

Tab 1 SB 7030 by ED; (Compare to H 07093) School Safety and Security						
313254	A	S	UNFAV	IS, Cruz	Delete L.119 - 127:	03/28 09:11 AM
754328	A	S	RCS	IS, Lee	btw L.174 - 175:	03/28 09:11 AM
~~756112~~	~~A~~	~~S~~	~~WD~~	~~IS, Diaz~~	~~Delete L.386 - 418.~~	~~03/26 01:02 PM~~
307398	A	S	UNFAV	IS, Taddeo	btw L.582 - 583:	03/28 09:11 AM
664610	A	S	UNFAV	IS, Cruz	Delete L.648 - 652:	03/28 09:11 AM
420924	A	S	UNFAV	IS, Taddeo	btw L.675 - 676:	03/28 09:11 AM

Tab 2 SB 676 by Hooper; (Similar to CS/CS/H 00475) Certificates of Title for Vessels						
383990	D	S	RCS	IS, Hooper	Delete everything after	03/28 09:27 AM

Tab 3 SB 476 by Perry (CO-INTRODUCERS) Taddeo, Stewart, Book, Gruters, Hooper, Flores; (Identical to H 00567) Child Restraint Requirements						

Tab 4 SB 542 by Brandes; (Similar to CS/H 00453) Micromobility Devices and Motorized Scooters						
449268	D	S	RCS	IS, Brandes	Delete everything after	03/27 03:52 PM
936054	AA	S	RCS	IS, Lee	Delete L.50:	03/27 03:52 PM

Tab 5 SB 728 by Lee; (Identical to CS/CS/H 00437) Growth Management						
717782	T	S	RCS	IS, Lee	In title, delete L.2:	04/03 04:53 PM

Tab 6 CS/SB 766 by CJ, Gruters; (Similar to CS/CS/H 00075) Expanded Uses of Unmanned Aircraft						
387434	A	S	RCS	IS, Hooper	btw L.31 - 32:	03/27 03:10 PM

Tab 7 SB 1440 by Farmer; (Identical to H 01079) Public Swimming Pools						

Tab 8 SB 1638 by Lee; (Compare to CS/CS/H 00725) Commercial Motor Vehicles						
920906	A	S	RCS	IS, Lee	Delete L.109:	04/03 04:50 PM

Tab 10 SPB 7090 by IS; Department of Highway Safety and Motor Vehicles						
970424	A	S	RS	IS, Lee	Delete L.1304 - 2126:	04/04 02:01 PM
298764	AA	S		IS, Lee	Delete L.75 - 80:	03/26 02:00 PM
857512	AA	S		IS, Lee	Delete L.111 - 120:	04/01 09:33 AM
841240	SA	S	RCS	IS, Lee	Delete L.1304 - 2126:	04/04 02:01 PM

Tab 11 SPB 7092 by IS; Fees/Department of Highway Safety and Motor Vehicles						
421644	A	S	RCS	IS, Lee	Delete L.21:	04/04 02:01 PM

Tab 12 SPB 7094 by IS; Public Records/Department of Highway Safety and Motor Vehicles						
471932	D	S	RCS	IS, Lee	Delete everything after	04/04 02:01 PM
~~302550~~	~~A~~	~~S~~	~~WD~~	~~IS, Lee~~	~~Delete L.162:~~	~~04/04 02:01 PM~~

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

INFRASTRUCTURE AND SECURITY

Senator Lee, Chair
Senator Perry, Vice Chair

MEETING DATE: Tuesday, March 26, 2019

TIME: 4:00—6:00 p.m.

PLACE: Toni Jennings Committee Room, 110 Senate Building

MEMBERS: Senator Lee, Chair; Senator Perry, Vice Chair; Senators Bean, Cruz, Hooper, Hutson, Stewart, and Taddeo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 7030 Education (Compare H 7093)	School Safety and Security; Requiring a sheriff to establish a school guardian program under a certain condition; requiring school districts to promote a mobile suspicious activity reporting tool through specified mediums; requiring the Commissioner of Education to review recommendations from the School Hardening and Harm Mitigation Workgroup; revising the duties of the commissioner to include oversight of compliance with the safety and security requirements of the Marjory Stoneman Douglas High School Public Safety Act by specified persons and entities, etc. IS 03/20/2019 Temporarily Postponed IS 03/26/2019 Fav/CS AP	Fav/CS Yeas 5 Nays 3
2	SB 676 Hooper (Similar CS/CS/H 475)	Certificates of Title for Vessels; Designating the "Uniform Certificate of Title for Vessels Act"; revising requirements for application for, and information to be included in, a certificate of title for a vessel; requiring the Department of Highway Safety and Motor Vehicles to retain certain information relating to ownership and titling of vessels; providing duties of the department relating to creation, issuance, refusal to issue, or cancellation of a certificate of title; providing for the rights of a purchaser of a vessel who is not a secured party; providing rules for the transfer of ownership in a vessel, etc. IS 03/20/2019 Temporarily Postponed IS 03/26/2019 Fav/CS ATD AP	Fav/CS Yeas 8 Nays 0
3	SB 476 Perry (Identical H 567)	Child Restraint Requirements; Increasing the age of children for whom operators of motor vehicles must provide protection by using a crash-tested, federally approved child restraint device; increasing the age of children for whom a separate carrier, an integrated child seat, or a child booster seat may be used, etc. IS 03/26/2019 Favorable CF RC	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Infrastructure and Security

Tuesday, March 26, 2019, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 542 Brandes (Similar H 453)	Micromobility Devices and Motorized Scooters; Defining the term "micromobility device"; revising the definition of the term "motorized scooter"; authorizing a county or municipality to regulate the operation of micromobility devices and for-hire motorized scooters, subject to certain restrictions; authorizing a county or municipality to require that a person offering micromobility devices or for-hire motorized scooters be licensed; exempting a micromobility device or motorized scooter from certain registration, insurance, and licensing requirements, etc. IS 03/26/2019 Fav/CS ATD AP	Fav/CS Yeas 8 Nays 0
5	SB 728 Lee (Similar CS/H 437)	Growth Management; Authorizing sufficiently contiguous lands located within the county or municipality which a petitioner anticipates adding to the boundaries of a new community development district to also be identified in a petition to establish the new district under certain circumstances; providing requirements for the petition; providing notification requirements for the petition, etc. CA 03/12/2019 Favorable IS 03/26/2019 Not Considered RC	Not Considered
6	CS/SB 766 Criminal Justice / Gruters (Similar CS/CS/H 75, Compare H 1131, CS/S 132)	Expanded Uses of Unmanned Aircraft; Authorizing the use of drones by law enforcement agencies and other specified entities for specified purposes, etc. CJ 03/04/2019 Fav/CS IS 03/26/2019 Fav/CS RC	Fav/CS Yeas 8 Nays 0
7	SB 1440 Farmer (Identical H 1079)	Public Swimming Pools; Requiring public swimming pools to have a telephone available by a certain date; specifying that the telephone must meet certain requirements, etc. IS 03/26/2019 Favorable CA RC	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Infrastructure and Security

Tuesday, March 26, 2019, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 1638 Lee (Compare CS/H 725, CS/H 1053, S 660)	Commercial Motor Vehicles; Revising regulations applicable to owners and drivers of commercial motor vehicles; exempting persons who operate a commercial motor vehicle solely in intrastate commerce which does not transport hazardous materials in amounts that require placarding from certain requirements related to electronic logging devices and hours of service supporting documents until a specified date; deleting a limitation on a civil penalty for falsification of certain time records, etc. IS 03/26/2019 Not Considered CM RC	Not Considered
9	Consideration of proposed bills:		
10	SPB 7090	Department of Highway Safety and Motor Vehicles; Requiring community service in a trauma center or hospital that receives victims of vehicle crashes; requiring that, under a yellow dot program, certain critical medical information be made readily available to responders in the event of a motor vehicle crash; prohibiting certain persons from being liable or at fault regarding the cause of a crash solely by reason of moving a vehicle; adding an operator to persons who may incur serious bodily injury for purposes of a certain penalty, etc.	Not Considered
11	SPB 7092	Fees/Department of Highway Safety and Motor Vehicles; Requiring that costs incurred by the Department of Highway Safety and Motor Vehicles to obtain a certain order be charged to a subpoenaed person; requiring a specified fee for certain validation stickers; requiring that costs incurred by the department to obtain a certain order be charged to a subpoenaed person, etc.	Not Considered
12	SPB 7094	Public Records/Department of Highway Safety and Motor Vehicles; Creating public records exemptions for certain information received by the Department of Highway Safety and Motor Vehicles; providing exemptions from public records requirements for personal information in certain vessel records, e-mail addresses, and verified texting numbers issued or collected by the Department of Highway Safety and Motor Vehicles; providing for retroactive application; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity, etc.	Not Considered
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 Infrastructure and Security

BILL: CS/SB 7030

INTRODUCER: Education Committee

SUBJECT: School Safety and Security

DATE: March 27, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck, Graf, Olenick	Sikes		ED Submitted as Committee Bill
2.	Proctor	Miller	IS	Fav/CS
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 7030 builds upon the school safety and security foundation established in SB 7026 (2018 Reg. Session) by addressing the school safety and security recommendations of the Marjory Stoneman Douglas High School Public Safety Commission, and strengthening accountability and compliance oversight authority. Specifically, the bill:

- Improves school security measures by:
 - Establishing a workgroup to review campus hardening policies and recommend a prioritized list of strategies for implementation and related policy and funding enhancements;
 - Prioritizing the use of the school security risk assessment tool;
 - Expanding the personnel who may serve as a school district's school safety specialist to include certain law enforcement officers employed by the sheriff's office; and
 - Expanding school district options and eligibility for participation in the Coach Aaron Feis Guardian Program.
- Enhances student safety by:
 - Requiring improved school safety incident reporting;
 - Promoting the FortifyFL mobile suspicious activity reporting tool;
 - Expediting services for students with mental or behavioral disorders;
 - Requiring active assailant response policies;
 - Establishing a standardizing behavioral threat assessment instrument; and

- Establishing a workgroup to make recommendations regarding the development of a statewide threat assessment database.
- Provides school districts with greater flexibility to improve school safety by authorizing the transfer of additional categorical funds within the Florida Education Finance Program (FEFP) towards school safety expenditures.
- Criminalizes the false personation of a school guardian.

The bill takes effect upon becoming a law, unless otherwise specified.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

III. Effect of Proposed Changes:

In 2018, the Legislature enacted the “Marjory Stoneman Douglas High School Public Safety Act (Act).”¹ The legislation included provisions to address school safety and security including, but not limited to, establishing the Marjory Stoneman Douglas High School Public Safety Commission (commission),² and codifying within the Florida Department of Education (DOE) the Office of Safe Schools (OSS).³

Marjory Stoneman Douglas High School Public Safety Commission

The commission is entrusted with investigating system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents, and developing recommendations for system improvements.⁴ The commission submitted its initial report to the Governor and the Legislature on January 2, 2019.⁵ The commission is authorized to issue a report annually, by January 1, and is scheduled to sunset July 1, 2023.

The commission’s report includes numerous school safety and security recommendations, which are addressed in the bill and explained in the Effects of Proposed Changes section as they relate to the components of the bill.

Office of Safe Schools

The OSS in the DOE serves as a central repository for best practices, training standards, and compliance oversight in all matters regarding school safety and security, including prevention efforts, intervention efforts, and emergency preparedness planning.⁶ The OSS requirements include:

¹ Chapter 2018-3, Laws of Fla.

² Section 943.687, F.S.

³ Section 1001.212, F.S.

⁴ Section 943.687(3), F.S.

⁵ Marjory Stoneman Douglas High School Public Safety Commission, *Initial Report* (Jan. 2, 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf> (last visited Feb. 22, 2019).

⁶ Section 1001.212, F.S. See also: Florida Department of Education, *Office of Safe Schools*, <http://www.fldoe.org/safe-schools/> (last visited Jan. 29, 2019).

- Establishing and updating as necessary a school security risk assessment tool⁷ for use by school districts and charter schools.
- Providing ongoing professional development opportunities to school district personnel.
- Providing a coordinated and interdisciplinary approach to providing technical assistance and guidance to school districts on safety and security and recommendations to address findings identified in the school security risk assessment.⁸
- Developing and implementing a School Safety Specialist Training Program for school safety specialists.⁹ The office must develop the training program based on national and state best practices on school safety and security and must include active shooter training.
- Reviewing and providing recommendations on the security risk assessments.

Safe-School Officers

Present Situation

Florida law requires each district school board and school district superintendent to partner with law enforcement agencies to establish or assign one or more safe-school officers at each school facility within the district by implementing one or more safe-school officer options which best meet the needs of the school district.¹⁰ These options include:

- Establishing a school resource officer program, through a cooperative agreement with law enforcement agencies.
- Commissioning one or more school safety officers. The district school superintendent may recommend, and the district school board may appoint, one or more school safety officers.
- Participating in the Coach Aaron Feis Guardian Program if such program is established by the sheriff.

Coach Aaron Feis Guardian Program

The Coach Aaron Feis Guardian Program (guardian program) was established in 2018¹¹ as an option for school districts to meet the safe-school officer requirements in law.¹² Each sheriff has the discretion to establish a guardian program to aid in the prevention or abatement of active assailant incidents on school premises. School employees, except individuals who exclusively perform classroom duties as classroom teachers as defined in law,¹³ may participate in the guardian program. The sheriff who chooses to establish a guardian program shall appoint as school guardians, without the power of arrest, school employees who volunteer and who comply with all of the following:

- Hold a valid license issued under s. 790.06, F.S. (license to carry a concealed firearm).

⁷ The Florida Safe Schools Assessment Tool (FSSAT). Section 1006.1493, F.S.

⁸ Section 1006.07(6)(a)4., F.S., requires a school security risk assessment at each public school using the school security risk assessment tool (FSSAT) developed by the Office of Safe Schools.

⁹ Section 1006.07(6)(a), F.S., requires each district school superintendent to designate a school administrator as a school safety specialist for the district.

¹⁰ Section 1006.12, F.S.

¹¹ Section 26, Ch. 2018-3, Laws of Fla.

¹² Section 1006.12, F.S.

¹³ Section 1012.01(2)(a), F.S.

- Complete 132 total hours of comprehensive firearm safety and proficiency training conducted by Criminal Justice Standards and Training Commission-certified instructors, which must include:
 - Eighty hours of firearms instruction based on the Criminal Justice Standards and Training Commission's Law Enforcement Academy training model, which must include at least 10 percent but no more than 20 percent more rounds fired than associated with academy training. Program participants must achieve an 85 percent pass rate on the firearms training.
 - Sixteen hours of instruction in precision pistol.
 - Eight hours of discretionary shooting instruction using state-of-the-art simulator exercises.
 - Eight hours of instruction in active shooter or assailant scenarios.
 - Eight hours of instruction in defensive tactics.
 - Twelve hours of instruction in legal issues.
- Pass a psychological evaluation administered by a psychologist licensed under ch. 490, F.S., and designated by the Florida Department of Law Enforcement (FDLE) and submit the results of the evaluation to the sheriff's office. The FDLE may provide the sheriff's office with mental health and substance abuse data for compliance with this requirement.
- Submit to and pass an initial drug test and subsequent random drug tests in accordance with the requirements of s. 112.0455, F.S., and the sheriff's office.
- Successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis.
- Successfully complete at least 12 hours of a certified nationally recognized diversity training program.¹⁴

A sheriff must issue a school guardian certificate to individuals who meet the requirements specified in law.¹⁵ The sheriff must maintain documentation of weapon and equipment inspections, as well as the training, certification, inspection, and qualification records of each school guardian appointed by the sheriff.¹⁶

For the 2018-2019 school year, 25 sheriffs have established a guardian training program and 25 school districts are implementing the guardian program as an option to provide safe-school officers. As of January 2019, 688 guardians had been assigned to public schools in the participating districts.¹⁷

In Ch. 2018-3, Laws of Fla., the legislature appropriated \$500,000 in recurring funds and \$67 million in nonrecurring funds to the DOE to allocate to sheriffs' offices that establish a guardian program. These funds were appropriated for screening-related and training-related costs and providing a one-time stipend of \$500 to school guardians who participate in the guardian program. As of January 2019, the department had received \$9.3 million in funding requests and \$2.6 million had been paid out to sheriff's offices for authorized expenses.¹⁸

¹⁴ Section 30.15(1)(k), F.S.

¹⁵ Section 30.15(1)(k)2., F.S.

¹⁶ *Id.*

¹⁷ Florida Department of Education, *School Safety and Security Update*, Senate Education Committee, January 8, 2019.

¹⁸ *Id.*

Effect of Proposed Changes

Based on recommendations from the commission regarding the guardian program,¹⁹ the bill amends s. 30.15, F.S., to require a sheriff to establish a guardian program if the local school board votes by majority to implement the program. The bill also removes the prohibition on an individual who exclusively performs classroom duties as a classroom teacher from participating in the guardian program.

The bill also amends s. 1006.12, F.S., to clarify three types of individuals who can fill the role of a school guardian. Upon completion of the statutorily-required training and screening and certification by a sheriff, the following individuals may serve as a school guardian:

- A school district or charter school employee who volunteers to serve as a guardian in addition to the employee's official job duties;
- A school district or charter school employee hired for the specific purpose of serving as a guardian; or
- A contract employee working at the school district or charter school through a contract with a private security agency. Contract employees may receive school guardian training through a participating sheriff's office contingent upon defined financial or service obligations by the private security agency enumerated in the contract between the school district or charter school governing board and private security agency.

The bill:

- Clarifies that the sheriffs' obligations associated with maintaining specified documentation applies to school guardians certified by the sheriffs rather than school guardians appointed by the sheriffs.
- Specifies that an individual may not serve as a school guardian unless he or she is appointed by the district school superintendent.

School Safety Specialist***Present Situation***

Each district school superintendent must designate a school administrator as a school safety specialist for the district.²⁰ The school safety specialist must meet the following qualifications:

- Earn a certificate of completion of the school safety specialist training provided by the OSS within 1 year after appointment;²¹ and
- Earn, or designate one or more individuals to earn, certification as a youth mental health awareness and assistance trainer.²²

¹⁹ Marjory Stoneman Douglas High School Public Safety Commission, *Initial Report* (Jan. 2, 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf>, at 104 (last visited Feb. 22, 2019).

²⁰ Section 1006.07(6)(a), F.S.

²¹ *Id.*

²² Section 1012.584(2), F.S.

The school safety specialist has the following responsibilities:

- Supervise and oversee for all school safety and security personnel, policies, and procedures in the school district. The school safety specialist must:²³
 - Review policies and procedures for compliance with state law and rules.
 - Provide the necessary training and resources to students and school district staff in matters relating to youth mental health awareness and assistance; emergency procedures, including active shooter training; and school safety and security.
 - Serve as the school district liaison with local public safety agencies²⁴ and national, state, and community agencies and organizations in matters of school safety and security.
 - Conduct a school security risk assessment at each public school using the school security risk assessment tool developed by the OSS. Based on the assessment findings, the district's school safety specialist must provide recommendations to the district school board which identify strategies and activities that the district school board should implement in order to improve school safety and security.
- Coordinate with the appropriate public safety agencies that are designated as first responders to a school's campus to conduct a tour of such campus once every 3 years and provide recommendations related to school safety.²⁵
- Participate with specified entities in active shooter situation training at each school, conducted law enforcement agency or agencies that are designated as first responders to the school's campus.²⁶
- Ensure that all school personnel within his or her school district receive youth mental health awareness and assistance training.²⁷
- Approve construction items to ensure building security.²⁸

Effect of Proposed Changes

The bill expands the personnel who may serve as a school district's school safety specialist to include law enforcement officers employed by the sheriff's office located in the school district. Additionally, the bill specifies that:

- Any school safety specialist designated from the sheriff's office must be first authorized and approved by the sheriff employing the law enforcement officer.
- Any school safety specialist designated from the sheriff's office remains the employee of the sheriff's office for purposes of compensation, insurance, workers' compensation, and other benefits authorized by law for a law enforcement officer employed by the sheriff's office.

²³ Section 1006.07(6)(a), F.S.

²⁴ "Public safety agency" means a functional division of a public agency which provides firefighting, law enforcement, medical, or other emergency services. Section 365.171(3)(d), F.S.

²⁵ Section 1006.07(4)(b)1., F.S.

²⁶ *Id.*

²⁷ Section 1012.584(2), F.S.

²⁸ Section 1013.64, F.S. Cost per student station includes contract costs, legal and administrative costs, fees of architects and engineers, furniture and equipment, and site improvement costs. Cost per student station does not include the cost of purchasing or leasing the site for the construction or the cost of related offsite improvements. Cost per student station also does not include the cost for securing entries, checkpoint construction, lighting specifically designed for entry point security, security cameras, automatic locks and locking devices, electronic security systems, fencing designed to prevent intruder entry into a building, bullet-proof glass, or other capital construction items approved by the school safety specialist to ensure building security for new educational, auxiliary, or ancillary facilities; costs for these items must be below 2 percent per student station.

- The sheriff and the school superintendent may determine by agreement the reimbursement for such costs, or may share the costs, associated with employment of the law enforcement officer as a school safety specialist.

The expansion of the individuals who may serve as the school safety specialist for the school district may increase collaboration between the school districts and sheriffs to strengthen school safety and security.

False Personation of Law Enforcement Officers and Other Specified Persons

Present Situation

Section 843.08, F.S., punishes false personation of any of the following law enforcement officers or other specified persons:

- A firefighter.
- Sheriff.
- Officer of the Florida Highway Patrol.
- Officer of the Fish and Wildlife Conservation Commission.
- Fire or arson investigator of the Department of Financial Services.
- Officer of the Department of Financial Services.
- Officer of the Department of Corrections.
- Correctional probation officer.
- Deputy sheriff.
- State attorney or assistant state attorney.
- Statewide prosecutor or assistant statewide prosecutor.
- State attorney investigator.
- Coroner.
- Police officer.
- Lottery special agent or lottery investigator.
- Beverage enforcement agent.
- Watchman (a security officer licensed under ch. 493, F.S.).
- Any member of the Florida Commission on Offender Review and any administrative aide or supervisor employed by the commission.
- Any personnel or representative of the FDLE.
- A federal law enforcement officer as defined in s. 901.1505, F.S.

A person commits the offense of false personation if he or she falsely assumes or pretends to be any person specified in s. 843.08, F.S., such as a police officer, and takes upon himself or herself to act as such, or to require any other person to aid or assist him or her in a matter pertaining to the duty of any person specified in s. 843.08, F.S.

False personation in violation of s. 843.08, F.S., is generally a third degree felony.²⁹ However, false personation is a second degree felony³⁰ if committed during the course of the commission of a felony, unless the felony resulted in the death or personal injury of another human being, in which case false personation is a first degree felony.³¹

Effect of Proposed Changes

The bill amends s. 843.08, F.S., which criminalizes the false personation of law enforcement officers and other specified persons, to criminalize the false personation of a school guardian as described in s. 30.15(1)(k), F.S.

Currently, s. 843.08, F.S., prohibits false personation of a watchman (a security officer licensed under ch. 493, F.S.). The bill replaces the term “watchman” with “security officer licensed under chapter 493” and removes a definition of “watchman.”

False personation of a school guardian is generally a third degree felony. However, false personation is a second degree felony if committed during the course of the commission of a felony, unless the felony resulted in the death or personal injury of another human being, in which case false personation is a first degree felony.

The bill also reenacts a part of the Criminal Punishment Code offense severity ranking chart (s. 921.0022(3)(b), F.S.) to incorporate the amendments made by the bill to s. 843.08, F.S.

Florida Safe Schools Assessment Tool

Present Situation

Florida law requires the DOE, through the OSS, to contract with a security consulting firm that specializes in development of risk assessment software solutions with experience in conducting security assessments of public facilities to develop the Florida Safe Schools Assessment Tool (FSSAT).³² The FSSAT must be used by school officials at each school district and public school site in the state in conducting security assessments and is intended to help school officials to identify threats, vulnerabilities and appropriate safety controls for the schools that they supervise. The FSSAT is required to address the following components:

- School emergency and crisis preparedness planning;
- Security, crime and violence prevention policies and procedures;
- Physical security measures;
- Professional development training needs;
- An examination of support service roles in school safety, security, and emergency planning;
- School security and school police staffing, operational practices, and related services;

²⁹ A third degree felony is punishable by up to 5 years in prison and a fine of up to \$5,000. Sections 775.082 and 775.083, F.S. A third degree felony violation of s. 843.08, F.S., is ranked in Level 2 of the Criminal Punishment Code offense severity ranking chart. Section 921.0022(3)(b), F.S.

³⁰ A second degree felony is punishable by up to 15 years in prison and a fine of up to \$10,000. Sections 775.082 and 775.083, F.S.

³¹ A first degree felony is generally punishable by up to 30 years in prison and a fine of up to \$10,000. Sections 775.082 and 775.083, F.S.

³² Section 1006.1493, F.S.

- School-community collaboration on school safety; and
- Return on investment analysis of the recommended physical security controls.

Each school safety specialist³³ is required to conduct a school security risk assessment at each public school using the FSSAT.³⁴

Effect of Proposed Changes

Based on recommendations from the commission regarding physical site security assessment,³⁵ the bill amends s. 1006.1493, F.S., to specify that the FSSAT must be the primary physical site security assessment tool used by school officials at each school district and public school site in the state. The OSS must provide annual training to each school district's schools safety specialist and other appropriate school district personnel on assessing physical site security and completing the FSSAT assessment.

The bill also requires each district school superintendent, or his or her authorized designee, to approve each school specific FSSAT assessment. The district school superintendent must submit an FSSAT assessment to the department for each school site annually by August 1. Any superintendent who fails to comply with this submission requirement is subject to having his or her salary withheld as authorized in law.³⁶

The requirements of the bill may improve FSSAT reporting, provide a better evaluation of school security, and provide additional accountability for ensuring the safety of students throughout the state.

School Hardening/Harm Mitigation

Present Situation

The commission's report specifies that "physical site target hardening is an essential component" of accomplishing the goal of preventing another active assailant attack.³⁷ The commission recommended that school districts implement a tiered approach to campus hardening that begins with basic harm mitigation concepts that are of little or no cost and those that may be implemented quickly.³⁸ After basic concepts have been implemented, districts should consider more advanced security measures, specifically the measures that focus on prevention, utilize

³³ *Supra* note 9.

³⁴ Section 1006.07(6)(a)4., F.S.

³⁵ Marjory Stoneman Douglas High School Public Safety Commission, *Initial Report* (Jan. 2, 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf>, at 297 (last visited Feb. 22, 2019).

³⁶ Section 1001.51(12)(b), F.S.

³⁷ Marjory Stoneman Douglas High School Public Safety Commission, *Initial Report* (Jan. 2, 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf>, at 83 (last visited Feb. 22, 2019).

³⁸ *Id.* The initial report of the commission includes a tiered approach to enhancing campus site security under Appendix B of the report. *Id.*, at 345-350. In 2018, the Legislature appropriated \$98,962,286 in nonrecurring funds to the Department of Education to implement a grant program that will provide awards to schools to fund, in whole or in part, the fixed capital outlay costs associated with improving the physical security of school buildings as identified by a security risk assessment completed before August 1, 2018, by a school district or charter school. Section 44, Ch. 2018-3, Laws of Fla.; see also Florida Department of Education, *Educational Facilities Security Grant – Senate Bill 7026* (June 8, 2018), available at <http://www.fldoe.org/core/fileparse.php/18612/urlt/EdFacilitiesSecurityGrant-SenBill7026.pdf> (last visited Feb. 22, 2019).

technology, or require statutory changes.³⁹ Additionally, the commission recommended that the State of Florida engage subject matter experts through the OSS to establish guidelines and best practices for campus hardening.⁴⁰ The commission also recommended the following:⁴¹

- The OSS conduct a complete review of existing target-hardening practices and recommendations that are highlighted in other state's school safety reports and by organizations such as the Partner Alliance for Safer Schools.⁴²
- Prior to August 2019, the OSS, after receiving input from subject matter experts and completing its target-hardening review, provide the school districts with a tiered list of best practices that will allow schools to develop a plan to enhance and phase-in security levels over time, as budgets and resources allow.
- The legislature consider creating a permanent body similar to the Connecticut School Safety Infrastructure Council to oversee physical site security of schools.

Effect of Proposed Changes

The bill specifies duties and responsibilities for the OSS and the Commissioner of Education (commissioner) regarding school hardening and harm mitigation strategies.

Office of Safe Schools

Based on the suggestions highlighted in the commission's initial report, the bill requires the OSS to convene a School Hardening and Harm Mitigation Workgroup (SHHMW) comprised of subject matter experts to review school campus hardening best practices. The bill requires the review to include, at a minimum:

- Target hardening practices implemented in other states;
- School safety guidelines developed by organizations such as the Partner Alliance for Safer Schools;
- Tiered approach to target campus hardening strategies identified in the initial report submitted by the commission; and
- The Florida Building Code for educational facilities construction⁴³ to determine whether the building code may need to be modified to strengthen school safety and security.

³⁹ Marjory Stoneman Douglas High School Public Safety Commission, *Initial Report* (Jan. 2, 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf>, at 83 (last visited Feb. 22, 2019).

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² According to the Partner for Alliance for Safer Schools (PASS), the PASS school safety and security guidelines are the most comprehensive information available on best practices specifically for securing K-12 school facilities—for elementary schools, middle schools and high schools. The PASS school security checklist allows tracking school or district's security efforts in comparison to the best practices identified in the Guidelines. Partner for Alliance for Safer Schools, *PASS School Safety and Security Guidelines*, <https://passk12.org/guidelines-resources/pass-school-security-guidelines/> (last visited Jan. 28, 2019).

⁴³ The Department of Education is responsible for developing, reviewing, updating, revising, and recommending a mandatory portion of the Florida Building Code for educational facilities construction and capital improvement by district school boards and Florida College System institution boards. Section 1013.03(6), F.S.

The bill requires the SHHMW to meet as necessary and submit its report to the executive director of the OSS by August 1, 2019. The report must include, at a minimum:

- A prioritized list for implementing school campus hardening strategies and estimated costs and timeframes for school districts and charter schools to implement such strategies. The estimated costs must include regional and statewide projections of the implementation costs.
- Recommendations for policy and funding enhancements to strengthen school safety and security.

The bill requires the OSS to submit to the commissioner:

- The report submitted by the SHHMW; and
- Recommendations regarding procedures for the OSS to use to monitor and enforce compliance by the school districts and charter schools in the implementation of the SHHMW's recommended campus hardening and harm mitigation strategies.

A review of the existing school hardening and harm mitigation plans, policies, and guidelines, and related estimated costs and implementation timeframes by the SHHMW may assist the office with compiling a prioritized list of policy and funding enhancements to strengthen school safety and security.

Commissioner of Education

The bill requires the commissioner to review the SHHMW's report and recommendations submitted by the OSS regarding monitoring and enforcing compliance with the recommended campus hardening and harm mitigation strategies. The commissioner must provide by September 1, 2019, a summary of the SHHMW's recommendations related to campus hardening and harm mitigation strategies to the Governor, President of the Senate, and the Speaker of the House of Representatives. The summary must include, at a minimum:

- Policy and funding enhancements to strengthen school safety and security; and
- The estimated costs and timeframes for the implementation of the campus hardening and harm mitigation strategies recommended by the workgroup.

School Environmental and Safety Incident Reporting

Present Situation

The DOE has collected data on the most serious incidents of crime, violence, and disruptive behavior since 1995 through the School Environmental Safety Incident Reporting (SESIR) system.⁴⁴ The SESIR collects data related to incidents that occur on school grounds, school transportation, and off-campus, school-sponsored events during any 24-hour period, 365 days a year.⁴⁵ There are 26 incidents that must be reported in SESIR.⁴⁶ These incident types and

⁴⁴ FSU Center of Criminology and The Department of Education *The Florida School Environmental Safety and Incident Reporting (SESIR) system* (2006) available at <http://criminology.fsu.edu/wp-content/uploads/The-Florida-School-Environmental-Safety-Incident-Reporting-SESIR-System.pdf>, at 1 (last visited Feb. 22, 2019).

⁴⁵ *Id.*

⁴⁶ Florida Department of Education, *SESIR Codes and Definitions*, available at <http://www.fldoe.org/safe-schools/sesir-discipline-data/> (last visited Jan. 31, 2018).

definitions are based on the criminal code but are not a precise reflection due to the specific focus on youth in the K-12 school environment.⁴⁷

Florida law requires that each school district and the DOE implement an automated information system which is a part of, and compatible with, the statewide comprehensive management information system (information system).⁴⁸ Each information system component is required to contain automated student, staff and financial data. Additionally, each school principal must make necessary provisions to ensure that all school reports are accurate and timely, including, but not limited to, school safety and discipline data.⁴⁹ The information system standardizes the definitions of serious crimes and violent acts in schools, so that all schools within a district and statewide are using the same definitions to define criminal and/or violent incidents.

Effect of Proposed Changes

The bill amends s. 1006.07, F.S., to enhance oversight and enforcement as it relates to SESIR. Specifically, the bill:

- Requires the OSS provide oversight and technical assistance for SESIR reporting.
- Requires the OSS adopt rules to establish reporting requirements.
- Codifies the SESIR system and provides penalties for non-compliance.

