

| | | | | | |
|--------------|---|--|--|--|--|
| Tab 1 | CS/SB 566 by BI, Perry; (Similar to H 00365) Motor Vehicle Rentals | | | | |
|--------------|---|--|--|--|--|

| | | | | | |
|--------------|--|--|--|--|--|
| Tab 2 | SB 950 by Book; (Similar to CS/H 00605) Bicycle and Pedestrian Safety | | | | |
|--------------|--|--|--|--|--|

| | | | | | |
|--------|---|---|-----|----------|--|
| 297958 | D | S | RCS | TR, Book | Delete everything after 03/30 04:56 PM |
|--------|---|---|-----|----------|--|

| | | | | | |
|--------------|--|--|--|--|--|
| Tab 3 | SB 1670 by Gainer; (Compare to CS/CS/H 00079) Outdoor Advertising | | | | |
|--------------|--|--|--|--|--|

| | | | | | |
|--------|---|---|-----|------------|--|
| 282822 | D | S | RCS | TR, Gainer | Delete everything after 03/30 04:56 PM |
|--------|---|---|-----|------------|--|

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Harrell, Chair
Senator Perry, Vice Chair

MEETING DATE: Tuesday, March 30, 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 | CS/SB 566 Banking and Insurance / Perry (Similar H 365, Compare H 785, S 708) | Motor Vehicle Rentals; Specifying the applicable sales tax rate on motor vehicle leases and rentals by motor vehicle rental companies and peer-to-peer car-sharing programs; specifying applicability of the surcharge; specifying motor vehicle insurance requirements for peer-to-peer car-sharing programs; providing exemptions from vicarious liabilities for peer-to-peer car-sharing programs and shared vehicle owners, etc. BI 03/16/2021 Temporarily Postponed BI 03/24/2021 Fav/CS TR 03/30/2021 Favorable AP | Favorable Yeas 8 Nays 0 |
| 2 | SB 950 Book (Similar CS/H 605) | Bicycle and Pedestrian Safety; Revising and providing requirements for the driver of a motor vehicle overtaking a bicycle or other nonmotorized vehicle, an electric bicycle, or a pedestrian; requiring the Department of Highway Safety and Motor Vehicles to provide an awareness campaign, and include information in certain educational materials, regarding certain safety precautions; exempting a motor vehicle driver from certain provisions relating to no-passing zones when overtaking a bicycle or other nonmotorized vehicle, an electric bicycle, or a pedestrian; revising requirements for vehicles turning at intersections; prohibiting persons riding bicycles in a bicycle lane from riding more than two abreast, etc. TR 03/30/2021 Fav/CS ATD AP | Fav/CS Yeas 8 Nays 0 |

COMMITTEE MEETING EXPANDED AGENDA

Transportation

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

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|--|---|-------------------------|
| 3 | SB 1670 Gainer (Compare CS/CS/H 79, CS/S 184) | Outdoor Advertising; Expanding the duties of the Division of Emergency Management to include the identification and maintenance of an inventory of available digital outdoor advertising structures capable of providing messaging to the public during declared states of emergency; requiring the Department of Transportation to include details for each sign permit issued by the department in a publicly accessible database, etc. TR 03/30/2021 Fav/CS MS AP | Fav/CS Yeas 7 Nays 0 |

| TAB | OFFICE and APPOINTMENT (HOME CITY) | FOR TERM ENDING | COMMITTEE ACTION |
|---|------------------------------------|-----------------|------------------------------------|
| Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated. | | | |
| Florida Transportation Commission | | | |
| 4 | Browning, John P., Jr. (Putnam) | 09/30/2023 | Recommend Confirm Yeas 6 Nays 0 |

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 566

INTRODUCER: Banking and Insurance Committee and Senator Perry

SUBJECT: Motor Vehicle Rentals

DATE: March 30, 2021

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|-----------------------------|-----------------------------|-----------|-----------------------------|
| 1. | <u>Arnold</u> | <u>Knudson</u> | <u>BI</u> | Fav/CS |
| 2. | <u>Proctor</u> | <u>Vickers</u> | <u>TR</u> | Favorable |
| 3. | <u> </u> | <u> </u> | <u>AP</u> | <u> </u> |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 566 establishes insurance and operational requirements for peer-to-peer car-sharing programs (programs). Under the bill, peer-to-peer car-sharing is the authorized use of a motor vehicle by an individual other than the vehicle's owner through a peer-to-peer car-sharing program that connects motor vehicle owners with drivers for financial consideration.

The bill applies the existing six percent tax that applies to lease or rental of motor vehicles to peer-to-peer car-sharing programs. The bill exempts a motor vehicle rental or lease with a duration of less than 24 hours and a peer-to-peer car-sharing program agreement from the existing rental car surcharge of \$2 per day. The bill imposes a reduced surcharge of \$1 per day on a motor vehicle rental or lease with a duration of less than 24 hours and on a peer-to-peer car-sharing program agreement.

The bill requires that the program ensure that during the car-sharing period, the shared vehicle owner (owner) and shared vehicle driver (driver) are insured to at least the minimum statutory requirements for property damage liability, bodily injury liability, personal injury protection, and uninsured motorist coverage. The program must assume liability for damages that may occur during the car-sharing period in amounts that may not be less than the minimum statutory liability coverage requirements for bodily injury, property damage, personal injury protection, and uninsured motorist, with exceptions. The bill provides that programs and owners are exempt from vicarious liability consistent with federal law.

The bill also requires a program to:

- Keep and retain specified records;
- Provide notice to owners and drivers of the rates of the program contract, the programs' right to seek indemnification and make defenses, the fact that a shared vehicle owner's motor vehicle liability insurance may exclude coverage for a shared vehicle, conditions under which the shared vehicle driver must maintain insurance, and an emergency telephone number for roadside assistance and customer service inquiries;
- Require that drivers have a current, valid driver license or be otherwise authorized to drive;
- Have sole responsibility for equipment put in or on the shared vehicle to monitor or facilitate the peer-to-peer car-sharing transaction; and
- Verify shared vehicles have been repaired pursuant to any safety recalls, provide notice the owner of recalls, and remove vehicles from the program that have not been repaired.

The bill takes effect January 1, 2022.

II. Present Situation:

Motor Vehicle Rentals

Section 322.38, F.S., provides driver license-related requirements for renting a motor vehicle to another person. A person may not rent a motor vehicle to any other person unless the other person is duly licensed in Florida or, if a nonresident, is licensed under the laws of the state or country of his or her residence, except a nonresident whose home state or country does not require that an operator be licensed. Prior to the rental, the rentee must inspect the driver license of the person to whom the vehicle is to be rented and verify that the driver license is unexpired.

Every person renting a motor vehicle to another is required to keep a record of the registration number of the motor vehicle, the name and address of the person to whom the vehicle is rented, the number of the license of the renter, and the place where the license was issued. The record must be open to inspection by any police officer, or officer or employee of the Department Highway Safety and Motor Vehicles.

If a rental car company rents a motor vehicle to a person through digital, electronic, or other means which allows the renter to obtain possession of the motor vehicle without direct contact with an agent or employee of the rental car company, or if the renter does not execute a rental contract at the time he or she takes possession of the vehicle, the rental car company is deemed to have met the above obligations when the rental car company, at the time the renter enrolls in a membership program, master agreement, or other means of establishing use of the rental car company's services, or any time thereafter, requires the renter to verify that he or she is duly licensed and that the license is unexpired.

Peer-to-Peer Car-sharing

Car owners interested in sharing their vehicles can register as a host on a peer-to-peer car-sharing program's website.¹ Car-sharing programs require photos of the car and help the owner

¹ Turo, Getaround, and Drift are examples of car-sharing programs.

determine a rental fee based on the location and type of car. The host then specifies the car's availability. The host may choose to have the car picked up at his or her house, deliver the vehicle, or have it picked up at an airport. Hosts typically receive between 65 and 75 percent of the fees. Payments are typically through direct deposit.²

Guests also register with the car-sharing site. The car-sharing program will conduct a background check and review the guests' driving records before approving them. The process involves choosing an available car, reserving a pick-up date and time, and providing credit card information if it is not already on file. At the end of the sharing period, the guest replaces any consumed fuel before returning the car to its pickup location.³

One car-sharing website reports that its program has users in 56 countries in over 5,500 cities across the world. It also has over 850 makes and models of vehicles and offers up to \$1 million in liability insurance.⁴ In Florida, the same car-sharing program has over 611,000 residents signed up as guests and 23,000 hosts (of which 95 percent share two or fewer cars).⁵ The average trip duration is 4.4 days and the average host earns \$300 per month.⁶

Car-Sharing Service

“Car-sharing service” is a membership-based organization or business that requires the payment of an application or membership fee and provides member access to motor vehicles:

- Only at locations that are not staffed by car-sharing service personnel employed solely for the purpose of interacting with car-sharing service members;
- Twenty-four hours per day, seven days per week;
- Only through automated means, which may include, but are not limited to, smartphone applications or electronic membership cards;
- On hourly or shorter increments;
- Without a separate fee for refueling the motor vehicle;
- Without a separate fee for minimum financial responsibility liability insurance; and
- Owned or controlled by the car-sharing service or its affiliates.

Minimum Insurance Requirements for Motor Vehicles

Florida's Financial Responsibility Law of 1955⁷ provides financial security requirements for motor vehicle owners and operators whose responsibility it is to recompense others for injury to person or property caused by the operation of a motor vehicle.⁸ In combination with the Florida Motor Vehicle No-Fault Law,⁹ operators of motor vehicles with four or more wheels are required

² Russ Heaps, *The Good, Bad and Ugly of Peer-to-Peer Car-sharing*, Autotrader, (February 2015), available at <https://www.autotrader.com/car-shopping/good-bad-and-ugly-peer-peer-car-sharing-234961> (last visited March 12, 2021).

³ *Id.*

⁴ Turo, *About Turo*, available at <https://turo.com/about> (last visited March 12, 2021).

⁵ Florida House of Representatives Subcommittee on Transportation and Infrastructure, *HB 377 Staff Analysis* (February 5, 2020), <https://www.myfloridahouse.gov/Sections/Documents/loadaddoc.aspx?FileName=h0377a.TIS.DOCX&DocumentType=Analysis&BillNumber=0377&Session=2020> (last visited March 12, 2021).

⁶ *Id.*

⁷ Chapter 624, F.S.

⁸ Section 324.011, F.S.

⁹ Sections 627.730 – 627.7405, F.S.

to purchase minimum insurance coverages for property damage liability¹⁰ and personal injury protection.¹¹ Proof of such coverage is required only after an accident.¹²

Property damage liability (PD) coverage pays damages to the third-party's property caused by the insured or member of the insured's household up to policy limits. Florida law currently requires minimum PD coverage limits in the amount of \$10,000, or \$30,000 for a combined PD and bodily injury liability policy.¹³

Personal injury protection (PIP) coverage pays the reasonable expenses for necessary medical services, lost wages, replacement services, and a death benefit to the insured for damages incurred in an accident regardless of fault. PIP coverage extends beyond the insured to include household relatives, pedestrians, and passengers without PIP coverage. Florida law currently requires minimum PIP coverage limits in the amount of \$10,000 in the event of bodily injury to any one person who sustains an emergency medical condition,¹⁴ which is reduced to a \$2,500 limit for medical benefits if a treating medical provider does not determine an emergency medical condition existed.¹⁵ PIP coverage provides reimbursement for 80 percent of reasonable medical expenses, 60 percent of loss of income, and 100 of replacement services, for bodily injuries sustained in a motor vehicle accident, without regard to fault. PIP coverage also provides a \$5,000 death benefit.¹⁶

Liability for Motor Vehicle Lessors

Florida's Financial Responsibility Law of 1955 also provides liability limits applicable to rented and leased vehicles. Under a motor vehicle rental or lease agreement with a term of less than one year, the lessor is deemed the owner for the purpose of determining liability for the operation of the vehicle or the acts of the operator in connection therewith up to \$100,000 per person and \$300,000 per incident for bodily injury.¹⁷ The lessor is liable for property damage up to \$50,000.¹⁸

However, if the lessee or the operator of the motor vehicle is uninsured or has any insurance with limits less than \$500,000 combined PD and BI, the lessor is liable up to an additional \$500,000 in economic damages arising from the operation of the motor vehicle.¹⁹ This additional specified liability of the lessor for economic damages is reduced by amounts actually recovered from the lessee, from the operator, and from any insurance or self-insurance covering the lessee or operator.²⁰

¹⁰ Section 324.022, F.S.

¹¹ Section 627.733, F.S.

¹² Section 324.011, F.S.

¹³ Section 324.022(1), F.S.

¹⁴ Section 627.736(1), F.S.

¹⁵ Section 627.736(1)(a)(4), F.S.

¹⁶ Section 627.736(1)(c), F.S.

¹⁷ Section 324.021(9)(b)1, F.S.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

Additional Optional Insurance Coverages for Motor Vehicles

Bodily injury liability (BI) coverage pays for bodily injury expenses caused by the insured or members of the insured's household to third-party in an accident. This coverage pays economic damages, such as medical bills and lost wages, and non-economic damages, such as pain and suffering of the third-party, up to policy limits. This coverage also provides legal representation and attorney fees to the insured in the event of a lawsuit. A driver in compliance with the requirement to carry PIP coverage is not required to maintain BI, except that Florida law requires proof of ability to pay monetary damages in the amount of \$10,000 because of bodily injury to, or death of, one person in any one crash, and \$20,000 for bodily injury to, or death of, two or more persons in any one crash.²¹ Additionally, motor vehicle insurance policies providing BI must also provide uninsured motor coverage.²²

Uninsured motorist (UM) coverage pays the insured and passengers if injured by an uninsured or underinsured at-fault party. The coverage pays medical benefits and lost wages, and also covers pain and suffering damages. In Florida, UM is an optional coverage but must be offered up to the same limits as the insured has for BI.²³

Florida Sales and Use Tax and Motor Vehicle Rental Surcharges

The lease or rental of tangible personal property, including vehicles, is taxable.²⁴ When a motor vehicle is leased or rented in Florida for a period of less than 12 months, the entire amount of such rental is taxable at the rate of six percent²⁵ of the gross proceeds derived from the lease or rental.²⁶ A "lease or rental" is defined as the leasing or renting of tangible personal property and the possession or use of property by the lessee or renter for a consideration, without transfer of title.²⁷ The lessor is required to be registered as a dealer and to collect tax on the total amount of the lease or rental charges from the lessee.²⁸

Rule 12A-16.002(7), F.A.C., provides in pertinent part that "any person who has leased or rented a for hire passenger motor vehicle under the terms of a lease or rental agreement...and cannot prove that the rental car surcharge has been paid to the lessor or other person will be directly liable to the state for any surcharge, interest, or penalty due on such transaction." The lessee, therefore, is also liable for payment of the rental car surcharge if the lessor fails to collect.

Florida law imposes a surcharge²⁹ of \$2.00 per day, or any part of a day, upon the lease or rental of a "motor vehicle licensed for hire"³⁰ and designed to carry less than nine passengers,

²¹ Chapter 324.022, F.S.

²² Section 627.727(1), F.S.

²³ Section 627.727(2), F.S.

²⁴ Section 212.05(1), F.S.

²⁵ Discretionary county sales surtax, if any, is also owed if the six percent Florida state sales tax applies. *See* s. 212.054, F.S.

²⁶ Section 212.05(1)(c), F.S.

²⁷ Section 212.02(10)(g), F.S.

²⁸ Rule 12A-1.007(13)(a)1, F.A.C.

²⁹ The rental car surcharge is subject to sales and use tax. *See* s. 212.0606(1), F.S. and Rule 12A-16.002(6)(c), F.A.C.

³⁰ The term "for hire passenger motor vehicle" means any automobile designed to carry fewer than nine (9) passengers let or rented to another for consideration; offered for lease or rent as a means of transportation for compensation; advertised; or generally held out as being for lease or rent. The term "for hire passenger motor vehicle" does not include any motorcycle,

regardless of whether such motor vehicle is licensed in Florida.³¹ The surcharge applies to the first 30 days of the term of any lease or rental.³² Pursuant to Rule 12A-16.002(1)(b), F.A.C., “[e]ach person engaged in the business of leasing or renting for hire passenger motor vehicles is required to collect the rental car surcharge when the lease or rental payments are to be paid under the terms of the lease or rental agreement.” The term “person” includes “any individual, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit....”³³ The term “business” is defined to mean “any activity engaged in by any person, or caused to be engaged in by him or her, with the object or public gain, benefit, or advantage, either direct or indirect.”³⁴

The \$2.00 surcharge does not apply to rentals by a member of a car-sharing service when the motor vehicle is used for less than 24 hours.³⁵ Members of a car-sharing service who use a motor vehicle for less than 24 hours (pursuant to an agreement with the service) are required to pay a \$1.00 surcharge, per usage.³⁶ The term “car-sharing service” means a membership-based organization or business, or division thereof, which requires the payment of an application or membership fee and provides member access to motor vehicles:

- Only at locations that are not staffed by car-sharing service personnel employed solely for the purpose of interacting with car-sharing service members;
- Twenty-four hours per day, 7 days per week;
- Only through automated means, including, but not limited to, smartphone applications or electronic membership cards;
- On an hourly basis or for a shorter increment of time;
- Without a separate fee for refueling the motor vehicle;
- Without a separate fee for minimum financial responsibility liability insurance; and
- Owned or controlled by the car-sharing service or its affiliates.³⁷

80 percent of the proceeds of this surcharge are deposited in the State Transportation Trust Fund, 15.75 percent of the proceeds of this surcharge are deposited in the Tourism Promotional Trust Fund, and 4.25 percent of the proceeds of this surcharge are deposited in the Florida International Trade and Promotion Trust Fund.

The surcharge deposited in the State Transportation Trust Fund is allocated on an annual basis in the Department of Transportation’s work program to each department district, except the Turnpike District. The amount allocated to each district must be based on the amount of surcharge attributed to the counties within each respective district.³⁸

moped, truck, truck trailer, travel trailer, camping trailer, recreational vehicle with living facilities, or van conversion. See Rule 12A-16.002(2)(c), F.A.C.

³¹ Section 212.0606(1), F.S.

³² *Id.*

³³ Section 212.02(12), F.S.

³⁴ Section 212.02(2), F.S.

³⁵ Rule 12A-16.002(3), F.A.C.

³⁶ Section 212.0606(2), F.S.

