergency or while en route to the scene of a fire or
117 other emergency in the line of duty as an active firefighter
118 member of a regularly organized firefighting company or
119 association, may display or use red or red and white warning
120 signals. A privately owned vehicle belonging to a medical staff
121 physician or technician of a medical facility licensed by the
122 state or of a volunteer ambulance service, while responding to
123 an emergency in the line of duty, may display or use red warning
124 signals. An organ transport vehicle, while transporting organs
125 or surgical teams for organ recovery or transplant while en
126 route to a hospital, an airport, or other designated location,



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127 may display or use red warning signals. Warning signals must be
128 visible from the front and from the rear of such vehicle,
129 subject to the following restrictions and conditions:

130 (a) No more than two red or red and white warning signals
131 may be displayed.

132 (b) No inscription of any kind may appear across the face
133 of the lens of the red or red and white warning signal.

134 (c) In order for an active volunteer firefighter to display
135 such red or red and white warning signals on his or her vehicle,
136 the volunteer firefighter must first secure a written permit
137 from the chief executive officers of the firefighting
138 organization to use the red or red and white warning signals,
139 and this permit must be carried by the volunteer firefighter at
140 all times while the red or red and white warning signals are
141 displayed.

142 (d) An emergency medical technician, doctor, or paramedic
143 who is using his or her personal vehicle with a red light to
144 respond to an emergency call must have completed a 16-hour
145 emergency vehicle operator course.

146 Section 5. Subsection (4) of section 316.271, Florida
147 Statutes, is amended to read:

148 316.271 Horns and warning devices.—

149 (4) No vehicle shall be equipped with, nor shall any person
150 use upon a vehicle, any siren, whistle, or bell, except as
151 otherwise permitted in this section or s. 316.2397.

152 Section 6. Paragraph (a) of subsection (3) of section
153 316.306, Florida Statutes, is amended to read:

154 316.306 School and work zones; prohibition on the use of a
155 wireless communications device in a handheld manner.—



156 (3) (a) 1. A person may not operate a motor vehicle while
157 using a wireless communications device in a handheld manner in a
158 designated school crossing, school zone, or work zone area as
159 defined in s. 316.003(112) ~~s. 316.003(111)~~. This subparagraph
160 shall only be applicable to work zone areas if construction
161 personnel are present or are operating equipment on the road or
162 immediately adjacent to the work zone area. For the purposes of
163 this paragraph, a motor vehicle that is stationary is not being
164 operated and is not subject to the prohibition in this
165 paragraph.

166 2. Effective January 1, 2020, a law enforcement officer may
167 stop motor vehicles and issue citations to persons who are
168 driving while using a wireless communications device in a
169 handheld manner in violation of subparagraph 1.

170 Section 7. Subsection (1) of section 655.960, Florida
171 Statutes, is amended to read:

172 655.960 Definitions; ss. 655.960-655.965.—As used in this
173 section and ss. 655.961-655.965, unless the context otherwise
174 requires:

175 (1) "Access area" means any paved walkway or sidewalk which
176 is within 50 feet of any automated teller machine. The term does
177 not include any street or highway open to the use of the public,
178 as defined in s. 316.003(90) (a) or (b) ~~s. 316.003(89) (a) or (b)~~,
179 including any adjacent sidewalk, as defined in s. 316.003.

180 Section 8. This act shall take effect July 1, 2024.

181
182 ===== T I T L E A M E N D M E N T =====

183 And the title is amended as follows:

184 Delete everything before the enacting clause



319188

185 and insert:

186 A bill to be entitled
187 An act relating to the use of lights and sirens on
188 authorized emergency vehicles; amending s. 316.003,
189 F.S.; revising the definition of the term "authorized
190 emergency vehicles"; defining the term "organ
191 transport vehicle"; amending s. 316.072, F.S.;
192 authorizing organ transport vehicles to exercise
193 certain privileges; amending s. 316.2397, F.S.;
194 providing that certain vehicles transporting organs
195 and surgical teams for organ recovery or transplant
196 may show or display red lights and operate sirens
197 while en route to a hospital, an airport, or other
198 designated location; amending s. 316.2398, F.S.;
199 authorizing the display or use of red warning signals
200 by organ transport vehicles under certain
201 circumstances; amending s. 316.271, F.S., conforming a
202 provision to changes made by the act; amending ss.
203 316.306 and 655.960, F.S.; conforming cross-
204 references; providing an effective date.

By Senator Burton

12-00927B-24

20241164__

1 A bill to be entitled
 2 An act relating to the use of lights and sirens on
 3 emergency vehicles; amending s. 316.2397, F.S.;
 4 authorizing that certain vehicles transporting organs
 5 and surgical teams for organ recovery and transplant
 6 may operate emergency lights and sirens while en route
 7 to a hospital, an airport, or other designated
 8 location; providing requirements for operators of such
 9 vehicles; providing an effective date.