These changes are consistent with the recommendations from the commission to provide DOE with SESIR oversight authority and authority to impose sanctions for non-compliance.⁵⁰ Providing such oversight authority to the OSS and penalties for noncompliance may increase reporting participation and accuracy.

Mobile Suspicious Activity Reporting Tool (FortifyFL)

Present Situation

In 2018, the FortifyFL application (application) was created and funded as part of the Marjory Stoneman Douglas High School Public Safety Act. The Florida Department of Law Enforcement (FDLE), in conjunction with the Department of Legal Affairs, was required to procure a mobile suspicious activity reporting tool that allows students and the community to relay information anonymously concerning unsafe, potentially harmful, dangerous, violent or criminal activities, or the threat of these activities, to appropriate public safety agencies and officials.⁵¹

The application is fully operational and, according to the DOE, has received 278 tips.⁵² The application is free to all public and private schools in Florida. Districts who have similar tools may continue to use them in addition to the application.⁵³ Even in cases where district-level tools

⁴⁷ *Id.*

⁴⁸ Section 1008.385(2), F.S. see also Rule 6A-1.0014, F.A.C.

⁴⁹ See ss. 1001.54(3), 1001.54(3), and 006.09(6), F.S. Each school principal must ensure that standardized forms prescribed by State Board of Education rule are used to report data concerning school safety and discipline data.

⁵⁰ Marjory Stoneman Douglas High School Public Safety Commission, *Initial Report* (Jan. 2, 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf>, at 314 (last visited Feb. 22, 2019).

⁵¹ Section 943.082(4)(a), F.S.

⁵² Telephone Interview with staff, Florida Department of Education (Jan 28, 2019). 278 tips as of 1/29/19.

⁵³ Florida Department of Education, *FortifyFL School Safety Awareness Program* (Oct. 26, 2018) available at <https://info.fldoe.org/docushare/dsweb/Get/Document-8397/dps-2018-157.pdf>, at 1-2 (last visited Feb. 22, 2019).

exist, district and school-level administrators will receive tips from the application and will be expected to respond. Administrators are expected to register to receive tips through the application's administrative portal for the safety and well-being of students and staff. Any tips submitted via the application are sent to local school district and law enforcement officials, and the designated officials are contacted until one or more of them take action on the tip.⁵⁴

Effect of Proposed Changes

The bill amends s. 943.082, F.S., to require a district school board to promote the application on its website, campuses, newsletters, and install the application on all student-issued computer devices. Additionally, the bill requires charter schools to comply with the specified advertising requirements. These changes are consistent with the commission's recommendations.⁵⁵

The requirement that the application be promoted in these mediums may help to increase awareness and use of the application.

Active Assailant Policy

Present Situation

Florida law requires that district school boards in consultation with public safety agencies formulate and prescribe policies and procedures for actual emergencies including, but not limited to, fires, natural disasters, active shooter and hostage situations, and bomb threats.⁵⁶ Additionally, a district school board must establish model emergency management and preparedness procedures, including emergency notification procedures. The active shooter training for each school must engage the participation of the district school safety specialist, threat assessment team (TAT) members, faculty, staff and students and must be conducted by a law enforcement agency or agencies that are designated as first responders to the school's campus.

Effect of Proposed Changes

The bill amends section 1006.07, F.S. to require that each district school board have a well-developed, written, distributed, and trained upon active assailant response policy to be used at each school and approved by the district superintendent. Any school-specific modifications to the district policy must be approved by the superintendent. The active assailant policy must be submitted to the OSS by August 1, 2019. Additionally, the bill amends sections 1001.212 and 1002.33, F.S., to require a charter school governing board to adopt an active assailant policy and submit the policy to the OSS for review. These changes are consistent with the recommendation by the commission that each school district's active assailant policy be approved by the OSS.⁵⁷

These changes may provide for more consistency in active assailant response policies throughout the state.

⁵⁴ *Id.*

⁵⁵ Marjory Stoneman Douglas High School Public Safety Commission, *Initial Report* (Jan. 2, 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf>, at 266 (last visited Feb. 22, 2019).

⁵⁶ Section 1006.07(4)(a), F.S.

⁵⁷ Marjory Stoneman Douglas High School Public Safety Commission, *Initial Report* (Jan. 2, 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf>, at 86 (last visited Feb. 22, 2019).

Multiagency Services for Students with Severe Emotional Disturbance

Present Situation

Florida law establishes a multiagency network to provide children with mental illness or emotional and behavioral problems and their families with access to the services and supports they need to succeed. The multiagency network includes district school boards to provide educational programs, and state departments and agencies administering children's mental health funds to provide mental health treatment and residential services.⁵⁸ The multiagency network is required to improve the coordination of services to expand school-based mental health services, transition services, and integrated education and treatment programs for students with and at risk of emotional or behavioral disabilities.⁵⁹

Local child and adolescent mental health systems of care must include the local educational multiagency network to enhance collaboration between agencies and to facilitate the provision of services by the child and adolescent mental health treatment and support system and the school district.⁶⁰

Effect of Proposed Changes

The bill amends s. 1006.04, F.S., to establish service timeframes for children with or at risk of emotional or behavioral disabilities. Specifically, the bill requires the multiagency network to improve coordination of services to such children to provide the following:

- Children who are referred for evaluation or screening to determine eligibility for services receive the evaluation or screening within 45 days of the referral; and
- If eligible for services, students and their families must be provided a referral to appropriate services within 30 days after completion of the evaluation or screening.

Such changes are consistent with timelines recommended by the commission,⁶¹ and may assist in the timely diagnosis of mental, emotional, or behavioral disorders and ensure students and families are provided timely information about available services and supports.

School-Based Behavioral Threat Assessments

Present Situation

The threat assessment process provides guidance to students, faculty, and staff regarding the recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self.⁶²

⁵⁸ Section 1006.04(1)(a), F.S. The network was created in 1984 as the Multiagency Service Network for Students with Severe Emotional Disturbance (SEDNET).

⁵⁹ Section 1006.04(1)(c), F.S.

⁶⁰ Section 394.495(5), F.S.

⁶¹ Marjory Stoneman Douglas High School Public Safety Commission, *Initial Report* (Jan. 2, 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf>, at 273 (last visited Feb. 22, 2019).

⁶² Section 1006.07(7)(a), F.S.

Each district school board is required to adopt policies to establish TATs at each school.⁶³ Such policies must be consistent with model policies developed by the OSS, and must include procedures for referrals to mental health services identified by the school district,⁶⁴ when appropriate. A school TAT is composed of members with expertise in counseling, instruction, school administration, and law enforcement to coordinate resources, assessment, and intervention for individuals whose behavior may pose a threat to the safety of school staff or students.⁶⁵

Florida law specifies procedures to be followed by the TAT upon a preliminary determination that a student poses a threat of violence or physical harm to himself or herself, or exhibits significantly disruptive behavior.⁶⁶

Each TAT must report quantitative data on its activities to the OSS in accordance with guidance from the OSS.⁶⁷

Currently, there is not a standard threat assessment process or automated threat assessment system in Florida. The current threat assessment process in Florida is school - or district - specific with little to no information sharing as a result of the threat assessment process.⁶⁸

Virginia Student Threat Assessment Guidelines (VSTAG)

The VSTAG model is an approach to violence prevention that emphasizes early attention to conflict before it escalates into violent behavior.⁶⁹ The model integrated recommendations from the FBI⁷⁰ and Secret Service⁷¹ studies of school shootings with input from educators working in Virginia public schools.

⁶³ Section 1006.07(7), F.S.

⁶⁴ Section 1012.584(4), F.S., defines “mental health services” and requires notification to all school personnel who have received training on mental health services about available mental health services.

⁶⁵ Section 1006.07(7), F.S.

⁶⁶ Procedures include superintendent and parental notifications, inspection of criminal records, and immediate action for mental health and substances abuse crises. *Id.*

⁶⁷ Section 1006.07(7)(f), F.S.

⁶⁸ Marjory Stoneman Douglas High School Public Safety Commission, *Initial Report* (Jan. 2, 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf>, at 281 (last visited Feb. 22, 2019).

⁶⁹ Dewey G. Cornell University of Virginia June 18, 2018 *Overview of the Virginia Student Threat Guidelines (VSTAG)* <https://curry.virginia.edu/sites/default/files/images/YVP/VSTAG%20summary%206-18-18.pdf>, at 1 (last visited Feb. 22, 2019).

⁷⁰ Mary Ellen O’Toole, *The School Shooter: A Threat Assessment Perspective*, available at <https://files.eric.ed.gov/fulltext/ED446352.pdf> (last visited Feb. 22, 2019).

⁷¹ United States Secret Service and the United States Department of Education (Robert A. Fein), *Threat Assessment in Schools, A Guide to Managing Threatening Situations and to Creating Safe School Climates* (2004), available at <https://www2.ed.gov/admins/lead/safety/threatassessmentguide.pdf> (last visited Feb. 22, 2019).

The VSTAG model follows a five-step process, which includes an evaluation of a threat as transient⁷² or substantive,⁷³ a response to a substantive threat, and implementation and monitoring of a safety plan, if necessary.

Effect of Proposed Changes

The bill implements recommendations from the commission regarding the development of a standardized, statewide behavioral threat assessment instrument and a statewide threat assessment database.⁷⁴ Specifically, the bill amends s. 1001.212, F.S., to require the OSS to:

- Develop, no later than August 1, 2019, a standardized, statewide behavioral threat assessment instrument (instrument) for use by all public schools, including charter schools. The instrument must include:
 - An evaluation of the causes and seriousness of the threat.
 - The response to a substantive threat, including law enforcement or mental health referrals.
 - Ongoing monitoring to assess implementation of safety strategies.
 - Training for members of a TAT and school administrators regarding the use of the instrument.
- Evaluate, by August 1, 2020, each school district's behavioral threat assessment procedures, and:
 - Notify the district school superintendent if that school district's behavioral threat assessment is not in compliance with the instrument.
 - Report any issues of ongoing noncompliance to the district school superintendent, commissioner, and State Board of Education.

Each district school board, in its policies establishing a TAT, must include in its behavioral threat assessment procedures the instrument developed by the OSS. The establishment of a statewide instrument may assist in the development of policies that are more proactive and include greater oversight and accountability of district policies and procedures. In addition, school personnel may receive improved training on and knowledge of the threat assessment process and how to conduct effective behavioral threat assessments.

Additionally, the bill requires the OSS to:

- Establish a Statewide Threat Assessment Database Workgroup to make recommendations regarding the development of a statewide threat assessment database to provide access to information about any school threat assessment by authorized personnel statewide.
- The workgroup must provide a report to the OSS, no later than December 31, 2019, with recommendations regarding, but not limited to:
 - Required threat assessment data and authorized users.
 - Database design and functionality, to include data security.

⁷² A transient threat is a broad category including all threats that do not reflect a genuine intent to harm others. Most student threats are transient threats that reflect expressions of humor, anger, frustration, or fear. Transient threats can be provocative and disruptive, but from a threat assessment perspective, they do not reflect a real intent to harm others. Supra note 56, at 2.

⁷³ Substantive threats are characterized by qualities that reflect serious intent, such as planning and preparation, recruitment of accomplices, and acquisition of a weapon. Supra note 56, at 3.

⁷⁴ Marjory Stoneman Douglas High School Public Safety Commission, *Initial Report* (Jan. 2, 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf>, at 286-287 (last visited Feb. 22, 2019).

- Restrictions and authorities on information sharing, including the Family Educational Right and Privacy Act,⁷⁵ confidentiality of substance abuse and disorder patient records,⁷⁶ and the Health Insurance Portability and Accountability Act.⁷⁷
- The cost to develop and maintain a statewide online database.
- An implementation plan and timeline.

The workgroup recommendations may assist in determining the effective implementation of a statewide threat assessment database for providing vital student threat information to school districts and law enforcement. The bill requires that each school TAT must utilize the statewide threat assessment database when it becomes available.

School District Funding

Present Situation

State funding for school districts is provided primarily by legislative appropriations, the majority of which is distributed through the FEFP.

Florida Education Finance Program

Florida law provides funds for the operation of schools by an allocation through the FEFP to each district. In addition to the basic amount for current operations for the FEFP, the Legislature may appropriate categorical funding for specified programs, activities or purposes.⁷⁸ Each district school board must include the amount of categorical funds as a part of the district annual financial report to the DOE, and the DOE must submit a report to the Legislature that identifies by district and by categorical fund the amount transferred and the specific academic classroom activity for which the funds were spent.⁷⁹ A district school board may approve a budget amendment.

Safe Schools Allocation

Safe schools funds are to be used by school districts to help them comply with the sections of Florida law dedicated to student discipline and school safety, with priority given to establishing a school resource officer program pursuant to section 1006.12, F.S.⁸⁰

For the 2018-19 fiscal year, \$161,956,019 is appropriated for safe schools activities, with each school district receiving a guaranteed minimum of \$250,000.⁸¹ The remaining appropriation has historically been allocated based on two-thirds being allocated to school districts based on the latest official FDLE Florida Crime Index and one-third being allocated based on each district's share of the state's total unweighted student enrollment.⁸² However, in Ch. 2018-3, Laws of Fla.,

⁷⁵ 20 U.S.C., s. 1232g.

⁷⁶ 42 C.F.R., Part 2.

⁷⁷ 42 U.S.C., s. 1320d-6, and 45 C.F.R. Part 164-E

⁷⁸ Section 1011.62(6), F.S.

⁷⁹ *Id.*

⁸⁰ Section 1011.62(15), F.S.

⁸¹ Ch. 2018-3, s. 42, Laws of Fla.

⁸² Section 1011.62(15), F.S.

the appropriated funds⁸³ were distributed to school districts based on each district's proportionate share of the state's total unweighted full-time equivalent student enrollment, and school districts are required to use these funds exclusively for hiring or contracting for school resource officers.

Effect of Proposed Changes

FEFP and Safe Schools Allocation

Based on recommendations from the commission regarding school safety funding,⁸⁴ the bill amends s. 1011.62, F.S., to provide school districts with greater spending flexibility between categorical funding within the FEFP. The bill authorizes the district school board, upon adoption of a resolution that these funds are urgently needed to maintain school board specified academic classroom instruction or improve school safety, to transfer funds from the guaranteed allocation, supplemental academic instruction allocation, Florida digital classroom allocation, and federally connected student supplement. This may provide school districts with additional funding resources to ensure the safety and security of students.

The bill also amends the safe schools allocation formula by requiring one-third (instead of two-thirds) be allocated to school districts based on the most recent official FDLE Florida Crime Index and two-thirds (instead of one-third) be allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment. Revising the formula in this manner more closely approximates the safe schools allocation for the 2018-2019 fiscal year resulting from the additional funds appropriated in Ch. 2018-3, Laws of Fla., which mitigates the likelihood of a school district receiving a disparate amount in future fiscal years.

The bill takes effect upon becoming a law, unless otherwise specified.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The county and municipality mandate provisions of Article VII, section 18 of the Florida Constitution may apply because the bill requires a county sheriff under certain circumstances to implement a school guardian program, requiring the expenditure of funds. Article VII, section 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met.

Article VII, section 18 (d) provides eight exemptions, which, if any single one is met, exempts the law from the limitations on mandates. Laws having an "insignificant fiscal impact" are exempt from the mandate requirements, which for Fiscal Year 2018-2019 is

⁸³ Specific Appropriation 92, Ch. 2018-9, Laws of Fla., the 2018-2019 General Appropriations Act, appropriated \$64.5 million for the safe schools allocation. Section 42, Ch. 2018-3, Laws of Fla., appropriated an additional \$97.5 million for the safe schools allocation.

⁸⁴ Marjory Stoneman Douglas High School Public Safety Commission, *Initial Report* (Jan. 2, 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf>, at 105 (last visited Feb. 22, 2019).

forecast at slightly over \$2 million.^{85,86,87} It is unknown at this time if the costs for county sheriffs to implement the bill will collectively exceed the insignificant fiscal impact threshold.

As for applicable specified constitutional exceptions, a general law may be binding on cities and counties if the Legislature determines that the law fulfills an important state interest (see section 13), and estimated funds are appropriated to cover the mandate. In 2018-2019, the Legislature set aside \$67.5 million for this program, and it is anticipated that approximately \$57 million in unspent funds from this year will be included in the 2019-2020 budget. These funds should be sufficient to cover the costs to county sheriffs of implementing the school guardian program.

If the Legislature does not authorize adequate funding, a two-thirds vote of the membership of each house may be required for the provisions in the bill to be binding upon the county sheriffs.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

⁸⁵ FLA. CONST. art. VII, s. 18(d).

⁸⁶ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Mar. 13, 2019).

⁸⁷ Based on the Florida Demographic Estimating Conference's February 6, 2019 population forecast for 2019 of 21,170,399. The conference packet is available at <http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf> (last visited Mar. 13, 2019).

C. Government Sector Impact:

The Criminal Justice Impact Conference, which provides the final, official prison bed impact, if any, of legislation has not yet reviewed the bill. The Legislature's Office of Economic and Demographic Research preliminarily estimates that the bill will have a positive insignificant prison bed impact (an increase of 10 or fewer prison beds).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 30.15, 843.08, 943.082, 1001.10, 1001.11, 1001.212, 1002.33, 1006.04, 1006.07, 1006.12, 1006.1493, and 1011.62

The bill also reenacts section 921.0022 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 Infrastructure and Security on March 26, 2019:

- The CS criminalizes the false personation of a school guardian and replaces the term “watchman” with “security officer”.

B. Amendments:

None.



313254

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/28/2019	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Cruz) recommended the following:

Senate Amendment (with title amendment)

Delete lines 119 - 127
and insert:
or abate an active assailant incident on a school premises.
Excluded from participating in the Coach Aaron Feis Guardian
Program are individuals who exclusively perform classroom duties
as classroom teachers as defined in s. 1012.01(2)(a). This
limitation does not apply to classroom teachers of a Junior
Reserve Officers' Training Corps program, a current



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servicemember, as defined in s. 250.01, or a current or former
law enforcement officer, as defined in s. 943.10(1), (6), or
(8). A ~~The~~ sheriff who establishes a ~~chooses to establish the~~

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

And the title is amended as follows:

Delete lines 5 - 6

and insert:

condition; prohibiting



754328

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2019	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Lee) recommended the following:

Senate Amendment (with title amendment)

Between lines 174 and 175
insert:

Section 2. Effective October 1, 2019, section 843.08, Florida Statutes, is amended to read:

843.08 False personation.—A person who falsely assumes or pretends to be a firefighter, a sheriff, an officer of the Florida Highway Patrol, an officer of the Fish and Wildlife Conservation Commission, a fire or arson investigator of the



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Department of Financial Services, an officer of the Department of Financial Services, an officer of the Department of Corrections, a correctional probation officer, a deputy sheriff, a state attorney or an assistant state attorney, a statewide prosecutor or an assistant statewide prosecutor, a state attorney investigator, a coroner, a police officer, a lottery special agent or lottery investigator, a beverage enforcement agent, a school guardian as described in s. 30.15(1)(k), a security officer licensed under chapter 493 ~~or watchman, or any member of the Florida Commission on Offender Review or and any administrative aide or supervisor employed by the commission, or any personnel or representative of the Department of Law Enforcement, or a federal law enforcement officer as defined in s. 901.1505, and takes upon himself or herself to act as such, or to require any other person to aid or assist him or her in a matter pertaining to the duty of any such officer, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, a person who falsely personates any such officer during the course of the commission of a felony commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the commission of the felony results in the death or personal injury of another human being, the person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. ~~The term "watchman" means a security officer licensed under chapter 493.~~~~

Section 3. For the purpose of incorporating the amendment made by this act to section 843.08, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section



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921.0022, Florida Statutes, is reenacted to read:

921.0022 Criminal Punishment Code; offense severity ranking
chart.—

(3) OFFENSE SEVERITY RANKING CHART

(b) LEVEL 2

Florida Statute	Felony Degree	Description
379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
517.07 (2)	3rd	Failure to furnish a



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prospectus meeting
requirements.

590.28(1)

3rd

Intentional burning of
lands.

784.05(3)

3rd

Storing or leaving a
loaded firearm within
reach of minor who uses
it to inflict injury or
death.

787.04(1)

3rd

In violation of court
order, take, entice,
etc., minor beyond state
limits.

806.13(1)(b)3.

3rd

Criminal mischief;
damage \$1,000 or more to
public communication or
any other public
service.

810.061(2)

3rd

Impairing or impeding
telephone or power to a
dwelling; facilitating
or furthering burglary.

810.09(2)(e)

3rd

Trespassing on posted



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commercial horticulture
property.

812.014 (2) (c) 1.

3rd

Grand theft, 3rd degree;
\$300 or more but less
than \$5,000.

812.014 (2) (d)

3rd

Grand theft, 3rd degree;
\$100 or more but less
than \$300, taken from
unenclosed curtilage of
dwelling.

812.015 (7)

3rd

Possession, use, or
attempted use of an
antishoplifting or
inventory control device
countermeasure.

817.234 (1) (a) 2.

3rd

False statement in
support of insurance
claim.

817.481 (3) (a)

3rd

Obtain credit or
purchase with false,
expired, counterfeit,
etc., credit card, value
over \$300.



754328

62	817.52 (3)	3rd	Failure to redeliver hired vehicle.
63	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
64	817.60 (5)	3rd	Dealing in credit cards of another.
65	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
66	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
67	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
68	831.01	3rd	Forgery.
	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.



754328

69	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
70	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
71	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
72	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
73	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
74	843.08	3rd	False personation.
75	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9.,



754328

(2)(c)10., (3), or (4)
drugs other than
cannabis.

893.147(2) 3rd Manufacture or delivery
of drug paraphernalia.

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

And the title is amended as follows:

Delete line 8

and insert:

they are appointed by a superintendent; amending s.
843.08, F.S.; adding school guardians to the list of
officials the false personation of whom is prohibited
and subject to criminal penalties; making technical
changes; reenacting s. 921.0022(3)(b), F.S., relating
to the offense severity ranking chart of the Criminal
Punishment Code, to incorporate the amendment made to
s. 843.08, F.S., in a reference thereto; amending s.



756112

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/26/2019	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Diaz) recommended the following:

Senate Amendment (with title amendment)

Delete lines 386 - 418.

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

And the title is amended as follows:

Delete lines 50 - 53

and insert:

provisions; amending s. 1006.07, F.S.; requiring



307398

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/28/2019	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Taddeo)
recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 582 and 583
insert:

(10) LIABILITY.—Notwithstanding the limitations prescribed
in s. 768.28, any school district that participates in the Coach
Aaron Feis Guardian Program shall be liable for the negligent
discharge or use of a firearm by a school guardian when such
discharge or use occurs beyond the scope of an active shooter
situation or a defense situation. The school district may not be



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held liable to pay a claim or a judgment by any one person for
such tort which exceeds the sum of \$1 million. The limitations
of liability set forth in this subsection apply to claims
arising on or after July 1, 2019.

===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

And the directory clause is amended as follows:

Delete line 420

and insert:

1006.07, Florida Statutes, are amended, and subsections (9)
and (10) are

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

And the title is amended as follows:

Delete line 83

and insert:

incident reports; providing that certain school
districts may be held liable for a certain tort;
providing a liability limitation on school districts
relating to such tort; providing applicability;
amending s. 1006.12, F.S.; requiring



664610

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/28/2019	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Cruz) recommended the following:

Senate Amendment

Delete lines 648 - 652
and insert:
officer. Except for individuals who exclusively perform
classroom duties as classroom teachers as defined in s.
1012.01(2)(a), the following individuals may serve as a school
guardian upon satisfactory completion of the requirements under
s. 30.15(1)(k) and certification by a sheriff:
(a) A school district employee or personnel, as defined



664610

11 under s. 1012.01, except for an individual who exclusively
12 perform classroom duties as a classroom teacher as defined in s.
13 1012.01(2)(a), or a charter school employee, as provided



420924

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/28/2019	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Taddeo)
recommended the following:

Senate Amendment (with title amendment)

Between lines 675 and 676
insert:

(5) A school district or charter school that elects to
participate in the Coach Aaron Feis Guardian Program shall
establish a policy by which notification is provided to parents
of students who will be attending a participating school. The
policy must require that such notice be provided before the
school year begins and must allow a parent to choose to decline



420924

to allow his or her child to be placed in a classroom in which a school guardian is present at any time during the school day. A school district or a charter school may not place a student in a classroom in which a school guardian is present if the student's parent has declined to allow his or her child to be so placed.

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

And the title is amended as follows:

Between lines 87 and 88
insert:

requiring school districts and charter schools that participate in the Coach Aaron Feis Guardian Program to implement a policy that provides notice to parents; requiring that the policy allow parents to decline to allow their children to be placed in a classroom in which a school guardian is present; prohibiting school districts and charter schools from placing in a classroom with a school guardian students whose parents have declined such authorization;

By the Committee on Education

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1 A bill to be entitled
 2 An act relating to school safety and security;
 3 amending s. 30.15, F.S.; requiring a sheriff to
 4 establish a school guardian program under a certain
 5 condition; removing the prohibition against classroom
 6 teachers serving as school guardians; prohibiting
 7 individuals from serving as school guardians unless
 8 they are appointed by a superintendent; amending s.
 9 943.082, F.S.; requiring school districts to promote a
 10 mobile suspicious activity reporting tool through
 11 specified mediums; amending s. 1001.10, F.S.;
 12 requiring the Commissioner of Education to review
 13 recommendations from the School Hardening and Harm
 14 Mitigation Workgroup; requiring the commissioner to
 15 submit a summary to the Governor and the Legislature
 16 by a specified date; providing requirements for the
 17 summary; amending s. 1001.11, F.S.; revising the
 18 duties of the commissioner to include oversight of
 19 compliance with the safety and security requirements
 20 of the Marjory Stoneman Douglas High School Public
 21 Safety Act by specified persons and entities; amending
 22 s. 1001.212, F.S.; requiring the Office of Safe
 23 Schools to annually provide training for specified
 24 personnel; requiring the office to convene a School
 25 Hardening and Harm Mitigation Workgroup; providing for
 26 membership and duties of the workgroup; requiring the
 27 workgroup to submit a report and recommendations to
 28 the commissioner; requiring the office to provide
 29 technical assistance for school safety incident

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30 reporting; requiring the office to review and evaluate
 31 school district reports for compliance; requiring a
 32 district school board to withhold a superintendent's
 33 salary in response to the superintendent's
 34 noncompliance; requiring the office to develop a
 35 behavioral threat assessment instrument; providing
 36 requirements for the instrument; requiring the office
 37 to establish the Statewide Threat Assessment Database
 38 Workgroup to make certain recommendations relating to
 39 a statewide threat assessment database; providing
 40 requirements for the database; requiring the workgroup
 41 to report recommendations to the office by a specified
 42 date; providing requirements for such recommendations;
 43 requiring the office to monitor school district and
 44 public school, including charter schools, compliance
 45 with requirements relating to school safety; requiring
 46 the office to review and approve district school board
 47 and charter school active assailant policies and
 48 report deficiencies; amending s. 1002.33, F.S.;
 49 requiring a charter school to comply with specified
 50 provisions; amending s. 1006.04, F.S.; establishing
 51 timeframes within which students with mental,
 52 emotional, or behavioral disorders must be referred
 53 for services; amending s. 1006.07, F.S.; requiring
 54 that a school safety specialist be a school
 55 administrator employed by the school district or a law
 56 enforcement officer employed by the sheriff's office
 57 located in the school district; providing requirements
 58 for a school safety specialist designated from a

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59 sheriff's office; providing that a school safety
 60 specialist designated from a sheriff's office remains
 61 an employee of such office for certain purposes;
 62 authorizing the sheriff and school superintendent to
 63 determine by agreement the reimbursement of or sharing
 64 of costs associated with employment of the law
 65 enforcement officer as a school safety specialist;
 66 requiring district school boards to adopt and submit
 67 to the office an active assailant response policy;
 68 requiring that the policy be recommended by the
 69 district superintendent; requiring that any school-
 70 specific modifications to the policy be approved by
 71 the district superintendents; requiring that certain
 72 policies adopted by school districts include
 73 procedures for behavioral threat assessments;
 74 requiring threat assessment teams to utilize the
 75 behavioral threat assessment instrument and the threat
 76 assessment database developed by the office when they
 77 become available; requiring district school boards to
 78 adopt policies for accurate and timely reporting of
 79 school environmental safety incidents; providing
 80 penalties for noncompliance with such policies;
 81 requiring the State Board of Education to adopt by
 82 rule requirements for school environmental safety
 83 incident reports; amending s. 1006.12, F.S.; requiring
 84 a charter school governing board to partner with law
 85 enforcement agencies to establish or assign a safe-
 86 school officer; expanding the categories of
 87 individuals who may serve as school guardians;

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88 amending s. 1006.1493, F.S.; requiring the Florida
 89 Safe Schools Assessment Tool (FSSAT) to be the primary
 90 site security assessment tool for school districts;
 91 requiring the office to provide FSSAT training;
 92 requiring the superintendent to certify FSSAT
 93 assessments within a certain timeframe; providing
 94 penalties for failure to comply with requirements;
 95 deleting obsolete language; amending s. 1011.62, F.S.;
 96 modifying the required use of funds in the safe
 97 schools allocation; providing for retroactive
 98 application; providing legislative intent; expanding,
 99 as of a specified date, the categorical fund that may
 100 be accessed to improve classroom instruction or
 101 improve school safety; deleting obsolete language;
 102 providing a declaration of important state interest;
 103 providing an effective date.

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

106
 107 Section 1. Paragraph (k) of subsection (1) of section
 108 30.15, Florida Statutes, is amended to read
 109 30.15 Powers, duties, and obligations.—
 110 (1) Sheriffs, in their respective counties, in person or by
 111 deputy, shall:
 112 (k) Establish, if the sheriff so chooses, a Coach Aaron
 113 Feis Guardian Program to aid in the prevention or abatement of
 114 active assailant incidents on school premises. However, if a
 115 local school board has voted by a majority to implement such a
 116 program, the sheriff in that county shall establish a program. A

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117 school guardian ~~may not~~ ~~has no authority to~~ act in any law
 118 enforcement capacity except to the extent necessary to prevent
 119 or abate an active assailant incident on a school premises. A
 120 ~~Excluded from participating in the Coach Aaron Feis Guardian~~
 121 ~~Program are individuals who exclusively perform classroom duties~~
 122 ~~as classroom teachers as defined in s. 1012.01(2)(a). This~~
 123 ~~limitation does not apply to classroom teachers of a Junior~~
 124 ~~Reserve Officers' Training Corps program, a current~~
 125 ~~servicemember, as defined in s. 250.01, or a current or former~~
 126 ~~law enforcement officer, as defined in s. 943.10(1), (6), or~~
 127 ~~(8). The sheriff who establishes a chooses to establish the~~
 128 program shall certify ~~appoint~~ as school guardians, without the
 129 power of arrest, school employees or contract employees, as
 130 specified in s. 1006.12(3), who volunteer and who:

- 131 1. Hold a valid license issued under s. 790.06.
- 132 2. Complete 132 total hours of comprehensive firearm safety
 133 and proficiency training conducted by Criminal Justice Standards
 134 and Training Commission-certified instructors, which must
 135 include:
 - 136 a. Eighty hours of firearms instruction based on the
 137 Criminal Justice Standards and Training Commission's Law
 138 Enforcement Academy training model, which must include at least
 139 10 percent but no more than 20 percent more rounds fired than
 140 associated with academy training. Program participants must
 141 achieve an 85 percent pass rate on the firearms training.
 - 142 b. Sixteen hours of instruction in precision pistol.
 - 143 c. Eight hours of discretionary shooting instruction using
 144 state-of-the-art simulator exercises.
 - 145 d. Eight hours of instruction in active shooter or

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146 assailant scenarios.

- 147 e. Eight hours of instruction in defensive tactics.
- 148 f. Twelve hours of instruction in legal issues.
- 149 3. Pass a psychological evaluation administered by a
 150 psychologist licensed under chapter 490 and designated by the
 151 Department of Law Enforcement and submit the results of the
 152 evaluation to the sheriff's office. The Department of Law
 153 Enforcement is authorized to provide the sheriff's office with
 154 mental health and substance abuse data for compliance with this
 155 paragraph.
- 156 4. Submit to and pass an initial drug test and subsequent
 157 random drug tests in accordance with the requirements of s.
 158 112.0455 and the sheriff's office.
- 159 5. Successfully complete ongoing training, weapon
 160 inspection, and firearm qualification on at least an annual
 161 basis.
- 162 6. Successfully complete at least 12 hours of a certified
 163 nationally recognized diversity training program.

164 The sheriff shall issue a school guardian certificate to
 165 individuals who meet the requirements of this paragraph and
 166 ~~subparagraph 2.~~ The sheriff shall maintain documentation of
 167 weapon and equipment inspections, as well as the training,
 168 certification, inspection, and qualification records of each
 169 school guardian certified ~~appointed~~ by the sheriff. At a
 170 superintendent's discretion, any such certified school guardian
 171 may be appointed to a school by its respective superintendent.
 172 An individual may not serve as a school guardian in a school
 173 unless he or she is appointed by the superintendent.

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175 Section 2. Subsection (4) of section 943.082, Florida
 176 Statutes, is amended to read:
 177 943.082 School Safety Awareness Program.—
 178 (4)(a) Law enforcement dispatch centers, school districts,
 179 schools, and other entities identified by the department must
 180 ~~shall~~ be made aware of the mobile suspicious activity reporting
 181 tool.
 182 (b) The district school board shall promote the use of the
 183 mobile suspicious activity reporting tool by advertising it on
 184 the school district website, in newsletters, on school campuses,
 185 and in school publications and by installing it on all computer
 186 devices issued to students.
 187 Section 3. Subsection (9) is added to section 1001.10,
 188 Florida Statutes, to read:
 189 1001.10 Commissioner of Education; general powers and
 190 duties.—
 191 (9) The commissioner shall review the report of the School
 192 Hardening and Harm Mitigation Workgroup regarding hardening and
 193 harm mitigation strategies and recommendations submitted by the
 194 Office of Safe Schools, pursuant to s. 1001.212(12). By
 195 September 1, 2019, the commissioner shall submit a summary of
 196 such recommendations to the Governor, the President of the
 197 Senate, and the Speaker of the House of Representatives. At a
 198 minimum, the summary must include policy and funding
 199 enhancements and the estimated costs of and timeframes for
 200 implementation of the campus hardening and harm mitigation
 201 strategies recommended by the workgroup.
 202 Section 4. Subsection (9) of section 1001.11, Florida
 203 Statutes, is added to read:

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204 1001.11 Commissioner of Education; other duties.—
 205 (9) The commissioner shall oversee compliance with the
 206 safety and security requirements of the Marjory Stoneman Douglas
 207 High School Public Safety Act, chapter 2018-03, Laws of Florida,
 208 by school districts; district school superintendents; public
 209 schools, including charter schools; and regional and state
 210 entities. The commissioner must facilitate compliance to the
 211 maximum extent provided under law, identify incidents of
 212 noncompliance, and impose or recommend to the State Board of
 213 Education, the Governor, or the Legislature enforcement and
 214 sanctioning actions pursuant to s. 1008.32 and other authority
 215 granted under law.
 216 Section 5. Subsection (1) is amended, and subsections (12)
 217 through (17) are added to section 1001.212, Florida Statutes, to
 218 read:
 219 1001.212 Office of Safe Schools.—There is created in the
 220 Department of Education the Office of Safe Schools. The office
 221 is fully accountable to the Commissioner of Education. The
 222 office shall serve as a central repository for best practices,
 223 training standards, and compliance oversight in all matters
 224 regarding school safety and security, including prevention
 225 efforts, intervention efforts, and emergency preparedness
 226 planning. The office shall:
 227 (1) Establish and update as necessary a school security
 228 risk assessment tool for use by school districts pursuant to s.
 229 1006.07(6). The office shall make the security risk assessment
 230 tool available for use by charter schools. The office shall
 231 provide annual training to appropriate school district and
 232 charter school personnel on the proper assessment of physical

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233 site security and completion of the school security risk
 234 assessment tool.

235 (12) (a) Convene a School Hardening and Harm Mitigation
 236 Workgroup comprised of individuals with subject matter expertise
 237 on school campus hardening best practices. The workgroup shall
 238 meet as necessary to review school hardening and harm mitigation
 239 policies including, but not limited to, the target hardening
 240 practices implemented in other states; the school safety
 241 guidelines developed by organizations such as the Partner
 242 Alliance for Safer Schools; the tiered approach to target campus
 243 hardening strategies identified in the initial report submitted
 244 by the Marjory Stoneman Douglas High School Public Safety
 245 Commission pursuant to s. 943.687(9); and the Florida Building
 246 Code for educational facilities construction to determine
 247 whether the building code may need to be modified to strengthen
 248 school safety and security. Based on this review of school
 249 safety best practices, by August 1, 2019, the workgroup shall
 250 submit a report to the executive director of the office, which
 251 includes, at a minimum:

252 1. A prioritized list for the implementation of school
 253 campus hardening and harm mitigation strategies and the
 254 estimated costs of and timeframes for implementation of the
 255 strategies by school districts and charter schools. The
 256 estimated costs must include regional and statewide projections
 257 of the implementation costs.

258 2. Recommendations for policy and funding enhancements to
 259 strengthen school safety and security.

260 (b) Submit to the commissioner:

261 1. The workgroup's report pursuant to paragraph (a); and

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262 2. Recommendations regarding procedures for the office to
 263 use to monitor and enforce compliance by the school districts
 264 and charter schools in the implementation of the workgroup's
 265 recommended campus hardening and harm mitigation strategies.

266 (13) Provide technical assistance to school districts and
 267 charter school governing boards for school environmental safety
 268 incident reporting as required under s. 1006.07(9). The office
 269 shall review and evaluate school district reports to ensure
 270 compliance with reporting requirements. Upon notification by the
 271 department that a superintendent has failed to comply with the
 272 requirements of s. 1006.07(9), the district school board shall
 273 withhold further payment of his or her salary as authorized
 274 under s. 1001.42(13)(b) and impose other appropriate sanctions
 275 that the commissioner or state board by law may impose.

276 (14) By August 1, 2019, develop a standardized, statewide
 277 behavioral threat assessment instrument for use by all public
 278 schools, including charter schools, which addresses early
 279 identification, evaluation, early intervention, and student
 280 support.

281 (a) The standardized, statewide behavioral threat
 282 assessment instrument must include, but need not be limited to,
 283 components and forms that address:

284 1. An assessment of the threat, which includes an
 285 assessment of the student, family, and school and social
 286 dynamics.

287 2. An evaluation to determine if the threat is transient or
 288 substantive.

289 3. The response to a substantive threat, which includes the
 290 school response and the role of law enforcement agencies.

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291 4. The response to a serious substantive threat, including
 292 mental health and law enforcement referrals.
 293 5. Ongoing monitoring to assess implementation of safety
 294 strategies.
 295 6. Training for members of threat assessment teams
 296 established under s. 1006.07(7) and school administrators
 297 regarding the use of the instrument.
 298 (b) The office shall:
 299 1. By August 1, 2020, evaluate each school district's
 300 behavioral threat assessment procedures for compliance with this
 301 subsection.
 302 2. Notify the district school superintendent if the school
 303 district behavioral threat assessment is not in compliance with
 304 this subsection.
 305 3. Report any issues of ongoing noncompliance with this
 306 subsection to the district school superintendent, commissioner,
 307 and state board.
 308 (15) Establish the Statewide Threat Assessment Database
 309 Workgroup, comprised of members appointed by the department, to
 310 make recommendations regarding the development of a statewide
 311 threat assessment database. The database must allow authorized
 312 public school personnel to enter information related to any
 313 threat assessment conducted at their respective schools using
 314 the instrument developed by the office pursuant to subsection
 315 (14), and must provide such information to authorized personnel
 316 in each school district and public school and to appropriate
 317 stakeholders. By December 31, 2019, the workgroup shall provide
 318 a report to the office with recommendations that include, but
 319 need not be limited to:

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320 (a) Threat assessment data that should be required to be
 321 entered into the database.
 322 (b) School district and public school personnel who should
 323 be allowed to input student records to the database and view
 324 such records.
 325 (c) Database design and functionality, to include data
 326 security.
 327 (d) Restrictions and authorities on information sharing,
 328 including:
 329 1. Section 1002.22 and other applicable state laws.
 330 2. The Family Educational Rights and Privacy Act (FERPA),
 331 20 U.S.C. s. 1232g, 42 C.F.R. part 2; the Health Insurance
 332 Portability and Accountability Act (HIPAA), 42 U.S.C. s. 1320d6,
 333 45 C.F.R. part 164, subpart E; and other applicable federal
 334 laws.
 335 3. The appropriateness of interagency agreements that will
 336 allow law enforcement to view database records.
 337 (e) The cost to develop and maintain a statewide online
 338 database.
 339 (f) An implementation plan and timeline for the workgroup
 340 recommendations.
 341 (16) Monitor compliance with requirements relating to
 342 school safety by school districts and public schools, including
 343 charter schools. The office shall report incidents of
 344 noncompliance to the commissioner pursuant to 1001.11(9) and the
 345 state board pursuant to s. 1008.32 and other requirements of
 346 law, as appropriate.
 347 (17) Review and approve each district school board's and
 348 charter school governing board's active assailant response

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349 policy submitted pursuant to ss. 1006.07(6)(c) and
 350 1002.33(16)(b). The office shall report any policy deficiencies
 351 or issues of noncompliance to the commissioner pursuant to
 352 1001.11(9) and the state board pursuant to s. 1008.32 and other
 353 requirements of law, as appropriate.

354 Section 6. Paragraph (b) of subsection (16) of section
 355 1002.33, Florida Statutes, is amended, to read:
 356 1002.33 Charter schools.—
 357 (16) EXEMPTION FROM STATUTES.—
 358 (b) Additionally, a charter school shall be in compliance
 359 with the following statutes:

360 1. Section 286.011, relating to public meetings and
 361 records, public inspection, and criminal and civil penalties.
 362 2. Chapter 119, relating to public records.
 363 3. Section 1003.03, relating to the maximum class size,
 364 except that the calculation for compliance pursuant to s.
 365 1003.03 shall be the average at the school level.
 366 4. Section 1012.22(1)(c), relating to compensation and
 367 salary schedules.
 368 5. Section 1012.33(5), relating to workforce reductions.
 369 6. Section 1012.335, relating to contracts with
 370 instructional personnel hired on or after July 1, 2011.
 371 7. Section 1012.34, relating to the substantive
 372 requirements for performance evaluations for instructional
 373 personnel and school administrators.
 374 8. Section 1006.12, relating to safe-school officers.
 375 9. Section 1006.07(7), relating to threat assessment teams.
 376 10. Section 1006.07(9), relating to School Environmental
 377 Safety Incident Reporting.

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378 11. Section 1006.1493, relating to Florida Safe School
 379 Assessment Tool.
 380 12. Section 1006.07(6)(c), relating to adopting an active
 381 assailant response policy.
 382 13. Section 943.082(4)(b), relating to the mobile
 383 suspicious activity reporting tool.
 384 14. Section 1012.584, relating to youth mental health
 385 awareness and assistance training.

386 Section 7. Paragraph (c) of subsection (1) of section
 387 1006.04, Florida Statutes, is amended to read:
 388 1006.04 Educational multiagency services for students with
 389 severe emotional disturbance.—
 390 (1)
 391 (c) The multiagency network shall:
 392 1. Support and represent the needs of students in each
 393 school district in joint planning with fiscal agents of
 394 children's mental health funds, including the expansion of
 395 school-based mental health services, transition services, and
 396 integrated education and treatment programs.
 397 2. Improve coordination of services for children with or at
 398 risk of emotional or behavioral disabilities and their families:
 399 a. By assisting multi-agency collaborative initiatives to
 400 identify critical issues and barriers of mutual concern and
 401 develop local response systems that increase home and school
 402 connections and family engagement.
 403 b. To provide that children who are referred for an
 404 evaluation or screening to determine eligibility for services
 405 receive the appropriate evaluation or screening within 45 days
 406 after the referral. Students who are eligible for services, and

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407 their families, must be provided a referral for the appropriate
 408 services within 30 days after completion of the evaluation or
 409 screening.

410 3. Increase parent and youth involvement and development
 411 with local systems of care.

412 4. Facilitate student and family access to effective
 413 services and programs for students with and at risk of emotional
 414 or behavioral disabilities that include necessary educational,
 415 residential, and mental health treatment services, enabling
 416 these students to learn appropriate behaviors, reduce
 417 dependency, and fully participate in all aspects of school and
 418 community living.

419 Section 8. Subsection (6) and subsection (7) of section
 420 1006.07, Florida Statutes, are amended, and subsection (9) is
 421 added to that section, to read:

422 1006.07 District school board duties relating to student
 423 discipline and school safety.—The district school board shall
 424 provide for the proper accounting for all students, for the
 425 attendance and control of students at school, and for proper
 426 attention to health, safety, and other matters relating to the
 427 welfare of students, including:

428 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district
 429 school superintendent shall establish policies and procedures
 430 for the prevention of violence on school grounds, including the
 431 assessment of and intervention with individuals whose behavior
 432 poses a threat to the safety of the school community.

433 (a) Each district school superintendent shall designate a
 434 ~~school administrator as~~ a school safety specialist for the
 435 district. The school safety specialist must be a school

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436 administrator employed by the school district or a law
 437 enforcement officer employed by the sheriff's office located in
 438 the school district. Any school safety specialist designated
 439 from the sheriff's office must first be authorized and approved
 440 by the sheriff employing the law enforcement officer. Any school
 441 safety specialist designated from the sheriff's office remains
 442 the employee of the office for purposes of compensation,
 443 insurance, workers' compensation, and other benefits authorized
 444 by law for a law enforcement officer employed by the sheriff's
 445 office. The sheriff and the school superintendent may determine
 446 by agreement the reimbursement for such costs, or may share the
 447 costs, associated with employment of the law enforcement officer
 448 as a school safety specialist. The school safety specialist must
 449 earn a certificate of completion of the school safety specialist
 450 training provided by the Office of Safe Schools within 1 year
 451 after appointment and is responsible for the supervision and
 452 oversight for all school safety and security personnel,
 453 policies, and procedures in the school district. The school
 454 safety specialist shall:

455 1. Review policies and procedures for compliance with state
 456 law and rules.

457 2. Provide the necessary training and resources to students
 458 and school district staff in matters relating to youth mental
 459 health awareness and assistance; emergency procedures, including
 460 active shooter training; and school safety and security.

461 3. Serve as the school district liaison with local public
 462 safety agencies and national, state, and community agencies and
 463 organizations in matters of school safety and security.

464 4. Conduct a school security risk assessment in accordance

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with s. 1006.1493 at each public school using the school security risk assessment tool developed by the Office of Safe Schools. Based on the assessment findings, the district's school safety specialist shall provide recommendations to the district school board which identify strategies and activities that the district school board should implement in order to improve school safety and security. Annually, each district school board must receive such findings and the school safety specialist's recommendations at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the findings and recommendations. Each school safety specialist shall report such findings and school board action to the Office of Safe Schools within 30 days after the district school board meeting.

(b) Each school safety specialist shall coordinate with the appropriate public safety agencies, as defined in s. 365.171, that are designated as first responders to a school's campus to conduct a tour of such campus once every 3 years and provide recommendations related to school safety. The recommendations by the public safety agencies must be considered as part of the recommendations by the school safety specialist pursuant to paragraph (a).

(c) Each district school board must adopt a well-developed, written, distributed, and trained upon active assailant response policy, which must be recommended by the district superintendent. The superintendent must approve any school-specific modifications to the district policy. Each district school board's active assailant response policy, including

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school-specific modifications, must be submitted to the Office of Safe Schools for approval pursuant to s. 1001.212(17) by August 1, 2019.

(7) THREAT ASSESSMENT TEAMS.—Each district school board shall adopt policies for the establishment of threat assessment teams at each school whose duties include the coordination of resources and assessment and intervention with individuals whose behavior may pose a threat to the safety of school staff or students consistent with the model policies developed by the Office of Safe Schools. Such policies must ~~shall~~ include procedures for referrals to mental health services identified by the school district pursuant to s. 1012.584(4), when appropriate, and procedures for behavioral threat assessments in compliance with the instrument developed pursuant to s. 1001.212(14).

(a) A threat assessment team shall include persons with expertise in counseling, instruction, school administration, and law enforcement. The threat assessment teams shall identify members of the school community to whom threatening behavior should be reported and provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self. Upon the availability of the behavioral threat assessment instrument developed pursuant to s. 1001.212(14), the threat assessment team shall use that instrument.

(b) Upon a preliminary determination that a student poses a threat of violence or physical harm to himself or herself or others, a threat assessment team shall immediately report its determination to the superintendent or his or her designee. The

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 523 superintendent or his or her designee shall immediately attempt
 524 to notify the student's parent or legal guardian. Nothing in
 525 this subsection shall preclude school district personnel from
 526 acting immediately to address an imminent threat.

527 (c) Upon a preliminary determination by the threat
 528 assessment team that a student poses a threat of violence to
 529 himself or herself or others or exhibits significantly
 530 disruptive behavior or need for assistance, the threat
 531 assessment team may obtain criminal history record information,
 532 as provided in s. 985.047. A member of a threat assessment team
 533 may not disclose any criminal history record information
 534 obtained pursuant to this section or otherwise use any record of
 535 an individual beyond the purpose for which such disclosure was
 536 made to the threat assessment team.

537 (d) Notwithstanding any other provision of law, all state
 538 and local agencies and programs that provide services to
 539 students experiencing or at risk of an emotional disturbance or
 540 a mental illness, including the school districts, school
 541 personnel, state and local law enforcement agencies, the
 542 Department of Juvenile Justice, the Department of Children and
 543 Families, the Department of Health, the Agency for Health Care
 544 Administration, the Agency for Persons with Disabilities, the
 545 Department of Education, the Statewide Guardian Ad Litem Office,
 546 and any service or support provider contracting with such
 547 agencies, may share with each other records or information that
 548 are confidential or exempt from disclosure under chapter 119 if
 549 the records or information are reasonably necessary to ensure
 550 access to appropriate services for the student or to ensure the
 551 safety of the student or others. All such state and local

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 552 agencies and programs shall communicate, collaborate, and
 553 coordinate efforts to serve such students.

554 (e) If an immediate mental health or substance abuse crisis
 555 is suspected, school personnel shall follow policies established
 556 by the threat assessment team to engage behavioral health crisis
 557 resources. Behavioral health crisis resources, including, but
 558 not limited to, mobile crisis teams and school resource officers
 559 trained in crisis intervention, shall provide emergency
 560 intervention and assessment, make recommendations, and refer the
 561 student for appropriate services. Onsite school personnel shall
 562 report all such situations and actions taken to the threat
 563 assessment team, which shall contact the other agencies involved
 564 with the student and any known service providers to share
 565 information and coordinate any necessary followup actions.

566 (f) Each threat assessment team established pursuant to
 567 this subsection shall report quantitative data on its activities
 568 to the Office of Safe Schools in accordance with guidance from
 569 the office and shall utilize the threat assessment database
 570 developed pursuant to s. 1001.212(15) upon the availability of
 571 the database.

572 (9) SCHOOL ENVIRONMENTAL SAFETY INCIDENT REPORTING.—Each
 573 district school board shall adopt policies to ensure the
 574 accurate and timely reporting of incidents related to school
 575 safety and discipline. The district school superintendent is
 576 responsible for school environmental safety incident reporting.
 577 A district school superintendent who fails to comply with this
 578 subsection is subject to the penalties specified in law,
 579 including, but not limited to, s. 1001.42(13)(b) or s.
 580 1001.51(12)(b), as applicable. The State Board of Education

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581 shall adopt rules establishing the requirements for the school
 582 environmental safety incident report.

583 Section 9. Section 1006.12, Florida Statutes, is amended to
 584 read:

585 1006.12 Safe-school officers at each public school.—For the
 586 protection and safety of school personnel, property, students,
 587 and visitors, each district school board, ~~and~~ school district
 588 superintendent, and charter school governing board, as
 589 applicable, shall partner with law enforcement agencies to
 590 establish or assign one or more safe-school officers at each
 591 school facility within the district by implementing any
 592 combination of the following options which best meets the needs
 593 of the school district:

594 (1) Establish school resource officer programs, through a
 595 cooperative agreement with law enforcement agencies.

596 (a) School resource officers shall undergo criminal
 597 background checks, drug testing, and a psychological evaluation
 598 and be certified law enforcement officers, as defined in s.
 599 943.10(1), who are employed by a law enforcement agency as
 600 defined in s. 943.10(4). The powers and duties of a law
 601 enforcement officer shall continue throughout the employee's
 602 tenure as a school resource officer.

603 (b) School resource officers shall abide by district school
 604 board policies and shall consult with and coordinate activities
 605 through the school principal, but shall be responsible to the
 606 law enforcement agency in all matters relating to employment,
 607 subject to agreements between a district school board and a law
 608 enforcement agency. Activities conducted by the school resource
 609 officer which are part of the regular instructional program of

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610 the school shall be under the direction of the school principal.

611 (c) Complete mental health crisis intervention training
 612 using a curriculum developed by a national organization with
 613 expertise in mental health crisis intervention. The training
 614 shall improve officers' knowledge and skills as first responders
 615 to incidents involving students with emotional disturbance or
 616 mental illness, including de-escalation skills to ensure student
 617 and officer safety.

618 (2) Commission one or more school safety officers for the
 619 protection and safety of school personnel, property, and
 620 students within the school district. The district school
 621 superintendent may recommend, and the district school board may
 622 appoint, one or more school safety officers.

623 (a) School safety officers shall undergo criminal
 624 background checks, drug testing, and a psychological evaluation
 625 and be law enforcement officers, as defined in s. 943.10(1),
 626 certified under the provisions of chapter 943 and employed by
 627 either a law enforcement agency or by the district school board.
 628 If the officer is employed by the district school board, the
 629 district school board is the employing agency for purposes of
 630 chapter 943, and must comply with the provisions of that
 631 chapter.

632 (b) A school safety officer has and shall exercise the
 633 power to make arrests for violations of law on district school
 634 board property and to arrest persons, whether on or off such
 635 property, who violate any law on such property under the same
 636 conditions that deputy sheriffs are authorized to make arrests.
 637 A school safety officer has the authority to carry weapons when
 638 performing his or her official duties.

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(c) A district school board may enter into mutual aid agreements with one or more law enforcement agencies as provided in chapter 23. A school safety officer's salary may be paid jointly by the district school board and the law enforcement agency, as mutually agreed to.

(3) At the school district's, or charter school governing board's, discretion, participate in the Coach Aaron Feis Guardian Program ~~if such program is established pursuant to s. 30.15~~, to meet the requirement of establishing a safe-school officer. The following individuals may serve as a school guardian upon satisfactory completion of the requirements under s. 30.15(1)(k) and certification by a sheriff:

(a) A school district employee or personnel, as defined under s. 1012.01, or a charter school employee, as provided under s. 1002.33(12)(a), who volunteers to serve as a school guardian in addition to his or her official job duties;

(b) An employee of a school district or a charter school who is hired for the specific purpose of serving as a school guardian; or

(c) A contract employee licensed under s. 493.6301 who works in the school district or for a charter school through a contract with a security agency as that term is defined in s. 493.6101(18). Contract employees may receive school guardian training through a participating sheriff's office contingent upon defined financial or service obligations by the security agency enumerated in the contract between the school district or the charter school governing board, as appropriate, and the security agency.

(4) Any information that would identify whether a

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particular individual has been appointed as a safe-school officer pursuant to this section held by a law enforcement agency, school district, or charter school is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 10. Section 1006.1493, Florida Statutes, is amended to read:

1006.1493 Florida Safe Schools Assessment Tool.—

(1) The department, through the Office of Safe Schools pursuant s. 1001.212, shall contract with a security consulting firm that specializes in the development of risk assessment software solutions and has experience in conducting security assessments of public facilities to develop, update, and implement a risk assessment tool, which shall be known as the Florida Safe Schools Assessment Tool (FSSAT). The FSSAT must be the primary physical site security assessment tool as revised and required by the Office of Safe Schools that is used by school officials at each school district and public school site in the state in conducting security assessments ~~for use by school officials at each school district and public school site in the state.~~

(2) The FSSAT must help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools that they supervise, pursuant to the security risk assessment requirements of s. 1006.07(6).

(a) At a minimum, the FSSAT must address all of the

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following components:

1. School emergency and crisis preparedness planning;
2. Security, crime, and violence prevention policies and procedures;
3. Physical security measures;
4. Professional development training needs;
5. An examination of support service roles in school safety, security, and emergency planning;
6. School security and school police staffing, operational practices, and related services;
7. School and community collaboration on school safety; and
8. A return on investment analysis of the recommended physical security controls.

(b) The department shall require by contract that the security consulting firm:

1. Generate written automated reports on assessment findings for review by the department and school and district officials;
2. Provide training to the department and school officials in the use of the FSSAT and other areas of importance identified by the department; and
3. Advise in the development and implementation of templates, formats, guidance, and other resources necessary to facilitate the implementation of this section at state, district, school, and local levels.

(3) The Office of Safe Schools must provide annual training to each district's school safety specialist and other appropriate school district personnel on the assessment of physical site security and completing the FSSAT.

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(4) Each district school superintendent, by August 1 of each year, shall submit an FSSAT assessment to the department for each school site. Each school-specific assessment must be approved by the district superintendent or his or her designee, who must be the district's school safety specialist or a deputy superintendent or assistant superintendent. Any superintendent who fails to comply with the requirements of this subsection is subject to penalties under s. 1001.51(12)(b) and other sanctions that may be applied by the commissioner or state board.

(5) By December 1 of each year, ~~By December 1, 2018,~~ and ~~annually by that date thereafter,~~ the department shall ~~must~~ report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of implementation across school districts and schools. The report must include a summary of the positive school safety measures in place at the time of the assessment and any recommendations for policy changes or funding needed to facilitate continued school safety planning, improvement, and response at the state, district, or school levels.

(6) ~~(4)~~ In accordance with ss. 119.071(3)(a) and 281.301, data and information related to security risk assessments administered pursuant to this section and s. 1006.07(6) and the security information contained in the annual report required pursuant to subsection (3) are confidential and exempt from public records requirements.

Section 11. Subsection (15) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each

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district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(15) SAFE SCHOOLS ALLOCATION.—A safe schools allocation is created to provide funding to assist school districts in their compliance with s. 1006.07, with priority given to implementing the district's school resource officer program pursuant to s. 1006.12. Each school district shall receive a minimum safe schools allocation in an amount provided in the General Appropriations Act. Of the remaining balance of the safe schools allocation, two-thirds shall be allocated to school districts based on the most recent official Florida Crime Index provided by the Department of Law Enforcement and one-third shall be allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment. Any additional funds appropriated to this allocation in the 2018-2019 fiscal year must to the school resource officer program established pursuant to s. 1006.12 shall be used exclusively for employing or contracting for safe-school resource officers, established or assigned under s. 1006.12 ~~which shall be in addition to the number of officers employed or contracted for in the 2017-2018 fiscal year. This subsection applies retroactively to July 1, 2018. The amendments to this subsection are intended to be clarifying and remedial in nature.~~

Section 12. Effective July 1, 2019, paragraph (b) of subsection (6) of section 1011.62, Florida Statutes, and subsection (15) of that section, as amended by this act, are amended to read:

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1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(6) CATEGORICAL FUNDS.—

(b) If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction or improve school safety, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. Funds for student transportation.

2. Funds for research-based reading instruction if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for the students in each low-performing elementary school in the district pursuant to paragraph (9) (a).

3. Funds for instructional materials if all instructional material purchases necessary to provide updated materials that are aligned with applicable state standards and course descriptions and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1. Funds available after March 1 may be used to purchase hardware for student instruction.

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813 4. Funds for the guaranteed allocation as provided in
 814 subparagraph (1)(e)2.

815 5. Funds for the supplemental academic instruction
 816 allocation as provided in paragraph (1)(f).

817 6. Funds for Florida digital classrooms allocation as
 818 provided in subsection (12).

819 7. Funds for the federally connected student supplement as
 820 provided in subsection (13).

821 8. Funds for class size reduction as provided in s.
 822 1011.685.

823 (15) SAFE SCHOOLS ALLOCATION.—A safe schools allocation is
 824 created to provide funding to assist school districts in their
 825 compliance with s. 1006.07, with priority given to implementing
 826 the district's school resource officer program pursuant to s.
 827 1006.12. Each school district shall receive a minimum safe
 828 schools allocation in an amount provided in the General
 829 Appropriations Act. Of the remaining balance of the safe schools
 830 allocation, one-third ~~two-thirds~~ shall be allocated to school
 831 districts based on the most recent official Florida Crime Index
 832 provided by the Department of Law Enforcement and two-thirds
 833 ~~one-third~~ shall be allocated based on each school district's
 834 proportionate share of the state's total unweighted full-time
 835 equivalent student enrollment. ~~Any additional funds appropriated~~
 836 ~~to this allocation in the 2018-2019 fiscal year must be used~~
 837 ~~exclusively for employing or contracting for safe-school~~
 838 ~~officers, established or assigned under s. 1006.12. This~~
 839 ~~subsection applies retroactively to July 1, 2018. The amendments~~
 840 ~~to this subsection are intended to be clarifying and remedial in~~
 841 ~~nature.~~

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842 Section 13. The Legislature finds that a proper and
 843 legitimate state purpose is served when district school boards
 844 are afforded options for the provision of safe-school officers
 845 for the protection and safety of school personnel, property,
 846 students, and visitors. School guardians must be available to
 847 any district school board that chooses such an option.
 848 Therefore, the Legislature determines and declares that this act
 849 fulfills an important state interest.

850 Section 14. Except as otherwise expressly provided in this
 851 act, this act shall take effect upon becoming a law.

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26/19
Meeting Date

7030
Bill Number (if applicable)

313254
Amendment Barcode (if applicable)

Topic Arming Teachers

Name Oscar English

Job Title Student

Address 866 Violet St
Street

Phone (904) 338-3902

Tall FL 32306
City State Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

As 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 is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/19
Meeting Date

7030
Bill Number (if applicable)

Topic Oppose Arming Teachers

Name Gray Valimont

Job Title State Chapter Leader

Address 1683 Woodlawn Way
Street

Phone _____

Gulf Breeze Fl. 32563
City State Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information
Amendment

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

Representing Moms Demand Action

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/19
Meeting Date

SB 7030
Bill Number (if applicable)

313 254
Amendment Barcode (if applicable)

Topic School Safety & Security

Name Wendy Collins

Job Title Senior CARE

Address 464 E. 45th Street

Street

Jacksonville FL 32208

City

State

Zip

Phone 904-791-3421

Email wjcollins1@gmail

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic School Safety & Security

Name Molly Wade

Job Title Mon

Address 4115 Deer Lane Dr

Street

Tallahassee, FL 32312

City

State

Zip

Phone 850 408-5250

Email molly.wade@hotmail

Bill Number (if applicable)

313254 + 664610

Amendment Barcode (if applicable)

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

03/26/19
Meeting Date

Topic School Safety & Security
Amendments 313254 & 664 610

Bill Number (if applicable)

313254 & 664610

Amendment Barcode (if applicable)

Name Aleta Jarrett, RN, NCSN

Job Title Registered Nurse & National Certified School Health Nurse

Address 2934 Abbotsford Way

Phone (850) 545-8469

Street

Tallahassee, FL

32312

City

State

Zip

Email aletacor@comcast.net

Speaking: ☒ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/24/19
Meeting Date

SB 7030
Bill Number (if applicable)
313254/664610
Amendment Barcode (if applicable)

Topic School Safety

Name Patricia Roberson

Job Title

Address 2105 High Rd
Street

Phone 850 591-3789

City TCH State FL Zip 32303

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

Bill Number (if applicable)

3132544664610

Amendment Barcode (if applicable)

Topic

School Safety & Security

Name

John DiDino

Job Title

Address

3126 Brockton Way

Street

Tallahassee

City

FL

State

32308

Zip

Phone

229 894 2450

Email

jcdart3000@gmail

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Movers Demand Action

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/26/19

Meeting Date

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

Bill Number (if applicable)

313254

Amendment Barcode (if applicable)

Topic _____

Name Teri Bahn

Job Title _____

Address 1429 Manor House Dr

Street

Phone 850-728-5198

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Mrs Demand Action

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26/19

Meeting Date

7030

Bill Number (if applicable)

313254

Amendment Barcode (if applicable)

Topic School Safety & Security

Name Beth Dumond

Job Title Volunteer

Address 6316 Mallard Trace Dr
Street

Tallahassee FL 32312
City State Zip

Phone (850) 284-4057

Email edumond.fl@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Moms Demand Action

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

313254

Amendment Barcode (if applicable)

Topic School Safety and Security

Name Darcy Bolden

Job Title Retired Operating Boom Tech

Address 4492 Foxcroft Dr.

Street

Tallahassee

City

FL

State

32309

Zip

Phone 850-567-4337

Email dbolden55@hotmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/19
Meeting Date

7030
Bill Number (if applicable)

Topic School Safety & Security

313254
Amendment Barcode (if applicable)

Name KRISTINA O'NESTER

Job Title Retired - HR

Address 4484 Foxcroft Dr
Street

Phone 850 893 8287

Tallahassee FL 32309
City State Zip

Email koinvester@earthlink.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/26/19
Meeting Date

SB 7030
Bill Number (if applicable)
313254 / 664610
Amendment Barcode (if applicable)

Topic SCHOOL SAFETY

Name LEE ANN KILBY

Job Title _____

Address 1434 CRESTVIEW AVE
Street

Phone 850 545 5898

TALLAHASSEE FL 32303
City State Zip

Email leeannkilby@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

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)

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

313254

Amendment Barcode (if applicable)

Topic Arming Teachers

Name Allison Parish

Job Title Volunteer

Address 855 Violet St

Street

Tall. FL 32506

City

State

Zip

Phone 904-338-3502

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Moms Demand Action

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

SB 7030

Bill Number (if applicable)

313254

Amendment Barcode (if applicable)

Meeting Date

Topic School Safety - Arming Teachers

Name Jon Harris Maurer

Job Title Public Policy Dir.

Address 201 E Park Ave, Ste. 200

Street

Tallahassee FL 32301

City

State

Zip

Phone

Email jonharris@equality
florida.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Equality Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/26/19
Meeting Date

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

7030
Bill Number (if applicable)

313254 664610
Amendment Barcode (if applicable)

Topic GUNS

Name PAMELA LATHAM

Job Title RETIRED ATTORNEY

Address 3160 NATHANIEL TRACE

Street

TALLAHASSEE

City

State

Zip

Phone 363-7203

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/26/19

Meeting Date

7030

Bill Number (if applicable)

420924

Amendment Barcode (if applicable)

Topic SCHOOL SAFETY

Name Angie GALLI

Job Title Vice President Education

Address 1747 Orlando Central Pkwy

Street

Orlando FL

City

State

32809

Zip

Phone

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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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)

3/26/19*Meeting Date*SB 7030*Bill Number (if applicable)*664610*Amendment Barcode (if applicable)*Topic arming teachersName Antonio WhiteJob Title Vice President of United Teachers of DadeAddress 2200 Biscayne Blvd*Street*Miami*City*FL*State*33137*Zip*

Phone _____

Email Antonio@UTD.orgSpeaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)Representing selfAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☐ Yes ☒ No*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.****This form is part of the public record for this meeting.***

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

SB 7030

Meeting Date _____

Bill Number (if applicable) _____

Topic SB 7030

664610
Amendment Barcode (if applicable)

Name Molly Lavoie

Job Title Student

Address 2302 Leeward Cove

Phone (407) 791-9294

Street

Kissimmee

FL

34746

City

State

Zip

Email mollylavoie@cfl.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing ~~State~~ FL Student

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)

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

664610

Amendment Barcode (if applicable)

Topic School safety

Name Kany Hudson

Job Title Student

Address 569 Sylvia Rd

Street

Melbourne FL 32904

City

State

Zip

Phone 321-266-3584

Email Kanyhudson@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Student at Melbourne High School

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)

3/26/19
Meeting Date

SB 7030

Bill Number (if applicable)

664610

Amendment Barcode (if applicable)

Topic School Safety & Security

Name Wendy Collins

Job Title Senior CARE

Address 464 E. 45th St

Street

Jacksonville FL 32208

City

State

Zip

Phone 904-791-3421

Email wjcollins1@gmail

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/26/19

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

Meeting Date

Bill Number (if applicable)

664610

Amendment Barcode (if applicable)

Topic

Name Teri Bahn

Job Title 1429 Manor House Dr

Address

Street

Phone 850-728-5198

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Moms Demand Action

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)

3/26/19
Meeting Date

7030
Bill Number (if applicable)
664610
Amendment Barcode (if applicable)

Topic School Safety & Security
Name Beth Dumond

Job Title Volunteer

Address 6316 Mallard Trace Dr
Street
Tallahassee FL 32312
City State Zip

Phone (850) 281-4057

Email edumond.fl@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic

School Safety and Security -
~~Preserve the Exclusion of teachers from the~~
guardian program

664610

Amendment Barcode (if applicable)

Name

Darcy Bolden

Job Title

Retired Operating Room Technician

Address

4492 Foxcroft Dr.

Street

Tallahassee

FL

32309

City

State

Zip

Phone

850-567-4337

Email

dbolden55@hotmail.com

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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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)

3/26/19

Meeting Date

7030

Bill Number (if applicable)

664610

Amendment Barcode (if applicable)

Topic School Safety & Security

Name KRISTINA O IVESTER

Job Title Retired - HR

Address 4484 Foxcroft Dr
Street

Phone 850 893 8287

Tallahassee FL 32309
City State Zip

Email kolivester@embargo.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/26/14
Meeting Date

SB 7030
Bill Number (if applicable)

Topic Amendment

664610
Amendment Barcode (if applicable)

Name Alyson Sheehy

Job Title Student

Address 6740 NW 80th manor
Street

Phone (954) 695-7710

Parkland FL 33067
City State Zip

Email alymnsheehy@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing MSP student

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

664610

Amendment Barcode (if applicable)

Topic School Safety + Security

Name Nicolette Springer

Job Title Legislative Analyst

Address _____

Street

Orlando

City

FL

State

32832

Zip

Phone 407-484 3656

Email nicolette@LWVFL.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing League of Women Voters

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3/26/19

Meeting Date

SB7030

Bill Number (if applicable)

464610

Amendment Barcode (if applicable)

Topic Arming Teachers

Name Allison Parish

Job Title Volunteer

Address 855 Violet St

Street

Tallahassee

City

FL

State

32306

Zip

Phone 904-338-3502

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Moms Demand Action

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

420924

Amendment Barcode (if applicable)

Topic School Safety and Security

Name Nancy Lawther

Job Title President

Address PO Box 10309

Street

City Miami State FL Zip 33101

Phone 305 995-1102

Email President@mdecpta.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Miami Dade County Council PTA / PTSA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/26/19

Meeting Date

SR 7030

Bill Number (if applicable)

Topic School Safety and Security

Amendment Barcode (if applicable)

Name Nancy Lawther

Job Title President

Address PO Box 10309
Street

Phone 305 995-1102

Miami FL 33101
City State Zip

Email President@mdccpta.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Miami Dade County Council PTA/PTSA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3.26.19

Meeting Date

7030

Bill Number (if applicable)

Topic SCHOOL SAFETY

Amendment Barcode (if applicable)

Name RICK FRANCIS

Job Title CAPTAIN, SCHOOL SAFETY DIRECTOR

Address 100 ESLINGER WAY

Street

SANFORD FL 32733

City

State

Zip

Phone 407-402-3599

RFRANCIS@

Email SEMINOLE@HERIFF-ORL

Speaking: ☐ For ☐ Against ☒ Information

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

Representing _____

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)

3/26/19

Meeting Date

7030

Bill Number (if applicable)

Topic School Safety + Security

Amendment Barcode (if applicable)

Name Jeffrey Kelly

Job Title Senior Solutions Consultant

Address 11634 Briarwood Circle #3
Street

Phone 401 965 4832

Bonnton Beach FL 33437
City State Zip

Email JKelly@mutualink.net

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Mutualink

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

03/26/2019

Meeting Date

SB 7030

Bill Number (if applicable)

Topic School, Safety, Gun

Amendment Barcode (if applicable)

Name Niurka Peña

Job Title Housekeeping

Address 1500 Antiguan bay Dr.

Street

Orlando

City

FL

State

Zip

Phone 407-715-7912

Email juelisse@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

02/26/2019
Meeting Date

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

SB 7020
Bill Number (if applicable)

Topic school, safety, gun

Amendment Barcode (if applicable)

Name Judith Rosario

Job Title Food and Beverage Q&A

Address 8811 Dunes Ct 6-206
Street

Phone 407-535-5048

Kissimmee, FL 34747
City State Zip

Email 102.hfmc@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

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)

3/26/19
Meeting Date

SB 7030
Bill Number (if applicable)

Topic School Safety + Guns

Amendment Barcode (if applicable)

Name Elk Wood

Job Title _____

Address 309 E Livingston St
Street

Phone 505 234 5131

Orlando FL 32801
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SELF

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)

3/26/19

Meeting Date

7030

Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Angie Gatto

Job Title V.P. Education

Address 1747 Orlando Central Pkwy

Phone

Street

Orlando FL 32809

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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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)

3-26-19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic School & Safety Security

Amendment Barcode (if applicable)

Name Jeff Kolkody

Job Title Labor

Address 6045 Lakeville Rd

Street

Orlando

City

FL

State

32818

Zip

Phone 407-930-0481

Email hawkhoose02@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

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)

3-26-19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic School sefty Gun

Amendment Barcode (if applicable)

Name SANJO LEGER

Job Title _____

Address 1009 Buena Vista Ct
Street

Phone 321 276 0450

ORlando
City

State

FL 32818
Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/19
Meeting Date

SB7030
Bill Number (if applicable)

Topic School Safety & Security

Amendment Barcode (if applicable)

Name Wendy Collins

Job Title SR. CARE

Address 464 E. 45th St.

Phone 904-791-3421

Street

Jacksonville FL 32208

City

State

Zip

Email wjcollinsfl@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

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)

3/26/2019

Meeting Date

SB 7030

Bill Number (if applicable)

Topic Expanding Guardian Program

Amendment Barcode (if applicable)

Name Joshua Jamieson

Job Title Educator

Address 635 Vista Meadows Dr.

Street

Phone 954-393-3034

Weston

City

FL

State

33327

Zip

Email joshsbix@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Tradition Public Education

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic School Safety & Security

Amendment Barcode (if applicable)

Name Polly DeLucia

Job Title President, Seminole County Council of PTAs

Address 108 Monterey Oaks Dr

Phone 407-34-5423

Street

Sanford FL 32771

Email Seminole.CC@FloridaPTA.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Seminole County Council of PTAs

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)

3/26/19

Meeting Date

7030

Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Jose Lopez

Job Title Statewide Field Director

Address 702 Grant St

Phone 805-900-0427

Street

Longwood

FL

32750

City

State

Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing _____

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)

3/26/2015

Meeting Date

7030

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name

Jarlyn Gallego

Job Title

N/A

Address

768 SILVERWOOD DR

Phone

Street

LAKE MARY

FL

State

32746

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

N/A

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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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)

3-26-18

Meeting Date

7030

Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Ricardo Negrón

Job Title Legal Service Coordinator

Address 2339 S Conway Rd #421

Phone _____

Street

Orlando

FL

32812

Email _____

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-26-19

Meeting Date

7030

Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Elimelec Berrios

Job Title Mediag Specialist

Address 2339 Conway RD

Street

Phone _____

Orlando

City

FL

State

32812

Zip

Email eli@elienzo.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

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)

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic School Safety & Security

Amendment Barcode (if applicable)

Name Pam Korithoski

Job Title President

Address 1747 Orlando Central PKwy

Street

Orlando

City

FL

State

32809

Zip

Phone 407-855-7604

Email alachua.cc@florida-pta.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Alachua County Council of PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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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)

3/26/19

Meeting Date

7030

Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Marcos Vilar

Job Title Executive Director Alianza for Progress

Address 10245 Lake District LN

Street

Phone 813-760-8786

Orlando FL 32832

City

State

Zip

Email marcos@alianza.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

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)

3/26/19
Meeting Date

7030
Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name KAROL LAWONETA

Job Title Assistant Executive VILAR STRATEGY GROUP LLC

Address 10245 LAKE DISTRICT LN
Street

Phone _____

Orlando FL 32832
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

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)

3/26/19

Meeting Date

7030

Bill Number (if applicable)

Topic School Safety & Security

Amendment Barcode (if applicable)

Name Shawn McDonnell

Job Title Electrician

Address 3312 April Lane

Phone 727-423-6658

Street

Palm Harbor

City

State

Zip

Email Shawn@EBEW915.ORG

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

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

3-26-19

Meeting Date

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

7030

Bill Number (if applicable)

Topic School Security & Safety

Amendment Barcode (if applicable)

Name Jim SILVERNALE

Job Title _____

Address 3444 Buchanan ST
Street

Phone 954-648-6905

Hollywood FL 33021
City State Zip

Email Silvfast@aol.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing SELF

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

3-26-19

Meeting Date

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

7030

Bill Number (if applicable)

Topic Expansion of Guardian Program

Amendment Barcode (if applicable)

Name Felicia Alvarez

Job Title Teacher / Magnet Coordinator

Address 22317 NW 66th Ave #2304

Phone 954-803-3569

Street

Boca Raton

FL

33428

Email

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Traditional Public Education

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)

3/26/2019

Meeting Date

SB 7030

Bill Number (if applicable)

Topic Guns in Schools

Amendment Barcode (if applicable)

Name Jason Smith

Job Title Cable Splicer

Address 12375 Eagle Chase Way

Street

Phone 774 577 876

Trinity

City

FL

State

34685

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3-25-19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic SCHOOL SAFETY

Amendment Barcode (if applicable)

Name BRENNY COLLINS

Job Title

Address 16008 DAWNVIEW DR

Street

Phone

Tampa

FL

33624

Email

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/26/19
Meeting Date

SB7030
Bill Number (if applicable)

Topic SCHOOL SAFETY + SECURITY

Amendment Barcode (if applicable)

Name ROBERT REDMOND

Job Title TECHNICIAN

Address 1811 IRONWOOD CT W
Street

Phone _____

OLDSMAR FL 33742
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SELF

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

3/26/2019
Meeting Date

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

SB 7030
Bill Number (if applicable)

Topic Arming Teachers

Amendment Barcode (if applicable)

Name Frances Colon

Job Title Vice President

Address 453 NE 68th St.
Street

Phone 202-255-6454

Miami FL 33138
City State Zip

Email francesindc@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Puerto Rico Leadership Council of South 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.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

03/26/2019
Meeting Date

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

SB 7030
Bill Number (if applicable)

Topic School Safety and Security

Amendment Barcode (if applicable)

Name Mariely Alejandro Serrano

Job Title Attractions at Disney

Address 1349 Boulder Dr. 1
Street

Phone _____

Kissimmee FL 34744
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

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)

3/26/2019
Meeting Date

SB 7030
Bill Number (if applicable)

Topic School Safety & Security

Amendment Barcode (if applicable)

Name Krysta White

Job Title Theme Park Attractions Operator / Registered Teacher

Address 312 Timberpark Drive
Street

Phone (407) 450-8332

Davenport FL
City State Zip

Email krystakbwhite@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

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

03-26-19

Meeting Date

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

SB7030

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Gertho- Auguste

Job Title Housekeeping

Address 5423 Bryce Congon Dr
Street

Phone 407-616-7763

Missimnee Florida 34758
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

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)

03/26/19

Meeting Date

SB7030

Bill Number (if applicable)

Topic Gun Laws: Arming Teachers

Amendment Barcode (if applicable)

Name Gabriela De Jesus

Job Title President, Puerto Rican Student Assoc. @ FIU

Address 222 Sidonia Ave

Phone 305-305-2519

Street

Coral Gables

FL

33134

City

State

Zip

Email gdeje007@fiu.edu

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Alianza for Progress

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/19

Meeting Date

7030

Bill Number (if applicable)

Topic SB 7030

Amendment Barcode (if applicable)

Name Alyson Sheehy

Job Title student

Address 6740 NW 80th Manor

Street

Parkland

City

FL

State

33067

Zip

Phone (954) 695-7710

Email alym@sheehy@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing MSD student survivor

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26/19
Meeting Date

7030
Bill Number (if applicable)

Topic SB7030

Amendment Barcode (if applicable)

Name Karyl Hudson

Job Title Student

Address 569 Sylvia rd
City West Melbourne State FL Zip 32904

Phone 321-266-3584

Email Hudson.Karyl@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Student from Melbourne High School

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/17

Meeting Date

7030

Bill Number (if applicable)

Topic SB 7030 BBL Hearing Speech

Amendment Barcode (if applicable)

Name Molly Lavoie

Job Title Student

Address 2302 Leeward Cove

Phone 407-791-9294

Street

Kissimmee

FL

34746

City

State

Zip

Email mollylavoie@cf1.rr.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Student from Florida Highschool

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3-26-19

Meeting Date

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

SB 7030

Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Bryan Porter

Job Title Electrician

Address 179 Shogwnee Tr

Phone 386-682-8243

Street

Ormond Beach

FL

32174

City

State

Zip

Email BP179@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Self

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)

3-26-19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic School Safety & Security

Amendment Barcode (if applicable)

Name Kevin Grubbs

Job Title Electrician

Address 33 General Doolittle Rd

Phone

Street

Daytona Beach, FL 32124

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26/19

Meeting Date

7030

Bill Number (if applicable)

Topic School Safety + Security

Amendment Barcode (if applicable)

Name Haldon C. Sutton

Job Title Retiree

Address 2634 Coolidge Ave.

Street

North Port FL 34286

City

State

Zip

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/24/19

Meeting Date

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

SB 7030

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name

Mike Stravall

Job Title

Communication Worker

Address

1294 Stinson St

Phone

904-401-4025

Street

JACKSONVILLE FL 32206

Email

City

State

Zip

Speaking:

☒

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

SELF

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic Arming School Teachers

Amendment Barcode (if applicable)

Name Shashika Guragai

Job Title Registered Nurse

Address 184 Vanda Terrace

Street

Phone 305 924 3296

Weston, FL 33027

City

State

Zip

Email sguragai@f4.edu

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

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)

7030

3/26

Meeting Date

Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Alex Barro

Job Title Political Director

Address 111 S. Randolph Ave

Phone _____

Street

Kissimmee

FL

34741

Zip

Email Alex@Alanza.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Alanza For Progress

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

26/03/2019

Meeting Date

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

SB 7030

Bill Number (if applicable)

Topic School Safety SB 7030

Amendment Barcode (if applicable)

Name Adriana Jimenez

Job Title Communications Specialist

Address 32615 Greenwood Way N Apt 223

Phone

Street

Mississauga

FL

34741

City

State

Zip

Email adriana@alianza.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Alianza for Progress

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/19

Meeting Date

7030

Bill Number (if applicable)

Topic Bill 7030

Amendment Barcode (if applicable)

Name Gabriella Batista Gabriella Batista

Job Title Student

Address 16958 NW 19th

Street

Phone 954-994-2464

Pembroke Pines

City

FL

State

33028

Zip

Email gabryd.batista@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

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)

3/26/19

Meeting Date

7030

Bill Number (if applicable)

Topic

Bill 7030

Amendment Barcode (if applicable)

Name

Geena Batista

Job Title

Address

16958 NW 19th St (Berward)

Street

Pembroke Pines FL 33028

City

State

Zip

Phone

954-588-6792

Email

geenabatista@gmail.com

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

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.

313254 664-0208 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)

3/25/2019
Meeting Date

7030
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Maruxa Cardenas

Job Title _____

Address 230 NE 48th, apt. 2601

Phone _____

Street

Miami

City

FL

State

33132

Zip

Email cibelle36@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/25/19

Meeting Date

7030

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Israel Torres

Job Title _____

Address 8223 Golden Chickasaw Cir
Street

Phone _____

Orlando
City

FL
State

32825
Zip

Email israelty@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

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)

SB 7030

Bill Number (if applicable)

Meeting Date

Topic School Safety and Guns

Amendment Barcode (if applicable)

Name Kenneth Redd

Job Title Aircraft worker

Address 180 Villacrest Dr

Phone 850 902-1509

Street

Crestview FL 32536

Email Kreddmoney@aol.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

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)

3/26/19

Meeting Date

7030

Bill Number (if applicable)

Topic School Safety and Security

Amendment Barcode (if applicable)

Name Megan Oates

Job Title teacher

Address 1506 Tyrel Dr.

Phone 321-246-7026

Orlando FL 32818

City

State

Zip

Email meggles65@hotmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing self

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic SCHOOL SAFETY AND SECURITY

Amendment Barcode (if applicable)

Name GLENDA ABICHT

Job Title SERVICES TECHNICIAN APT

Address 4305 SW 98 AV

Phone 786-376-1181

Street

MIAMI FL

City

State

Zip

Email GLENDA.ABICHT@MFL.COM

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26/19

Meeting Date

SB7030

Bill Number (if applicable)

Topic School Safety and Security

Amendment Barcode (if applicable)

Name Isabella Miskiv

Job Title Student, Lake Mary High School

Address 792 Stephens Pass Cove

Street

Phone 407-558-0935

Lake Mary

City

State

Zip

Email imiskiv22@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Students of Lake Mary High School

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/19
Meeting Date

SB7030
Bill Number (if applicable)

Topic School Safety and Security

Amendment Barcode (if applicable)

Name Terri Miskiv

Job Title Parent

Address 792 Stephens Pass Cove
Street

Phone 847-644-8547

Lake Mary, FL 32746
City State Zip

Email abcsports96@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Parents of Seminole County

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/26/19

Meeting Date

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

SB 7030

Bill Number (if applicable)

Topic School Safety + Security

Amendment Barcode (if applicable)

Name Nicolette Springer

Job Title Legislative Analyst

Address

Phone 407 484 3656

Street

Orlando

FL

32832

City

State

Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing League of Women Voters

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)

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic arming teachers

Amendment Barcode (if applicable)

Name Timothy Schomburg

Job Title High School History Teacher

Address 3201 Magnolia Way

Phone _____

Street

Punta Gorda

FL

33950

Email _____

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing self

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)

3-26-19

Meeting Date

7030

Bill Number (if applicable)

Topic School safety and security

Amendment Barcode (if applicable)

Name Pete Harris

Job Title Irrigation

Address 203 S Bougainvillea Ave

Phone 386-334-8939

Street

Polk City

FL

State

33868

Zip

Email petetimothyharris@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/25/19

Meeting Date

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

SB 7030

Bill Number (if applicable)

Topic School, Safety, Gun

Amendment Barcode (if applicable)

Name Bryant Coleman

Job Title

Address 8417 Hemlock St

Street

Phone

Kissimmee, FL 34747

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

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)

3-26-19

Meeting Date

7030

Bill Number (if applicable)

Topic School Safety and Security

Amendment Barcode (if applicable)

Name LISA MAZZA

Job Title Teacher

Address 37213 Price Drive
Street

Phone 813-770-9223

Zephyrhills FL 33541
City State Zip

Email lisajomazze@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3-26-2019

Meeting Date

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

7030

Bill Number (if applicable)

Topic

School Safety and Security

Amendment Barcode (if applicable)

Name

Marie Snowman Baker

Job Title

Teacher

Address

34110 Brown Bayou

Phone (813) 716-4402

Street

Wesley Chapel, FL 33543

City

State

Zip

Email msbakersnowman@gmail.com

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing _____

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)

3/26/19
Meeting Date

SB 7030
Bill Number (if applicable)

Topic School Safety and Security
Name Charla Fox

Amendment Barcode (if applicable)

Job Title Educator

Address 6627 Kestrel Circle
Street

Phone 239-940-5095

Ft Myers FL 33926
City State Zip

Email charla.fox@aol.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic

School Safety & Security

Amendment Barcode (if applicable)

Name

Mrs. Gabriela Alcantara

Job Title

Supervisor of Theme Park Operators / mom

Address

3501 Jade Lane

Phone

863-777-3652

Street

Mulberry

FL

33860

City

State

Zip

Email

g.alcantara@aol.com

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

Self

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/24/19

Meeting Date

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

SB7030

Bill Number (if applicable)

Topic School Safety & Security

Amendment Barcode (if applicable)

Name Melissa Robson

Job Title Hospitality Worker

Address 20 Tower Manor Cir W

Phone 863-212-4597

Street

Auburndale

FL

33823

Email mishe.robson@yahoo

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing self

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)

APPEARANCE RECORD

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

3-26-19

Meeting Date

7030

Bill Number (if applicable)

Topic School Safety & Security

Amendment Barcode (if applicable)

Name Willie Bailey

Job Title _____

Address 10846 N.W 8th CtPhone 954-804-4560

Street

PlantationFL33324

City

State

Zip

Email Willie.bailey1968@yahoo.comSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)Representing selfAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/24/19

Meeting Date

7030

Bill Number (if applicable)

Topic School safety and security

Amendment Barcode (if applicable)

Name Anna Whitten

Job Title Kindergarten teacher

Address 11097 Lakeview Blvd

Phone 239-400-9262

Street

North fort myers FL 33903

City

State

Zip

Email annajwhitten@gmail

Speaking: ☐ For ☐ Against ☐ Information

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

Representing self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic Expansion of Guardian Program

Amendment Barcode (if applicable)

Name Kathleen Foster

Job Title Behavior Tech

Address 3032 Coral Shore Dr.

Street

Phone (9) 560-1215

Oakland Park

City

FL

State

33306

Zip

Email 2agkat1@hol.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Traditional Public Education

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/19
Meeting Date

SB 7038
Bill Number (if applicable)

Topic Expanding Guardian Program

Amendment Barcode (if applicable)

Name JAMES HEARD

Job Title Parent

Address 4441 N. Federal Hwy
Street

Phone 954-304-0433

Lighthouse Point FL 33064
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic

Guardian Expansion Program

Amendment Barcode (if applicable)

Name

Denise Soufrine

Job Title

Teacher

Address

911 NW 132 Ave

Phone

Street

Sunrise FL 33325

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

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)

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic Guardian Expansion Program

Amendment Barcode (if applicable)

Name Anne Skurnick

Job Title Teacher

Address 1552 SW 186 Ave
Street

Phone 954 445 5147

Pembroke Pines FL 33029
City State Zip

Email anne@skurnick.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic Guardian Expansion Program

Amendment Barcode (if applicable)

Name Susan Fried

Job Title Teacher

Address 15444 NW 12 Place

Phone 954.439.6959

Pembroke Pines, FL 33028
City State Zip

Email sfriedfl@att.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

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)

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic

Expanding Guardian Program

Amendment Barcode (if applicable)

Name

Christiane Gunn

Job Title

Teacher

Address

12800 Taft st

Phone

954 258 6805

Street

Pembroke Pines FL 33025

City

State

Zip

Email

chrisgunn1963@att.net

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

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)

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic

SCHOOL & SAFETY

Amendment Barcode (if applicable)

Name

LEROY COOPER

Job Title

PROJECT COORDINATOR

Address

Street

111 FL

City

State

Zip

34953

Phone

772-361-5509

Email

LATINBSTAT@gmail.com

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

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)

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic School Safety & Security

Amendment Barcode (if applicable)

Name Steve Sommer

Job Title

Address 505 SW Aviation Dr

Street

Phone 386-628-2890

Lake City FL

City

State

32025

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Citizens Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic Arming Teachers

Amendment Barcode (if applicable)

Name Shane Cook

Job Title Autism Coach

Address 6840 SW 16 Street

Phone

Street

Pembroke Pines

FL

33023

City

State

Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Broward Teachers Union

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/26/19

Meeting Date

5B7030

Bill Number (if applicable)

Topic

School Safety

Amendment Barcode (if applicable)

Name

GUY MASTERS

Job Title

Address

602 SE. DEAN TR

Street

Port St. Lucie, FL.

City

State

Zip

34984

Phone

954-648-0399

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

Self

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26/14

Meeting Date

SB 7030

Bill Number (if applicable)

Topic Guns

Amendment Barcode (if applicable)

Name Emma Hanley

Job Title Student

Address Street

Phone

City

State

32301
Zip

Email emmahanley9@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Students Demand Action

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Quinn Holden-Schrock

Job Title _____

Address _____

Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

unamended

Representing Students Demand Action

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)

3-23-11
Meeting Date

7030
Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Michael Anderson

Job Title LEAD

Address 8437 South 56th Ave
Street

Phone

City Fort State FL Zip 32256

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing ALLentaleVNC

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)

3/26/19

Meeting Date

7030

Bill Number (if applicable)

Topic SB 7030

Amendment Barcode (if applicable)

Name Sabrina Savellana

Job Title Vice Mayor, City of Hallandale Beach

Address 816 NE 27th Ave.

Street

Phone

Hallandale Beach

City

State

Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/26/19
Meeting Date

7630
Bill Number (if applicable)

Topic School Safety and Security

Amendment Barcode (if applicable)

Name Lesley Logan

Job Title President

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Charter School Leaders of Hillsborough, 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)

3/26/2019

Meeting Date

7030

Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Jose R Balasquide

Job Title Emergency Response Coordinator

Address 3231 Heron's Point Cir

Street

Kissimmee

Florida

34741

City

State

Zip

Phone 407-738-1658

Email JBalasquide@gmail.com

Speaking: ☒ For ☒ Against ☐ Information

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

Representing _____

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)

3/26/19*Meeting Date*SB 7030*Bill Number (if applicable)*Topic arming teachers*Amendment Barcode (if applicable)*Name Antonio WhiteJob Title Vice President of United Teachers of DadeAddress 2200 Biscayne Blvd*Street*Miami*City*FL*State*33137*Zip*PhoneEmail Antonio@UTD.orgSpeaking: ☐ For ☒ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)Representing selfAppearing at request of Chair: ☐ Yes ☒ NoLobbyist 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)

3/26/19*Meeting Date*SB 7030*Bill Number (if applicable)*Topic arming teachers*Amendment Barcode (if applicable)*Name Dave GallowayJob Title Elementary School Teacher

Address _____

*Street*Grand RidgeFL32442*City**State**Zip*

Phone _____

Email _____

Speaking: ☐ For ☒ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)Representing selfAppearing at request of Chair: ☐ Yes ☒ NoLobbyist 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)

3/26/19
Meeting Date

7030
Bill Number (if applicable)

Topic Arming teachers

Amendment Barcode (if applicable)

Name Rick Soskis

Job Title Retired emergency R.N.

Address 270 Small Pond Rd
Street

Phone 850-539-1915

Havana FL
City State

32323
Zip

Email rsoskis@gmail.com

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Self

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)

3/26/19

Meeting Date

7030

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name LINDA EDSON

Job Title Legislative Co-Chair FREA

Address 1841 Myrick Rd
Street

Phone 850-510-2729

Tallahassee FL 32303
City State Zip

Email edsonl@nettally.com

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Florida Retired Educators 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
APPEARANCE RECORD

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

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Olivia Babis

Job Title Public Policy Analyst

Address 2473 Care Dr.

Street

Phone 850-488-9071

Tallahassee FL 32308

City

State

Zip

Email oliviab@drflorida.org

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Disability Rights FL

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)

3/26/19

Meeting Date

7030

Bill Number (if applicable)

Topic School Safety + Security

Amendment Barcode (if applicable)

Name KRISTINA O IVESTER

Job Title Retired - HR

Address 4484 Foxcroft Dr
Street

Phone 850 893 8287

Tallahassee FL 32309
City State Zip

Email koivester@embermail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

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)

3/26/19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic School safety and Security

Amendment Barcode (if applicable)

Name Darcy Bolden

Job Title Retired Operating Room Tech

Address 4492 Foxcroft Dr.

Phone 850-567-4337

Tallahassee FL 32309
City State Zip

Email dbolden55@hotmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/26/19

Meeting Date

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

7030

Bill Number (if applicable)

Topic School Safety & Security

Amendment Barcode (if applicable)

Name Beth Dumond

Job Title volunteer

Address 6316 Mallard Trace Dr

Phone (850) 284-4057

Street

Tallahassee FL 32312

City

State

Zip

Email edumond.f@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Moms Demand Action

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/26/19

Meeting Date

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

7030

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Teri Bahn

Job Title 1429 Manor House Dr

Address _____

Street

Phone 850-728-5198

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Moms Demand Action

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/26/19

Meeting Date

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

7030

Bill Number (if applicable)

Topic Threat Assessment Process & Database

Amendment Barcode (if applicable)

Name Alyce Heflin

Job Title Lobbyist

Address

Street

Phone 850-445-6674

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Public Consulting Group

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

17030
Bill Number (if applicable) _____

Topic School Safety & Security

Amendment Barcode (if applicable) _____

Name John DiMino

Job Title _____

Address 3126 Brockton Way

Phone 229 894 2450

Street

Tallahassee FL 32308

Email jdart3000@gmail

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Moms Demand Action

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/19

Meeting Date

85B 7030
Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Scott Mcay

Job Title Senior Policy Counsel

Address P.O. Box 10788

Phone 850-521-3042

Street

Tallahassee

City

FL

State

32302

Zip

Email Scott.mcay@splcenter.org

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Southern Poverty Law Center Action Fund

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/26/14
Meeting Date

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

SB 7030
Bill Number (if applicable)

Topic School Safety & Security
Name Patricia Roberson

Amendment Barcode (if applicable)

Job Title

Address 2105 High Road
Street
Tallahassee FL 32303
City State Zip

Phone 850-591-3789

Email cyanmon@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

03/26/19
Meeting Date

SB 7030
Bill Number (if applicable)

Topic School Safety & Security
SB 7030

Amendment Barcode (if applicable)

Name Aleta Jarrett, RN, NCSN

Job Title Registered Nurse & National Certified School Health Nurse

Address 2934 Abbotsford Way Phone (850) 545-8469
Street
Tallahassee, FL 32312
City State Zip

Email aletaj@comcast.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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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)

3/26/19
Meeting Date

SB 7030
Bill Number (if applicable)

Topic SB 7030 SCHOOL SAFETY & SECURITY

Amendment Barcode (if applicable)

Name LEE ANN KILBY

Job Title _____

Address 1434 CRESTVIEW AVE
Street

Phone 850 545 5898

DAUNASSER FL 32303
City State Zip

Email leeann.kilby@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing REDACTED

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/26/19*Meeting Date*SB 7030*Bill Number (if applicable)*Topic Guardian expansion*Amendment Barcode (if applicable)*Name Stephanie KunkelJob Title Legislative and Political SpecialistAddress 213 S Adams St*Street*Tallahassee*City*FL*State*32301*Zip*Phone 850-224-2078Email stephanie.kunkel@floridaea.orgSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)Representing Florida Education AssociationAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3/26/19

Meeting Date

7030

SB ~~730~~

Bill Number (if applicable)

Topic School safety and security

Amendment Barcode (if applicable)

Name Abdul Miller

Job Title AFL/cio

Address 2712 West Thorpe St Apt C20

Phone 850-725-0706

Street

Tall

City

FL

State

32303

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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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)

3/26/2019

Meeting Date

7030

Bill Number (if applicable)

Topic S Infrastructure and Security

Amendment Barcode (if applicable)

Name Bethany Swonson

Jared O'Leary

Job Title Leg. Affairs Director

Address 325 W Gains St.

Phone 850-621-2556

Street

Tallahassee

FL

32303

Email bethany.swonson@fldoe.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Department of Education

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3-26-19

Meeting Date

SB 7030

Bill Number (if applicable)

Topic School safety and security

Amendment Barcode (if applicable)

Name Kameron Brown

Job Title ~~Parent~~ AFI-CIO

Address 1008 Redbud Ave
Street

Phone (904) 614-8795

Tallahassee FL 32303
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/26/2019

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

7030

Meeting DateBill Number (if applicable)Topic S Infrastructure and SecurityAmendment Barcode (if applicable)Name Bethany SwonsonJared OchsJob Title Leg. Affairs DirectorAddress 325 W Gains St.Phone 850-621-2556StreetTallahasseeFL32303CityStateZipEmail bethany.swonson@fldoe.orgSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)Representing Florida Department of EducationAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

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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)

Meeting Date

School safety & Security

7030

Bill Number (if applicable)

Topic

Homework Teachers

Amendment Barcode (if applicable)

Name

Molly Wade

Job Title

Mom

Address

4115 Deer Lane Dr

Phone

850 408-5250

Street

Tall

FL

32312

City

State

Zip

Email

molly.wade@hotmail

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

Resident of Leon County

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

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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)

3/26/19
Meeting Date

SB 7030
Bill Number (if applicable)

Topic Arming Teachers

Amendment Barcode (if applicable)

Name Allison Parish

Job Title ~~Asst. Director~~ Volunteer

Address 855 Violet St

Phone 904-338-3502

Street

Tallahassee FL 32308

City

State

Zip

Email ~~aparis@fls~~
allisonm.pavish@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Moms Demand Action

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3-26-19
Meeting Date

SB 7030
Bill Number (if applicable)

Topic Opposition to SB 7030

Amendment Barcode (if applicable)

Name Colette Clarke

Job Title Ret. Teacher

Address 1761 Marston Pl.
Street

Phone 880-510-5103

Tallahassee FL 32308
City State Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Moms Demand Action

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3-26-19
Meeting Date

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

57030
Bill Number (if applicable)

Topic GUNS IN SCHOOLS ?

?
Amendment Barcode (if applicable)

Name RAY BELLAMY

Job Title RETIRED PHYSICIAN

Address 509 VINNEDGE RIDE
Street

Phone 850-668-7967

TALLAHASSEE FLA 32303
City State Zip

Email RAY-BELLAMY@YAHOO.COM

Speaking: ☐ For ☒ Against ☐ Information

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

Representing CONCERNED FLORIDIANS AGAINST ARMPLE TEACHERS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/26/19

Meeting Date

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

7030

Bill Number (if applicable)

Topic School Safety and Security

Amendment Barcode (if applicable)

Name Chief Gary Hester

Job Title Government Affairs

Address 2636 Mitcham Drive

Phone 850-219-3631

Street

Tallahassee

FL

32308

Email ghester@fpca.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Police Chiefs Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name

Job Title

Address

Street

City

State

Zip

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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3/26/19

Meeting Date

7030

Bill Number (if applicable)

Topic Arming Teachers

Amendment Barcode (if applicable)

Name Jan Keshen

Job Title Retired teacher

Address 5114 Chinaberry Ln

Street

Tallahassee FL 32311

City

State

Zip

Phone 850 5674457

Email jkorlean@aol.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

will support w/ amendment

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/26/19

Meeting Date

7030

Bill Number (if applicable)

Topic Guns

Amendment Barcode (if applicable)

Name Spike Gram

Job Title Concerned Citizen

Address 1808 Chow Keebin Nene

Phone 828 337 1776

Street

Tallahassee FL 32301

City

State

Zip

Email unamended

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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 Infrastructure and Security

BILL: CS/SB 676

INTRODUCER: Infrastructure and Security Committee and Senator Hooper

SUBJECT: Certificates of Title for Vessels

DATE: March 28, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 676 incorporates the Uniform Certificate of Title for Vessels Act into Florida's existing vessel titling and lien law. The bill contains numerous revisions to current title application requirements, revises information that must be included on a certificate of title for a vessel, provides for the perfection of security interests in a vessel and for the rights of a secured party, provides requirements for the transfer of ownership in a vessel, and revises various duties and responsibilities of the Department of Highway Safety and Motor Vehicles (DHSMV) with respect to titling of vessels.

Generally, the bill:

- Defines numerous terms relating to titling of vessels.
- Provides requirements for applications for certificates of titles for vessels, including their detailed content, and provides exceptions from the requirement to apply for a certificate.
- Provides responsibilities of an owner and insurer of a hull-damaged vessel, and of the DHSMV when creating a certificate of title.
- Specifies that possession of a certificate of title does not by itself provide a right to obtain possession of a vessel, but nothing prohibits enforcement of a security interest in, levy on, or foreclosure of a statutory or common-law lien on a vessel.
- Provides the DHSMV with duties relating to creation, issuance, refusal to issue, or cancellation of a certificate of title, and provides additional requirements for obtaining a duplicate certificate of title.

- Sets out requirements for the determination and perfection of a security interest in a vessel and for the delivery of a statement of the termination of a security interest.
- Provides for the rights of a purchaser of a vessel who is not a secured party, and for rights of a purchaser who is a secured party.
- Repeals provisions replaced by the bill's provisions.
- Specifies circumstances by which the DHSMV may create a new certificate of title after the receipt of an application for a transfer of ownership or termination of a security interest, without the applicant providing a certificate of title.
- Provides rules for the voluntary transfer of vessel title ownership, transfer by a secured party, and transfer by operation of law.
- Sets out “grandfathering” provisions, provides for application, and makes technical and conforming changes.

The bill appears to have an indeterminate, negative fiscal impact on resources of the DHSMV. See the Fiscal Impact Statement heading for details.

The bill takes effect October 1, 2019.

II. Present Situation:

The bill substantially revises Part I of Chapter 328, F.S. For ease of organization and readability, the present situation for each section of the bill is discussed in conjunction with the effect of proposed changes.

III. Effect of Proposed Changes:

The bill revises current law by enacting the Uniform Certificate of Title for Vessels Act.

Current Situation

Vessel Titling

Application for Certificate of Title

An owner of a vessel that is required to be titled must apply to the DHSMV or county tax collector for a certificate of title. The application¹ must include the true name of the owner, the address of the owner, and the complete description of the vessel, including the hull identification number. The application must be signed by the owner, and the owner must provide valid identification and pay the prescribed fee.²

An original copy of the manufacturer's statement of origin for the vessel must be submitted with the application for title of a manufactured vessel sold in Florida. The owner of a manufactured vessel initially sold outside of Florida must provide an original copy of the manufacturer's

¹ Department of Highway Safety and Motor Vehicles, *Application for Certificate of Title With/Without Registration*, available at <https://www.flhsmv.gov/dmv/forms/btr/82040.pdf> (last viewed March 17, 2019).

² Section 328.01(1)(a), F.S.

statement of origin, or the original copy of the executed bill of sale, and the most recent certificate of registration for the vessel.³

The owner of a homemade vessel must establish proof of ownership by submitting with the application a notarized statement of the builder (if the vessel is less than 16 feet in length) or a certificate of inspection from the Fish and Wildlife Conservation Commission and a notarized statement of the builder (if the vessel is 16 feet or more in length).⁴

The owner of a non-titled vessel registered outside of Florida must establish proof of ownership by surrendering the original copy of the most current certificate of registration issued by the other state or country.⁵ If a vessel is titled in another state or country, the DHSMV will not issue a Florida title until all existing titles are surrendered to DHSMV.⁶

In making application for a title upon transfer of ownership of a vessel, the new owner must surrender a properly executed last title document issued for that vessel. If a lien exists and the application for transfer of title is based upon a contractual default, the recorded lienholder must establish proof of right to ownership by submitting with the application the original certificate of title and a copy of the applicable contract upon which the claim of ownership is made. If the claim is based upon a court order or judgment, a copy of such document must accompany the application for transfer of title. If there appears to be any other lien on the vessel, the certificate of title must contain a statement of such a lien.⁷

In making application for transfer of title from a deceased titled owner, the new owner or surviving co-owner must establish proof of ownership by submitting with the application the original certificate of title and the decedent's probated last will and, or letters of administration appointing the personal representative of the decedent. In lieu of a probated last will and testament or letters of administration, a copy of the decedent's death certificate, a copy of the decedent's last will and testament, and an affidavit by the decedent's surviving spouse or heirs affirming rights of ownership may be accepted by DHSMV.⁸

An owner who has made a valid sale or transfer of a vessel and has delivered possession to a purchaser will not be considered the owner of the vessel and subject to civil liability for the operation of the vessel as long as the owner has surrendered the properly endorsed certificate of title to DHSMV.⁹

Certificate of Title Required

All vessels operated, used, or stored on the waters of Florida must be titled by DHSMV unless it is:

- A vessel operated, used, or stored exclusively on private lakes and ponds;
- A vessel owned by the United States Government;

³ Section 328.01(2)(a)&(b), F.S.

⁴ Section 328.01(2)(c), F.S.

⁵ Section 328.01(2)(d), F.S.

⁶ Section 328.01(2)(e), F.S.

⁷ Section 328.01(3)(a)&(b), F.S.

⁸ Section 328.01(3)(c), F.S.

⁹ Section 328.01(3)(d), F.S.

- A non-motor-powered vessel less than 16 feet in length;
- A federally documented vessel;
- A vessel already covered by a registration number, if the vessel is not located in this state for a period in excess of 90 consecutive days;
- A vessel from a country other than the United States temporarily used, operated, or stored on the waters of this state for a period that is not in excess of 90 days;
- An amphibious vessel for which a vehicle title is issued by DHSMV;
- A vessel used solely for demonstration, testing, or sales promotional purposes by the manufacturer or dealer; or
- A vessel owned and operated by the state.¹⁰

However, a vessel may be operated, used, or stored for up to 180 days after the date of application for a certificate of title while the application is pending.¹¹ When selling, assigning, or transferring a titled vessel, the seller must deliver a valid certificate of title to the purchaser. The purchaser has 30 days to file an application for title transfer. The purchaser will be charged a \$10 fee for filing a transfer application after the 30-day period.¹² A certificate of title is prima facie evidence of the ownership of the vessel.¹³

Refusal to Issue and Authority to Cancel a Certificate of Title or Registration

DHSMV may refuse to issue a certificate of title or registration to any applicant who provides a false statement pertaining to the application for a certificate of title. If DHSMV determines that an owner or dealer named in a certificate of title provided a false statement in applying for the certificate of title, DHSMV may cancel the certificate. DHSMV may cancel any pending application or certificate of title if DHSMV determines that any title or registration fee or sales tax pertaining to such registration has not been paid, upon reasonable notice. DHSMV may not issue a certificate of title to any applicant for any vessel that has been deemed derelict by a law enforcement officer.¹⁴

Duplicate Certificate of Title

DHSMV may issue a duplicate certificate of title if it receives an application from the person entitled to hold such a certificate and if DHSMV is satisfied that the original certificate has been lost, destroyed, or mutilated. DHSMV must charge a fee of \$6 for issuing a duplicate certificate. DHSMV may impose a fee of \$5 for expedited service in issuing a duplicate certificate of title.¹⁵

If the certificate is lost in transit and is not delivered to the addressee, the owner of the vessel or the holder of a lien may, within 180 days after the date of issuance of the title, apply to DHSMV for reissuance of the certificate of title. An additional fee may not be charged by DHSMV. If the address shown on the application is different from the address shown for the applicant, DHSMV will verify the certificate is delivered to an authorized receiver.¹⁶

¹⁰ Section 328.03(1), F.S.

¹¹ Section 328.03(2), F.S.

¹² Section 328.03(3), F.S.

¹³ Section 328.03(4), F.S.

¹⁴ Section 328.09, F.S.

¹⁵ Section 328.11(1)-(2), F.S.

¹⁶ Section 328.11(3)-(4), F.S.

Notice of Lien on Vessel and Recording

A lien for purchase money or as security for a debt in the form of a retain-title contract, conditional bill of sale, chattel mortgage, or otherwise on a vessel, is enforceable unless a sworn notice of such lien is recorded. The lien certificate must contain the following information:

- Name and address of the registered owner;
- Date of lien;
- Description of the vessel to include make, type, motor and serial number; and
- Name and address of lienholder.

The lien must be recorded by DHSMV.¹⁷

DHSMV will not record a lien unless the official certificate of title is furnished with the notice of lien. Once the lien is recorded, the certificate of title will be held by the first lien holder until the lien is paid in full.¹⁸

When a vessel is registered in the names of two or more people by the use of the word “or” each person has the right to place a lien or notice of lien with only his or her signature. When the vessel is registered by the use of the word “and,” the signature of each co-owner is required in order to place a lien on the vessel.¹⁹

If the owner of the vessel or the director of the state child support enforcement program desires to place a second or subsequent lien against the vessel when the title certificate is in the possession of the first lienholder, the owner must send a written request to the first lienholder by certified mail and the first lienholder must forward the certificate to DHSMV for endorsement.²⁰

Once the lien is paid in full, the lienholder must provide the owner with a satisfaction of lien, which will be filed with DHSMV.²¹ DHSMV may promulgate rules to substitute the formal satisfaction of liens.²²

DHSMV may collect a fee of \$1 for the recording of each notice of lien, but no fee may be collected for recording the satisfaction of a lien.²³

A lienholder holding a satisfied lien who fails to issue a satisfaction of the lien within 30 days of satisfaction will be held liable for all costs, damages, and expenses by the registered owner of such vessel. If the certificate of title shows a subsequent lien that has not been discharged, an executed satisfaction of the first lien must be delivered by the lienholder to the owner, and the certificate of title showing satisfaction of the first lien must be forwarded by the lienholder to the DHSMV within 10 days after satisfaction of the lien.²⁴ A lienholder who is noncompliant with the 10-day time period commits a misdemeanor of the second degree.²⁵

¹⁷ Section 328.15(1), F.S.

¹⁸ Section 328.15(2)(a), F.S.

¹⁹ Section 328.15(2)(b), F.S.

²⁰ Section 328.15(2)(c), F.S.

²¹ Section 328.15(3), F.S.

²² Section 328.15(4), F.S.

²³ Section 328.15(6), F.S.

²⁴ Section 328.15(7), F.S.

²⁵ Section 328.15(9), F.S.

If the original certificate of title cannot be returned to DHSMV by the lienholder, and all liens have been satisfied, upon application by the owner, a duplicate copy of the certificate of title without lien will be issued to the owner.²⁶ If the original lienholder assigns his or her lien to another person, the new lienholder may have his or her name substituted as lienholder.²⁷

Uniform Law Commission

The Uniform Law Commission (ULC), also known as the National Conference of Commissioners on Uniform State Laws, was established in 1892 and provides states with legislation that strives to bring clarity to areas of state statutory law.²⁸ ULC commissioners must be lawyers qualified to practice law. State governments as well as the District of Columbia, Puerto Rico, and the U.S. Virgin Islands appoint ULC commissioners to research, draft, and promote enactment of uniform state laws in areas of state law where uniformity is desirable and practical.²⁹ The ULC aims to strengthen the federal system by providing rules and procedures that are consistent from state to state.³⁰

Uniform Certificate of Title for Vessels Act

The Uniform Certificate of Title for Vessels Act (UCOTVA) was drafted by the ULC in 2011.³¹ The principal objectives of the UCOTVA are to:

- Qualify as a state titling law that the Coast Guard will approve;
- Facilitate transfers of ownership of a vessel;
- Deter and impede the theft of vessels by making information about the ownership of vessels available to both government officials and those interested in acquiring an interest in a vessel;
- Accommodate existing financing arrangements for vessels;
- Work seamlessly with the Uniform Commercial Code;
- Manage, to the extent possible, the complications that can arise from a vessel's transition in or out of federal documentation;
- Provide clear rules on the consequences of compliance or noncompliance;
- Impose minimal or no new burdens or costs on state titling offices; and
- Protect buyers and others acquiring an interest in an undocumented vessel by requiring that the title for the vessel be branded if a casualty or sinking has caused significant damage to the vessel's hull integrity.

The UCOTVA has been enacted in Virginia (2013), Connecticut (2014), Washington D.C. (2015), and Hawaii (2018).³²

²⁶ Section 328.15(8), F.S.

²⁷ Section 328.15(11), F.S.

²⁸ Uniform Law Commission, *About Us*, available at <http://www.uniformlaws.org/aboutulc/overview> (last viewed March 17, 2019).

²⁹ *Id.*

³⁰ *Id.*

³¹ See National Conference of Commissioner on Uniform State Laws, *Uniform Certificate of Title for Vessels Act*, at p. 6, available at http://www.lawrev.state.nj.us/UCOTVA/UCOTVA_FinalAct_2011.pdf (last viewed March 17, 2019).

³² See Uniform Law Commission, *Certificate of Title for Vessels Act*, table entitled "Legislation," available at <https://www.uniformlaws.org/committees/community-home?CommunityKey=61fb3255-092e-4e91-982b-6fa1ae66fd82> (last viewed March 17, 2019).

Effect of Proposed Changes

Short Title

Section 1 of the bill creates s. 328.001, F.S., providing the short title for Part I of Chapter 328, F.S., the “Uniform Certificate of Title for Vessels Act.”

Definitions

Section 2 creates s. 328.0015, F.S., to establish definitions for numerous terms. Specifically, the bill creates the following definitions of terms:

The bill creates s. 328.0015, F.S., providing the following definitions:

- "Barge" means a vessel that is not self-propelled or fitted for propulsion by sail, paddle, oar, or similar device.
- "Builder's certificate" means a certificate of the facts of the build of a vessel described in 46 C.F.R. s. 67.99.
- "Buyer" means a person who buys or contracts to buy a vessel.
- "Cancel," with respect to a certificate of title, means to make the certificate ineffective.
- "Certificate of origin" means a record created by a manufacturer or importer as the manufacturer's or importer's proof of identity of a vessel. The term includes a manufacturer's certificate or statement of origin and an importer's certificate or statement of origin. The term does not include a builder's certificate.
- "Certificate of title" means a record, created by the department or by a governmental agency of another jurisdiction under the law of that jurisdiction that is designated as a certificate of title by the department or agency and is evidence of ownership of a vessel.
- "Dealer" means a person, including a manufacturer, in the business of selling vessels.
- "Department" means the Department of Highway Safety and Motor Vehicles.
- "Documented vessel" means a vessel covered by a certificate of documentation issued pursuant to 46 U.S.C. s. 12105. The term does not include a foreign-documented vessel.
- "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- "Electronic certificate of title" means a certificate of title consisting of information that is stored solely in an electronic medium and is retrievable in perceivable form.
- "Foreign-documented vessel" means a vessel of which the ownership is recorded in a registry maintained by a country other than the United States which identifies each person who has an ownership interest in a vessel and includes a unique alphanumeric designation for the vessel.
- "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.
- "Hull damaged" means compromised with respect to the integrity of a vessel's hull by a collision, allision, lightning strike, fire, explosion, running aground, or similar occurrence, or the sinking of a vessel in a manner that creates a significant risk to the integrity of the vessel's hull.
- "Hull identification number" means the alphanumeric designation assigned to a vessel pursuant to 33 C.F.R. part 181.

- "Lien creditor," with respect to a vessel, means:
 - A creditor that has acquired a lien on the vessel by attachment, levy, or the like;
 - An assignee for benefit of creditors from the time of assignment;
 - A trustee in bankruptcy from the date of the filing of the petition; or
 - A receiver in equity from the time of appointment.
- "Owner" means a person who has legal title to a vessel.
- "Owner of record" means the owner indicated in the files of the department or, if the files indicate more than one owner, the one first indicated.
- "Person" means an individual, corporation, business trust, estate, trust, statutory trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.
- "Purchase" means to take by sale, lease, mortgage, pledge, consensual lien, security interest, gift, or any other voluntary transaction that creates an interest in a vessel.
- "Purchaser" means a person who takes by purchase.
- "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- "Secured party," with respect to a vessel, means a person:
 - In whose favor a security interest is created or provided for under a security agreement, regardless of whether any obligation to be secured is outstanding;
 - Who is a consignor as defined under chapter 679, F.S.; or
 - Who holds a security interest arising under s. 672.401, s. 672.505, s. 672.711(3), or s. 680.508(5), F.S.
- "Secured party of record" means the secured party whose name is indicated as the name of the secured party in the files of the department or, if the files indicate more than one secured party, the one first indicated.
- "Security interest" means an interest in a vessel which secures payment or performance of an obligation if the interest is created by contract or arises under s. 672.401, s. 672.505, s. 672.711(3), or s. 680.508(5), F.S. The term includes any interest of a consignor in a vessel in a transaction that is subject to chapter 679, F.S. The term does not include the special property interest of a buyer of a vessel on identification of that vessel to a contract for sale under s. 672.501, F.S., but a buyer also may acquire a security interest by complying with chapter 679. Except as otherwise provided in s. 672.505, F.S., the right of a seller or lessor of a vessel under chapter 672 or chapter 680, F.S., to retain or acquire possession of the vessel is not a security interest, but a seller or lessor also may acquire a security interest by complying with chapter 679, F.S.. The retention or reservation of title by a seller of a vessel, notwithstanding shipment or delivery to the buyer under s. 672.401, F.S., is limited in effect to a reservation of a security interest. Whether a transaction in the form of a lease creates a security interest is determined as provided in part II of chapter 671, F.S.
- "Sign" means, with present intent to authenticate or adopt a record, to:
 - Make or adopt a tangible symbol; or
 - Attach to or logically associate with the record an electronic symbol, sound, or process.
- "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

- "State of principal use" means the state on the waters of which a vessel is or will be used, operated, navigated, or employed more than on the waters of any other state during a calendar year.
- "Title brand" means a designation of previous damage, use, or condition that must be indicated on a certificate of title.
- "Transfer of ownership" means a voluntary or involuntary conveyance of an interest in a vessel.
- "Vessel" means a watercraft used or capable of being used as a means of transportation on water, except:
 - A seaplane;
 - An amphibious vehicle for which a certificate of title is issued pursuant to chapter 319, F.S. or a similar statute of another state;
 - Watercraft less than 16 feet in length and propelled solely by sail, paddle, oar, or an engine of less than 10 horsepower;
 - Watercraft that operate only on a permanently fixed, manufactured course and the movement of which is restricted to or guided by means of a mechanical device to which the watercraft is attached or by which the watercraft is controlled;
 - A stationary floating structure that:
 - Does not have and is not designed to have a mode of propulsion of its own;
 - Is dependent for utilities upon a continuous utility hookup to a source originating on shore; and
 - Has a permanent, continuous hookup to a shoreside sewage system.
 - Watercraft owned by the United States, a state, or a foreign government, or a political subdivision of either; and
 - Watercraft used solely as a lifeboat on another watercraft.
- "Vessel number" means the alphanumeric designation for a vessel issued pursuant to 46 U.S.C. s. 12301.
- "Written certificate of title" means a certificate of title consisting of information inscribed on a tangible medium.

The bill also incorporates by reference numerous terms currently defined elsewhere in Florida law.

Application for Certificate of Title

Section 3 amends s. 328.01, F.S., providing that with certain newly created and amended statutory exceptions (discussed below), only an owner (a person who has legal title to a vessel) may apply for a certificate of title.

The bill also requires additional information on the application for a certificate of title. The bill requires that an application for certificate of title must be signed by the applicant and contain:

- The applicant's name, the street address of the applicant's principal residence, and, if different, the applicant's mailing address;
- The name and mailing address of each other owner of the vessel;
- The hull identification number for the vessel or, if none, an application for the issuance of a hull identification number for the vessel;

- The vessel number for the vessel or, if none issued by DHSMV, an application for a vessel number;
- A description of the vessel, which must include:
 - The official number for the vessel, if any, assigned by the United States Coast Guard;
 - The name of the manufacturer, builder, or maker;
 - The model year or the year in which the manufacture or build of the vessel was completed;
 - The overall length of the vessel;
 - The vessel type;
 - The hull material;
 - The propulsion type;
 - The engine drive type, if any; and
 - The fuel type, if any;
- An indication of all security interests in the vessel known to the applicant and the name and mailing address of each secured party;
- A statement that the vessel is not a documented vessel or a foreign-documented vessel;
- Any title brand known to the applicant and, if known, the jurisdiction under whose law the title brand was created;
- If the applicant knows that the vessel is hull damaged, a statement that the vessel is hull damaged;
- If the application is made in connection with a transfer of ownership, the transferor's name, the street address, and, if different, mailing address, the sales price if any, and the date of the transfer; and
- If the vessel was previously registered or titled in another jurisdiction, a statement identifying each jurisdiction known to the applicant in which the vessel was registered or titled.

Additionally, the bill amends s. 328.01, F.S., authorizing an application for a certificate of title to contain an electronic address for the owner, transferor, or secured party. The application for certificate of title must be accompanied by:

- A certificate of title signed by the owner shown on the certificate and that:
 - Identifies the applicant as the owner of the vessel; or
 - Is accompanied by a record that identifies the applicant as the owner; or
- If there is no certificate of title:
 - If the vessel was a documented vessel, a record issued by the United States Coast Guard which shows the vessel is no longer a documented vessel and identifies the applicant as the owner;
 - If the vessel was a foreign-documented vessel, a record issued by the foreign country which shows the vessel is no longer a foreign-documented vessel and identifies the applicant as the owner; or
 - In all other cases, a certificate of origin, bill of sale, or other record that to the satisfaction of the DHSMV identifies the applicant as the owner.

Lastly, the bill amends s. 328.01, F.S., requiring the DHSMV to maintain any records submitted in connection with an application, and authorizing the DHSMV to require an application for a certificate of title to be accompanied by payment of all fees and taxes by the applicant.

DHSMV Records

Section 4 creates s. 328.015, F.S. requiring the DHSMV to retain the evidence used to establish the accuracy of the information in its files relating to the current ownership of a vessel and the information on the certificate of title. The DHSMV must retain all information regarding a security interest in a vessel for at least 10 years after the DHSMV receives a termination statement regarding the security interest. The information must be accessible by the hull identification number for the vessel.

A person who submits a record to the DHSMV may request an acknowledgement of the filing by the DHSMV. The DHSMV must send the person an acknowledgment showing the hull identification number, the information in the filed record, and the date and time the record was received by or the submission was accepted by the DHSMV. The DHSMV must send the following information to any person who requests it and pays a \$1 fee:³³

- Whether the DHSMV's files indicate, as of the a date specified by the DHSMV but no earlier than three days before the request is received, a copy of any certificate of title, security interest, termination statement, or title brand that relates to a vessel;
 - Identified by a hull identification number designated in the request;
 - Identified by a vessel number designated in the request; or
 - Owned by a person designated in the request.
- With respect to the vessel:
 - The name and address of any owner and the secured party as indicated in the DHSMV's files;
 - A copy of any termination statement indicated in the DHSMV's files and the statement's effective date; and
 - A copy of any certificate of origin, secured party transfer statement, transfer-by-law statement, and other evidence of previous or current transfers of ownership.

The DHSMV must, upon request, send the requested information in a record that is self-authenticating.

Governing Vessel Law

Section 5 creates s. 328.02, F.S., providing that the law of the state under whose certificate of title a vessel is covered governs all issues relating to the certificate from the time the vessel becomes covered by the certificate until the vessel becomes covered by another certificate, or becomes a documented vessel, even if no relationship exists between the jurisdiction and the vessel or its owner. A vessel becomes covered when an application and the applicable fee are delivered to the DHSMV or to the governmental agency that creates a certificate in another jurisdiction.

³³ Section 320.05(3)(b)2., F.S.

Certificate of Title Required

Section 6 amends s. 328.03, F.S., requiring a vessel owner to deliver an application and fee for certificate of title for the vessel, not later than 30 days from the date of ownership or the date Florida becomes the state of principal use.

The bill creates new exceptions for titling vessels in Florida, providing that an application for a certificate is not required for:

- A documented vessel;
- A foreign-documented vessel;
- A barge;
- A vessel before delivery if the vessel is under construction or completed pursuant to contract;
- A vessel held by a dealer for sale or lease; and
- A vessel used solely for demonstration, testing, or sales promotional purposes by the manufacturer or dealer.

The bill also deletes the following current exceptions:

- A non-motor-powered vessel less than 16 feet in length;
- A federally documented vessel;
- An amphibious vessel for which a vehicle title is issued by DHSMV;
- A vessel used solely for demonstration, testing, or sales promotional purposes by the manufacturer or dealer; and
- A vessel owned and operated by the state.

Additionally, the bill provides requirements for issuing, transferring, or renewing a certificate of number of an undocumented vessel issued under federal law.

The bill deletes the provisions providing that a vessel may be operated, used, or stored for up to 180 days after the date of application for a certificate of title while the application is pending. The bill also deletes the provisions providing that when selling, assigning, or transferring a titled vessel, the seller must deliver a valid certificate of title to the purchaser. The bill amends the provision requiring the purchaser to file an application for title transfer within 30 days and changes it to 20 days.

Lastly, the bill specifies that a certificate of title is not only prima facie evidence of the ownership of the vessel, but also of the accuracy of the information in the record that constitutes the certificate.

Certificate of Title Content

Section 7 creates s. 328.04, F.S., providing requirements for the content of a certificate of title. A certificate must contain:

- The date the certificate was created;
- The name of the owner of record and, if not all owners are listed, an indication that there are additional owners indicated in the DHSMV's files;
- The mailing address of the owner of record;

- The hull identification number;
- A description of the vessel as required in s. 328.01(2)(e);
- The name and mailing address of the secured party of record; and
- All title brands indicated in the DHSMV's files.

Each title brand indicated on a certificate of title must identify the jurisdiction under whose law the title brand was created. If the vessel was previously registered or titled in a foreign country, the DHSMV must indicate such fact on the certificate of title. The written certificate of title must contain a form, signed under penalty of perjury that all owners consent to a transfer of an ownership interest to another person. The written certificate of title must also contain a form for the owner of record to indicate that the vessel is hull damaged.

Title Brands for Hull-Damaged Vehicles

Section 8 creates s. 328.045, F.S., providing responsibilities of an owner and insurer of a hull-damaged vessel. If damage occurred to a vessel while the owner was the owner of the vessel and the owner has notice of the damage at the time of the transfer, the owner must:

- Deliver to the DHSMV an application for a new certificate and include the title brand designation "Hull Damaged"; or
- Indicate on the certificate that the vessel is hull damaged and deliver the certificate to the transferee.

Before an insurer transfers an ownership interest in a hull-damaged vessel that is covered by a certificate of title created by the DHSMV, the insurer must deliver an application to the DHSMV and include the title brand "Hull Damaged."

Once the DHSMV receives the above information from an owner or insurer, the DHSMV has 30 days to create a new certificate that includes the title brand designation, "Hull Damaged." An owner or insurer who fails to comply with the above disclosures, or a person who solicits or colludes in a failure by an owner, or an insurer that fails to apply for a new, branded certificate, commits a noncriminal infraction under s. 327.73, F.S.,³⁴ for which the penalty is:

- \$5,000 for the first offense,
- \$15,000 for a second offense, and
- \$25,000 for each subsequent offense.

Maintenance and Access to Vessel Title Files

Section 9 creates s. 328.055, F.S., requiring the DHSMV to maintain the information contained in all certificates of title and the information submitted with the application. Specifically, the DHSMV must:

- Ascertain or assign the hull identification number for the vessel;
- Maintain the hull identification number and all the information submitted with the application pursuant to which the record relates, including the date and time the record was delivered to the DHSMV;

³⁴ This section of current law provides penalties for violations of the state's vessel laws.

- Maintain the files for public inspection; and
- Index the files of the DHSMV by hull identification number, vessel number, and name of the owner of record, and any other method used by the DHSMV.

Additionally, the DHSMV must also maintain in its files for each vessel, all title brands, the name of each secured party known to the DHSMV, the name of each person known to DHSMV to be claiming an ownership interest in the vessel, and all stolen property reports the DHSMV has received. The DHSMV is required to release the information in its files to federal, state, or local governments, and the information provided on the certificate of title is a public record.

Creation of Title

Section 10 creates s. 328.06, F.S., providing responsibilities of the DHSMV when creating a certificate of title. On creation of a written or electronic certificate of title, the DHSMV must promptly send the certificate or record evidencing the certificate to the secured party or owner of record. If the DHSMV creates a written certificate of title, any electronic certificate of title for the vessel is canceled and replaced by the written certificate.

Before the DHSMV creates an electronic certificate of title, any written certificate must be surrendered to the department. If the DHSMV creates an electronic certificate, the DHSMV must destroy the written certificate. The DHSMV must maintain in its files the date and time of destruction.

Effect of Possession of Title

Section 11 creates s. 328.065, F.S., specifying that possession of a certificate of title does not by itself provide a right to obtain possession of a vessel, but nothing prohibits enforcement of a security interest in, levy on, or foreclosure of a statutory or common-law lien on a vessel. Absence of an indication of such a lien on a certificate does not invalidate the lien.

Duties Relating to Refusal to Issue/Authority to Cancel a Certificate of Title or Registration

Section 12 substantially amends s. 328.09, F.S., providing the DHSMV with duties relating to creation, issuance, refusal to issue, or cancellation of a certificate of title. Unless an application for a certificate of title is rejected, the DHSMV must create a certificate for the vessel not later than 30 days after delivery of the application to the DHSMV. The DHSMV must create an electronic certificate of title unless the owner requests a written certificate.

The DHSMV may reject an application for a certificate of title only if:

- The application is not in compliance;
- The application does not contain sufficient documentation for the DHSMV to determine whether the applicant is entitled to a certificate;
- There is a reasonable basis for concluding that the application is fraudulent or issuance of a certificate would facilitate a fraudulent or illegal act; or
- The application does not comply with the laws of this state.

The DHSMV must reject an application for a certificate of title for a vessel that is a documented vessel or a foreign-documented vessel. The DHSMV may cancel a created certificate of title only if the DHSMV:

- Could have rejected the application for the certificate;
- Is required to cancel the certificate under another provision of this part; or
- Receives satisfactory evidence that the vessel is a documented vessel or a foreign-documented vessel.

Lastly, a DHSMV decision to reject an application for a certificate of title under this new section of law is subject to an administrative hearing during which the owner and any other interested person may present evidence in support of or opposition to rejection of application for a certificate of title or cancellation of a certificate of title.

Effect of Missing or Incorrect Information

Section 13 creates s. 328.101, F.S., specifying that a certificate of title is effective even if it contains unintended scrivener's errors or does not contain required information if DHSMV determines the missing information to be inconsequential to the issuance of a certificate of title or other record incorrect information or does not contain required information.

Duplicate Certificates of Title

Section 14 creates s. 328.11, F.S., providing additional requirements for obtaining a duplicate certificate of title. In addition to a certificate of title being lost, destroyed, or mutilated, if a certificate is stolen, the owner of record may apply for and, by furnishing information satisfactory to the DHSMV, obtain a duplicate certificate in the name of the owner of record.

An applicant for a duplicate certificate of title must sign the application and comply with all requirements for title application. The application must include the existing certificate unless the certificate is lost, stolen, mutilated, destroyed, or otherwise unavailable.

The bill provides that a duplicate certificate of title created by the DHSMV must comply with all the requirements for the contents of a certificate of title. The duplicate certificate of title must state that it is a "duplicate." If a person receiving a duplicate certificate of title finds the original certificate, the person must destroy the original certificate.

Lastly, the bill removes the provision allowing an applicant for duplicate certificate of title to apply for reissuance of the certificate if the applicant has not received the duplicate title from the DHSMV within 180 days after the date of issuance of the certificate.

Perfection of Security Interests

Section 15 creates s. 328.12, F.S., providing requirements for the determination and perfection of a security interest in a vessel. A security interest in a vessel can be perfected only by delivery of an application for a certificate of title to the DHSMV that identifies the secured party and otherwise complies with all title application requirements. An application identifies a person as a

secured party if a person named as an owner, lessor, consignor, or bailor in an application for a certificate of title is a security interest.

The bill provides that if the DHSMV has created a certificate of title for a vessel, a security interest in the vessel may be perfected by delivery to the DHSMV of an application to have the security interest added to the certificate. The application must be signed by an owner of the vessel or by the secured party and must include:

- The name of the owner of record;
- The name and mailing address of the secured party;
- The hull identification number for the vessel; and
- If DHSMV has created a written certificate of title for the vessel, the certificate.

On delivery of an application and payment of fees, the DHSMV must create a new certificate of title and deliver the new certificate or a record evidencing an electronic certificate. The DHSMV must maintain in its files the date and time of delivery of the application.

If a secured party assigns a perfected security interest in a vessel, the receipt by the DHSMV of a statement providing the name of the assignee as secured party is not required to continue the perfected status of the security interest. A purchaser of a vessel subject to a security interest who obtains a release from the secured party takes free of the security interest and of the rights of a transferee, unless the transfer is indicated in the files the DHSMV's files or on the certificate.

This section of the bill expressly does not apply to a security interest:

- Created in a vessel by a person during any period in which the vessel is inventory held for sale or lease by the person or is leased by the person as lessor if the person is in the business of selling vessels;
- In a barge for which no application for a certificate of title has been delivered to the DHSMV; or
- In a vessel before delivery if the vessel is under construction, or completed, pursuant to a contract and for which no application for a certificate has been delivered to the DHSMV.

However, the new section does apply if a certificate of documentation for a documented vessel is deleted or canceled.

The bill also contains provisions specifying when perfected security interests attach, depending on the law under which the security interest arises.

Termination Statements

Section 16 creates s. 328.125, F.S., providing requirements for the delivery of a statement of the termination of a security interest. A secured party must deliver a termination statement to the DHSMV and, on the debtor's request, to the debtor, by the earlier of:

- Twenty days after the secured party receives a signed demand from an owner for a termination statement if there is no obligation secured by the vessel and no commitment to make an advance, incur an obligation, or otherwise give value secured by the vessel; or
- If the vessel is consumer goods, 30 days after there is no obligation secured by the vessel under the same conditions.

If a written certificate of title has been created and delivered to a secured party and a termination statement is required, the secured party must deliver the certificate to the debtor or to the DHSMV with the statement.

The bill provides that on delivery to the DHSMV of a termination statement authorized by the secured party, the security interest to which the statement relates ceases to be perfected. If the security interest to which the statement relates is indicated on the certificate of title, the DHSMV must create and deliver a new certificate. Additionally, the DHSMV must maintain in its files the date and time of delivery of the statement to the DHSMV.

Lastly, the bill provides that a secured party that fails to comply with the new section of law is liable for any loss that the secured party had reason to know might result from its lack of compliance.

Rights of a Purchaser Other Than Secured Party

Section 17, creates s. 328.14, F.S., providing for the rights of a purchaser of a vessel who is not a secured party. A buyer in the ordinary course of business is afforded protection under state law even if an existing certificate of title was not signed and delivered to the buyer or a new certificate listing the buyer as owner of record was not created.

Rights of Secured Party

Section 18 creates s. 328.145, F.S., providing for the rights of a secured party. If, a security interest in a vessel is perfected and the DHSMV creates a certificate of title that does not indicate that the vessel is subject to the security interest:

- A buyer of the vessel takes free of the security interest if the buyer, without knowledge of the security interest, pays for and receives possession of the vessel; and
- The security interest is subordinate to a conflicting security interest in the vessel that is perfected after creation of the certificate and without the conflicting secured party's knowledge of the security interest.

Notice of Vessel Lien

Section 19 amends s. 328.15, F.S., to repeal provisions replaced by the bill, including the following:

- Requirements relating to enforceable liens and the content of lien certificates;
- Direction to the DHSMV regarding entry of a lien in its records;
- Provisions specifying the result of vessel registration in the names of two or more persons as co-owners using the conjunctives “or” and “and.”
- The process for second or subsequent liens placed on a vessel by the owner or by the state child support enforcement program.
- Repeal of the \$1 fee to the DHSMV for recording each notice of lien.

The bill sunsets the following provisions of s. 328.15, F.S., on October 1, 2026, at which time the expired provisions in this section are replaced by those in the bill:

- Authorization of a debtor or registered owner to demand and receive a satisfaction of lien.
- Provisions allowing the DHSMV to adopt rules permitting the use of other methods of lien satisfaction, such as a stamp.
- Assessment of liability for costs and attorney fees for failure to furnish a debtor or registered owner of a vessel a satisfaction of lien and related provisions governing satisfaction of liens.
- Authorization for duplicate certificates of title.
- Penalties for failure to return a certificate of title after demand by the DHSMV or for failure to forward satisfactions of lien after such demand.
- The requirement that the DHSMV use the last known address of record when sending any required notice.
- Provisions for substitution of an original lienholder's name on the certificate of title by an assignee.

Applications for Transfer of Ownership or Termination of Security Interest

Section 22 creates s. 328.215, F.S., specifying circumstances by which the DHSMV may create a new certificate of title after the receipt of an application for a transfer of ownership or termination of a security interest, without the applicant providing a certificate of title. If the DHSMV receives an application for a new certificate of title unaccompanied by a signed certificate of title, the DHSMV may create a new certificate of title if:

- The requirements for application for and information to be included in a certificate of title as well as the requirements for fraud prevention are met;
- The applicant provides an affidavit stating facts showing the applicant is entitled to a transfer of ownership or termination statement;
- The applicant provides the DHSMV with evidence that proper notification of the application has been sent to the owner of record; and
- The applicant submits any other information required by the DHSMV as evidence of the applicant's ownership or right to terminate the security interest, and the DHSMV has no credible information indicating theft, fraud, or an undisclosed or unsatisfied security interest, lien, or other claim to an interest in the vessel.

The DHSMV may indicate in the certificate of title that the certificate was created without submission of a signed certificate or termination statement. If after one year, the DHSMV has not received any credible information indicating theft, fraud, unsatisfied security interest, or lien on the vessel, the DHSMV must remove the indication from the certificate if requested by the applicant.

The bill authorizes DHSMV to require the applicant to post a reasonable bond or provide an equivalent source of indemnity or security for a vessel title that has a transfer of ownership or security interest and is titled without a signed certificate of title. Unless DHSMV receives a claim for indemnity within one year after creation of the certificate of title, DHSMV must release any bond, indemnity, or other security at the request of the applicant.

The bill provides the DHSMV is not liable to a person or entity for creating a certificate under this new section of law when the DHSMV issues the certificate in good faith based on the information provided by the applicant. An applicant that submits erroneous or fraudulent information with intent to mislead the DHSMV is subject, in addition to any other criminal or civil penalties provided by law, to the following penalties:

- \$5,000 for the first offense,
- \$15,000 for a second offense, and
- \$25,000 for each subsequent offense.

Transfer of Ownership

Section 23 creates s. 328.22, F.S., providing requirements for the transfer of ownership in a vessel. On a voluntary transfer of vessel title ownership, the following rules apply:

- If the transferor's interest is noted on the paper certificate, the transferor must promptly sign the certificate and deliver it to the transferee. If the transferor does not have possession of the certificate, the person in possession of the certificate has a duty to facilitate the transfer.
- If the certificate of title is an electronic certificate, the transferor must promptly sign by hand, or electronically if available, and deliver to the transferee a record evidencing the transfer of ownership to the transferee.
- The transferee has a right to enforce, by specific performance, the transfer of the certificate of title from the transferor.

Failure to comply with the above rules does not render the transfer of ownership of a vessel ineffective between the parties; however, the transfer may not be effective against another person claiming an interest in the vessel. A transferor who complies with the above rules is not liable as owner of the vessel for an event occurring after the transfer.

Transfer of Ownership by Secured Party

Section 24 creates s. 328.23, F.S., providing a definition for "secured party's transfer statement." "Secured party's transfer statement" means a record signed by the secured party of record stating:

- That there has been a default on an obligation secured by the vessel;
- That the secured party of record is exercising or has exercised post-default remedies with respect to the vessel;
- That by reason of the exercise, the secured party of record has the right to transfer the ownership interest of an owner, and the name of the owner;
- The name and last known mailing address of the owner of record and the secured party of record;
- The name of the transferee;
- Other information required in the application for certificate of title; and
- One of the following:
 - The certificate of title is an electronic certificate.
 - The secured party does not have possession of the written certificate of title created in the name of the owner of record.

- The secured party is delivering the written certificate of title to DHSMV with the secured party's transfer statement.

Additionally, the bill provides DHSMV's duties upon receipt of a secured party's transfer statement. Unless DHSMV has cause to reject a secured party's transfer statement, the department must within 30 days:

- Accept the statement;
- Amend its files to reflect the transfer; and
- If the name of the owner whose interest is being transferred is indicated on the certificate:
 - Cancel the certificate even if the certificate has not been delivered to DHSMV;
 - Create a new certificate indicating the transferee as owner; and
 - Deliver the new certificate or a record evidencing an electronic certificate.

The secured party is still held to the duties under the Uniform Commercial Code for secured transactions.

Transfer by Operation of Law

Section 25 creates s. 328.24, F.S., providing a definition for “by operation of law”. “By operation of law” means pursuant to a law or judicial order affecting ownership of a vessel:

- Because of death, divorce, or other family law proceeding, merger, consolidation, dissolution, or bankruptcy;
- Through the exercise of the rights of a lien creditor or a person having a lien created by statute or rule of law; or
- Through other legal process.

The bill provides the requirements for a transfer of ownership by operation of law. A transfer-by-law statement must contain:

- The name and last known mailing address of the owner of record and the transferee, and the other information required for application of title;
- Documentation sufficient to establish the transferee's ownership interest or right to acquire the ownership interest;
- A statement that:
 - The certificate of title is an electronic certificate of title;
 - The transferee does not have possession of the written certificate of title created in the name of the owner of record; or
 - The transferee is delivering the written certificate to the department with the transfer-by-law statement; and
- Except for a transfer due to death, divorce, family law proceeding, merger, consolidation, dissolution, or bankruptcy, evidence that notification of the transfer and the intent to file the transfer-by-law statement has been sent to all persons indicated in the DHSMV's files as having an interest, including a security interest, in the vessel.

Unless the DHSMV has cause to reject the transfer, the department must within 30 days:

- Accept the statement;
- Amend its files to reflect the transfer; and
- If the name of the owner whose interest is being transferred is indicated on the certificate:
 - Cancel the certificate even if the certificate has not been delivered to the DHSMV;
 - Create a new certificate indicating the transferee as owner;
 - Indicate on the new certificate any security interest indicated on the canceled certificate, unless a court order provides otherwise; and
 - Deliver the new certificate or a record evidencing an electronic certificate.

This new section of law does not apply to defaults under the Uniform Commercial Code.

Supplemental Principles of Law and Equity

Section 26 creates s. 328.25, F.S., provides that the principles of law and equity supplement the provisions of the bill.

Rulemaking

Section 27 creates s. 328.41, F.S., authorizing the DHSMV to adopt rules to implement part I of ch. 328, F.S.

“Grandfather” Provisions

Sections 31 creates an undesignated section of law providing that the rights, duties, and interests flowing from a transaction, certificate of title, or record relating to a vessel which was validly entered into or created before the effective date of the bill, July 1, 2023 remains valid.

The bill does not affect an action or proceeding commenced before July 1, 2023.

A security interest that is enforceable immediately before the effective date of the bill that would have priority over the rights of a lien creditor at that time, is deemed a perfected security interest. A security interest perfected immediately before the same date remains perfected until the earlier of:

- The time perfection would have ceased under the law under which the security interest was perfected; or
- July 1, 2026.

The bill does not affect the priority of a security interest in a vessel if immediately before July 1, 2023, the security interest is enforceable and perfected, and that priority is established.

Retroactive Application

Section 32 creates an undesignated section of law, subject to the provisions relating to transfer of ownership by law described above, applying the bill to any transaction, certificate of title, or record relating to a vessel, even if the transaction, certificate, or record was entered into or created before July 1, 2023October 1, 2019.

Technical Revisions

Sections 20, 21, 28, 29, and 30 of the bill amend ss. 328.16, 328.165, 409.2575, 705.103, and 721.08, F.S., conforming provisions and cross-references to changes made by the bill.

Effective Date

Section 30 requires the bill take effect July 1, 2023.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

Section 8 of the bill requires, at or before the time an owner of record transfers an ownership interest in a hull-damaged vessel covered by a certificate of title created by the DHSMV, if the damage occurred while that person was an owner and the person has notice of the damage at the time of the transfer, the owner shall either apply to the DHSMV for a new certificate that includes the title brand, "Hull Damaged," *or* indicate on the certificate that the vessel is hull damaged. Additionally, before an insurer transfers an ownership in a hull-damaged vessel covered by a certificate of title created by the DHSMV, the insurer must apply for a new certificate that includes the title brand. The existing fee for issuance of each vessel certificate of title is \$5.25, of which \$3.75 is retained by the tax collector.³⁵

³⁵ However, if the vessel was previously registered outside the state, the DHSMV is directed to charge an additional fee of \$4. Section 328.03(6) and (7), F.S.

In the case of an owner transferring ownership of a vessel, the owner could avoid paying the fee for a new certificate of title by choosing to indicate the brand on the owner's certificate of title and delivering it to the vessel purchaser. The owner has not engaged in any new transaction under that scenario. However, if the owner chooses for any reason to obtain a branded title prior to offering for sale or selling the vessel, applying for and receiving that branded title in the owner's name may be interpreted as a new transaction subject to the existing fee, as the transaction is not authorized under current law.

While the bill does not impose any new fee, the bill may result in a new transaction for which the existing fee must be paid. Article VII, s. 19 of the Florida Constitution requires the imposition, authorization, or raising of a state tax or fee be contained in a separate bill that contains no other subject and be approved by two-thirds of the membership of each house of the Legislature. As such, Article VII, s. 19 of the Florida Constitution may apply if the provisions in the bill relating to applications for new branded title certificates are interpreted to be new transactions requiring payment of an existing title fee.

The tax collector offices could see an increase in vessel certificate of title applications and application fees. However, the number of additional transactions is unknown.

B. Private Sector Impact:

The bill may improve the integrity of the vessel titling process by requiring a more detailed description of the vessel on the title and requiring the DHSMV to maintain the information contained in certificates of title and title applications.

C. Government Sector Impact:

DHSMV estimates an insignificant, but negative impact on the Marine Resource Conservation Trust Fund due to the elimination of the \$1 recording of lien fee. In addition, DHSMV also estimates an insignificant, but positive impact in the Marine Resource Conservation Trust Fund due to the potential increase in the number of transactions related to hull-damaged vessel titling. The number of additional title transactions is unknown.³⁶

The bill will require DHSMV to implement changes to vessel titling procedures and databases. However, with a delayed effective date of July 1, 2023, DHSMV can incorporate the required changes utilizing existing resources.

VI. Technical Deficiencies:

None.

³⁶ See email from DHSMV staff dated March 18, 2019. (On file in the Senate Infrastructure and Security Committee.)

VII. Related Issues:

Section 19 of the bill amends s. 328.15, F.S., F.S., deleting current subsections (1), (2), and (6) and re-designating the remaining subsections. A new subsection (9) included in the revisions to s. 328.15, F.S., provides that re-designated subsections (1), (2), and (4)-(8) expire on October 1, 2026.

Current s. 328.15(2), F.S., contains the procedure for obtaining a certificate of title for a vessel that reflects a child support lien filed by the Department of Revenue Child Support Program. Thus, no procedure for obtaining a certificate of title for a vessel that reflects a child support lien filed by the Child Support Program would exist after the effective date of the bill, as no alternative procedure is provided for in the bill.

The Department of Revenue notes that “It is unclear how the cross-reference or amended s. 328.15 applies to the Child Support Program’s authority to petition the circuit court for an order enforcing the requirements of s. 328.15. It is also unclear what if any procedure is available to the [DOR] to have a support lien reflected on a new or amended certificate of title.”³⁷

The DOR advises that under Title IV-D of the Social Security Act, which authorizes federal assistance for state child support enforcement programs, states must have a state plan that sets out and implements a procedure for filing liens against personal property to collect unpaid child support.³⁸ Should this procedure be repealed, the state’s plan would be out of compliance, which could ultimately lead to a significant loss of federal funding.³⁹

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 328.01, 328.03, 328.09, 328.11, 328.15, 328.16, 328.165, 409.2575, 705.103, and 721.08.

This bill creates the following sections of the Florida Statutes: 328.001, 328.0015, 328.015, 328.02, 328.04, 328.045, 328.055, 328.06, 328.065, 328.09, 328.101, 328.12, 328.125, 328.14, 328.145, 328.215, 328.22, 328.23, 328.24, 328.25, and 328.41.

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 Infrastructure and Security on March 20, 2019:

The committee substitute:

- Increases the penalties for an owner or insurer who fails to comply with the required disclosures relating to a hull-damaged-branded certificate of title, or a person who solicits or colludes in such a failure by an owner, or an insurer that fails to apply for a new, branded certificate.

³⁷ See the DOR 2019 Agency Legislative Bill Analysis of identical language contained in CS/HB 475. (On file in the Senate Infrastructure and Security Committee.)

³⁸ See 42 U.S.C. s. 666(a)(4) and 42 U.S.C. 666(c)(1)(G)(iv).

³⁹ Conversation with DOR staff, March 18, 2019.

- Expands the DHSMV's rulemaking authorization from just one section in the bill to the entire part I, ch. 328, F.S.
- Removes provisions relating to creation of a certificate of title for a vessel valued at less than \$5,000, and removes a limitation on the bond amount the DHSMV is authorized to require, in connection with an application for transfer of ownership or termination of security interest without a certificate of title.
- Provides the DHSMV is not liable to a person or entity for creating a certificate of title when the certificate is issued in good faith based on information provided by an applicant, and specified penalties for an applicant that submits erroneous or fraudulent information with intent to mislead the DHSMV.
- Provides 30-day periods within which to take specified actions, rather than 20-day periods in the as-filed bill, in various sections of the bill.
- Revises the effective date of the act from October 1, 2019, to July 1, 2023.
- Delays the expiration of the specified subsections of s. 328.15, F.S., until October 1, 2026.
- Makes numerous non-substantive editorial revisions.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2019	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Hooper)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 328.001, Florida Statutes, is created to
read:

328.001 Short title.—This part may be cited as the “Uniform
Certificate of Title for Vessels Act.”

Section 2. Section 328.0015, Florida Statutes, is created
to read:



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328.0015 Definitions.—

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

(a) "Barge" means a vessel that is not self-propelled or fitted for propulsion by sail, paddle, oar, or a similar device.

(b) "Builder's certificate" means a certificate of the facts of build of a vessel described in 46 C.F.R. s. 67.99.

(c) "Buyer" means a person who buys or contracts to buy a vessel.

(d) "Cancel," with respect to a certificate of title, means to make the certificate ineffective.

(e) "Certificate of origin" means a record created by a manufacturer or an importer as the manufacturer's or importer's proof of identity of a vessel. The term includes a manufacturer's certificate or statement of origin and an importer's certificate or statement of origin. The term does not include a builder's certificate.

(f) "Certificate of title" means a record, created by the department or by a governmental agency of another jurisdiction under the law of that jurisdiction, that is designated as a certificate of title by the department or agency and is evidence of ownership of a vessel.

(g) "Dealer" means a person, including a manufacturer, in the business of selling vessels.

(h) "Department" means the Department of Highway Safety and Motor Vehicles.

(i) "Documented vessel" means a vessel covered by a certificate of documentation issued pursuant to 46 U.S.C. s. 12105. The term does not include a foreign-documented vessel.

(j) "Electronic" means relating to technology having



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electrical, digital, magnetic, wireless, optical,
electromagnetic, or similar capabilities.

(k) "Electronic certificate of title" means a certificate
of title consisting of information that is stored solely in an
electronic medium and is retrievable in perceivable form.

(l) "Foreign-documented vessel" means a vessel the
ownership of which is recorded in a registry maintained by a
country other than the United States which identifies each
person who has an ownership interest in the vessel and includes
a unique alphanumeric designation for the vessel.

(m) "Good faith" means honesty in fact and the observance
of reasonable commercial standards of fair dealing.

(n) "Hull damaged" means compromised with respect to the
integrity of a vessel's hull by a collision, allision, lightning
strike, fire, explosion, running aground, or similar occurrence,
or the sinking of a vessel in a manner that creates a
significant risk to the integrity of the vessel's hull.

(o) "Hull identification number" means the alphanumeric
designation assigned to a vessel pursuant to 33 C.F.R. part 181.

(p) "Lien creditor," with respect to a vessel, means:

1. A creditor that has acquired a lien on the vessel by
attachment, levy, or the like;

2. An assignee for benefit of creditors from the time of
assignment;

3. A trustee in bankruptcy from the date of the filing of
the petition; or

4. A receiver in equity from the time of appointment.

(q) "Owner" means a person who has legal title to a vessel.

(r) "Owner of record" means the owner indicated in the



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files of the department or, if the files indicate more than one owner, the one first indicated.

(s) "Person" means an individual, a corporation, a business trust, an estate, a trust, a statutory trust, a partnership, a limited liability company, an association, a joint venture, a public corporation, a government or governmental subdivision, an agency, an instrumentality, or any other legal or commercial entity.

(t) "Purchase" means to take by sale, lease, mortgage, pledge, consensual lien, security interest, gift, or any other voluntary transaction that creates an interest in a vessel.

(u) "Purchaser" means a person who takes by purchase.

(v) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(w) "Secured party," with respect to a vessel, means a person:

1. In whose favor a security interest is created or provided for under a security agreement, regardless of whether any obligation to be secured is outstanding;

2. Who is a consignor as defined under chapter 679; or

3. Who holds a security interest arising under s. 672.401, s. 672.505, s. 672.711(3), or s. 680.508(5).

(x) "Secured party of record" means the secured party whose name is indicated as the name of the secured party in the files of the department or, if the files indicate more than one secured party, the one first indicated.

(y) "Security interest" means an interest in a vessel which secures payment or performance of an obligation if the interest



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is created by contract or arises under s. 672.401, s. 672.505, s. 672.711(3), or s. 680.508(5). The term includes any interest of a consignor in a vessel in a transaction that is subject to chapter 679. The term does not include the special property interest of a buyer of a vessel on identification of that vessel to a contract for sale under s. 672.501, but a buyer also may acquire a security interest by complying with chapter 679. Except as otherwise provided in s. 672.505, the right of a seller or lessor of a vessel under chapter 672 or chapter 680 to retain or acquire possession of the vessel is not a security interest, but a seller or lessor also may acquire a security interest by complying with chapter 679. The retention or reservation of title by a seller of a vessel notwithstanding shipment or delivery to the buyer under s. 672.401 is limited in effect to a reservation of a security interest. Whether a transaction in the form of a lease creates a security interest is determined as provided in part II of chapter 671.

(z) "Sign" means, with present intent to authenticate or adopt a record, to:

1. Make or adopt a tangible symbol; or
2. Attach to or logically associate with the record an electronic symbol, sound, or process.

(aa) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(bb) "State of principal use" means the state on the waters of which a vessel is or will be used, operated, navigated, or employed more than on the waters of any other state during a



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calendar year.

(cc) "Title brand" means a designation of previous damage, use, or condition that must be indicated on a certificate of title.

(dd) "Transfer of ownership" means a voluntary or involuntary conveyance of an interest in a vessel.

(ee) "Vessel" means a watercraft used or capable of being used as a means of transportation on water, except:

1. A seaplane;

2. An amphibious vehicle for which a certificate of title is issued pursuant to chapter 319 or a similar statute of another state;

3. A watercraft less than 16 feet in length and propelled solely by sail, paddle, oar, or an engine of less than 10 horsepower;

4. A watercraft that operates only on a permanently fixed, manufactured course and the movement of which is restricted to or guided by means of a mechanical device to which the watercraft is attached or by which the watercraft is controlled;

5. A stationary floating structure that:

a. Does not have and is not designed to have a mode of propulsion of its own;

b. Is dependent for utilities upon a continuous utility hookup to a source originating on shore; and

c. Has a permanent, continuous hookup to a shoreside sewage system;

6. Watercraft owned by the United States, a state, or a foreign government or a political subdivision of any of them; and



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156 7. A watercraft used solely as a lifeboat on another
157 watercraft.

158 (ff) "Vessel number" means the alphanumeric designation for
159 a vessel issued pursuant to 46 U.S.C. s. 12301.

160 (gg) "Written certificate of title" means a certificate of
161 title consisting of information inscribed on a tangible medium.

162 (2) The following definitions and terms also apply to this
163 part:

164 (a) "Agreement" as defined in s. 671.201(3).

165 (b) "Buyer in ordinary course of business" as defined in s.
166 671.201(9).

167 (c) "Conspicuous" as defined in s. 671.201(10).

168 (d) "Consumer goods" as defined in s. 679.1021(1)(w).

169 (e) "Debtor" as defined in s. 679.1021(1)(bb).

170 (f) "Knowledge" as defined in s. 671.209.

171 (g) "Lease" as defined in s. 680.1031(1)(j).

172 (h) "Lessor" as defined in 680.1031(1)(p).

173 (i) "Notice" as defined s. 671.209.

174 (j) "Representative" as defined in s. 671.201(36).

175 (k) "Sale" as defined in s. 672.106(1).

176 (l) "Security agreement" as defined in s. 679.1021(1)(uuu).

177 (m) "Seller" as defined in s. 672.103(1)(d).

178 (n) "Send" as defined in s. 671.201(39).

179 (o) "Value" as defined in s. 671.211.

180 Section 3. Section 328.01, Florida Statutes, is amended to
181 read:

182 328.01 Application for certificate of title.—

183 (1)~~(a)~~ The owner of a vessel which is required to be titled
184 shall apply to the county tax collector for a certificate of



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185 title. Except as otherwise provided in ss. 328.045, 328.11,
186 328.12, 328.215, 328.23, and 328.24, only an owner may apply for
187 a certificate of title.

188 (2) An application for a certificate of title must be
189 signed by the applicant and contain:

190 (a) The applicant's name, the street address of the
191 applicant's principal residence, and, if different, the
192 applicant's mailing address;

193 (b) The name and mailing address of each other owner of the
194 vessel;

195 (c) The hull identification number for the vessel or, if
196 none, an application for the issuance of a hull identification
197 number for the vessel;

198 (d) The vessel number for the vessel or, if none is issued
199 by the department, an application for a vessel number;

200 (e) A description of the vessel as required by the
201 department, which must include:

202 1. The official number for the vessel, if any, assigned by
203 the United States Coast Guard;

204 2. The name of the manufacturer, builder, or maker;

205 3. The model year or the year in which the manufacture or
206 build of the vessel was completed;

207 4. The overall length of the vessel;

208 5. The vessel type;

209 6. The hull material;

210 7. The propulsion type;

211 8. The engine drive type, if any; and

212 9. The fuel type, if any;

213 (f) An indication of all security interests in the vessel



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known to the applicant and the name and mailing address of each
secured party;

(g) A statement that the vessel is not a documented vessel
or a foreign-documented vessel;

(h) Any title brand known to the applicant and, if known,
the jurisdiction under whose law the title brand was created;

(i) If the applicant knows that the vessel is hull damaged,
a statement that the vessel is hull damaged;

(j) If the application is made in connection with a
transfer of ownership, the transferor's name, street address,
and, if different, mailing address, the sales price, if any, and
the date of the transfer; and

(k) If the vessel was previously registered or titled in
another jurisdiction, a statement identifying each jurisdiction
known to the applicant in which the vessel was registered or
titled.

(3) In addition to the information required by subsection
(2), an application for a certificate of title may contain an
electronic address of the owner, transferor, or secured party.

(4) Except as otherwise provided in s. 328.11, s. 328.215,
s. 328.23, or s. 328.24, an application for a certificate of
title must be accompanied by:

(a) A certificate of title signed by the owner shown on the
certificate and which:

1. Identifies the applicant as the owner of the vessel; or
2. Is accompanied by a record that identifies the applicant
as the owner; or

(b) If there is no certificate of title:

1. If the vessel was a documented vessel, a record issued



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by the United States Coast Guard which shows the vessel is no longer a documented vessel and identifies the applicant as the owner;

2. If the vessel was a foreign-documented vessel, a record issued by the foreign country which shows the vessel is no longer a foreign-documented vessel and identifies the applicant as the owner; or

3. In all other cases, a certificate of origin, bill of sale, or other record that to the satisfaction of the department identifies the applicant as the owner.

(5) A record submitted in connection with an application is part of the application. The department shall maintain the record in its files.

(6) The department may require that an application for a certificate of title be accompanied by payment or evidence of payment of all fees and taxes payable by the applicant under the laws of this state, other than this part, in connection with the application or the acquisition or use of the vessel. ~~The application shall include the true name of the owner, the residence or business address of the owner, and the complete description of the vessel, including the hull identification number, except that an application for a certificate of title for a homemade vessel shall state all the foregoing information except the hull identification number.~~

(7) (a) The application shall be signed by the owner and shall be accompanied by personal or business identification and the prescribed fee. An individual applicant must provide a valid driver license or identification card issued by this state or another state or a valid passport. A business applicant must



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provide a federal employer identification number, if applicable, verification that the business is authorized to conduct business in the state, or a Florida city or county business license or number.

(b) The owner of an undocumented vessel that is exempt from titling may apply to the county tax collector for a certificate of title by filing an application accompanied by the prescribed fee.

