

<b>Tab 1</b>	<b>SB 380</b> by <b>Perry</b> ; (Identical to H 00297) Child Restraint Requirements
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<b>Tab 2</b>	<b>SB 422</b> by <b>Rouson</b> ; (Identical to H 00389) Tampa Bay Area Regional Transit Authority
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<b>Tab 3</b>	<b>SB 578</b> by <b>Wright</b> ; (Identical to H 00223) Marina Evacuations
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<b>Tab 4</b>	<b>SB 738</b> by <b>Baxley</b> ; (Identical to H 00353) Bicycle Operation Regulations
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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**TRANSPORTATION**  
**Senator Harrell, Chair**  
**Senator Perry, Vice Chair**

**MEETING DATE:** Tuesday, February 16, 2021

**TIME:** 3:30—6:00 p.m.

**PLACE:** Toni Jennings Committee Room, 110 Senate Building

**MEMBERS:** Senator Harrell, Chair; Senator Perry, Vice Chair; Senators Berman, Bracy, Gainer, Jones, Rodriguez, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A1 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W PENSACOLA STREET, TALLAHASSEE, FL 32301			
1	<b>SB 380</b> Perry (Identical H 297)	Child Restraint Requirements; Increasing the age of children for whom operators of motor vehicles must provide protection by using a crash-tested, federally approved child restraint device; increasing the age of children for whom a separate carrier, an integrated child seat, or a child booster seat may be used, etc.  CF 02/03/2021 Favorable TR 02/16/2021 Favorable RC	Favorable Yeas 8 Nays 0
2	<b>SB 422</b> Rouson (Identical H 389)	Tampa Bay Area Regional Transit Authority; Renaming the Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee as the Chairs Coordinating Committee; providing that a mayor's designated alternate may be a member of the governing board of the authority; revising a provision requiring the authority to present the regional transit development plan and updates to specified entities, etc.  TR 02/16/2021 Favorable CA RC	Favorable Yeas 8 Nays 0
3	<b>SB 578</b> Wright (Identical H 223)	Marina Evacuations; Prohibiting vessels under a specified weight from remaining in certain marinas that have been deemed unsuitable for refuge during a hurricane after the issuance of a hurricane watch; requiring a marina owner, operator, employee, or agent to remove specified vessels under certain circumstances; providing that such owner, operator, employee, or agent may charge the vessel owner a reasonable fee for such removal and may not be held liable for any damages as a result of such removal, etc.  EN 02/01/2021 Favorable TR 02/16/2021 Favorable RC	Favorable Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Tuesday, February 16, 2021, 3:30—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 738</b> Baxley (Identical H 353)	Bicycle Operation Regulations; Providing an exception to the requirement that a person operating a bicycle ride upon or astride a seat attached thereto, etc.  TR      02/16/2021 Favorable CA RC	Favorable Yeas 8 Nays 0
5	Discussion of Seaport Regulation in Florida		Discussed
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: SB 380

INTRODUCER: Senator Perry

SUBJECT: Child Restraint Requirements

DATE: February 17, 2021

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

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

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## I. Summary:

SB 380 amends current law relating to child restraint requirements while transporting a child in a motor vehicle. The bill increases the age of children which must use a crash-tested, federally-approved child restraint device from age five years or younger to age six years or younger. The bill also increases the age of a child for which use of a separate carrier, an integrated child seat, or a child booster seat is authorized from age four through five years to age four through six years.

The fiscal impact on private sector sales of child restraint devices is indeterminate. The bill will likely have an indeterminate but insignificant fiscal impact on local governments and the Department of Highway Safety and Motor Vehicles (DHSMV). See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2021.

## II. Present Situation:

### 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>1</sup> The CDC data for 2017 indicates that 49 percent of children eight to 12 years old killed in automobile crashes were not buckled in, compared with 36 percent of children four to seven years old and 22 percent of children under four.<sup>2</sup>

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<sup>1</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 viewed January 27, 2021).

<sup>2</sup> The CDC, *Risk Factors for Children and Teens*, available at [https://www.cdc.gov/transportationsafety/child\\_passenger\\_safety/cps-factsheet.html](https://www.cdc.gov/transportationsafety/child_passenger_safety/cps-factsheet.html) (last visited February 1, 2021).

The CDC reports that the:

- Use of a car seat reduces the risk for death to infants (aged less than one year) by 71 to 84 percent in passenger vehicles.
- 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>3</sup>

A study of five states that increased the age requirement to seven or eight years 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>4</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 they reach the upper weight or height limit of seat.<sup>5</sup>
- Booster seat, until a seat belts fit properly.<sup>6</sup>

A child no longer needs to use a booster seat once seat belts fit them properly. The seat belt fits properly when the lap belt lays across the upper thighs (not the stomach) and the shoulder belt lays across the chest (not the neck). The recommended height for proper seat belt fit is 57 inches tall.<sup>7</sup>

### **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>8</sup>

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<sup>3</sup> The CDC, *Child Passenger Safety: Get the Facts – Risk Reduction for Every Age*, available at [https://www.cdc.gov/transportationsafety/child\\_passenger\\_safety/cps-factsheet.html](https://www.cdc.gov/transportationsafety/child_passenger_safety/cps-factsheet.html) (last visited February 1, 2021).

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

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

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

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

<sup>8</sup> The NHTSA, *Car Seats and Booster Seats*, available at <https://www.nhtsa.gov/equipment/car-seats-and-booster-seats#age-size-rec> (last viewed January 27, 2021).

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 position the seat belt so that it fits properly over the stronger parts of a child's body.
- Seat belts.<sup>9</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>10</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>11</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>12</sup>

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>13</sup>

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

The 50 states and the District of Columbia all have laws requiring some type of child restraint seats for children under a certain age, height, or weight. The majority of states require child restraint seats until age six or seven.<sup>14</sup> Additionally, many states require rear facing child restraint seats for children under a certain age and weight.<sup>15</sup>

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<sup>9</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 viewed February 1, 2021).

<sup>10</sup> The NHTSA, *Car Seat Recommendations*, available at <https://www.nhtsa.gov/equipment/car-seats-and-booster-seats#find-right-car-seat-car-seat-recommendations> (last viewed February 1, 2021).

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

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

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

<sup>14</sup> AAA Digest of Motor Laws, *Child Passenger Safety*, available at <https://drivinglaws.aaa.com/tag/child-passenger-safety/> (last visited February 11, 2021).

<sup>15</sup> *Id.*

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>16</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>17</sup>

## **Florida Law**

### ***Safety Belt Use Under 18***

Section 316.614(4)(a), F.S., prohibits a person from operating a motor vehicle<sup>18</sup> or autocycle<sup>19</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, other than a bus regularly used to transport children to or from school, as defined in s. 316.615(1)(b), F.S., or in conjunction with school activities.
- 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>20</sup>

### ***Child Restraint Requirements***

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

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<sup>16</sup> Conn. Gen. Stat. § 14-100a (2020)

<sup>17</sup> Tenn. Code Ann. § 55-9-602 (2020)

<sup>18</sup> Section 316.003(42), 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>19</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>20</sup> Section 316.614(3)(a), F.S.

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 any applicable local court costs.<sup>23</sup> In addition, the violator will have three points assessed against his or her driver license. 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>24</sup>

### ***School Buses***

Section 316.6145, F.S., requires each school bus<sup>25</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>26</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>27</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>28</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),

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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.

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

<sup>25</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>26</sup> Section 316.6145(1), F.S.

<sup>27</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 posts on its website guidelines providing “clarification and interpretation of the NHTSA Guidelines, and additional background and the Department of Education 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 <http://www.fldoe.org/schools/healthy-schools/transportation/> (last viewed January 27, 2021).

<sup>28</sup> Section 316.613(2)(a), F.S.



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>29</sup> and large family child care homes<sup>30</sup> to transport children.

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>31</sup>

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

The bill amends s. 316.613, F.S., increasing the age of children which must use a crash-tested, federally-approved child restraint device from age five years or younger to age six years or younger. The bill also increases the age of a child for which use of a separate carrier, an integrated child seat, or a child booster seat is authorized from age four through five years to age four through six years.

Children being transported in a child restraint device in compliance with the current provisions of s. 316.613(1)(a) and (1)(a)2., F.S., must be kept in that (or another) compliant device for one additional year. 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 requirement to protect children aged through three years with a separate carrier or a vehicle manufacturer's integrated child seat remains unchanged.

The bill is effective July 1, 2021.

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

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

None.

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

None.

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<sup>29</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>30</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."

<sup>31</sup> See 65C-22.001(6)(e), F.A.C.

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:

Compliant child restraint devices may have to be replaced due any defects or wear and tear occurring within the additional year of use required by the bill. However, the fiscal impact on private sector sales of child restraint devices is indeterminate.

Increasing the age a child must be in a child restraint from age five to age six may result in an increase in the number of child restraint violations issued to drivers.

C. Government Sector Impact:

The DHSMV estimated that increasing the age a child must be in a child restraint from age five to age six may result in an increase in the number of child restraint violations issued to drivers, which would likely result in an indeterminate, positive fiscal impact to local governments.<sup>32</sup>

The DHSMV also advised it will have to make updates to the Driver Handbook, driver license knowledge test questions bank, communication educational material, and driver improvement course curriculums to reflect the changes in the bill. In addition, the Division of Motorist Services will have to modify the Uniform Traffic Guide, Appendix C, to reflect the changes in the bill. Accordingly, the bill may result in an indeterminate, likely insignificant negative fiscal impact to the DHSMV.<sup>33</sup>

**VI. Technical Deficiencies:**

None.