³⁷ *Id.*

³⁸ *Id.*

The surcharge deposited in the Tourism Promotional Trust Fund must be used to support the authorized activities and operations and the tourism promotion and marketing activities, services, functions, and programs administered by Enterprise Florida, Inc.,³⁹ and the surcharge deposited into the Florida International Trade and Promotion Trust Fund must be used for the operation of Enterprise Florida, Inc.⁴⁰

III. Effect of Proposed Changes:

Section 1 amends s. 212.05, F.S., to subject the lease or rental of a motor vehicle by a peer-to-peer car-sharing program to the six percent sales tax on of the gross proceeds derived from the lease or rental of a motor vehicle.

Section 2 amends s. 212.0606, F.S., to exempt a motor vehicle rental or lease with a duration of less than 24 hours and a peer-to-peer car-sharing program agreement from the existing rental car surcharge of \$2 per day.

The bill moves the existing definition for “car-sharing service” to the definitions subsection and provides the following definitions.

- “Motor vehicle rental company” means an entity that is in the business of providing motor vehicles to the public under a rental agreement for financial consideration.
- “Peer-to-peer car-sharing program” has the same meaning as in s. 627.7483(1), F.S.

These entities or business platforms are required to collect the rental car surcharge.

The bill requires a peer-to-peer car-sharing-program to report to the Department of Revenue surcharge collections and surcharge revenues as attributable to the county corresponding to the car-sharing start time.

Section 3 creates s. 627.7483, F.S., to establish insurance and operational requirements for peer-to-peer car-sharing programs.

Definitions

The bill provides the following definitions:

- “Car-sharing delivery period” means the period of time during which a shared vehicle is being delivered to the location of the car-sharing start time, if applicable, as documented by the governing peer-to-peer car-sharing program agreement.
- “Car-sharing period” means the period of time that commences either at the car-sharing delivery period or, if there is no car-sharing delivery period, at the car-sharing start time and that ends at the car-sharing termination time.
- “Car-sharing start time” means the time when the shared vehicle is under the control of the shared vehicle driver, which time occurs at or after the time the reservation of the shared vehicle is scheduled to begin, as documented in the records of a peer-to-peer car-sharing program.
- “Car-sharing termination time” means the earliest of the following:

³⁹ Section 288.122, F.S.

⁴⁰ Section 288.826, F.S.

- The expiration of the agreed-upon period established for the use of a shared vehicle according to the terms of the peer-to-peer car-sharing program agreement, if the shared vehicle is delivered to the location agreed upon in the peer-to-peer car-sharing program agreement;
- The time the shared vehicle is returned to a location as alternatively agreed upon by the shared vehicle owner and shared vehicle driver, as communicated through a peer-to-peer car-sharing program, which alternatively agreed-upon location must be incorporated into the peer-to-peer car-sharing program agreement; or
- The time the shared vehicle owner takes possession and control of the shared vehicle.
- “Peer-to-peer car-sharing” or “car-sharing” means the authorized use of a motor vehicle by an individual other than the vehicle’s owner through a peer-to-peer car-sharing program. The term does not include the use of a for-hire vehicle as defined in s. 320.01(15), ridesharing as defined in s. 341.031(9), F.S., a carpool as defined in s. 450.28(3), F.S., or the use of a motor vehicle under an agreement for a car-sharing service as defined in s. 212.0606(1), F.S.
- “Peer-to-peer car-sharing program” means a business platform that enables peer-to-peer car-sharing by connecting motor vehicle owners with drivers for financial consideration. For the purposes of this section, the term does not include a rental car company, a car-sharing service as defined in s. 212.0606(1), F.S., a taxicab association, the owner of a for-hire vehicle as defined in s. 320.01(15), F.S., or a service provider that is solely providing hardware or software as a service to a person or an entity that is not effectuating payment of financial consideration for use of a shared vehicle.
- “Peer-to-peer car-sharing program agreement” means the terms and conditions established by the peer-to-peer car-sharing program which are applicable to a shared vehicle owner and a shared vehicle driver and which govern the use of a shared vehicle through a peer-to-peer car-sharing program. For the purposes of this section, the term does not include a rental agreement or an agreement for a for-hire vehicle as defined in s. 320.01(15), F.S., or for a car-sharing service as defined in s. 212.0606(1), F.S.
- “Shared vehicle” means a motor vehicle that is available for sharing through a peer-to-peer car-sharing program. For the purposes of this section, the term does not include a rental car, a for-hire vehicle as defined in s. 320.01(15), F.S., or a motor vehicle used for ridesharing as defined in s. 341.031(9), F.S., for carpool as defined in s. 450.28(3), F.S., or for car-sharing service as defined in s. 212.0606(1), F.S. “Shared vehicle driver” means an individual who is authorized by the shared vehicle owner to drive the shared vehicle under the peer-to-peer car-sharing program agreement.
- “Shared vehicle driver” means an individual who has been authorized by the shared vehicle owner to drive the shared vehicle under the peer-to-peer car-sharing program agreement.
- “Shared vehicle owner” means the registered owner, or a natural person or an entity designated by the registered owner, of a motor vehicle made available for sharing to shared vehicle drivers through a peer-to-peer car-sharing program. For the purposes of this section, the term does not include an owner of a for-hire vehicle as defined in s. 320.01(15), F.S.

Insurance Requirements, Liability***Insurance Coverage Requirements***

A peer-to-peer car-sharing program must ensure that the shared vehicle owner and shared vehicle driver have a motor vehicle insurance policy that provides all of the following during the car-sharing period:

- Property damage liability coverage in the amount of at least \$10,000 as required under s. 324.022, F.S.;
- Bodily injury liability coverage in the amount of at least \$10,000 for bodily injury to, or death of, one person in any one crash or in the amount of at least \$20,000 for bodily injury to, or death of, two or more persons in any one crash as specified in s. 324.021(7)(a) and (b), F.S.;
- Personal injury protection benefits in the amount of at least \$10,000⁴¹ for medical and disability benefits and in the amount of at least \$5,000 for death benefits required under s. 627.736, F.S.; and
- Uninsured and underinsured vehicle coverage in the amount equal to bodily injury limits as required under s. 627.727, F.S.

The peer-to-peer car-sharing program must also ensure that the motor vehicle insurance policy:

- Recognizes that the shared vehicle insured under the policy is made available and used through a peer-to-peer car-sharing program; and
- Does not exclude the use of a shared vehicle by a shared vehicle driver.

These insurance requirements may be satisfied by a motor vehicle insurance policy maintained by:

- A shared vehicle owner;
- A shared vehicle driver;
- A peer-to-peer car-sharing program; or
- A combination of a shared vehicle owner, a shared vehicle driver, and a peer-to-peer car-sharing program.

A motor vehicle insurance policy maintained by a shared vehicle owner, shared vehicle driver, peer-to-peer car-sharing program, or a combination of a shared vehicle owner, shared vehicle driver, and peer-to-peer car-sharing program, is primary during each peer-to-peer car-sharing period.

If a claim occurs during the car-sharing period in another state with higher minimum financial responsibility limits requiring under ch. 324, F.S., the minimum insurance requirements under the peer-to-peer car-sharing program satisfy the difference in minimum coverage amounts up to the applicable policy limits.

If insurance maintained by a shared vehicle owner or shared vehicle driver lapses or does not provide the required coverage, the insurance maintained by the peer-to-peer car-sharing program must provide the required coverage beginning with the first dollar of a claim and must defend

⁴¹ Personal injury protection reimbursement medical benefits are limited to \$2,500 if specified medical providers determine the injured person did not have an emergency medical condition.

such claim, with the exceptions discussed below. Coverage under a motor vehicle insurance policy maintained by the peer-to-peer car-sharing program may not be dependent on another motor vehicle insurer first denying a claim, and another motor vehicle insurance policy is not required to first deny a claim.

Notwithstanding any other law to the contrary, a peer-to-peer car-sharing program has an insurable interest in a shared vehicle during the peer-to-peer car-sharing period. This interest does not create liability for a network for maintaining the required coverage.

A peer-to-peer car-sharing program may own and maintain as the named insured one or more policies of motor vehicle insurance which provide coverage for:

- Liabilities assumed by the peer-to-peer car-sharing program under a peer-to-peer car-sharing program agreement;
- Liability of the shared vehicle owner;
- Liability of the shared vehicle driver;
- Damage or loss to the shared motor vehicle; or
- Damage, loss, or injury to persons or property to satisfy the personal injury protection and uninsured and underinsured motorist coverage requirements of this section.

When the required insurance is maintained by a peer-to-peer car-sharing program, the motor vehicle insurance policy may be provided by an insurer authorized to do business in this state which is a member of the Florida Insurance Guaranty Association or by an eligible surplus lines insurer that has a superior, excellent, exceptional, or equivalent financial strength rating by a rating agency acceptable to the Office of Insurance Regulation of the Financial Services Commission. A peer-to-peer car-sharing program is not transacting in insurance when it maintains this insurance.

Liability

A peer-to-peer car-sharing program assumes liability, with stated exclusions, of a shared vehicle owner for bodily injury or property damage to third parties or uninsured and underinsured motorist or personal injury protection losses during the peer-to-peer car-sharing period in amounts stated in the peer-to-peer car-sharing program agreement. Such amounts may not be less than those set forth in:

- s. 324.021(7)(a) and (b), F.S.: Bodily injury liability coverage in the amount of at least \$10,000 for bodily injury to, or death of, one person in any one crash or in the amount of at least \$20,000 for bodily injury to, or death of, two or more persons in any one crash;
- s. 324.022, F.S.: Property damage liability coverage in the amount of at least \$10,000;
- s. 627.727, F.S.: Uninsured and underinsured vehicle coverage in the amount equal to bodily injury limits; and
- s. 627.736, F.S.: Personal injury protection benefits in the amount of at least \$10,000 for medical and disability benefits and in the amount of at least \$5,000 for death benefits.

This assumption of liability does not apply if a shared vehicle owner:

- Makes an intentional or fraudulent material misrepresentation or omission to the peer-to-peer car-sharing program before the peer-to-peer car-sharing period in which the loss occurs; or
- Acts in concert with a shared vehicle driver who fails to return the shared vehicle pursuant to the terms of the peer to-peer car-sharing program agreement.

The insurer, insurers, or peer-to-peer car-sharing program assumes primary liability for a claim when it is providing, in whole or in part, the minimal insurance discussed above and:

- A dispute exists as to who was in control of the shared motor vehicle at the time of the loss and the peer-to-peer car-sharing program does not have available, did not retain, or fails to provide the required rental information; or
- A dispute exists over whether the shared vehicle was returned to the alternatively agreed-upon location as required in the peer-to-peer car-sharing program agreement.

The shared vehicle owner's insurer must indemnify the peer-to-peer car-sharing program to the extent of the insurer's obligation, if any, under the applicable insurance policy, if it is determined that the shared vehicle owner was in control of the shared motor vehicle at the time of the loss.

Vicarious Liability

A peer-to-peer car-sharing program and a shared vehicle owner are exempt from vicarious liability consistent with 49 U.S.C. s. 30106 (2005) under any state or local law that imposes liability solely based on vehicle ownership.

Exclusions

An authorized insurer that writes motor vehicle liability insurance in this state may exclude any coverage and the duty to defend or indemnify for any claim afforded under a shared vehicle owner's motor vehicle insurance policy, including, but not limited to:

- Liability coverage for bodily injury and property damage;
- Personal injury protection coverage;
- Uninsured and underinsured motorist coverage;
- Medical payments coverage;
- Comprehensive physical damage coverage; and
- Collision physical damage coverage.

This provision does not invalidate or limit any exclusion contained in a motor vehicle insurance policy, including any insurance policy in use or approved for use, which excludes coverage for motor vehicles made available for rent, sharing, hire, or for any business use. This provision also does not invalidate, limit, or restrict an insurer from underwriting, canceling, or nonrenewing an insurance policy as available under existing law.

Contribution Against Indemnification

A shared vehicle owner's motor vehicle insurer that defends or indemnifies a claim against a shared vehicle which is excluded under the terms of its policy has the right to seek contribution against the motor vehicle insurer of the peer-to-peer car-sharing program, if the claim is made

against the shared vehicle owner or the shared vehicle driver for loss or injury that occurs during the peer-to-peer car-sharing period and excluded under the terms of its policy.

Notification of Implications of a Lien

At the time a motor vehicle owner registers as a shared vehicle owner on a peer-to-peer car-sharing program and before the shared vehicle owner may make a shared vehicle available for peer-to-peer car-sharing on the peer-to-peer car-sharing program, the peer-to-peer car-sharing program must notify the shared vehicle owner that, if the shared vehicle has a lien against it, the use of the shared vehicle through a peer-to-peer car-sharing program, including use without physical damage coverage, may violate the terms of the contract with the lienholder.

Recordkeeping

A peer-to-peer car-sharing program must:

- Collect and verify records pertaining to the use of a shared vehicle, including, but not limited to, the times used, fees paid by the shared vehicle driver, and revenues received by the shared vehicle owner.
- Retain these records for a period of not less than the applicable personal injury statute of limitations.
- Provide the information contained in the records upon request to the shared vehicle owner, the shared vehicle owner's insurer, or the shared vehicle driver's insurer to facilitate a claim coverage investigation.

Consumer Protections

Disclosures

Each peer-to-peer car-sharing program agreement made in this state must disclose to the shared vehicle owner and the shared vehicle driver:

- Any right of the peer-to-peer car-sharing program to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss resulting from a breach of the terms and conditions of the peer-to-peer car-sharing program agreement;
- That a motor vehicle insurance policy issued to the shared vehicle owner for the shared vehicle or to the shared vehicle driver does not provide a defense or indemnification for any claim asserted by the peer-to-peer car-sharing program;
- That the peer-to-peer car-sharing program's insurance coverage on the shared vehicle owner and the shared vehicle driver is in effect only during each peer-to-peer car-sharing period and that, for any use of the shared vehicle by the shared vehicle driver after the peer-to-peer car-sharing termination time, the shared vehicle driver and the shared vehicle owner may not have insurance coverage;
- The daily rate and, if applicable, any insurance or protection package costs that are charged to the shared vehicle owner or the shared vehicle driver;
- That the shared vehicle owner's motor vehicle liability insurance may exclude coverage for a shared vehicle;
- An emergency telephone number of the personnel capable of fielding calls for roadside assistance and other customer service inquiries; and

- Any conditions under which a shared vehicle driver must maintain a personal motor vehicle insurance policy with certain applicable coverage limits on a primary basis in order to book a shared vehicle.

Driver License Verification and Retention

A peer-to-peer car-sharing program may not enter into a peer-to-peer car-sharing program agreement with a driver unless the driver holds a valid driver license or is otherwise specifically authorized by the Department of Highway Safety and Motor Vehicles to drive vehicles of the class of the shared vehicle.

A peer-to-peer car-sharing program must keep a record of:

- The name and address of the shared vehicle driver;
- The driver license number of the shared vehicle driver and of any other person who will operate the shared vehicle; and
- The place of issuance of the driver license.

Responsibility for Equipment

The bill provides that a peer-to-peer car-sharing program has sole responsibility for any equipment that is put in or on the shared vehicle to monitor or facilitate the peer-to-peer car-sharing transaction, including a GPS system. The peer-to-peer car-sharing program must indemnify and hold harmless the shared vehicle owner for any damage to or theft of such equipment during the peer-to-peer car-sharing period which is not caused by the shared vehicle owner. The peer-to-peer car-sharing program may seek indemnity from the shared vehicle driver for any damage to or loss of such equipment which occurs outside of the peer-to-peer car-sharing period.

Motor Vehicle Safety Recalls

At the time a motor vehicle owner registers as a shared vehicle owner on a peer-to-peer car-sharing program and before the shared vehicle owner may make a shared vehicle available for peer-to-peer car-sharing on the peer-to-peer car-sharing program, the peer-to-peer car-sharing program must:

- Verify that the shared vehicle does not have any safety recalls on the vehicle for which the repairs have not been made; and
- Notify the shared vehicle owner that:
 - A shared vehicle may not be made available on the peer-to-peer car-sharing program if the vehicle is subject to a safety recall and the required repairs have not been made.
 - If the shared vehicle owner receives an actual notice of a safety recall while the shared vehicle is in the possession of a shared vehicle driver, the owner must notify the peer-to-peer car-sharing program about the safety recall as soon as practicably possible so that the owner may address the safety recall repair.

Construction

The bill does not limit:

- The liability of a peer-to-peer car-sharing program for any act or omission of the peer-to-peer car-sharing program which results in bodily injury to a person as a result of the use of a shared vehicle through peer-to-peer car-sharing; or
- The ability of a peer-to-peer car-sharing program to seek, by contract, indemnification from the shared vehicle owner or the shared vehicle driver for economic loss resulting from a breach of the terms and conditions of the peer-to-peer car-sharing program agreement.

Section 4 provides an effective date of January 1, 2022.

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:

The bill does not appear to impose or raise a state tax or fee in violation of Article VII, section 19 of the Florida Constitution, as leases or rented motor vehicles licensed for hire are currently subject to sales tax under s. 212.05, F.S., and a rental car surcharge under s. 212.0606, F.S. The Florida Constitution defines the term “fee” to mean “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”⁴² The Florida Constitution defines the term “raise” to mean “to increase or authorize an increase in the rate of a state tax or fee imposed on a percentage or per mill basis; to increase or authorize an increase in the amount of a state tax or fee imposed on a flat or fixed amount basis; or to decrease or eliminate a state tax or fee exemption or credit.”⁴³

The bill’s inclusion of motor vehicle rental companies and peer-to-peer car-sharing programs as subcategories of motor vehicle lease or rental arrangements currently subject to state sales tax and rental car surcharges, neither imposes a fee on an industry not currently subject to state sales tax or rental car surcharges under the section nor raises a fee on an industry currently subject to state sales tax or rental car surcharges under the section. Accordingly, the bill does not appear to trigger the requirement for a separate bill

⁴² Fla. Const. art. VII, s. 19(d)(1) (2019).

⁴³ Fla. Const. art. VII, s. 19(d)(2) (2019).

for the consideration of the rental surcharge provision subject to a 2/3 vote by each chamber of the Legislature.⁴⁴

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill applies the existing six percent sales tax on motor vehicle rentals under s. 212.05, F.S., to a peer-to-peer car-sharing program agreement.

The bill exempts a motor vehicle rental or lease with a duration of less than 24 hours and a peer-to-peer car-sharing program agreement from the existing rental car surcharge of \$2 per day under s. 212.0606, F.S.

The bill imposes a reduced surcharge of \$1 per day under s. 212.0606, F.S., on a motor vehicle rental or lease with a duration of less than 24 hours and on a peer-to-peer car-sharing program agreement.