~~(2)(a) The owner of a manufactured vessel that was initially sold in this state for which vessel an application for an initial title is made shall establish proof of ownership by submitting with the application the original copy of the manufacturer's statement of origin for that vessel.~~

~~(b) The owner of a manufactured vessel that was initially sold in another state or country for which vessel an application for an initial title is made shall establish proof of ownership by submitting with the application:~~

~~1. The original copy of the manufacturer's statement of origin if the vessel was initially sold or manufactured in a state or country requiring the issuance of such a statement or the original copy of the executed bill of sale if the vessel was initially sold or manufactured in a state or country not requiring the issuance of a manufacturer's statement of origin; and~~

~~2. The most recent certificate of registration for the vessel, if such a certificate was issued.~~

~~(c) In making application for an initial title, the owner of a homemade vessel shall establish proof of ownership by submitting with the application:~~



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~~1. A notarized statement of the builder or its equivalent, whichever is acceptable to the Department of Highway Safety and Motor Vehicles, if the vessel is less than 16 feet in length; or~~

~~2. A certificate of inspection from the Fish and Wildlife Conservation Commission and a notarized statement of the builder or its equivalent, whichever is acceptable to the Department of Highway Safety and Motor Vehicles, if the vessel is 16 feet or more in length.~~

~~(d) The owner of a nontitled vessel registered or previously registered in another state or country for which an application for title is made in this state shall establish proof of ownership by surrendering, with the submission of the application, the original copy of the most current certificate of registration issued by the other state or country.~~

~~(e) The owner of a vessel titled in another state or country for which an application for title is made in this state shall not be issued a title unless and until all existing titles to the vessel are surrendered to the Department of Highway Safety and Motor Vehicles. The department shall retain the evidence of title which is presented by the applicant and on the basis of which the certificate of title is issued. The department shall use reasonable diligence in ascertaining whether the facts in the application are true; and, if satisfied that the applicant is the owner of the vessel and that the application is in the proper form, the department shall issue a certificate of title.~~

~~(f) In making application for the titling of a vessel previously documented by the Federal Government, the current owner shall establish proof of ownership by submitting with the~~



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~~application a copy of the canceled documentation papers or a properly executed release from documentation certificate provided by the United States Coast Guard. In the event such documentation papers or certification are in the name of a person other than the current owner, the current owner shall provide the original copy of all subsequently executed bills of sale applicable to the vessel.~~

~~(3)(a) In making application for a title upon transfer of ownership of a vessel, the new owner shall surrender to the Department of Highway Safety and Motor Vehicles the last title document issued for that vessel. The document shall be properly executed. Proper execution includes, but is not limited to, the previous owner's signature and certification that the vessel to be transferred is debt-free or is subject to a lien. If a lien exists, the previous owner shall furnish the new owner, on forms supplied by the Department of Highway Safety and Motor Vehicles, the names and addresses of all lienholders and the dates of all liens, together with a statement from each lienholder that the lienholder has knowledge of and consents to the transfer of title to the new owner.~~

~~(b) If the application for transfer of title is based upon a contractual default, the recorded lienholder shall establish proof of right to ownership by submitting with the application the original certificate of title and a copy of the applicable contract upon which the claim of ownership is made. If the claim is based upon a court order or judgment, a copy of such document shall accompany the application for transfer of title. If, on the basis of departmental records, there appears to be any other lien on the vessel, the certificate of title must contain a~~



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~~statement of such a lien, unless the application for a
certificate of title is either accompanied by proper evidence of
the satisfaction or extinction of the lien or contains a
statement certifying that any lienholder named on the last-
issued certificate of title has been sent notice by certified
mail, at least 5 days before the application was filed, of the
applicant's intention to seek a repossessed title. If such
notice is given and no written protest to the department is
presented by a subsequent lienholder within 15 days after the
date on which the notice was mailed, the certificate of title
shall be issued showing no liens. If the former owner or any
subsequent lienholder files a written protest under oath within
the 15-day period, the department shall not issue the
repossessed certificate for 10 days thereafter. If, within the
10-day period, no injunction or other order of a court of
competent jurisdiction has been served on the department
commanding it not to deliver the certificate, the department
shall deliver the repossessed certificate to the applicant, or
as is otherwise directed in the application, showing no other
liens than those shown in the application.~~

~~(c) In making application for transfer of title from a
deceased titled owner, the new owner or surviving coowner shall
establish proof of ownership by submitting with the application
the original certificate of title and the decedent's probated
last will and testament or letters of administration appointing
the personal representative of the decedent. In lieu of a
probated last will and testament or letters of administration, a
copy of the decedent's death certificate, a copy of the
decedent's last will and testament, and an affidavit by the~~



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~~decedent's surviving spouse or heirs affirming rights of ownership may be accepted by the department. If the decedent died intestate, a court order awarding the ownership of the vessel or an affidavit by the decedent's surviving spouse or heirs establishing or releasing all rights of ownership and a copy of the decedent's death certificate shall be submitted to the department.~~

(c) ~~(d)~~ An owner or coowner who has made a bona fide sale or transfer of a vessel and has delivered possession thereof to a purchaser shall not, by reason of any of the provisions of this chapter, be considered the owner or coowner of the vessel so as to be subject to civil liability for the operation of the vessel thereafter by another if the owner or coowner has fulfilled either of the following requirements:

1. The owner or coowner has delivered to the department, or has placed in the United States mail, addressed to the department, either the certificate of title, properly endorsed, or a notice in the form prescribed by the department; or

2. The owner or coowner has made proper endorsement and delivery of the certificate of title as provided by this chapter. As used in this subparagraph, the term "proper endorsement" means:

a. The signature of one coowner if the vessel is held in joint tenancy, signified by the vessel's being registered in the names of two or more persons as coowners in the alternative by the use of the word "or." In a joint tenancy, each coowner is considered to have granted to each of the other coowners the absolute right to dispose of the title and interest in the vessel, and, upon the death of a coowner, the interest of the



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decedent in the jointly held vessel passes to the surviving coowner or coowners. This sub-subparagraph is applicable even if the coowners are husband and wife; or

b. The signatures of every coowner or of the respective personal representatives of the coowners if the vessel is registered in the names of two or more persons as coowners in the conjunctive by the use of the word "and."

The department shall adopt suitable language that must appear upon the certificate of title to effectuate the manner in which the interest in or title to the vessel is held.

~~(8)(4)~~ If the owner cannot furnish the department ~~of Highway Safety and Motor Vehicles~~ with all the required ownership documentation, the department may, at its discretion, issue a title conditioned on the owner's agreement to indemnify the department and its agents and defend the title against all claims or actions arising out of such issuance.

~~(9)(5)~~ (a) An application for an initial title or a title transfer shall include payment of the applicable state sales tax or proof of payment of such tax.

(b) An application for a title transfer between individuals, which transfer is not exempt from the payment of sales tax, shall include payment of the appropriate sales tax payable on the selling price for the complete vessel rig, which includes the vessel and its motor, trailer, and accessories, if any. If the applicant submits with his or her application an itemized, properly executed bill of sale which separately describes and itemizes the prices paid for each component of the rig, only the vessel and trailer will be subject to the sales



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tax.

~~(10)(6) The department of Highway Safety and Motor Vehicles shall prescribe and provide suitable forms for applications, certificates of title, notices of security interests, and other notices and forms necessary to carry out the provisions of this chapter.~~

Section 4. Section 328.015, Florida Statutes, is created to read:

328.015 Duties and operation of the department.—

(1) The department shall retain the evidence used to establish the accuracy of the information in its files relating to the current ownership of a vessel and the information on the certificate of title.

(2) The department shall retain in its files all information regarding a security interest in a vessel for at least 10 years after the department receives a termination statement regarding the security interest. The information must be accessible by the hull identification number for the vessel and any other methods provided by the department.

(3) If a person submits a record to the department, or submits information that is accepted by the department, and requests an acknowledgment of the filing or submission, the department shall send to the person an acknowledgment showing the hull identification number of the vessel to which the record or submission relates, the information in the filed record or submission, and the date and time the record was received or the submission was accepted. A request under this section must contain the hull identification number and be delivered by means authorized by the department.



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(4) The department shall send or otherwise make available in a record the following information to any person who requests it and pays the applicable fee:

(a) Whether the files of the department indicate, as of a date and time specified by the department, but not a date earlier than 3 days before the department received the request, any certificate of title, security interest, termination statement, or title brand that relates to a vessel:

1. Identified by a hull identification number designated in the request;

2. Identified by a vessel number designated in the request;

or

3. Owned by a person designated in the request;

(b) With respect to the vessel:

1. The name and address of any owner as indicated in the files of the department or on the certificate of title;

2. The name and address of any secured party as indicated in the files of the department or on the certificate, and the effective date of the information; and

3. A copy of any termination statement indicated in the files of the department and the effective date of the termination statement; and

(c) With respect to the vessel, a copy of any certificate of origin, secured party transfer statement, transfer-by-law statement under s. 328.24, and other evidence of previous or current transfers of ownership.

(5) In responding to a request under this section, the department may provide the requested information in any medium. On request, the department shall send the requested information



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in a record that is self-authenticating.

Section 5. Section 328.02, Florida Statutes, is created to read:

328.02 Law governing vessel covered by certificate of title.—

(1) The law of the state under which a vessel's certificate of title is covered governs all issues relating to the certificate from the time the vessel becomes covered by the certificate until the vessel becomes covered by another certificate or becomes a documented vessel, even if no other relationship exists between the state and the vessel or its owner.

(2) A vessel becomes covered by a certificate of title when an application for the certificate and the applicable fee are delivered to the department in accordance with this part or to the governmental agency that creates a certificate in another jurisdiction in accordance with the law of that jurisdiction.

Section 6. Section 328.03, Florida Statutes, is amended to read:

328.03 Certificate of title required.—

(1) Except as otherwise provided in subsections (2) and (3), each vessel that is operated, used, or stored on the waters of this state must be titled by this state pursuant to this part, and the owner of a vessel for which this state is the state of principal use shall deliver to the department an application for a certificate of title for the vessel, with the applicable fee, not later than 30 days after the later of:

(a) The date of a transfer of ownership; or

(b) The date this state becomes the state of principal use.



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(2) An application for a certificate of title is not required for chapter, unless it is:

- (a) A documented vessel;
- (b) A foreign-documented vessel;
- (c) A barge;
- (d) A vessel before delivery if the vessel is under construction or completed pursuant to contract;
- (e) A vessel held by a dealer for sale or lease;
- (f) A vessel used solely for demonstration, testing, or sales promotional purposes by the manufacturer or dealer;
- (g) ~~(a)~~ A vessel operated, used, or stored exclusively on private lakes and ponds;
- (h) ~~(b)~~ A vessel owned by the United States Government;
- ~~(c) A non-motor-powered vessel less than 16 feet in length;~~
- ~~(d) A federally documented vessel;~~
- (i) ~~(e)~~ A vessel already covered by a registration number in full force and effect which was awarded to it pursuant to a federally approved numbering system of another state or by the United States Coast Guard in a state without a federally approved numbering system, if the vessel is not located in this state for a period in excess of 90 consecutive days; or
- (j) ~~(f)~~ A vessel from a country other than the United States temporarily used, operated, or stored on the waters of this state for a period that is not in excess of 90 days;
- ~~(g) An amphibious vessel for which a vehicle title is issued by the Department of Highway Safety and Motor Vehicles;~~
- ~~(h) A vessel used solely for demonstration, testing, or sales promotional purposes by the manufacturer or dealer; or~~
- ~~(i) A vessel owned and operated by the state or a political~~



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~~subdivision thereof.~~

(3) The department may not issue, transfer, or renew a number issued to a vessel pursuant to the requirements of 46 U.S.C. s. 12301 unless the department has created a certificate of title for the vessel or an application for a certificate for the vessel and the applicable fee have been delivered to the department.

~~(2) A person shall not operate, use, or store a vessel for which a certificate of title is required unless the owner has received from the Department of Highway Safety and Motor Vehicles a valid certificate of title for such vessel. However, such vessel may be operated, used, or stored for a period of up to 180 days after the date of application for a certificate of title while the application is pending.~~

~~(3) A person shall not sell, assign, or transfer a vessel titled by the state without delivering to the purchaser or transferee a valid certificate of title with an assignment on it showing the transfer of title to the purchaser or transferee. A person shall not purchase or otherwise acquire a vessel required to be titled by the state without obtaining a certificate of title for the vessel in his or her name. The purchaser or transferee shall, within 30 days after a change in vessel ownership, file an application for a title transfer with the county tax collector.~~

(4) An additional \$10 fee shall be charged against the purchaser or transferee if he or she files a title transfer application after the 30-day period. The county tax collector shall be entitled to retain \$5 of the additional amount.

(5)~~(4)~~ A certificate of title is prima facie evidence of



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the accuracy of the information in the record that constitutes the certificate and of the ownership of the vessel. A certificate of title is good for the life of the vessel so long as the certificate is owned or held by the legal holder. If a titled vessel is destroyed or abandoned, the owner, with the consent of any recorded lienholders, shall, within 30 days after the destruction or abandonment, surrender to the department for cancellation any and all title documents. If a titled vessel is insured and the insurer has paid the owner for the total loss of the vessel, the insurer shall obtain the title to the vessel and, within 30 days after receiving the title, forward the title to the department ~~of Highway Safety and Motor Vehicles~~ for cancellation. The insurer may retain the certificate of title when payment for the loss was made because of the theft of the vessel.

~~(6)(5)~~ The department ~~of Highway Safety and Motor Vehicles~~ shall provide labeled places on the title where the seller's price shall be indicated when a vessel is sold and where a selling dealer shall record his or her valid sales tax certificate of registration number.

~~(7)(6)~~ (a) The department ~~of Highway Safety and Motor Vehicles~~ shall charge a fee of \$5.25 for issuing each certificate of title. The tax collector shall be entitled to retain \$3.75 of the fee.

(b) ~~Beginning July 1, 1996,~~ The department ~~of Highway Safety and Motor Vehicles~~ shall use security procedures, processes, and materials in the preparation and issuance of each certificate of title to prohibit, to the extent possible, a person's ability to alter, counterfeit, duplicate, or modify the



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certificate.

~~(8)(7)~~ The department ~~of Highway Safety and Motor Vehicles~~ shall charge a fee of \$4 in addition to that charged in subsection (7) ~~(6)~~ for each initial certificate of title issued for a vessel previously registered outside this state.

~~(9)(8)~~ The department ~~of Highway Safety and Motor Vehicles~~ shall make regulations necessary and convenient to carry out the provisions of this chapter.

Section 7. Section 328.04, Florida Statutes, is created to read:

328.04 Content of certificate of title.—

(1) A certificate of title must contain:

(a) The date the certificate was created;

(b) The name of the owner of record and, if not all owners are listed, an indication that there are additional owners indicated in the files of the department;

(c) The mailing address of the owner of record;

(d) The hull identification number;

(e) The information listed in s. 328.01(2)(e);

(f) Except as otherwise provided in s. 328.12(2), the name and mailing address of the secured party of record, if any, and if not all secured parties are listed, an indication that there are other security interests indicated in the files of the department; and

(g) All title brands indicated in the files of the department covering the vessel, including brands indicated on a certificate created by a governmental agency of another jurisdiction and delivered to the department.

(2) This part does not preclude the department from noting



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on a certificate of title the name and mailing address of a
secured party that is not a secured party of record.

(3) For each title brand indicated on a certificate of
title, the certificate must identify the jurisdiction under
whose law the title brand was created or the jurisdiction that
created the certificate on which the title brand was indicated.
If the meaning of a title brand is not easily ascertainable or
cannot be accommodated on the certificate, the certificate may
state: "Previously branded in (insert the jurisdiction under
whose law the title brand was created or whose certificate of
title previously indicated the title brand)."

(4) If the files of the department indicate that a vessel
was previously registered or titled in a foreign country, the
department shall indicate on the certificate of title that the
vessel was registered or titled in that country.

(5) A written certificate of title must contain a form that
all owners indicated on the certificate may sign to evidence
consent to a transfer of an ownership interest to another
person. The form must include a certification, signed under
penalty of perjury, that the statements made are true and
correct to the best of each owner's knowledge, information, and
belief.

(6) A written certificate of title must contain a form for
the owner of record to indicate, in connection with a transfer
of an ownership interest, that the vessel is hull damaged.

Section 8. Section 328.045, Florida Statutes, is created to
read:

328.045 Title brands.—

(1) Unless subsection (3) applies, at or before the time



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the owner of record transfers an ownership interest in a hull-
damaged vessel that is covered by a certificate of title created
by the department, if the damage occurred while that person was
an owner of the vessel and the person has notice of the damage
at the time of the transfer, the owner shall:

(a) Deliver to the department an application for a new
certificate that complies with s. 328.01 and includes the title
brand designation "Hull Damaged"; or

(b) Indicate on the certificate in the place designated for
that purpose that the vessel is hull damaged and deliver the
certificate to the transferee.

(2) Not later than 30 days after delivery of the
application under paragraph (1)(a) or the certificate of title
under paragraph (1)(b), the department shall create a new
certificate that indicates that the vessel is branded "Hull
Damaged."

(3) Before an insurer transfers an ownership interest in a
hull-damaged vessel that is covered by a certificate of title
created by the department, the insurer shall deliver to the
department an application for a new certificate that complies
with s. 328.01 and includes the title brand designation "Hull
Damaged." Not later than 30 days after delivery of the
application to the department, the department shall create a new
certificate that indicates that the vessel is branded "Hull
Damaged."

(4) An owner of record who fails to comply with subsection
(1), a person who solicits or colludes in a failure by an owner
of record to comply with subsection (1), or an insurer that
fails to comply with subsection (3) commits a noncriminal



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infraction under s. 327.73(1) for which the penalty is \$5,000
for the first offense, \$15,000 for a second offense, and \$25,000
for each subsequent offense.

Section 9. Section 328.055, Florida Statutes, is created to
read:

328.055 Maintenance of and access to files.—

(1) For each record relating to a certificate of title
submitted to the department, the department shall:

(a) Ascertain or assign the hull identification number for
the vessel;

(b) Maintain the hull identification number and all the
information submitted with the application pursuant to s.
328.01(2) to which the record relates, including the date and
time the record was delivered to the department;

(c) Maintain the files for public inspection subject to
subsection (5); and

(d) Index the files of the department as required by
subsection (2).

(2) The department shall maintain in its files the
information contained in all certificates of title created under
this part. The information in the files of the department must
be searchable by the hull identification number of the vessel,
the vessel number, the name of the owner of record, and any
other method used by the department.

(3) The department shall maintain in its files, for each
vessel for which it has created a certificate of title, all
title brands known to the department, the name of each secured
party known to the department, the name of each person known to
the department to be claiming an ownership interest, and all



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736 stolen property reports the department has received.

737 (4) Upon request, for safety, security, or law enforcement
738 purposes, the department shall provide to federal, state, or
739 local government the information in its files relating to any
740 vessel for which the department has issued a certificate of
741 title.

742 (5) Except as otherwise provided by the laws of this state,
743 other than this part, the information required under s. 328.04
744 is a public record.

745 Section 10. Section 328.06, Florida Statutes, is created to
746 read:

747 328.06 Action required on creation of certificate of
748 title.—

749 (1) On creation of a written certificate of title, the
750 department shall promptly send the certificate to the secured
751 party of record or, if none, to the owner of record at the
752 address indicated for that person in the files of the
753 department. On creation of an electronic certificate of title,
754 the department shall promptly send a record evidencing the
755 certificate to the owner of record and, if there is one, to the
756 secured party of record at the address indicated for each person
757 in the files of the department. The department may send the
758 record to the person's mailing address or, if indicated in the
759 files of the department, an electronic address.

760 (2) If the department creates a written certificate of
761 title, any electronic certificate of title for the vessel is
762 canceled and replaced by the written certificate. The department
763 shall maintain in the files of the department the date and time
764 of cancellation.



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(3) Before the department creates an electronic certificate of title, any written certificate for the vessel must be surrendered to the department. If the department creates an electronic certificate, the department shall destroy or otherwise cancel the written certificate for the vessel which has been surrendered to the department and maintain in the files of the department the date and time of destruction or other cancellation. If a written certificate being canceled is not destroyed, the department shall indicate on the face of the certificate that it has been canceled.

Section 11. Section 328.065, Florida Statutes, is created to read:

328.065 Effect of possession of certificate of title; judicial process.—Possession of a certificate of title does not by itself provide a right to obtain possession of a vessel. Garnishment, attachment, levy, replevin, or other judicial process against the certificate is not effective to determine possessory rights to the vessel. This part does not prohibit enforcement under the laws of this state of a security interest in, levy on, or foreclosure of a statutory or common-law lien on a vessel. Absence of an indication of a statutory or common-law lien on a certificate does not invalidate the lien.

Section 12. Section 328.09, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 328.09, F.S., for present text.)

328.09 Refusal to issue and authority to cancel a certificate of title or registration.—

(1) Unless an application for a certificate of title is



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rejected under subsection (3) or subsection (4), the department shall create a certificate for the vessel in accordance with subsection (2) not later than 30 days after delivery to the department of an application that complies with s. 328.01.

(2) If the department creates electronic certificates of title, the department shall create an electronic certificate unless in the application the secured party of record or, if none, the owner of record requests that the department create a written certificate.

(3) Except as otherwise provided in subsection (4), the department may reject an application for a certificate of title only if:

(a) The application does not comply with s. 328.01;

(b) The application does not contain documentation sufficient for the department to determine whether the applicant is entitled to a certificate;

(c) There is a reasonable basis for concluding that the application is fraudulent or issuance of a certificate would facilitate a fraudulent or illegal act; or

(d) The application does not comply with the laws of this state other than this part.

(4) The department shall reject an application for a certificate of title for a vessel that is a documented vessel or a foreign-documented vessel.

(5) The department may cancel a certificate of title created by it only if the department:

(a) Could have rejected the application for the certificate under subsection (3);

(b) Is required to cancel the certificate under another



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provision of this part; or

(c) Receives satisfactory evidence that the vessel is a documented vessel or a foreign-documented vessel.

(6) The decision by the department to reject an application for a certificate of title or cancel a certificate of title pursuant to this section is subject to a hearing pursuant to ss. 120.569 and 120.57 at which the owner and any other interested party may present evidence in support of or opposition to the rejection of the application for a certificate of title or the cancellation of a certificate of title.

Section 13. Section 328.101, Florida Statutes, is created to read:

328.101 Effect of missing or incorrect information.—Except as otherwise provided in s. 679.337, a certificate of title or other record required or authorized by this part is effective even if it contains unintended scrivener's errors or does not contain certain required information if such missing information is determined by the department to be inconsequential to the issuing of a certificate of title or other record.

Section 14. Section 328.11, Florida Statutes, is amended to read:

328.11 Duplicate certificate of title.—

(1) If a written certificate of title is lost, stolen, mutilated, destroyed, or otherwise becomes unavailable or illegible, the secured party of record or, if no secured party is indicated in the files of the department, the owner of record may apply for and, by furnishing information satisfactory to the department, obtain a duplicate certificate in the name of the owner of record.



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(2) An applicant for a duplicate certificate of title must sign the application, and, except as otherwise permitted by the department, the application must comply with s. 328.01. The application must include the existing certificate unless the certificate is lost, stolen, mutilated, destroyed, or otherwise unavailable.

(3) A duplicate certificate of title created by the department must comply with s. 328.04 and indicate on the face of the certificate that it is a duplicate certificate.

(4) If a person receiving a duplicate certificate of title subsequently obtains possession of the original written certificate, the person shall promptly destroy the original certificate of title.

~~(5)(1) The Department of Highway Safety and Motor Vehicles may issue a duplicate certificate of title upon application by the person entitled to hold such a certificate if the department is satisfied that the original certificate has been lost, destroyed, or mutilated.~~ The department shall charge a fee of \$6 for issuing a duplicate certificate.

~~(6)(2)~~ In addition to the fee imposed by subsection ~~(5)(1)~~, the department of Highway Safety and Motor Vehicles shall charge a fee of \$5 for expedited service in issuing a duplicate certificate of title. Application for such expedited service may be made by mail or in person. The department shall issue each certificate of title applied for under this subsection within 5 working days after receipt of a proper application or shall refund the additional \$5 fee upon written request by the applicant.

~~(3) If, following the issuance of an original, duplicate,~~



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~~or corrected certificate of title by the department, the certificate is lost in transit and is not delivered to the addressee, the owner of the vessel or the holder of a lien thereon may, within 180 days after the date of issuance of the title, apply to the department for reissuance of the certificate of title. An additional fee may not be charged for reissuance under this subsection.~~

~~(7)-(4)~~ The department shall implement a system to verify that the application is signed by a person authorized to receive a duplicate title certificate under this section if the address shown on the application is different from the address shown for the applicant on the records of the department.

Section 15. Section 328.12, Florida Statutes, is created to read:

328.12 Perfection of security interest.—

(1) Except as otherwise provided in this section, a security interest in a vessel may be perfected only by delivery to the department of an application for a certificate of title that identifies the secured party and otherwise complies with s. 328.01. The security interest is perfected on the later of delivery to the department of the application and the applicable fee or attachment of the security interest under s. 679.2031.

(2) If the interest of a person named as owner, lessor, consignor, or bailor in an application for a certificate of title delivered to the department is a security interest, the application sufficiently identifies the person as a secured party. Identification on the application for a certificate of a person as owner, lessor, consignor, or bailor is not by itself a factor in determining whether the person's interest is a



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security interest.

(3) If the department has created a certificate of title for a vessel, a security interest in the vessel may be perfected by delivery to the department of an application, on a form the department may require, to have the security interest added to the certificate. The application must be signed by an owner of the vessel or by the secured party and must include:

(a) The name of the owner of record;

(b) The name and mailing address of the secured party;

(c) The hull identification number for the vessel; and

(d) If the department has created a written certificate of title for the vessel, the certificate.

(4) A security interest perfected under subsection (3) is perfected on the later of delivery to the department of the application and all applicable fees or attachment of the security interest under s. 679.2031.

(5) On delivery of an application that complies with subsection (3) and payment of all applicable fees, the department shall create a new certificate of title pursuant to s. 328.09 and deliver the new certificate or a record evidencing an electronic certificate pursuant to s. 328.06. The department shall maintain in the files of the department the date and time of delivery of the application to the department.

(6) If a secured party assigns a perfected security interest in a vessel, the receipt by the department of a statement providing the name of the assignee as secured party is not required to continue the perfected status of the security interest against creditors of and transferees from the original debtor. A purchaser of a vessel subject to a security interest



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who obtains a release from the secured party indicated in the files of the department or on the certificate takes free of the security interest and of the rights of a transferee unless the transfer is indicated in the files of the department or on the certificate.

(7) This section does not apply to a security interest:

(a) Created in a vessel by a person during any period in which the vessel is inventory held for sale or lease by the person or is leased by the person as lessor if the person is in the business of selling vessels;

(b) In a barge for which no application for a certificate of title has been delivered to the department; or

(c) In a vessel before delivery if the vessel is under construction, or completed, pursuant to contract and for which no application for a certificate has been delivered to the department.

(8) This subsection applies if a certificate of documentation for a documented vessel is deleted or canceled. If a security interest in the vessel was valid immediately before deletion or cancellation against a third party as a result of compliance with 46 U.S.C. s. 31321, the security interest is and remains perfected until the earlier of 4 months after cancellation of the certificate or the time the security interest becomes perfected under this part.

(9) A security interest in a vessel arising under s. 672.401, s. 672.505, s. 672.711(3), or s. 680.508(5) is perfected when it attaches but becomes unperfected when the debtor obtains possession of the vessel, unless the security interest is perfected pursuant to subsection (1) or subsection



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(3) before the debtor obtains possession.

(10) A security interest in a vessel as proceeds of other collateral is perfected to the extent provided in s. 679.3151.

(11) A security interest in a vessel perfected under the law of another jurisdiction is perfected to the extent provided in s. 679.3161(4).

Section 16. Section 328.125, Florida Statutes, is created to read:

328.125 Termination statement.—

(1) A secured party indicated in the files of the department as having a security interest in a vessel shall deliver a termination statement to the department and, on the debtor's request, to the debtor, by the earlier of:

(a) Twenty days after the secured party receives a signed demand from an owner for a termination statement and there is no obligation secured by the vessel subject to the security interest and no commitment to make an advance, incur an obligation, or otherwise give value secured by the vessel; or

(b) If the vessel is consumer goods, 30 days after there is no obligation secured by the vessel and no commitment to make an advance, incur an obligation, or otherwise give value secured by the vessel.

(2) If a written certificate of title has been created and delivered to a secured party and a termination statement is required under subsection (1), the secured party, not later than the date required by subsection (1), shall deliver the certificate to the debtor or to the department with the statement. If the certificate is lost, stolen, mutilated, destroyed, or is otherwise unavailable or illegible, the secured



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party shall deliver with the statement, not later than the date required by subsection (1), an application for a duplicate certificate meeting the requirements of s. 328.11.

(3) On delivery to the department of a termination statement authorized by the secured party, the security interest to which the statement relates ceases to be perfected. If the security interest to which the statement relates was indicated on the certificate of title, the department shall create a new certificate and deliver the new certificate or a record evidencing an electronic certificate. The department shall maintain in its files the date and time of delivery to the department of the statement.

(4) A secured party that fails to comply with this section is liable for any loss that the secured party had reason to know might result from its failure to comply and which could not reasonably have been prevented and for the cost of an application for a certificate of title under s. 328.01 or s. 328.11.

Section 17. Section 328.14, Florida Statutes, is created to read:

328.14 Rights of purchaser other than secured party.—

(1) A buyer in ordinary course of business has the protections afforded by ss. 672.403(2) and 679.320(1) even if an existing certificate of title was not signed and delivered to the buyer or a new certificate listing the buyer as owner of record was not created.

(2) Except as otherwise provided in ss. 328.145 and 328.22, the rights of a purchaser of a vessel who is not a buyer in ordinary course of business or a lien creditor are governed by



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the Uniform Commercial Code.

Section 18. Section 328.145, Florida Statutes, is created to read:

328.145 Rights of secured party.—

(1) Subject to subsection (2), the effect of perfection and nonperfection of a security interest and the priority of a perfected or unperfected security interest with respect to the rights of a purchaser or creditor, including a lien creditor, is governed by the Uniform Commercial Code.

(2) If, while a security interest in a vessel is perfected by any method under this part, the department creates a certificate of title that does not indicate that the vessel is subject to the security interest or contain a statement that it may be subject to security interests not indicated on the certificate:

(a) A buyer of the vessel, other than a person in the business of selling or leasing vessels of that kind, takes free of the security interest if the buyer, acting in good faith and without knowledge of the security interest, gives value and receives possession of the vessel; and

(b) The security interest is subordinate to a conflicting security interest in the vessel that is perfected under s. 328.12 after creation of the certificate and without the conflicting secured party's knowledge of the security interest.

Section 19. Section 328.15, Florida Statutes, is amended to read:

328.15 Notice of lien on vessel; recording.—

~~(1) No lien for purchase money or as security for a debt in the form of retain title contract, conditional bill of sale,~~



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~~ehattel mortgage, or otherwise on a vessel shall be enforceable in any of the courts of this state against creditors or subsequent purchasers for a valuable consideration and without notice unless a sworn notice of such lien is recorded. The lien certificate shall contain the following information:~~

~~(a) Name and address of the registered owner;~~

~~(b) Date of lien;~~

~~(c) Description of the vessel to include make, type, motor and serial number; and~~

~~(d) Name and address of lienholder.~~

~~The lien shall be recorded by the Department of Highway Safety and Motor Vehicles and shall be effective as constructive notice when filed. The date of filing of the notice of lien is the date of its receipt by the department's central office in Tallahassee, if first filed there, or otherwise by the office of a county tax collector or of the tax collector's agent.~~

~~(2) (a) The Department of Highway Safety and Motor Vehicles shall not enter any lien upon its lien records, whether it is a first lien or a subordinate lien, unless the official certificate of title issued for the vessel is furnished with the notice of lien, so that the record of lien, whether original or subordinate, may be noted upon the face thereof. After the department records the lien, it shall send the certificate of title to the holder of the first lien who shall hold such certificate until the lien is satisfied in full.~~

~~(b) When a vessel is registered in the names of two or more persons as coowners in the alternative by the use of the word "or," whether or not the coowners are husband and wife, each~~



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~~coowner is considered to have granted to any other coowner the absolute right to place a lien or encumbrance on the vessel, and the signature of one coowner constitutes proper execution of the notice of lien. When a vessel is registered in the names of two or more persons as coowners in the conjunctive by the use of the word "and," the signature of each coowner is required in order to place a lien or encumbrance on the vessel.~~

~~(c) If the owner of the vessel as shown on the title certificate or the director of the state child support enforcement program desires to place a second or subsequent lien or encumbrance against the vessel when the title certificate is in the possession of the first lienholder, the owner shall send a written request to the first lienholder by certified mail and such first lienholder shall forward the certificate to the department for endorsement. The department shall return the certificate to the first lienholder, as indicated in the notice of lien filed by the first lienholder, after endorsing the second or subsequent lien on the certificate and on the duplicate. If the first lienholder fails, neglects, or refuses to forward the certificate of title to the department within 10 days after the date of the owner's or the director's request, the department, on written request of the subsequent lienholder or an assignee thereof, shall demand of the first lienholder the return of such certificate for the notation of the second or subsequent lien or encumbrance.~~

~~(1)(3)~~ Upon the payment of a ~~any~~ such lien, the debtor or the registered owner of the motorboat shall be entitled to demand and receive from the lienholder a satisfaction of the lien which shall likewise be filed with the Department of



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Highway Safety and Motor Vehicles.