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<sup>32</sup> The Department of Highway Safety and Motor Vehicles, Agency Analysis of Senate Bill 380 (2021), January 5, 2021 (On file with the Senate Committee on Transportation).

<sup>33</sup> *Id.*

**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 Changes:**

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

None.

**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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By Senator Perry

8-00209-21

2021380\_\_

A bill to be entitled

An act relating to child restraint requirements; amending s. 316.613, F.S.; increasing the age of children for whom operators of motor vehicles must provide protection by using a crash-tested, federally approved child restraint device; increasing the age of children for whom a separate carrier, an integrated child seat, or a child booster seat may be used; 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, shall, if the child is 6 ~~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 3 years, such restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat.

2. For children aged 4 through 6 ~~5~~ years, a separate carrier, an integrated child seat, or a child booster seat may be used. However, the 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:

Page 1 of 2

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

8-00209-21

2021380\_\_

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, 2021.

Page 2 of 2

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

THE FLORIDA SENATE

APPEARANCE RECORD

2/16/2021

Meeting Date

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

SB 380

~~SB 0280~~

Bill Number (if applicable)

Topic Child Restraint Requirements

Name Dr. Nancy Lawther

Job Title Legislator Community member

Address 9747 Orlando Central Pkwy

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Orlando, FL

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32809

Zip

Phone 407 855-7604

Email legislator@florida  
pta.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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THE FLORIDA SENATE

**APPEARANCE RECORD**

2/16/21

*Meeting Date*

SB 380

*Bill Number (if applicable)*

Topic Child Restraint Requirements

*Amendment Barcode (if applicable)*

Name Latha Krishnaiyer

Job Title Legislation Chair

Address 10405 NW 6th Street

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Coral Springs

FL

33071

Email krish6@bellsouth.net

*City*

*State*

*Zip*

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Broward County Council of PTA/PTSA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

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**THE FLORIDA SENATE**

**APPEARANCE RECORD**

2/16/21

Meeting Date

SB 380

Bill Number (if applicable)

Topic Child Restraint Requirements

Name Mary-Lynn Cullen

Amendment Barcode (if applicable)

Job Title \_\_\_\_\_

Address 1674 University Pkwy #296

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing Advocacy Institute for Children

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

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Duplicate

THE FLORIDA SENATE

# APPEARANCE RECORD

2/16/20

Meeting Date

380

Bill Number (if applicable)

Topic Child Passenger Safety

Name Karen Morgan

Amendment Barcode (if applicable)

Job Title Government Relations

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing AAA

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

S-001 (10/14/14)



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**THE FLORIDA SENATE**

**APPEARANCE RECORD**

2/16/21

*Meeting Date*

SB 380

*Bill Number (if applicable)*

Topic Child Restraint Requirements

*Amendment Barcode (if applicable)*

Name David Cullen

Job Title \_\_\_\_\_

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing Advocacy Institute for Children

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

02/16/21

*Meeting Date*

360  
SB 360

*Bill Number (if applicable)*

Topic Child Safety Restraints

*Amendment Barcode (if applicable)*

Name Becker Holland

Job Title N/A

Address 13141 NW 19th Place

Phone 352-359-2859

*Street*

Gainesville

FL

32606

Email beckerh@cox.net

*City*

*State*

*Zip*

Speaking: ☒ For ☐ Against ☐ Information

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

Representing State Public Affairs Committee -Jr. League of Gainesville

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

**THE FLORIDA SENATE**

**APPEARANCE RECORD**

2/16/21

*Meeting Date*

SB 380

*Bill Number (if applicable)*

Topic Child Restraint Requirements

*Amendment Barcode (if applicable)*

Name Fely Curva

Job Title Coordinator

Address 804 Middlewood Drive

Phone 850-508-2256

*Street*

Tallahassee

FL

32312

Email fely.curva@gmail.com

*City*

*State*

*Zip*

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Budd Bell Clearinghouse on Human Services

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 422

INTRODUCER: Senator Rouson

SUBJECT: Tampa Bay Area Regional Transit Authority

DATE: February 17, 2021

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Vickers	TR	<b>Favorable</b>
2.			CA	
3.			RC	

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**I. Summary:**

SB 422 includes the following provisions:

- Authorizes mayors who are members of the board to appoint a designee to attend a board meeting to act in their place with full voting rights on all issues;
- Requires the mayor's designee to be an elected official of the governing body of the mayor's municipality and be voted on by such body;
- Provides that a simple majority of board members constitutes a quorum and a simple majority of the voting members present will be necessary for any action to be taken by the board;
- Renames the Tampa Bay Area Regional Transit Authority (TBARTA) Metropolitan Planning Organization (MPO) Chairs Coordinating Committee (CCC) as the CCC;
- Deletes an obsolete provision related to the TBARTA committees;
- Deletes requirement that TBARTA present the regional transit development plan and updates to the TBARTA MPO CCC;
- Deletes requirement that TBARTA coordinate plans and projects with the TBARTA MPO CCC and participate in the regional MPO planning process to ensure regional comprehension of TBARTA's mission, goals, and objectives; and
- Deletes requirement that TBARTA provide administrative support and direction to the CCC.

The bill has an effective date of July 1, 2021.

## II. Present Situation:

### Tampa Bay Area Regional Transit Authority

Part V of ch. 343, F.S., creates the TBARTA. TBARTA covers Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties and any other contiguous county that is party to an agreement of participation.<sup>1</sup> TBARTA's express purposes are to:

- Plan, implement, and operate mobility improvements and expansions of multimodal transportation options for passengers and freight throughout the designated region;
- Produce a regional transit development plan, integrating the transit development plans of participant counties, to include a prioritization of regionally significant transit projects and facilities; and
- Serve, with the consent of the Governor or designee, as the recipient of federal funds supporting an intercountry project or an intracounty capital project that represents a phase of an intercountry project that exists in a single county within the designated region.<sup>2</sup>

The membership of the TBARTA's 13-member governing board (the board) consists of:

- One county commissioner from each of the boards of county commissioners of Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties. Members appointed serve 2-year terms with not more than three consecutive terms being served by any person; and
- The mayors of the two largest municipalities within the service area of each of the Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority, or their legislatively created successor agencies; and
- Four members of the regional business community appointed by the Governor, each of whom must reside in one of the counties governed by the authority, and none of whom may be an elected official. They serve a 2-year term with not more than three consecutive terms being served by any person; and
- Two members appointed from the governing boards of the Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority, or their legislatively created successor agencies. Each member appointed will serve a 2-year term with not more than three consecutive terms being served by any person.<sup>3</sup>

Seven members of the board are required to constitute a quorum, and the vote of seven members is necessary for any action to be taken by the TBARTA. The TBARTA may meet upon the constitution of a quorum and a vacancy does not impair the right of a quorum of the board to exercise all rights and the ability to perform all duties of the TBARTA.<sup>4</sup>

Beginning July 1, 2017, the board was required to evaluate the abolishment, continuance, modification, or establishment of the following committees:<sup>5</sup>

- Planning committee;
- Policy committee;

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<sup>1</sup> Section 343.91(1)(a), F.S.

<sup>2</sup> Section 343.922(1), F.S.

<sup>3</sup> Section 343.92(2)(b), F.S.

<sup>4</sup> Section 343.92(8), F.S.

<sup>5</sup> Section 343.92(9), F.S.

- Finance committee;
- Citizens advisory committee;
- TBARTA MPO CCC;
- Transit management committee; and
- Technical advisory committee.

After the board completed its evaluation, it was required to submit its recommendations for abolishment, continuance, modification, or establishment of the committees to the President of the Senate and the Speaker of the House of Representatives before the beginning of the 2018 Regular Session.<sup>6</sup>

The TBARTA MPO CCC was created within the TBARTA, composed of the MPO's serving Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota counties. The TBARTA is required to provide administrative support and direction to the CCC. The CCC must, at a minimum:

- Coordinate transportation projects deemed to be regionally significant by the committee;
- Review the impact of regionally significant land use decisions on the region;
- Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the MPO's represented on the committee; and
- Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.<sup>7</sup>

The CCC conducts two meetings a year, one in the summer and one in the fall. Every year, the CCC receives public comment and adopts the West Central Florida Regional Roadway Network, Transportation Regional Incentive Program Priority Projects, and Regional Multi-Use Trail Priority Projects. The CCC transmits these priorities to the District 1 and 7 offices of the Florida Department of Transportation. The CCC also makes a yearly recommendation to the TBARTA Board for the TBARTA Regional Priority Projects.<sup>8</sup>

### III. Effect of Proposed Changes:

The bill amends s. 339.175(6), F.S., to:

- Modify the organization of the CCC so it is no longer created within the TBARTA;
- Modify the name TBARTA MPO CCC to only the CCC, with the composition of the CCC remaining the same; and
- Remove the requirement that the TBARTA provide administrative support and direction to the CCC.

The bill amends s. 343.92(2)(b), F.S., to provide that a mayor may appoint a designee to attend a TBARTA meeting to act in his or her place with full voting rights on all issues. The designee

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

<sup>7</sup> Section 339.175(6)(i), F.S.

<sup>8</sup> Tampa Bay Area Regional Transit Authority, *MPOs Chairs Coordinating Committee*, available at <https://tbarta.com/en/boards-meetings/mpo-chairs-coordinating-committee/> (last visited January 15, 2021).

must be an elected member of the municipality's city council and approved as the mayor's designated alternate by the municipality's city council.

The bill amends s. 343.92(8), F.S. to allow for a simple majority of the TBARTA board to constitute a quorum, and a simple majority of the voting members present to be necessary for any action to be taken by the board.

The bill amends s. 343.92(9), F.S., to remove language, which no longer serves a purpose with the passage of the 2018 Regular Legislative Session, that required the TBARTA to evaluate the abolishment, continuance, modification, or establishment of select TBARTA committees and submit those recommendations to the President of the Senate and the Speaker of the House of Representatives before the beginning of the 2018 Regular Session.

The bill amends s. 343.922(3), F.S., to remove the requirements that TBARTA:

- Present the regional transit development plan and updates to the TBARTA MPO CCC;
- Coordinate plans and projects with the TBARTA MPO CCC and participate in the regional MPO planning process to ensure regional comprehension of TBARTA's mission, goals, and objectives; and
- Provide administrative support and direction to the TBARTA MPO CCC.

The bill has an effective date of July 1, 2021.

#### **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:**

TBARTA may realize a cost savings and improvement in efficiency from not having to:

- Cancel a noticed meeting due to a lack of quorum;
- Coordinate plans and projects with the TBARTA MPO CCC and participate in the regional MPO planning process to ensure regional comprehension of TBARTA's mission, goals, and objectives; and
- Provide administrative support and direction to the TBARTA MPO CCC.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 339.175, 343.92, and 343.922.

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

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

None.

**B. Amendments:**

None.



By Senator Rouson

19-00810-21

2021422\_\_

1 A bill to be entitled  
 2 An act relating to the Tampa Bay Area Regional Transit  
 3 Authority; amending s. 339.175, F.S.; renaming the  
 4 Tampa Bay Area Regional Transit Authority Metropolitan  
 5 Planning Organization Chairs Coordinating Committee as  
 6 the Chairs Coordinating Committee; deleting a  
 7 requirement that the Tampa Bay Area Regional Transit  
 8 Authority provide the committee with administrative  
 9 support and direction; amending s. 343.92, F.S.;  
 10 providing that a mayor's designated alternate may be a  
 11 member of the governing board of the authority;  
 12 requiring that the alternate be an elected member of  
 13 the city council of the mayor's municipality and be  
 14 approved by the municipality's city council; requiring  
 15 a mayor's designated alternate to attend meetings  
 16 under certain circumstances, in which case the  
 17 alternate has full voting rights; providing that a  
 18 simple majority of board members constitutes a quorum  
 19 and that a simple majority of those members present is  
 20 necessary for any action to be taken; deleting  
 21 obsolete language; amending s. 343.922, F.S.; revising  
 22 a provision requiring the authority to present the  
 23 regional transit development plan and updates to  
 24 specified entities; deleting a provision requiring  
 25 that the authority coordinate plans and projects with  
 26 the TBARTA Metropolitan Planning Organization Chairs  
 27 Coordinating Committee and participate in the regional  
 28 M.P.O. planning process to ensure regional  
 29 comprehension of the authority's mission, goals, and

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

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30 objectives; deleting a provision requiring that the  
 31 authority provide administrative support and direction  
 32 to the TBARTA Metropolitan Planning Organization  
 33 Chairs Coordinating Committee; providing an effective  
 34 date.  
 35

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

37  
 38 Section 1. Paragraph (i) of subsection (6) of section  
 39 339.175, Florida Statutes, is amended to read:

40 339.175 Metropolitan planning organization.—

41 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,  
 42 privileges, and authority of an M.P.O. are those specified in  
 43 this section or incorporated in an interlocal agreement  
 44 authorized under s. 163.01. Each M.P.O. shall perform all acts  
 45 required by federal or state laws or rules, now and subsequently  
 46 applicable, which are necessary to qualify for federal aid. It  
 47 is the intent of this section that each M.P.O. shall be involved  
 48 in the planning and programming of transportation facilities,  
 49 including, but not limited to, airports, intercity and high-  
 50 speed rail lines, seaports, and intermodal facilities, to the  
 51 extent permitted by state or federal law.

52 (i) ~~There is created the Tampa Bay Area Regional Transit~~  
 53 ~~Authority Metropolitan Planning Organization Chairs Coordinating~~  
 54 ~~Committee is created within the Tampa Bay Area Regional Transit~~  
 55 ~~Authority~~, composed of the M.P.O.'s serving Citrus, Hernando,  
 56 Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota  
 57 Counties. ~~The authority shall provide administrative support and~~  
 58 ~~direction to the committee.~~ The committee must, at a minimum:

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

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1. Coordinate transportation projects deemed to be regionally significant by the committee.

2. Review the impact of regionally significant land use decisions on the region.

3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.

4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

Section 2. Paragraph (b) of subsection (2) and subsections (8) and (9) of section 343.92, Florida Statutes, are amended to read:

343.92 Tampa Bay Area Regional Transit Authority.—

(2) The governing board of the authority shall consist of 13 voting members appointed no later than 45 days after the creation of the authority.

(b) The 13 voting members of the board shall be as follows:

1. The county commissions of Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties shall each appoint one county commissioner to the board. Members appointed under this subparagraph shall serve 2-year terms with not more than three consecutive terms being served by any person. If a member under this subparagraph leaves elected office, a vacancy exists on the board to be filled as provided in this subparagraph within 90 days.

2.a. Two members of the board shall be the mayor, or the mayor's designated alternate, of the largest municipality within

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the service area of each of the following independent transit agencies or their legislatively created successor agencies: Pinellas Suncoast Transit Authority and Hillsborough Area Regional Transit Authority. The largest municipality is that municipality with the largest population as determined by the most recent United States Decennial Census.

b. The mayor's designated alternate must be an elected member of the municipality's city council and approved as the mayor's designated alternate by the municipality's city council. In the event the mayor is unable to attend a meeting, the mayor's designated alternate shall attend the meeting on the mayor's behalf and has the full right to vote.

3. The following independent transit agencies or their legislatively created successor agencies shall each appoint from the membership of their governing bodies one member to the board: Pinellas Suncoast Transit Authority and Hillsborough Area Regional Transit Authority. Each member appointed under this subparagraph shall serve a 2-year term with not more than three consecutive terms being served by any person. If a member no longer meets the transit authority's criteria for appointment, a vacancy exists on the board, which must be filled as provided in this subparagraph within 90 days.

4. The Governor shall appoint to the board four members from the regional business community, each of whom must reside in one of the counties governed by the authority and may not be an elected official. Of the members initially appointed under this subparagraph, one shall serve a 1-year term, two shall serve 2-year terms, and one shall serve a term as the initial chair as provided in subsection (5). Thereafter, a member

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appointed under this subparagraph shall serve a 2-year term with not more than three consecutive terms being served by any person.

Appointments may be staggered to avoid mass turnover at the end of any 2-year or 4-year period. A vacancy during a term shall be filled within 90 days in the same manner as the original appointment for the remainder of the unexpired term.

(8) A simple majority ~~Seven members~~ of the board shall constitute a quorum, and a simple majority of the voting members present shall be necessary for any action to be taken by the board ~~the vote of seven members is necessary for any action to be taken by the authority~~. The authority may meet upon the constitution of a quorum. A vacancy does not impair the right of a quorum of the board to exercise all rights and the ability to perform all duties of the authority.

~~(9) Beginning July 1, 2017, the board must evaluate the abolishment, continuance, modification, or establishment of the following committees:~~

~~(a) Planning committee.~~

~~(b) Policy committee.~~

~~(c) Finance committee.~~

~~(d) Citizens advisory committee.~~

~~(e) Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee.~~

~~(f) Transit management committee.~~

~~(g) Technical advisory committee.~~

~~The board must submit its recommendations for abolishment,~~

19-00810-21 2021422\_\_

~~continuance, modification, or establishment of the committees to the President of the Senate and the Speaker of the House of Representatives before the beginning of the 2018 Regular Session.~~

Section 3. Paragraphs (e), (f), and (g) of subsection (3) of section 343.922, Florida Statutes, are amended to read:

343.922 Powers and duties.—

(3)

(e) The authority shall present the ~~original~~ regional transit development plan and updates to the governing bodies of the counties within the designated region, ~~to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee,~~ and to the legislative delegation members representing those counties within 90 days after adoption.

