

Tab 1	CS/SB 566 by BI, Perry; (Similar to H 00365) Motor Vehicle Rentals
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Tab 2	SB 950 by Book; (Similar to CS/H 00605) Bicycle and Pedestrian Safety
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297958	D	S	RCS	TR, Book	Delete everything after 03/30 04:56 PM
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Tab 3	SB 1670 by Gainer; (Compare to CS/CS/H 00079) Outdoor Advertising
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282822	D	S	RCS	TR, Gainer	Delete everything after 03/30 04:56 PM
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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)	<p>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.</p> <p>BI 03/16/2021 Temporarily Postponed BI 03/24/2021 Fav/CS TR 03/30/2021 Favorable AP</p>	Favorable Yeas 8 Nays 0
2	SB 950 Book (Similar CS/H 605)	<p>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.</p> <p>TR 03/30/2021 Fav/CS ATD AP</p>	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.	Fav/CS Yea 7 Nays 0
	TR MS AP	03/30/2021 Fav/CS	
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 Yea 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. Arnold	Knudson	BI	Fav/CS
2. Proctor	Vickers	TR	Favorable
3. _____	_____	AP	_____

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/loaddoc.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 or 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 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 assume 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

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A bill to be entitled
An act relating to motor vehicle rentals; amending s. 212.05, F.S.; specifying the applicable sales tax rate on motor vehicle leases and rentals by motor vehicle rental companies and peer-to-peer car-sharing programs; amending s. 212.0606, F.S.; defining terms; specifying the applicable surcharge on motor vehicle leases and rentals by motor vehicle rental companies and peer-to-peer car-sharing programs; specifying applicability of the surcharge; requiring motor vehicle rental companies and peer-to-peer car-sharing programs to collect specified surcharges; creating s. 627.7483, F.S.; defining terms; specifying motor vehicle insurance requirements for peer-to-peer car-sharing programs; providing that peer-to-peer car-sharing programs have an insurable interest in shared vehicles during specified periods; providing construction; authorizing peer-to-peer car-sharing programs to own and maintain certain motor vehicle insurance policies; requiring peer-to-peer car-sharing programs to assume certain liability; providing exceptions; providing for the assumption of primary liability for claims when certain disputes exist; requiring shared vehicle owners' insurers to indemnify peer-to-peer car-sharing programs under certain circumstances; providing exemptions from vicarious liabilities for peer-to-peer car-sharing programs and shared vehicle owners; authorizing motor vehicle insurers to exclude specified coverages under certain

Page 1 of 21

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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.

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

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

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597-03307-21

2021566c1

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

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

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

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

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

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

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

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

Page 3 of 21

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597-03307-21

2021566c1

88 lease or rental of a commercial motor vehicle as defined in s.
 89 316.003(13)(a) to one lessee or rentee for a period of not less
 90 than 12 months when tax was paid on the purchase price of such
 91 vehicle by the lessor. To the extent tax was paid with respect
 92 to the purchase of such vehicle in another state, territory of
 93 the United States, or the District of Columbia, the Florida tax
 94 payable shall be reduced in accordance with the provisions of s.
 95 212.06(7). This subparagraph shall only be available when the
 96 lease or rental of such property is an established business or
 97 part of an established business or the same is incidental or
 98 germane to such business.

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

101 212.0606 Rental car surcharge.—

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

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

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

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

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

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

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

115 6. Without a separate fee for minimum financial

116 responsibility liability insurance; and

Page 4 of 21

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597-03307-21 2021566c1

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

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

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

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

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

Page 5 of 21

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597-03307-21 2021566c1

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

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

161 (5) (2) A member of a car-sharing service who uses a motor
 162 vehicle as described in subsection (2) (1) for less than 24
 163 hours pursuant to an agreement with the car-sharing service
 164 shall pay a surcharge of \$1 per usage. A member of a car-sharing
 165 service who uses the same motor vehicle for 24 hours or more
 166 shall pay a surcharge of \$2 per day or any part of a day as
 167 provided in subsection (2) (1). The car-sharing service shall
 168 collect the surcharge For purposes of this subsection, the term
 169 "car-sharing service" means a membership-based organization or
 170 business, or division thereof, which requires the payment of an
 171 application or membership fee and provides member access to
 172 motor vehicles.