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

11
 12
 13 Section 1. Subsection (3) of section 316.2397, Florida
 14 Statutes, is amended to read:
 15 316.2397 Certain lights prohibited; exceptions.—
 16 (3) (a) Vehicles of the fire department and fire patrol,
 17 including vehicles of volunteer firefighters as permitted under
 18 s. 316.2398, may show or display red or red and white lights.
 19 (b) Vehicles of medical staff physicians or technicians of
 20 medical facilities licensed by the state or of volunteer
 21 ambulance services as authorized under s. 316.2398, ambulances
 22 as authorized under this chapter, and buses and taxicabs as
 23 authorized under s. 316.2399 may show or display red lights.
 24 (c) Vehicles of the fire department, fire patrol, police
 25 vehicles, and such ambulances and emergency vehicles of
 26 municipal and county departments, volunteer ambulance services,
 27 public service corporations operated by private corporations,
 28 the Fish and Wildlife Conservation Commission, the Department of
 29 Environmental Protection, the Department of Transportation, the

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

12-00927B-24

20241164__

30 Department of Agriculture and Consumer Services, and the
 31 Department of Corrections as are designated or authorized by
 32 their respective department or the chief of police of an
 33 incorporated city or any sheriff of any county may operate
 34 emergency lights and sirens in an emergency.
 35 (d) Vehicles designated as emergency vehicles for the sole
 36 purpose of transporting organs and surgical teams for organ
 37 recovery and transplant may operate emergency lights and sirens
 38 while en route to a hospital, an airport, or other designated
 39 location. Such vehicles include, but are not limited to,
 40 dedicated and marked vehicles operated by organ procurement
 41 organizations, transplant centers, or their contracted service
 42 providers. Operators of such emergency vehicles must be licensed
 43 as a provider of prehospital or interfacility advanced life
 44 support services or basic life support transportation services
 45 pursuant to s. 401.25 and licensed to drive such emergency
 46 vehicles pursuant to the requirements of s. 401.281.
 47 (e) Wreckers, mosquito control fog and spray vehicles, and
 48 emergency vehicles of governmental departments or public service
 49 corporations may show or display amber lights when in actual
 50 operation or when a hazard exists provided they are not used
 51 going to and from the scene of operation or hazard without
 52 specific authorization of a law enforcement officer or law
 53 enforcement agency. Wreckers must use amber rotating or flashing
 54 lights while performing recoveries and loading on the roadside
 55 day or night, and may use such lights while towing a vehicle on
 56 wheel lifts, slings, or under reach if the operator of the
 57 wrecker deems such lights necessary. A flatbed, car carrier, or
 58 rollback may not use amber rotating or flashing lights when

Page 2 of 3

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

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20241164__

59 hauling a vehicle on the bed unless it creates a hazard to other
60 motorists because of protruding objects. Further, escort
61 vehicles may show or display amber lights when in the actual
62 process of escorting overdimensioned equipment, material, or
63 buildings as authorized by law.

64 (f) Vehicles owned or leased by private security agencies
65 may show or display green and amber lights, with either color
66 being no greater than 50 percent of the lights displayed, while
67 the security personnel are engaged in security duties on private
68 or public property.

69 Section 2. This act shall take effect July 1, 2024.

JANUARY 30, 2024 1:00

Meeting Date

TRANSPORTATION

Committee

Name **Monica Rodriguez**

Phone **850-577-0444**

Address **201 E PARK AVE 5TH FLOOR**

Email **monica@ballardpartners.com**

Street

TALLAHASSEE

FL

32301

City

State

Zip

The Florida Senate

APPEARANCE RECORD

1164

Bill Number or Topic

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

Amendment Barcode (if applicable)

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:

Shands Teaching Hospital and Clinics, Inc.

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)

CourtSmart Tag Report

Room: SB 110
Caption: Senate Transportation Committee

Case No.:

Type:
Judge:

Started: 1/30/2024 1:04:37 PM

Ends: 1/30/2024 2:37:16 PM

Length: 01:32:40

1:04:36 PM Vice Chair Davis calls the meeting to order
1:04:47 PM Roll call
1:04:50 PM Quorum present
1:05:22 PM Pledge of Allegiance
1:05:26 PM Vice Chair Davis with comments
1:05:43 PM Tab 7, SB 994, Student Transportation Safety introduced
1:06:04 PM Explanation by Senator Burgess
1:07:02 PM Chair returned to Chair DiCeglie
1:08:04 PM Amendment Barcode 839192 introduced
1:08:14 PM Explanation by Senator Burgess
1:08:20 PM Chair DiCeglie
1:08:48 PM Question
1:08:55 PM Senator Trumbull
1:08:59 PM Senator Burgess
1:09:46 PM Senator Davis
1:10:59 PM Senator Burgess
1:13:01 PM Senator Davis
1:13:05 PM Senator Burgess
1:14:03 PM Chair DiCeglie
1:14:14 PM David Custin waives
1:14:19 PM Chair DiCeglie
1:14:26 PM Closure waived
1:14:28 PM Amendment adopted
1:14:32 PM Chair DiCeglie
1:14:39 PM Question
1:14:40 PM Senator Trumbull
1:14:52 PM Senator Burgess
1:15:35 PM Chair DiCeglie
1:17:15 PM Senator Burgess in closure
1:17:23 PM Roll call
1:17:47 PM CS/SB 994 reported favorably
1:17:55 PM Tab 8, SB 1164, use of Lights and Sirens on Emergency Vehicles introduced
1:18:27 PM Explanation by Senator Burton
1:18:37 PM Amendment Barcode 319188 introduced
1:18:48 PM Explanation of Amendment by Senator Burton
1:19:37 PM Chair DiCeglie
1:19:50 PM Closure waived
1:19:53 PM Amendment adopted
1:19:58 PM Chair DiCeglie
1:20:09 PM Monica Rodriguez waives
1:20:19 PM Chair DiCeglie
1:20:30 PM Closure waived
1:20:35 PM Roll call
1:20:38 PM CS/SB 1164 reported favorably
1:20:50 PM Tab 6, SB 982, Specialty License Plates/Project Addiction: Reversing the Stigma introduced
1:21:29 PM Explanation by Senator Thompson
1:22:19 PM Chair DiCeglie
1:22:25 PM RoseMarie Aldred waives
1:22:40 PM Chair DiCeglie
1:22:45 PM Closure waived
1:22:47 PM Roll call
1:22:51 PM SB 982 reported favorably

1:22:59 PM Tab 4, SB 868, Transportation Facility Designations/Army Specialist Nicholas Panipinto introduced
1:23:26 PM Explanation by Senator Boyd
1:24:43 PM Amendment Barcode 778158 introduced
1:25:00 PM Explanation of Amendment by Senator Boyd
1:27:00 PM Chair DiCeglie
1:27:08 PM Candice Ericks waives
1:27:15 PM Chair DiCeglie
1:27:22 PM Closure waived
1:27:25 PM Amendment adopted
1:27:27 PM Chair DiCeglie
1:27:54 PM Closure by Senator Boyd
1:28:05 PM Roll call
1:28:14 PM CS/SB 868 reported favorably
1:28:28 PM Tab 1, SB 440, Utility Terrain Vehicles introduced
1:28:49 PM Explanation by Senator Wright
1:28:54 PM Amendment Barcode 166366 introduced
1:29:01 PM Explanation by Senator Wright
1:30:23 PM Chair DiCeglie
1:30:31 PM Questions
1:30:34 PM Senator Davis
1:30:37 PM Senator Wright
1:31:04 PM Senator Davis
1:31:06 PM Senator Wright
1:31:28 PM Chair DiCeglie
1:31:33 PM Speaker Winn Peeples
1:35:48 PM Chair DiCeglie
1:35:54 PM Debate
1:35:56 PM Senator Hooper
1:36:30 PM Chair DiCeglie
1:36:58 PM Senator Wright in closure
1:37:11 PM Chair DiCeglie
1:37:25 PM Amendment adopted
1:37:28 PM Chair DiCeglie
1:37:37 PM Questions
1:37:41 PM Senator Davis
1:37:45 PM Senator Wright
1:38:38 PM Senator Davis
1:38:41 PM Senator Wright
1:39:06 PM Chair DiCeglie
1:39:19 PM Speaker Ben Johnson
1:42:00 PM Craig Orlan waives
1:42:06 PM Angela Drzewiecki waives
1:42:16 PM Izzy Grarbarino waives
1:42:27 PM Chair DiCeglie
1:42:31 PM Debate
1:42:32 PM Senator Hooper
1:43:27 PM Chair DiCeglie
1:43:31 PM Senator Wright in closure
1:44:01 PM Roll call
1:45:01 PM CS/SB 440 reported favorably
1:45:09 PM Tab 5, SB 968, Spaceport Territory introduced
1:45:31 PM Explanation by Senator Calatayud
1:46:05 PM Chair DiCeglie
1:46:41 PM Lindsay Pierce waives
1:46:48 PM Chair DiCeglie
1:46:51 PM Debate
1:46:55 PM Senator Trumbull
1:47:14 PM Chair DiCeglie
1:47:36 PM Closure by Senator Calatayud
1:47:45 PM Roll call
1:48:00 PM SB 968 reported favorably
1:48:09 PM Tab 2, SB 688, Alternative Mobility Funding Systems