B. Private Sector Impact:

Peer-to-peer car-sharing programs will be responsible for collecting and remitting the six percent sales tax on motor vehicle rentals under s. 212.05, F.S., and collecting the \$1 per day rental car surcharge under s. 212.0606, F.S.

Motor vehicle rental companies will be responsible for collecting the \$1 per day rental car surcharge on rentals and leases with a duration of less than 24 hours.

Peer-to-peer car-sharing programs will be responsible for reporting surcharge collections and surcharge revenues as attributable to the county corresponding to the car-sharing start time.

C. Government Sector Impact:

The revenue impact of the bill has not yet been estimated by the Revenue Estimating Conference; however, the bill may have an indeterminate negative fiscal impact on revenues deposited into the State Transportation Trust Fund, the Tourism Promotional Trust Fund, and the Florida International Trade and Promotion Trust Fund due to a reduction in rental car surcharges.

VI. Technical Deficiencies:

None.

⁴⁴ See Fla. Const. art. VII, s. 19(a),(b) (2019).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 212.05 and 212.0606.

This bill creates section 627.7483 of the Florida Statutes.

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

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

CS by Banking and Insurance on March 24, 2021:

The committee substitute makes the following changes to the underlying bill:

- Exempts all peer-to-peer car-sharing programs and those motor vehicle leases and rentals with a duration of less than 24 hours from the existing \$2 per day surcharge;
- Imposes a reduced \$1 per day surcharge on all peer-to-peer car-sharing programs and those motor vehicle leases and rentals with a duration of less than 24 hours;
- Requires that the peer-to-peer car-sharing program report surcharge collections and surcharge revenues as attributable to the county corresponding to the car-sharing start time;
- Requires the alternatively agreed-upon location for returning the vehicle to be incorporated into the peer-to-peer car-sharing agreement;
- Provides that Florida's minimum insurance requirements for peer-to-peer car-sharing programs satisfy the difference in coverage requirements in another state with higher minimum insurance requirements;
- Requires the insurer, insurers, or peer-to-peer car-sharing program that satisfies the minimum insurance requirements to assuming primary liability for the claim under certain conditions;
- Preserves an insurer's authority to underwrite, cancel, or nonrenew an insurance policy under current law;
- Removes applicable fees as a requirements disclosure items in a peer-to-peer car-sharing program agreement; and
- Additional technical and conforming changes.

B. Amendments:

None.

By the Committee on Banking and Insurance; and Senator Perry

597-03307-21

2021566c1

1 A bill to be entitled
 2 An act relating to motor vehicle rentals; amending s.
 3 212.05, F.S.; specifying the applicable sales tax rate
 4 on motor vehicle leases and rentals by motor vehicle
 5 rental companies and peer-to-peer car-sharing
 6 programs; amending s. 212.0606, F.S.; defining terms;
 7 specifying the applicable surcharge on motor vehicle
 8 leases and rentals by motor vehicle rental companies
 9 and peer-to-peer car-sharing programs; specifying
 10 applicability of the surcharge; requiring motor
 11 vehicle rental companies and peer-to-peer car-sharing
 12 programs to collect specified surcharges; creating s.
 13 627.7483, F.S.; defining terms; specifying motor
 14 vehicle insurance requirements for peer-to-peer car-
 15 sharing programs; providing that peer-to-peer car-
 16 sharing programs have an insurable interest in shared
 17 vehicles during specified periods; providing
 18 construction; authorizing peer-to-peer car-sharing
 19 programs to own and maintain certain motor vehicle
 20 insurance policies; requiring peer-to-peer car-sharing
 21 programs to assume certain liability; providing
 22 exceptions; providing for the assumption of primary
 23 liability for claims when certain disputes exist;
 24 requiring shared vehicle owners' insurers to indemnify
 25 peer-to-peer car-sharing programs under certain
 26 circumstances; providing exemptions from vicarious
 27 liabilities for peer-to-peer car-sharing programs and
 28 shared vehicle owners; authorizing motor vehicle
 29 insurers to exclude specified coverages under certain

Page 1 of 21

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

597-03307-21

2021566c1

30 circumstances; providing construction related to
 31 exclusions; authorizing specified insurers to seek
 32 recovery against motor vehicle insurers of peer-to-
 33 peer car-sharing programs under certain circumstances;
 34 requiring peer-to-peer car-sharing programs to provide
 35 certain information to shared vehicle owners regarding
 36 liens; specifying recordkeeping, record retention, and
 37 record-sharing requirements for peer-to-peer car-
 38 sharing programs; specifying disclosure requirements
 39 for peer-to-peer car-sharing program agreements;
 40 specifying driver license verification and data
 41 retention requirements for peer-to-peer car-sharing
 42 programs; providing that peer-to-peer car-sharing
 43 programs have sole responsibility for certain
 44 equipment in or on a shared vehicle; providing for
 45 indemnification regarding such equipment; specifying
 46 requirements for peer-to-peer car-sharing programs
 47 relating to safety recalls on a shared vehicle;
 48 providing construction; providing an effective date.

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

51
 52 Section 1. Paragraph (c) of subsection (1) of section
 53 212.05, Florida Statutes, is amended to read:

54 212.05 Sales, storage, use tax.—It is hereby declared to be
 55 the legislative intent that every person is exercising a taxable
 56 privilege who engages in the business of selling tangible
 57 personal property at retail in this state, including the
 58 business of making mail order sales, or who rents or furnishes

Page 2 of 21

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

597-03307-21

2021566c1

any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(c) At the rate of 6 percent of the gross proceeds derived from the lease or rental of tangible personal property, as defined herein; however, the following special provisions apply to the lease or rental of motor vehicles and to peer-to-peer car-sharing programs:

1. When a motor vehicle is leased or rented by a motor vehicle rental company or through a peer-to-peer car-sharing program as those terms are defined in s. 212.0606(1) for a period of less than 12 months:

a. If the motor vehicle is rented in Florida, the entire amount of such rental is taxable, even if the vehicle is dropped off in another state.

b. If the motor vehicle is rented in another state and dropped off in Florida, the rental is exempt from Florida tax.

2. Except as provided in subparagraph 3., for the lease or rental of a motor vehicle for a period of not less than 12 months, sales tax is due on the lease or rental payments if the vehicle is registered in this state; provided, however, that no tax shall be due if the taxpayer documents use of the motor vehicle outside this state and tax is being paid on the lease or rental payments in another state.

3. The tax imposed by this chapter does not apply to the

597-03307-21

2021566c1

lease or rental of a commercial motor vehicle as defined in s. 316.003(13) (a) to one lessee or rentee for a period of not less than 12 months when tax was paid on the purchase price of such vehicle by the lessor. To the extent tax was paid with respect to the purchase of such vehicle in another state, territory of the United States, or the District of Columbia, the Florida tax payable shall be reduced in accordance with the provisions of s. 212.06(7). This subparagraph shall only be available when the lease or rental of such property is an established business or part of an established business or the same is incidental or germane to such business.

Section 2. Section 212.0606, Florida Statutes, is amended to read:

212.0606 Rental car surcharge.—

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

(a) "Car-sharing service" means a membership-based organization or business, or division thereof, which requires the payment of an application fee or a membership fee and provides member access to motor vehicles:

1. Only at locations that are not staffed by car-sharing service personnel employed solely for the purpose of interacting with car-sharing service members;

2. Twenty-four hours per day, 7 days per week;

3. Only through automated means, including, but not limited to, a smartphone application or an electronic membership card;

4. On an hourly basis or for a shorter increment of time;

5. Without a separate fee for refueling the motor vehicle;

6. Without a separate fee for minimum financial responsibility liability insurance; and

597-03307-21

2021566c1

7. Owned or controlled by the car-sharing service or its affiliates.

(b) "Motor vehicle rental company" means an entity that is in the business of providing, for financial consideration, motor vehicles to the public under a rental agreement.

(c) "Peer-to-peer car-sharing program" has the same meaning as in s. 627.7483(1).

(2) Except as provided in subsections (3), (4), and (5) ~~subsection (2)~~, a surcharge of \$2 per day or any part of a day is imposed upon the lease or rental by a motor vehicle rental company of a motor vehicle that is licensed for hire and designed to carry fewer than nine passengers, regardless of whether the motor vehicle is licensed in this state, for financial consideration and without transfer of the title of the motor vehicle. The surcharge is imposed regardless of whether the lease or rental occurs in person or through digital means. The surcharge applies to only the first 30 days of the term of a lease or rental and must be collected by the motor vehicle rental company. The surcharge is subject to all applicable taxes imposed by this chapter.

(3) A surcharge of \$1 per day or any part of a day is imposed upon each peer-to-peer car-sharing program agreement involving a shared vehicle that is registered in this state and designed to carry fewer than nine passengers for financial consideration and without transfer of the title of the shared vehicle. If the duration of the car-sharing period for a peer-to-peer car-sharing program agreement subject to the surcharge established pursuant to this section is less than 24 hours, the applicable surcharge will be \$1 per usage. The surcharge applies

597-03307-21

2021566c1

to the first 30 days only of a car-sharing period for any peer-to-peer car-sharing program agreement to which the surcharge applies and must be collected by the peer-to-peer car-sharing program. The surcharge is subject to all applicable taxes imposed by this chapter.

(4) A surcharge of \$1 per usage is imposed upon the lease or rental for less than 24 hours by a motor vehicle rental company of a motor vehicle that is licensed for hire and designed to carry fewer than nine passengers, regardless of whether the motor vehicle is licensed in this state, for financial consideration and without transfer of the title of the motor vehicle. The surcharge is imposed regardless of whether the lease or rental occurs in person or through digital means. The surcharge is subject to all applicable taxes imposed by this chapter.

(5) ~~(2)~~ A member of a car-sharing service who uses a motor vehicle as described in subsection (2) ~~(1)~~ for less than 24 hours pursuant to an agreement with the car-sharing service shall pay a surcharge of \$1 per usage. A member of a car-sharing service who uses the same motor vehicle for 24 hours or more shall pay a surcharge of \$2 per day or any part of a day as provided in subsection (2) ~~(1)~~. The car-sharing service shall collect the surcharge. ~~For purposes of this subsection, the term "car-sharing service" means a membership-based organization or business, or division thereof, which requires the payment of an application or membership fee and provides member access to motor vehicles:~~

~~(a) Only at locations that are not staffed by car-sharing service personnel employed solely for the purpose of interacting~~

597-03307-21

2021566c1

175 ~~with car-sharing service members;~~

176 ~~(b) Twenty-four hours per day, 7 days per week;~~

177 ~~(c) Only through automated means, including, but not~~
 178 ~~limited to, smartphone applications or electronic membership~~
 179 ~~cards;~~

180 ~~(d) On an hourly basis or for a shorter increment of time;~~

181 ~~(e) Without a separate fee for refueling the motor vehicle;~~

182 ~~(f) Without a separate fee for minimum financial~~
 183 ~~responsibility liability insurance; and~~

184 ~~(g) Owned or controlled by the car-sharing service or its~~
 185 ~~affiliates.~~

186
 187 The surcharge imposed under this subsection does not apply to
 188 the lease, rental, or use of a motor vehicle from a location
 189 owned, operated, or leased by or for the benefit of an airport
 190 or airport authority.

191 (6) (a) (3) (a) Notwithstanding s. 212.20, and less the costs
 192 of administration, 80 percent of the proceeds of this surcharge
 193 shall be deposited in the State Transportation Trust Fund, 15.75
 194 percent of the proceeds of this surcharge shall be deposited in
 195 the Tourism Promotional Trust Fund created in s. 288.122, and
 196 4.25 percent of the proceeds of this surcharge shall be
 197 deposited in the Florida International Trade and Promotion Trust
 198 Fund. For the purposes of this subsection, the term "proceeds of
 199 this surcharge" ~~of the surcharge~~ means all funds collected and
 200 received by the department under this section, including
 201 interest and penalties on delinquent surcharges. The department
 202 shall provide the Department of Transportation rental car
 203 surcharge revenue information for the previous state fiscal year

597-03307-21

2021566c1

204 by September 1 of each year.

205 (b) Notwithstanding any other ~~provision of law~~, the
 206 proceeds deposited in the State Transportation Trust Fund shall
 207 be allocated on an annual basis in the Department of
 208 Transportation's work program to each department district,
 209 except the Turnpike District. The amount allocated to each
 210 district shall be based on the amount of proceeds attributed to
 211 the counties within each respective district.

212 (7) (a) (4) Except as provided in this section, the
 213 department shall administer, collect, and enforce the surcharges
 214 surcharge as provided in this chapter.

215 (b) (a) The department shall require a dealer or peer-to-
 216 peer car-sharing program dealers to report surcharge collections
 217 according to the county to which the surcharge was attributed.
 218 For purposes of this section, the surcharge shall be attributed
 219 to the county in which where the rental agreement was entered
 220 into, except that, for peer-to-peer car-sharing, the surcharge
 221 shall be attributable to the county corresponding to the
 222 location of the motor vehicle at the car-sharing start time.

223 (c) (b) A dealer or peer-to-peer car-sharing program that
 224 collects a Dealers who collect the rental car surcharge pursuant
 225 to this section shall report to the department all surcharge
 226 revenues attributed to the county where the rental agreement was
 227 entered into on a timely filed return for each required
 228 reporting period; except that, in the case of peer-to-peer car-
 229 sharing, the peer-to-peer car-sharing program shall report the
 230 applicable surcharge revenue attributed to the county
 231 corresponding to the location of the motor vehicle at the car
 232 sharing start time. The provisions of this chapter which apply

597-03307-21

2021566c1

to interest and penalties on delinquent taxes apply to the surcharge. The surcharge shall not be included in the calculation of estimated taxes pursuant to s. 212.11. The dealer's credit provided in s. 212.12 does not apply to any amount collected under this section.

~~(8)(5)~~ The surcharge imposed by this section does not apply to a motor vehicle or a shared vehicle provided at no charge to a person whose motor vehicle is being repaired, adjusted, or serviced by the entity providing the replacement motor vehicle.

Section 3. Section 627.7483, Florida Statutes, is created to read:

627.7483 Peer-to-peer car sharing; insurance requirements.-

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

(a) "Car-sharing delivery period" means the period of time during which a shared vehicle is being delivered to the location of the car-sharing start time, if applicable, as documented by the governing peer-to-peer car-sharing program agreement.

(b) "Car-sharing period" means the period of time that commences either at the car-sharing delivery period or, if there is no car-sharing delivery period, at the car-sharing start time and that ends at the car-sharing termination time.

(c) "Car-sharing start time" means the time when the shared vehicle is under the control of the shared vehicle driver, which time occurs at or after the time the reservation of the shared vehicle is scheduled to begin, as documented in the records of a peer-to-peer car-sharing program.

(d) "Car-sharing termination time" means the earliest of the following events:

1. The expiration of the agreed-upon period of time

597-03307-21

2021566c1

established for the use of a shared vehicle according to the terms of the peer-to-peer car-sharing program agreement if the shared vehicle is delivered to the location agreed upon in the peer-to-peer car-sharing program agreement;

2. The time the shared vehicle is returned to a location as alternatively agreed upon by the shared vehicle owner and shared vehicle driver, as communicated through a peer-to-peer car-sharing program, which alternatively agreed-upon location must be incorporated into the peer-to-peer car-sharing program agreement; or

3. The time the shared vehicle owner takes possession and control of the shared vehicle.

(e) "Peer-to-peer car sharing" or "car sharing" means the authorized use of a motor vehicle by an individual other than the vehicle's owner through a peer-to-peer car-sharing program. For the purposes of this section, the term does not include the renting of a motor vehicle through a rental car company, the use of a for-hire vehicle as defined in s. 320.01(15), ridesharing as defined in s. 341.031(9), a carpool as defined in s. 450.28(3), or the use of a motor vehicle under an agreement for a car-sharing service as defined in s. 212.0606(1).

(f) "Peer-to-peer car-sharing program" means a business platform that enables peer-to-peer car sharing by connecting motor vehicle owners with drivers for financial consideration. For the purposes of this section, the term does not include a rental car company, a car-sharing service as defined in s. 212.0606(1), a taxicab association, the owner of a for-hire vehicle as defined in s. 320.01(15), or a service provider that is solely providing hardware or software as a service to a

597-03307-21

2021566c1

person or an entity that is not effectuating payment of financial consideration for use of a shared vehicle.

(g) "Peer-to-peer car-sharing program agreement" means the terms and conditions established by the peer-to-peer car-sharing program which are applicable to a shared vehicle owner and a shared vehicle driver and which govern the use of a shared vehicle through a peer-to-peer car-sharing program. For the purposes of this section, the term does not include a rental agreement or an agreement for a for-hire vehicle as defined in s. 320.01(15) or for a car-sharing service as defined in s. 212.0606(1).

(h) "Shared vehicle" means a motor vehicle that is available for sharing through a peer-to-peer car-sharing program. For the purposes of this section, the term does not include a rental car, a for-hire vehicle as defined in s. 320.01(15), or a motor vehicle used for ridesharing as defined in s. 341.031(9), for a carpool as defined in s. 450.28(3), or for a car-sharing service as defined in s. 212.0606(1).

(i) "Shared vehicle driver" means an individual who has been authorized by the shared vehicle owner to drive the shared vehicle under the peer-to-peer car-sharing program agreement.

(j) "Shared vehicle owner" means the registered owner, or a natural person or an entity designated by the registered owner, of a motor vehicle made available for sharing to shared vehicle drivers through a peer-to-peer car-sharing program. For the purposes of this section, the term does not include an owner of a for-hire vehicle as defined in s. 320.01(15).

(2) INSURANCE COVERAGE REQUIREMENTS.-

(a)1. A peer-to-peer car-sharing program shall ensure that,

597-03307-21

2021566c1

during each car-sharing period, the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle insurance policy that provides all of the following:

a. Property damage liability coverage that meets the minimum coverage amounts required under s. 324.022.

b. Bodily injury liability coverage limits as described in s. 324.021(7)(a) and (b).

c. Personal injury protection benefits that meet the minimum coverage amounts required under s. 627.736.

d. Uninsured and underinsured vehicle coverage as required under s. 627.727.

2. The peer-to-peer car-sharing program shall also ensure that the motor vehicle insurance policy under subparagraph 1.:

a. Recognizes that the shared vehicle insured under the policy is made available and used through a peer-to-peer car-sharing program; or

b. Does not exclude the use of a shared vehicle by a shared vehicle driver.

(b)1. The insurance described under paragraph (a) may be satisfied by a motor vehicle insurance policy maintained by:

a. A shared vehicle owner;

b. A shared vehicle driver;

c. A peer-to-peer car-sharing program; or

d. A combination of a shared vehicle owner, a shared vehicle driver, and a peer-to-peer car-sharing program.

2. The insurance policy maintained in subparagraph 1. which satisfies the insurance requirements under paragraph (a) is primary during each car-sharing period. If a claim occurs during the car-sharing period in another state with minimum financial

597-03307-21

2021566c1

responsibility limits higher than those limits required under chapter 324, the coverage maintained under paragraph (a) satisfies the difference in minimum coverage amounts up to the applicable policy limits.

3.a. If the insurance maintained by a shared vehicle owner or shared vehicle driver in accordance with subparagraph 1. has lapsed or does not provide the coverage required under paragraph (a), the insurance maintained by the peer-to-peer car-sharing program must provide the coverage required under paragraph (a), beginning with the first dollar of a claim, and must defend such claim, except under circumstances as set forth in subparagraph (3) (a)2.

b. Coverage under a motor vehicle insurance policy maintained by the peer-to-peer car-sharing program must not be dependent on another motor vehicle insurer first denying a claim, and another motor vehicle insurance policy is not required to first deny a claim.

c. Notwithstanding any other law, statute, rule, or regulation to the contrary, a peer-to-peer car-sharing program has an insurable interest in a shared vehicle during the car-sharing period. This sub-subparagraph does not create liability for a peer-to-peer car-sharing program for maintaining the coverage required under paragraph (a) and under this paragraph, if applicable.

d. A peer-to-peer car-sharing program may own and maintain as the named insured one or more policies of motor vehicle insurance which provide coverage for:

(I) Liabilities assumed by the peer-to-peer car-sharing program under a peer-to-peer car-sharing program agreement;

597-03307-21

2021566c1

(II) Liability of the shared vehicle owner;
(III) Liability of the shared vehicle driver;
(IV) Damage or loss to the shared motor vehicle; or
(V) Damage, loss, or injury to persons or property to satisfy the personal injury protection and uninsured and underinsured motorist coverage requirements of this section.
e. Insurance required under paragraph (a), when maintained by a peer-to-peer car-sharing program, may be provided by an insurer authorized to do business in this state which is a member of the Florida Insurance Guaranty Association or an eligible surplus lines insurer that has a superior, excellent, exceptional, or equivalent financial strength rating by a rating agency acceptable to the office. A peer-to-peer car-sharing program is not transacting in insurance when it maintains the insurance required under this section.

(3) LIABILITIES AND INSURANCE EXCLUSIONS.—

(a) Liability.—

1. A peer-to-peer car-sharing program shall assume liability, except as provided in subparagraph 2., of a shared vehicle owner for bodily injury or property damage to third parties or uninsured and underinsured motorist or personal injury protection losses during the car-sharing period in an amount stated in the peer-to-peer car-sharing program agreement, which amount may not be less than those set forth in ss. 324.021(7) (a) and (b), 324.022, 627.727, and 627.736, respectively.

2. The assumption of liability under subparagraph 1. does not apply if a shared vehicle owner:

a. Makes an intentional or fraudulent material

597-03307-21

2021566c1

misrepresentation or omission to the peer-to-peer car-sharing program before the car-sharing period in which the loss occurs; or

b. Acts in concert with a shared vehicle driver who fails to return the shared vehicle pursuant to the terms of the peer-to-peer car-sharing program agreement.

3. The insurer, insurers, or peer-to-peer car-sharing program providing coverage under paragraph (2)(a) shall assume primary liability for a claim when:

a. A dispute exists over who was in control of the shared motor vehicle at the time of the loss, and the peer-to-peer car-sharing program does not have available, did not retain, or fails to provide the information required under subsection (5); or

b. A dispute exists over whether the shared vehicle was returned to the alternatively agreed-upon location as required under subparagraph (1)(d)2.

(b) Vicarious liability.—A peer-to-peer car-sharing program and a shared vehicle owner are exempt from vicarious liability consistent with 49 U.S.C. s. 30106 (2005) under any state or local law that imposes liability solely based on vehicle ownership.

(c) Exclusions in motor vehicle insurance policies.—An authorized insurer that writes motor vehicle liability insurance in this state may exclude any coverage and the duty to defend or indemnify for any claim under a shared vehicle owner's motor vehicle insurance policy, including, but not limited to:

1. Liability coverage for bodily injury and property damage;

597-03307-21

2021566c1

2. Personal injury protection coverage;

3. Uninsured and underinsured motorist coverage;

4. Medical payments coverage;

5. Comprehensive physical damage coverage; and

6. Collision physical damage coverage.

This paragraph does not invalidate or limit any exclusion contained in a motor vehicle insurance policy, including any insurance policy in use or approved for use which excludes coverage for motor vehicles made available for rent, sharing, or hire or for any business use. This paragraph does not invalidate, limit, or restrict an insurer's ability under existing law to underwrite, cancel, or nonrenew any insurance policy.

(d) Contribution against indemnification.—A shared vehicle owner's motor vehicle insurer that defends or indemnifies a claim against a shared vehicle which is excluded under the terms of its policy has the right to seek recovery against the motor vehicle insurer of the peer-to-peer car-sharing program if the claim is:

1. Made against the shared vehicle owner or the shared vehicle driver for loss or injury that occurs during the car-sharing period; and

2. Excluded under the terms of its policy.

(4) NOTIFICATION OF IMPLICATIONS OF LIEN.—At the time a motor vehicle owner registers as a shared vehicle owner on a peer-to-peer car-sharing program and before the shared vehicle owner may make a shared vehicle available for car sharing on the peer-to-peer car-sharing program, the peer-to-peer car-sharing

597-03307-21

2021566c1

program must notify the shared vehicle owner that, if the shared vehicle has a lien against it, the use of the shared vehicle through a peer-to-peer car-sharing program, including the use without physical damage coverage, may violate the terms of the contract with the lienholder.

(5) RECORDKEEPING.—A peer-to-peer car-sharing program shall:

(a) Collect and verify records pertaining to the use of a shared vehicle, including, but not limited to, the times used, car-sharing period pick up and drop off locations, and revenues received by the shared vehicle owner;

(b) Retain the records in paragraph (a) for a time period not less than the applicable personal injury statute of limitations; and

(c) Provide the information contained in the records in paragraph (a) upon request to the shared vehicle owner, the shared vehicle owner's insurer, or the shared vehicle driver's insurer to facilitate a claim coverage investigation, settlement, negotiation, or litigation.

(6) CONSUMER PROTECTIONS.—

(a) Disclosures.—Each peer-to-peer car-sharing program agreement made in this state must disclose to the shared vehicle owner and the shared vehicle driver:

1. Any right of the peer-to-peer car-sharing program to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss resulting from a breach of the terms and conditions of the peer-to-peer car-sharing program agreement.

2. That a motor vehicle insurance policy issued to the

597-03307-21

2021566c1

shared vehicle owner for the shared vehicle or to the shared vehicle driver does not provide a defense or indemnification for any claim asserted by the peer-to-peer car-sharing program.

3. That the peer-to-peer car-sharing program's insurance coverage on the shared vehicle owner and the shared vehicle driver is in effect only during each car-sharing period and that, for any use of the shared vehicle by the shared vehicle driver after the car-sharing termination time, the shared vehicle driver and the shared vehicle owner may not have insurance coverage.

4. The daily rate and, if applicable, any insurance or protection package costs that are charged to the shared vehicle owner or the shared vehicle driver.

5. That the shared vehicle owner's motor vehicle liability insurance may exclude coverage for a shared vehicle.

6. An emergency telephone number of the personnel capable of fielding calls for roadside assistance and other customer service inquiries.

7. Any conditions under which a shared vehicle driver must maintain a personal motor vehicle insurance policy with certain applicable coverage limits on a primary basis in order to book a shared vehicle.

(b) Driver license verification and data retention.—

1. A peer-to-peer car-sharing program may not enter into a peer-to-peer car-sharing program agreement with a driver unless the driver:

a. Holds a driver license issued under chapter 322 which authorizes the driver to drive vehicles of the class of the shared vehicle;

597-03307-21

2021566c1

b. Is a nonresident who:

(I) Holds a driver license issued by the state or country of the driver's residence which authorizes the driver in that state or country to drive vehicles of the class of the shared vehicle; and

(II) Is at least the same age as that required of a resident to drive; or

c. Is otherwise specifically authorized by the Department of Highway Safety and Motor Vehicles to drive vehicles of the class of the shared vehicle.

2. A peer-to-peer car-sharing program shall keep a record of:

a. The name and address of the shared vehicle driver;

b. The driver license number of the shared vehicle driver and each other person, if any, who will operate the shared vehicle; and

c. The place of issuance of the driver license.

(c) *Responsibility for equipment.*—A peer-to-peer car-sharing program has sole responsibility for any equipment that is put in or on the shared vehicle to monitor or facilitate the peer-to-peer car-sharing transaction, including a GPS system. The peer-to-peer car-sharing program shall indemnify and hold harmless the shared vehicle owner for any damage to or theft of such equipment during the car-sharing period which is not caused by the shared vehicle owner. The peer-to-peer car-sharing program may seek indemnity from the shared vehicle driver for any damage to or loss of such equipment which occurs during the car-sharing period.

(d) *Motor vehicle safety recalls.*—At the time a motor

597-03307-21

2021566c1

vehicle owner registers as a shared vehicle owner on a peer-to-peer car-sharing program and before the shared vehicle owner may make a shared vehicle available for car sharing on the peer-to-peer car-sharing program, the peer-to-peer car-sharing program must:

1. Verify that the shared vehicle does not have any safety recalls on the vehicle for which the repairs have not been made; and

2. Notify the shared vehicle owner that if the shared vehicle owner:

a. Has received an actual notice of a safety recall on the vehicle, he or she may not make a vehicle available as a shared vehicle on the peer-to-peer car-sharing program until the safety recall repair has been made.

b. Receives an actual notice of a safety recall on a shared vehicle while the shared vehicle is made available on the peer-to-peer car-sharing program, he or she shall remove the shared vehicle as available on the peer-to-peer car-sharing program as soon as practicably possible after receiving the notice of the safety recall and until the safety recall repair has been made.

c. Receives an actual notice of a safety recall while the shared vehicle is in the possession of a shared vehicle driver, he or she shall notify the peer-to-peer car-sharing program about the safety recall as soon as practicably possible after receiving the notice of the safety recall, so that he or she may address the safety recall repair.

(7) CONSTRUCTION.—This section does not limit:

(a) The liability of a peer-to-peer car-sharing program for any act or omission of the peer-to-peer car-sharing program

597-03307-21

2021566c1

581 which results in the bodily injury of a person as a result of
582 the use of a shared vehicle through peer-to-peer car sharing; or
583 (b) The ability of a peer-to-peer car-sharing program to
584 seek, by contract, indemnification from the shared vehicle owner
585 or the shared vehicle driver for economic loss resulting from a
586 breach of the terms and conditions of the peer-to-peer car-
587 sharing program agreement.

588 Section 4. This act shall take effect January 1, 2022.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/30/21

Meeting Date

566

Bill Number (if applicable)

Topic P2P

Amendment Barcode (if applicable)

Name Caitlin Murray

Job Title Regional Vice President

Address _____
Street

Phone 8

City

State

Zip

Email CMurray@namix.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing National Association of Mutual Insurance Companies

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

3/30/2021

Meeting Date

SB 566

Bill Number (if applicable)

Topic Motor Vehicle Rentals

Amendment Barcode (if applicable)

Name Sean Vinck

Job Title Turo, Inc.

Address 111 Sutter Street, Suite 1200

Phone 312-493-0571

Street

San Francisco

CA

94104

City

State

Zip

Email svinck@turo.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Turo, 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.

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)

3-30-21

Meeting Date

SB 506

Bill Number (if applicable)

Topic Motor Veh. Rentals

Amendment Barcode (if applicable)

Name Lisa Waters

Job Title CEO

Address 325 John Knop Rd. L103

Phone 561-602-3624

Street

TLH

City

FL

State

32303

Zip

Email Lisa@Floridaairports.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Airports 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

THE FLORIDA SENATE

APPEARANCE RECORD

3/30/21

Meeting Date

566

Bill Number (if applicable)

Topic peer to peer car sharing

Amendment Barcode (if applicable)

Name Leslie Dughi

Job Title Director

Address 101 East College Avenue

Phone 850 521 8571

Street

Tallahassee

FL

32301

City

State

Zip

Email dughil@gtlaw.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Enterprise Holdings

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

3/30/2021

Meeting Date

CS/SB 566

Bill Number (if applicable)

Topic Motor Vehicle Rentals

Amendment Barcode (if applicable)

Name William Cotterall

Job Title General Counsel

Address 218 S. Monroe Street

Phone 850-224-9403

Street

Tallahassee

FL

32301

Email wcotterall@myfja.org

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida Justice Association

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

3/30/21

Meeting Date

566

Bill Number (if applicable)

Topic Motor Vehicle Rentals

Amendment Barcode (if applicable)

Name George Feijoo

Job Title Consultant

Address 108 S Monroe St.

Phone 3057207099

Street

Tallahassee

FL

32301

City

State

Zip

Email grfeijoo@flapartners.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Avail

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

3/30/21

Meeting Date

SB 566

Bill Number (if applicable)

Topic Motor Vehicle Rentals

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N. Adams St

Phone 224-7173

Street

Tallahassee

FL

32301

Email bbevis@aif.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Associated Industries of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 950

INTRODUCER: Committee on Transportation and Senator Book

SUBJECT: Bicycle and Pedestrian Safety

DATE: March 31, 2021

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|---------------|
| 1. | Proctor | Vickers | TR | Fav/CS |
| 2. | | | ATD | |
| 3. | | | AP | |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 950 addresses issues relating to bicycle and pedestrian safety. In summary, the bill:

- Defines the terms “bicycle lane” and “separated bicycle lane.”
- Provides requirements for a vehicle overtaking a bicycle or other nonmotorized vehicle, an electric bicycle, or a pedestrian occupying the same travel lane.
- Requires the Department of Highway Safety and Motor Vehicles (DHSMV) to provide an awareness campaign regarding vehicles overtaking a bicycle, other nonmotorized vehicle, an electric bicycle, or a pedestrian.
- Provides that no-passing zones do not apply to drivers who safely and briefly drive to the left of center of the roadway to overtake a bicycle, other nonmotorized vehicle, an electric bicycle, or a pedestrian.
- Requires a vehicle making a right turn while overtaking and passing a bicycle proceeding in the same direction, to do so only if the bicycle is at least 20 feet from the intersection.
- Authorizes bicyclists riding in groups, after coming to a full stop, to go through an intersection in groups of 10 or fewer.
- Provides guidelines for riding a bicycle in a substandard-width lane and authorizes riders to ride two abreast if certain conditions exit.
- Requires at least 25 questions in the test bank for the driver license test to address bicycle and pedestrian safety.

The bill may have a negative, likely insignificant, fiscal impact to the DHSMV due to program changes to the driver license test and the requirement to provide an awareness campaign. See Section V. Fiscal Impact Statement.

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

II. Present Situation:

Florida law defines the term “bicycle” as every vehicle 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. The term does not include a scooter or similar device.¹

Florida law defines the term “electric bicycle” as a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications:

- “Class 1 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.
- “Class 2 electric bicycle” means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.
- “Class 3 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.²

An electric bicycle is subject to the same rules and regulations applicable to a bicycle.

Florida law does not define the terms “bicycle lane” or “separated bicycle lane.”

Overtaking and Passing

Section 316.083, F.S., provides certain requirements governing the overtaking and passing of a motor vehicle, bicycle, or nonmotorized vehicle. A driver of a vehicle overtaking another vehicle must give an appropriate signal (by hand and arm or signal lamp), and must pass to the left at a safe distance until safely clear of the overtaken vehicle.³ The driver of a vehicle overtaking a bicycle or other nonmotorized vehicle must pass the bicycle or other nonmotorized vehicle at a safe distance of not less than 3 feet between the vehicle and the bicycle or other nonmotorized vehicle.⁴ The driver of an overtaken vehicle may not increase the speed of his or her vehicle when being overtaken.⁵ A violation of s. 316.083, F.S., is a noncriminal traffic infraction⁶ punishable as a moving violation citation of \$60 plus additional court costs and fees that vary by jurisdiction.⁷

¹ Section 316.003(4), F.S.

² Section 316.003(22), F.S.

³ Section 316.083(1), F.S.

⁴ Section 316.083(1), F.S.

⁵ Section 316.083(2), F.S.

⁶ Section 316.083(3), F.S.

⁷ Section 318.18(3)(a), F.S.

In 1973, Wisconsin became the first state to enact a 3-foot passing law for bicyclists and as of December 2016, 27 states have enacted 3-foot passing laws.⁸ Two states have laws that go beyond a 3-foot passing law.⁹ Pennsylvania has a 4-foot passing law and South Dakota enacted a two-tiered passing law in 2015: a 3-foot passing requirement on roads with posted speeds of 35 miles per hour or less, and a minimum of 6 feet separation for roads with speed limits greater than 35 miles per hour.¹⁰

Move Over Act

In 2002, the “Move Over Act” was enacted into law.¹¹ The Move Over Act states that drivers must move over as soon as it is safe to do so¹² for any authorized emergency or service vehicles displaying any visible signals while stopped on the roadside, including sanitation vehicles, utility vehicles, and tow trucks.¹³ When motorists cannot vacate the lane closest to the emergency or service vehicle, they must slow to a speed that is 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or greater or to a speed of 5 miles per hour when the posted speed limit is 20 miles per hour or less.¹⁴

The Department of Highway Safety and Motor Vehicles (DHSMV) is the state agency charged with providing an educational awareness campaign informing the public about the Move Over Act.¹⁵ The DHSMV includes an overview of the Move Over Act in the Florida Class E Driver License Official Handbook,¹⁶ and provides numerous educational and informational materials on the Move Over Act on the DHSMV website.¹⁷ A violation of the Move Over Act is a noncriminal traffic infraction¹⁸ punishable as a moving violation citation of \$60 plus additional court costs and fees that vary by jurisdiction.¹⁹

No-Passing Zones

The Department of Transportation (DOT) and local authorities are authorized to determine when overtaking and passing or driving to the left of the roadway would be especially hazardous and to require signs and markings to be placed to designate a no-passing zone.²⁰ Drivers must comply with the no-passing signs and markings, except when an obstruction exists making it necessary to drive to the left of the center of the highway, or if the driver is turning left into or from an

⁸ National Conference of State Legislatures, *Safely Passing Bicyclists Chart* (December 28, 2016), available at <http://www.ncsl.org/research/transportation/safely-passing-bicyclists.aspx> (last visited March 26, 2021).

⁹ *Id.*

¹⁰ *Id.*

¹¹ Section 316.126, F.S.

¹² Section 316.126(b)1., F.S.

¹³ Section 316.126(b), F.S.

¹⁴ Section 316.126(b)2., F.S.

¹⁵ Section 316.126(c), F.S.

¹⁶ Department of Highway Safety and Motor Vehicles, *Official Florida Driver License Handbook* (2020), p. 56 available at <https://www3.flhsmv.gov/handbooks/englishdriverhandbook.pdf> (last visited March 26, 2021).

¹⁷ Department of Highway Safety and Motor Vehicles, *Driving Safety: Move Over, Florida!*, available at <https://www.flhsmv.gov/safety-center/driving-safety/move-over/> (last visited March 26, 2021).

¹⁸ Section 316.126(6), F.S.

¹⁹ Section 318.18(3)(a), F.S.

²⁰ Section 316.0875(1), F.S.

alley, private road, or driveway.²¹ A violation of s. 316.0875, F.S., is a noncriminal traffic infraction²² punishable as a moving violation citation of \$60 plus additional court costs and fees that vary by jurisdiction.²³

Turning at Intersections

The driver of a vehicle turning right at an intersection must make the right turn as close as practicable to the right-hand curb or edge of the roadway.²⁴ The driver of a vehicle turning left at an intersection must make the left turn in a lane lawfully available for vehicles moving in such direction.²⁵ A person riding a bicycle and turning left is entitled to the full use of the left turn lane when making a left turn.²⁶ Additionally, a person riding a bicycle can make a left turn by staying to the right side of the road, proceeding across the intersection, then proceeding across the perpendicular intersection.²⁷ At intersections with a traffic control device, no driver may turn at an intersection other than as directed by such device.²⁸ A violation of s. 316.0875, F.S., is a noncriminal traffic infraction²⁹ punishable as a moving violation citation of \$60 plus additional court costs and fees that vary by jurisdiction.³⁰

Bicycle Regulations

There are specific regulations that bicyclists have to adhere to while on the road. These regulations are found in s. 316.2065, F.S. Some of the regulations include:

- Requiring a bicycle rider or passenger who is under 16 years of age to wear a bicycle helmet.³¹
- Requiring any person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing to ride in the lane marked for bicycle use or, if no lane is marked for bicycle use, as close as practicable to the right-hand curb or edge of the roadway except under certain circumstances.³²
- Prohibiting persons riding bicycles upon a roadway from riding more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.³³
- Requiring every bicycle in use between sunset and sunrise to be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear.³⁴

²¹ Section 316.0875(3), F.S.

²² Section 316.0875(4), F.S.

²³ Section 318.18(3)(a), F.S.

²⁴ Section 316.151(1)(a), F.S.

²⁵ Section 316.151(1)(b), F.S.

²⁶ *Id.*

²⁷ Section 316.151(1)(c), F.S.

²⁸ Section 316.151(2), F.S.

²⁹ Section 316.151(3), F.S.

³⁰ Section 318.18(3)(a), F.S.

³¹ Section 316.2065(3)(d), F.S.

³² Section 316.2065(5)(a), F.S.

³³ Section 316.2065(6), F.S.

³⁴ Section 316.2065(7), F.S.

Driver License Knowledge Exam

With certain exceptions, every applicant for an original driver license is required to pass an examination.³⁵ An applicant for a Class E driver license will be given a Class E Knowledge Exam (Exam) that includes understanding highway signs and traffic laws in this state.³⁶ The Exam consists of 50 multiple-choice questions.³⁷ The questions are selected randomly from the 309 questions contained in the DHSMV's test bank, which has 18 questions specific to pedestrian and bicycle safety. Whether or not an applicant will see a bicycle or pedestrian question on the test depends on the number of questions within that category, the number of questions pulled from a category, and how many questions a customer sees while taking the test.³⁸ To pass the Exam, an applicant must answer 40 out of 50 questions correctly.³⁹

The Official Florida Driver License Handbook (Handbook)⁴⁰ is provided to applicants by the DHSMV to prepare applicants for the Exam. The Handbook provides information on bicycle safety, including bicycle lanes,⁴¹ bicycle crossings,⁴² and sharing the road with bicycles.⁴³ Likewise, the Handbook provides information on pedestrian safety, including crosswalks,⁴⁴ yielding to pedestrians,⁴⁵ and sharing the road with pedestrians.⁴⁶

Vulnerable Road User

The term “vulnerable road user” is only referenced in s. 316.027, F.S., for purposes of providing penalty enhancements to motorists involved in leaving the scene of a crash resulting in injury or the death of a person. Such an offense is ranked one level higher (for purposes of sentencing and determining incentive gain-time eligibility) if the victim of the offense was a vulnerable road user.⁴⁷ A pedestrian⁴⁸ and a person riding a bicycle⁴⁹ are both considered vulnerable road users for purposes of s. 316.027, F.S.

Pedestrian and Bicycle Traffic Crash Data

Currently, pedestrians and bicyclists account for 26 percent of all traffic fatalities in Florida.⁵⁰ In 2018, Florida was ranked tenth nationwide in the fatality rate of pedestrians with 3.14 pedestrian

³⁵ Section 322.12(1), F.S.

³⁶ Section 322.12(3), F.S.

³⁷ Department of Highway Safety and Motor Vehicles, *Class E Knowledge Exam & Driving Skills Test*, available at <https://www.flhsmv.gov/driver-licenses-id-cards/licensing-requirements-teens-graduated-driver-license-laws-driving-curfews/class-e-knowledge-exam-driving-skills-test/> (last visited March 26, 2021).

³⁸ Department of Highway Safety and Motor Vehicles, *2021 Legislative Bill Analysis for SB 950*, p. 4. (March 9, 2021).

³⁹ *Supra*, FN 37.

⁴⁰ *Supra*, FN 16.

⁴¹ *Id.* at 14.

⁴² *Id.* at 19.

⁴³ *Id.* at 39.

⁴⁴ *Id.* at 15.

⁴⁵ *Id.* at 15.

⁴⁶ *Id.* at 39.

⁴⁷ Section 316.027(2)(f), F.S.

⁴⁸ Section 316.027(1)(b)1., F.S.

⁴⁹ Section 316.027(1)(b)2., F.S.

⁵⁰ Florida Department of Transportation, Traffic Crash Reports, Crash Dashboard, available at <https://www.flhsmv.gov/traffic-crash-reports/crash-dashboard/> (last visited on February 24, 2021).

fatalities per 100,000 population.⁵¹ In 2019, there were 6,590 bicycle crashes in Florida.⁵² As a result of these crashes there were 160 bicycle fatalities in 2019.⁵³

Florida Pedestrian and Bicycle Fatality Statistics 2018-2020⁵⁴

| Year | Pedestrian Fatalities | Bicycle Fatalities |
|------|-----------------------|--------------------|
| 2020 | 699 | 157 |
| 2019 | 734 | 156 |
| 2018 | 720 | 160 |

Safety Initiatives for Bicyclists and Pedestrians

The Florida Strategic Highway Safety Plan (SHSP) provides a framework for reducing traffic fatalities and serious injuries on all public roads.⁵⁵ The SHSP establishes targeted statewide goals, objectives, and key emphasis areas developed in consultation with federal, state, local, and private sector safety stakeholders.⁵⁶ One of the key areas addressed in the SHSP are vulnerable road users, as well as pedestrian and bicycle safety issues with a goal to reduce the rates of fatalities, injuries, and crashes of those users.⁵⁷ The Florida Pedestrian and Bicycle Strategic Safety Plan (PBSSP) supplements and expands on the SHSP by providing more detailed objectives and strategies to improve pedestrian and bicycle safety in Florida.⁵⁸ The purpose of Florida's PBSSP is to focus funding and resources on the areas that have the greatest opportunity to reduce pedestrian and bicycle fatalities, injuries, and crashes.⁵⁹ DOT is the designated lead agency for the PBSSP and provides funding and support.⁶⁰

“Alert Today Florida” also known as “Alert Today Alive Tomorrow” is DOT’s campaign brand for Florida’s pedestrian and bicycle focused initiative.⁶¹ The campaign establishes messaging that supports engineering and enforcement efforts, increases awareness, improves compliance with traffic laws, and calls communities to action.⁶² Educational materials are distributed to motorists, pedestrians, and bicyclists to ensure the right message reaches the right person in a language they can understand.⁶³ The materials are in the form of print, television, radio, billboards, digital and social media, and transit advertising.⁶⁴

⁵¹ Governors Highway Safety Association, *Pedestrian Traffic Fatalities by State*, available at https://www.ghsa.org/sites/default/files/2019-02/FINAL_Pedestrians19.pdf (last visited March 26, 2021).

⁵² *Supra*, FN 49.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ The Center for Urban Transportation Research University of South Florida, *Florida Pedestrian and Bicycle Strategic Safety Plan* (February 2013), p. 1, available at <http://www.fdot.gov/safety/6-Resources/FloridaPedestrianandBicycleStrategicSafetyPlan.pdf> (last visited January 5, 2018).

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.* at 3.

⁶⁰ *Id.*

⁶¹ *Supra* FN 50, at 4.

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

III. Effect of Proposed Changes:

The bill amends s. 316.003, F.S., to define “bicycle lane” as any portion of a roadway or highway which is designated by pavement markings and signs for preferential or exclusive use by bicycles. Additionally, the bill defines “separated bicycle lane” as a bicycle lane that is separated from motor vehicle traffic by a physical barrier.

The bill amends s. 316.083, F.S., providing that the driver of a vehicle overtaking a bicycle or other nonmotorized vehicle, electric bicycle, or pedestrian occupying the same travel lane must pass the bicycle, other nonmotorized vehicle, electric bicycle or pedestrian at a safe distance of not less than 3 feet, or if such movement cannot be safely accomplished, must remain at a safe distance behind the bicycle or other nonmotorized vehicle, electric bicycle, or pedestrian until the driver can safely pass at a distance of not less than 3 feet and is safely clear of the overtaken bicycle, other nonmotorized vehicle, electric bicycle, or pedestrian.

The provisions relating to overtaking bicycles, other nonmotorized vehicles, electric bicycles, do not apply when the bicycle, other nonmotorized vehicle, or electric bicycle occupies a separated bicycle lane. A violation is a noncriminal traffic infraction, punishable as a moving violation as provided in ch. 318, F.S. The statutory base fine is \$60,⁶⁵ with additional court costs and fees that vary by jurisdiction.⁶⁶

Additionally, the bill requires the DHSMV to provide an annual educational awareness campaign that informs the motoring public about the safety precautions that must be taken when overtaking a bicycle, other nonmotorized vehicle, electric bicycle, or pedestrian, and to provide information about such precautions in all newly printed driver license education materials.

The bill amends s. 322.12, F.S., to require at least 25 questions in DHSMV’s test bank for each noncommercial driver license applicant to address bicycle and pedestrian safety. This may lead to fewer questions devoted to an applicant’s understanding of highway signs and knowledge of traffic laws.⁶⁷

The bill provides an exception to the no-passing zone requirements in s. 316.0875, F.S., when a driver safely and briefly drives to the left of the center line only to the extent necessary to pass a bicycle, other nonmotorized vehicle, electric bicycle, or pedestrian occupying the same travel lane.

The bill amends s. 316.151, F.S., to require the driver of a motor vehicle who is overtaking a bicycle proceeding in the same direction, to give an appropriate signal and make a right turn only if the bicycle is at least 20 feet from the intersection onto a highway, public or private roadway, or driveway.

The bill amends s. 316.2065, F.S., to provide that on roads that contain a substandard width lane, persons riding a bicycle must ride single file to maintain a minimum of 3 feet of space for vehicles to pass persons operating a bicycle. In addition, the bill prohibit persons riding bicycles

⁶⁵ Section 318.18(3)(a), F.S.

⁶⁶ Florida Clerk of Courts, *2020 Distribution Schedule*, p. 23.

⁶⁷ *Supra*, FN 38.

in a roadway or in a bike lane from riding more than two abreast except on a bicycle path. Where bicycle lanes exist, persons riding bicycles may ride two abreast if both are able to remain within the bicycle lane. If the bicycle lane is too narrow to allow two persons riding bicycles to ride two abreast, the persons must ride single-file and within the bicycle lane. On roads that contain a substandard width lane, persons riding a bicycle may temporarily ride two abreast only to avoid hazards in the roadway or to overtake another person riding a bicycle.

The bill authorize persons riding bicycles in groups, after coming to a full stop, to proceed through a stop sign in a group of 10 or fewer at a time. Additionally, the bill requires motor vehicle operators to allow the group of 10 or fewer bicyclists to travel through the intersection before moving forward.

A violation of this provision would be a noncriminal traffic infraction, punishable as a pedestrian violation. The base fine is \$15,⁶⁸ with additional court costs and fees that vary by jurisdiction.⁶⁹

The bill provides technical and conforming changes in ss. 212.05, 316.306, and 655.960, F.S.

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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁶⁸ Section 318.318(1), F.S.

⁶⁹ Florida Clerk of Courts, *2020 Distribution Schedule*, p. 21.

B. Private Sector Impact:

The change in enforcement of requirements relating to overtaking and passing a bicycle, pedestrian, or nonmotorized vehicle may result in more motorists being assessed traffic fines; however, the fiscal impact is indeterminate.

C. Government Sector Impact:

To the extent there is an increase in the number of traffic citations issued due to the new requirements relating to overtaking and passing a bicycle, pedestrian, or nonmotorized vehicle the state may realize additional revenues. However, the fiscal impact cannot be quantified and is indeterminate.

Each May, the DHSMV conducts a “Share the Road” safety campaign focusing on motorcycle, bicycle, and commercial vehicle safety. If the awareness provisions of the bill can be added to that existing awareness campaign, the DHSMV can absorb the costs within existing resources. However, if the DHSMV is required to do a new, standalone awareness campaign the DHSMV states that additional resources of \$50,000 to \$60,000 would be required to conduct an effective public awareness campaign.⁷⁰

The DHSMV may incur expenditures associated with ensuring at least 25 test questions in the DHSMV test bank address bicycle and pedestrian safety. This cost can be absorbed within existing resources.⁷¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.083, 316.0875, 316.151, 316.2065, 322.12, 212.05, 316.306, and 655.960.

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

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

CS by Committee on Transportation on March 30, 2021:

- Clarifies that when overtaking a bicycle, other motorized vehicle, electric bicycle, or pedestrian on the road, a vehicle must pass at a safe distance of not less than 3 feet from the bicycle, other motorized vehicle, electric bicycle, or pedestrian.

⁷⁰ *Supra*, FN 67 at p. 5.

⁷¹ *Id.*

- Requires persons riding bicycles to ride single-file in substandard width lanes.
- Authorizes persons riding bicycles to ride two abreast in a bicycle lane, if both are able to remain within the bicycle lane.
- Requires persons riding bicycles to ride single-file in a bicycle lane if the bicycle lane is not wide enough to ride two abreast.
- Authorizes persons riding bicycles to temporarily ride two abreast to avoid hazards or to overtake another bicyclist.
- Removes the requirement that 20 percent of the questions on the driver license test be related to bicycle and pedestrian safety, and replaces it with a requirement that a minimum of 25 questions in the test bank be related to bicycle and pedestrian safety.

B. Amendments:

None.



297958

LEGISLATIVE ACTION

| | | |
|------------|---|-------|
| Senate | . | House |
| Comm: RCS | . | |
| 03/30/2021 | . | |
| | . | |
| | . | |
| | . | |

The Committee on Transportation (Book) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (5) through (76) and (77) through (105) of section 316.003, Florida Statutes, are redesignated as subsections (6) through (77) and (79) through (107), respectively, new subsections (5) and (78) are added to that section, and present subsection (62) of that section is amended, to read:



297958

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

(5) BICYCLE LANE.—Any portion of a roadway or highway which is designated by pavement markings and signs for preferential or exclusive use by bicycles.

(63) ~~(62)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph (86) (b) ~~(84) (b)~~, any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(78) SEPARATED BICYCLE LANE.—A bicycle lane that is separated from motor vehicle traffic by a physical barrier.

Section 2. Section 316.083, Florida Statutes, is amended to read:

316.083 Overtaking and passing a vehicle, a bicycle or other nonmotorized vehicle, an electric bicycle, or a pedestrian.—The following rules shall govern the overtaking and passing of vehicles, bicycles and other nonmotorized vehicles, electric bicycles, and pedestrians ~~proceeding in the same direction~~, subject to those limitations, exceptions, and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction must ~~shall~~ give an appropriate signal as provided for in s. 316.156, must ~~shall~~ pass to the left thereof at a safe distance, and must ~~shall~~ not again drive to the right side of the roadway until safely clear of the overtaken vehicle.



297958

(2) The driver of a vehicle overtaking a bicycle or other nonmotorized vehicle, an electric bicycle, or a pedestrian occupying the same travel lane must pass the bicycle or other nonmotorized vehicle, electric bicycle, or pedestrian at a safe distance of not less than 3 feet or, if such movement cannot be safely accomplished, must remain at a safe distance behind the bicycle or other nonmotorized vehicle, electric bicycle, or pedestrian until the driver can safely pass at a distance of not less than 3 feet and must safely clear the overtaken bicycle or other nonmotorized vehicle, electric bicycle, or pedestrian.

(3) The driver of a vehicle overtaking a bicycle or other nonmotorized vehicle, or an electric bicycle, occupying a bicycle lane must pass the bicycle, other nonmotorized vehicle, or electric bicycle at a safe distance of not less than 3 feet between the vehicle and the bicycle, other nonmotorized vehicle, or electric bicycle.

(4) Subsections (2) and (3) do not apply when a bicycle or other nonmotorized vehicle, or an electric bicycle, occupies a separated bicycle lane.

(5) ~~(2)~~ Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle must ~~shall~~ give way to the right in favor of the overtaking vehicle, on audible signal or upon the visible blinking of the headlamps of the overtaking vehicle if such overtaking is being attempted at nighttime, and must ~~shall~~ not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

(6) ~~(3)~~ A person who violates ~~violation of~~ this section commits ~~is~~ a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.



297958

(7) The department must provide an annual awareness and safety campaign informing the public about the safety precautions to be taken when overtaking a bicycle or other nonmotorized vehicle, an electric bicycle, or a pedestrian.

Section 3. Section 316.0875, Florida Statutes, is amended to read:

316.0875 No-passing zones.—

(1) The Department of Transportation and local authorities ~~may~~ ~~are authorized to~~ determine those portions of any highway under their respective jurisdictions ~~jurisdiction~~ where overtaking and passing or driving to the left of the roadway would be especially hazardous and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones. ~~and~~ When such signs or markings are in place and clearly visible to an ordinarily observant person, a ~~every~~ driver of a vehicle must ~~shall~~ obey the directions thereof.

(2) Where signs or markings are in place to define a no-passing zone as set forth in subsection (1), a ~~no~~ driver may ~~not, shall~~ at any time, drive on the left side of the roadway within ~~with~~ such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(3) This section does not apply to a driver who safely and briefly drives to the left of the center of the roadway only to the extent necessary to:

(a) Avoid ~~when~~ an obstruction;

(b) Turn ~~exists making it necessary to drive to the left of the center of the highway, nor to the driver of a vehicle turning left into or from an alley, a private road, or a~~



297958

driveway; or

(c) Overtake and pass a bicycle or other nonmotorized vehicle, an electric bicycle, or a pedestrian pursuant to s. 316.083(2) or (3).

(4) A person who violates ~~violation of~~ this section commits ~~is~~ a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 4. Section 316.151, Florida Statutes, is amended to read:

316.151 Required position and method of turning at intersections.—

(1) (a) Right turn.—The driver of a vehicle intending to turn right at an intersection onto a highway, public or private roadway, or driveway must ~~shall do so as follows:~~

1. (a) Make Right turn.—both the approach for a right turn and a right turn ~~shall be made~~ as close as practicable to the right-hand curb or edge of the roadway.

2. When overtaking and passing a bicycle proceeding in the same direction, give an appropriate signal as provided for in s. 316.156 and make the right turn only if the bicycle is at least 20 feet from the intersection.

(b) *Left turn.*—

1. The driver of a vehicle intending to turn left at an ~~any~~ intersection onto a highway, public or private roadway, or driveway must ~~shall~~ approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and must make, ~~after entering the intersection,~~ the left turn ~~shall be made~~ so as to leave the intersection in a lane lawfully available to traffic



297958

moving in such direction upon the roadway being entered.

2. A person riding a bicycle and intending to turn left in accordance with this section is entitled to the full use of the lane from which the turn may legally be made. The person must:

a. Whenever practicable, make the left turn ~~shall be made~~ in that portion of the intersection to the left of the center of the intersection; or-

~~(c) Left turn by bicycle. In addition to the method of making a left turn described in paragraph (b), a person riding a bicycle and intending to turn left has the option of following the course described hereafter: The rider shall~~

b. Approach the turn as close as practicable to the right curb or edge of the roadway; after proceeding across the intersecting roadway, make the turn ~~shall be made~~ as close as practicable to the curb or edge of the roadway on the far side of the intersection; and, before proceeding, ~~the bicyclist shall~~ comply with any official traffic control device or police officer regulating traffic on the highway along which the person ~~bicyclist~~ intends to proceed.

(2) The state, county, and local authorities in their respective jurisdictions may cause official traffic control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection. When such devices are so placed, a ~~no~~ driver of a vehicle may not turn a vehicle at an intersection other than as directed and required by such devices.

(3) A person who violates ~~violation of~~ this section commits ~~is~~ a noncriminal traffic infraction, punishable as a moving



297958

violation as provided in chapter 318.

Section 5. Subsections (5), (6), and (19) of section 316.2065, Florida Statutes, are amended to read:

316.2065 Bicycle regulations.—

(5) (a) A ~~Any~~ person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing must ~~shall~~ ride in the bicycle lane marked for bicycle use or, if there is no bicycle lane on the roadway ~~is marked for bicycle use~~, as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

1. When overtaking and passing another bicycle or vehicle proceeding in the same direction.

2. When preparing for a left turn at an intersection or into a private road or driveway.

3. When reasonably necessary to avoid any condition or potential conflict, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, turn lane, or substandard-width lane, which makes it unsafe to continue along the right-hand curb or edge or within a bicycle lane. On roads that contain a substandard-width lane, persons operating bicycles must ride single-file to maintain the minimum 3 feet of space for motor vehicles to pass persons operating a bicycle as provided in s. 316.083. For the purposes of this subsection, a "substandard-width lane" is a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.

(b) A ~~Any~~ person operating a bicycle upon a one-way highway with two or more marked traffic lanes may ride as near the left-



297958

hand curb or edge of such roadway as practicable.

(6)(a) Persons riding bicycles upon a roadway or in a bicycle lane may not ride more than two abreast except on a bicycle path ~~paths or parts of roadways set aside for the exclusive use of bicycles~~. Persons riding two abreast may not impede traffic when traveling at less than the normal speed of traffic at the time and place and under the conditions then existing and must ~~shall~~ ride within a single lane. Where bicycle lanes exist, persons riding bicycles may ride two abreast if both are able to remain within the bicycle lane. If the bicycle lane is too narrow to allow two persons riding bicycles to ride two abreast, the persons must ride single-file and within the bicycle lane. On roads that contain a substandard-width lane as defined in subparagraph (5)(a)3., persons riding bicycles may temporarily ride two abreast only to avoid hazards in the roadway or to overtake another person riding a bicycle.

(b) When stopping at a stop sign, persons riding bicycles in groups, after coming to a full stop and obeying all traffic laws, may proceed through the stop sign in a group of 10 or fewer at a time. Motor vehicle operators must allow each such group to travel through the intersection before moving forward.

(19) Except as otherwise provided in this section, a person who violates ~~violation of~~ this section commits ~~is~~ a noncriminal traffic infraction, punishable as a pedestrian violation as provided in chapter 318. A law enforcement officer may issue traffic citations for a violation of subsection (3) or subsection (15) only if the violation occurs on a bicycle path or road, as defined in s. 334.03. However, a law enforcement officer may not issue citations to persons on private property,



297958

except any part thereof which is open to the use of the public for purposes of vehicular traffic.

Section 6. Subsection (3) of section 322.12, Florida Statutes, is amended to read:

322.12 Examination of applicants.—

(3) For an applicant for a Class E driver license, such examination shall include all of the following:

(a) A test of the applicant's eyesight given by the driver license examiner designated by the department or by a licensed ophthalmologist, optometrist, or physician.

(b) ~~and~~ A test of the applicant's hearing given by a driver license examiner or a licensed physician.

(c) ~~The examination shall also include~~ A test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated; and his or her knowledge of the effects of alcohol and controlled substances upon persons and the dangers of driving a motor vehicle while under the influence of alcohol or controlled substances. At least 25 questions within the bank of test questions must address bicycle and pedestrian safety.

(d) ~~and shall include~~ An actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.

Section 7. Paragraph (c) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be



297958

the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(c) At the rate of 6 percent of the gross proceeds derived from the lease or rental of tangible personal property, as defined herein; however, the following special provisions apply to the lease or rental of motor vehicles:

1. When a motor vehicle is leased or rented for a period of less than 12 months:

a. If the motor vehicle is rented in Florida, the entire amount of such rental is taxable, even if the vehicle is dropped off in another state.

b. If the motor vehicle is rented in another state and dropped off in Florida, the rental is exempt from Florida tax.

2. Except as provided in subparagraph 3., for the lease or rental of a motor vehicle for a period of not less than 12 months, sales tax is due on the lease or rental payments if the vehicle is registered in this state; provided, however, that no tax shall be due if the taxpayer documents use of the motor vehicle outside this state and tax is being paid on the lease or rental payments in another state.



297958

3. The tax imposed by this chapter does not apply to the lease or rental of a commercial motor vehicle as defined in s. 316.003(14) (a) ~~s. 316.003(13) (a)~~ to one lessee or rentee for a period of not less than 12 months when tax was paid on the purchase price of such vehicle by the lessor. To the extent tax was paid with respect to the purchase of such vehicle in another state, territory of the United States, or the District of Columbia, the Florida tax payable shall be reduced in accordance with the provisions of s. 212.06(7). This subparagraph shall only be available when the lease or rental of such property is an established business or part of an established business or the same is incidental or germane to such business.

Section 8. Paragraph (a) of subsection (3) of section 316.306, Florida Statutes, is amended to read:

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

(3) (a) 1. A person may not operate a motor vehicle while using a wireless communications device in a handheld manner in a designated school crossing, school zone, or work zone area as defined in s. 316.003(107) ~~s. 316.003(105)~~. This subparagraph shall only be applicable to work zone areas if construction personnel are present or are operating equipment on the road or immediately adjacent to the work zone area. For the purposes of this paragraph, a motor vehicle that is stationary is not being operated and is not subject to the prohibition in this paragraph.

2.a. During the period from October 1, 2019, through December 31, 2019, a law enforcement officer may stop motor vehicles to issue verbal or written warnings to persons who are



297958

in violation of subparagraph 1. for the purposes of informing and educating such persons of this section. This subparagraph shall stand repealed on October 1, 2020.

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

Section 9. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

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

(1) "Access area" means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(86)(a) or (b) ~~s. 316.003(84)(a) or (b)~~, including any adjacent sidewalk, as defined in s. 316.003.

Section 10. This act shall take effect July 1, 2021.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled
An act relating to bicycle and pedestrian safety;
amending s. 316.003, F.S.; defining the terms "bicycle lane" and "separated bicycle lane"; amending s. 316.083, F.S.; revising and providing requirements for the driver of a motor vehicle overtaking a bicycle or



297958

other nonmotorized vehicle, an electric bicycle, or a pedestrian; providing exceptions; providing a penalty; requiring the Department of Highway Safety and Motor Vehicles to provide an annual awareness and safety campaign regarding certain safety precautions; amending s. 316.0875, F.S.; exempting a motor vehicle driver from certain provisions relating to no-passing zones when overtaking a bicycle or other nonmotorized vehicle, an electric bicycle, or a pedestrian; making a technical change; amending s. 316.151, F.S.; revising requirements for vehicles turning at intersections; providing turn signaling and distance requirements for a motor vehicle driver when overtaking and passing a bicycle; making a technical change; amending s. 316.2065, F.S.; providing requirements for persons riding bicycles on a substandard-width lane; prohibiting persons riding bicycles in a bicycle lane from riding more than two abreast; providing requirements for riding in a bicycle lane; providing requirements for persons riding bicycles in groups when stopping at a stop sign; making a technical change; amending s. 322.12, F.S.; requiring a minimum number of questions in the test bank for a Class E driver license to address bicycle and pedestrian safety; amending ss. 212.05, 316.306, and 655.960, F.S.; conforming cross-references; providing an effective date.

By Senator Book

32-00229-21

2021950__

1 A bill to be entitled
 2 An act relating to bicycle and pedestrian safety;
 3 amending s. 316.003, F.S.; defining the terms "bicycle
 4 lane" and "separated bicycle lane"; amending s.
 5 316.083, F.S.; revising and providing requirements for
 6 the driver of a motor vehicle overtaking a bicycle or
 7 other nonmotorized vehicle, an electric bicycle, or a
 8 pedestrian; providing exceptions; providing a penalty;
 9 requiring the Department of Highway Safety and Motor
 10 Vehicles to provide an awareness campaign, and include
 11 information in certain educational materials,
 12 regarding certain safety precautions; amending s.
 13 316.0875, F.S.; exempting a motor vehicle driver from
 14 certain provisions relating to no-passing zones when
 15 overtaking a bicycle or other nonmotorized vehicle, an
 16 electric bicycle, or a pedestrian; making a technical
 17 change; amending s. 316.151, F.S.; revising
 18 requirements for vehicles turning at intersections;
 19 providing turn signaling and distance requirements for
 20 a motor vehicle driver when overtaking and passing a
 21 bicycle; making a technical change; amending s.
 22 316.2065, F.S.; prohibiting persons riding bicycles in
 23 a bicycle lane from riding more than two abreast;
 24 providing requirements for persons riding bicycles in
 25 groups when stopping at a stop sign; making a
 26 technical change; amending s. 322.12, F.S.; requiring
 27 a specified portion of the examination for a Class E
 28 driver license to address bicycle and pedestrian
 29 safety; amending ss. 212.05, 316.306, and 655.960,

Page 1 of 12

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

32-00229-21

2021950__

30 F.S.; conforming cross-references; providing an
 31 effective date.
 32

33 Be It Enacted by the Legislature of the State of Florida:
 34

35 Section 1. Present subsections (5) through (76) and (77)
 36 through (105) of section 316.003, Florida Statutes, are
 37 redesignated as subsections (6) through (77) and (79) through
 38 (107), respectively, new subsections (5) and (78) are added to
 39 that section, and present subsection (62) of that section is
 40 amended, to read:

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

45 (5) BICYCLE LANE.—Any portion of a roadway or highway which
 46 is designated by pavement markings and signs for preferential or
 47 exclusive use by bicycles.

48 (63)-(62) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
 49 provided in paragraph (86) (b) (84) (b), any privately owned way
 50 or place used for vehicular travel by the owner and those having
 51 express or implied permission from the owner, but not by other
 52 persons.

53 (78) SEPARATED BICYCLE LANE.—A bicycle lane that is
 54 separated from motor vehicle traffic by a physical barrier.

55 Section 2. Section 316.083, Florida Statutes, is amended to
 56 read:

57 316.083 Overtaking and passing a vehicle, a bicycle or
 58 other nonmotorized vehicle, an electric bicycle, or a

Page 2 of 12

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

32-00229-21

2021950

pedestrian.—The following rules shall govern the overtaking and passing of vehicles, bicycles and other nonmotorized vehicles, electric bicycles, and pedestrians proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction must ~~shall~~ give an appropriate signal as provided for in s. 316.156, must ~~shall~~ pass to the left thereof at a safe distance, and must ~~shall~~ not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) The driver of a vehicle overtaking a bicycle or other nonmotorized vehicle, an electric bicycle, or a pedestrian occupying the same travel lane must vacate the lane or, if such movement cannot be safely accomplished, must remain at a safe distance behind the bicycle or other nonmotorized vehicle, electric bicycle, or pedestrian until the driver can safely vacate the lane and must not reenter the lane until safely clear of the overtaken bicycle or other nonmotorized vehicle, electric bicycle, or pedestrian.

(3) The driver of a vehicle overtaking a bicycle or other nonmotorized vehicle, or an electric bicycle, occupying a bicycle lane must pass the bicycle, other nonmotorized vehicle, or electric bicycle at a safe distance of not less than 3 feet between the vehicle and the bicycle, other nonmotorized vehicle, or electric bicycle.

(4) Subsections (2) and (3) do not apply when a bicycle or other nonmotorized vehicle, or an electric bicycle, occupies a separated bicycle lane.

Page 3 of 12

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

32-00229-21

2021950

(5)(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle must ~~shall~~ give way to the right in favor of the overtaking vehicle, on audible signal or upon the visible blinking of the headlamps of the overtaking vehicle if such overtaking is being attempted at nighttime, and must ~~shall~~ not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

(6)(3) A person who violates ~~violation of~~ this section commits ~~is~~ a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

(7) The department must provide an awareness campaign informing the motoring public about the safety precautions to be taken pursuant to this section when overtaking a bicycle or other nonmotorized vehicle, an electric bicycle, or a pedestrian and must provide information about such precautions in all newly printed driver license educational materials.

Section 3. Section 316.0875, Florida Statutes, is amended to read:

316.0875 No-passing zones.—

(1) The Department of Transportation and local authorities ~~may be authorized to~~ determine those portions of any highway under their respective ~~jurisdictions~~ jurisdiction where overtaking and passing or driving to the left of the roadway would be especially hazardous and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones. ~~and~~ When such signs or markings are in place and clearly visible to an ordinarily observant person, a ~~every~~ driver of a vehicle must ~~shall~~ obey the directions thereof.

(2) Where signs or markings are in place to define a no-

Page 4 of 12

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

32-00229-21

2021950

passing zone as set forth in subsection (1), ~~a~~ no driver may
~~not, shall~~ at any time, drive on the left side of the roadway
 within ~~with~~ such no-passing zone or on the left side of any
 pavement striping designed to mark such no-passing zone
 throughout its length.

(3) This section does not apply to a driver who safely and
briefly drives to the left of the center of the roadway only to
the extent necessary to:

(a) Avoid ~~when~~ an obstruction;

(b) Turn ~~exists making it necessary to drive to the left of~~
~~the center of the highway, nor to the driver of a vehicle~~
~~turning left into or from an alley, a private road, or a~~
~~driveway; or~~

(c) Overtake and pass a bicycle or other nonmotorized
vehicle, an electric bicycle, or a pedestrian pursuant to s.
316.083(2) or (3).

(4) A person who violates ~~violation of~~ this section commits
~~is~~ a noncriminal traffic infraction, punishable as a moving
 violation as provided in chapter 318.

Section 4. Section 316.151, Florida Statutes, is amended to
 read:

316.151 Required position and method of turning at
 intersections.—

(1)(a) Right turn.—The driver of a vehicle intending to
 turn right at an intersection onto a highway, public or private
roadway, or driveway must ~~shall do so as follows:~~

1. (a) Make Right turn.—both the approach for a right turn
 and a right turn ~~shall be made~~ as close as practicable to the
 right-hand curb or edge of the roadway.

32-00229-21

2021950

2. When overtaking and passing a bicycle proceeding in the
same direction, give an appropriate signal as provided for in s.
316.156 and make the right turn only if the bicycle is at least
20 feet from the intersection.

(b) Left turn.—

1. The driver of a vehicle intending to turn left at an ~~any~~
 intersection onto a highway, public or private roadway, or
driveway must ~~shall~~ approach the intersection in the extreme
 left-hand lane lawfully available to traffic moving in the
 direction of travel of such vehicle, and must make, ~~after~~
~~entering the intersection,~~ the left turn ~~shall be made~~ so as to
 leave the intersection in a lane lawfully available to traffic
 moving in such direction upon the roadway being entered.

2. A person riding a bicycle and intending to turn left in
 accordance with this section is entitled to the full use of the
 lane from which the turn may legally be made. The person must:

a. Whenever practicable, make the left turn ~~shall be made~~
 in that portion of the intersection to the left of the center of
 the intersection; or—

~~(c) Left turn by bicycle.~~ ~~In addition to the method of~~
~~making a left turn described in paragraph (b), a person riding a~~
~~bicycle and intending to turn left has the option of following~~
~~the course described hereafter: The rider shall~~

b. Approach the turn as close as practicable to the right
 curb or edge of the roadway; after proceeding across the
 intersecting roadway, make the turn ~~shall be made~~ as close as
 practicable to the curb or edge of the roadway on the far side
 of the intersection; and, before proceeding, ~~the bicyclist shall~~
 comply with any official traffic control device or police

32-00229-21

2021950__

officer regulating traffic on the highway along which the person
~~bicyclist~~ intends to proceed.

(2) The state, county, and local authorities in their respective jurisdictions may cause official traffic control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection. When such devices are so placed, a ~~no~~ driver of a vehicle may not turn a vehicle at an intersection other than as directed and required by such devices.

(3) A person who violates ~~violation of~~ this section commits
~~is~~ a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 5. Subsections (5), (6), and (19) of section 316.2065, Florida Statutes, are amended to read:

316.2065 Bicycle regulations.—

(5) (a) A ~~Any~~ person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing must ~~shall~~ ride in the bicycle lane ~~marked for bicycle use~~ or, if there is no bicycle lane on the roadway ~~is marked for bicycle use~~, as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

1. When overtaking and passing another bicycle or vehicle proceeding in the same direction.

2. When preparing for a left turn at an intersection or into a private road or driveway.

3. When reasonably necessary to avoid any condition or potential conflict, including, but not limited to, a fixed or

32-00229-21

2021950__

moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, turn lane, or substandard-width lane, which makes it unsafe to continue along the right-hand curb or edge or within a bicycle lane. For the purposes of this subsection, a "substandard-width lane" is a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.

(b) A ~~Any~~ person operating a bicycle upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.

(6) (a) Persons riding bicycles upon a roadway or in a bicycle lane may not ride more than two abreast except on a bicycle path ~~paths or parts of roadways set aside for the exclusive use of bicycles~~. Persons riding two abreast may not impede traffic when traveling at less than the normal speed of traffic at the time and place and under the conditions then existing and must ~~shall~~ ride within a single lane.

(b) When stopping at a stop sign, persons riding bicycles in groups, after coming to a full stop and obeying all traffic laws, may proceed through the stop sign in a group of 10 or fewer at a time. Motor vehicle operators must allow each such group to travel through the intersection before moving forward.

(19) Except as otherwise provided in this section, a person who violates ~~violation of~~ this section commits ~~is~~ a noncriminal traffic infraction, punishable as a pedestrian violation as provided in chapter 318. A law enforcement officer may issue traffic citations for a violation of subsection (3) or subsection (15) only if the violation occurs on a bicycle path or road, as defined in s. 334.03. However, a law enforcement

32-00229-21 2021950__

officer may not issue citations to persons on private property, except any part thereof which is open to the use of the public for purposes of vehicular traffic.

Section 6. Subsection (3) of section 322.12, Florida Statutes, is amended to read:

322.12 Examination of applicants.—

(3) For an applicant for a Class E driver license, such examination shall include all of the following:

(a) A test of the applicant's eyesight given by the driver license examiner designated by the department or by a licensed ophthalmologist, optometrist, or physician.

(b) ~~and~~ A test of the applicant's hearing given by a driver license examiner or a licensed physician.

(c) ~~The examination shall also include~~ A test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated; and his or her knowledge of the effects of alcohol and controlled substances upon persons and the dangers of driving a motor vehicle while under the influence of alcohol or controlled substances. Twenty percent of the test questions related to this paragraph must address bicycle and pedestrian safety.

(d) ~~and shall include~~ An actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.

Section 7. Paragraph (c) of subsection (1) of section

32-00229-21 2021950__

212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(c) At the rate of 6 percent of the gross proceeds derived from the lease or rental of tangible personal property, as defined herein; however, the following special provisions apply to the lease or rental of motor vehicles:

1. When a motor vehicle is leased or rented for a period of less than 12 months:

a. If the motor vehicle is rented in Florida, the entire amount of such rental is taxable, even if the vehicle is dropped off in another state.

b. If the motor vehicle is rented in another state and dropped off in Florida, the rental is exempt from Florida tax.

2. Except as provided in subparagraph 3., for the lease or rental of a motor vehicle for a period of not less than 12 months, sales tax is due on the lease or rental payments if the vehicle is registered in this state; provided, however, that no tax shall be due if the taxpayer documents use of the motor

32-00229-21 2021950__

vehicle outside this state and tax is being paid on the lease or rental payments in another state.

3. The tax imposed by this chapter does not apply to the lease or rental of a commercial motor vehicle as defined in s. 316.003(14) (a) ~~s. 316.003(13) (a)~~ to one lessee or rentee for a period of not less than 12 months when tax was paid on the purchase price of such vehicle by the lessor. To the extent tax was paid with respect to the purchase of such vehicle in another state, territory of the United States, or the District of Columbia, the Florida tax payable shall be reduced in accordance with the provisions of s. 212.06(7). This subparagraph shall only be available when the lease or rental of such property is an established business or part of an established business or the same is incidental or germane to such business.

Section 8. Paragraph (a) of subsection (3) of section 316.306, Florida Statutes, is amended to read:

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

(3) (a) 1. A person may not operate a motor vehicle while using a wireless communications device in a handheld manner in a designated school crossing, school zone, or work zone area as defined in s. 316.003(107) ~~s. 316.003(105)~~. This subparagraph shall only be applicable to work zone areas if construction personnel are present or are operating equipment on the road or immediately adjacent to the work zone area. For the purposes of this paragraph, a motor vehicle that is stationary is not being operated and is not subject to the prohibition in this paragraph.

2.a. During the period from October 1, 2019, through

32-00229-21 2021950__

December 31, 2019, a law enforcement officer may stop motor vehicles to issue verbal or written warnings to persons who are in violation of subparagraph 1. for the purposes of informing and educating such persons of this section. This subparagraph shall stand repealed on October 1, 2020.

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

Section 9. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

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

(1) "Access area" means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(86) (a) or (b) ~~s. 316.003(84) (a) or (b)~~, including any adjacent sidewalk, as defined in s. 316.003.

Section 10. This act shall take effect July 1, 2021.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1670

INTRODUCER: Transportation Committee and Senator Gainer

SUBJECT: Outdoor Advertising

DATE: March 31, 2021

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|---------------|
| 1. | Price | Vickers | TR | Fav/CS |
| 2. | | | MS | |
| 3. | | | AP | |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1670 addresses matters relating to outdoor advertising. Specifically, the bill directs the Florida Department of Transportation (FDOT) to create and implement as soon as practicable a publicly accessible electronic database, which includes specified information for each outdoor advertising permit issued by the FDOT. Once the FDOT creates and implements the database, the FDOT may not furnish permanent metal permit tags or replacement tags to permittees, or enforce specified provisions of current law relating to permanent metal permit tags or replacement tags.

In addition, once the database is implemented, permittees are not required to return permit tags to the FDOT, as is the case under current law.

The bill appears to present no immediate fiscal impact to state revenues or expenditures, and no impact to local revenues or expenditures. See “Fiscal Impact Statement” for additional information.

The bill takes effect July 1, 2021.

II. Present Situation:

Outdoor Advertising

Since the passage of the Highway Beautification Act (HBA) in 1965, the Federal Highway Administration (FHWA) has established controls for outdoor advertising along Federal-aid Primary, Interstate, and National Highway System roads. The HBA allows the location of billboards in commercial or industrial areas, mandates a state compliance program, requires the development of state standards, promotes the expeditious removal of illegal signs, and requires just compensation for takings.

The primary features of the Highway Beautification Act include:

- Billboards are allowed, by statute, in commercial and industrial areas consistent with size, lighting, and spacing provisions as agreed to by the state and federal governments. Billboard controls apply to all interstates, federal-aid primaries, and other highways that are part of the national Highway System.
- States have the discretion to remove legal nonconforming signs¹ along highways. However, the payment of just compensation is required for the removal of any lawfully erected billboard along the specified roads.
- States and localities may enact stricter laws than stipulated in the HBA.

The HBA mandates state compliance and the development of standards for certain signs as well as the removal of nonconforming signs. While the states are not directly forced to control signs, failure to impose the required controls can result in a substantial penalty. The penalty for noncompliance with the HBA is a 10 percent reduction of the state's annual federal-aid highway apportionment.²

Under the provisions of a 1972 agreement between the State of Florida and the U.S. Department of Transportation (USDOT)³ incorporating the HBA's required controls, the FDOT requires commercial signs to meet certain requirements when they are within 660 feet of Interstate and Federal-Aid Primary highways in urban areas, or visible at any distance from the same roadways when outside of urban areas. The agreement embodies the federally-required "effective control of the erection and maintenance of outdoor advertising signs, displays, and devices." Absent this effective control, the non-compliance penalty of 10 percent of federal highway funds may be imposed.

Florida's outdoor advertising laws are found in ch. 479, F.S., and are based on federal law and regulations and the 1972 agreement.⁴ That chapter expressly provides that its provisions do not

¹ A legal "nonconforming sign" is a sign that was legally erected according to the applicable laws and regulations of the time, but which does not meet current laws or regulations. Section 479.01(16), F.S.

² 23 U.S.C. § 131(b).

³ For a copy of the agreement, see ScenicAmerica, available at [Florida Agreement \(scenic.org\)](https://www.scenic.org/Florida-Agreement) (last visited March 25, 2021).

⁴ Some local governments have their own ordinances regulating outdoor advertising in their communities. See FDOT, *Outdoor Advertising*, available at [Outdoor Advertising \(fdot.gov\)](https://www.fdot.gov/outdoor-advertising) (last visited March 26, 2021). The current database may be accessed using the same link.

supersede the rights and powers of counties and municipalities to enact outdoor advertising or sign ordinances.⁵

Permitting and Metal Tags

A person is prohibited from engaging in the business of outdoor advertising in this state without first obtaining a license from the FDOT.⁶ Except as otherwise provided,⁷ a person may not erect, operate, use, or maintain, or cause to be erected, operated, used, or maintained, any sign on the State Highway System outside an urban area,⁸ or on any portion of the interstate or federal-aid primary highway system without first obtaining a permit for the sign from FDOT (and paying the required annual fee).⁹

Once obtaining a license to engage in the business of outdoor advertising and having been issued a permit by the FDOT for an outdoor advertising sign, the FDOT is required to furnish to a permittee a serially numbered, permanent metal permit tag which the permittee is responsible for maintaining on each permitted sign facing at all times. The tag must be securely attached to the upper 50 percent of the sign structure in such a manner as to be plainly visible from the main traveled way.¹⁰ The tag must be properly and permanently displayed at the permitted site within 30 days after the date of permit issuance and, if the permittee fails to erect a completed sign on the permitted site within 270 days after the date of permit issuance, the permit becomes void. The FDOT is prohibited from issuing a new permit to that permittee for the same locations for 270 days after the date on which the permit becomes void.¹¹ Current law also provides for the FDOT issuance of a replacement tag in the event a permit tag is lost, stolen, or destroyed.¹² The fee for a replacement tag, set by FDOT rule, is \$12 per tag.¹³

At least 105 days before a license or a sign permit expires, the FDOT must send to each permittee a notice of fees due for all licenses and permits issued to a licensee/permittee before the date of the notice, and the permittee must advise the FDOT of any additions, deletions, or errors contained in the notice no later than 45 days before the expiration date.¹⁴ Permits tags that are not renewed must be returned to the FDOT for cancellation by the expiration date. Permits

⁵ Section 479.155, F.S.

⁶ Section 479.04, F.S. However, a person is not required to obtain the license to erect outdoor advertising signs or structures as an incidental part of a building construction contract.

⁷ See, e.g., s. 479.16, F.S., for a list of signs for which permits are not required.

⁸ "Urban area" means a geographic region comprising as a minimum the area inside the United States Bureau of the Census boundary of an urban place with a population of 5,000 or more persons, expanded to include adjacent developed areas as provided for by Federal Highway Administration regulations. Section 334.03(31), F.S.

⁹ The annual permit fee for each sign facing is \$71. See Rule 14-10.0043, F.A.C. A "sign facing" includes all sign faces and automatic changeable faces displayed at the same location and facing the same direction. Section 479.01(22), F.S. An "automatic changeable facing" means a facing that is capable of delivering two or more advertising messages through an automated or remotely controlled process. Section 479.01(2), F.S.

¹⁰ "Main traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separate roadways for traffic in opposite directions is a main-traveled way. The term does not include such facilities as frontage roads, turning roadways which specifically include on-ramps or off-ramps to the interstate highway system, or parking areas. Section 479.01(12), F.S.

¹¹ Section 479.07(5), F.S.

¹² Section 479.07(5), F.S.

¹³ Rule 14-10.004(14), F.A.C.

¹⁴ Section 479.07(8), F.S.

that are not renewed or are canceled must be certified in writing at canceled or not renewed by the permittee, and permit tags for such permits must be returned to the FDOT or accounted for in writing by the permittee.¹⁵

“Digital” Outdoor Advertising Signs

Neither current law nor the FDOT’s rules expressly define “digital” outdoor advertising signs but do address “changeable messages” on outdoor advertising signs.¹⁶ Signs may have an automatic changeable facing under the following conditions:

- The static display time for each message is at least six seconds;
- The time to completely change from one message to the next is a maximum of two seconds or, if messages are displayed digitally, the message must change instantaneously;
- The change of message occurs simultaneously for the entire sign face; and,
- All signs with changeable messages shall contain a default design that will ensure no flashing, intermittent message, or any other apparent movement is displayed should a malfunction occur.¹⁷

III. Effect of Proposed Changes:

Section 1 amends s. 479.07, F.S., relating to outdoor advertising sign permits, requiring the FDOT to create and implement as soon as practicable a publicly accessible electronic database which includes permit details for each permit issued by the FDOT. The details in the database must include at a minimum the:

- Name and contact information of the permit operator,
- Structure identification number or numbers,
- Panel or face identification number or numbers,
- Latitude and longitude of the permitted sign,
- Compass bearing, and
- Most recent date the FDOT visually inspected the permitted sign.

Additionally, the database must also include images of the permitted sign once constructed.

Upon implementation of the database, the FDOT may not:

- Furnish permanent metal permit tags or replacement tags to permittees, or
- Enforce specified provisions of current law relating to permanent metal permit tags or replacement tags.

In addition, permittees are not then required to return permit tags to the FDOT, as is the case under current law.

The bill takes effect July 1, 2021.

¹⁵ Id.

¹⁶ Rule 14-10.004(10), F.A.C.

¹⁷ Id.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Not applicable.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

The FDOT will no longer collect the \$12 fee for replacement tags after the required database is implemented. However, the FDOT advises the related loss of revenue is insignificant.¹⁸

B. Private Sector Impact:

Owners of the specified outdoor advertising signs will no longer be subject to the \$12 fee for replacement tags after the database is implemented.

C. Government Sector Impact:

While the bill presents no immediate fiscal impact to the FDOT, the FDOT will incur expenses in unknown but potentially significant amounts for creating and implementing the required database and purchasing related equipment for use by its outdoor advertising inspectors in the field.¹⁹ The FDOT's ability to accomplish these tasks over time appears to facilitate the agency's ability to more efficiently and effectively plan for creation and implementation of the database and to absorb the expenses without the need for up-front expenditures in a short period of time.

¹⁸ Telephone conversation with FDOT staff, March 29, 2021.

¹⁹ *Id.*

Once the database is implemented, the FDOT will likely incur an insignificant reduction in revenue relating to removal of the fee for replacement permit tags.

The bill does not appear to impact local revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 252.35 and 479.07.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Transportation on March 30, 2021:

- Removes direction to the Florida Division of Emergency Management to identify and maintain an inventory of available digital outdoor advertising structures capable of providing messaging to the public during a declared state of emergency.
- Directs the FDOT to create and implement the database “as soon as practicable,” rather than by July 1, 2021.
- Revises the details for each permit to be included in the database to add panel or face identification number or numbers.

B. Amendments:

None.



282822

LEGISLATIVE ACTION

| | | |
|------------|---|-------|
| Senate | . | House |
| Comm: RCS | . | |
| 03/30/2021 | . | |
| | . | |
| | . | |
| | . | |

The Committee on Transportation (Gainer) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (5) of section 479.07, Florida
Statutes, is amended to read:

479.07 Sign permits.—

(5) (a) For each permit issued, the department shall furnish
to the applicant a serially numbered permanent metal permit tag.
The permittee is responsible for maintaining a valid permit tag



282822

on each permitted sign facing at all times. The tag shall be securely attached to the upper 50 percent of the sign structure, and attached in such a manner as to be plainly visible from the main-traveled way. The permit tag must be properly and permanently displayed at the permitted site within 30 days after the date of permit issuance. If the permittee fails to erect a completed sign on the permitted site within 270 days after the date on which the permit was issued, the permit will be void, and the department may not issue a new permit to that permittee for the same location for 270 days after the date on which the permit becomes void.

(b) If a permit tag is lost, stolen, or destroyed, the permittee to whom the tag was issued must apply to the department for a replacement tag. The department shall establish a service fee for replacement tags in an amount that will recover the actual cost of providing the replacement tag. Upon receipt of the application accompanied by the service fee, the department shall issue a replacement permit tag.

(c)1. As soon as practicable, the department shall create and implement a publicly accessible electronic database to include all permits issued by the department. At a minimum, the database must include the name and contact information of the permit operator, the structure identification number or numbers, the panel or face identification number or numbers, the latitude and longitude of the permitted sign, the compass bearing, images of the permitted sign once constructed, and the most recent date the department visually inspected the permitted sign.

2. Once the department creates and implements the publicly accessible electronic database:



282822

a. The department may not furnish permanent metal permit tags or replacement tags to permittees;

b. The department may not enforce the provisions relating to permanent metal permit tags or replacement tags specified in paragraphs (a) and (b); and

c. Permittees are not required to return permit tags to the department as provided in subsection (8).

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

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to outdoor advertising; amending s.
479.07, F.S.; requiring the Department of
Transportation to create and implement a publicly
accessible electronic database for sign permit
information; specifying requirements for the database;
prohibiting the department from furnishing permanent
metal permit tags or replacement tags and from
enforcing specified provisions once the department
creates and implements the database; specifying that
permittees are not required to return permit tags to
the department once the department creates and
implements the database; providing an effective date.