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

Page 6 of 21

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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

Page 7 of 21

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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) Except as provided in this section, the

213 department shall administer, collect, and enforce the surcharge

214 surcharge as provided in this chapter.

215 (b) 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) 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

Page 8 of 21

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597-03307-21

2021566c1

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

238 ~~(8)(5)~~ The surcharge imposed by this section does not apply
 239 to a motor vehicle or a shared vehicle provided at no charge to
 240 a person whose motor vehicle is being repaired, adjusted, or
 241 serviced by the entity providing the replacement motor vehicle.

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

244 627.7483 Peer-to-peer car sharing; insurance requirements.

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

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

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

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

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

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

Page 9 of 21

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597-03307-21

2021566c1

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

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

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

274 (e) "Peer-to-peer car sharing" or "car sharing" means the
 275 authorized use of a motor vehicle by an individual other than
 276 the vehicle's owner through a peer-to-peer car-sharing program.
 277 For the purposes of this section, the term does not include the
 278 renting of a motor vehicle through a rental car company, the use
 279 of a for-hire vehicle as defined in s. 320.01(15), ridesharing
 280 as defined in s. 341.031(9), a carpool as defined in s.
 281 450.28(3), or the use of a motor vehicle under an agreement for
 282 a car-sharing service as defined in s. 212.0606(1).

283 (f) "Peer-to-peer car-sharing program" means a business
 284 platform that enables peer-to-peer car sharing by connecting
 285 motor vehicle owners with drivers for financial consideration.
 286 For the purposes of this section, the term does not include a
 287 rental car company, a car-sharing service as defined in s.
 288 212.0606(1), a taxicab association, the owner of a for-hire
 289 vehicle as defined in s. 320.01(15), or a service provider that
 290 is solely providing hardware or software as a service to a

Page 10 of 21

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597-03307-21 2021566c1

291 person or an entity that is not effectuating payment of
 292 financial consideration for use of a shared vehicle.
 293 (g) "Peer-to-peer car-sharing program agreement" means the
 294 terms and conditions established by the peer-to-peer car-sharing
 295 program which are applicable to a shared vehicle owner and a
 296 shared vehicle driver and which govern the use of a shared
 297 vehicle through a peer-to-peer car-sharing program. For the
 298 purposes of this section, the term does not include a rental
 299 agreement or an agreement for a for-hire vehicle as defined in
 300 s. 320.01(15) or for a car-sharing service as defined in s.
 301 212.0606(1).
 302 (h) "Shared vehicle" means a motor vehicle that is
 303 available for sharing through a peer-to-peer car-sharing
 304 program. For the purposes of this section, the term does not
 305 include a rental car, a for-hire vehicle as defined in s.
 306 320.01(15), or a motor vehicle used for ridesharing as defined
 307 in s. 341.031(9), for a carpool as defined in s. 450.28(3), or
 308 for a car-sharing service as defined in s. 212.0606(1).
 309 (i) "Shared vehicle driver" means an individual who has
 310 been authorized by the shared vehicle owner to drive the shared
 311 vehicle under the peer-to-peer car-sharing program agreement.
 312 (j) "Shared vehicle owner" means the registered owner, or a
 313 natural person or an entity designated by the registered owner,
 314 of a motor vehicle made available for sharing to shared vehicle
 315 drivers through a peer-to-peer car-sharing program. For the
 316 purposes of this section, the term does not include an owner of
 317 a for-hire vehicle as defined in s. 320.01(15).
 318 (2) INSURANCE COVERAGE REQUIREMENTS.—
 319 (a) 1. A peer-to-peer car-sharing program shall ensure that,

Page 11 of 21

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597-03307-21 2021566c1

320 during each car-sharing period, the shared vehicle owner and the
 321 shared vehicle driver are insured under a motor vehicle
 322 insurance policy that provides all of the following:
 323 a. Property damage liability coverage that meets the
 324 minimum coverage amounts required under s. 324.022.
 325 b. Bodily injury liability coverage limits as described in
 326 s. 324.021(7)(a) and (b).
 327 c. Personal injury protection benefits that meet the
 328 minimum coverage amounts required under s. 627.736.
 329 d. Uninsured and underinsured vehicle coverage as required
 330 under s. 627.727.
 331 2. The peer-to-peer car-sharing program shall also ensure
 332 that the motor vehicle insurance policy under subparagraph 1.:
 333 a. Recognizes that the shared vehicle insured under the
 334 policy is made available and used through a peer-to-peer car-
 335 sharing program; or
 336 b. Does not exclude the use of a shared vehicle by a shared
 337 vehicle driver.
 338 (b) 1. The insurance described under paragraph (a) may be
 339 satisfied by a motor vehicle insurance policy maintained by:
 340 a. A shared vehicle owner;
 341 b. A shared vehicle driver;
 342 c. A peer-to-peer car-sharing program; or
 343 d. A combination of a shared vehicle owner, a shared
 344 vehicle driver, and a peer-to-peer car-sharing program.
 345 2. The insurance policy maintained in subparagraph 1. which
 346 satisfies the insurance requirements under paragraph (a) is
 347 primary during each car-sharing period. If a claim occurs during
 348 the car-sharing period in another state with minimum financial

Page 12 of 21

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597-03307-21 2021566c1

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

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

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

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

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

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

Page 13 of 21

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597-03307-21 2021566c1

378 (II) Liability of the shared vehicle owner;
 379 (III) Liability of the shared vehicle driver;
 380 (IV) Damage or loss to the shared motor vehicle; or
 381 (V) Damage, loss, or injury to persons or property to
 382 satisfy the personal injury protection and uninsured and
 383 underinsured motorist coverage requirements of this section.

384 e. Insurance required under paragraph (a), when maintained
 385 by a peer-to-peer car-sharing program, may be provided by an
 386 insurer authorized to do business in this state which is a
 387 member of the Florida Insurance Guaranty Association or an
 388 eligible surplus lines insurer that has a superior, excellent,
 389 exceptional, or equivalent financial strength rating by a rating
 390 agency acceptable to the office. A peer-to-peer car-sharing
 391 program is not transacting in insurance when it maintains the
 392 insurance required under this section.

393 (3) LIABILITIES AND INSURANCE EXCLUSIONS.—

394 (a) Liability.—

395 1. A peer-to-peer car-sharing program shall assume
 396 liability, except as provided in subparagraph 2., of a shared
 397 vehicle owner for bodily injury or property damage to third
 398 parties or uninsured and underinsured motorist or personal
 399 injury protection losses during the car-sharing period in an
 400 amount stated in the peer-to-peer car-sharing program agreement,
 401 which amount may not be less than those set forth in ss.
 402 324.021(7)(a) and (b), 324.022, 627.727, and 627.736,
 403 respectively.

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

406 a. Makes an intentional or fraudulent material

Page 14 of 21

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597-03307-21 2021566c1

407 misrepresentation or omission to the peer-to-peer car-sharing
 408 program before the car-sharing period in which the loss occurs;
 409 or
 410 b. Acts in concert with a shared vehicle driver who fails
 411 to return the shared vehicle pursuant to the terms of the peer-
 412 to-peer car-sharing program agreement.
 413 3. The insurer, insurers, or peer-to-peer car-sharing
 414 program providing coverage under paragraph (2)(a) shall assume
 415 primary liability for a claim when:
 416 a. A dispute exists over who was in control of the shared
 417 motor vehicle at the time of the loss, and the peer-to-peer car-
 418 sharing program does not have available, did not retain, or
 419 fails to provide the information required under subsection (5);
 420 or
 421 b. A dispute exists over whether the shared vehicle was
 422 returned to the alternatively agreed-upon location as required
 423 under subparagraph (1)(d)2.
 424 (b) Vicarious liability.—A peer-to-peer car-sharing program
 425 and a shared vehicle owner are exempt from vicarious liability
 426 consistent with 49 U.S.C. s. 30106 (2005) under any state or
 427 local law that imposes liability solely based on vehicle
 428 ownership.
 429 (c) Exclusions in motor vehicle insurance policies.—An
 430 authorized insurer that writes motor vehicle liability insurance
 431 in this state may exclude any coverage and the duty to defend or
 432 indemnify for any claim under a shared vehicle owner's motor
 433 vehicle insurance policy, including, but not limited to:
 434 1. Liability coverage for bodily injury and property
 435 damage;

Page 15 of 21

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597-03307-21 2021566c1

436 2. Personal injury protection coverage;
 437 3. Uninsured and underinsured motorist coverage;
 438 4. Medical payments coverage;
 439 5. Comprehensive physical damage coverage; and
 440 6. Collision physical damage coverage.
 441
 442 This paragraph does not invalidate or limit any exclusion
 443 contained in a motor vehicle insurance policy, including any
 444 insurance policy in use or approved for use which excludes
 445 coverage for motor vehicles made available for rent, sharing, or
 446 hire or for any business use. This paragraph does not
 447 invalidate, limit, or restrict an insurer's ability under
 448 existing law to underwrite, cancel, or nonrenew any insurance
 449 policy.
 450 (d) Contribution against indemnification.—A shared vehicle
 451 owner's motor vehicle insurer that defends or indemnifies a
 452 claim against a shared vehicle which is excluded under the terms
 453 of its policy has the right to seek recovery against the motor
 454 vehicle insurer of the peer-to-peer car-sharing program if the
 455 claim is:
 456 1. Made against the shared vehicle owner or the shared
 457 vehicle driver for loss or injury that occurs during the car-
 458 sharing period; and
 459 2. Excluded under the terms of its policy.
 460 (4) NOTIFICATION OF IMPLICATIONS OF LIEN.—At the time a
 461 motor vehicle owner registers as a shared vehicle owner on a
 462 peer-to-peer car-sharing program and before the shared vehicle
 463 owner may make a shared vehicle available for car sharing on the
 464 peer-to-peer car-sharing program, the peer-to-peer car-sharing

Page 16 of 21

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597-03307-21 2021566c1
 465 program must notify the shared vehicle owner that, if the shared
 466 vehicle has a lien against it, the use of the shared vehicle
 467 through a peer-to-peer car-sharing program, including the use
 468 without physical damage coverage, may violate the terms of the
 469 contract with the lienholder.

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

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

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

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

484 (6) CONSUMER PROTECTIONS.—

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

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

493 2. That a motor vehicle insurance policy issued to the

Page 17 of 21

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597-03307-21 2021566c1
 494 shared vehicle owner for the shared vehicle or to the shared
 495 vehicle driver does not provide a defense or indemnification for
 496 any claim asserted by the peer-to-peer car-sharing program.

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

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

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

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

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

516 (b) Driver license verification and data retention.—

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

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

Page 18 of 21

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597-03307-21 2021566c1

523 b. Is a nonresident who:

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

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

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

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

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

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

539 c. The place of issuance of the driver license.

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

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

Page 19 of 21

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597-03307-21 2021566c1

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

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

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

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

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

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

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

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

Page 20 of 21

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597-03307-21

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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

3/30/21
Meeting Date

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

566
Bill Number (if applicable)

Topic P2P

Amendment Barcode (if applicable)

Name Caitlin Murray

Job Title Regional Vice President

Address _____
Street _____

Phone (855) 333-3333

City _____ State _____ Zip _____

Email CMurray@NAMIC.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)

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Duplicate

THE FLORIDA SENATE

3/30/2021

APPEARANCE RECORD

SB 566

Meeting Date

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

Email svinck@turo.com

City

State

Zip

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.

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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 5ab

Bill Number (if applicable)

Topic Motor Veh. Rentals

Amendment Barcode (if applicable)

Name Lisa M. Jafus

Job Title CEO

Address 325 John Knox Rd. L103

Phone 561-602-8629

Street TUH

FL

32203

City Port St. Lucie

State FL

Zip 34953

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.

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S-001 (10/14/14)

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THE FLORIDA SENATE

3/30/21

APPEARANCE RECORD

566

Meeting Date

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

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FL

32301

Email dughil@gtlaw.com

City

State

Zip

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.

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THE FLORIDA SENATE

3/30/2021

Meeting Date

APPEARANCE RECORD

CS/SB 566

Bill Number (if applicable)

Topic Motor Vehicle Rentals

Amendment Barcode (if applicable)

Name William Cotterall

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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.

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S-001 (10/14/14)

THE FLORIDA SENATE

3/30/21

APPEARANCE RECORD

566

Meeting Date

Bill Number (if applicable)

Topic Motor Vehicle Rentals

Amendment Barcode (if applicable)

Name George Feijoo

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Address 108 S Monroe St.

Phone 3057207099

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32301

Email grfeijoo@flapartners.com

City

State

Zip

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.