1:48:32 PM Explanation by Senator Martin
1:49:50 PM Chair DiCeglie
1:50:06 PM Questions
1:50:07 PM Senator Davis
1:50:11 PM Senator Martin
1:50:30 PM Senator Davis
1:51:11 PM Senator Martin
1:52:45 PM Senator Davis
1:52:48 PM Senator Martin
1:53:36 PM Senator Davis
1:53:40 PM Senator Hooper
1:53:55 PM Senator Martin
1:54:47 PM Senator Hooper
1:54:54 PM Senator Martin
1:55:14 PM Chair DiCeglie
1:55:24 PM Speaker Patrick Rutter
1:58:13 PM Speaker Rusty Payton
1:58:48 PM Speaker Bob McKee
2:07:28 PM Carolyn Grawi waives
2:08:29 PM Speaker David Cruz
2:09:25 PM Speaker Chelsea Reed
2:10:02 PM Speaker R. Max Lohman
2:14:09 PM Speaker Louis Rotundo
2:17:58 PM Speaker John D'Agostino
2:21:15 PM Dorothea Taylor-Bogert waives
2:21:25 PM Kim Glas-Carteo waives
2:21:32 PM Judith Thomas waives
2:21:35 PM Roger Michaud waives
2:21:40 PM Mary Taylor waives
2:21:45 PM Holly Smith waives
2:21:50 PM Michael Disher waives
2:21:55 PM Lois Paritsky waives
2:22:06 PM Marc Crail waives
2:22:11 PM Cal Rolfson waives
2:22:14 PM Mark Jefferies waives
2:22:27 PM Chair DiCeglie
2:22:34 PM Senator Martin in closure
2:22:42 PM Roll call
2:23:21 PM SB 688 reported favorably
2:23:34 PM Chair passed to Vice Chair Davis
2:23:41 PM Introduction of Tab 3, SB 840, Appointment of a General Lines Agency as an Agent for a Tax introduced
2:24:10 PM Explanation by Chair DiCeglie
2:24:45 PM Chair Davis
2:25:13 PM Questions
2:25:16 PM Chair Davis
2:25:22 PM Chair DiCeglie
2:25:48 PM Chair Davis
2:26:46 PM Chair DiCeglie
2:27:35 PM Chair Davis
2:28:26 PM Chair DiCeglie
2:28:36 PM Chair Davis
2:28:39 PM Chair DiCeglie
2:28:45 PM Chair Davis
2:28:53 PM Chair DiCeglie
2:29:04 PM Chair Davis
2:29:06 PM Chair DiCeglie
2:29:49 PM Chair Davis
2:29:52 PM Chair DiCeglie
2:30:31 PM Chair Davis
2:31:16 PM Chair DiCeglie
2:32:19 PM Chair Davis
2:32:54 PM Speaker Tim Qualls

2:33:24 PM David Shepp waives
2:33:39 PM Mike Moore waives
2:33:49 PM Chair Davis
2:33:57 PM Debate
2:34:00 PM Chair Davis
2:35:24 PM Chair DiCeglie in closure
2:35:34 PM Roll call
2:35:42 PM SB 840 reported favorably
2:35:50 PM Chair passed by to Chair DiCeglie
2:35:59 PM Chair DiCeglie
2:36:03 PM Senator Hooper votes in the affirmative on Tabs 7 and 8
2:36:17 PM Senator Hooper with comments
2:36:47 PM Chair DiCeglie
2:36:53 PM Senator Gruters moves to adjourn
2:37:05 PM Meeting adjourned



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Military and Veterans Affairs, Space, and Domestic Security, *Vice Chair*
Appropriations Committee on Criminal and Civil Justice
Banking and Insurance
Commerce and Tourism
Fiscal Policy
Rules
Transportation

JOINT COMMITTEES:

Joint Select Committee on Collective Bargaining

SENATOR VICTOR M. TORRES, JR.

25th District

January 30, 2024

Senator Nick DiCeglie, Chair
Transportation Committee
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair DiCeglie,

Please accept this letter of excusal for the January 30th Transportation Committee due to a previously scheduled commitment. Please let me know if you have any questions or concerns.

With Respect,

A handwritten signature in black ink, appearing to read "Victor M. Torres, Jr.", written in a cursive style.

Senator Torres – District 25

REPLY TO:

- 101 Church Street, Suite 305, Kissimmee, Florida 34741 (407) 846-5187 FAX: (850) 410-4817
- 214 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5025

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore