

<b>Tab 1</b>	<b>SB 766 by Burgess;</b> Compare to CS/H 00741 Photographic Enforcement of School Bus Safety					
308854	D	S	RCS	TR, Burgess	Delete everything after	04/04 01:22 PM
<b>Tab 2</b>	<b>SB 1290 by Grall (CO-INTRODUCERS) Perry;</b> Compare to CS/CS/H 00949 Age and Licensure Requirements for Operation of a Golf Cart					
209782	A	S	RCS	TR, Grall	Delete L.13 - 18:	04/04 01:22 PM
<b>Tab 3</b>	<b>SB 1374 by Perry;</b> Similar to CS/H 01211 Child Restraint Requirements					
586708	A	S	RCS	TR, Perry	Delete L.40:	04/04 01:22 PM
<b>Tab 4</b>	<b>SB 1646 by Davis;</b> Similar to CS/CS/H 01123 Commercial Service Airport Transparency and Accountability					
356972	A	S	RCS	TR, Davis	Delete L.60 - 65:	04/04 01:22 PM
<b>Tab 5</b>	<b>SB 1672 by DiCeglie (CO-INTRODUCERS) Perry;</b> Similar to CS/H 00937 Temporary Airports					
163014	A	S	RCS	TR, DiCeglie	Delete L.115 - 122:	04/04 01:22 PM

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**TRANSPORTATION**  
**Senator DiCeglie, Chair**  
**Senator Davis, Vice Chair**

**MEETING DATE:** Tuesday, April 4, 2023  
**TIME:** 11:00 a.m.—1:00 p.m.  
**PLACE:** Toni Jennings Committee Room, 110 Senate Building

**MEMBERS:** Senator DiCeglie, Chair; Senator Davis, Vice Chair; Senators Boyd, Broxson, Burton, Gruters, Hooper, Pizzo, Torres, and Trumbull

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 766</b> Burgess (Compare CS/H 741)	Photographic Enforcement of School Bus Safety; Defining the terms “school bus” and “side stop signal arm enforcement system”; authorizing school districts to install and operate side stop signal arm enforcement systems on school buses; authorizing school districts to contract with a private vendor or manufacturer to provide side stop signal arm enforcement systems; requiring a school district to enter into a certain interlocal agreement with one or more law enforcement agencies to establish certain responsibilities; requiring the Department of Highway Safety and Motor Vehicles to refuse to renew the registration of motor vehicles and prohibit the transfer of title under specified circumstances, etc.  TR 04/04/2023 Fav/CS ATD FP	Fav/CS Yeas 9 Nays 0
2	<b>SB 1290</b> Grall (Compare CS/CS/H 949)	Age and Licensure Requirements for Operation of a Golf Cart; Prohibiting a person from operating a golf cart on certain roadways unless he or she possesses a valid learner’s driver license or valid driver license that is not suspended or revoked, etc.  TR 04/04/2023 Fav/CS CA RC	Fav/CS Yeas 9 Nays 0
3	<b>SB 1374</b> Perry (Similar CS/H 1211)	Child Restraint Requirements; Revising requirements for the use of a crash-tested, federally approved child restraint device while transporting a child in a motor vehicle, etc.  CF 03/20/2023 Favorable TR 04/04/2023 Fav/CS RC	Fav/CS Yeas 9 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Tuesday, April 4, 2023, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 1646</b> Davis (Similar CS/CS/H 1123)	Commercial Service Airport Transparency and Accountability; Defining the term "consent agenda"; revising information required to be posted on the website of a governing body; requiring a commercial service airport to use specified competitive solicitation processes for certain purchases of commodities or contractual services, etc.  TR 04/04/2023 Fav/CS GO RC	Fav/CS Yeas 9 Nays 0

5	<b>SB 1672</b> DiCeglie (Similar CS/H 937, Compare S 1554)	Temporary Airports; Revising the definition of the term "temporary airport"; requiring certain documentation to be submitted to the Department of Transportation for temporary airport site approval and temporary airport registration; requiring a temporary airport to obtain registration before operation of aircraft to or from the airport; revising an exemption from certain provisions for an airport used for aerial application or spraying of crops, etc.  TR 04/04/2023 Fav/CS CA FP	Fav/CS Yeas 9 Nays 0
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TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
6	<b>Senate Confirmation Hearing:</b> A public hearing will be held for consideration of the below-named executive appointment to the office indicated.		
	<b>Central Florida Expressway Authority</b>		
	Martinez, Rafael E. (Orlando)	12/31/2026	Recommend Confirm Yeas 9 Nays 0
	Maier, Christopher (Orlando)	12/31/2026	Recommend Confirm Yeas 9 Nays 0
	<b>Secretary of Transportation</b>		
	Perdue, Jared W. (Windermere)	Pleasure of Governor	Recommend Confirm Yeas 7 Nays 2

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.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 766

INTRODUCER: Transportation Committee and Senator Burgess

SUBJECT: Photographic Enforcement of School Bus Safety

DATE: April 5, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Vickers	TR	<b>Fav/CS</b>
2.			ATD	
3.			FP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 766 authorizes a school district to install and maintain school bus infraction detection systems. The school district may contract with a private vendor or manufacturer to provide a school bus infraction detection system on each school bus in its fleet. The system uses electronic traffic enforcement technology to record traffic violations when drivers fail to stop for a school bus displaying a stop signal.

In order to use a school bus infraction detection system, the bill requires:

- The school district to enter into an interlocal agreement with a law enforcement agency authorized to enforce school bus stop signal violations within the school district.
- The systems meet specifications established by the State Board of Education.
- School districts make a public announcement and conduct a 30-day public awareness campaign before commencing initial enforcement using such systems.
- School buses with such operational systems have high-visibility reflective signage on the rear of the school bus indicating system use.

The bill requires a private vendor or manufacturer contracting with a school district to submit specific information regarding alleged violations to the law enforcement agency authorized to enforce school bus stop signal violations in the school district. The information must be submitted within 30 days after the alleged violation is captured and include a copy of the recorded image showing the motor vehicle; the license plate number and state of issuance; and the date, time, and place of the alleged violation.

If the law enforcement agency determines a violation occurred, the agency must send a notice of violation, within 30 days, by first-class mail to the vehicle's registered owner. The notice must include information detailing how to pay the civil penalty, review the evidence, request a hearing to contest the violation, or submit an affidavit providing a defense to the violation. If the owner does not contest, pay the civil penalty, or submit an affidavit within 30 days after receiving the notice of violation, he or she will be issued a uniform traffic citation.

Under the bill, a violation enforced by a school bus infraction detection system is subject to a \$225 civil penalty. The \$200 civil penalty collected must be provided to the school district in which the violation occurred, and must be used to install or maintain school bus infraction detection systems, for the administration and costs associated with enforcement of the violations, or for any other technology that increases the safety of the transportation of students. The additional \$25 collected must be dedicated to the safe schools allocation provided to school districts by the Department of Education (DOE). This civil penalty is lower than that in current law, which requires the minimum civil penalty for failure to stop for a school bus is \$265, and illegally passing on the side of the school bus where children enter and exit is \$465.

The bill prohibits individuals from receiving any commission based on revenue collected, or a vendor or manufacturer receiving any fee based on the number of violations detected through use of the system.

Each school district using the system must report information on system use to the DOE beginning October 1, 2024. DOE must submit a summary report to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31, 2024, and every year thereafter providing specified information.

The bill may have an indeterminate fiscal impact on school districts electing to install a school bus infraction detection system on its school buses. To the extent that violations are enforced by such systems instead of by in-person law enforcement, the bill may shift penalties from other state and local government funds to school districts. See section V. Fiscal Impact Statement.

The bill takes effect July 1, 2023.

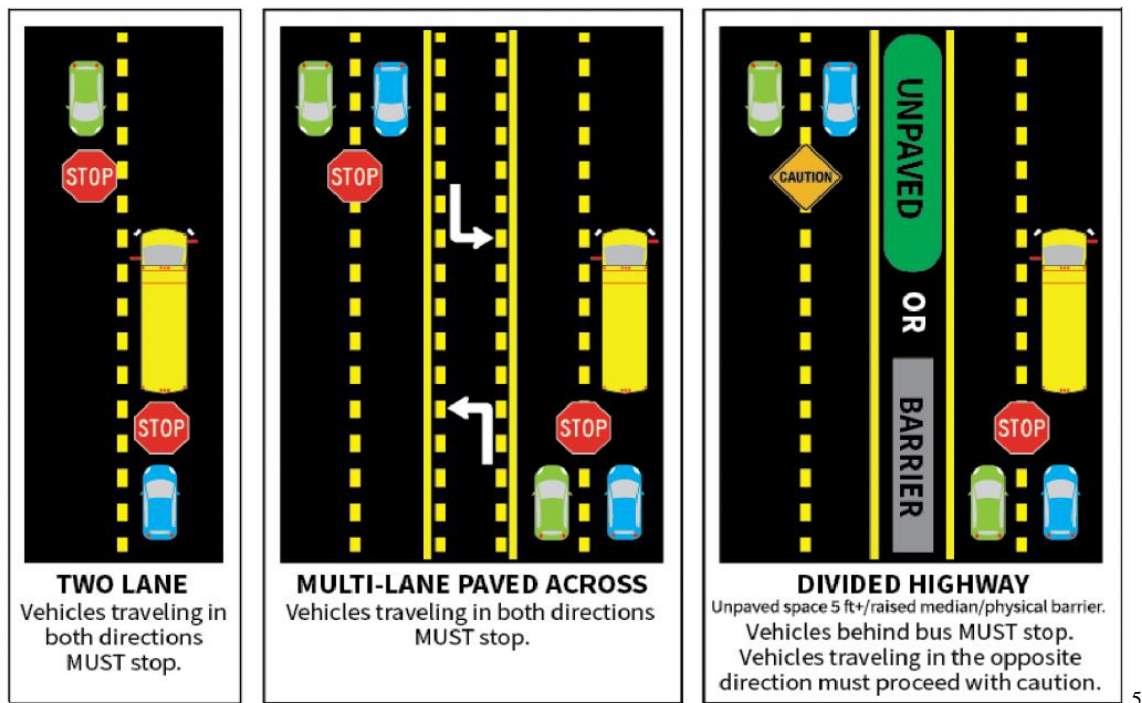
## **II. Present Situation:**

### **School Buses and Traffic Laws**

Law enforcement agencies are responsible for enforcing traffic laws, including school transportation related traffic violations. However, law enforcement officers are not always present along every school transportation route. Because law enforcement officers cannot feasibly monitor each bus on every route each day, many school transportation traffic violations may go unenforced.

In Florida, 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.<sup>1</sup> When possible, school buses should not stop where visibility is obscured for a distance of 200 feet from the bus.<sup>2</sup>

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.<sup>3</sup> 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 5 feet, a raised median, or a physical barrier.<sup>4</sup>



A person cited for failing to stop for a school bus displaying a stop signal commits a moving traffic violation<sup>6</sup> and is subject to a \$200 civil penalty.<sup>7</sup> A person cited for a moving violation may either pay the civil penalty or request a hearing to contest the citation.<sup>8</sup> A driver who passes a school bus on the side that children enter and exit while the school bus displays a stop signal

<sup>1</sup> Section 316.172(3), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Section 316.172(1)(a), F.S.

<sup>4</sup> Section 316.172(2), F.S.

<sup>5</sup> DHSMV, *Child Safety: School Bus Safety*, <https://www.flhsmv.gov/safety-center/child-safety/school-bus-safety/> (last visited March 12, 2023).

<sup>6</sup> A moving violation is a classification of a type of traffic citation. The most common moving violations include speeding, running a red light, and driving while intoxicated. However, some moving violations may not actually require the vehicle to be in motion, as the name infers.

<sup>7</sup> In addition to this penalty, for a second or subsequent offense within a period of 5 years, the DHSMV shall 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.

<sup>8</sup> Section 318.14, F.S.

also commits a moving violation; however, he or she is subject to a \$400 civil penalty<sup>9</sup> and must attend a mandatory hearing at a specified time and location.<sup>10</sup>

In addition to these civil penalties, the court shall impose an additional \$65 penalty, which is remitted to the Department of Health's Emergency Medical Services Trust Fund to be used to ensure the availability and accessibility of trauma services throughout the state.<sup>11</sup>

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.<sup>12</sup>
- Causes serious bodily injury or death to another, will receive six points on his or her driver license record and must:<sup>13</sup>
  - 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 DHSMV approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway;<sup>14</sup> and
  - Pay a \$1,500 fine and have his or her driver license suspended by DHSMV for at least 1 year.<sup>15</sup>

When a driver accumulates a certain 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.<sup>16</sup>

### **Traffic Infraction Detectors**

A traffic infraction detector is a vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographs or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light.<sup>17</sup>

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<sup>9</sup> In addition to this penalty, for a second or subsequent offense within a period of 5 years, the DHSMV shall suspend the driver license of the person for not less than 360 days and not more than 2 years. Section 318.18(5)(b), F.S.

<sup>10</sup> Sections 316.172(1)(b) and 318.19(3), F.S.

<sup>11</sup> Section 318.18(5)(c), F.S.

<sup>12</sup> Section 322.27(3)(d)4.a., F.S.

<sup>13</sup> Section 322.27(3)(d)4.b., F.S.

<sup>14</sup> Section 316.027(4)(b), F.S.

<sup>15</sup> Section 318.18(5)(d), F.S.

<sup>16</sup> Section 322.27(3), F.S.

<sup>17</sup> Section 316.003(95), F.S.

In 2010, the Legislature authorized the DHSMV, counties, and municipalities to issue a traffic citation for a driver's failure to stop at a traffic control signal when such violation was identified by a traffic infraction detector.<sup>18</sup> The state is responsible for regulating the use of such cameras.<sup>19</sup>

A municipality may install or authorize installation of traffic infraction detectors on streets and highways in accordance with the Florida Department of Transportation (FDOT) standards, and on state roads within the incorporated area when permitted by FDOT.<sup>20</sup> A county may install or authorize installation of traffic infraction detectors on streets and highways in unincorporated areas of the county in accordance with FDOT standards, and on state roads in unincorporated areas of the county when permitted by the FDOT.<sup>21</sup> The DHSMV may install or authorize installation of traffic infraction detectors on any state road under the original jurisdiction of the FDOT, when permitted by the FDOT.<sup>22</sup>

If the DHSMV, a county, or a municipality installs a traffic infraction detector at an intersection, the respective governmental entity must install signage notifying the public that a traffic infraction device may be in use at that intersection, including specific notification of enforcement of violations concerning right turns.<sup>23</sup> Such signage must meet the specifications for uniform signals and devices adopted by the FDOT under to s. 316.0745, F.S.<sup>24</sup>

### ***Traffic Infraction Detector Litigation***

In 2018, the Florida Supreme Court held that the review of red light camera images authorized by Florida law allows city's private third-party vendor, as its agent, to review and sort red light camera images to forward to a law enforcement officer when:

- The vendor's decisions are essentially ministerial and non-discretionary in that such decisions are strictly circumscribed by the contract language, guidelines promulgated by the city, and actual practices;
- Such ministerial decisions are additionally restricted by a broad policy that requires the vendor to automatically forward "close calls" to law enforcement for review;
- The law enforcement officer, not the vendor, makes the actual decision whether probable cause exists and whether a notice and citation should be issued; and
- The law enforcement officer's decision that probable cause exists and that the citation should be issued are supported by the responsible law enforcement officer's full, professional review which does not merely acquiesce to any decision by the vendor.<sup>25</sup>

As such, s. 316.0083(1), F.S., authorizes a local government to contract with a third-party vendor to review and sort information and images from red light cameras before sending that

<sup>18</sup> See generally ss. 316.0083, and 316.0776, F.S.; Ch. 2010-80, Laws of Fla.; Any notification or traffic citation issued by using a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated. Section 316.003(95), F.S.

<sup>19</sup> Section 316.0076, F.S.

<sup>20</sup> Sections 316.008(8) and 316.0776(1), F.S.

<sup>21</sup> *Id.*

<sup>22</sup> Section 321.50, F.S.

<sup>23</sup> Section 316.0776(2), F.S.

<sup>24</sup> *Id.*

<sup>25</sup> *Jimenez v. State*, 246 So.3d 219 (Fla. 2018).



information to a trained law enforcement officer. A law enforcement officer must then review the information and determine whether probable cause exists to issue a citation.

### **Illegal Passing of School Buses**

According to DHSMV, in 2022, there were 2,952 traffic citations issued for failing to stop for a school bus or passing a stopped school bus, of which 21 were issued for passing a school bus on the side children enter and exit.<sup>26</sup>

DOE created a statewide survey for bus drivers to complete regarding the illegal passing of their school buses. The survey results from 2022 show that on a single day, 7,867 illegal passes were made based on the observations of 6,416 school bus drivers who completed the survey. Of these illegal passes, 299 were made on the right side of the bus where children generally enter and exit the vehicle, 7,104 were made on the left side, and for 464 instances, the side was unknown.<sup>27</sup>

To increase student transportation safety, at least 24 states have school bus stop-arm camera laws.<sup>28</sup> These systems are typically equipped with multiple sensors and cameras affixed to a school bus. The sensor triggers a tag on the recording each time it senses a vehicle passing the stopped bus illegally.<sup>29</sup> When a vehicle illegally passes a stopped school bus, the sensor triggers two cameras to capture a high-definition digital video recording (DVR) from both directions. The cameras capture both oncoming traffic and vehicles passing the stopped bus on the driver side. The DVR recording is flagged as a violation and tags information for enforcement, including, but not limited to, the time, date, and location of the violation and images or film of the subject vehicle and license plate. The violation recordings captured are reviewed and processed by a third-party private manufacturer or vendor.<sup>30</sup>

Florida does not currently authorize the use of traffic infraction technology or school bus infraction detection systems to detect violations of school bus stop signals.

### **School District Transportation Duties**

Florida law requires district school superintendents to ascertain which students should be transported to school or to school activities; determine the most effective arrangement of transportation routes to accommodate these students; recommend such routing to the district school board; recommend plans and procedures for providing facilities for the economical and safe transportation of students; recommend such rules as may be necessary. Superintendents are also responsible for seeing that all rules relating to the transportation of students approved by the

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<sup>26</sup> E-mail from Patrice DeVore, Senior Legislative Liaison, DHSMV, *SB 766 - Failing to Stop/Passing a School Bus* (March 31, 2023) (on file with the Senate Committee on Transportation).

<sup>27</sup> DOE, *School Transportation, Illegal Passing of School Buses – Survey Results for 2022*, <https://www.fldoe.org/core/fileparse.php/7585/urlt/2022illegalpassing.pdf> (last visited March 12, 2023).

<sup>28</sup> National Conference of State Legislatures, *State School Bus Stop-Arm Camera Laws* (February 15, 2022), <https://www.ncsl.org/research/transportation/state-school-bus-stop-arm-camera-laws.aspx> (last visited March 12, 2023).

<sup>29</sup> Seon Automated Stop-Arm Camera Solution, <https://www.seon.com/school-bus-safety/school-bus-camera-systems/stop-arm-system> (last visited March 12, 2023).

<sup>30</sup> *Id.*

district school board, as well as rules of the State Board of Education, are properly carried into effect.<sup>31</sup>

After considering recommendations of the district school superintendent, the district school board must make provision for the transportation of students to the public schools or school activities they are required or expected to attend; authorize transportation routes arranged efficiently and economically; provide the necessary transportation facilities; and, when authorized under rules of the State Board of Education and if more economical to do so, provide limited subsistence in lieu thereof. The district school board is also responsible for adopting the necessary rules to ensure safety, economy, and efficiency in the operation of all buses.<sup>32</sup>

### **III. Effect of Proposed Changes:**

The bill creates s. 316.173, F.S., which authorizes, but does not require, a school district to install and operate a school bus infraction detection system to record violations of drivers failing to stop for a school bus displaying a stop signal.

The bill defines “school bus infraction detection system” as a camera system affixed to a school bus with:

- Two or more camera sensors or computers that produce recorded video; and
- Two or more film or digital photographic still images that document a motor vehicle failing to stop for a school bus that displays a stop signal.

The bill authorizes a school district to contract with a private vendor or manufacturer to provide a school bus infraction detection system on each 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 establish a school bus infraction detection system must be based solely on the need to increase public safety.

A school district must ensure that the school bus infraction detection system meets specifications established by the State Board of Education and must be tested at regular intervals according to specifications prescribed by state board rule. The state board must establish such specifications by rule on or before December 31, 2023. However, any equipment acquired by purchase, lease, or other arrangement under an agreement entered into by a school district on or before July 1, 2024, or equipment used to enforce violations of s. 316.172, F.S., on or before July 1, 2024, is not required to meet the specifications established by the state board until July 1, 2024.

The school district must enter into an interlocal agreement with at least one law enforcement agency authorized to enforce s. 316.172, F.S., within the school district. Such agreement must jointly establish the enforcement responsibilities and reimbursement of costs associated with the school bus infraction detection system violations.

The bill requires a school district using a school bus infraction detection system on a school bus to post high-visibility reflective warning signs or stickers on the rear of all school buses in which

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<sup>31</sup> Section 1006.21(1), F.S.

<sup>32</sup> Section 1006.21(2), F.S.

a system is installed and operational. The signage must occupy at least 75 percent of the available space on the rear of the bus that does not contain signs or insignia otherwise required by law or by the State Board of Education. Such signage must include:

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

Additionally, prior to the initial use of a school bus infraction detection system in the school district, the school district must make a public announcement and conduct a 30-day public awareness campaign before commencing initial enforcement using such systems. If a violation is captured by the system during the public awareness campaign, only a warning may be issued to the vehicle’s registered owner.

### **Enforcement Process**

Each private manufacturer or vendor must, within 30 days after an alleged violation is captured, submit the following information to the law enforcement agency authorized to enforce violations of s. 316.172, F.S., under the terms of the interlocal agreement:

- A copy of the recorded image showing the motor vehicle;
- The license plate number and state of issuance of the motor vehicle; and
- The date, time, and place of the alleged violation.

If the law enforcement agency determines a violation occurred, within 30 days after receiving the information provided from the private manufacturer or vendor for the alleged violation, the law enforcement agency must send by first-class mail a notice of violation to the registered owner of the motor vehicle involved in the violation. In the case of joint ownership of a motor vehicle, the notice of violation will be mailed to the first name appearing on the registration. However, if the first name appearing on the registration is a business entity, the second name appearing on the registration may be used.

The notice of violation must include all of the following:

- A copy of the recorded image 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 alleged violation.
- The amount of the civil penalty and the date by which such penalty must be paid.
- Instructions on how to request a hearing to contest liability or the notice of violation.
- Notice that the owner has a right to review, in person or remotely, the images and video captured by the bus infraction detection system, including the time when, and place or website at which, the images or video captured may be examined and observed.
- 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.

If, within 30 days after a notice of violation is mailed, the violation has not been contested, the civil penalty paid has not been paid, or an affidavit has not been submitted, the law enforcement agency must send by certified mail a uniform traffic citation to the registered owner of the motor

vehicle involved in the violation. The bill requires the traffic citation to conform to the notice requirements included within the notification of violation. The bill specifies that delivery of the traffic citation constitutes notification, and if a person initiates a proceeding to challenge the citation, the person waives any challenge or dispute as to the delivery of the traffic citation. The bill provides in s. 318.14, F.S., that persons cited for failing to stop for or illegally passing a school bus as detected by a school bus infraction detection system are not required to sign and accept a citation indicating a promise to appear at a mandatory hearing.

### ***Penalties***

The registered owner of a motor vehicle who is found in violation of s. 316.172, F.S., by a school bus infraction detection system is subject to a civil penalty of \$200 for either passing a school bus while the school bus displays a stop signal or for passing a school bus on the side that children enter and exit while the school bus displays a stop signal. The fine must be paid to the school district in which the violation occurred and must be used for the installation or maintenance of school bus infraction detection systems on school buses, for the administration and costs associated with enforcement of those violations, or for any other technology that increases the safety of the transportation of students. The bill requires an additional \$25 be collected from violators to be dedicated to the safe schools allocation provided to school districts by the DOE.

The civil penalty for enforcement by a school bus infraction detection system is lower than that in current law for enforcement by in-person law enforcement officers, which requires the minimum civil penalty for failure to stop for a school bus is \$265, and illegally passing on the side of the school bus where children enter and exit is \$465.

The bill prohibits individuals from receiving any commission based on revenue collected, or a vendor or manufacturer receiving any fee based on the number of violations detected through use of the system.

The bill provides that a violation issued is not a moving violation, does not add points to a person's license, and is not part of a person's driving record. The violation may not be used for any purpose relating to motor vehicle insurance.

### ***Defenses***

The bill creates defenses to the uniform traffic citation evidenced by a school bus infraction detection system. The registered owner of the motor vehicle is responsible for payment of the fine unless the owner can establish that:

- The vehicle was, at the time of the violation, in the care, custody, or control of another person; or
- The driver at the time received a uniform traffic citation issued by a law enforcement officer for the alleged violation.

An additional defense is available if the motor vehicle's owner was deceased on or before the date the traffic citation was issued. The affidavit must include a certified copy of the owner's death certificate showing that the date of death occurred on or before the issuance of the uniform traffic citation and one of the following:

- A bill of sale or other document showing that the deceased owner's motor vehicle was sold or transferred after his or her death but on or before the date of the alleged violation.
- Documented proof that the registered license plate belonging to the deceased owner's vehicle was returned to the DHSMV or any branch office or authorized agent of the DHSMV after his or her death but on or before the date of the alleged violation.
- A copy of the police report showing that the deceased owner's registered license plate or motor vehicle was stolen after his or her death but on or before the date of the alleged violation.

The bill requires that in order to establish any of these defenses, the owner of the vehicle must furnish an affidavit to the law enforcement agency that provides detailed information supporting an exemption as provided above, including relevant documents such as a police report (if the car had been reported stolen) or the serial number of the uniform traffic citation, if issued. If the owner submits an affidavit that another driver was behind the wheel, the affidavit must contain the name, address, date of birth, and, if known, the driver license number of the driver. A notice of violation may be issued to this person, and the affidavit from the registered owner may be used as evidence in a further proceeding regarding that person's alleged violation. If a vehicle is leased, the owner of the leased vehicle is neither responsible for paying the citation nor required to submit an affidavit if the motor vehicle is registered in the name of the lessee.

The bill creates a second degree misdemeanor for submission of a false affidavit.<sup>33</sup>

Upon receipt of the affidavit and documentation of one of the above defenses, the governmental entity must dismiss the citation and provide proof of such dismissal to the person.

### **School Bus Infraction Detection System Operation**

The bill provides that notwithstanding any other law, equipment deployed as part of a school bus infraction detection system must be incapable of automated or user-controlled remote surveillance by means of recorded video or still images. The bill requires the use of technology ensuring that the recordings or images captured by the system do not identify the driver, any passenger, or the contents of the vehicle. However, a violation may not be dismissed because the video or still images allow for the identification of the driver, any passenger, or the contents of a motor vehicle as long as a reasonable effort has been made to comply with the prohibition.

The bill provides that:

- All recordings and images captured must be destroyed within 90 days after the final disposition of the recorded event.
- The vendor of a 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.
- Notwithstanding any other law, registered motor vehicle owner information obtained as a result of the operation of a side stop signal arm enforcement system is not the property of the manufacturer or vendor of the system and may be used only for the purposes of this section.

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<sup>33</sup> Punishable by a term of imprisonment not to exceed 60 days and a fine of up to \$500. Sections 775.082 and 775.083, F.S.

- The owner of a motor vehicle is not responsible for a violation if the vehicle involved was reported to a state or local law enforcement agency as stolen at the time the violation occurred.

### **State Board of Education and School District Responsibilities**

The bill amends s. 1006.21, F.S., to provide that district school boards, after considering recommendations of the district school superintendent may install and operate, or enter into an agreement with a private vendor or manufacturer to provide, a school bus infraction detection system for each school bus.

The State Board of Education may adopt rules to address student privacy concerns that may arise from the use of a school bus infraction detection system.

### **Reporting Requirements**

By October 1, 2024, and annually thereafter, a school district operating a school bus infraction detection system must provide a summary report to DOE, which details the use of school bus infraction detection systems, and must include:

- The number of school buses which have a system installed and the date the system was installed or removed, if applicable;
- The number of notices of violation issued, the number that were contested, and the number that were paid per state fiscal year; and
- Any other statistical data required by DOE.

By December 31, 2024, and annually thereafter, DOE must submit a summary report to the Governor, the President of the Senate, the Speaker of the House of Representatives regarding the use and operation of the systems. In the report, DOE must include a review of the information provided by the school districts, a description of the enhancement of traffic safety and enforcement programs, and any recommended necessary legislation.

### **Effective Date**

The bill takes effect July 1, 2023.

## **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:

The bill authorizes school districts to contract with a private vendor or manufacturer to provide a school bus infraction detection system on each 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. As such, the bill will have a positive fiscal impact on private vendors providing enforcement system installation, operation, and maintenance.

Registered motor vehicle owners may be negatively impacted by financial penalties imposed by the bill if their vehicle is identified by a school bus infraction detection system to have not stopped for a school bus when required. However, the financial penalties for a violation enforced by a school bus infraction detection system are less than those enforced by in-person law enforcement.

Individuals that submit false affidavits defending the imposition of a traffic infraction may be subject to jail time and fines if found guilty of a second degree misdemeanor.

C. Government Sector Impact:

Participating school districts may incur costs associated with installing a school bus infraction detection system on its school buses. The fiscal impact on school districts may be reduced as they receive funds from penalties imposed for school bus stop arm violations captured by an enforcement system. The \$200 civil penalty must be paid to the school district in which the violation occurred and must be used for the installation or maintenance of school bus infraction detection systems on school buses, for the administration and costs associated with enforcement of those violations, or for any other technology that increases the safety of the transportation of students.

The additional \$25 penalty must be dedicated to the safe schools allocation provided to school districts by DOE.

To the extent that violations are enforced by school bus infraction detection systems instead of by in-person law enforcement, the bill may shift penalties from other state and

local government funds to school districts. Currently, penalties for violations of s. 316.172, F.S., are distributed as provided in ss. 318.18 and 318.21, F.S., which includes distributions to the General Revenue Fund, the local government where the violation occurred, and the Department of Health's Emergency Medical Services Trust Fund.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.306, 318.14, 318.18, 322.27, 655.960, and 1006.21.

This bill creates section 316.173 of the Florida Statutes.

**IX. Additional Information:**

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

**CS by Transportation on April 4, 2023:**

The CS makes the following changes to the bill:

- Changes references to “side stop signal arm enforcement system” to “school bus infraction detection system” and defines the term.
- Prohibits an individual from receiving any commission or a vendor or manufacturer from receiving a fee based on revenue collected from violations detected by the system.
- Specifies signage required to be on buses with operational school bus infraction detection systems.
- Requires school districts beginning such program to make a public announcement and conduct a public awareness campaign at least 30 days before commencing enforcement.
- Establishes exceptions to the registered owner of the motor vehicle for the violation and provides how to substantiate such exceptions.
- Requires a uniform traffic citation be issued if an individual fails to pay, contest, or provide an affidavit to support an exception within 30 days after being issued a notice of violation.
- Requires annually, beginning by October 1, 2024, school districts in consultation with the appropriate law enforcement agency with which there is an interlocal agreement, must provide a report to DOE regarding use of the enforcement systems. DOE will be required to submit the summary report to the Governor, Senate President, and Speaker of the House.



- Changes the penalty for passing on the side of the school bus children enter and exit, when enforced by the school bus infraction detection system, from \$400 to \$200.
- Reduces the additional \$65 fee to \$25 when enforced by such system.
- Makes other technical and clarifying changes.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2023	.	
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The Committee on Transportation (Burgess) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present subsections (78) through (109) of section 316.003, Florida Statutes, are redesignated as subsections (79) through (110), respectively, a new subsection (78) is added to that section, and subsection (64) of that section is amended, to read:

316.003 Definitions.—The following words and phrases, when



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

(64) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph (88)(b) ~~(87)(b)~~, any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(78) SCHOOL BUS INFRACTION DETECTION SYSTEM.—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).

Section 2. Section 316.173, Florida Statutes, is created to read:

316.173 School bus infraction detection systems.—

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

(b) The school district may 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 detection systems must be based solely on the need to increase public safety. An individual may not receive a commission from any revenue collected from violations detected



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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.

(c) The school district shall ensure that each school bus infraction detection system meets the requirements of subsection (18).

(d) The school district shall enter into an interlocal agreement with one or more law enforcement agencies authorized to enforce violations of s. 316.172(1)(a) and (b) within the school district which jointly establishes the responsibilities of enforcement and the reimbursement of costs associated with school bus infraction detection systems, consistent with this section.

(2)(a) 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 which indicates the use of such system. The signage must be in the form of one or more signs or stickers and must contain the following elements in substantially the following form:

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

2. The words "CAMERA ENFORCED."

3. A graphic symbol of a camera.

(b) The signage must occupy at least 75 percent of the available space that does not contain signs or insignia that are required by other applicable laws or by the State Board of Education.



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(c) The sufficiency of signage or compliance with the signage requirements under this subsection may not be raised in a proceeding challenging a violation of s. 316.172(1)(a) or (b).

(3) If a school district begins a school bus infraction detection system program and has never conducted such a program, the school district must make a public announcement and conduct a public awareness campaign of the proposed use of school bus infraction detection systems at least 30 days before commencing enforcement under the school bus infraction detection system program and notify the public of the specific date on which the program will commence. During the public awareness campaign, only a warning may be issued to the registered owner of the motor vehicle for a violation of s. 316.172(1)(a) or (b), enforced by a school bus infraction detection system, and a civil penalty may not be imposed under chapter 318.

(4) Within 30 days after an alleged violation of s. 316.172(1)(a) or (b) is captured by a school bus infraction detection system, the private vendor or manufacturer shall submit the following information to a law enforcement agency that has entered into an interlocal agreement with the school district pursuant to paragraph (1)(d) and has traffic infraction enforcement jurisdiction at the location where the alleged violation occurred:

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

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

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

(5) Within 30 days after receiving the information required



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in subsection (4), the law enforcement agency, if it determines that the motor vehicle violated s. 316.172(1)(a) or (b), must send a notice of violation to the registered owner of the motor vehicle involved in the violation, specifying the remedies available under s. 318.14 and that the violator must pay the penalty under s. 318.18(5) or furnish an affidavit in accordance with subsection (10) within 30 days after the date of the notification of violation in order to avoid court fees, costs, and the issuance of a uniform traffic citation. The notification of violation must be sent by first-class mail and include all of the following:

(a) A copy of the recorded image showing the motor vehicle involved in the violation, including an image showing the license plate of the motor vehicle.

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

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

(d) Instructions on how to request a hearing to contest liability or the notice of violation.

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

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

(g) A warning that failure to pay the civil penalty or to contest liability within 30 days after the notice is mailed will



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127 result in the issuance of a uniform traffic citation.

128 (6) If the registered owner or co-owner of the motor  
129 vehicle; the person identified as having care, custody, or  
130 control of the motor vehicle at the time of the violation; or an  
131 authorized representative of the owner, co-owner, or identified  
132 person initiates a proceeding to challenge the violation, such  
133 person waives any challenge or dispute as to the delivery of the  
134 notification of violation.

135 (7) The civil penalties assessed for a violation of s.  
136 316.172(1) (a) or (b) enforced by a school bus infraction  
137 detection system must be remitted to the school district in  
138 which the violation occurred. Such civil penalties must be used  
139 for the installation or maintenance of school bus infraction  
140 detection systems on school buses, for any other technology that  
141 increases the safety of the transportation of students, or for  
142 the administration and costs associated with the enforcement of  
143 violations as described in this section.

144 (8) A uniform traffic citation must be issued by mailing  
145 the uniform traffic citation by certified mail to the address of  
146 the registered owner of the motor vehicle involved in the  
147 violation if payment has not been made within 30 days after  
148 notification under subsection (5), if the registered owner has  
149 not requested a hearing under s. 318.14, or if the registered  
150 owner has not submitted an affidavit in accordance with  
151 subsection (10).

152 (a) Delivery of the uniform traffic citation constitutes  
153 notification for a violation of s. 316.172(1) (a) or (b) under  
154 this subsection. If the registered owner or co-owner of the  
155 motor vehicle; the person identified as having care, custody, or



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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 traffic citation.

(b) In the case of joint ownership of a motor vehicle, the  
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 or organization, in which case  
the second name on the citation may be used.

(c) The uniform traffic citation mailed to the registered  
owner of the motor vehicle involved in the infraction must be  
accompanied by information described in paragraphs (5) (a)-(f).

(9) 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 s. 316.172(1) (a) or  
(b) unless the owner can establish that:

(a) The motor vehicle was, at the time of the violation, in  
the care, custody, or control of another person;

(b) A uniform traffic citation was issued by law  
enforcement to the driver of the motor vehicle for the alleged  
violation of s. 316.172(1) (a) or (b); or

(c) The motor vehicle's owner was deceased on or before the  
date that the uniform traffic citation was issued, as  
established by an affidavit submitted by the representative of  
the motor vehicle owner's estate or other designated person or  
family member.

(10) To establish such facts under subsection (9), the  
registered owner of the motor vehicle shall, within 30 days





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after the date of issuance of the notice of violation or the uniform traffic citation, furnish to the law enforcement agency that issued the notice of violation or uniform traffic citation an affidavit setting forth information supporting an exception under subsection (9).

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

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

(c) If the motor vehicle's owner to whom a traffic citation has been issued is deceased, the affidavit must include a certified copy of the owner's death certificate showing that the death occurred on or before the date of the issuance of the traffic citation and one of the following:

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

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



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the alleged violation.

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

Upon receipt of the affidavit and documentation required under paragraphs (b) and (c), or 30 days after the date of issuance of a notice of violation sent to a person identified as having care, custody, or control of the motor vehicle at the time of the violation under paragraph (a), the law enforcement agency must dismiss the notice or citation and provide proof of such dismissal to the person who submitted the affidavit. If, within 30 days after the date of a notice of violation sent to a person under subsection (11), the law enforcement agency receives an affidavit under this subsection from the person who was sent a notice of violation affirming that the person did not have care, custody, or control of the motor vehicle at the time of the violation, the law enforcement agency must notify the registered owner that the notice or citation will not be dismissed due to failure to establish that another person had care, custody, or control of the motor vehicle at the time of the violation.

(11) Upon receipt of an affidavit under paragraph (9)(a), the law enforcement agency may issue the person identified as having care, custody, or control of the motor vehicle at the time of the violation a notification of violation pursuant to subsection (5) for a violation of s. 316.172(1)(a) or (b). The affidavit is admissible in a proceeding pursuant to this section for the purpose of providing evidence that the person identified



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in the affidavit was in actual care, custody, or control of the motor vehicle. The owner of a leased motor vehicle for which a traffic citation is issued for a violation of s. 316.172(1)(a) or (b) is not responsible for paying the traffic citation and is not required to submit an affidavit as specified in subsection (10) if the motor vehicle involved in the violation is registered in the name of the lessee of such motor vehicle.

(12) If a law enforcement agency receives an affidavit under paragraph (9)(a), the notification of violation required under subsection (5) must be sent to the person identified in the affidavit within 30 days after receipt of the affidavit. The person identified in an affidavit and sent a notice of violation may also affirm he or she did not have care, custody, or control of the motor vehicle at the time of the violation by furnishing to the appropriate governmental entity within 30 days after the date of the notice of violation an affidavit stating such.

(13) The submission of a false affidavit is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(14) The images and video captured by a school bus infraction detection system which are attached to or referenced in the traffic citation are evidence of a violation of s. 316.172(1)(a) or (b) and are admissible in any proceeding to enforce this section. The images and video raise a rebuttable presumption that the motor vehicle shown in the images and video was used in violation of s. 316.172(1)(a) or (b).

(15) This section supplements the enforcement of s. 316.172(1)(a) and (b) by a law enforcement officer and does not prohibit a law enforcement officer from issuing a traffic



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citation for a violation of s. 316.172(1)(a) or (b).

(16)(a)1. Notwithstanding any other law, equipment deployed as part of a school bus infraction detection system as provided under this section must be incapable of automated or user-controlled remote surveillance by means of recorded video or still images.

2. Images collected as part of the school bus infraction detection system may be used only to document violations of s. 316.172(1)(a) or (b) and may not be used for any other surveillance purposes.

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

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

(b) 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



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recorded event. The vendor of a school bus infraction detection system shall provide the school district with written notice by December 31 of each year that such records have been destroyed in accordance with this section.

(c) Notwithstanding any other law, 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 the purposes of this section.

(17) (a) By October 1, 2024, and annually thereafter, each school district, in consultation with the law enforcement agencies with which it has interlocal agreements pursuant to this section, operating a school bus infraction detection system shall provide a report to Department of Education which details the results of the school bus infraction detection systems in the school district in the preceding school year. The information submitted by the school districts must include:

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

2. The number of notices of violation issued, the number that were contested, and the number that were paid per state fiscal year.

3. Any other statistical data and information required by the Department of Education to complete the report required by paragraph (b).

(b) By December 31, 2024, and annually thereafter, the Department of Education shall submit a summary report to the Governor, the President of the Senate, and the Speaker of the



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House of Representatives regarding the use and operation of school bus infraction detection systems under this section, along with the Department of Education's recommendations on any necessary legislation. The summary report must include a review of the information submitted to the Department of Education by the school districts and must describe the enhancement of traffic safety and enforcement programs.

(18) A school bus infraction detection system must meet specifications established by the State Board of Education and must be tested at regular intervals according to specifications prescribed by state board rule. The state board must establish such specifications by rule on or before December 31, 2023. However, any such equipment acquired by purchase, lease, or other arrangement under an agreement entered into by a school district on or before July 1, 2024, or equipment used to enforce violations of s. 316.172(1)(a) or (b) on or before July 1, 2024, is not required to meet the specifications established by the state board until July 1, 2024.

(19) The State Board of Education may adopt rules to address student privacy concerns that may arise from the use of a school bus infraction detection system.

Section 3. Subsection (2) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(2) Except as provided in ss. 316.0083, 316.1001(2), and 316.173 ~~ss. 316.1001(2) and 316.0083~~, any person cited for a violation requiring a mandatory hearing listed in s. 318.19 or any other criminal traffic violation listed in chapter 316 must



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sign and accept a citation indicating a promise to appear. The officer may indicate on the traffic citation the time and location of the scheduled hearing and must indicate the applicable civil penalty established in s. 318.18. For all other infractions under this section, except for infractions under s. 316.1001, the officer must certify by electronic, electronic facsimile, or written signature that the citation was delivered to the person cited. This certification is prima facie evidence that the person cited was served with the citation.

Section 4. Subsection (5) of section 318.18, Florida Statutes, is amended to read:

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

(5) (a) Two hundred dollars for a violation of s. 316.172(1) (a), failure to stop for a school bus. If, at a hearing, the alleged offender is found to have committed this offense, the court must ~~shall~~ impose a minimum civil penalty of \$200. In addition to this penalty, for a second or subsequent offense within a period of 5 years, the department shall suspend the driver license of the person for not less than 180 days and not more than 1 year.

(b) Four hundred dollars for a violation of s. 316.172(1) (b), passing a school bus on the side that children enter and exit when the school bus displays a stop signal. If, at a hearing, the alleged offender is found to have committed this offense, the court must ~~shall~~ impose a minimum civil penalty of \$400. In addition to this penalty, for a second or subsequent offense within a period of 5 years, the department



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shall suspend the driver license of the person for not less than 360 days and not more than 2 years. If a violation of s. 316.172(1)(b) is enforced by a school bus infraction detection system pursuant to s. 316.173, the penalty under this paragraph is \$200, in lieu of the \$400 penalty, and a court must impose a minimum civil penalty under this paragraph of \$200, in lieu of the \$400 minimum civil penalty.

(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 must ~~shall~~ impose the civil penalty under paragraph (a) or paragraph (b) plus an additional \$65. The additional \$65 collected under this paragraph must ~~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 fee imposed on the citation or by the court under this paragraph is \$25, in lieu of the \$65 fee, which must be dedicated to the safe schools allocation provided to school districts by the Department of Education pursuant to s. 1011.62(12).

(d) Notwithstanding any other provision of law to the contrary, \$1,500 for a violation of s. 316.172(1)(a) or (b) that causes or results in serious bodily injury to or death of another. The person may enter into a payment plan with the clerk of court pursuant to s. 28.246. In addition to this penalty, the department shall suspend the driver license of the person for not less than 1 year.





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Section 5. Paragraph (d) of subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke driver license or identification card.—

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(6)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(d) The point system ~~is shall have as its basic element~~ a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton—4 points.
2. Leaving the scene of a crash resulting in property damage of more than \$50—6 points.
3. Unlawful speed, or unlawful use of a wireless communications device, resulting in a crash—6 points.
4. Passing a stopped school bus:
  - a. Not causing or resulting in serious bodily injury to or death of another—4 points.
  - b. Causing or resulting in serious bodily injury to or death of another—6 points.



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c. Points may not be imposed for a violation of passing a stopped school bus when enforced by a school bus infraction detection system. In addition, a violation of s. 316.172(1)(a) or (b) when enforced by a school bus infraction detection system pursuant to s. 316.173 may not be used for purposes of setting motor vehicle insurance rates.

5. Unlawful speed:

a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.

b. In excess of 15 miles per hour of lawful or posted speed—4 points.

6. A violation of a traffic control signal device as provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points. However, ~~no~~ points may not shall be imposed for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer. In addition, a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer may not be used for purposes of setting motor vehicle insurance rates.

7. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points. However, ~~no~~ points may not shall be imposed for a violation of s. 316.0741 or s. 316.2065(11); and points may shall be imposed for a violation of s. 316.1001 only when imposed by the court after a hearing pursuant to s. 318.14(5).

8. Any moving violation covered in this paragraph, excluding unlawful speed and unlawful use of a wireless



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communications device, resulting in a crash—4 points.

9. Any conviction under s. 403.413(6)(b)—3 points.

10. Any conviction under s. 316.0775(2)—4 points.

11. A moving violation covered in this paragraph which is committed in conjunction with the unlawful use of a wireless communications device within a school safety zone—2 points, in addition to the points assigned for the moving violation.

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

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

(3)(a)1. A person may not operate a motor vehicle while using a wireless communications device in a handheld manner in a designated school crossing, school zone, or work zone area as defined in s. 316.003(110) ~~s. 316.003(109)~~. This subparagraph shall only be applicable to work zone areas if construction personnel are present or are operating equipment on the road or immediately adjacent to the work zone area. For the purposes of this paragraph, a motor vehicle that is stationary is not being operated and is not subject to the prohibition in this paragraph.

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

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

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



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requires:

(1) "Access area" means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(88)(a) or (b) ~~s. 316.003(87)(a) or (b)~~, including any adjacent sidewalk, as defined in s. 316.003.

Section 8. Paragraph (h) is added to subsection (3) of section 1006.21, Florida Statutes, to read:

1006.21 Duties of district school superintendent and district school board regarding transportation.—

(3) District school boards, after considering recommendations of the district school superintendent:

(h) May install and operate, or enter into an agreement with a private vendor or manufacturer to provide, a school bus infraction detection system pursuant to s. 316.173.

Section 9. This act shall take effect July 1, 2023.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled  
An act relating to enforcement of school bus passing infractions; amending s. 316.003, F.S.; defining the term "school bus infraction detection system"; creating s. 316.173, F.S.; authorizing school districts to install and operate school bus infraction detection systems for a specified purpose; authorizing school districts to contract with a vendor or



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manufacturer for specified purposes; requiring that the decision to install school bus infraction detection systems be in the interest of public safety; prohibiting an individual from receiving a commission from violations detected through the school bus infraction detection system; prohibiting a vendor or manufacturer from receiving a fee or remuneration based on the number of violations detected; requiring the school district to ensure that each school bus infraction detection system meets certain requirements; requiring the school district to enter into interlocal agreements with law enforcement agencies to enforce violations; providing signage requirements; prohibiting the sufficiency of signage from being raised in certain proceedings; requiring a school district that installs a school bus infraction detection system to provide certain notice to the public; requiring a school district that has never conducted a school bus infraction detection system program to conduct a public awareness campaign before commencing enforcement of such system; limiting penalties in effect during the public awareness campaign; requiring the vendor or manufacturer to submit information regarding alleged violations within a specified period of time; providing requirements for such submissions; providing notification requirements and procedures for law enforcement agencies; providing for waiver of challenge or dispute as to the delivery of notification of violation; providing for the



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distribution of funds; providing requirements for  
issuance of a traffic citation; providing for waiver  
of challenge or dispute as to the delivery of the  
traffic citation; providing notification requirements  
and procedures; specifying that the registered owner  
of a motor vehicle is responsible and liable for  
paying a traffic citation; providing exceptions;  
requiring an owner of a motor vehicle to furnish an  
affidavit under certain circumstances; specifying  
requirements for such affidavit; requiring the law  
enforcement agency to dismiss a notice of violation  
and provide proof of such dismissal under certain  
circumstances; requiring the law enforcement agency to  
notify the registered owner that the notice or  
citation will not be dismissed under certain  
circumstances; authorizing the law enforcement agency  
to issue a certain person a notification of violation;  
providing that the affidavit is admissible in a  
proceeding for the purpose of proving who was  
operating the motor vehicle at the time of the  
violation; providing that the owner of a leased  
vehicle is not responsible for paying a traffic  
citation or submitting an affidavit; specifying a  
timeframe for a law enforcement agency to issue a  
notification under certain circumstances; requiring  
certain persons to issue an affidavit; providing a  
criminal penalty for submitting a false affidavit;  
providing that certain images or video are admissible  
in certain proceedings; providing a rebuttable



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presumption; providing construction; specifying requirements of and prohibitions on the use of recorded video and images captured by the school bus infraction detection system; requiring school districts to submit a report to the Department of Education; specifying requirements for such report; requiring the department to submit a summary report to the Governor and Legislature; requiring school bus infraction detection systems to meet the State Board of Education specifications; requiring the state board to establish certain specifications through rule by a specified date; authorizing the state board to adopt rules regarding student privacy; amending s. 318.14, F.S.; conforming provisions to changes made by the act; amending s. 318.18, F.S.; providing exceptions to penalties for violations enforced by a school bus infraction detection system; amending s. 322.27, F.S.; prohibiting points from being imposed against a driver license for certain infractions enforced by a school bus infraction detection system; prohibiting such infractions from being used to set motor vehicle insurance rates; amending ss. 316.306, 655.960, and 1006.21, F.S.; conforming cross-references and provisions to changes made by the act; providing an effective date.

By Senator Burgess

23-00828B-23

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1 A bill to be entitled  
 2 An act relating to photographic enforcement of school  
 3 bus safety; creating s. 316.616, F.S.; defining the  
 4 terms "school bus" and "side stop signal arm  
 5 enforcement system"; authorizing school districts to  
 6 install and operate side stop signal arm enforcement  
 7 systems on school buses; requiring school districts to  
 8 post certain warning signs or stickers on such buses;  
 9 authorizing school districts to contract with a  
 10 private vendor or manufacturer to provide side stop  
 11 signal arm enforcement systems; requiring a school  
 12 district to enter into a certain interlocal agreement  
 13 with one or more law enforcement agencies to establish  
 14 certain responsibilities; requiring manufacturers and  
 15 vendors to submit specified information to certain law  
 16 enforcement agencies within a specified timeframe;  
 17 requiring certain law enforcement agencies to review  
 18 certain information to determine whether a violation  
 19 occurred and electronically certify a notice of  
 20 violation under certain circumstances; providing that  
 21 certain certificates sworn to or affirmed by a law  
 22 enforcement officer are prima facie evidence;  
 23 providing that recorded images evidencing a violation  
 24 are admissible in any judicial or administrative  
 25 proceeding; providing a rebuttable presumption;  
 26 providing notice requirements and procedures;  
 27 authorizing registered motor vehicle owners served a  
 28 notice of violation to take certain actions; providing  
 29 that payment of the fine operates as a final

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

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30 disposition of the civil penalty; providing notice  
 31 requirements and procedures for unpaid civil  
 32 penalties; requiring the Department of Highway Safety  
 33 and Motor Vehicles to refuse to renew the registration  
 34 of motor vehicles and prohibit the transfer of title  
 35 under specified circumstances; requiring the  
 36 department to remove penalties imposed on a registered  
 37 motor vehicle owner upon notification of proof of  
 38 payment; requiring that side stop signal arm  
 39 enforcement system equipment be incapable of automated  
 40 or user-controlled remote surveillance; specifying  
 41 requirements of and prohibitions on the use of  
 42 recorded video and still images captured by the side  
 43 stop signal arm enforcement system; providing that a  
 44 registered motor vehicle owner is not responsible for  
 45 a violation if the vehicle was reported stolen at the  
 46 time the violation occurred; providing construction;  
 47 providing a civil penalty; providing for distribution  
 48 of such penalty; requiring school districts operating  
 49 a side stop signal arm enforcement system to provide a  
 50 summary report to the Governor, the Legislature, and  
 51 the department annually by a specified date; requiring  
 52 the State Board of Education to establish  
 53 specifications for testing a side stop signal arm  
 54 enforcement system at regular intervals; authorizing  
 55 the state board to adopt rules; amending s. 1006.21,  
 56 F.S.; conforming a provision to changes made by the  
 57 act; providing an effective date.  
 58

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



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

Section 1. Section 316.616, Florida Statutes, is created to read:

316.616 School buses; side stop signal arm enforcement system.

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

(a) "School bus" has the same meaning as provided in s. 316.6145.

(b) "Side stop signal arm enforcement system" means a camera system affixed to a school bus with two or more camera sensors or computers that produce 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.

(2) (a) A school district may install and operate a side stop signal arm enforcement system on a school bus for the purpose of enforcing s. 316.172. The school district shall post a warning sign or sticker on all school buses in which a system is installed and operational indicating the use of such system.

(b) The school district may contract with a private vendor or manufacturer to provide a side stop signal arm enforcement system on each 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 establish a side stop signal arm enforcement system must be based solely on the need to increase public safety.

(c) The school district shall ensure that the side stop

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signal arm enforcement system meets the requirements of subsection (12).

(d) The school district shall enter into an interlocal agreement with one or more law enforcement agencies authorized to enforce s. 316.172 within the geographic area of the school district which jointly establishes the responsibilities of enforcement and the reimbursement of costs associated with side stop signal arm enforcement system violations consistent with this section.

(3) Each private manufacturer or vendor shall, within 30 days after an alleged violation is captured, submit all of the following information to a law enforcement agency that has entered into an interlocal agreement with the school district pursuant to paragraph (2) (d):

(a) A copy of the recorded image showing the motor vehicle.

(b) The license plate number and state of issuance of the motor vehicle.

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

(4) (a) Each law enforcement agency that has entered into an interlocal agreement with a school district pursuant to paragraph (2) (d) shall review the information submitted by the private manufacturer or vendor as provided under subsection (3) to determine whether there is sufficient evidence that a violation of s. 316.172 occurred and, if the evidence shows a violation occurred, shall electronically certify a notice of violation.

(b) A certificate or a facsimile of a certificate based on inspection of recorded images produced by a side stop signal arm enforcement system and sworn to or affirmed by a law enforcement

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officer authorized to enforce s. 316.172 pursuant to paragraph (2) (d) shall be prima facie evidence of the facts contained in it. Upon request by the law enforcement agency, the school district shall provide written documentation that the side stop signal arm enforcement system was operating correctly at the time of the alleged violation.

(c) A recorded image evidencing a violation of s. 316.172 shall be admissible in any judicial or administrative proceeding to adjudicate the liability for the violation.

(d) A rebuttable presumption shall exist that the registered owner of the motor vehicle was the driver at the time of the alleged violation.

(5) (a) Within 30 days after receiving the information provided under subsection (3), a law enforcement agency authorized to enforce s. 316.172 pursuant to paragraph (2) (d) or an agent authorized by such law enforcement agency shall send by first-class mail a notice of violation to the registered owner of the motor vehicle involved in the violation. Mailing the notice of violation constitutes notification.

(b) In the case of joint ownership of a motor vehicle, the notice of violation shall be mailed to the first name appearing on the registration. However, if the first name appearing on the registration is a business entity, the second name appearing on the registration may be used.

(c) The notice of violation must include all of the following:

1. A copy of the recorded image showing the motor vehicle involved in the violation.

2. A citation for the violation indicating the date, time,

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and location of the alleged violation.

3. The amount of the civil penalty and the date by which such penalty must be paid.

4. A copy of the certificate described in subsection (4) and a statement of the inference therein.

5. Instructions on how to request a hearing to contest liability or notice.

6. A warning that failure to pay the civil penalty or to contest liability within 30 days after the notice is mailed shall waive the right to contest liability.

(d) The registered owner of the motor vehicle involved in a violation may:

1. Admit responsibility for the violation and pay the fine as indicated on the notice of violation. Payment of the fine operates as a final disposition of the civil penalty; or

2. Within 20 days after receiving the notice of violation, request a hearing in a county court to contest the violation.

(6) (a) If a violation has not been contested and the civil penalty has not been paid within 30 days after a notice required under subsection (5) is mailed, the law enforcement agency or an agent authorized by the law enforcement agency shall send by first-class mail a final notice of the unpaid civil penalty. The final notice must inform the registered owner of the motor vehicle that the law enforcement agency or the agent authorized by the law enforcement agency shall send an electronic referral to the department, in a form prescribed by the department, if the civil penalty is not paid within 30 days after the final notice was mailed and that such referral shall result in the nonrenewal of the registration of such motor vehicle and

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prohibit the title transfer of such motor vehicle within this state.

(b) Within 5 days after receipt of a referral under paragraph (a), the department shall enter the referral into the department's motor vehicle database and shall refuse to renew the registration of the motor vehicle and prohibit the title transfer of the motor vehicle within this state until the civil penalty is paid.

(c) The department shall remove the penalties imposed under paragraph (b) upon receipt of notification, in an electronic format and method prescribed by the department, that the registered owner of the motor vehicle or any other person has presented the department with adequate proof that the civil penalty has been paid.

(7)(a)1. Notwithstanding any other law, equipment deployed as part of a side stop signal arm enforcement system as provided under this section must be incapable of automated or user-controlled remote surveillance by means of recorded video or still images.

2. Recorded images collected as part of the side stop signal arm enforcement system may only be used to document violations of s. 316.172 and may not be used for any other surveillance purposes.

3. To the extent practicable, a side stop signal arm enforcement system must use necessary technology to ensure that personal identifying information contained in the recorded video or still images produced by the system which is not relevant to the alleged violation, including, but not limited to, the identity of the driver and any passenger of a motor vehicle, the

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interior or contents of a motor vehicle, the identity of an uninvolved person, a number identifying the address of a private residence, and the contents or interior of a private residence, is sufficiently obscured so as not to reveal such personal identifying information.

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

(b) Any recorded video or still image obtained through the use of a side stop signal arm enforcement system must be destroyed within 90 days after the final disposition of the recorded event. The vendor of a side stop signal arm enforcement system shall provide the school district with written notice by December 31 of each year that such records have been destroyed in accordance with this section.

(c) Notwithstanding any other law, registered motor vehicle owner information obtained as a result of the operation of a side stop signal arm enforcement system is not the property of the manufacturer or vendor of the system and may be used only for the purposes of this section.

(8) The registered owner of a motor vehicle is not responsible for a violation of this section if the vehicle involved was reported to a state or local law enforcement agency as stolen at the time the violation occurred.

(9) This section supplements the enforcement of s. 316.172 by a law enforcement officer when a driver fails to stop while a school bus is stopped and does not prohibit a law enforcement

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officer from issuing a traffic citation for a violation of s. 316.172.

(10) (a) The registered owner of a motor vehicle who is found in violation of s. 316.172 by a side stop signal arm enforcement system is subject to a civil penalty of \$200 for a violation of s. 316.172(1)(a) and \$400 for a violation of s. 316.172(1)(b). Notwithstanding s. 318.18(5)(a), (b), and (c), the civil penalty shall be paid to the school district in which the violation occurred and must be used for the installation or maintenance of side stop signal arm enforcement 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 enforcement of such violations. In addition to the civil penalty for a violation of s. 316.172(1)(a) or (b), an additional \$65 shall be collected from the registered owner of a motor vehicle and dedicated to the safe schools allocation provided to school districts by the Department of Education pursuant to s. 1011.62(12).

(b) For each violation under this section, the registered owner of the motor vehicle shall be liable for the imposed penalty unless the owner is convicted of the same violation under s. 316.172 or unless the motor vehicle was stolen at the time of the violation as provided under subsection (8).

(c) A violation for which a civil penalty is imposed pursuant to this section is not considered a moving violation for the purpose of assessing points under s. 322.27(3). Such violation is noncriminal, and imposition of a civil penalty pursuant to this section does not constitute a conviction, may not be made a part of the driving record of the person upon whom

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such liability is imposed, and may not be used for any purposes in the provision of motor vehicle insurance.

(11) By December 31, 2023, and annually thereafter, a school district operating a side stop signal arm enforcement system shall provide a summary report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the department regarding the use and operation of the system under this section, including the number of citations issued and the amount of funds collected for the preceding state fiscal year.

(12) A side stop signal arm enforcement system must meet specifications established by the State Board of Education and must be tested at regular intervals according to specifications prescribed by state board rule. The state board must establish such specifications by rule on or before December 31, 2023. However, any such equipment acquired by purchase, lease, or other arrangement under an agreement entered into by a school district on or before July 1, 2024, or equipment used to enforce s. 316.172 on or before July 1, 2024, is not required to meet the specifications established by the state board until July 1, 2024.

(13) The State Board of Education may adopt rules to address student privacy concerns that may arise from the use of a side stop signal arm enforcement system.

Section 2. Paragraph (h) is added to subsection (3) of section 1006.21, Florida Statutes, to read:

1006.21 Duties of district school superintendent and district school board regarding transportation.—

(3) District school boards, after considering

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recommendations of the district school superintendent:

(h) May install and operate, or enter into an agreement  
with a private vendor or manufacturer to provide, a side stop  
signal arm enforcement system for each school bus pursuant to s.  
316.616.

Section 3. This act shall take effect July 1, 2023.



*The Florida Senate*

## Committee Agenda Request

**To:** Senator Nick DiCeglie, Chair  
Committee on Transportation

**Subject:** Committee Agenda Request

**Date:** February 24, 2023

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I respectfully request that **Senate Bill #766**, relating to Photographic Enforcement of School Bus Safety, be placed on the:

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

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

Senator Danny Burgess  
Florida Senate, District 23

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 1290

INTRODUCER: Transportation Committee and Senators Grall and Perry

SUBJECT: Age and Licensure Requirements for Operation of a Golf Cart

DATE: April 5, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Vickers	TR	<b>Fav/CS</b>
2.			CA	
3.			RC	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1290 increases the minimum age and adds licensing requirements for operators of golf carts on certain roadways. The bill requires that a person operating a golf cart on the public road or street, as authorized by the responsible local government entity, must have a valid learner's driver license or driver license that is not suspended or revoked.

The bill also authorizes water control districts to designate roads owned and maintained by the district for the operation of golf carts, provided the district receives approval from the county where the designated road is located.

The bill may have an indeterminate, likely insignificant, fiscal impact on state or local government, and the private sector.

The bill takes effect July 1, 2023.

**II. Present Situation:**

For purposes of ch. 316, F.S., relating to traffic control, the term "golf cart" is defined as a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes.<sup>1</sup>

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<sup>1</sup> Section 316.003(29), F.S.

For purposes of ch. 320 and 322, F.S., relating to motor vehicle licenses and driver licenses, the term “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.<sup>2</sup>

Golf carts are not required to be titled or registered with the Department of Highway Safety and Motor Vehicles (DHSMV), or to be operated by a licensed driver.<sup>3</sup>

### **Operation of Golf Carts on Certain Roadways**

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 of this state 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.<sup>4</sup>

A golf cart may be operated on a part of the State Highway System<sup>5</sup> under the following conditions:<sup>6</sup>

- 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.
- 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.

A golf cart may be operated on a state road that has been designated for transfer to a local government unit if FDOT determines that the operation of a golf cart within the right-of-way of

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<sup>2</sup> Section 320.01(22), F.S.

<sup>3</sup> DHSMV, *Low Speed Vehicles*, <https://www.flhsmv.gov/safety-center/consumer-education/low-speed-vehicles/> (last visited March 30, 2023).

<sup>4</sup> Section 316.212(1), F.S.

<sup>5</sup> 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.

<sup>6</sup> Section 316.212(2), F.S.



the road will not impede the safe and efficient flow of motor vehicular traffic. FDOT may authorize the operation of golf carts on such a road if:

- The road is the only available public road along which golf carts may travel or cross or the road provides the safest travel route among alternative routes available; and
- The speed, volume, and character of motor vehicular traffic using the road is considered in making such a determination.<sup>7</sup>

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.<sup>8</sup>

A golf cart may be operated for the purpose of crossing a street or highway where a single mobile home park is located on both sides of the street or highway and is divided by that street or highway, provided that the governmental entity having original jurisdiction over such street or highway reviews and approves the location of the crossing and require implementation of any traffic controls needed for safety purposes. This applies only to residents or guests of the mobile home park. If notice is posted at the entrance and exit of any mobile home park where residents of the park operate golf carts or within the confines of the park, it is not necessary for the park to have a gate or other device at the entrance and exit in order for such golf carts or electric vehicles to be lawfully operated in the park.<sup>9</sup>

If authorized by the Division of Recreation and Parks of the Department of Environmental Protection, a golf cart may be operated on a road that is part of the State Park Road System<sup>10</sup> if the posted speed limit is 35 miles per hour or less.<sup>11</sup>

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.<sup>12</sup>

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.<sup>13</sup>

A golf cart may not be operated on public roads or streets by any person under the age of 14.<sup>14</sup>

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

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Section 316.212(3), F.S.

<sup>10</sup> Section 334.03(25), F.S., defines the term “State Park Road System” to mean roads embraced within the boundaries of state parks and state roads leading to state parks, other than roads of the State Highway System, the county road systems, or the city street systems.

<sup>11</sup> Section 316.212(4), F.S.

<sup>12</sup> Section 316.212(5), F.S.

<sup>13</sup> Section 316.212(6), F.S.

<sup>14</sup> Section 316.212(7), F.S.

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.<sup>15</sup>

A violation of age or equipment requirements regarding the use of a golf cart is a noncriminal traffic infraction punishable as a nonmoving violation.<sup>16</sup> 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.<sup>17</sup>

### **Operation of Golf Carts Within a Retirement Community**

Section 316.2125, F.S., authorizes the reasonable operation of a golf cart within any self-contained retirement community unless prohibited by the county, municipality, or FDOT in the interest of safety.

That statute authorizes a local governmental entity to enact an ordinance regarding golf cart operation and equipment that is more restrictive than those enumerated s. 316.2125, F.S., relating to the operation of a golf cart in a retirement community. However, such an ordinance must apply only to an unlicensed driver. Upon enactment of any such ordinance, the local governmental entity must post appropriate signs or otherwise inform the residents that such an ordinance exists and that it shall be enforced within the local government's jurisdictional territory.<sup>18</sup>

### **Authorized Use of Golf Carts by Municipalities**

Section 316.2126, F.S., authorizes municipalities to use golf carts upon any state, county, or municipal roads located within the corporate limits of such municipalities, subject to the following conditions:

- Such golf carts must comply with statutorily mandated operational and safety requirements; must comply any more restrictive local ordinances regarding golf cart operation and equipment; and must be operated only by municipal employees for municipal purposes, including police patrol, traffic enforcement, and inspection of public facilities.
- Such golf carts must be equipped with sufficient lighting and turn signal equipment and must be equipped with other statutorily required safety equipment, as well as any more restrictive safety equipment required by a local ordinance.<sup>19</sup>

Anyone operating a golf cart pursuant to s. 316.2126, F.S., must possess a valid driver license.<sup>20</sup>

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<sup>15</sup> Section 316.212(8)(a), F.S.

<sup>16</sup> 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.

<sup>17</sup> 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.

<sup>18</sup> Section 316.2125(3), F.S.

<sup>19</sup> Section 316.2126(1)(a) and (b), F.S. This statute also applies to utility vehicles.

<sup>20</sup> Section 316.2126(4), F.S.

## **Water Control Districts**

Chapter 298, F.S., governs the creation and operation of water control districts (WCD). A WCD has authority and responsibility to construct, complete, operate, maintain, repair, and replace any and all works and improvements necessary to execute the water control plan adopted by that district.<sup>21</sup> A WCD may build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of said district. A WCD also may acquire, construct, operate, maintain, use, purchase, sell, lease, convey, or transfer real or personal property, including pumping stations, pumping machinery, motive equipment, electric lines and all appurtenant or auxiliary machines, devices, or equipment.<sup>22</sup>

Prior to July 1, 1980, WCDs were created by the submission of a petition signed by a majority of the landowners in the area of the proposed district to the circuit court that had jurisdiction over the area.<sup>23</sup> Today, WCDs may be created only by special act or by county ordinance.<sup>24</sup>

## **Persons Exempt from Obtaining a Driver License**

A valid driver license is not necessary to drive a golf cart on public roads or streets as long as the driver is at least 14 years of age.<sup>25</sup>

## **Learner's Driver Licenses**

Section 322.1615, F.S, authorizes DHSMV to issue a learner's driver license to a person who is at least 15 years of age and who:

- Has passed the written examination for a learner's driver license;
- Has passed the vision and hearing examination;
- Has completed the required traffic law and substance abuse education course; and
- Meets all other requirements set forth in law and by DHSMV rule.<sup>26</sup>

When operating a motor vehicle, the holder of a learner's driver license must be accompanied at all times by a driver who:

- Holds a valid license to operate the type of vehicle being operated;
- Is at least 21 years of age; and
- Occupies the closest seat to the right of the driver of the motor vehicle.<sup>27</sup>

A person who holds a learner's driver license may operate a vehicle only during daylight hours, except that the holder of a learner's driver license may operate a vehicle until 10 p.m. after three months following the issuance of the learner's driver license.<sup>28</sup>

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<sup>21</sup> Section 298.22, F.S.

<sup>22</sup> Section 298.22(3), F.S.

<sup>23</sup> Section 298.01, F.S. (authorizing “water control districts established prior to July 1, 1980, pursuant to the process formerly contained in this section and former ss. 298.02 and 298.03, may continue to operate as outlined in this chapter.”) *See also* section 298.01, F.S. (1980).

<sup>24</sup> Section 289.01, F.S.

<sup>25</sup> Section 322.04(1)(e), F.S.

<sup>26</sup> Section 322.1615(1), F.S.

<sup>27</sup> Section 322.1615(2), F.S.

<sup>28</sup> Section 322.1615(3), F.S.

**III. Effect of Proposed Changes:**

The bill amends s. 316.212, F.S., to prohibit the operation of a golf cart on public roadways designated for golf cart use, unless the operator has a valid learner's driver license or driver license that is not suspended or revoked. This change, in effect, increases the minimum age a person may operate a golf cart on public roadways from 14 years of age to 15 years of age if the operator has a valid learner's permit.

The bill also amends s. 316.212, F.S., to authorize water control districts to designate roads owned and maintained by the district for the operation of golf carts, provided the district receives approval from the county where the designated road is located.

The bill amends s. 322.04, F.S., to remove the exemption from diver licensing requirements for a person operating a golf cart on a public roadway in accordance with s. 316.212, F.S.

The bill takes effect July 1, 2023.

**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:**

The bill may have a negative fiscal impact on unlicensed drivers who regularly operate golf carts on designated public roadways, who will be required to have a valid driver

license to operate a golf cart because they will either need to obtain a valid driver license or may be subject to civil penalties associated with violating the provisions of the bill.

**C. Government Sector Impact:**

To the extent the bill increases the number of individuals obtaining a valid driver license or increases violations of the law, the bill may have an indeterminate positive fiscal impact on state and local government.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Current Florida law authorizes local governments to enact ordinances relating to golf cart operation and equipment more restrictive than state law, but that only applies to unlicensed drivers. Since the bill requires valid licensure of drivers to operate golf carts on public roadways, the sponsor may wish to consider either removing such authorizations or allowing such ordinances apply to licensed drivers.<sup>29</sup>

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 316.212 and 322.04.

**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 April 4, 2023:**

The CS adds that water control districts may designate roads it owns and maintains for use by golf carts, providing the district receives approval from the county where the road is located.

**B. Amendments:**

None.

---

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

---

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<sup>29</sup> See ss. 316.212(8)(a) and 316.2125(3), F.S.



209782

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2023	.	
	.	
	.	
	.	

---

The Committee on Transportation (Grall) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 13 - 18  
and insert:

Section 1. Subsections (1) and (7) of section 316.212, Florida Statutes, are amended, and subsection (9) of that section is republished, to read:

316.212 Operation of golf carts on certain roadways.—The operation of a golf cart upon the public roads or streets of this state is prohibited except as provided herein:



209782

(1) A golf cart may be operated only upon a county road that has been designated by a county, a municipal street that has been designated by a municipality, ~~or~~ a two-lane county road located within the jurisdiction of a municipality designated by that municipality, or a road that is owned and maintained by a water control district and has been designated by that water control district, for use by golf carts. Prior to making such 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. If such designation is to be made by a water control district, the district must receive approval from the county in which the road to be designated is located. Upon a determination that golf carts may be safely operated on a designated road or street and, in the case of a determination made by a water control district, county approval, the responsible governmental entity shall post appropriate signs to indicate that such operation is allowed.

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

And the title is amended as follows:

Delete lines 2 - 3

and insert:

An act relating to operation of a golf cart; amending s. 316.212, F.S.; authorizing water control districts to designate certain roads for the operation of golf carts; requiring county approval to make such designation;

By Senator Grall

29-01678-23

20231290\_\_

A bill to be entitled

An act relating to age and licensure requirements for operation of a golf cart; amending s. 316.212, F.S.; prohibiting a person from operating a golf cart on certain roadways unless he or she possesses a valid learner's driver license or valid driver license that is not suspended or revoked; amending s. 322.04, F.S.; conforming a provision to changes made by the act; providing an effective date.

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

Section 1. Subsection (7) of section 316.212, Florida Statutes, is amended, and subsection (9) of that section is republished, to read:

316.212 Operation of golf carts on certain roadways.—The operation of a golf cart upon the public roads or streets of this state is prohibited except as provided herein:

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

(a) Who is under 16 years of age unless he or she possesses a valid learner's driver license that is not suspended or revoked.

(b) Who is 16 years of age or older unless he or she possesses a valid learner's driver license or valid driver license that is not suspended or revoked the age of 14.

(9) A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as a moving violation for infractions of subsections (1)-(5) or a local

Page 1 of 2

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

29-01678-23

20231290\_\_

ordinance corresponding thereto and enacted pursuant to subsection (8), or punishable pursuant to chapter 318 as a nonmoving violation for infractions of subsection (6), subsection (7), or a local ordinance corresponding thereto and enacted pursuant to subsection (8).

Section 2. Paragraph (e) of subsection (1) of section 322.04, Florida Statutes, is amended to read:

322.04 Persons exempt from obtaining driver license.—

(1) The following persons are exempt from obtaining a driver license:

~~(e) Any person operating a golf cart, as defined in s. 320.01, which is operated in accordance with the provisions of s. 316.212.~~

Section 3. This act shall take effect July 1, 2023.

Page 2 of 2

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



April 4, 2023

Meeting Date

Transportation

Committee

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
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SB 1290

Bill Number or Topic

Barcode #209782

Amendment Barcode (if applicable)

Name **Jessica Love**

Phone **850-577-9090**

Address **P.O. Box 11189**

Email **jlove@gray-robinson.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:

**Hendry County Board of County  
Commissioners**

☐ 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)

4/4/23

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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Golf Carts.

531290

Amendment Barcode (if applicable)

Committee  
Name Jolien Caraballo

Phone 772-618-5437

Address 950 SE Browning Ave.

Email jolien.caraballo@cityofpsl.com

Street

PSL

FL

34983

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:

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**APPEARANCE RECORD**

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Transportation

Committee

Amendment Barcode (if applicable)

Name

Matt Cline

Phone

904-669-8252

Address

4015 Lewis Speedway

Email

mcline@ssso.org

Street

St. Augustine

FL

32084

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  
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SB1290

Bill Number or Topic

Amendment Barcode (if applicable)

Name

SCOTT BEAVER

Phone

904 - 669-1090

Address

4015 Lewis Speedway

Email

Sbeaver@STS0.org

Street

St. Aug

City

FL

State

32084

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:

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S-001 (08/10/2021)

April 4, 2023

Meeting Date

Transportation

Committee

The Florida Senate

## APPEARANCE RECORD

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SB 1290

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Jessica Love**

Phone **850-577-9090**

Address **P.O. Box 11189**

Email **jlove@gray-robinson.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:

**Hendry County Board of County  
Commissioners**

☐

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)

4/4/2023

Meeting Date

Transportation

Committee

Name Matt Dunagan

Address 2617 Mahan Drive

Street

Tallahassee

City

FL

State

32308

Zip

The Florida Senate  
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1290

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 850-877-2165

Email mdunagan@flsheriffs.org

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida Sheriffs Association

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

April 4, 2023

Meeting Date

1290

Half Past

Bill Number or Topic

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Committee

Amendment Barcode (if applicable)

Name

Paul Carlisle (Carlisle)

Phone

561 718 8383

Address

1225 Main St

Street

Email

~~Paul~~ pcarlisle@cityofsebastian.org

Sebastian

City

FL

State

32958

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:

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The Florida Senate

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04/04 2023

Meeting Date

1290

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

FREDERICK JONES

Phone

(212) 473-3998

Address

1215 Main Street

Email

FJONES@CITYOFSEBASTIAN.ORG

Street

Sebastian, FL 32958

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)



4/4/23

Meeting Date

The Florida Senate  
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SB 1290

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Stephanie Morgan

Phone

772 528 9199

Address

121 SW Port St. Lucie Blvd

Street

Email

stephanie.morgan@  
cityofpsl.com

Port St. Lucie

City

FL

State

34984

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:

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4-4-2023

Meeting Date

SB 1290

Bill Number or Topic

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Committee

Amendment Barcode (if applicable)

Name

Karen M Ostrand

Phone

772 418 6460

Address

27 NE Nautical Dr

Street

Email

Mayor@TownofOceanbreeze.org

Ocean Breez

City

State

FL

34957

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  
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S-001 (08/10/2021)



The Florida Senate

## Committee Agenda Request

**To:** Senator Nick DiCeglie, Chair  
Committee on Transportation

**Subject:** Committee Agenda Request

**Date:** March 6, 2023

---

I respectfully request that **Senate Bill #1290**, relating to Age and Licensure Requirements for Operation of a Golf Cart, be placed on the:

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

A handwritten signature in blue ink that reads "Erin K. Grall".

---

Senator Erin Grall  
Florida Senate, District 29

**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 1374

INTRODUCER: Transportation Committee and Senator Perry

SUBJECT: Child Restraint Requirements

DATE: April 5, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Delia</u>	<u>Cox</u>	<u>CF</u>	<b>Favorable</b>
2.	<u>Jones</u>	<u>Vickers</u>	<u>TR</u>	<b>Fav/CS</b>
3.	<u>                    </u>	<u>                    </u>	<u>RC</u>	<u>                    </u>

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 1374 amends current law relating to child restraint requirements while transporting a child in a motor vehicle. The bill increases the age that children must use a crash-tested, federally-approved child restraint device, from age five years or younger to age seven years or younger.

For children under the age of three years old, the bill specifically requires the use of a rear-facing five-point harness. For children aged three through four years, the bill requires the use of a forward-facing or rear-facing five-point harness. For children aged five through seven years, the bill requires the use of a booster seat that:

- Incorporates the use of the motor vehicle's safety belt; or
- Is a forward-facing five-point harness.

The bill may have an indeterminate impact on the private and government sector. See Section V. Fiscal Impact Statement.

The bill is effective October 1, 2023.

## II. Present Situation:

### **Child Restraint Devices or “Car Seats” and National Highway Traffic Safety Administration Recommendations**

Car seats available on the market offer a variety of choices. The best choice, according to the National Highway Traffic Safety Administration (NHTSA), is a selection based on a given child’s age and size, which complies with the specific car seat manufacturer’s instructions for height and weight limits, and is properly installed in accordance with the vehicle’s owner’s manual. Further, for maximum safety, the NHTSA recommends keeping a child in a car seat for as long as possible, provided the child does not exceed the manufacturer’s height and weight limitations. The NHTSA also recommends keeping a child in the back seat at least through the age of 12.<sup>1</sup>

Car seats are generally available in four types, with variations in each type, including:

- Rear-facing car seats have a harness that, in a crash, cradles and moves with a child to reduce the stress to the child’s neck and spinal cord.
- Forward-facing car seats have a harness and tether that limits a child’s forward movement during a crash.
- Booster seats raise the height of the child to position the seat belt so that it fits properly over the stronger parts of a child’s body.
- Seat belts.<sup>2</sup>

The NHTSA recommends that a child from birth through 12 months should always ride in a rear-facing car seat, noting that convertible and all-in-one versions of these seats usually have higher height and weight limits for the rear-facing position, which facilitates keeping a child in a rear-facing position for a longer period of time.<sup>3</sup>

For children one through three years old, the NHTSA suggests keeping a child in a rear-facing seat until the child reaches the top height or weight limit indicated by the car seat’s manufacturer. Once either limit is exceeded, the NHTSA recommends a forward-facing seat with a harness and tether.<sup>4</sup>

For children four through seven years, the NHTSA advises a child should be kept in a forward-facing car seat with a harness and tether until the child reaches the top height or weight limit set by the car seat’s manufacturer. Again, once either limit is exceeded, the child should be transported in a booster seat, but the NHTSA recommends the booster seat still be installed properly in the back seat of the vehicle.<sup>5</sup>

---

<sup>1</sup> The NHTSA, *Car Seats and Booster Seats*, available at <https://www.nhtsa.gov/equipment/car-seats-and-booster-seats#age-size-rec> (last visited March 29, 2023).

<sup>2</sup> The NHTSA, *Car Seat Types*, available at <https://www.nhtsa.gov/equipment/car-seats-and-booster-seats#find-right-car-seat-car-seat-types> (last visited March 29, 2023).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

For children eight through 12 years, the NHTSA recommends keeping a child in a booster seat until the child is big enough to fit in a seat belt properly. Proper fit in a seat belt for the NHTSA means that the lap belt lies snugly across the upper thighs, not the stomach, and the shoulder belt lies snugly across the shoulder and chest, not across the neck or face. The NHTSA notes the child should still ride in the back seat of the vehicle “because it’s safer there.”<sup>6</sup>

### **Child Passenger Safety**

According to the Center for Disease Control and Prevention (CDC), motor vehicle injuries are a leading cause of death among children in the U.S.<sup>7</sup> The CDC data for 2020 indicates that 607 child passengers ages 12 and under were killed in automobile crashes in the U.S.<sup>8</sup> Of the children killed in a crash, 38 percent were not buckled in.<sup>9</sup>

The CDC reports that the:

- Use of a car seat reduces the risk for injury of children by 71 to 82 percent in passenger vehicles compared to seat belt use alone.
- Use of a booster seat reduces the risk for serious injury by 45 percent for children aged four to eight years when compared with seat belt use alone.
- For older children and adults, use of a seat belt reduces the risk for death and serious injury by approximately one-half.<sup>10</sup>

A study of five states that increased the age requirement to seven or eight years of age for car seat or booster seat use found that the rate of children using car seats and booster seats increased nearly three times. Further, the rate of children who sustained fatal or incapacitating injuries was reduced by 17 percent.<sup>11</sup>

The CDC has produced guidelines for parents and caregivers that are based on stages, including the use of a:

- Rear-facing car seat, for children birth to age two.
- Forward-facing car seat in the back seat, until at least age five or when the child reaches the upper weight or height limit of the seat.<sup>12</sup>
- Booster seat, until a seat belts fit properly.<sup>13</sup>

A child no longer needs to use a booster seat once a seat belt fits them properly. The seat belt fits properly when the lap belt lays across the upper thighs (not the stomach) and the shoulder belt

---

<sup>6</sup> *Id.*

<sup>7</sup> The CDC, *Child Passenger Safety: Get the Facts – The Scope of the Problem*, available at [http://www.cdc.gov/motorvehiclesafety/child\\_passenger\\_safety/cps-factsheet.html](http://www.cdc.gov/motorvehiclesafety/child_passenger_safety/cps-factsheet.html) (last visited March 29, 2023).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

lays across the chest (not the neck). The recommended height for proper seat belt fit is 57 inches tall.<sup>14</sup>

### **Child Restraint Requirements in Other States**

All 50 states and the District of Columbia have laws requiring some type of child restraint seats for children under a certain age, height, or weight.<sup>15</sup> Many laws require all children to ride in the rear seat whenever possible, and most states permit children over a particular age, height or weight to use an adult safety belt.<sup>16</sup> For example, the state of Connecticut requires children under the age of two or under thirty pounds to ride rear-facing in a child restraint system equipped with a five-point harness. Children under the age of five, but not under the age of two, or under forty pounds, but not under thirty pounds, must be in a harness restraint – either a rear-facing or forward-facing car seat. All children under age eight and under sixty pounds must use a child restraint – either a car seat, or a booster seat secured by a lap-and-shoulder belt.<sup>17</sup>

Tennessee requires children under the age of one, or weighing less than twenty pounds, to ride rear-facing in a child restraint system that meets federal motor vehicle safety standards. Children age one through four years old and weighing more than twenty pounds are required to ride in a child safety restraint system (rear facing or forward facing) that meets federal motor vehicle safety standards. Children age four through nine years of age and measuring less than four feet nine inches in height, are required to be in a child booster seat that meets the federal motor vehicle safety standards.<sup>18</sup>

At least 26 states have rear-facing child restraint requirements. Most require children under the age of two years old to be in a rear-facing child restraint device, and provide exceptions for children who reach a certain height or weight, or exceed the manufacturer’s recommended height or weight limit of the child restraint device.<sup>19</sup>

Forty-eight states, the District of Columbia, and Puerto Rico require booster seats for children who have outgrown their car seats but are still too small for adult seat belts, and only two states (Florida and South Dakota) do not have legal requirements for booster seats.<sup>20</sup>

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<sup>14</sup> The CDC, *Child Passenger Safety Infographics*, available at [https://www.cdc.gov/vitalsigns/childpassengersafety/infographic.html#:~:text=The%20recommended%20height%20for%20proper%20seat%20belt%20fit%20is%2057%20inches%20tall.&text=Children%20no%20longer%20need%20to,chest%20\(not%20the%20neck\)](https://www.cdc.gov/vitalsigns/childpassengersafety/infographic.html#:~:text=The%20recommended%20height%20for%20proper%20seat%20belt%20fit%20is%2057%20inches%20tall.&text=Children%20no%20longer%20need%20to,chest%20(not%20the%20neck)) (last visited March 29, 2023).

<sup>15</sup> The Governors Highway Safety Association, *Child Passenger Safety*, available at <https://www.ghsa.org/state-laws/issues/child%20passenger%20safety> (last visited March 29, 2023).

<sup>16</sup> *Id.*

<sup>17</sup> Conn. Gen. Stat. § 14-100a (2022)

<sup>18</sup> Tenn. Code Ann. § 55-9-602 (2022)

<sup>19</sup> Insurance Institute of Highway Safety, *Seat belt and child seat laws by state* (March 2023), available at <https://www.iihs.org/topics/seat-belts/seat-belt-law-table> (last visited March 29, 2023).

<sup>20</sup> The Bump, *A State by State Look at Car Seat and Booster Seat Laws*, available at <https://www.thebump.com/a/car-seat-laws> (last visited March 29, 2023).

## Child Restraint Requirements in Florida

Section 316.613, F.S., requires every operator of a motor vehicle operated on the roadways, streets, or highways of this state to provide for protection of a child who is five years of age or younger by properly using a crash-tested, federally approved child restraint device. The device must be a separate carrier or a vehicle manufacturer's integrated child seat for children through three years of age.<sup>21</sup> A separate carrier, an integrated child seat, or a child booster seat may be used for children aged four through five years. However, the requirement does not apply in certain circumstances, including when a safety belt is used and the child:

- Is being transported gratuitously by an operator who is not a member of the child's immediate family;
- Is being transported in a medical emergency situation involving the child; or
- Has a medical condition that necessitates an exception as evidenced by appropriate documentation from a health care professional.<sup>22</sup>

A violation of s. 316.613, F.S., is a moving violation punishable by a penalty of \$60 plus applicable local court costs, which may increase the total penalty to \$158.<sup>23</sup> In addition, the violator will have three points assessed against his or her driver license.<sup>24</sup> In lieu of the monetary penalty and the assessment of points, a violator may elect to participate in a child restraint safety program, with the approval of the court with jurisdiction over the violation. After completing the program, the court may waive the monetary penalty, and must waive the assessment of points.<sup>25</sup>

## Safety Belt Use Under 18

Section 316.614(4)(a), F.S., prohibits a person from operating a motor vehicle<sup>26</sup> or autocycle<sup>27</sup> in this state unless each passenger and the operator of the vehicle or autocycle under the age of 18 years are restrained by a safety belt or by a child restraint device, if applicable. As used in s.316.613, F.S., the term "motor vehicle" does not include:

- A school bus as defined in s. 316.003, F.S.
- A bus used for the transportation of persons for compensation.
- A farm tractor or implement of husbandry.
- A truck having a gross vehicle weight rating of more than 26,000 pounds.
- A motorcycle, moped, or bicycle.<sup>28</sup>

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<sup>21</sup> Section 316.613(1)(a)1., F.S.

<sup>22</sup> Section 316.613(1)(a)2., F.S.

<sup>23</sup> Section 316.613(5), F.S. and Court Clerks and Comptrollers, *Distribution Schedule* (December 2022), available at [https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/advisories/2022/22bull098\\_attach\\_2\\_2022\\_dist.pdf](https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/advisories/2022/22bull098_attach_2_2022_dist.pdf) at 45 (last visited March 29, 2023).

<sup>24</sup> Points on a driver license are set forth in s. 322.27(3), F.S.

<sup>25</sup> Section 316.613(3), F.S.

<sup>26</sup> Section 316.003(46), F.S., defines "motor vehicle," except for purposes of the payment of tolls, as "a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy, or moped."

<sup>27</sup> Section 316.003(2), F.S., defines "autocycle" as "a three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, antilock brakes, a steering wheel, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration."

<sup>28</sup> Section 316.614(3)(a), F.S.



The term “safety belt” is defined as a seat belt assembly that meets the requirements established under Federal Motor Vehicle Safety Standard No. 208, 49 C.F.R. s. 571.208.<sup>29</sup>

### ***School Buses***

Section 316.6145, F.S., requires each school bus<sup>30</sup> purchased new after December 31, 2000, and used to transport students in grades pre-K through 12 be equipped with safety belts or with any other federally approved restraint system in a number sufficient to allow each student being transported to use a separate safety belt or restraint system.<sup>31</sup> Each school district is required to prioritize the allocation of buses equipped with safety belts or restraint systems to children in elementary schools.<sup>32</sup> However, the provisions of s. 316.613, F.S., relating to child safety restraints, do not apply to school buses, as they are excluded from the definition of “motor vehicle” for purposes of that section.<sup>33</sup>

### ***Child Care Facility Vehicles***

Section 402.305(1), F.S., requires the Department of Children and Families (DCF) to establish licensing standards that each licensed child care facility must meet regardless of the origin or source of the fees used to operate the facility or the type of children served. Section 402.305(10), F.S., requires the minimum standards, among other items, to include requirements for child restraints or seat belts in vehicles used by child care facilities<sup>34</sup> and large family child care homes<sup>35</sup> to transport children.

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<sup>29</sup> Section 316.614(3)(b), F.S.

<sup>30</sup> Section 316.6145(1)(b), F.S., defines a “school bus” to mean “one that is owned, leased, operated, or contracted by a school district.”

<sup>31</sup> Section 316.6145(1), F.S.

<sup>32</sup> Section 316.6145(4), F.S. Section 1006.25(2), F.S., requires each school bus regularly used for the transportation of prekindergarten disability program and K-12 public school students to and from school or to and from school activities, and owned, operated, rented, contracted, or leased by any district school board to comply with the applicable federal motor vehicle safety standards. Subsection (4) of that section requires students be transported only in designated seating positions, except in specified emergency situations, and use the occupant crash protection system provided by the manufacturer. The Department of Education (DOE) posts on its website guidelines providing “clarification and interpretation of the NHTSA Guidelines, and additional background and the DOE recommendations regarding technical and operational issues associated with transporting pre-school age students.” See The Department of Education, *Florida Guidelines for Seating of Pre-school Age Children in School Buses*, available at <https://www.fldoe.org/core/fileparse.php/7585/urlt/0085488-flguidelines.pdf> (last visited March 29, 2023).

<sup>33</sup> Section 316.613(2)(a), F.S.

<sup>34</sup> Section 402.302(1), F.S., defines “child care” to mean “the care, protection, and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care.” Subsection (2) of that section defines “child care facility” to include “any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit.”

<sup>35</sup> Section 402.302(11), F.S., defines “large family child care home” to mean “an occupied resident in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation, with one of the two personnel being the owner or occupant of the residence.”

Pursuant to that direction, each child transported in a child care facility vehicle or a large family child care home vehicle is required to be in an individual, factory-installed seat belt or a federally approved child restraint.<sup>36</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 316.613, F.S., increasing the age children must use a crash-tested, federally-approved child restraint device, from age five years or younger to age seven years or younger. The bill eliminates the requirement that children aged through three years be secured with a separate carrier or an integrated child seat and instead requires that children aged through two years be secured using a rear-facing five-point harness.

The bill also eliminates the requirement that children aged four through five years be secured with a separate carrier, an integrated child seat, or a child booster seat, and replaces this provision with the following requirements:

- Children aged three through four years must be secured with a forward-facing or rear-facing five-point harness; and
- Children aged five through seven years must be secured with a child booster seat that incorporates the use of the motor vehicle's safety belt as that term is defined in s. 316.614(3)(b), F.S., or with a forward-facing five-point harness.

Because Florida's child restraint requirements are based solely on the child's age, the result may or may not always be consistent with the NHTSA's recommendations, which instead focus on the actual weight and height of the child being transported.

The bill is effective October 1, 2023.

### **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.

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<sup>36</sup> See Rule 65C-22.001(6)(e), F.A.C.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have an indeterminate fiscal impact on the private sector. The bill may require individuals to purchase new child restraint devices to meet the statutory requirements. However, such devices will likely increase safety for children in motor vehicles.

Drivers transporting children in violation of the child restraint requirements may be subject to a fine of up to \$158.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact on state and local government. Law enforcement agencies will need to train officers on the changes made by the bill. To the extent that the bill increases the number of violations issued, the bill may have a positive fiscal impact on state and local government that receive such fines.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 316.613 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

**CS by Transportation on April 4, 2023:**

The CS changes the effective date of the bill from July to October 1, 2023.

B. Amendments:

None.

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

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586708

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2023	.	
	.	
	.	
	.	

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The Committee on Transportation (Perry) recommended the following:

**Senate Amendment**

Delete line 40  
and insert:  
Section 2. This act shall take effect October 1, 2023.

By Senator Perry

9-01673A-23

20231374\_\_

A bill to be entitled

An act relating to child restraint requirements; amending s. 316.613, F.S.; revising requirements for the use of a crash-tested, federally approved child restraint device while transporting a child in a motor vehicle; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 316.613, Florida Statutes, is amended to read:

316.613 Child restraint requirements.—

(1)(a) Every operator of a motor vehicle as defined in this section, while transporting a child in a motor vehicle operated on the roadways, streets, or highways of this state, must ~~shall~~, if the child is 7 ~~5~~ years of age or younger, provide for protection of the child by properly using a crash-tested, federally approved child restraint device.

1. For children aged through 2 ~~3~~ years, such restraint device must be a rear-facing five-point harness ~~separate carrier or a vehicle manufacturer's integrated child seat~~.

2. For children aged 3 ~~4~~ through 4 ~~5~~ years, such restraint device must be a forward-facing or rear-facing five-point harness.

3. For children aged 5 through 7 years, such restraint device must be a separate carrier, an integrated child seat, or a child booster seat that incorporates the use of the motor vehicle's safety belt as defined in s. 316.614(3)(b) or must be a forward-facing five-point harness ~~may be used~~. However, the

Page 1 of 2

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

9-01673A-23

20231374\_\_

requirement to use a child restraint device under this subparagraph does not apply when a safety belt is used as required in s. 316.614(4)(a) and the child:

a. Is being transported gratuitously by an operator who is not a member of the child's immediate family;

b. Is being transported in a medical emergency situation involving the child; or

c. Has a medical condition that necessitates an exception as evidenced by appropriate documentation from a health care professional.

Section 2. This act shall take effect July 1, 2023.

Page 2 of 2

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

4/4/23

Meeting Date

Transportation

Committee

Name

Mary-Lynn Cullen

Phone

941-928-0278

Address

1674 University Pkwy #296

Email

aichildren@aol.com

Street

Sarasota

City

FL

State

34243

Zip

The Florida Senate

# APPEARANCE RECORD

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

1374

Bill Number or Topic

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:

~~Sierra Club Florida~~

Advocacy Institute for Children

☐

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. 511.045 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

**APPEARANCE RECORD**

Deliver both copies of this form to  
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4-4-23

Meeting Date

Transportation

Committee

1374

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Chief Jim Millican

Phone

721-526-5650

Address

4360 - 55th Ave

Email

jmillican@millicanfire.com

Street

Sarasota

City

FL

State

33714

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  
**APPEARANCE RECORD**

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

April 4, 2023

Meeting Date

Transportation

Committee

SB1374

Bill Number or Topic

Amendment Barcode (if applicable)

Name Monte Stevens

Phone 850-671-9401

Address 123 S. Adams St.  
Street

Email Stevens@thesoutherngroup.com

Tallahassee FL 32301  
City State Zip

Reset Form

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:

AAA

☐ 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

APPEARANCE RECORD

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

04/04/23

Meeting Date

Transportation

Committee

SB 1374

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jaron Rodriguez

Phone

(727) 656-4256

Address

2985 Drew Street

Street

Email

jaron.rodriguez  
@baycare.org

Clearwater

City

FL

State

33764

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:

St. Joseph's Children's  
Hospital

☐

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

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

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

S-001 (08/10/2021)



The Florida Senate

## Committee Agenda Request

**To:** Senator Nick DiCeglie, Chair  
Committee on Transportation

**Subject:** Committee Agenda Request

**Date:** March 20, 2023

---

I respectfully request that **Senate Bill #1374**, relating to Child Restraints, be placed on the:

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

A handwritten signature in black ink that reads "W. Keith Perry". The signature is written in a cursive style with a long, sweeping underline.

---

Senator Keith Perry  
Florida Senate, District 9

**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.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 1646

INTRODUCER: Transportation Committee and Senator Davis

SUBJECT: Commercial Service Airport Transparency and Accountability

DATE: April 5, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	<b>Fav/CS</b>
2.			GO	
3.			RC	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 1646 revises legislation enacted in 2020 relating to commercial service airport transparency and accountability. The bill:

- Defines the term “consent agenda;”
- Revises the website location on which a commercial service airport must provide a link to its airport master plan;
- Amends the requirement for posting a contract to the airport’s website to provide that any contract or contract amendment in excess of \$325,000, increased from \$65,000, must be posted on the airport’s website, and to expressly limit the requirement to contracts for the purchase of commodities or contractual services;
- Requires that commercial service airports use competitive solicitation processes for purchases of commodities and contractual services that exceed the threshold amount of \$325,000, increased from \$65,000;
- Specifies that governing bodies of certain categories of commercial service airports must approve, award, or ratify any contract for commodities or contractual services in excess of specified amounts as a separate line item on the governing body’s agenda with a reasonable opportunity for public comment; and prohibits approval, award, or ratification of such contracts as part of a consent agenda; and
- Makes technical and clarifying revisions.

The bill presents no apparent fiscal impact to the state or private sector. The fiscal impact to local governments and special districts that operate commercial service airports is indeterminate. See the “Fiscal Impact” heading below.

The bill takes effect July 1, 2023.

## II. Present Situation:

Neither state nor federal law establishes requirements for airport governance or ownership. As such, Florida airports operate under either a government department model (where the airport operates as a department of the local government) or an airport authority model (where the airport authority is created as either an independent or a dependent special district). Airport operation and administration is generally governed as part of the local government or special district that owns the airport.

### Commercial Service Airports

As defined in federal law, a “commercial service airport means a public airport in a State that the Secretary determines has at least 2,500 passenger boardings each year and is receiving scheduled passenger aircraft service.”<sup>1</sup> For the calendar year 2021 (the latest posted data), the Federal Aviation Administration (FAA) classified 518 airports as commercial service airports nationwide. Out of these, 21 were located in Florida.<sup>2</sup> The locations of these airports at the time included Orlando, Miami, Fort Lauderdale, Tampa, Ft. Myers, West Palm Beach, Jacksonville, Sarasota, Sanford, Pensacola, Clearwater, Valparaiso, Panama City, Punta Gorda, Key West, Tallahassee, Daytona Beach, Gainesville, Melbourne, Sarasota, and Vero Beach.

As defined in state law, a “commercial service airport” is a primary airport as defined in 49 U.S.C. § 47102 (a commercial service airport with more than 10,000 passenger boardings each year) which is classified as a large, medium, or small hub airport by the FAA. The referenced federal law defines large, medium, and small hub airports respectively as follows:

- A commercial service airport that has at least 1.0 percent of the passenger boardings.
- A commercial service airport that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.
- A commercial service airport that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.

According to the Florida Airports Council, commercial service airports support over 1,179,000 jobs and, along with other airport categories, facilitate generation of \$175 billion in economic activity.<sup>3</sup>

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<sup>1</sup> 49 U.S.C. § 47102(7).

<sup>2</sup> See faa.gov, [CY 2021 Commercial Service Enplanements Data \(9/16/2022\) \(faa.gov\)](#) (last visited March 30, 2023). Commercial service airports can and do fall in and out of the classification category based on the number of enplanements.

<sup>3</sup> See the Florida Airport Council document, *Florida Aviation by the Numbers* (on file in the Senate Transportation Committee).

## Transparency and Accountability

In 2020, the Legislature created s. 332.0075, F.S., relating to commercial service airport transparency and accountability.<sup>4</sup> That section of law requires each airport's governing body<sup>5</sup> to establish and maintain a website to post information relating to the operation of a commercial service airport, including:

- All published notices of meetings and published meeting agendas of the governing body.
- The official minutes of each meeting of the governing body, which must be posted within seven business days after the date of the meeting in which the minutes were approved.
- The approved budget for the commercial service airport for the current fiscal year, which must be posted within seven business days after the date of adoption. Budgets must remain on the website for two years after the conclusion of the fiscal year for which they were adopted.
- A link to the Airport Master Plan for the commercial service airport on the FAA's website.
- A link to all financial and statistical reports for the commercial service airport on the FAA's website.
- Any contract or contract amendment executed by or on behalf of the commercial service airport in excess of \$65,000, which must be posted no later than seven business days after the commercial service airport executes the contract or contract amendment.
- Position and rate information for each employee of the commercial service airport, including, at a minimum, the employee's position title, position description, and annual or hourly salary, which information must be updated annually.<sup>6</sup>

Notwithstanding any other law, commercial service airports are subject to Chapter 287, F.S., for purchases of commodities or contractual services which exceed \$65,000. If the purchase of commodities or contractual services exceeds \$65,000, the purchase may not be made without receiving competitive sealed bids, competitive sealed proposals, or competitive sealed replies unless an exception applies as provided in s. 287.057(3), F.S., or an immediate danger to the public health, safety, or welfare or other substantial loss to the commercial service airport requires emergency action.<sup>7</sup>

A governing body must approve, award, or ratify all contracts executed by or on behalf of a commercial service airport in excess of \$325,000 as a separate line item on the agenda and must provide a reasonable opportunity for public comment. Such contracts may not be approved, awarded, or ratified as part of a consent agenda.<sup>8</sup>

## State Procurement

Chapter 287, F.S., provides statutory requirements for the procurement of goods and services by the state. The Legislature recognizes that fair and open competition is a basic tenet of public procurement. It is essential to the effective and ethical procurement of commodities and

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<sup>4</sup> Chapter 2022-156, Laws of Fla.

<sup>5</sup> Defined in s. 332.0075(1)(c), F.S., as the governing body of the county, municipality, or special district that operates a commercial service airport.

<sup>6</sup> Section 332.0075(2), F.S.

<sup>7</sup> Section 332.0075(3)(a), F.S.

<sup>8</sup> Section 332.0075(3)(b), F.S.

contractual services that there be a system of uniform procedures utilized by state agencies in managing and procuring commodities and contractual services, that detailed justification of agency decisions in the procurement of commodities and contractual services be maintained, and that adherence by the agency and the vendor to specific ethical considerations be required.<sup>9</sup>

Depending on the cost and characteristics of the needed goods or services, agencies may utilize a variety of procurement methods, which include:<sup>10</sup>

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

Florida law establishes five categories of purchase thresholds and requires entities to follow certain conditions when funds are expended in these amounts. The categories and amounts are:<sup>11</sup>

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

For contracts for commodities or services in excess of \$35,000 (CATEGORY TWO), state agencies must utilize a competitive solicitation process;<sup>12</sup> however, certain contractual services and commodities are exempt from this requirement.<sup>13</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 332.0075, F.S., enacted in 2020 relating to commercial service airport transparency and accountability. The bill defines the term "consent agenda" to mean an agenda that consists of items voted on as a group and that does not provide the opportunity for public comment on each individual item before approval or disapproval by the governing body.

The bill revises the website location on which a commercial service airport must provide a link to its airport master plan by requiring the link to be posted on the airport's website, instead of on the FAA's website.

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<sup>9</sup> Section 287.001, F.S.

<sup>10</sup> See ss. 287.012(6) and 287.057, F.S.

<sup>11</sup> Section 287.017, F.S.

<sup>12</sup> Section 287.057(1), F.S., requires all projects that exceed the Category Two (\$35,000) threshold contained in s. 287.017, F.S., to be competitively bid.

<sup>13</sup> See s. 287.057(3), F.S.

The bill amends the requirement for posting a contract to the airport's website to provide that any contract or contract amendment in excess of \$325,000, increased from \$65,000, must be posted on the airport's website, and to expressly limit the requirement to contracts for the purchase of commodities or contractual services. Under the bill, the airport would not be required to post contracts unrelated to the purchase of commodities or contractual services on the airport's website.

The bill requires that commercial service airports use competitive solicitation processes for purchases of commodities and contractual services that exceed the threshold amount of \$325,000, increased from \$65,000.

Lastly, the bill requires a commercial service airport governing body to approve, award, or ratify any contract for commodities or contractual services as a separate line item on its agenda, with a reasonable opportunity for public comment, if such contract is executed by or on behalf of a commercial service airport that is classified by the FAA as a:

- Small hub airport and the contract amount exceeds \$500,000.
- Medium hub airport and the contract amount exceeds \$1 million.
- Large hub airport and the contract amount exceeds \$1.5 million.

A governing body may not approve, award, or ratify any such contract as part of a consent agenda.

The bill takes effect July 1, 2023.

#### **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:**

Counties, municipalities, or special districts that operate a commercial service airport may experience an indeterminate but positive fiscal impact resulting from the increase in the threshold amounts that trigger competitive solicitation and more efficient procurement processes.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 332.0075 of the Florida Statutes.

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

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

**CS by Transportation on April 4, 2023:**

The committee substitute:

- Removes the provision requiring a commercial service airport governing body to approve, award, or ratify all contracts for commodities or contractual services in excess of \$4 million as a separate line item, and
- Requires such governing body to approve, award, or ratify contracts for commodities or contractual services as a separate line item on the agenda, and to provide a reasonable opportunity for public comment, dependent on the FAA's classification of the commercial service airport as a small, medium, or large hub airport and on the amount of the contract.

**B. Amendments:**

None.

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

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356972

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2023	.	
	.	
	.	
	.	

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The Committee on Transportation (Davis) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 60 - 65  
and insert:

(b)1. A governing body must approve, award, or ratify any contract for commodities or contractual services ~~all contracts~~ executed by or on behalf of a commercial service airport ~~in excess of the threshold amount provided in s. 287.017 for~~ ~~CATEGORY FIVE~~ as a separate line item on the agenda and must provide a reasonable opportunity for public comment if such



356972

contract is executed by or on behalf of a commercial service  
airport classified by the Federal Aviation Administration as a:

a. Small hub airport and the contract amount exceeds  
\$500,000.

b. Medium hub airport and the contract amount exceeds \$1  
million.

c. Large hub airport and the contract amount exceeds \$1.5  
million.

2. A contract that exceeds the amounts specified in  
subparagraph 1. for the respective airport hub sizes ~~Such  
contracts~~ may

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

And the title is amended as follows:

Delete lines 9 - 10

and insert:

services; requiring a governing body to approve,  
award, or ratify certain contracts by separate line  
item on the agenda if such contracts exceed specified  
amounts; prohibiting such contracts from being  
approved, awarded, or ratified as

By Senator Davis

5-00997A-23

20231646\_\_

A bill to be entitled

An act relating to commercial service airport transparency and accountability; amending s. 332.0075, F.S.; defining the term "consent agenda"; revising information required to be posted on the website of a governing body; requiring a commercial service airport to use specified competitive solicitation processes for certain purchases of commodities or contractual services; revising the amount of a contract that a governing body may not approve, award, or ratify as part of a consent agenda; providing an effective date.

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

Section 1. Present paragraphs (b) and (c) of subsection (1) of section 332.0075, Florida Statutes, are redesignated as paragraphs (c) and (d), respectively, a new paragraph (b) is added to that subsection, and paragraphs (d) and (f) of subsection (2) and subsection (3) of that section are amended, to read:

332.0075 Commercial service airports; transparency and accountability; penalty.—

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

(b) "Consent agenda" means an agenda that consists of items voted on as a group and that does not provide the opportunity for public comment on each individual item before approval or disapproval by the governing body.

(2) Each governing body shall establish and maintain a website to post information relating to the operation of a

5-00997A-23

20231646\_\_

commercial service airport, including:

(d) A link to the airport master plan for the commercial service airport on the commercial service airport's ~~Federal Aviation Administration's~~ website.

(f) Any contract or contract amendment for the purchase of commodities or contractual services executed by or on behalf of the commercial service airport in excess of the threshold amount provided in s. 287.017 for CATEGORY FIVE THREE, which must ~~shall~~ be posted no later than 7 business days after the commercial service airport executes the contract or contract amendment. However, a contract or contract amendment may not reveal information made confidential or exempt by law. Each commercial service airport shall ~~must~~ redact confidential or exempt information from each contract or contract amendment before posting a copy on its website.

(3) (a) Notwithstanding any other provision of law to the contrary, commercial service airports shall use competitive solicitation processes consistent with ~~are subject to the~~ requirements of s. 287.057 ~~chapter 287~~ for purchases of commodities or contractual services which exceed the threshold amount provided in s. 287.017 for CATEGORY FIVE THREE. If the purchase of commodities or contractual services exceeds the threshold amount provided in s. 287.017 for CATEGORY FIVE THREE, the purchase of commodities or contractual services may not be made without receiving competitive sealed bids, competitive sealed proposals, or competitive sealed replies unless an exception consistent with an exception applies ~~as~~ provided in s. 287.057(3) applies or an immediate danger to the public health, safety, or welfare or other substantial loss to the commercial

5-00997A-23

20231646\_\_

59 service airport requires emergency action.

60 (b) A governing body must approve, award, or ratify all  
61 contracts for commodities or contractual services executed by or  
62 on behalf of a commercial service airport in excess of \$4  
63 million ~~the threshold amount provided in s. 287.017 for CATEGORY~~  
64 ~~FIVE~~ as a separate line item on the agenda and must provide a  
65 reasonable opportunity for public comment. Such contracts may  
66 not be approved, awarded, or ratified as part of a consent  
67 agenda.

68 Section 2. This act shall take effect July 1, 2023.

The Florida Senate

**APPEARANCE RECORD**

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

April 4, 2023  
Meeting Date

Transportation  
Committee

SB 1646  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Lisa Waters

Phone 407-745-4161 (cell)

Address 2713 Blair Stone Ln.  
Street

Email lisa@floridacarpnks.org

Tallah. 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:

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

APPEARANCE RECORD

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

4/4/23

Meeting Date

1646

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name

Kasey Denny

Phone

954495 6333

Address

301 N Olive Ave

Email

Kdenny@pbcgov.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:

Palm Beach  
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)



04/04/23

Meeting Date

Transportation

Committee

Name **Lauren Jackson**

Address **205 S. Adams St.**  
Street

**Tallahassee**  
City

**FL**  
State

**32301**  
Zip

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

# The Florida Senate APPEARANCE RECORD

1646

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **931-265-8999**

Email **lauren@ericksconsultants.com**

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:

**Broward County (Fort  
Lauderdale/Hollywood Int'l Airport)**

☐ 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**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 1672

INTRODUCER: Transportation Committee and Senators DiCeglie and Perry

SUBJECT: Temporary Airports

DATE: April 5, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	<b>Fav/CS</b>
2.			CA	
3.			FP	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1676 addresses temporary airport site approval and registration by the Florida Department of Transportation (FDOT). The bill re-defines the term “temporary airport,” specifying that such an airport is one at which flight operations are conducted under visual flight rules and which is used for less than 30 consecutive days with no more than 10 operations per day.

The bill requires that site approval be granted for a temporary airport only after receipt of documentation in a form and manner the FDOT deems necessary to satisfy specified conditions. The bill requires a temporary airport registration before the operation of aircraft to or from the airport.

The bill requires the FDOT to publish notice of intent to approve or deny a completed temporary airport site approval and registration application, as specified, and prohibits the FDOT from approving or denying an application less than 14 days after the date of publication. The FDOT must approve or deny an application within 14 days after the date of publication and requires the FDOT to approve or deny an application no later than 30 days after the date of publication. The FDOT is prohibited from approving a subsequent temporary airport site approval and registration application for the same general location if the purpose or effect is to evade otherwise applicable airport permitting or licensure requirements.

Finally, the bill revises an existing exemption from the provisions of Chapter 330, F.S. (relating to regulation of aircraft, pilots, and airports) for temporary airports used exclusively for aerial application or spraying of crops on a seasonal basis by restricting such temporary airports to no more than ten operations per day.

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

The bill takes effect July 1, 2023.

## **II. Present Situation:**

### **Airport Site Approval**

Among other aviation-related responsibilities, the FDOT is currently charged with establishing requirements for airport<sup>1</sup> site approval, licensure, and registration.<sup>2</sup> The owner or lessee of any proposed airport site is required, prior to site acquisition, construction, or establishment of the proposed airport, to obtain approval of the airport site from the FDOT,<sup>3</sup> in the absence of any applicable exemption.<sup>4</sup> For example, site approval is not required for a temporary airport, used exclusively for aerial application or spraying of crops on a seasonal basis, not to include any licensed airport where permanent crop aerial application or spraying facilities are installed, if the period of operation does not exceed 30 days per calendar year.<sup>5</sup>

Application for site approval must be made in a form and manner prescribed by the FDOT,<sup>6</sup> and the FDOT must grant the site approval if it is satisfied that:

- The site has adequate area allocated for the airport as proposed;
- The proposed airport will conform to licensing or registration requirements and will comply with the applicable local government land development regulations or zoning requirements;
- All affected airports, local governments, and property owners have been notified and any comments submitted by them have been given adequate consideration; and
- Safe air-traffic patterns can be established for the proposed airport with all existing airports and approved airport sites in its vicinity.<sup>7</sup>

The FDOT may grant a site approval for a public airport only after a favorable FDOT inspection of the proposed site and, for a private airport, only after receipt of documentation in a form and manner the FDOT deems necessary to satisfy the above conditions.<sup>8</sup> Site approval for both

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<sup>1</sup> “Airport” means an area of land or water used for, or intended to be used for, landing and takeoff of aircraft, including appurtenant areas, buildings, facilities, or rights-of-way necessary to facilitate such use or intended use. Section 330.27(2), F.S.

<sup>2</sup> Section 330.29(2), F.S.

<sup>3</sup> Section 330.30(1)(a), F.S.

<sup>4</sup> See s. 330.30(3), F.S.

<sup>5</sup> Section 330.30(3)(e), F.S.

<sup>6</sup> *Supra* note 3.

<sup>7</sup> *Id.*

<sup>8</sup> Section 330.30(1)(b)-(d), F.S. The FDOT’s rule requires public airport site approval applicants to submit a Public Airport Site Approval Application on a form incorporated by reference, along with all required supporting documentation, to the State Aviation Manager in the FDOT’s Central Office in Tallahassee. Private airport site approval applicants are required to complete an interactive internet-based registration application and certify that the information contained therein is true and

public and private airports may be granted subject to any reasonable conditions the FDOT deems necessary to protect the public health, safety, or welfare.<sup>9</sup> Approval of a public or private airport site remains valid for two years after the date of issue, unless revoked by the FDOT<sup>10</sup> or unless a public airport license or private airport registration is completed before the expiration date of the existing license or registration.<sup>11</sup> However, the FDOT may extend a site approval for subsequent periods of two years per extension for good cause.<sup>12</sup>

### **Airport Licensing and Registration**

To be distinguished from site approval, before the *operation of aircraft* to or from a facility, the owner or lessee of any airport in this state must have either a public airport license or private airport registration.<sup>13</sup> Upon granting site approval:

- For a public airport, the FDOT must issue a license after a final airport inspection finds the facility to be in compliance with all requirements for the license, which may be subject to any reasonable conditions the FDOT deems necessary to protect the public health, safety and welfare.<sup>14</sup>
- For a private airport, the FDOT must provide controlled electronic access to the state aviation facility data system to permit the applicant to complete the registration process. Private airport registration must be completed upon self-certification by the registrant of operational and configuration data deemed necessary by the FDOT.<sup>15</sup>

Each public airport license expires no later than one year after the effective date of the existing license, except that the expiration date may be adjusted to a maximum of 18 months to facilitate airport inspections, recognize seasonal airport operations, or improve administrative efficiency.<sup>16</sup>

Private airport registration remains valid so long as specific elements of airport data, established by the FDOT, are periodically recertified by the airport registrant by electronic submittal. A private airport registration not recertified in the 24-month period following the last certification expires, unless the registration period has been adjusted by the FDOT for purposes of informing private airport owners of their registration responsibilities or promoting administrative efficiency.<sup>17</sup>

The FDOT may require a new site approval for any airport if the license or registration has expired.<sup>18</sup> If a renewal application for a public airport license has not been received by the FDOT or no private airport registration recertification has been accomplished within 15 days after the

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correct to the best of their knowledge, using the FDOT's electronic aviation facility data system. Rule 14-60.005(3)(a) and (b), F.A.C. See also Rule 14-60.005(6), F.A.C., for additional information regarding use of the private airport registration and site approval website, documentation, and records retention relating to private airport site approval applicants.

<sup>9</sup> Section 330.30(1)(d), F.S.

<sup>10</sup> See s. 330.30(1)(g), F.S.

<sup>11</sup> Section 330.30(1)(e), F.S.

<sup>12</sup> Section 330.30(1)(f), F.S.

<sup>13</sup> Section 330.30(2)(a), F.S.

<sup>14</sup> Section 330.30(2)(a)1., F.S.

<sup>15</sup> Section 330.30(2)(a)2., F.S.

<sup>16</sup> Section 330.30(2)(d)1., F.S.

<sup>17</sup> Section 330.30(2)(d)2., F.S.

<sup>18</sup> Section 330.30(2)(d)4., F.S.

date of expiration, the FDOT may revoke the airport license or registration.<sup>19</sup> Additionally, the FDOT may revoke, or refuse to allow or issue, any airport registration or certification upon specified determinations, including, but not limited to, that the airport does not comply with the conditions of the license, license renewal, or site approval.<sup>20</sup>

### Temporary Airports

The FDOT may license a public airport, or a private airport may register, as a *temporary* airport,<sup>21</sup> provided that the airport will not endanger the public health, safety, or welfare and the airport meets the temporary airport requirements established by the FDOT.<sup>22</sup> Such conditions include:

- Operations limited to VFR<sup>23</sup> flight conditions,
- Restricted approach or takeoff direction from only one end of a runway,
- Specified air-traffic pattern layouts to help prevent mid-air collision conflict with aircraft flying at another nearby airport,
- Airport noise abatement procedures to satisfy community standards, or
- Other environmental compatibility measures.<sup>24</sup>

A temporary airport license or registration is valid for less than 30 days and is not renewable.<sup>25</sup>

According to the FDOT's rule, due to the limitations placed on their use for a period of less than 30 days and the restriction to no more than ten operations per day, and due to a normal short lead-time prior to the necessity for activating flight operations, applicants for temporary, public or private airport sit approval "shall have a site approval process with each proposal evaluated by the FDOT based on the application. Applicants for a temporary, public or private airport site approval should contact the Department at the earliest opportunity to present their requirements and request a site proposal review and Department approval or disapproval."<sup>26</sup>

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<sup>19</sup> Section 330.30(2)(d)5., F.S.

<sup>20</sup> Section 330.30(2)(e), F.S.

<sup>21</sup> "Temporary airport" means any airport that will be used for a period of less than 30 days with no more than 10 operations per day. Section 330.27(7), F.S.

<sup>22</sup> Section 330.30(2)(c), F.S.

<sup>23</sup> The term "VFR" (visual flight rules) is defined in federal regulation as rules that govern the procedures for conducting flight under visual conditions. The term "VFR" is also used in the United States to indicate weather conditions that are equal to or greater than minimum VFR requirements. In addition, "VFR" is used by pilots and controllers to indicate the type of flight plan. 14 C.F.R. § 170.3. Generally, persons proposing to construct, alter, activate, or deactivate a civil or joint-use airport, or to alter the status or use of such airport, are required to notify the Federal Aviation Administration. *See* 14 C.F.R. § 157.1. Although federal law does not define temporary airports, federal law contains certain exclusions from federal airport regulations, such as an airport at which flight operations will be conducted under visual flight rules and which is used or intended to be used for a period of less than 30 consecutive days with no more than 10 operations per day. 14 C.F.R. § 157.1(b).

<sup>24</sup> Rule 14-60.005(4), F.A.C.

<sup>25</sup> Section 330.30(2)(c), F.S. The FDOT's rule provides that a temporary, public or private airport license or registration is valid only for less than 30 consecutive calendar days and is not renewable for any consecutive period of activation. Further, recurring requirements for such license or registration at the same general location will be considered on a case-by-case basis. Rule 14-60.006(5), F.A.C.

<sup>26</sup> Rule 14-60.005(3)(c), F.A.C.

The FDOT must conduct a review and detailed audit, as necessary, of the information submitted by temporary, public or private airport applicants and allow site approval for temporary airports only after the conditions described above are met. Physical inspection of the site is not required.<sup>27</sup> However, “due to the short lead time and duration, as well as urgent requirements often related to a temporary airport, the Department will not publish announcement for public review and comment regarding its *issuance of a temporary airport site approval order*. Temporary airport site approval orders shall take effect concurrent with the date of issuance.”<sup>28</sup>

### Florida’s Administrative Procedure Act

The Administrative Procedure Act (the APA) has been described by the Joint Administrative Procedures Committee as follows:

In Chapter 120, Florida Statutes, the Administrative Procedure Act outlines a comprehensive administrative process by which agencies exercise the authority granted by the Legislature while offering opportunities for citizen involvement. This process subjects state agencies to a uniform procedure in enacting rules *and issuing orders and allows citizens to challenge an agency’s decision*. The Administrative Procedure Act serves to protect the citizens of Florida from thousands of unauthorized rules that would otherwise be in effect.<sup>29</sup>

“Agency” is defined in current law<sup>30</sup> and includes the FDOT. “Agency action” means the whole or part of a rule or order, or the equivalent, or the denial of a petition to adopt a rule or issue an order, or to initiate rulemaking.<sup>31</sup>

Florida law is well settled that “an agency must grant affected parties a clear point of entry,<sup>32</sup> within a specified time after some recognizable event in investigatory or other free-form proceedings, to formal or informal proceedings.” An agency must afford the persons or entities an opportunity to question, challenge, or contest the agency action that they believe affects them.<sup>33</sup>

Parties<sup>34</sup> shall be notified of any order and, unless waived by the parties, a copy of the order must be delivered or mailed to each party or the party’s attorney of record at the

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<sup>27</sup> Rule 14-60.007(c), F.A.C.

<sup>28</sup> *Id.* Emphasis added.

<sup>29</sup> See [PocketGuideFloridaAPA.pdf \(state.fl.us\)](https://www.flcourts.org/PocketGuideFloridaAPA.pdf) (last visited March 29, 2023). Emphasis added.

<sup>30</sup> Section 120.52(1), F.S.

<sup>31</sup> Section 120.52(2), F.S.

<sup>32</sup> See also Rule 28-106.111, F.A.C.

<sup>33</sup> *Capeletti Brothers, Inc. vs. State Dept. of Trans.*, 362 So.2d 346, 348 (Fla. 1<sup>st</sup> DCA 1978). Generally, formal proceedings (or hearings) are those that involve disputed issues of material fact and are conducted by the Division of Administrative Hearings, while informal proceedings are those that do not involve disputed issues of material fact and are conducted by the agency. Section 120.57(1) and (2), F.S. See s. 120.569(1), F.S., for additional information on the applicability of formal vs. informal proceedings.

<sup>34</sup> The definition of “party” under the APA, among others, means specifically named persons whose substantial interests are being determined in the proceeding and, most relevant to the bill, any other person who, as a matter of constitutional right, provision of statute, or provision of agency regulation, is entitled to participate in whole or in part in the proceeding, or whose substantial interest will be affected by proposed agency action, and who makes an appearance as a party. Section 120.52(3)(a) and (b), F.S.

address of record. Section 120.569, F.S., requires that each notice inform the recipient of any administrative hearing or judicial review that is available under that section,<sup>35</sup> s. 120.57, F.S.,<sup>36</sup> or s. 120.68, F.S.,<sup>37</sup> and indicate the procedure that must be followed to obtain the hearing or judicial review, stating the time limits that apply.

### **FDOT Rule Revision Activity and Current Practice**

The provision in the FDOT's rule discussed above, stating that the FDOT will not publish announcement for public review and comment regarding its issuance of a temporary airport site approval order, does not comply with the requirements of the APA, as it provides no clear point of entry to afford persons or entities an opportunity to question, challenge, or contest the agency action believed to affect them; that is, no notice of issuance of an order approving or denying an application for a site approval, including informing the recipient of any administrative hearing that is available and stating applicable time limits.

In recognition of this noncompliance, the FDOT advises that it is currently in the process of holding informal stakeholder meetings for proposed revisions to Rule Chapter 14-60, relating to airport licensing, registration, and airspace protection, as part of updates needed since the last revisions occurred in 2004. The FDOT is still gathering comments from interested stakeholders<sup>38</sup> and anticipates starting the rulemaking process to revise and update that rule chapter after the 2023 Legislative Session. The FDOT further advises that it does publish a notice of pending airport site approval in the Florida Administrative Register (FAR)<sup>39</sup> and waits 14 days after publication of the notice before issuing any airport site approval order.<sup>40</sup>

## **III. Effect of Proposed Changes:**

### **Definition**

The bill amends s. 330.27(7), F.S., revising the definition of “temporary airport” to align it more closely with federal law containing certain exclusions from federal airport regulations.<sup>41</sup> The bill re-defines the term “temporary airport” to mean an airport at which flight operations are conducted under visual flight rules established by the Federal Aviation Administration and which is used for less than 30 consecutive days with no more than 10 operations per day.

### **Site Approvals, Requirements, Effective Period, Revocation**

The bill amends s. 330.30, F.S., in various locations to further clarify the distinction between public and private airports and the applicability of the provisions of that section to those airports.

The bill adds paragraph (d) to s. 330.30(1), F.S., providing that site approval must be granted for a temporary airport after receipt of documentation in a form and manner the FDOT deems

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<sup>35</sup> Decisions which affect substantial interests.

<sup>36</sup> Additional procedures applicable to hearings involving disputed issues of material fact, formal and informal proceedings.

<sup>37</sup> Judicial review. Section 120.569(1), F.S.

<sup>38</sup> Telephone conversation with FDOT staff, March 28, 2023.

<sup>39</sup> See the FDOT email to committee staff, March 27, 2023 (on file in the Senate Transportation Committee).

<sup>40</sup> *Supra* note 38.

<sup>41</sup> *Supra* note 23.

necessary to satisfy the conditions for granting such an approval.<sup>42</sup> The bill requires such documentation to be included with the application for a temporary airport registration.<sup>43</sup>

The bill amends s. 330.30(2), F.S., requiring the owner or lessee of any airport to have a public airport license, a private airport registration, *or a temporary airport registration* before the operation of aircraft to or from the airport.

For a temporary airport, the bill requires the FDOT, upon receipt of a completed application for site approval and registration, to publish in the next available publication of the FAR notice of intent to approve or deny the application. The bill prohibits the FDOT from approving a site approval and registration application less than 14 days after the date of publication. The FDOT must approve or deny an application no later than 30 days after the date of the publication. If site approval is granted, registration of the temporary airport is deemed complete

The bill removes current law providing that the FDOT may license a public airport or a private airport may register as a temporary airport provided that the airport will not endanger the public health, safety, or welfare and the airport meets the temporary airport requirements established by the FDOT. The FDOT is prohibited from approving a subsequent temporary airport registration application for the same general location if the purpose or effect is to evade otherwise applicable airport permitting or licensure requirements.

Lastly, the bill revises the exemption providing that site approval is not required for a temporary airport<sup>44</sup> used exclusively for aerial application or spraying of crops on a seasonal basis, not to include any licensed airport where permanent crop aerial application or spraying facilities are installed, if the period of operation does not exceed 30 days per calendar year. Rather than rely on a cross-reference to the definition of “temporary airport,” which includes restricting temporary airports to no more than 10 operations per day, the bill strikes the cross-reference and inserts the restriction expressly.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

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<sup>42</sup> Listed at the top of p. 2.

<sup>43</sup> The FDOT advises, however, that most of the delay associated with site approval applications results from the fact that the information provided is incomplete; therefore, the application is incomplete. *Supra* note 35.

<sup>44</sup> Defined in s. 330.27(7), F.S., as any airport that will be used for a period of less than 30 days with no more than 10 operations per day.



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:

Indeterminate.

C. Government Sector Impact:

Indeterminate but likely insignificant.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill may warrant additional clarification to distinguish between public and private temporary airports and further clarification of the processes and timelines for issuance of a temporary private airport site approval and registration and for a temporary public airport site approval and license.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 330.27 and 330.30.

**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 April 4, 2023:**

The committee substitute:

- Revises the content of the FDOT notice to be published in the Florida Administrative Register to ensure compliance with Florida's Administration Procedure Act.
- Prohibits the FDOT from approving or denying a completed temporary site approval and registration application sooner than 14 days after the date of publication and

requires the FDOT to approve or deny an application no later than 30 days after the date of publication.

- Deems registration complete if temporary site approval is granted.

B. Amendments:

None.

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

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163014

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2023	.	
	.	
	.	
	.	

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The Committee on Transportation (DiCeglie) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 115 - 122  
and insert:

3. For a temporary airport, upon receipt of a completed application for site approval and registration, the department must publish a notice of intent to approve or deny the application in the next available publication of the Florida Administrative Register. The notice must inform the recipient of any administrative hearing that is available, indicate the



163014

procedure that must be followed to obtain the hearing, and state  
that a request for hearing must be submitted no later than 14  
days after the date of publication. The department may not  
approve or deny an application sooner than 14 days after the  
date of publication. The department must approve or deny an  
application no later than 30 days after the date of publication.  
If site approval is granted, registration of the temporary  
airport is deemed complete.

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

And the title is amended as follows:

Delete lines 11 - 15

and insert:

intent to approve or deny an application for temporary  
site approval and registration; specifying the period  
during which such application may be approved or  
denied; deeming temporary airport registration  
complete if the department grants site approval;  
removing a condition for licensure or

By Senator DiCeglie

18-01663-23

20231672\_\_

A bill to be entitled

An act relating to temporary airports; amending s. 330.27, F.S.; revising the definition of the term "temporary airport"; amending s. 330.30, F.S.; requiring certain documentation to be submitted to the Department of Transportation for temporary airport site approval and temporary airport registration; requiring a temporary airport to obtain registration before operation of aircraft to or from the airport; requiring the department to publish certain notice of receipt of a temporary airport registration application; specifying the period during which such application may be approved or denied; requiring the department to issue registration concurrent with site approval; removing a condition for licensure or registration as a temporary airport; prohibiting approval of subsequent temporary airport registration applications under certain circumstances; revising an exemption from certain provisions for an airport used for aerial application or spraying of crops; providing an effective date.

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

Section 1. Subsection (7) of section 330.27, Florida Statutes, is amended to read:

330.27 Definitions, when used in ss. 330.29-330.39.—

(7) "Temporary airport" means an any airport at which flight operations are conducted under visual flight rules

Page 1 of 6

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

18-01663-23

20231672\_\_

established by the Federal Aviation Administration and which is  
~~that will be used for a period of~~ less than 30 consecutive days  
with no more than 10 operations per day.

Section 2. Subsection (1), paragraphs (a) and (c) of subsection (2), and paragraph (e) of subsection (3) of section 330.30, Florida Statutes, are amended to read:

330.30 Approval of airport sites; registration and licensure of airports.—

(1) SITE APPROVALS; REQUIREMENTS, EFFECTIVE PERIOD, REVOCATION.—

(a) Except as provided in subsection (3), the owner or lessee of a any proposed airport shall, before ~~prior to~~ site acquisition or construction or establishment of the proposed airport, obtain approval of a site from the department. Applications for approval of a site shall be made in a form and manner prescribed by the department. The department shall grant the site approval if it is satisfied:

1. That the site has adequate area allocated for the airport as proposed.

2. That the proposed airport will conform to licensing or registration requirements and will comply with the applicable local government land development regulations or zoning requirements.

3. That all affected airports, local governments, and property owners have been notified and any comments submitted by them have been given adequate consideration.

4. That safe air-traffic patterns can be established for the proposed airport with all existing airports and approved airport sites in its vicinity.

Page 2 of 6

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

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(b) Site approval shall be granted for a public airport ~~airports~~ only after a favorable department inspection of the proposed site.

(c) Site approval shall be granted for a private airport ~~airports~~ only after receipt of documentation in a form and manner the department deems necessary to satisfy the conditions in paragraph (a).

(d) Site approval shall be granted for a temporary airport only after receipt of documentation in a form and manner the department deems necessary to satisfy the conditions in paragraph (a). Such documentation must be included with the application for a temporary airport registration.

(e) ~~(d)~~ Site approval may be granted subject to any reasonable conditions the department deems necessary to protect the public health, safety, or welfare.

(f) ~~(e)~~ Approval as a public airport or a private airport shall remain valid for 2 years after the date of issue, unless revoked by the department or unless a public airport license is issued or a private airport registration is completed pursuant to subsection (2) before ~~prior to~~ the expiration date.

(g) ~~(f)~~ The department may extend a public airport or private airport site approval for subsequent periods of 2 years per extension for good cause.

(h) ~~(g)~~ The department may revoke an airport ~~a~~ site approval if it determines:

1. That the site has been abandoned as an airport site;
2. That the site has not been developed as an airport within a reasonable time period or development does not comply with the conditions of the site approval;

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3. That, except as required for in-flight emergencies, aircraft have operated on the site; or

4. That the site is no longer usable for aviation purposes due to physical or legal changes in conditions that were the subject of the approval granted.

(2) LICENSES AND REGISTRATIONS; REQUIREMENTS, RENEWAL, REVOCATION.—

(a) Except as provided in subsection (3), the owner or lessee of an any airport in this state shall have ~~either~~ a public airport license, ~~or~~ private airport registration, or temporary airport registration before ~~prior to~~ the operation of aircraft to or from the airport facility. Application for a license or registration shall be made in a form and manner prescribed by the department. Upon granting site approval, ~~Upon granting site approval,~~

1. For a public airport, upon granting site approval, the department shall issue a license after a final airport inspection finds the airport facility to be in compliance with all requirements for the license. The license may be subject to any reasonable conditions ~~that~~ the department deems ~~may deem~~ necessary to protect the public health, safety, or welfare.

2. For a private airport, upon granting site approval, the department shall provide controlled electronic access to the state aviation facility data system to permit the applicant to complete the registration process. Registration shall be completed upon self-certification by the registrant of operational and configuration data deemed necessary by the department.

3. For a temporary airport, the department must publish notice of receipt of a registration application in the next

18-01663-23 20231672\_\_  
 117 available publication of the Florida Administrative Register and  
 118 may not approve a registration application less than 14 days  
 119 after the date of publication. The department must approve or  
 120 deny a registration application within 14 days after receipt of  
 121 a completed application and must issue the temporary airport  
 122 registration concurrent with the airport site approval.

(c) ~~The department may license a public airport or a~~  
~~private airport may register as a temporary airport provided~~  
~~that the airport will not endanger the public health, safety, or~~  
~~welfare and the airport meets the temporary airport requirements~~  
~~established by the department. A temporary airport license or~~  
~~registration shall be valid for less than 30 days and is not~~  
~~renewable. The department may not approve a subsequent temporary~~  
~~airport registration application for the same general location~~  
~~if the purpose or effect is to evade otherwise applicable~~  
~~airport permitting or licensure requirements.~~

(3) EXEMPTIONS.—The provisions of this section do not apply  
 to:

(e) ~~An airport which meets the criteria of s. 330.27(7)~~  
 used exclusively for aerial application or spraying of crops on  
 a seasonal basis, not to include any licensed airport where  
 permanent crop aerial application or spraying facilities are  
 installed, if the period of operation does not exceed 30 days  
 per calendar year and the frequency of operations does not  
exceed 10 operations per day. Such proposed airports, which will  
 be located within 3 miles of existing airports or approved  
 airport sites, shall establish safe air-traffic patterns with  
 such existing airports or approved airport sites, by memorandums  
 of understanding, or by letters of agreement between the parties

18-01663-23 20231672\_\_  
 146 representing the airports or sites.  
 147 Section 3. This act shall take effect July 1, 2023.

The Florida Senate

**APPEARANCE RECORD**

4/4/23

Meeting Date

Transportation

Committee

1672

Bill Number or Topic

Amendment Barcode (if applicable)

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

Name **Natalie King**

Phone

Address **113 E. College Ave.**

Email **natalie@teamrsa.com**

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:

**Film Tampa Bay**

☐ 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)



825

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

I, Cord Byrd, Secretary of State,  
do hereby certify that

***Rafael E. Martinez***

is duly appointed a member of the

**Central Florida Expressway Authority**

for a term beginning on the Seventh day of February, A.D.,  
2023, until the Thirty-First day of December, A.D., 2026 and is  
subject to be confirmed by the Senate during the next regular  
session of the Legislature.

*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Fourteenth day of February, A.D. 2023.*



Secretary of State



**RON DESANTIS**  
GOVERNOR

RECEIVED

2023 FEB -9 AM 10:56

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

February 7, 2023

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

Dear Secretary Byrd:

Please be advised I have made the following reappointment under the provisions of Section 348.753, Florida Statutes:

Mr. Rafael "Ralph" Martinez  
108 East Central Boulevard  
Orlando, Florida 32801

as a member of the Central Florida Expressway Authority, subject to confirmation by the Senate. This appointment is effective February 7, 2023, for a term ending December 31, 2026.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis  
Governor

RD/na

# OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED

STATE OF FLORIDA

County of Orange

2023 FEB 10 AM 10:08

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

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

Governing Board of the Central Florida  
(Title of Office) Expressway Authority

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

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

Rafael E. Martinez  
Signature

Sworn to and subscribed before me by means of ☒ physical presence or  
online notarization, this 9<sup>th</sup> day of February, 2023

Regla Caridad Lamaute  
Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced n/a



REGLA CARIDAD LAMAUTE  
Commission # GG 352738  
Expires November 6, 2023  
Bonded Thru Budget Notary Services

## ACCEPTANCE

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

Mailing Address: ☒ Home ☐ Office

115 Woodland Street

Street or Post Office Box

Orlando, FL 32806

City, State, Zip Code

Rafael "Ralph" E. Martinez  
Print Name

Rafael E. Martinez  
Signature

127294

# QUESTIONNAIRE FOR SENATE CONFIRMATION

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

2/08/2022

Date Completed

1. Name: Mr. Martinez Rafael "Ralph" E.  
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 108 E. Central B Orlando  
Street Office # City  
P.O. Box 753 Florida 32801 407-423-8571  
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 1115 Woodland Street Orlando Orange  
Street City County  
Florida 32806  
Post Office Box State Zip Code Area Code/Phone Number

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

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

Address	City & State	From	To
1115 Woodland Street	Orlando, Florida 32806	1981	Present

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

Address	City & State	From	To
None			

5. Date of Birth: Place of Birth: Sagua La Grande, Cuba

6. Social Security Number:

7. Driver License Number: Issuing State: Florida

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

Nick name - Ralph

2023 FEB 10 AM 10:08  
JUDICIAL ELECTIONS  
TALLAHASSEE, FL

RECEIVED

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

If you are a naturalized citizen, date of naturalization: June 18, 1975

10. Since what year have you been a continuous resident of Florida? 1962

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

A. County of Registration: Orange

B. Current Party Affiliation: Republican

12. Education

A. High School: Gainesville High School, Gainesville, FL Year Graduated: 1969  
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name &amp; Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
Santa Fe Community College, Gainesville, FL	1969-1971	Associates of Arts Degree
University of Florida, Gainesville, FL	1971-1973	Bachelors of Science Degree
Florida State University, Tallahassee, FL	1973-1976	Juris Doctor

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

A. Dates of Service: \_\_\_\_\_

B. Branch or Component: \_\_\_\_\_

C. Date & type of discharge: \_\_\_\_\_

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

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

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

<u>Employer's Name &amp; Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
McEwan, Martinez, Dukes & Hall PA 108 E. Central Blvd., Orlando, FL 32801	Law Firm	Shareholder & Managing Partner	1981-Present

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

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
Law Clerk, Work Study Program	Attorney General Office	1975-1976

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

I have served on many Boards of Directors in my career. I have been practicing law for 40 years. I have served for the State Dept. as a delegate to the U.N. and the Justice Dept. as a Commissioner of the Foreign Settlement Commission.

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

Law Degree

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

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

Greater Orlando Aviation Authority

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

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

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
Board of Director	1982	8 years	Valencia Community College Board
Board of Director	2019	1 yr. extended to 2-1/2 yrs.	GOAA
Board of Director	2022	1 yr.	Central Florida Expressway Authority

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

(1) How frequently were meetings scheduled: Once a month and special meetings

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

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
All but one	1	in Europe

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

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

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

A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_

B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated ☐ Removed ☐ Resigned ☐

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

A. Title of Office: Greater Orlando Aviation Authority; Central Florida Expressway Authority

B. Term of Appointment: 1 year extended to 2-1/2 yrs; 1 year

C. Confirmation results: Confirmed; Confirmed

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

\_\_\_\_\_

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

<u>License/Certificate Title &amp; Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
3002-0015759	10/01/2020	Orange County, FL	None
BUS0002873003	10/01/2020	City of Orlando, FL	None
0243248	11/18/1977	Florida Bar	None

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

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
University of Florida Board of Trustees	Attorney	Represent Shands and physicians
University of Central Florida Board of Trustees	Attorney	Represent physicians
Not the agency to which I have been appointed		

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

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

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

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

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

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

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

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Thomas Sitterma			
Mary Jaye Hall			
William Ruffier			

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

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held &amp; Term</u>	<u>Date(s) of Membership</u>
YMCA	Orlando, Florida	BOD 1983-Present; Board Chairman 1992-1994	
Committee of 100	Orlando, Florida	BOD 2011-Present	
CNL Bank	Orlando, Florida	BOD 2002-2017; Chairman	
Central Florida Fair Assoc.	Orlando, Florida	1999-Present; Executive Committee 2006	
ABOTA, Central FL Chapter Orlando, Florida President 2004; VP 2003-2004; Secretary 2002-2003; Treasurer 2001-2002; Nat'l. Board Rep 2019-Present			

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

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



## **MEMORANDUM**

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

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

Because: (please provide cite.) \_\_\_\_\_

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

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

## Senate Confirmation Questionnaire

*Please mail to: Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250*

The information from this page has been requested and will be used exclusively for Minority Statistics.

**Please type or use blue ink.**

1. Board of Interest: Central Florida Expressway Authority

2. Current Employer and Occupation: McEwan, Martinez, Dukes & Hall, P.A. / Attorney

3. Are you applying for reappointment: Yes ☐ No ☒

4. \*Do you have a disability? Yes ☐ No ☒ If "Yes", please describe your disability that would qualify you for this appointment, if applicable.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. \*Sex: Male ☒ Female ☐

6. \*Race: White ☐ African-American ☐

Hispanic-American ☐ ☒ Asian/Pacific Islander ☐

Native-American/Alaskan Native ☐

7. Do you now, or have you, within the last three years, been a member of any club or organization that, to your knowledge, in practice or policy, restricts membership or restricted membership during the time that you belonged on the basis of race, religion, national origin, or gender? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices, and state whether you intend to continue as a member if you appointed by the Governor.

8. One of the Governor's top priorities is to improve the conditions of the children living in our state. Would you be willing to spend an hour a week with a child in need in your community? If so, please identify the type of program and/or activity you would be willing to participate in as a mentor.

\_\_\_\_\_  
Applicant's Name, including name commonly used  
(Please print)

\* This information will be used to provide demographic statistics and is not requested for the purpose of discriminating on any basis

CERTIFICATION

STATE OF FLORIDA

COUNTY OF Orange

RECEIVED  
2023 FEB 10 AM 10:08  
DIVISION OF ELECTIONS  
TALLAHASSEE, FL

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

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

Rafael E. Martinez  
Signature of Applicant-Affiant

Sworn to and subscribed before me this 9th day of February, 2023

Regla Caridad Lamaute  
Signature of Notary Public-State of Florida



REGLA CARIDAD LAMAUTE  
Commission # GG 852738  
Expires November 6, 2023  
Bonded Thru Budget Notary Services

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

My commission expires: \_\_\_\_\_

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced n/a.

(seal)

CERTIFICATION

RECEIVED

STATE OF FLORIDA

COUNTY OF

Orange

2023 FEB 10 AM 10:08

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

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

Rafael E. Martinez

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

Rafael E. Martinez

Signature of Applicant-Affiant

Sworn to and subscribed before me this 9<sup>th</sup> day of February, 2023

Regla Caridad Lamaute

Signature of Notary Public-State of Florida



REGLA CARIDAD LAMAUTE  
Commission # GG 352738  
Expires November 6, 2023  
Bonded Thru Budget Notary Services

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

My commission expires: \_\_\_\_\_

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced n/a

(seal)

825

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

I, Cord Byrd, Secretary of State,  
do hereby certify that

***Christopher J. Maier***

is duly appointed a member of the

**Central Florida Expressway Authority**

for a term beginning on the Seventh day of February, A.D.,  
2023, until the Thirty-First day of December, A.D., 2026 and is  
subject to be confirmed by the Senate during the next regular  
session of the Legislature.

*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Seventeenth day of February, A.D., 2023*



Secretary of State



**RON DeSANTIS**  
GOVERNOR

RECEIVED

2023 FEB -9 AM 10:56

VISION ELECTIONS  
TALLAHASSEE, FL

February 7, 2023

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

Dear Secretary Byrd:

Please be advised I have made the following reappointment under the provisions of Section 348.753, Florida Statutes:

Mr. Christopher "C.J." Maier  
1106 Wald Road  
Orlando, Florida 32806

as a member of the Central Florida Expressway Authority, subject to confirmation by the Senate. This appointment is effective February 7, 2023, for a term ending December 31, 2026.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis  
Governor

RD/na



**OATH OF OFFICE**  
(Art. II, § 5(b), Fla. Const.)

RECEIVED

STATE OF FLORIDA

County of Orange

2023 FEB 15 PM 1:00  
DIVISION OF ELECTIONS  
TALLAHASSEE, FL

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

Governing Board Member, Central Florida Expressway Authority

(Title of Office)

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

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

Christopher J. Maier  
Signature

Sworn to and subscribed before me by means of ☒ physical presence or  
online notarization, this 8<sup>th</sup> day of February, 2023.

Regla Caridad Lamaute  
Signature of Officer Administering Oath or of Notary Public



REGLA CARIDAD LAMAUTE  
Commission # GG 352738  
Expires November 6, 2023  
Bonded Thru Budget Notary Services

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced \_\_\_\_\_

**ACCEPTANCE**

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

Mailing Address: ☒ Home ☐ Office

1106 Wald Road

Street or Post Office Box

Orlando, FL 32806

City, State, Zip Code

Christopher J. Maier

Print Name

Christopher J. Maier  
Signature



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**Questionnaire for Senate Confirmation**

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127305

## QUESTIONNAIRE FOR SENATE CONFIRMATION

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

2/12/2023

Date Completed

1. Name: Mr. Maier Christopher Jon  
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 700 Universe Blvd., B2C/JB Juno Beach  
Street Office # City  
FL 33408 (407) 276-7248  
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 1106 Wald Road Orlando Orange  
Street City County  
FL 32806  
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business ☐ Residence ☒ Fax # \_\_\_\_\_  
(optional)

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

Address	City & State	From	To
1106 Wald Road	Orlando, FL	06/17	Present

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

Address	City & State	From	To
2822 O'Donnell Street	Baltimore, MD	08/03	06/04

5. Date of Birth: \_\_\_\_\_ Place of Birth: Ocala, FL

6. Social Security Number: \_\_\_\_\_

7. Driver License Number: \_\_\_\_\_ Issuing State: Florida

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

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

If you are a naturalized citizen, date of naturalization:

10. Since what year have you been a continuous resident of Florida? 2004

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

A. County of Registration: Orange

B. Current Party Affiliation: Republican

12. Education

A. High School: Forest High School, Ocala, FL  
(Name and Location)

Year Graduated: 1994

B. List all postsecondary educational institutions attended:

<u>Name &amp; Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
Florida State University	08/94 - 05-98	BA, International Affairs
Rollins College	08/08 - 5/11	MBA

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

A. Dates of Service:

B. Branch or Component:

C. Date & type of discharge:

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

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
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15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name &amp; Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
NextEra Energy, 700 Universe Blvd., Juno Beach, FL 33408;	Utility;	Director of Development;	10/19 - Present
Zayo Group, 1821 30th St, Unit A, Boulder, CO, 80301;	Telecommunications;	Director of Strategy;	10/18-10/19
Crown Caslte, 1220 August Dr., Suite 600, Houston, TX 77057;	Telecommunications;	District Manager;	02/16 - 09/18

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

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
Analyst	Dept. of Financial Services/State Comptroller's Office	05/97 - 08/97

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

I have been in the infrastructure industry since 1999, working in telecommunications, fiber, water, and transportation projects throughout my career. I've worked on countless large scale projects across the State of Florida, and I feel that my project management, operational experience, and profit/loss management experience will serve me well in this role. I strongly desire to contribute in a meaningful way to my community and I am eager to continue serving on the CFX governing board and utilize this opportunity to leave Central Florida a better place when my term ends.

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

The financial and management portions of my MBA degree would relate to serving on the CFX Board. Oversight of financial expenditures, as well as any organizational decisions that may come before the Board would hopefully benefit from my background and education.

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

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

Central Florida Expressway Authority Governing Board Member (current member)  
MetroPlan Orlando - Citizen's Advisory Committee (CAC) - Appointed by Orange County Commission  
Project Lead The Way (STEM Training for Orange County Students)

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

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

Office Title	Date of Election or Appointment	Term of Office	Level of Government
Central FL Expressway Authority Governing Board Member	5/21; 5/21-12/22		State Expressway Authority
Public Service Commission Nominating Council Member	8/17; 8/17-10/19		State Advisory Council

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

(1) How frequently were meetings scheduled: Monthly

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

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
<u>20</u>	<u>1</u>	<u>Travel for work</u>

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

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

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

A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_

B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated ☐ Removed ☐ Resigned ☐

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

A. Title of Office: Central Florida Expressway Authority Governing Board Member

B. Term of Appointment: 5/21 - 12/22

C. Confirmation results: Confirmed during 2022 legislative session

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

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

<u>License/Certificate Title &amp; Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
<u>Real Estate Broker, #BK3022019;</u>	<u>3/13/2002;</u>	<u>Dept. of Business &amp; Prof. Regulation;</u>	<u>N/A (Disciplinary)</u>

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

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
<u>NextEra Energy</u>	<u>Employee</u>	<u>Power supply &amp; associated contracts to multiple municipalities &amp; counties</u>

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

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
Orange County Public Schools; Wife		School Teacher	N/A

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

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

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

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

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

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Derek Bruce			
Mike Miller			
Dan Gonzalez			

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

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held &amp; Term</u>	<u>Date(s) of Membership</u>
Leadership Florida, 3500 Financial Plaza, Suite 300, Tallahassee, FL 32312			09/14 - Present

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

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

## CERTIFICATION

STATE OF FLORIDA

COUNTY OF Orange

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

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

Christopher J. Maier  
Signature of Applicant-Affiant

Sworn to and subscribed before me this 8<sup>th</sup> day of February, 2023.

Regla Caridad Lamaute  
Signature of Notary Public-State of Florida



REGLA CARIDAD LAMAUTE  
Commission # GG 352738  
Expires November 6, 2023  
Bonded Thru Budget Notary Services

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

My commission expires: \_\_\_\_\_

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced nla

(seal)

## **MEMORANDUM**

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

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

Because: (please provide cite.) \_\_\_\_\_

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

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

## Senate Confirmation Questionnaire

**Please mail to: Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250**

The information from this page has been requested and will be used exclusively for Minority Statistics.  
**Please type or use blue ink.**

1. Board of Interest: Central Florida Expressway Authority Governing Board

2. Current Employer and Occupation: NextEra Energy, Director of Development

3. Are you applying for reappointment: Yes ☒ No ☐

4. \*Do you have a disability? Yes ☐ No ☒ If "Yes", please describe your disability that would qualify you for this appointment, if applicable.

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5. \*Sex: Male ☒ Female ☐

6. \*Race: White ☒ African-American ☐  
Hispanic-American ☐ Asian/Pacific Islander ☐  
Native-American/Alaskan Native ☐

7. Do you now, or have you, within the last three years, been a member of any club or organization that, to your knowledge, in practice or policy, restricts membership or restricted membership during the time that you belonged on the basis of race, religion, national origin, or gender? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices, and state whether you intend to continue as a member if you appointed by the Governor.

8. One of the Governor's top priorities is to improve the conditions of the children living in our state. Would you be willing to spend an hour a week with a child in need in your community? If so, please identify the type of program and/or activity you would be willing to participate in as a mentor.

Christopher J. Maier

Applicant's Name, including name commonly used  
(Please print)

\* This information will be used to provide demographic statistics and is not requested for the purpose of discriminating on any basis



2325

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

I, Cord Byrd, Secretary of State,  
do hereby certify that

***Jared W. Perdue***

is duly appointed

**Secretary,  
Department of Transportation**

for a term beginning on the Third day of January, A.D., 2023, to  
serve at the pleasure of the Governor and is subject to be  
confirmed by the Senate during the next regular session of the  
Legislature.

*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Fifteenth day of March, A.D. 2023.*



Secretary of State



**RON DeSANTIS**  
GOVERNOR

RECEIVED

2023 JAN 13 AM 11:41

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

January 3, 2023

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

Dear Secretary Byrd:

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

Mr. Jared Perdue  
605 Suwannee Street  
Tallahassee, Florida 32399

as Secretary of the Florida Department of Transportation, subject to confirmation by the Senate. This appointment is effective January 3, 2023, for a term ending at the pleasure of the Governor.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis  
Governor

RD/ch

# OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

HAND DELIVERED

RECEIVED

STATE OF FLORIDA

County of Leon

2023 MAR -9 PM 4:16

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

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

Secretary, Florida Department of Transportation  
(Title of Office)

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

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

Signature

Sworn to and subscribed before me by means of ☒ physical presence or  
online notarization, this 9th day of March, 2023.

Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced \_\_\_\_\_



## ACCEPTANCE

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

Mailing Address: ☐ Home ☒ Office

605 Suwannee St.  
Street or Post Office Box

Tallahassee, FL 32399  
City, State, Zip Code

Jared W. Perdue  
Print Name

Signature

127351

# QUESTIONNAIRE FOR SENATE CONFIRMATION

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

March 9, 2022

Date Completed

1. Name: Mr. Perdue Jared Wayne  
 Mr./Mrs./Ms. Last First Middle/Maiden
2. Business Address: 605 Suwannee Street Tallahassee  
 Street Office # City  
Florida 32399 (850)414-4100  
 Post Office Box State Zip Code Area Code/Phone Number
3. Residence Address: 3327 Wax Berry Court, Windermere Orange County  
 Street City County  
Florida 34786  
 Post Office Box State Zip Code Area Code/Phone Number
- Specify the preferred mailing address: Business ☐ Residence ☒ Fax # \_\_\_\_\_ (optional)

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

Address	City & State	From	To
6765 Hwy 77	Chipley, FL	11/2018	06/2020
3529 Quail Ridge Drive	Chipley, FL	11/2016	11/2018
1735 Barrow Street	Deltona, FL	06/2020	05/2022

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

Address	City & State	From	To
N/A			

5. Date of Birth: \_\_\_\_\_ Place of Birth: Panama City, Florida
6. Social Security Number: \_\_\_\_\_
7. Driver License Number: \_\_\_\_\_ Issuing State: Florida
8. Have you ever used or been known by any other legal name? Yes ☐ No ☒ If "Yes" Explain \_\_\_\_\_

2023 MAR -9 PM 4:45  
 TALLAHASSEE, FL

RECEIVED

HAND DELIVERED

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you are a naturalized citizen, date of naturalization: \_\_\_\_\_

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

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

A. County of Registration: Volusia B. Current Party Affiliation: NPA

12. Education

A. High School: Crawford Mosley, Lynn Haven, FL Year Graduated: 1998  
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name &amp; Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>The Citadel, Charleston, SC</u>	<u>09/1999 - 12/2003</u>	<u>BS Civil Engineering</u>
_____	_____	_____
_____	_____	_____

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

A. Dates of Service: \_\_\_\_\_

B. Branch or Component: \_\_\_\_\_

C. Date & type of discharge: \_\_\_\_\_

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

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

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

<u>Employer's Name &amp; Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>Florida DOT</u>	<u>State Agency</u>	<u>District 5 Secretary</u>	<u>11/2019 - 4/2022</u>
<u>Florida DOT</u>	<u>State Agency</u>	<u>Dir. of Transportation Dev.</u>	<u>06/2016 - 11/2019</u>
_____	_____	_____	_____

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

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
<u>Florida DOT</u>	<u>State Agency</u>	<u>02/2004 - Current</u>
_____	_____	_____

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

I have worked in the transportation industry for FDOT for my entire career. I have served in various leadership roles throughout my career with increased levels of responsibility in each new role. I have worked in multiple regions of the state forging relationships with Florida's communities and residents as part of transportation infrastructure projects. I have personally been involved with some of Florida's biggest, most diverse and complicated infrastructure projects, and have been responsible for the successful completion of these projects, such as I-4 Ultimate in Central Florida. Most recently, as FDOT's District 5 Secretary, I was responsible for \$1B/year budget, managed and lead nearly 600 employees, and oversaw major transportation initiatives such as Wekiva Parkway, I-4 Ultimate, and Sunrail; Central Florida's Commuter Rail System.

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

BS Civil Engineering from The Citadel, The Military College of South Carolina

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

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

N/A

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

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

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

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

(1) How frequently were meetings scheduled: \_\_\_\_\_

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

Meetings Attended

Meetings Missed

Reason for Absence

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Date

Nature of Violation

Disposition

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_

B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated ☐ Removed ☐ Resigned ☐

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

A. Title of Office: \_\_\_\_\_

B. Term of Appointment: \_\_\_\_\_

C. Confirmation results: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

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

License/Certificate  
Title & Number

Original  
Issue Date

Issuing Authority

Disciplinary Action/Date

PE69310

Florida Board of Professional Engineers

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Name of Business

Your Relationship to Business

Business' Relationship to Agency

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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

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

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

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

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

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

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

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Philip Gainer			
Lee Smith			
John Fowler			

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

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

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

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



HAND DELIVERED  
RECEIVED

**CERTIFICATION**

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Leon

2023 MAR -9 PM 4:45

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

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

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

  
\_\_\_\_\_  
Signature of Applicant-Affiant

Sworn to and subscribed before me this 9th day of March, 2023.

  
\_\_\_\_\_  
Signature of Notary Public State of Florida



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

My commission expires: December 16, 2024

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced \_\_\_\_\_

(seal)

## **MEMORANDUM**

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

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

Because: (please provide cite.) \_\_\_\_\_

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

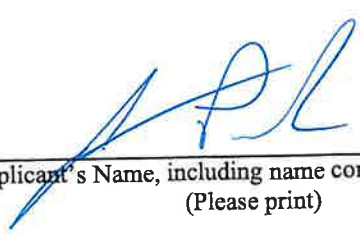
The Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, Florida 32399  
(850) 245-0150

## Senate Confirmation Questionnaire

*Please mail to: Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250*

The information from this page has been requested and will be used exclusively for Minority Statistics.  
Please type or use blue ink.

1. Board of Interest: \_\_\_\_\_
2. Current Employer and Occupation: Florida Department of Transportation, Secretary
3. Are you applying for reappointment: Yes ☐ No ☒
4. \*Do you have a disability? Yes ☐ No ☒ If "Yes", please describe your disability that would qualify you for this appointment, if applicable.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. \*Sex: Male ☒ Female ☐
6. \*Race: White ☒ African-American ☐  
Hispanic-American ☐ Asian/Pacific Islander ☐  
Native-American/Alaskan Native ☐
7. Do you now, or have you, within the last three years, been a member of any club or organization that, to your knowledge, in practice or policy, restricts membership or restricted membership during the time that you belonged on the basis of race, religion, national origin, or gender? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices, and state whether you intend to continue as a member if you appointed by the Governor. No
8. One of the Governor's top priorities is to improve the conditions of the children living in our state. Would you be willing to spend an hour a week with a child in need in your community? If so, please identify the type of program and/or activity you would be willing to participate in as a mentor. Yes

  
\_\_\_\_\_  
Applicant's Name, including name commonly used  
(Please print)

\* This information will be used to provide demographic statistics and is not requested for the purpose of discriminating on any basis

The Florida Senate

**APPEARANCE RECORD**

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

4/4/23  
Meeting Date

Transportation  
Committee

Bill Number or Topic

Amendment Barcode (if applicable)

Name Javed Perdue

Phone (850) 414-4100

Address 605 Suwannee St  
Street

Email Javed.Perdue@dot.state.fl.us

Tallahassee FL 32399  
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

**APPEARANCE RECORD**

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

Confirmation Sec. Perdue

Bill Number or Topic

4-4-23

Meeting Date

Transportation

Committee

Amendment Barcode (if applicable)

Name

Matt Dunagan

Phone

850-877-2165

Address

2617 Mahan Drive

Email

Street

Tallahassee

State

FL

32308

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Florida Sheriffs Association

☐

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

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

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

S-001 (08/10/2021)



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Subcommittee on Criminal and Civil Justice

Children, Families, and Elder Affairs

Commerce and Tourism

Governmental Oversight and Accountability

Military and Veterans Affairs, Space,  
and Domestic Security

### JOINT COMMITTEES:

Joint Select Committee on Collective Bargaining

**SENATOR VICTOR M. TORRES, JR.**  
25th District

March 30th, 2023

Nick DiCeglie, Chair  
Transportation  
404 S Monroe Street  
Tallahassee, FL 32399

RE: Request for excusal from April 4th committee meeting

Dear Chair:

Due to a previously scheduled medical appointment, I am unable to attend the April 4th meeting of the Transportation Committee. Please accept this letter as a formal request for excusal of this absence. Please let me know if you have any questions or need any additional information.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Victor M. Torres, Jr.", is written over a light blue circular stamp.

Victor M. Torres, Jr.  
Florida State Senator  
District 25

C: Rob Vickers, Staff Director  
Marilyn Hudson, Committee Administrative Assistant

REPLY TO:

Suite 305, Kissimmee, Florida 34741 (407) 846-5187 FAX: (850) 410-4817

404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5015

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

☐

101 Church Street,

☐

226 Senate Building,

**Kathleen Passidomo**  
President of the Senate

**Dennis Baxley**  
President Pro Tempore

# CourtSmart Tag Report

**Room:** SB 110  
**Caption:** SENATE TRANSPORTATION COMMITTEE

**Type:**  
**Judge:**

**Started:** 4/4/2023 11:06:55 AM  
**Ends:** 4/4/2023 12:10:12 PM  
**Length:** 01:03:18

11:06:54 AM Called to order - roll call  
11:07:37 AM Pledge of Allegiance  
11:07:56 AM Tab 1 SB 766  
11:08:08 AM Senator Burgess  
11:08:13 AM Amendment 308554  
11:08:23 AM Explained by Senator Burgess  
11:08:58 AM No questions  
11:09:50 AM No appearance no debate  
11:09:55 AM Waive close  
11:10:03 AM Amendment is adopted  
11:10:05 AM Questions on bill - Senator Boyd  
11:10:16 AM Senator Burgess  
11:10:44 AM Senator Davis  
11:10:50 AM Chair DiCeglie  
11:10:54 AM Senator Burgess  
11:11:00 AM Senator Davis  
11:11:05 AM Senator Burgess  
11:11:20 AM Senator Davis  
11:11:46 AM Senator Burgess  
11:12:07 AM Appearances-none  
11:13:05 AM No debate  
11:13:08 AM Waive close  
11:13:12 AM Roll call  
11:13:16 AM CS SB 766 Favorable  
11:13:33 AM Tab 2 SB 1290  
11:13:46 AM Senator Grall explains bill  
11:13:54 AM Amendment 209972  
11:14:27 AM Questions-none  
11:14:53 AM Appearance Jessica Love in support  
11:15:09 AM No debate  
11:15:13 AM Amendment is adopted  
11:15:18 AM Back on bill as amended  
11:15:25 AM Questions: Senator Boyd  
11:16:17 AM Senator Grall  
11:16:46 AM Senator Pizzo  
11:16:55 AM Senator Grall  
11:17:12 AM Senator Pizzo  
11:17:15 AM Senator Grall  
11:17:32 AM Senator Trumbull  
11:17:36 AM Senator Pizzo  
11:17:42 AM Senator Grall  
11:18:10 AM Senator Pizzo  
11:18:15 AM Senator Grall  
11:18:29 AM Senator Trumbull  
11:18:32 AM Senator Grall  
11:18:50 AM Appearances  
11:19:06 AM Jolien Caraballo speaks in support  
11:20:42 AM Matt Cline speaks in support  
11:22:28 AM Scott Beaver speaks in support  
11:25:06 AM Jessica Love waive support  
11:25:12 AM Matt Dunegan waives  
11:25:17 AM Paul Carlile waives in support

11:25:24 AM Frederick Jones waives in support  
11:25:30 AM Stephanie Morgan waives in support  
11:25:41 AM Karen M. Ostrand waives in support  
11:25:48 AM Senator Boyd in debate  
11:26:27 AM Senator Grall close on bill  
11:26:32 AM Roll call  
11:26:38 AM CS SB 1290 Favorable  
11:27:16 AM Tab 3 SB 1374  
11:27:23 AM Senator Perry explains bill  
11:27:40 AM Amendment 586708 is explained  
11:28:04 AM No questions no appearance no debate  
11:28:18 AM Waive close  
11:28:29 AM Amendment is adopted  
11:28:35 AM Mary-Lynn Cullen waive in support  
11:28:51 AM Chief Jim Millican in support  
11:28:55 AM Monte Stevens  
11:28:59 AM Jason Rodriguez in support  
11:29:16 AM Senator Pizzo in debate  
11:29:45 AM Senator Hooper  
11:30:07 AM Senator Perry closes on bill  
11:30:23 AM Roll call  
11:31:01 AM CS SB 1374 Favorable  
11:31:23 AM Tab 4 SB 1646  
11:31:35 AM Senator Davis explains  
11:32:02 AM Amendment 356972  
11:33:05 AM Senator Davis explains amendment  
11:33:14 AM No questions no appearance no debate  
11:34:05 AM Waive close  
11:34:06 AM Amendment is adopted  
11:34:12 AM Back on bill as amended  
11:34:18 AM Questions: Senator Trumbull  
11:34:29 AM Senator Davis  
11:34:42 AM Senator Trumbull  
11:34:48 AM Senator Davis  
11:35:08 AM Lisa Waters speaks in support  
11:35:36 AM Kasey Denny waives in support  
11:35:41 AM Lauren Jackson waives in support  
11:36:22 AM Debate- Senator Pizzo  
11:36:45 AM Davis close on bill  
11:36:55 AM Roll call  
11:37:24 AM CS SB 1646 Favorable  
11:37:44 AM Gavel is passed to Vice Chair Davis  
11:37:56 AM Tab 5 SB 1676  
11:38:12 AM Senator DiCeglie explains bill  
11:38:21 AM Amendment 163014  
11:39:05 AM Senator DiCeglie explains amendment  
11:39:20 AM No questions no appearance no debate  
11:39:34 AM Waive close  
11:39:41 AM Amendment is adopted  
11:39:46 AM Back on bill as amended  
11:39:59 AM Natalie King waives in support  
11:40:06 AM No debate  
11:40:10 AM Waive close  
11:40:15 AM Roll call  
11:40:18 AM CS SB 1672 Favorable  
11:40:41 AM Gavel is passed back to Chair DiCeglie  
11:40:55 AM Office and Appointees  
11:41:00 AM Rafael E. Martinez and Christopher Maier, both of Orlando for Central Florida Expressway Authority  
11:41:20 AM Motion to recommend confirmation by Senator Hooper  
11:41:31 AM Seconded the motion by Senator Boyd  
11:41:35 AM Roll call  
11:41:42 AM Confirmations are recommended Favorably



11:41:56 AM Secretary of Transportation  
11:42:07 AM Secretary Jared W. Perdue of Windermere comes forward for testimony  
11:42:20 AM Secretary Perdue takes Oath  
11:42:25 AM Secretary Perdue is given 4 minutes to address committee  
11:56:57 AM Questions:  
11:57:01 AM Senator Hooper  
11:57:14 AM Senator Jared Perdue  
11:59:02 AM Senator Pizzo  
11:59:08 AM Secretary Perdue  
12:01:02 PM Senator Pizzo  
12:01:43 PM Secretary Perdue  
12:03:45 PM Senator Pizzo  
12:03:53 PM Secretary Perdue  
12:04:35 PM Senator Pizzo  
12:05:18 PM Secretary Perdue  
12:05:25 PM Senator Pizzo  
12:05:31 PM Secretary Perdue  
12:06:49 PM Senator Broxson  
12:07:34 PM Senator Boyd  
12:08:35 PM Appearance  
12:08:37 PM Matt Dunegan waives in support  
12:08:45 PM Senator Hooper moves to recommend confirmation  
12:09:00 PM Roll Call  
12:09:02 PM Confirmation is recommended Favorably.  
12:09:23 PM Motion for any Senator to record late vote  
12:09:33 PM Senator Burton  
12:09:47 PM Motion of late votes adopted  
12:09:51 PM Senator Trumbull moves to adjourn  
12:09:58 PM Meeting Adjourned