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/30/21

SB 566

Bill Number (if applicable)

Meeting Date

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	<u>Fav/CS</u>
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 exist.
- 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-feet passing law for bicyclists and as of December 2016, 27 states have enacted 3-feet passing laws.⁸ Two states have laws that go beyond a 3-feet passing law.⁹ Pennsylvania has a 4-feet passing law and South Dakota enacted a two-tiered passing law in 2015: a 3-feet 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.

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



LEGISLATIVE ACTION

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

The Committee on Transportation (Book) recommended the following:

1 **Senate Amendment (with title amendment)**

2
3 Delete everything after the enacting clause
4 and insert:

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



11 316.003 Definitions.—The following words and phrases, when
12 used in this chapter, shall have the meanings respectively
13 ascribed to them in this section, except where the context
14 otherwise requires:

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

18 (63) (62) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
19 provided in paragraph (86) (b) (84) (b), any privately owned way
20 or place used for vehicular travel by the owner and those having
21 express or implied permission from the owner, but not by other
22 persons.

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

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

27 316.083 Overtaking and passing a vehicle, a bicycle or
28 other nonmotorized vehicle, an electric bicycle, or a
29 pedestrian.—The following rules shall govern the overtaking and
30 passing of vehicles, bicycles and other nonmotorized vehicles,
31 electric bicycles, and pedestrians proceeding in the same
32 direction, subject to those limitations, exceptions, and special
33 rules hereinafter stated:

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



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

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

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

59 (5) (2) Except when overtaking and passing on the right is
60 permitted, the driver of an overtaken vehicle must shall give
61 way to the right in favor of the overtaking vehicle, on audible
62 signal or upon the visible blinking of the headlamps of the
63 overtaking vehicle if such overtaking is being attempted at
64 nighttime, and must shall not increase the speed of his or her
65 vehicle until completely passed by the overtaking vehicle.

66 (6) (3) A person who violates violation of this section
67 commits is a noncriminal traffic infraction, punishable as a
68 moving violation as provided in chapter 318.



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

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

75 316.0875 No-passing zones.—

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

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

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

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

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



98 driveway; or

99 (c) Overtake and pass a bicycle or other nonmotorized

100 vehicle, an electric bicycle, or a pedestrian pursuant to s.

101 316.083(2) or (3).

102 (4) A person who violates violation of this section commits

103 is a noncriminal traffic infraction, punishable as a moving

104 violation as provided in chapter 318.

105 Section 4. Section 316.151, Florida Statutes, is amended to

106 read:

107 316.151 Required position and method of turning at

108 intersections.—

109 (1) (a) Right turn.—The driver of a vehicle intending to

110 turn right at an intersection onto a highway, public or private

111 roadway, or driveway must shall do so as follows:

112 1. (a) Make Right turn.—both the approach for a right turn

113 and a right turn shall be made as close as practicable to the

114 right-hand curb or edge of the roadway.

115 2. When overtaking and passing a bicycle proceeding in the

116 same direction, give an appropriate signal as provided for in s.

117 316.156 and make the right turn only if the bicycle is at least

118 20 feet from the intersection.

119 (b) Left turn.—

120 1. The driver of a vehicle intending to turn left at an any

121 intersection onto a highway, public or private roadway, or

122 driveway must shall approach the intersection in the extreme

123 left-hand lane lawfully available to traffic moving in the

124 direction of travel of such vehicle, and must make, after

125 entering the intersection, the left turn shall be made so as to

126 leave the intersection in a lane lawfully available to traffic



127 moving in such direction upon the roadway being entered.

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

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

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

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

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

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



156 violation as provided in chapter 318.

157 Section 5. Subsections (5), (6), and (19) of section
158 316.2065, Florida Statutes, are amended to read:

159 316.2065 Bicycle regulations.—

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

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

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

171 3. When reasonably necessary to avoid any condition or
172 potential conflict, including, but not limited to, a fixed or
173 moving object, parked or moving vehicle, bicycle, pedestrian,
174 animal, surface hazard, turn lane, or substandard-width lane,
175 which makes it unsafe to continue along the right-hand curb or
176 edge or within a bicycle lane. On roads that contain a
177 substandard-width lane, persons operating bicycles must ride
178 single-file to maintain the minimum 3 feet of space for motor
179 vehicles to pass persons operating a bicycle as provided in s.
180 316.083. For the purposes of this subsection, a "substandard-
181 width lane" is a lane that is too narrow for a bicycle and
182 another vehicle to travel safely side by side within the lane.

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



185 hand curb or edge of such roadway as practicable.

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

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

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



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

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

218 322.12 Examination of applicants.—

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

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

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

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

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

240 Section 7. Paragraph (c) of subsection (1) of section
241 212.05, Florida Statutes, is amended to read:

242 212.05 Sales, storage, use tax.—It is hereby declared to be



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

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

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

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

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

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

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



272 3. The tax imposed by this chapter does not apply to the
273 lease or rental of a commercial motor vehicle as defined in s.
274 316.003(14)(a) ~~s. 316.003(13)(a)~~ to one lessee or rentee for a
275 period of not less than 12 months when tax was paid on the
276 purchase price of such vehicle by the lessor. To the extent tax
277 was paid with respect to the purchase of such vehicle in another
278 state, territory of the United States, or the District of
279 Columbia, the Florida tax payable shall be reduced in accordance
280 with the provisions of s. 212.06(7). This subparagraph shall
281 only be available when the lease or rental of such property is
282 an established business or part of an established business or
283 the same is incidental or germane to such business.

284 Section 8. Paragraph (a) of subsection (3) of section
285 316.306, Florida Statutes, is amended to read:

286 316.306 School and work zones; prohibition on the use of a
287 wireless communications device in a handheld manner.—

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

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



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

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

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

310 655.960 Definitions; ss. 655.960-655.965.—As used in this
311 section and ss. 655.961-655.965, unless the context otherwise
312 requires:

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

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

319
320 ===== T I T L E A M E N D M E N T =====
321 And the title is amended as follows:

322 Delete everything before the enacting clause
323 and insert:

324 A bill to be entitled

325 An act relating to bicycle and pedestrian safety;
326 amending s. 316.003, F.S.; defining the terms "bicycle
327 lane" and "separated bicycle lane"; amending s.

328 316.083, F.S.; revising and providing requirements for
329 the driver of a motor vehicle overtaking a bicycle or



330 other nonmotorized vehicle, an electric bicycle, or a
331 pedestrian; providing exceptions; providing a penalty;
332 requiring the Department of Highway Safety and Motor
333 Vehicles to provide an annual awareness and safety
334 campaign regarding certain safety precautions;
335 amending s. 316.0875, F.S.; exempting a motor vehicle
336 driver from certain provisions relating to no-passing
337 zones when overtaking a bicycle or other nonmotorized
338 vehicle, an electric bicycle, or a pedestrian; making
339 a technical change; amending s. 316.151, F.S.;
340 revising requirements for vehicles turning at
341 intersections; providing turn signaling and distance
342 requirements for a motor vehicle driver when
343 overtaking and passing a bicycle; making a technical
344 change; amending s. 316.2065, F.S.; providing
345 requirements for persons riding bicycles on a
346 substandard-width lane; prohibiting persons riding
347 bicycles in a bicycle lane from riding more than two
348 abreast; providing requirements for riding in a
349 bicycle lane; providing requirements for persons
350 riding bicycles in groups when stopping at a stop
351 sign; making a technical change; amending s. 322.12,
352 F.S.; requiring a minimum number of questions in the
353 test bank for a Class E driver license to address
354 bicycle and pedestrian safety; amending ss. 212.05,
355 316.306, and 655.960, F.S.; conforming cross-
356 references; providing an effective date.

By Senator Book

32-00229-21

2021950

Page 1 of 12

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32-00229-21

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

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

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:

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

Page 2 of 12

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32-00229-21

2021950

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

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

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

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

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

Page 3 of 12

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32-00229-21

2021950

88 (5) ~~(2)~~ Except when overtaking and passing on the right is
 89 permitted, the driver of an overtaken vehicle must shall give
 90 way to the right in favor of the overtaking vehicle, on audible
 91 signal or upon the visible blinking of the headlamps of the
 92 overtaking vehicle if such overtaking is being attempted at
 93 nighttime, and must shall not increase the speed of his or her
 94 vehicle until completely passed by the overtaking vehicle.

95 (6) ~~(3)~~ A person who violates violation of this section
 96 commits is a noncriminal traffic infraction, punishable as a
 97 moving violation as provided in chapter 318.