~~(f) The authority shall coordinate plans and projects with the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee, to the extent practicable, and participate in the regional M.P.O. planning process to ensure regional comprehension of the authority's mission, goals, and objectives.~~

~~(g) The authority shall provide administrative support and direction to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee as provided in s. 339.175(6)(i).~~

Section 4. This act shall take effect July 1, 2021.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2/16

Meeting Date

422

Bill Number (if applicable)

Topic SB 422 by Senator Rouson

Name Ron Pierce

Amendment Barcode (if applicable)

Job Title Lobbyist

Address 113 e college ave

Street

Tallahassee, FL

City

State

Zip

Phone 813 777 8878

Email Ron@rsaconsultingllc.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Tampa Bay Area Regional Transit Authority (TBARTA)

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

**The Florida Senate**  
**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: SB 578

INTRODUCER: Senator Wright

SUBJECT: Marina Evacuations

DATE: February 17, 2021

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Anderson	Rogers	EN	<b>Favorable</b>
2. Proctor	Vickers	TR	<b>Favorable</b>
3. _____	_____	RC	_____

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**I. Summary:**

SB 578 prohibits, upon the issuance of a hurricane watch that affects the waters of marinas located in a deepwater seaport, vessels under 500 gross tons from remaining in the waters of such marinas that have been deemed not suitable for refuge during a hurricane. The bill requires that vessel owners promptly remove their vessels from the waterways upon issuance of an evacuation order by the deepwater seaport.

If the Coast Guard Captain of the Port sets the port condition to “Yankee”<sup>1</sup> and a vessel owner has failed to remove his or her vessel from the waterway, a marina owner, operator, employee, or agent, is required to remove the vessel, if reasonable, from its slip. The marina owner may charge the vessel owner a reasonable fee for the service of removing the vessel.

The bill provides that a marina owner, operator, employee, or agent may not be held liable for any damage incurred to the vessel from a hurricane and is held harmless from removing the vessel from the waterways. However, the bill does not provide immunity to the marina owner, operator, employee, or agent for any damage caused by intentional acts or negligence when removing a vessel.

The bill provides that after a watch has been issued, if an owner or operator has not removed the vessel pursuant to an order from the seaport, the owner or operator may be subject to a fine, in an amount not exceeding three times the cost associated with removing the vessel from the waterway.

The bill has an effective date of July 1, 2021.

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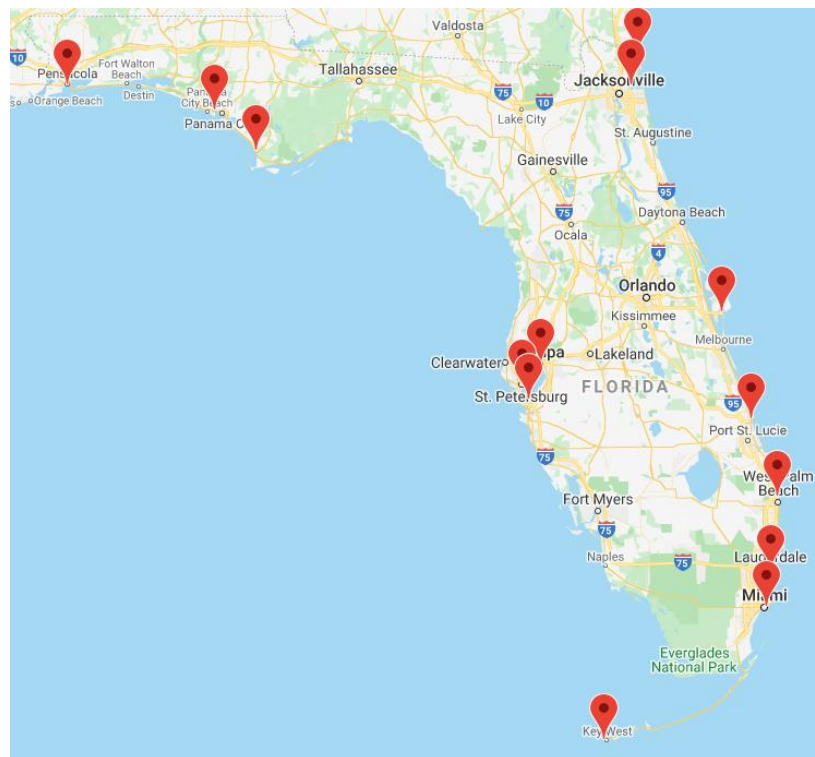
<sup>1</sup> Gale force winds are predicted to arrive within 24 hours, the port is closed to inbound traffic, and vessel traffic control measures are in effect on vessel movements within the port.

## II. Present Situation:

### Deepwater Ports in Florida

Under Florida law, a “port” means a port authority or district.<sup>2</sup> Ports are created by and given authority under general or special law. Each port, in agreement with the United States Coast Guard (Coast Guard), state pilots, and other ports in its operating port area, is required to adopt guidelines for minimum bottom clearance for each berth and channel, for the movement of vessels, and for radio communications of vessel traffic for all commercial vessels entering and leaving its harbor channels.<sup>3</sup>

There are 14 deepwater seaports in Florida, indicated in the map below:<sup>4</sup>



### Port Canaveral

One example of a deepwater seaport impacted by the bill is Port Canaveral, which was dedicated on November 4, 1953.<sup>5</sup> It is a gateway for Central Florida and the world’s second busiest cruise port.<sup>6</sup> Annually, Port Canaveral moves nearly 4 million tons of cargo and sees 4 million cruise

<sup>2</sup> Section 313.21, F.S.; *see also* s. 315.02, F.S. “Port authority” means a port authority in Florida created by or pursuant to the provisions of any general or special law or any district or board of county commissioners acting as a port authority under or pursuant to the provisions of any general or special law. “Port district” means any district created by or pursuant to the provisions of any general or special law and authorized to own or operate any port facilities.

<sup>3</sup> Section 313.23, F.S.

<sup>4</sup> Florida Ports Council, *Seaports*, <https://flaports.org/seaports/> (last visited Jan. 22, 2021).

<sup>5</sup> Port Canaveral, *History*, <https://www.portcanaveral.com/About/History> (last visited Jan. 22, 2021).

<sup>6</sup> Port Canaveral, *Port and Cruise Facts*, <https://www.portcanaveral.com/Cruise/Port-Cruise-Facts> (last visited Jan. 22, 2021).

passengers.<sup>7</sup> It also houses United States Army, Navy, and Air Force facilities.<sup>8</sup> Port Canaveral is a key part of Florida's gasoline supply system. Gasoline and other petroleum products are primarily delivered by marine tankers and barges to the state's ports, including Port Canaveral, where the products are offloaded and later stored and distributed around the state.<sup>9</sup> Additionally, 200 small businesses ranging from marinas, restaurants, retail, and charter boats currently lease and operate at Port Canaveral.<sup>10</sup>

In fiscal year 2019, Port Canaveral reported \$110 million in revenues, the highest in its history.<sup>11</sup>

### ***Canaveral Port Authority***

The Canaveral Port District (Port District) was created by the Legislature by special act in 1953, as amended in 2014.<sup>12</sup> It is an independent special taxing district and political subdivision of the state.<sup>13</sup> The Canaveral Port Authority (Port Authority) has the power to make rules and regulations for the promotion and conduct of navigation, commerce, and industry in the Port District.<sup>14</sup> The Port Authority also has the power to make rules and regulations governing the docking, storing, mooring, and anchoring of vessels within the Port District and to remove all obstacles to navigation, commerce, and industry in the waters of the port.<sup>15</sup>

The Port Canaveral Tariff No. 16 provides the current rates, rules, and regulations governing its marine and port services.<sup>16</sup> Anyone who uses the waterways and facilities under the jurisdiction of the Port Authority consents to the terms and conditions of the tariff.<sup>17</sup> According to the tariff, Port Canaveral is not a suitable refuge during hurricanes or tropical storms. All Port Canaveral waterway tenants and users must comply with evacuation orders and storm preparation directives given by the Port Authority, the Coast Guard, the Brevard County Sheriff's Office, and Canaveral Fire Rescue.<sup>18</sup>

The tariff specifically states that recreational and commercial vessels under 500 gross tons are not eligible to remain in Port and must be removed from the waters of the Port, at the expense of the vessel owner or operator, before hurricane condition Zulu is set by the Coast Guard (see discussion below of Hurricane Season Port Conditions and Categories).<sup>19</sup> The Port Authority is

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<sup>7</sup> *Supra* note 5.

<sup>8</sup> Port Canaveral, *About Us*, <https://www.portcanaveral.com/About/> (last visited Jan. 22, 2021).

<sup>9</sup> Office of Program Policy Analysis and Government Accountability, Florida Legislature, *Feasibility Analysis for Petroleum Distribution Centers*, 11 (Nov. 29, 2018), available at <https://oppaga.fl.gov/Documents/Reports/18-PETRO.pdf>.

<sup>10</sup> *Supra* note 8.

<sup>11</sup> Florida Ports Council, *Port Canaveral*, <https://flaports.org/ports/port-canaveral/> (last visited Jan. 22, 2021).

<sup>12</sup> Ch. 2014-241, Laws of Fla. Each special district in existence at the time was required to submit to the Legislature a draft codified charter so that its special acts could be codified into a single act for reenactment by the Legislature.

<sup>13</sup> Section 189.403(1), F.S., defines a "special district" as a confined local government unit established for a special purpose. The public policy intent of special districts is to provide private and public sectors an alternative governing method to "manage, own, operate, construct and finance basic capital infrastructure, facilities and services."

<sup>14</sup> Art. IV, s. 9 of the Canaveral Port Authority Charter, as amended by Ch. 2014-241, Laws of Fla.

<sup>15</sup> Art. IV, s. 10 of the Canaveral Port Authority Charter, as amended by Ch. 2014-241, Laws of Fla.

<sup>16</sup> Canaveral Port Authority, *Tariff No. 16 – Governing Rates, Rules, & Regulations of the Marine and Port Services*, Rule 520 (Oct. 1, 2020), available at [https://www.portcanaveral.com/Cargo/Port-Tariff/CPA-Tariff-16-FY21-FINAL-\(1\).aspx](https://www.portcanaveral.com/Cargo/Port-Tariff/CPA-Tariff-16-FY21-FINAL-(1).aspx).

<sup>17</sup> *Id.*, Rule 100.

<sup>18</sup> *Id.*, Rule 520.

<sup>19</sup> *Id.*

authorized to issue penalties to vessel owners or operators in accordance with statutory provisions (see discussion below of Vessel Movements and Penalties for Delay).<sup>20</sup>

### **Vessel Movements and Penalties for Delay**

Pursuant to Florida law, each port may regulate vessel movements within its jurisdiction, whether involving public or private facilities or areas, by:

- Scheduling vessels for use of berths, anchorages, or other facilities at the port.
- Ordering and enforcing a vessel, at its own expense and risk, to vacate or change position at a berth, anchorage, or facility, whether public or private, in order to facilitate navigation, commerce, protection of other vessels or property, or dredging of channels or berths.
- Designating port facilities for the loading or discharging of vessels.
- Assigning berths at wharves for arriving vessels.<sup>21</sup>

Ports are authorized to establish fees and compensation for the services regulating vessel movements provided by the port.<sup>22</sup>

A port may impose and collect a penalty from a vessel that unnecessarily delays in moving under an order to vacate or change position. This penalty may not exceed \$1,000 per hour or fraction thereof, plus 150 percent of the demurrage costs incurred by a waiting vessel, until the order is complied with.<sup>23</sup>

### **Marinas**

A marina is a licensed commercial facility that provides secured public moorings or dry storage for vessels on a leased basis.<sup>24</sup> There are five marinas within Port Canaveral, with approximately 260 wet slips hosted on Port property for recreational vessels under 500 gross tons.<sup>25</sup> This number does not include boats in marina storage within Port property. The map below shows Port Canaveral, including its marina district.<sup>26</sup>

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<sup>20</sup> Section 313.22(3), F.S.

<sup>21</sup> Section 313.22(1), F.S.

<sup>22</sup> Section 313.22(2), F.S.

<sup>23</sup> *Supra* note 20.

<sup>24</sup> Section 327.02(25), F.S.

<sup>25</sup> Email from Caitlin Lewis, Government Relations Manager, Canaveral Port Authority, to Senate Environment and Natural Resources Committee (Jan. 22, 2020), available at [http://www.flsenate.gov/Committees/Show/EN/MeetingPacket/4857/8671\\_MeetingPacket\\_4857.03.20.pdf](http://www.flsenate.gov/Committees/Show/EN/MeetingPacket/4857/8671_MeetingPacket_4857.03.20.pdf) on page 218-219 (last visited Jan. 22, 2021).

<sup>26</sup> *Supra* note 6.





## Marina Evacuations

### *Storm Condition Effects on Vessels and Marinas*

Hurricanes and storm conditions can include high winds, storm surges, wave action, and heavy rainfall.<sup>27</sup> These conditions can cause catastrophic damage to marinas and vessels. Vessels that are left in a marina during hurricane and storm conditions can lead to problems in the port, including the inability to secure docks, causing potential damage to infrastructure such as piers, and other harm to persons or property. Weather during a storm event can force a vessel into an obstruction, propel objects into the vessel, or sink or damage a boat.<sup>28</sup> A moored vessel can repeatedly collide with a stationary dock, leading to damage to both the vessel and dock. Storm surges can even lift entire floating docks above their pilings or knock boats off their cradles.<sup>29</sup>

Vessels left in the harbor can also pose navigational issues and cause problems and delays in clearing channels. However, boater preparedness education and preparation can reduce the loss of property for both the vessel owner and others.<sup>30</sup> To this end, marinas and ports have an interest in requiring vessel owners to secure their vessels during a storm to prevent damage to persons or property.

### *Safe Haven*

Some marina docking contracts contain “safe haven” or “hurricane” clauses. These clauses provide that, when a hurricane watch is issued, boat owners shall immediately remove their vessels and all personal property from the marina and seek safe haven somewhere else. Failure to comply with this requirement, according to the clauses, will result in the boat owner being liable for all damage to docks, piers, other vessels, or any other property damage directly caused by the owner's vessel or resulting from its presence in the marina.<sup>31</sup>

<sup>27</sup> UF/IFAS, *Hurricane Manual for Marine Interest*, available at [https://sfyl.ifas.ufl.edu/media/sfylifasufledu/miami-dade/documents/disaster-preparation/hurricane-and-disaster/HurricaneManual1-\(2\).pdf](https://sfyl.ifas.ufl.edu/media/sfylifasufledu/miami-dade/documents/disaster-preparation/hurricane-and-disaster/HurricaneManual1-(2).pdf).

<sup>28</sup> *Id.*; Florida Keys National Marine Sanctuary, *Protect your Boat in a Hurricane: Making a Plan (Part I)*, <https://floridakeys.noaa.gov/whatsnew/around/2015/boathurricane1.html> (last visited Jan. 22, 2021).

<sup>29</sup> *Id.*

<sup>30</sup> *Supra* note 27.

<sup>31</sup> Mercante, James, *Hurricanes and Act of God: When the Best Defense is a Good Offense*, 18 U.S.F. MAR. L.J. (2006).

### ***Marina Evacuation Statute***

Florida enacted a law designed to prevent marinas from using safe haven clauses as a basis for recovering their property damage from vessel owners after a hurricane.<sup>32</sup> Florida law emphasizes the protection of life over property by prohibiting marinas from requiring vessel owners to remove their vessels from a marina following the issuance of a hurricane watch or warning.<sup>33</sup>

However, after a tropical storm or hurricane watch has been issued, a marina owner or operator, or their employee or agent, may take reasonable actions to further secure a vessel within the marina to minimize damage to the vessel and to protect marina property, private property, and the environment.<sup>34</sup> The owner or operator may charge a reasonable fee for such services.<sup>35</sup> A marina owner may include this in a contractual agreement with a vessel owner.<sup>36</sup> Marina owners are not able to be held liable for damage to a vessel from a storm or hurricane, but may be liable for damage due to intentional acts or negligence when removing or securing a vessel.<sup>37</sup>

*Burklow & Associates, Inc. v. Belcher* is the only Florida state court decision that specifically mentions Florida's marina evacuation statute.<sup>38</sup> A marina owner sued owners of 16 stored vessels for damages allegedly caused by the vessel owners' failure to move their vessels after a hurricane warning was issued as was required by their marina contracts.<sup>39</sup> The court upheld the state statute and found that the vessel owners had no duty, contractually or otherwise, to move their vessels following the issuance of a hurricane watch or warning.<sup>40</sup> The court's analysis pointed to the clear legislative policy "to ensure that protecting lives and safety of vessel owners is placed before interests of protecting property" when a hurricane approaches.<sup>41</sup>

### **Hurricane Season Port Conditions and Categories**

Port conditions are set by the Coast Guard Captain of the Port of a sector, or regulated area. Port conditions are explained in the table below.<sup>42</sup> "Gale force winds" mean winds of 34 knots or 39 miles per hour.

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<sup>32</sup> Ch. 93-211, s. 22, Laws of Fla. (creating s. 327.59, F.S.).

<sup>33</sup> Section 327.59(1), F.S.

<sup>34</sup> Ch. 2006-309, s. 2, Laws of Fla. (creating s. 327.59(2), F.S., effective Jul. 1, 2006).

<sup>35</sup> *Id.*

<sup>36</sup> Ch. 2006-309, s. 2, Laws of Fla. (creating s. 327.59(3), F.S., effective Jul. 1, 2006).

<sup>37</sup> Ch. 2006-309, s. 2, Laws of Fla. (creating s. 327.59(4), F.S., effective Jul. 1, 2006).

<sup>38</sup> 719 So.2d 31 (Fla. Dist. Ct. App. 1998).

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> 33 C.F.R. s. 165.720; 33 C.F.R. 165.781; see also Brazos Pilots Association, *Hurricane Season Port Conditions and Categories*, available at <http://www.brazospilots.com/Hurricane-Season.pdf>.

Port Condition	Storm Status	Port Status
Whiskey	Gale force winds are predicted to arrive within 72 hours	Open to all commercial and recreational traffic
X-Ray	Gale force winds are predicted to arrive within 48 hours	Open to all commercial and recreational traffic
Yankee	Gale force winds are predicted to arrive within 24 hours	Closed to inbound traffic and vessel traffic control measures in effect on vessel movements within the port
Zulu	Gale force winds are predicted to arrive within 12 hours	Closed to all inbound and outbound traffic
Recovery	The storm is no longer a threat to the area, but response and recovery operations may be in progress to address damage.	Reopened to outbound traffic at completion of port survey; vessel traffic control measures remain in effect on vessel movements within the port

### III. Effect of Proposed Changes:

The bill amends s. 327.59, F.S., to prohibit, upon the issuance of a hurricane watch that affects the waters of marinas located in a deepwater seaport, vessels under 500 gross tons from remaining in the waters of such marinas that have been deemed not suitable for refuge during a hurricane.

The bill requires that vessel owners promptly remove their vessels from the waterways upon issuance of an evacuation order by the deepwater seaport. If the Coast Guard Captain of the Port sets the port condition to “Yankee” and a vessel owner has failed to remove his or her vessel from the waterway, a marina owner, operator, employee, or agent, regardless of any existing contractual provisions between the marina owner and vessel owner, is required to remove the vessel, or cause the vessel to be removed, if reasonable, from its slip. The marina owner may charge the vessel owner a reasonable fee for the service of removing the vessel.

The bill provides that a marina owner, operator, employee, or agent may not be held liable for any damage incurred to the vessel from a hurricane and is held harmless from removing the vessel from the waterways. However, the bill does not provide immunity to the marina owner, operator, employee, or agent for any damage caused by intentional acts or negligence when removing a vessel.

The bill provides that after a hurricane watch has been issued, if an owner or operator of a vessel has not removed the vessel pursuant to an order from the seaport, the owner or operator may be subject to a fine, which must be imposed and collected by the deepwater seaport that issued the evacuation order. The amount of the fine may not exceed three times the cost associated with removing the vessel from the waterway.

The bill takes effect on July 1, 2021.

**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:**

Vessel owners may incur increased costs from moving their vessel pursuant to a movement order, from fees charged by a marina owner for the service of moving a vessel, or due to penalties incurred from noncompliance with a movement order.

**C. Government Sector Impact:**

Ports may see a positive fiscal impact due to increased collection of penalties from vessel owners that do not comply with a movement order and cost savings associated with prevention of damage to port facilities and infrastructure.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 327.59 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

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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.

---

By Senator Wright

14-00622-21

2021578\_\_

A bill to be entitled

An act relating to marina evacuations; amending s. 327.59, F.S.; prohibiting vessels under a specified weight from remaining in certain marinas that have been deemed unsuitable for refuge during a hurricane after the issuance of a hurricane watch; requiring a marina owner, operator, employee, or agent to remove specified vessels under certain circumstances; providing that such owner, operator, employee, or agent may charge the vessel owner a reasonable fee for such removal and may not be held liable for any damages as a result of such removal; providing construction; providing that the owners or operators of certain vessels may be subject to a fine that the deepwater seaport issuing an evacuation order is required to impose and collect; providing an effective date.

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

Section 1. Subsection (1) of section 327.59, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

327.59 Marina evacuations.—

(1) Except as provided in this section ~~After June 1, 1994,~~ marinas may not adopt, maintain, or enforce policies pertaining to evacuation of vessels which require vessels to be removed from marinas following the issuance of a hurricane watch or warning, in order to ensure that protecting the lives and safety

Page 1 of 3

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

14-00622-21

2021578\_\_

of vessel owners is placed before interests of protecting property.

(5) Upon the issuance of a hurricane watch affecting the waters of marinas located in a deepwater seaport, vessels under 500 gross tons may not remain in the waters of such marinas that have been deemed not suitable for refuge during a hurricane. Vessel owners shall promptly remove their vessels from the waterways upon issuance of an evacuation order by the deepwater seaport. If the United States Coast Guard captain of the port sets the port condition to "Yankee" and a vessel owner has failed to remove a vessel from the waterway, the marina owner, operator, employee, or agent, regardless of any existing contractual provisions between the marina owner and the vessel owner, shall remove the vessel, or cause the vessel to be removed, if reasonable, from its slip and may charge the vessel owner a reasonable fee for any such services rendered. A marina owner, operator, employee, or agent may not be held liable for any damage incurred to a vessel from a hurricane and is held harmless as a result of such actions to remove the vessel from the waterways. Nothing in this section may be construed to provide immunity to a marina owner, operator, employee, or agent for any damage caused by intentional acts or negligence when removing a vessel pursuant to this section. After the hurricane watch has been issued, the owner or operator of any vessel that has not been removed from the waterway of the marina, pursuant to an order from the deepwater seaport, may be subject to a fine, which must be imposed and collected by the deepwater seaport that issued the evacuation order if assessed, in an amount not exceeding three times the cost associated with

Page 2 of 3

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

14-00622-21

2021578\_\_

59 removing the vessel from the waterway.

60 Section 2. This act shall take effect July 1, 2021.

**YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM**

**THE FLORIDA SENATE**

**APPEARANCE RECORD**

02/16/2021

*Meeting Date*

578

*Bill Number (if applicable)*

Topic Marina Evacuations

*Amendment Barcode (if applicable)*

Name Michael Rubin

Job Title VP Government Affairs

Address 502 East Jefferson Street

Phone 850-222-8028

*Street*

Tallahassee

FL

32301

Email mike.rubin@flaports.org

*City*

*State*

*Zip*

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Ports Council

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)



YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/15/2021

Meeting Date

578

Bill Number (if applicable)

Topic Marina Evacuations

Amendment Barcode (if applicable)

Name Robert Stuart

Job Title Government Consultant

Address 301 S Bronough Street

Phone 850-577-9090

Street

Tallahassee

FL

32301

Email robert.stuart@gray-robinson.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Canaveral Port Authority

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

2/16/2021

Meeting Date

578

Bill Number (if applicable)

Topic Marina Evacuations

Amendment Barcode (if applicable)

Name Bonnie Basham

Job Title \_\_\_\_\_

Address 10797 Wadesboro Rd

Phone 850-933-7277

Street

Tallahassee

FL

32317

City

State

Zip

Email capital.idea@att.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Boat Owners of the United States (BoatUS)

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 738

INTRODUCER: Senator Baxley

SUBJECT: Bicycle Operation Regulations

DATE: February 16, 2021

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	<b>Favorable</b>
2.			CA	
3.			RC	

---

## I. Summary:

SB 738 amends a current prohibition against a person operating a bicycle other than upon or astride a permanent and regular attached seat, providing that the prohibition applies unless the bicycle was designed by the manufacturer to be ridden without a seat. Under the bill, a person riding a bicycle manufactured without a seat would not be subject to an existing penalty for a violation of the prohibition.

The bill is expected to present an unknown but likely insignificant negative fiscal impact to state and local revenues, and an insignificant positive fiscal impact to riders of bicycles manufactured to be ridden without a seat. See Section V., Fiscal Impact Statement, for details.

The bill takes effect July 1, 2021.

## II. Present Situation:

While the “traditional” bicycle that comes to mind may be of the two-tandem-wheel variety with an attached seat, other devices generally recognized as bicycles, such as elliptical bicycles, may be sold with two tandem wheels or with two front or two rear wheels<sup>1</sup> and may be manufactured *without* an attached seat for a rider’s use. For these, no seat is attached by the manufacturer, as the rider stands while propelling the bicycle by human power.

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<sup>1</sup> See *Bicycling, Take Your Low-Impact Workout Outside with an Elliptical Bike*, to view examples of three differently-configured elliptical bikes, available at <https://www.bicycling.com/bikes-gear/g23895814/elliptical-bike/> (retrieved February 3, 2021).

## Attached Bicycle Seats

### *Florida Bicycle Law*

Section 316.003(4), F.S., defines the term “bicycle” to mean “every vehicle<sup>2</sup> propelled solely by human power, having two tandem wheels, *and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.*<sup>3</sup> The term does not include a scooter or similar device.” An elliptical bicycle, for example, appears to meet the definition.

Section 316.2065(2), F.S., however, prohibits a person operating a bicycle from riding *other than upon or astride a permanent and regular seat attached thereto.*<sup>4</sup> At least one rider has reportedly been cited for a violation of this provision while riding an elliptical bicycle.<sup>5</sup>

Section 316.2065(19), F.S., provides that a violation of that section is a noncriminal traffic infraction, which is punishable as a pedestrian violation, and subjects a violator to a \$15 penalty,<sup>6</sup> plus court costs, portions of which are distributed monthly to various entities and trust funds.<sup>7</sup>

### *California Bicycle Law*

Research identifies one other state, California,<sup>8</sup> with a statute that includes the same prohibition against riding other than upon or astride a permanent and regular seat attached to the bicycle, but *also* provides an exception when the bicycle was designed by the manufacturer to be ridden without a seat.

While use of elliptical bicycles may not be as prevalent as use of “traditional” bicycles, elliptical bicycles are readily available on the market. However, a person operating an elliptical bicycle is explicitly in violation of current Florida law if the bicycle has no attached seat for the rider’s use.

## III. Effect of Proposed Changes:

The bill amends s. 316.2065(2), F.S., to require a person operating a bicycle to ride upon or astride a permanent and regular attached seat, unless the bicycle was designed by the manufacturer to be ridden without a seat. Thus, under the bill, persons riding a bicycle manufactured to be ridden without a seat will no longer be subject to the \$15 penalty.

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<sup>2</sup> The term “vehicle” is defined in s. 316.003(103), F.S., as “every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except personal delivery devices, mobile carriers, and devices used exclusively upon stationary rails or tracks.”

<sup>3</sup> Emphasis added.

<sup>4</sup> Emphasis added.

<sup>5</sup> See email to committee staff, January 29, 2020 (on file in the Senate Transportation Committee).

<sup>6</sup> Section 318.18(1)(b), F.S.

<sup>7</sup> Revenues for a violation of the current prohibition against riding other than on or astride a seat attached to a bicycle are distributed monthly in portions specified in s. 318.21, F.S., to various local entities (such as court clerks, and counties and municipalities in which a violation occurs) and various state trust funds (such as the Child Welfare Training Trust Fund, Grants and Donations Trust Fund, and Emergency Medical Services Trust Fund).

<sup>8</sup> See California Vehicle Code, VEH s. 21204.

**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:**

An insignificant positive fiscal impact is expected for riders of bicycles manufactured to be ridden without a seat, as such riders would no longer be subject to the applicable penalty.

**C. Government Sector Impact:**

The number of citations previously issued for violations of the prohibition is unknown; thus, the extent of any reduction to state and local revenues resulting from the exception provided under the bill is unknown. However, any revenue reduction is likely insignificant.

The Florida Department of Highway Safety and Motor Vehicles advises it will incur insignificant expenses associated with updating the Florida Driver's Handbook and training law enforcement personnel on the bill's provisions.<sup>9</sup>

**VI. Technical Deficiencies:**

None.

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<sup>9</sup> See email to committee staff, February 4, 2021 (on file in the Senate Transportation Committee).

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends s. 316.2065 of the Florida Statutes:

**IX. Additional Information:**

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

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

None.

**B. Amendments:**

None.

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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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By Senator Baxley

12-01100-21

2021738\_\_

A bill to be entitled

An act relating to bicycle operation regulations;  
amending s. 316.2065, F.S.; providing an exception to  
the requirement that a person operating a bicycle ride  
upon or astride a seat attached thereto; providing an  
effective date.

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

Section 1. Subsection (2) of section 316.2065, Florida  
Statutes, is amended to read:

316.2065 Bicycle regulations.—

(2) A person operating a bicycle may not ride other than  
upon or astride a permanent and regular seat attached thereto  
unless the bicycle was designed by the manufacturer to be ridden  
without a seat.

Section 2. This act shall take effect July 1, 2021.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

16 Feb 2021  
Meeting Date

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

SB 738  
Bill Number (if applicable)

Topic Bicycle Operation Regulations - Transportation  
Name Diego Echeverri  
Amendment Barcode (if applicable)

Job Title Legislative Liaison

Address 200 W College Ave  
Street

TLH  
City State Zip

Phone \_\_\_\_\_

Email decheverri@afp-hq.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Americans For Prosperity

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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



February 16, 2021

**VIA EMAIL**

Senator Gayle Harrell, Chair  
Florida State Senate  
Committee on Transportation  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Dear Chairwoman Harrell and Honorable Transportation Committee Members:

On behalf of the members of Cruise Lines International Association (CLIA), we respectfully provide the following views to the Senate Transportation Committee regarding seaport regulation in Florida and SB 426, "An act relating to state preemption of seaport regulations." We appreciate your time and consideration of CLIA's views.

As background, CLIA is the world's largest cruise industry trade association, providing a unified voice and leading authority of the global cruise community. On behalf of the industry, together with its members and partners, the organization supports policies and practices that foster a secure, healthy, and sustainable cruise ship environment, as well as promote positive travel experiences for the more than 30 million passengers who cruise annually. The CLIA community includes the world's most prestigious ocean, river, and specialty cruise lines; a highly trained and certified travel agent community; and cruise line suppliers and partners, including ports and destinations, ship development services, suppliers, and business services. The organization's global headquarters is in Washington, DC, with regional offices located in North and South America, Europe, Asia, and Australasia.

The cruise industry is vital to Florida's economy. Pre-pandemic, the industry contributed more than \$9 billion in direct spending on an annual basis and supported 159,000 jobs, representing more than \$8 billion in total wages and salaries, and impacting nearly all segments of the economy. As a result of the cruise suspension that began in March 2020, the projected economic losses for Florida amount to \$5.64 billion, including the loss of 91,450 jobs and \$4.44 billion in wages through March 2021.

In 2019, 8.3 million passengers boarded cruises from one of Florida's five cruise ports, accounting for 60 percent of U.S. embarkations. Onshore visits in Florida totaled just over 1.2 million, with Key West accounting for approximately 80 percent of the total port of call visits across all Florida ports. Including homeport and transit calls, cruising at Florida ports generated an estimated 11 million passenger and crew onshore visits in 2019, accounting for 47 percent of all passenger and crew onshore visits in the United States. These visits produced an estimated \$1.4 billion in passenger and crew onshore spending, or nearly \$124 per passenger and crewmember onshore visit. Florida is not only the center for cruise originations, but is also

Florida Senate Committee on Transportation  
February 16, 2021  
Page 2

home to the headquarters of Carnival Corporation & plc., Royal Caribbean Group, Norwegian Cruise Line Holdings, and other cruise lines.

CLIA cruise lines place a high priority on building and maintaining strong relationships with communities in Florida. As such, cruise line members strive to collaborate with cruise port communities. Cruise ports throughout Florida are also critical partners of the cruise lines. CLIA and its cruise line members maintain close relationships with Florida ports and highly value collaboration with them to achieve our mutual interests regarding sustainable, safe, and efficient cruise operations. These efforts deliver substantial economic benefits for Florida ports and the surrounding communities.

CLIA recognizes and supports the critical principle at the heart of SB 426. We consistently advocate for the need for maritime commerce to be subject to a uniform regulatory framework instead of a patchwork of conflicting restrictions in each municipality. We understand Florida ports have raised concerns with the scope of SB 426 and potential unintended consequences.

The State of Florida and the U.S. federal government have unique, comprehensive, and uniform regulations to address public health and safety, rendering a disparate set of public health requirements by municipalities unworkable. Regarding the COVID-19 pandemic, CLIA and its members are working with the Centers for Disease Control and Prevention (CDC) on a framework to resume operations that represents some of the most stringent requirements in the travel and tourism sector. This includes strong contingency plans to minimize burden on a destination's local medical facilities should there be a positive case of COVID, including prearranged response logistics involving transportation and medical facilities.

Cruise lines are at the forefront in developing responsible environmental practices, leading by example for the world's shipping industry. Worldwide, the cruise industry has invested more than \$23.5 billion in ships with new technologies and cleaner fuels to reduce air emissions and achieve greater energy efficiencies. CLIA cruise lines made a global fleet-wide commitment in December 2018 to reduce the rate of carbon emissions by 40% by 2030 compared to 2008 levels.

Florida has the distinction of being known as the cruise capitol of the world. Regrettably, it now also has the distinction of being the only cruise state in the country where cruises to a popular transit port have been unjustifiably banned. It is our view that this should be remedied to assert Florida's preeminent interests in ensuring that municipalities do not take unilateral action to shut down the state's maritime commerce.

Florida Senate Committee on Transportation  
February 16, 2021  
Page 3

Thank you again for your consideration of CLIA's position on this important matter.

Sincerely,

A handwritten signature in cursive script that reads "Kelly Craighead". The signature is written in dark ink on a light-colored rectangular background.

Kelly Craighead  
President & CEO  
Cruise Lines International Association

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2-16-2021

Meeting Date

Bill Number (if applicable)

Topic Seaport Regulation

Amendment Barcode (if applicable)

Name Arlo Haskell

Job Title Founder

Address 716 Love Ln.  
Street

Phone 305-395-1899

Key West FL 33040  
City State Zip

Email arlohaskell@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Coalition of Florida Ports for Economic Independence

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

2.16.21  
Meeting Date

\_\_\_\_\_  
Bill Number (if applicable)

Topic Seaport Regulations Panel discussion

\_\_\_\_\_  
Amendment Barcode (if applicable)

Name Laura DiBella

Job Title Executive Director

Address 401 E. Virginia St, Upstairs

Phone 561.756.3132

Tallahassee FL 32301  
City State Zip

Email Laura@FloridaPilots.com

Speaking: ☒ For ☐ Against ☒ Information

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

Representing Florida Harbor Pilots Association

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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CS-001 (10/14/14)

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**THE FLORIDA SENATE**

**APPEARANCE RECORD**

02/16/2021

*Meeting Date*

*Bill Number (if applicable)*

Topic Seaport Regulation in Florida

*Amendment Barcode (if applicable)*

Name Michael Rubin

Job Title VP Governmental Affairs

Address 502 East Jefferson Street

Phone 850-222-8028

*Street*

Tallahassee

FL

32301

Email mike.rubin@flaports.org

*City*

*State*

*Zip*

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Florida Ports Council

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2/16/21  
Meeting Date

\_\_\_\_\_  
Bill Number (if applicable)

Topic Seaport Regulation

\_\_\_\_\_  
Amendment Barcode (if applicable)

Name Alan Richard

Job Title CAPTAIN / PROFESSOR

Address 333 BALL DRIVE  
Street

Phone 850-556-9955

TALLAHASSEE FL 32312  
City State Zip

Email asrichard@fsu.edu

Speaking: ☐ For ☐ Against ☒ Information

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

Representing N/A

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2/16/21

Meeting Date

SB 426

Bill Number (if applicable)

Topic SB 426 - Maritime Community

Name John Wells

Job Title Chairman

Address 281 Front St., Suite 202

Street

Key West

City

FL

State

33040

Zip

Phone 305/294-3288

Email jwells@caribenautical.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing CARIBE NAUTICAL SERVICES, INC

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

02/16/2021

Meeting Date

Bill Number (if applicable)

Topic Discussion of Seaport Regulation in Florida

Amendment Barcode (if applicable)

Name Warren Husband

Job Title

Address PO Box 10909

Street

Phone (850) 205-9000

Tallahassee

FL

32302

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Marquesas, LLC

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

# CourtSmart Tag Report

**Room:** EL 110

**Case No.:**

**Type:**

**Caption:** Senate Transportation Committee

**Judge:**

**Started:** 2/16/2021 3:30:28 PM

**Ends:** 2/16/2021 5:20:33 PM

**Length:** 01:50:06

3:30:28 PM Meeting called to order by Chair Harrell  
3:30:47 PM Roll call by CAA Marilyn Hudson  
3:30:57 PM Quorum present  
3:31:04 PM Comments from Chair Harrell  
3:32:01 PM Introduction of Tab 2, SB 422 by Chair Harrell  
3:32:15 PM Explanation of SB 422, Tampa Bay Area Regional Transit Authority by Senator Rouson  
3:33:21 PM Comments from Chair Harrell  
3:33:55 PM Closure waived  
3:33:59 PM Roll call by CAA  
3:34:04 PM SB 422 reported favorably  
3:34:16 PM Introduction of Tab 4, SB 738 by Chair Harrell  
3:34:41 PM Explanation of SB 738, Bicycle Operation Regulations by Senator Baxley  
3:35:28 PM Comments from Chair Harrell  
3:36:04 PM Closure waived  
3:36:06 PM Roll call by CAA  
3:36:12 PM SB 738 reported favorably  
3:36:28 PM Introduction of Tab 1, SB 380 by Chair Harrell  
3:36:53 PM Explanation of SB 380, Child Restraint Requirements by Senator Perry  
3:37:16 PM Comments from Chair Harrell  
3:37:34 PM Speaker Becker Holland, State Public Affairs Committee - Jr. League of Gainesville waives in support  
3:39:10 PM Speaker Dr. Nancy Lawther, Florida PTA  
3:40:11 PM Speaker Karen Morgan, AAA waives in support  
3:40:34 PM Speaker Mary Lynn Cullen, Advocacy Institute for Children waives in support  
3:40:55 PM David Cullen, Advocacy Institute for Children waives in support  
3:41:19 PM Latha Krishnaiyer, Broward County Council of PTA/PTSA waives in support  
3:41:53 PM Comments from Chair Harrell  
3:41:58 PM Senator Berman in debate  
3:42:13 PM Chair Harrell in debate  
3:42:34 PM Closure waived  
3:42:37 PM Roll call by CAA  
3:42:41 PM SB 380 reported favorably  
3:42:54 PM Introduction of Tab 3, SB 578 by Chair Harrell  
3:43:11 PM Explanation of SB 578, Marina Evacuations by Senator Wright  
3:44:19 PM Comments from Chair Harrell  
3:44:24 PM Question from Chair Harrell  
3:44:30 PM Response from Senator Wright  
3:44:40 PM Speaker Bonnie Basham, Boat Owners of the United States waives in support  
3:45:15 PM Robert Stuart, Canaveral Port Authority waives in support  
3:45:29 PM Michael Rubin, Florida Ports Council waives in support  
3:45:47 PM Comments from Chair Harrell  
3:45:57 PM Closure waived  
3:46:00 PM Roll call by CAA  
3:46:06 PM SB 578 reported favorably  
3:52:54 PM Fely Curva, Budd Bell Clearinghouse on Human Services waives in support  
3:54:09 PM Introduction of Speakers by Chair Harrell: Arlo Haskell, Laura DiBella, Michael Rubin, John Wells, Alan Richard  
3:55:53 PM Presentation by Mr. Arlo Haskell, Founder, Coalition of Florida Ports for Economic Independence  
4:00:23 PM Question from Chair Harrell  
4:00:28 PM Response from Mr. Haskell  
4:00:41 PM Continued presentation by Mr. Haskell  
4:00:56 PM Presentation by Ms. Laura DiBella, Executive Director, Florida Harbor Pilots Association  
4:06:55 PM Presentation by Mr. Michael Rubin, VP Governmental Affairs, Florida Ports Council

4:12:33 PM	Presentation by Mr. John Wells, Chairman, Caribe Nautical Services, Inc.
4:18:45 PM	Comments from Chair Harrell
4:18:53 PM	Presentation by Mr. Alan Richard, Captain/Professor
4:25:59 PM	Comments from Chair Harrell
4:26:14 PM	Question from Senator Rodriguez
4:26:34 PM	Response from Mr. Haskell
4:27:04 PM	Follow-up question from Senator Rodriguez
4:27:18 PM	Response from Mr. Haskell
4:27:49 PM	Question from Chair Harrell
4:27:55 PM	Response from Mr. Haskell
4:27:59 PM	Follow-up question from Chair Harrell
4:28:06 PM	Response from Mr. Haskell
4:28:32 PM	Question from Senator Perry
4:28:41 PM	Response from Mr. Haskell
4:29:07 PM	Follow-up question from Senator Perry
4:29:13 PM	Response from Mr. Haskell
4:29:36 PM	Follow-up question from Senator Perry
4:29:46 PM	Response from Mr. Haskell
4:30:29 PM	Follow-up question from Senator Perry
4:30:36 PM	Response from Mr. Haskell
4:31:24 PM	Follow-up question from Senator Perry
4:31:32 PM	Response from Mr. Haskell
4:32:25 PM	Follow-up question from Senator Perry
4:32:35 PM	Response from Mr. Haskell
4:32:51 PM	Follow-up question from Senator Perry
4:32:58 PM	Response from Mr. Haskell
4:33:22 PM	Follow-up question from Senator Perry
4:33:30 PM	Response from Mr. Haskell
4:33:54 PM	Comments from Senator Perry
4:34:02 PM	Response from Mr. Haskell
4:34:27 PM	Question from Senator Perry
4:34:31 PM	Response from Mr. Rubin
4:35:31 PM	Follow-up question from Senator Perry
4:35:43 PM	Response from Mr. Rubin
4:36:52 PM	Question from Senator Perry
4:36:58 PM	Response from Mr. Haskell
4:37:32 PM	Comments from Senator Perry
4:38:34 PM	Comments from Chair Harrell
4:38:43 PM	Question from Senator Jones
4:38:52 PM	Response from Mr. Haskell
4:39:30 PM	Follow-up question from Senator Jones
4:39:48 PM	Response from Mr. Haskell
4:40:06 PM	Follow-up question from Senator Jones
4:40:12 PM	Response from Mr. Haskell
4:40:38 PM	Follow-up question from Senator Jones
4:40:44 PM	Response from Mr. Haskell
4:42:00 PM	Follow-up question from Senator Jones
4:42:11 PM	Response from Mr. Haskell
4:43:18 PM	Follow-up question from Senator Jones
4:43:25 PM	Response from Mr. Haskell
4:45:12 PM	Question from Senator Jones
4:45:37 PM	Response from Mr. Haskell
4:46:14 PM	Response from Mr. Wells
4:50:06 PM	Follow-up question from Senator Jones
4:50:16 PM	Response from Mr. Haskell
4:52:32 PM	Question from Senator Gainer
4:52:41 PM	Response from Mr. Wells
4:53:08 PM	Comments from Senator Gainer
4:53:28 PM	Response from Mr. Wells
4:54:03 PM	Question from Senator Rodriguez
4:54:10 PM	Response from Mr. Haskell
4:55:14 PM	Question from Chair Harrell

<b>4:55:23 PM</b>	Response from Mr. Richard
<b>4:56:54 PM</b>	Follow-up question from Chair Harrell
<b>4:57:02 PM</b>	Response from Mr. Richard
<b>4:58:15 PM</b>	Follow-up question from Chair Harrell
<b>4:58:23 PM</b>	Response from Mr. Richard
<b>4:59:31 PM</b>	Response from Mr. Haskell
<b>5:00:46 PM</b>	Response from Mr. Richard
<b>5:01:25 PM</b>	Comments from Chair Harrell
<b>5:01:34 PM</b>	Response from Mr. Richard
<b>5:01:42 PM</b>	Comments from Chair Harrell
<b>5:01:49 PM</b>	Response from Mr. Richard
<b>5:01:57 PM</b>	Question from Chair Harrell
<b>5:02:02 PM</b>	Response from Mr. Richard
<b>5:03:13 PM</b>	Response from Mr. Haskell
<b>5:03:37 PM</b>	Response from Mr. Wells
<b>5:04:30 PM</b>	Warren Husband, Marquesas, LLC
<b>5:05:13 PM</b>	Comments from Chair Harrell
<b>5:05:45 PM</b>	Closing comments from Mr. Richard
<b>5:07:33 PM</b>	Closing Comments from Mr. Wells
<b>5:08:50 PM</b>	Closing comments from Mr. Rubin
<b>5:11:06 PM</b>	Closing comments from Ms. DiBella
<b>5:14:13 PM</b>	Closing comments from Mr. Haskell
<b>5:18:28 PM</b>	Comments from Chair Harrell
<b>5:18:38 PM</b>	Senator Berman in the affirmative on SB 578
<b>5:19:00 PM</b>	Comments from Chair Harrell
<b>5:19:23 PM</b>	Senator Gainer moves to rise
<b>5:20:23 PM</b>	Meeting adjourned