By Senator Gainer

2-01189-21

20211670__

A bill to be entitled

An act relating to outdoor advertising; amending s. 252.35, F.S.; expanding the duties of the Division of Emergency Management to include the identification and maintenance of an inventory of available digital outdoor advertising structures capable of providing messaging to the public during declared states of emergency; amending s. 479.07, F.S.; requiring the Department of Transportation to include details for each sign permit issued by the department in a publicly accessible database; deleting a requirement for the department to furnish a metal permit tag to an applicant for a sign permit; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Paragraph (z) is added to subsection (2) of section 252.35, Florida Statutes, to read:

252.35 Emergency management powers; Division of Emergency Management.—

(2) The division is responsible for carrying out the provisions of ss. 252.31-252.90. In performing its duties, the division shall:

(z) Identify and maintain an inventory of available digital outdoor advertising structures capable of providing messaging to the public during a declared state of emergency.

Section 2. Subsection (5) and paragraph (a) of subsection (8) of section 479.07, Florida Statutes, are amended to read:

2-01189-21

20211670__

479.07 Sign permits.—

(5) ~~(a)~~ For each permit issued, the department shall include the permit details in a publicly accessible electronic database. Those details must include, but are not limited to, the name and contact information of the permit operator, the structure identification number or numbers, the panel or face identification number or numbers, the latitude and longitude of the permitted sign, the compass bearing, images of the permitted sign once constructed, and the most recent date the department visually inspected the permitted sign furnish to the applicant a serially numbered permanent metal permit tag. The permittee is responsible for maintaining a valid permit tag on each permitted sign facing at all times. The tag shall be securely attached to the upper 50 percent of the sign structure, and attached in such a manner as to be plainly visible from the main-traveled way. The permit tag must be properly and permanently displayed at the permitted site within 30 days after the date of permit issuance. ~~If the permittee fails to erect a completed sign on the permitted site within 270 days after the date on which the permit was issued, the permit will be void, and the department may not issue a new permit to that permittee for the same location for 270 days after the date on which the permit becomes void.~~

~~(b) If a permit tag is lost, stolen, or destroyed, the permittee to whom the tag was issued must apply to the department for a replacement tag. The department shall establish a service fee for replacement tags in an amount that will recover the actual cost of providing the replacement tag. Upon receipt of the application accompanied by the service fee, the~~

2-01189-21

20211670__

~~department shall issue a replacement permit tag.~~

(8) (a) In order to reduce peak workloads, the department may provide for staggered expiration dates for licenses and permits. Unless otherwise provided for by rule, all licenses and permits expire annually on January 15. All license and permit renewal fees are required to be submitted to the department by no later than the expiration date. At least 105 days before the expiration date of licenses and permits, the department shall send to each permittee a notice of fees due for all licenses and permits that were issued to him or her before the date of the notice. Such notice must list the permits and the permit fees due for each sign facing. The permittee shall, no later than 45 days before the expiration date, advise the department of any additions, deletions, or errors contained in the notice. ~~Permit tags that are not renewed shall be returned to the department for cancellation by the expiration date.~~ Permits that are not renewed or are canceled shall be certified in writing at that time as canceled or not renewed by the permittee, ~~and permit tags for such permits shall be returned to the department or shall be accounted for by the permittee in writing,~~ which writing shall be submitted with the renewal fee payment or the cancellation certification. However, failure of a permittee to submit a permit cancellation does not affect the nonrenewal of a permit. Before cancellation of a permit, the permittee shall provide written notice to all persons or entities having a right to advertise on the sign that the permittee intends to cancel the permit.

Section 3. This act shall take effect July 1, 2021.

THE FLORIDA SENATE

APPEARANCE RECORD

3/30/2021

Meeting Date

SB 1670

Bill Number (if applicable)

Topic Outdoor Advertising (Transportation Committee)

Amendment Barcode (if applicable)

Name French Brown

Job Title Lobbyist

Address 106 East College Avenue, Suite 1200

Phone 850-459-0992

Street

Tallahassee

FL

32301

Email fbrown@deanmead.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Outdoor Advertising Association

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)

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

I, Laurel M. Lee, Secretary of State,
do hereby certify that

John P. Browning, Jr.

is duly appointed a member of the

Florida Transportation Commission

for a term beginning on the Twenty-Third day of December,
A.D., 2020, until the Thirtieth day of September, A.D., 2023 and
is subject to be confirmed by the Senate during the next regular
session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Fourth day of February, A.D., 2021.*

Laurel M. Lee

Secretary of State





RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2021 JAN -8 AM 9:35
DIVISION OF ELECTIONS
TALLAHASSEE, FL

December 23, 2020

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

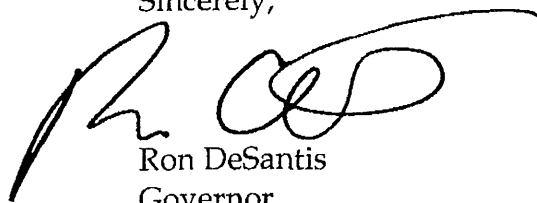
Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 20.23, Florida Statutes:

Mr. John Browning Jr.
119 Browning Lane
East Palatka, Florida 32131

as a member of the Florida Transportation Commission, subject to confirmation by the Senate. This appointment is effective December 23, 2020, for a term ending September 30, 2023.

Sincerely,



Ron DeSantis
Governor

RD/cr

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED

STATE OF FLORIDA

County of

Putnam

2021 FEB 23 AM 11:01

DIVISION OF ELECTIONS
TALLAHASSEE, FL

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

Member of the Florida Transportation Commission
(Title of Office)

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

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

Signature

Sworn to and subscribed before me by means of ☒ physical presence or
online notarization, this 22nd day of February, 2021

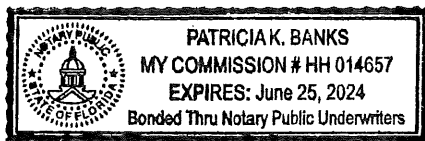
Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR

Produced Identification ☐

Type of Identification Produced _____



ACCEPTANCE

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

Mailing Address: ☐ Home ☒ Office

480 Hwy 17 S
Street or Post Office Box

San Mateo, FL 32187
City, State, Zip Code

John P Browning Jr
Print Name

Signature

5627

125822

QUESTIONNAIRE FOR SENATE CONFIRMATION

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

1/20/21

Date Completed

1. Name: Mr. Browning, Jr John Peirce

Mr./Mrs./Ms.

Last

First

Middle/Maiden

2. Business Address: 480 S Us Highway 17, San Mateo

Street

Office #

City

FL, 32187

(386) 328-7295

Post Office Box

State

Zip Code

Area Code/Phone Number

3. Residence Address: 119 Browning Ln, East Palatka, Putnam

Street

City

County

FL, 32131

Post Office Box

State

Zip Code

Area Code/Phone Number

Specify the preferred mailing address: Business ☐Residence ☒Fax # 386-328-7282
(optional)

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

AddressCity & StateFromTo

119 Browning Ln, East Palatka, FL 32131

approx. 1979- Present

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

AddressCity & StateFrom

None

5. Date of Birth: _____ Place of Birth: St Augustine, FL

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: FL

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

RECEIVED
 DEPARTMENT OF STATE
 DIVISION OF ELECTIONS
 2021 FEB - 9 AM 9:54

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

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 1945

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

A. County of Registration: Putnam B. Current Party Affiliation: Republican

12. Education

A. High School: Palatka Senior High, Palatka, FL Year Graduated: 1963
(Name and Location)

B. List all postsecondary educational institutions attended:

| <u>Name & Location</u> | <u>Dates Attended</u> | <u>Certificates/Degrees Received</u> |
|---|-----------------------|--------------------------------------|
| <u>St Johns River Community College</u> | <u>1963-1965</u> | <u>AA Business Management</u> |
| <u>Florida State University</u> | <u>1965-1968</u> | <u>BS Business Management</u> |

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

A. Dates of Service: 06/12/1968

B. Branch or Component: Army National Guard

C. Date & type of discharge: 08/14/1981 Honorable

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

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

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

| <u>Employer's Name & Address</u> | <u>Type of Business</u> | <u>Occupation/Job Title</u> | <u>Period of Employment</u> |
|--|-------------------------|-----------------------------|-----------------------------|
| <u>The Goodman Company, 777 S Flagler Dr, Ste 136, West Palm Beach, FL 33401 Real Estate Development, VP New Projects 2004-Present</u> | | | |
| <u>Hugh Corrigan III, Family Lmt'd Partnership, LLLP Real Estate PO Box 643726 Vero Beach, FL 32964 Consultant 2013- Present</u> | | | |
| <u>Self Browning Consulting, Mitigation Banking 480 S Us Highway 17, San Mateo, FL 32187 President 2005- Present</u> | | | |
| <u>Self Browning Packing, Meat Packing, 359 S Us Highway 17, East Palatka, FL 32131 President 1980-Present</u> | | | |

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes ☐ No ☒

If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

| <u>Position</u> | <u>Employing Agency</u> | <u>Period of Employment</u> |
|-----------------|-------------------------|-----------------------------|
| | | |
| | | |
| | | |

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

Served previously on Florida Transportation Commission & served as Chairman FTC

Served 2 terms on Florida High Speed Rail Commission

Served on Florida Statewide Passenger Rail Commission

Former member of National Council on Surface Transportation Research

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

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

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

Floridians For Better Transportation

Associated Industries of Florida

NFIB Leadership Council

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

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

Office Title

Date of Election or Appointment

Term of Office

Level of Government

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

(1) How frequently were meetings scheduled: _____

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

Meetings Attended

Meetings Missed

Reason for Absence

| | | |
|--|--|--|
| | | |
| | | |
| | | |

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

Date

Nature of Violation

Disposition

| | | |
|--|--|--|
| | | |
| | | |
| | | |

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

A. Title of office: _____ C. Reason for suspension: _____

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

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

A. Title of Office: Florida Transportation Commission

B. Term of Appointment: 2 years

C. Confirmation results: Confirmed

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

| |
|--|
| |
| |

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

License/Certificate

Original

Title & Number

Issue Date

Issuing Authority

Disciplinary Action/Date

| | | | |
|--|--|--|--|
| | | | |
| | | | |
| | | | |
| | | | |

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

Name of Business

Your Relationship to Business

Business' Relationship to Agency

The Goodman Company VP New Projects/Consultant None

Bryan Corrigan Consultant None

Florida Mitigation Providers Consultant None

Beck Auto Group Consultant None

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ☐ No ☐ If "Yes", explain:

| <u>Name of Business</u> | <u>Family Member's Relationship to You</u> | <u>Family Member's Relationship to Business</u> | <u>Business' Relationship to Agency</u> |
|-------------------------|--|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes ☐ No ☒

A. Did you receive any compensation other than reimbursement for expenses? Yes ☐ No ☐

B. Name of agency or entity you lobbied and the principal(s) you represented:

| <u>Agency Lobbied</u> | <u>Principal Represented</u> |
|-----------------------|------------------------------|
| | |
| | |
| | |
| | |

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

| <u>Name</u> | <u>Mailing Address</u> | <u>Zip Code</u> | <u>Area Code/Phone Number</u> |
|---------------|------------------------|-----------------|-------------------------------|
| Tom Feeney | | | |
| Bill Herrle | | | |
| Ananth Prasad | | | |
| | | | |
| | | | |

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

| <u>Name</u> | <u>Mailing Address</u> | <u>Office(s) Held & Term</u> | <u>Date(s) of Membership</u> |
|-----------------------------------|----------------------------------|----------------------------------|------------------------------|
| Associated Industries of Florida | 516 N Adams St, Tallahassee, FL | Board Member | 8 years |
| Putnam County Chamber of Commerce | 1100 Reid St, Palatka, FL | Board Member | 32 years |
| Floridians Better Transportation | 136 Bronough St, Tallahassee, FL | Board Member | 10 years |
| Rotary Club of Palatka Sunrise | PO Box 2343, Palatka, FL | Member | 27 years |

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes ☐ No ☒ If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes ☒ No ☐

CERTIFICATION

RECEIVED
DEPARTMENT OF STATE
2021 FEB -8 AM 9:54

STATE OF FLORIDA

COUNTY OF Putnam

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

Before me, the undersigned Notary Public of Florida, personally appeared

John P. Browning Jr,
who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

[Signature]
Signature of Applicant-Affiant

Sworn to and subscribed before me this 36th day of January, 2021.

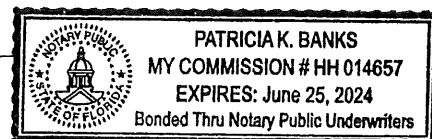
Patricia K. Banks
Signature of Notary Public-State of Florida

Patricia K. Banks
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: _____

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____



(seal)

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

☐ Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) _____

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

Senate Confirmation Questionnaire

Please mail to: Room316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

The information from this page has been requested and will be used exclusively for Minority Statistics.

Please type or use blue ink.

1. Board of Interest: Florida Transportation Commission
2. Current Employer and Occupation: The Goodman Company, VP New Projects
3. Are you applying for reappointment: Yes ☒ No ☐
4. *Do you have a disability? Yes ☐ No ☒ If "Yes", please describe your disability that would qualify you for this appointment, if applicable.

5. *Sex: Male ☒ Female ☐

6. *Race: White ☒ African-American ☐
Hispanic-American ☐ Asian/Pacific Islander ☐
Native-American/Alaskan Native ☐

7. Do you now, or have you, within the last three years, been a member of any club or organization that, to your knowledge, in practice or policy, restricts membership or restricted membership during the time that you belonged on the basis of race, religion, national origin, or gender? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices, and state whether you intend to continue as a member if you appointed by the Governor.
8. One of the Governor's top priorities is to improve the conditions of the children living in our state. Would you be willing to spend an hour a week with a child in need in your community? If so, please identify the type of program and/or activity you would be willing to participate in as a mentor.

John P Browning Jr
Applicant's Name, including name commonly used
(Please print)

* This information will be used to provide demographic statistics and is not requested for the purpose of discriminating on any basis

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

WITNESS'S NAME: John P. Browning

ANSWER: I do

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Transportation

DATE: 3/30/2021

CourtSmart Tag Report

Room: SB 110
Case No.:
Caption: Senate Transportation Committee

Type:
Judge:

Started: 3/30/2021 3:31:12 PM
Ends: 3/30/2021 4:21:15 PM **Length:** 00:50:04

3:31:11 PM Meeting called to order by Chair Harrell
3:31:36 PM Roll call by CAA Marilyn Hudson
3:31:43 PM Quorum present
3:31:53 PM Comments from Chair Harrell
3:32:54 PM Introduction of Tab 2, SB 950 by Chair Harrell
3:33:09 PM Explanation of SB 950, Bicycle and Pedestrian Safety by Senator Book
3:34:25 PM Introduction of Late-filed Amendment Barcode 297958 by Chair Harrell
3:34:37 PM Explanation of Amendment by Senator Book
3:35:34 PM Comments from Chair Harrell
3:35:59 PM Amendment adopted
3:36:08 PM Comments from Chair Harrell
3:36:15 PM Question from Senator Gainer
3:36:21 PM Response from Senator Book
3:36:31 PM Follow-up question from Senator Gainer
3:36:41 PM Response from Senator Book
3:37:28 PM Comments from Chair Harrell
3:37:52 PM Senator Berman in debate
3:38:47 PM Senator Rodriguez in debate
3:39:19 PM Chair Harrell in debate
3:39:51 PM Senator Book in closure
3:39:58 PM Roll call by CAA
3:40:07 PM CS/SB 950 reported favorably
3:40:24 PM Introduction of Tab 1, CS/SB 566 by Chair Harrell
3:40:41 PM Explanation of CS/SB 566, Motor Vehicle Rentals by Senator Perry
3:41:54 PM Comments from Chair Harrell
3:41:59 PM Question from Senator Berman
3:42:26 PM Response from Senator Perry
3:43:19 PM Follow-up question from Senator Berman
3:43:31 PM Response from Senator Perry
3:43:45 PM Follow-up question from Senator Berman
3:43:51 PM Response from Senator Perry
3:44:26 PM Follow-up question from Senator Berman
3:44:34 PM Response from Senator Perry
3:45:42 PM Question from Chair Harrell
3:45:48 PM Response from Senator Perry
3:47:46 PM Follow-up question from Chair Harrell
3:47:55 PM Response from Senator Perry
3:49:09 PM Follow-up question from Chair Harrell
3:49:16 PM Response from Senator Perry
3:50:06 PM Comments from Chair Harrell
3:50:14 PM Caitlin Murray, National Association of Mutual Insurance Companies waives in support
3:50:25 PM Sean Vinck, Turo, Inc. waives in support

3:52:07 PM Speaker Leslie Dughi, Enterprise Holdings waives in support
3:53:11 PM Speaker William Cotterall, Florida Justice Association waives in opposition
3:56:46 PM Speaker George Feijoo, Avail in support
3:59:52 PM Brewster Bevis, Associated Industries of Florida waives in support
4:00:55 PM Comments from Chair Harrell
4:01:04 PM Senator Berman in debate
4:01:45 PM Chair Harrell in debate
4:01:56 PM Senator Perry in closure
4:02:41 PM Roll call by CAA
4:03:33 PM CS/SB 566 reported favorably
4:03:53 PM Introduction of Tab 3, SB 1670 by Chair Harrell
4:04:08 PM Explanation of SB 1670, Outdoor Advertising by Senator Gainer
4:04:30 PM Introduction of Amendment Barcode 282822 by Chair Harrell
4:05:02 PM Explanation of Amendment by Senator Gainer
4:05:25 PM Comments from Chair Harrell
4:05:57 PM Amendment adopted
4:06:04 PM Comments from Chair Harrell
4:06:14 PM Speaker French Brown, Florida Outdoor Advertising Association in support
4:07:15 PM Comments from Chair Harrell
4:07:54 PM Closure waived
4:07:57 PM Roll call by CAA
4:08:01 PM CS/SB 1670 reported favorably
4:08:25 PM Introduction of Tab 4, Confirmation Hearing by Chair Harrell
4:10:35 PM Swearing in of Mr. John P. Browning by Chair Harrell
4:11:35 PM Speaker Mr. John P. Browning, Florida Transportation Commission (Reappointment)
4:16:16 PM Comments from Chair Harrell
4:16:26 PM Question from Chair Harrell
4:16:33 PM Response from Mr. Browning
4:19:12 PM Comments from Chair Harrell
4:19:41 PM Senator Wright moves to recommend confirmation of Mr. John Browning as a reappointment, Florida Transportation Committee
4:19:51 PM Roll call by CAA
4:19:58 PM By your vote, the confirmation of Mr. John Browning is recommended favorably
4:20:19 PM Comments from Chair Harrell
4:20:23 PM Senator Wright would like to be shown voting in the affirmative on CS/SB 950
4:20:40 PM Comments from Chair Harrell
4:20:46 PM Senator Rodriguez moves to adjourn
4:21:00 PM Meeting adjourned