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

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

106 316.0875 No-passing zones.—

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

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

Page 4 of 12

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32-00229-21 2021950

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

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

125 (a) ~~Avoid when~~ an obstruction;
 126 (b) ~~Turn exists making it necessary to drive to the left of~~
 127 ~~the center of the highway, nor to the driver of a vehicle~~
 128 ~~turning left into or from an alley, a private road, or a~~
 129 ~~driveway; or~~

130 (c) Overtake and pass a bicycle or other nonmotorized
 131 vehicle, an electric bicycle, or a pedestrian pursuant to s.
 132 316.083(2) or (3).

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

136 Section 4. Section 316.151, Florida Statutes, is amended to
 137 read:
 138 316.151 Required position and method of turning at
 139 intersections.—

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

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

Page 5 of 12

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32-00229-21 2021950

146 2. When overtaking and passing a bicycle proceeding in the
 147 same direction, give an appropriate signal as provided for in s.
 148 316.156 and make the right turn only if the bicycle is at least
 149 20 feet from the intersection.

150 (b) Left turn.—

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

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

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

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

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

Page 6 of 12

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32-00229-21 2021950
 175 officer regulating traffic on the highway along which the person
 176 bicyclist intends to proceed.

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

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

188 Section 5. Subsections (5), (6), and (19) of section
 189 316.2065, Florida Statutes, are amended to read:

190 316.2065 Bicycle regulations.—

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

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

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

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

Page 7 of 12

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32-00229-21 2021950
 204 moving object, parked or moving vehicle, bicycle, pedestrian,
 205 animal, surface hazard, turn lane, or substandard-width lane,
 206 which makes it unsafe to continue along the right-hand curb or
 207 edge or within a bicycle lane. For the purposes of this
 208 subsection, a "substandard-width lane" is a lane that is too
 209 narrow for a bicycle and another vehicle to travel safely side
 210 by side within the lane.

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

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

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

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

Page 8 of 12

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32-00229-21

2021950

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

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

238 322.12 Examination of applicants.—

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

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

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

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

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

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

Page 9 of 12

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32-00229-21

2021950

262 212.05, Florida Statutes, is amended to read:

263 212.05 Sales, storage, use tax.—It is hereby declared to be
 264 the legislative intent that every person is exercising a taxable
 265 privilege who engages in the business of selling tangible
 266 personal property at retail in this state, including the
 267 business of making mail order sales, or who rents or furnishes
 268 any of the things or services taxable under this chapter, or who
 269 stores for use or consumption in this state any item or article
 270 of tangible personal property as defined herein and who leases
 271 or rents such property within the state.

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

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

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

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

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

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

Page 10 of 12

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32-00229-21

2021950

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

293 3. The tax imposed by this chapter does not apply to the
 294 lease or rental of a commercial motor vehicle as defined in s.
 295 316.003(14)(a) or 316.003(13)(a) to one lessee or rentee for a
 296 period of not less than 12 months when tax was paid on the
 297 purchase price of such vehicle by the lessor. To the extent tax
 298 was paid with respect to the purchase of such vehicle in another
 299 state, territory of the United States, or the District of
 300 Columbia, the Florida tax payable shall be reduced in accordance
 301 with the provisions of s. 212.06(7). This subparagraph shall
 302 only be available when the lease or rental of such property is
 303 an established business or part of an established business or
 304 the same is incidental or germane to such business.

305 Section 8. Paragraph (a) of subsection (3) of section
 306 316.306, Florida Statutes, is amended to read:

307 316.306 School and work zones; prohibition on the use of a
 308 wireless communications device in a handheld manner.—

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

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

Page 11 of 12

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32-00229-21

2021950

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

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

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

331 655.960 Definitions; ss. 655.960-655.965.—As used in this
 332 section and ss. 655.961-655.965, unless the context otherwise
 333 requires:

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

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

Page 12 of 12

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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 \(scenic.org\)](http://Florida Agreement (scenic.org)) (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 \(fdot.gov\)](http://Outdoor Advertising (fdot.gov)) (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 of 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.



LEGISLATIVE ACTION

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

The Committee on Transportation (Gainer) recommended the following:

1 **Senate Amendment (with title amendment)**

2
3 Delete everything after the enacting clause
4 and insert:

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

7 479.07 Sign permits.—

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



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

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

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

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



40 a. The department may not furnish permanent metal permit
41 tags or replacement tags to permittees;
42 b. The department may not enforce the provisions relating
43 to permanent metal permit tags or replacement tags specified in
44 paragraphs (a) and (b); and
45 c. Permittees are not required to return permit tags to the
46 department as provided in subsection (8).

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

49 ===== T I T L E A M E N D M E N T =====
50 And the title is amended as follows:

51 Delete everything before the enacting clause
52 and insert:

53 A bill to be entitled
54 An act relating to outdoor advertising; amending s.
55 479.07, F.S.; requiring the Department of
56 Transportation to create and implement a publicly
57 accessible electronic database for sign permit
58 information; specifying requirements for the database;
59 prohibiting the department from furnishing permanent
60 metal permit tags or replacement tags and from
61 enforcing specified provisions once the department
62 creates and implements the database; specifying that
63 permittees are not required to return permit tags to
64 the department once the department creates and
65 implements the database; providing an effective date.

2-01189-21

20211670__

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

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

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

THE FLORIDA SENATE

3/30/2021

APPEARANCE RECORD

SB 1670

Meeting Date

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)

0335

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,

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

Ron DeSantis
Governor

RD/cr

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

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STATE OF FLORIDA

County of Putnam

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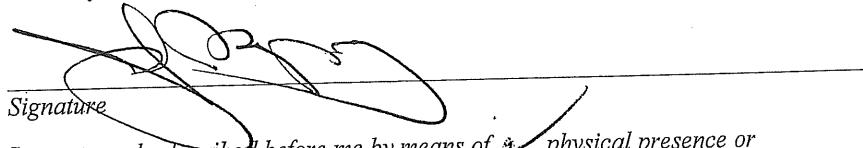
DIVISION OF ELECTIONS
TALLAHASSEE, FL

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

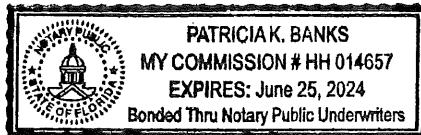
Sworn to and subscribed before me by means of physical presence or
online notarization, this 22nd day of February 2021

Patricia K. Banks
Signature of Officer Administering Oath or of Notary Public

Patricia K. Banks
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 175
Street or Post Office Box

San Mateo, FL 32187
City, State, Zip Code

Print Name

Signature

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

Post Office Box	Street	Office #	City
	FL, 32187	(386) 328-7295	

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

Post Office Box	Street	City	County
	FL, 32131		

Specify the preferred mailing address:	Business <input type="checkbox"/>	Residence <input checked="" type="checkbox"/>	Area Code/Phone Number
--	-----------------------------------	---	------------------------

		Fax #	<u>386-328-7282</u>
			(optional)

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

<u>Address</u>	<u>City & State</u>	<u>From</u>	<u>To</u>
<u>119 Browning Ln, East Palatka, FL 32131</u>		<u>approx. 1979- Present</u>	

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

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FLORIDA
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2019-20
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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:

12. Education

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

B. List all postsecondary educational institutions attended:

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

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>
The Goodman Company, 777 S Flagler Dr, Ste 136, West Palm Beach, FL 33401	Real Estate Development, VP New Projects	2004-Present	
Hugh Corrigan III, Family Lmtd Partnership, LLLP	Real Estate PO Box 643726 Vero Beach, FL 32964	Consultant	2013- Present
Self Browning Consulting, Mitigation Banking	480 S Us Highway 17, San Mateo, FL 32187	President	2005- Present
Self Browning Packing, Meat Packing,	359 S Us Highway 17, East Palatka, FL 32131	President	1980-Present

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

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

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 reason(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:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
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

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DEPARTMENT OF STATE

CERTIFICATION 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 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

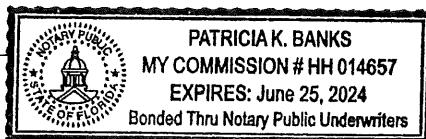
Patricia K. Banks

(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: Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

The information from this page has been requested and will be used exclusively for Minority Statistics.
Please type or use blue ink.

1. Board of Interest: 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.:

Type:

Caption: Senate Transportation Committee

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