(2)~~(4)~~ The Department of Highway Safety and Motor Vehicles under precautionary rules and regulations to be promulgated by it may permit the use, in substitution of the formal satisfaction of lien, of other methods of satisfaction, such as perforation, appropriate stamp, or otherwise, as it deems reasonable and adequate.

(3)~~(5)~~(a) The Department of Highway Safety and Motor Vehicles shall adopt rules to administer this section. The department may by rule require that a notice of satisfaction of a lien be notarized. The department shall prepare the forms of the notice of lien and the satisfaction of lien to be supplied, at a charge not to exceed 50 percent more than cost, to applicants for recording the liens or satisfactions and shall keep a record of such notices of lien and satisfactions available for inspection by the public at all reasonable times. The division may furnish certified copies of such satisfactions for a fee of \$1, which are admissible in evidence in all courts of this state under the same conditions and to the same effect as certified copies of other public records.

(b) The department shall establish and administer an electronic titling program that requires the recording of vessel title information for new, transferred, and corrected certificates of title. Lienholders shall electronically transmit liens and lien satisfactions to the department in a format determined by the department. Individuals and lienholders who the department determines are not normally engaged in the business or practice of financing vessels are not required to participate in the electronic titling program.



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~~(6) The Department of Highway Safety and Motor Vehicles is entitled to a fee of \$1 for the recording of each notice of lien. No fee shall be charged for recording the satisfaction of a lien. All of the fees collected shall be paid into the Marine Resources Conservation Trust Fund.~~

~~(4)~~ (4) (a) Should any person, firm, or corporation holding such lien, which has been recorded by the Department of Highway Safety and Motor Vehicles, upon payment of such lien and on demand, fail or refuse, within 30 days after such payment and demand, to furnish the debtor or the registered owner of such vessel a satisfaction of the lien, then, in that event, such person, firm, or corporation shall be held liable for all costs, damages, and expenses, including reasonable attorney ~~attorney's~~ fees, lawfully incurred by the debtor or the registered owner of such vessel in any suit which may be brought in the courts of this state for the cancellation of such lien.

(b) Following satisfaction of a lien, the lienholder shall enter a satisfaction thereof in the space provided on the face of the certificate of title. If there are no subsequent liens shown thereon, the certificate shall be delivered by the lienholder to the person satisfying the lien or encumbrance and an executed satisfaction on a form provided by the department shall be forwarded to the department by the lienholder within 10 days after satisfaction of the lien.

(c) If the certificate of title shows a subsequent lien not then being discharged, an executed satisfaction of the first lien shall be delivered by the lienholder to the person satisfying the lien and the certificate of title showing satisfaction of the first lien shall be forwarded by the



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lienholder to the department within 10 days after satisfaction of the lien.

(d) If, upon receipt of a title certificate showing satisfaction of the first lien, the department determines from its records that there are no subsequent liens or encumbrances upon the vessel, the department shall forward to the owner, as shown on the face of the title, a corrected certificate showing no liens or encumbrances. If there is a subsequent lien not being discharged, the certificate of title shall be reissued showing the second or subsequent lienholder as the first lienholder and shall be delivered to the new first lienholder. The first lienholder shall be entitled to retain the certificate of title until his or her lien is satisfied. Upon satisfaction of the lien, the lienholder shall be subject to the procedures required of a first lienholder in this subsection ~~and in subsection (2)~~.

~~(5)~~ ~~(8)~~ When the original certificate of title cannot be returned to the department by the lienholder and evidence satisfactory to the department is produced that all liens or encumbrances have been satisfied, upon application by the owner for a duplicate copy of the certificate of title, upon the form prescribed by the department, accompanied by the fee prescribed in this chapter, a duplicate copy of the certificate of title without statement of liens or encumbrances shall be issued by the department and delivered to the owner.

~~(6)~~ ~~(9)~~ Any person who fails, within 10 days after receipt of a demand by the department by certified mail, to return a certificate of title to the department ~~as required by paragraph (2)~~ ~~(c)~~ or who, upon satisfaction of a lien, fails within 10 days



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after receipt of such demand to forward the appropriate document to the department as required by paragraph (4) (b) ~~(7) (b)~~ or paragraph (4) (c) ~~(7) (e)~~ commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(7) (10) The department shall use the last known address as shown by its records when sending any notice required by this section.

(8) (11) If the original lienholder sells and assigns his or her lien to some other person, and if the assignee desires to have his or her name substituted on the certificate of title as the holder of the lien, he or she may, after delivering the original certificate of title to the department and providing a sworn statement of the assignment, have his or her name substituted as a lienholder. Upon substitution of the assignee's name as lienholder, the department shall deliver the certificate of title to the assignee as the first lienholder.

(9) Subsections (1), (2), and (4)-(8) shall expire October 1, 2026.

Section 20. Section 328.16, Florida Statutes, is amended to read:

328.16 Issuance in duplicate; delivery; liens, security interests, and encumbrances.—

(1) The department shall assign a number to each certificate of title and shall issue each certificate of title and each corrected certificate in duplicate. The database record shall serve as the duplicate title certificate.

(2) An authorized person must sign the original certificate of title and each corrected certificate and, if there are no liens, security interests, or encumbrances on the vessel, as



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1229 shown in the records of the department or as shown in the
1230 application, must deliver the certificate to the applicant or to
1231 another person as directed by the applicant or person, agent, or
1232 attorney submitting the application. If there are one or more
1233 liens, security interests, or encumbrances on the vessel, the
1234 department must deliver the certificate to the first lienholder
1235 or secured party as shown by department records. The department
1236 shall deliver to the first lienholder or secured party, along
1237 with the certificate, a form to be subsequently used by the
1238 lienholder or secured party as a satisfaction. If the
1239 application for certificate of title shows the name of a first
1240 lienholder or secured party which is different from the name of
1241 the first lienholder or secured party as shown by the records of
1242 the department, the certificate shall not be issued to any
1243 person until after the department notifies all parties who
1244 appear to hold a lien or a security interest and the applicant
1245 for the certificate, in writing by certified mail. If the
1246 parties do not amicably resolve the conflict within 10 days
1247 after the date the notice was mailed, the department shall serve
1248 notice in writing by certified mail on all persons that appear
1249 to hold liens or security interests on that particular vessel,
1250 including the applicant for the certificate, to show cause
1251 within 15 days after the date the notice is mailed why it should
1252 not issue and deliver the certificate to the secured party of
1253 record or person indicated in the notice of lien filed by the
1254 lienholder whose name appears in the application as the first
1255 lienholder without showing any lien or liens as outstanding
1256 other than those appearing in the application or those filed
1257 subsequent to the filing of the application for the certificate



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of title. If, within the 15-day period, any person other than the lienholder or secured party of record shown in the application or a party filing a subsequent lien or security interest, in answer to the notice to show cause, appears in person or by a representative, or responds in writing, and files a written statement under oath that his or her lien or security interest on that particular vessel is still outstanding, the department shall not issue the certificate to anyone until after the conflict has been settled by the lien or security interest claimants involved or by a court of competent jurisdiction. If the conflict is not settled amicably within 10 days after the final date for filing an answer to the notice to show cause, the complaining party shall have 10 days to obtain a ruling, or a stay order, from a court of competent jurisdiction. If a ruling or stay order is not issued and served on the department within the 10-day period, the department shall issue the certificate showing no liens or security interests, except those shown in the application or thereafter filed, to the original applicant if there are no liens or security interests shown in the application and none are thereafter filed, or to the person indicated as the secured party of record or in the notice of lien filed by the lienholder whose name appears in the application as the first lienholder if there are liens shown in the application or thereafter filed. A duplicate certificate or corrected certificate must show only such security interest or interests or lien or liens as were shown in the application and subsequently filed liens or security interests that may be outstanding.

(3) ~~Except as provided in s. 328.15(11),~~ The certificate of



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title shall be retained by the first lienholder or secured party of record. The first lienholder or secured party of record is entitled to retain the certificate until the first lien or security interest is satisfied.

(4) Notwithstanding any requirements in this section ~~or in s. 328.15~~ indicating that a lien or security interest on a vessel shall be noted on the face of the Florida certificate of title, if there are one or more liens, security interests, or encumbrances on a vessel, the department shall electronically transmit the lien or security interest to the first lienholder or secured party and notify the first lienholder or secured party of any additional liens or security interests. Subsequent lien or security interest satisfactions shall be electronically transmitted to the department and must include the name and address of the person or entity satisfying the lien or security interest. When electronic transmission of liens or security interests and lien satisfactions or security interests are used, the issuance of a certificate of title may be waived until the last lien or security interest is satisfied and a clear certificate of title is issued to the owner of the vessel.

(5) The owner of a vessel, upon which a lien or security interest has been filed with the department or noted upon a certificate of title for a period of 5 years, may apply to the department in writing for such lien or security interest to be removed from the department files or from the certificate of title. The application must be accompanied by evidence satisfactory to the department that the applicant has notified the lienholder or secured party by certified mail, not less than 20 days before ~~prior to~~ the date of the application, of his or



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her intention to apply to the department for removal of the lien or security interest. Ten days after receipt of the application, the department may remove the lien or security interest from its files or from the certificate of title, as the case may be, if no statement in writing protesting removal of the lien or security interest is received by the department from the lienholder or secured party within the 10-day period. However, if the lienholder or secured party files with the department, within the 10-day period, a written statement that the lien or security interest is still outstanding, the department may not remove the lien or security interest until the lienholder or secured party presents a satisfaction of lien or satisfaction of security interest to the department.

Section 21. Subsection (1) of section 328.165, Florida Statutes, is amended to read:

328.165 Cancellation of certificates.—

(1) If it appears that a certificate of title has been improperly issued, the department shall cancel the certificate. Upon cancellation of any certificate of title, the department shall notify the person to whom the certificate of title was issued, and any lienholders or secured parties appearing thereon, of the cancellation and shall demand the surrender of the certificate of title; however, the cancellation does not affect the validity of any lien or security interest noted thereon. The holder of the certificate of title shall immediately return it to the department. If a certificate of registration has been issued to the holder of a certificate of title so canceled, the department shall immediately cancel the certificate of registration and demand the return of the



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certificate of registration, and the holder of such certificate of registration shall immediately return it to the department.

Section 22. Section 328.215, Florida Statutes, is created to read:

328.215 Application for transfer of ownership or termination of security interest without certificate of title.—

(1) Except as otherwise provided in s. 328.23 or s. 328.24, if the department receives, unaccompanied by a signed certificate of title, an application for a new certificate that includes an indication of a transfer of ownership or a termination statement, the department may create a new certificate under this section only if:

(a) All other requirements under ss. 328.01 and 328.09 are met;

(b) The applicant provides an affidavit stating facts showing the applicant is entitled to a transfer of ownership or termination statement;

(c) The applicant provides the department with satisfactory evidence that notification of the application has been sent to the owner of record and all persons indicated in the files of the department as having an interest, including a security interest, in the vessel; at least 45 days have passed since the notification was sent; and the department has not received an objection from any of those persons; and

(d) The applicant submits any other information required by the department as evidence of the applicant's ownership or right to terminate the security interest, and the department has no credible information indicating theft, fraud, or an undisclosed or unsatisfied security interest, lien, or other claim to an



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interest in the vessel.

(2) The department may indicate in a certificate of title created under subsection (1) that the certificate was created without submission of a signed certificate or termination statement. Unless credible information indicating theft, fraud, or an undisclosed or unsatisfied security interest, lien, or other claim to an interest in the vessel is delivered to the department not later than 1 year after creation of the certificate, on request in a form and manner required by the department, the department shall remove the indication from the certificate.

(3) Before the department creates a certificate of title under subsection (1), the department may require the applicant to post a reasonable bond or provide an equivalent source of indemnity or security. The bond, indemnity, or other security must be in a form required by the department and provide for indemnification of any owner, purchaser, or other claimant for any expense, loss, delay, or damage, including reasonable attorney fees and costs, but not including incidental or consequential damages, resulting from creation or amendment of the certificate.

(4) Unless the department receives a claim for indemnity not later than 1 year after creation of a certificate of title under subsection (1), on request in a form and manner required by the department, the department shall release any bond, indemnity, or other security. The department is not liable to a person or entity for creating a certificate of title under this section when the department issues the certificate of title in good faith based on the information provided by an applicant. An



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applicant that submits erroneous or fraudulent information with
the intent to mislead the department into issuing a certificate
of title under this section is subject to the penalties
established in s. 328.045(4) in addition to any other criminal
or civil penalties provided by law.

Section 23. Section 328.22, Florida Statutes, is created to
read:

328.22 Transfer of ownership.—

(1) On voluntary transfer of an ownership interest in a
vessel covered by a certificate of title, the following
requirements apply:

(a) If the certificate is a written certificate of title
and the transferor's interest is noted on the certificate, the
transferor shall promptly sign the certificate and deliver it to
the transferee. If the transferor does not have possession of
the certificate, the person in possession of the certificate has
a duty to facilitate the transferor's compliance with this
paragraph. A secured party does not have a duty to facilitate
the transferor's compliance with this paragraph if the proposed
transfer is prohibited by the security agreement.

(b) If the certificate of title is an electronic
certificate of title, the transferor shall promptly sign by
hand, or electronically if available, and deliver to the
transferee a record evidencing the transfer of ownership to the
transferee.

(c) The transferee has a right enforceable by specific
performance to require the transferor to comply with paragraph
(a) or paragraph (b).

(2) The creation of a certificate of title identifying the



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transferee as owner of record satisfies subsection (1).

(3) A failure to comply with subsection (1) or to apply for a new certificate of title does not render a transfer of ownership of a vessel ineffective between the parties. Except as otherwise provided in s. 328.101, s. 328.14(1), s. 328.145, or s. 328.23, a transfer of ownership without compliance with subsection (1) is not effective against another person claiming an interest in the vessel.

(4) A transferor that complies with subsection (1) is not liable as owner of the vessel for an event occurring after the transfer, regardless of whether the transferee applies for a new certificate of title.

Section 24. Section 328.23, Florida Statutes, is created to read:

328.23 Transfer of ownership by secured party's transfer statement.—

(1) For the purposes of this section, "secured party's transfer statement" means a record signed by the secured party of record stating:

(a) That there has been a default on an obligation secured by the vessel;

(b) That the secured party of record is exercising or has exercised post-default remedies with respect to the vessel;

(c) That by reason of the exercise, the secured party of record has the right to transfer the ownership interest of an owner, and the name of the owner;

(d) The name and last known mailing address of the owner of record and the secured party of record;

(e) The name of the transferee;



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(f) Other information required by s. 328.01(2); and
(g) One of the following:
1. The certificate of title is an electronic certificate.
2. The secured party does not have possession of the
written certificate of title created in the name of the owner of
record.
3. The secured party is delivering the written certificate
of title to the department with the secured party's transfer
statement.
(2) Unless the department rejects a secured party's
transfer statement for a reason stated in s. 328.09(3), not
later than 30 days after delivery to the department of the
statement and payment of fees and taxes payable under the laws
of this state, other than this part, in connection with the
statement or the acquisition or use of the vessel, the
department shall:
(a) Accept the statement;
(b) Amend the files of the department to reflect the
transfer; and
(c) If the name of the owner whose ownership interest is
being transferred is indicated on the certificate of title:
1. Cancel the certificate even if the certificate has not
been delivered to the department;
2. Create a new certificate indicating the transferee as
owner; and
3. Deliver the new certificate or a record evidencing an
electronic certificate.
(3) An application under subsection (1) or the creation of
a certificate of title under subsection (2) is not by itself a



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disposition of the vessel and does not by itself relieve the
secured party of its duties under chapter 679.

Section 25. Section 328.24, Florida Statutes, is created to
read:

328.24 Transfer by operation of law.—

(1) For the purposes of this section, "by operation of law"
means pursuant to a law or judicial order affecting ownership of
a vessel:

(a) Because of death, divorce, or other family law
proceeding, merger, consolidation, dissolution, or bankruptcy;

(b) Through the exercise of the rights of a lien creditor
or a person having a lien created by statute or rule of law; or

(c) Through other legal process.

(2) A transfer-by-law statement must contain:

(a) The name and last known mailing address of the owner of
record and the transferee and the other information required by
s. 328.01;

(b) Documentation sufficient to establish the transferee's
ownership interest or right to acquire the ownership interest;

(c) A statement that:

1. The certificate of title is an electronic certificate of
title;

2. The transferee does not have possession of the written
certificate of title created in the name of the owner of record;
or

3. The transferee is delivering the written certificate to
the department with the transfer-by-law statement; and

(d) Except for a transfer described in paragraph (1)(a),
evidence that notification of the transfer and the intent to



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file the transfer-by-law statement has been sent to all persons indicated in the files of the department as having an interest, including a security interest, in the vessel.

(3) Unless the department rejects a transfer-by-law statement for a reason stated in s. 328.09(3) or because the statement does not include documentation satisfactory to the department as to the transferee's ownership interest or right to acquire the ownership interest, not later than 30 days after delivery to the department of the statement and payment of fees and taxes payable under the law of this state, other than this part, in connection with the statement or with the acquisition or use of the vessel, the department shall:

(a) Accept the statement;

(b) Amend the files of the department to reflect the transfer; and

(c) If the name of the owner whose ownership interest is being transferred is indicated on the certificate of title:

1. Cancel the certificate even if the certificate has not been delivered to the department;

2. Create a new certificate indicating the transferee as owner;

3. Indicate on the new certificate any security interest indicated on the canceled certificate, unless a court order provides otherwise; and

4. Deliver the new certificate or a record evidencing an electronic certificate.

(4) This section does not apply to a transfer of an interest in a vessel by a secured party under part VI of chapter 679.



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Section 26. Section 328.25, Florida Statutes, is created to read:

328.25 Supplemental principles of law and equity.—Unless displaced by a provision of this part, the principles of law and equity supplement its provisions.

Section 27. Section 328.41, Florida Statutes, is created to read:

328.41 Rulemaking.—The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this part.

Section 28. Section 409.2575, Florida Statutes, is amended to read:

409.2575 Liens on motor vehicles and vessels.—

(1) The director of the state IV-D program, or the director's designee, may cause a lien for unpaid and delinquent support to be placed upon motor vehicles, as defined in chapter 320, and upon vessels, as defined in chapter 327, that are registered in the name of an obligor who is delinquent in support payments, if the title to the property is held by a lienholder, in the manner provided in chapter 319 or, if applicable in accordance with s. 328.15(9), chapter 328. Notice of lien shall not be mailed unless the delinquency in support exceeds \$600.

(2) If the first lienholder fails, neglects, or refuses to forward the certificate of title to the appropriate department as requested pursuant to s. 319.24 or, if applicable in accordance with s. 328.15(9), s. 328.15, the director of the IV-D program, or the director's designee, may apply to the circuit court for an order to enforce the requirements of s. 319.24 or s. 328.15, whichever applies.



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Section 29. Subsection (2) of section 705.103, Florida Statutes, is amended to read:

705.103 Procedure for abandoned or lost property.—

(2) Whenever a law enforcement officer ascertains that an article of lost or abandoned property is present on public property and is of such nature that it cannot be easily removed, the officer shall cause a notice to be placed upon such article in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: ...(setting forth brief description)... is unlawfully upon public property known as ...(setting forth brief description of location)... and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and publication of notice. Dated this: ...(setting forth the date of posting of notice)..., signed: ...(setting forth name, title, address, and telephone number of law enforcement officer).... Such notice shall be not less than 8 inches by 10 inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the law enforcement officer shall make a reasonable effort to ascertain the name and address of the owner. If such is reasonably available to the officer, she or he shall mail a copy of such notice to the owner on or before the date of posting. If the property is a motor vehicle as defined in s. 320.01(1) or a vessel as defined in s. 327.02, the law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles in order to determine the name and address of the owner and any person who has filed a



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lien on the vehicle or vessel as provided in s. 319.27(2) or (3)
~~or s. 328.15(1)~~. On receipt of this information, the law
enforcement agency shall mail a copy of the notice by certified
mail, return receipt requested, to the owner and to the
lienholder, if any, except that a law enforcement officer who
has issued a citation for a violation of s. 823.11 to the owner
of a derelict vessel is not required to mail a copy of the
notice by certified mail, return receipt requested, to the
owner. If, at the end of 5 days after posting the notice and
mailing such notice, if required, the owner or any person
interested in the lost or abandoned article or articles
described has not removed the article or articles from public
property or shown reasonable cause for failure to do so, the
following shall apply:

(a) For abandoned property, the law enforcement agency may
retain any or all of the property for its own use or for use by
the state or unit of local government, trade such property to
another unit of local government or state agency, donate the
property to a charitable organization, sell the property, or
notify the appropriate refuse removal service.

(b) For lost property, the officer shall take custody and
the agency shall retain custody of the property for 90 days. The
agency shall publish notice of the intended disposition of the
property, as provided in this section, during the first 45 days
of this time period.

1. If the agency elects to retain the property for use by
the unit of government, donate the property to a charitable
organization, surrender such property to the finder, sell the
property, or trade the property to another unit of local



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government or state agency, notice of such election shall be given by an advertisement published once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the property was found if the value of the property is more than \$100. If the value of the property is \$100 or less, notice shall be given by posting a description of the property at the law enforcement agency where the property was turned in. The notice must be posted for not less than 2 consecutive weeks in a public place designated by the law enforcement agency. The notice must describe the property in a manner reasonably adequate to permit the rightful owner of the property to claim it.

2. If the agency elects to sell the property, it must do so at public sale by competitive bidding. Notice of the time and place of the sale shall be given by an advertisement of the sale published once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the sale is to be held. The notice shall include a statement that the sale shall be subject to any and all liens. The sale must be held at the nearest suitable place to that where the lost or abandoned property is held or stored. The advertisement must include a description of the goods and the time and place of the sale. The sale may take place no earlier than 10 days after the final publication. If there is no newspaper of general circulation in the county where the sale is to be held, the advertisement shall be posted at the door of the courthouse and at three other public places in the county at least 10 days prior to sale. Notice of the agency's intended disposition shall describe the property in a manner reasonably adequate to permit the rightful



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owner of the property to identify it.

Section 30. Paragraph (c) of subsection (2) of section 721.08, Florida Statutes, is amended to read:

721.08 Escrow accounts; nondisturbance instruments; alternate security arrangements; transfer of legal title.—

(2) One hundred percent of all funds or other property which is received from or on behalf of purchasers of the timeshare plan or timeshare interest prior to the occurrence of events required in this subsection shall be deposited pursuant to an escrow agreement approved by the division. The funds or other property may be released from escrow only as follows:

(c) *Compliance with conditions.*—

1. Timeshare licenses.—If the timeshare plan is one in which timeshare licenses are to be sold and no cancellation or default has occurred, the escrow agent may release the escrowed funds or other property to or on the order of the developer upon presentation of:

a. An affidavit by the developer that all of the following conditions have been met:

(I) Expiration of the cancellation period.

(II) Completion of construction.

(III) Closing.

(IV) Either:

(A) Execution, delivery, and recordation by each interestholder of the nondisturbance and notice to creditors instrument, as described in this section; or

(B) Transfer by the developer of legal title to the subject accommodations and facilities, or all use rights therein, into a trust satisfying the requirements of subparagraph 4. and the



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execution, delivery, and recordation by each other
interestholder of the nondisturbance and notice to creditors
instrument, as described in this section.

b. A certified copy of each recorded nondisturbance and
notice to creditors instrument.

c. One of the following:

(I) A copy of a memorandum of agreement, as defined in s.
721.05, together with satisfactory evidence that the original
memorandum of agreement has been irretrievably delivered for
recording to the appropriate official responsible for
maintaining the public records in the county in which the
subject accommodations and facilities are located. The original
memorandum of agreement must be recorded within 180 days after
the date on which the purchaser executed her or his purchase
agreement.

(II) A notice delivered for recording to the appropriate
official responsible for maintaining the public records in each
county in which the subject accommodations and facilities are
located notifying all persons of the identity of an independent
escrow agent or trustee satisfying the requirements of
subparagraph 4. that shall maintain separate books and records,
in accordance with good accounting practices, for the timeshare
plan in which timeshare licenses are to be sold. The books and
records shall indicate each accommodation and facility that is
subject to such a timeshare plan and each purchaser of a
timeshare license in the timeshare plan.

2. Timeshare estates.—If the timeshare plan is one in which
timeshare estates are to be sold and no cancellation or default
has occurred, the escrow agent may release the escrowed funds or



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other property to or on the order of the developer upon
presentation of:

a. An affidavit by the developer that all of the following
conditions have been met:

(I) Expiration of the cancellation period.

(II) Completion of construction.

(III) Closing.

b. If the timeshare estate is sold by agreement for deed, a
certified copy of the recorded nondisturbance and notice to
creditors instrument, as described in this section.

c. Evidence that each accommodation and facility:

(I) Is free and clear of the claims of any interestholders,
other than the claims of interestholders that, through a
recorded instrument, are irrevocably made subject to the
timeshare instrument and the use rights of purchasers made
available through the timeshare instrument;

(II) Is the subject of a recorded nondisturbance and notice
to creditors instrument that complies with subsection (3) and s.
721.17; or

(III) Has been transferred into a trust satisfying the
requirements of subparagraph 4.

d. Evidence that the timeshare estate:

(I) Is free and clear of the claims of any interestholders,
other than the claims of interestholders that, through a
recorded instrument, are irrevocably made subject to the
timeshare instrument and the use rights of purchasers made
available through the timeshare instrument; or

(II) Is the subject of a recorded nondisturbance and notice
to creditors instrument that complies with subsection (3) and s.



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721.17.

3. Personal property timeshare interests.—If the timeshare plan is one in which personal property timeshare interests are to be sold and no cancellation or default has occurred, the escrow agent may release the escrowed funds or other property to or on the order of the developer upon presentation of:

a. An affidavit by the developer that all of the following conditions have been met:

(I) Expiration of the cancellation period.

(II) Completion of construction.

(III) Closing.

b. If the personal property timeshare interest is sold by agreement for transfer, evidence that the agreement for transfer complies fully with s. 721.06 and this section.

c. Evidence that one of the following has occurred:

(I) Transfer by the owner of the underlying personal property of legal title to the subject accommodations and facilities or all use rights therein into a trust satisfying the requirements of subparagraph 4.; or

(II) Transfer by the owner of the underlying personal property of legal title to the subject accommodations and facilities or all use rights therein into an owners' association satisfying the requirements of subparagraph 5.

d. Evidence of compliance with the provisions of subparagraph 6., if required.

e. If a personal property timeshare plan is created with respect to accommodations and facilities that are located on or in an oceangoing vessel, including a "documented vessel" or a "foreign vessel," as defined and governed by 46 U.S.C. chapter



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301:

(I) In making the transfer required in sub-subparagraph c., the developer shall use as its transfer instrument a document that establishes and protects the continuance of the use rights in the subject accommodations and facilities in a manner that is enforceable by the trust or owners' association.

(II) The transfer instrument shall comply fully with the provisions of this chapter, shall be part of the timeshare instrument, and shall contain specific provisions that:

(A) Prohibit the vessel owner, the developer, any manager or operator of the vessel, the owners' association or the trustee, the managing entity, or any other person from incurring any liens against the vessel except for liens that are required for the operation and upkeep of the vessel, including liens for fuel expenditures, repairs, crews' wages, and salvage, and except as provided in sub-sub-subparagraphs 4.b.(III) and 5.b.(III). All expenses, fees, and taxes properly incurred in connection with the creation, satisfaction, and discharge of any such permitted lien, or a prorated portion thereof if less than all of the accommodations on the vessel are subject to the timeshare plan, shall be common expenses of the timeshare plan.

(B) Grant a lien against the vessel in favor of the owners' association or trustee to secure the full and faithful performance of the vessel owner and developer of all of their obligations to the purchasers.

(C) Establish governing law in a jurisdiction that recognizes and will enforce the timeshare instrument and the laws of the jurisdiction of registry of the vessel.

(D) Require that a description of the use rights of



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purchasers be posted and displayed on the vessel in a manner that will give notice of such rights to any party examining the vessel. This notice must identify the owners' association or trustee and include a statement disclosing the limitation on incurring liens against the vessel described in sub-sub-sub-paragraph (A).

(E) Include the nondisturbance and notice to creditors instrument for the vessel owner and any other interestholders.

(F) The owners' association created under subparagraph 5. or trustee created under subparagraph 4. shall have access to any certificates of classification in accordance with the timeshare instrument.

(III) If the vessel is a foreign vessel, the vessel must be registered in a jurisdiction that permits a filing evidencing the use rights of purchasers in the subject accommodations and facilities, offers protection for such use rights against unfiled and inferior claims, and recognizes the document or instrument creating such use rights as a lien against the vessel.

(IV) In addition to the disclosures required by s. 721.07(5), the public offering statement and purchase contract must contain a disclosure in conspicuous type in substantially the following form:

The laws of the State of Florida govern the offering of this timeshare plan in this state. There are inherent risks in purchasing a timeshare interest in this timeshare plan because the accommodations and facilities of the timeshare plan are located on a vessel that will sail into international waters and



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into waters governed by many different jurisdictions. Therefore, the laws of the State of Florida cannot fully protect your purchase of an interest in this timeshare plan. Specifically, management and operational issues may need to be addressed in the jurisdiction in which the vessel is registered, which is (insert jurisdiction in which vessel is registered). Concerns of purchasers may be sent to (insert name of applicable regulatory agency and address).

4. Trust.—

a. If the subject accommodations or facilities, or all use rights therein, are to be transferred into a trust in order to comply with this paragraph, such transfer shall take place pursuant to this subparagraph. If the accommodations or facilities included in such transfer are subject to a lease, the unexpired term of the lease must be disclosed as the term of the timeshare plan pursuant to s. 721.07(5)(f)4.

b. Prior to the transfer of the subject accommodations and facilities, or all use rights therein, to a trust, any lien or other encumbrance against such accommodations and facilities, or use rights therein, shall be made subject to a nondisturbance and notice to creditors instrument pursuant to subsection (3). No transfer pursuant to this subparagraph shall become effective until the trustee accepts such transfer and the responsibilities set forth herein. A trust established pursuant to this subparagraph shall comply with the following provisions:

(I) The trustee shall be an individual or a business entity authorized and qualified to conduct trust business in this state. Any corporation authorized to do business in this state



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may act as trustee in connection with a timeshare plan pursuant to this chapter. The trustee must be independent from any developer or managing entity of the timeshare plan or any interestholder of any accommodation or facility of such plan.

(II) The trust shall be irrevocable so long as any purchaser has a right to occupy any portion of the timeshare property pursuant to the timeshare plan.

(III) The trustee shall not convey, hypothecate, mortgage, assign, lease, or otherwise transfer or encumber in any fashion any interest in or portion of the timeshare property with respect to which any purchaser has a right of use or occupancy unless the timeshare plan is terminated pursuant to the timeshare instrument, or such conveyance, hypothecation, mortgage, assignment, lease, transfer, or encumbrance is approved by a vote of two-thirds of all voting interests of the timeshare plan. Subject to s. 721.552, a vote of the voting interests of the timeshare plan is not required for substitution or automatic deletion of accommodations or facilities.

(IV) All purchasers of the timeshare plan or the owners' association of the timeshare plan shall be the express beneficiaries of the trust. The trustee shall act as a fiduciary to the beneficiaries of the trust. The personal liability of the trustee shall be governed by ss. 736.08125, 736.08163, 736.1013, and 736.1015. The agreement establishing the trust shall set forth the duties of the trustee. The trustee shall be required to furnish promptly to the division upon request a copy of the complete list of the names and addresses of the owners in the timeshare plan and a copy of any other books and records of the timeshare plan required to be maintained pursuant to s. 721.13



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that are in the possession, custody, or control of the trustee. All expenses reasonably incurred by the trustee in the performance of its duties, together with any reasonable compensation of the trustee, shall be common expenses of the timeshare plan.

(V) The trustee shall not resign upon less than 90 days' prior written notice to the managing entity and the division. No resignation shall become effective until a substitute trustee, approved by the division, is appointed by the managing entity and accepts the appointment.

(VI) The documents establishing the trust arrangement shall constitute a part of the timeshare instrument.

(VII) For trusts holding property in a timeshare plan located outside this state, the trust and trustee holding such property shall be deemed in compliance with the requirements of this subparagraph if such trust and trustee are authorized and qualified to conduct trust business under the laws of such jurisdiction and the agreement or law governing such trust arrangement provides substantially similar protections for the purchaser as are required in this subparagraph for trusts holding property in a timeshare plan in this state.

(VIII) The trustee shall have appointed a registered agent in this state for service of process. In the event such a registered agent is not appointed, service of process may be served pursuant to s. 721.265.

5. Owners' association.—

a. If the subject accommodations or facilities, or all use rights therein, are to be transferred into an owners' association in order to comply with this paragraph, such



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transfer shall take place pursuant to this subparagraph.

b. Before the transfer of the subject accommodations and facilities, or all use rights therein, to an owners' association, any lien or other encumbrance against such accommodations and facilities, or use rights therein, shall be made subject to a nondisturbance and notice to creditors instrument pursuant to subsection (3). No transfer pursuant to this subparagraph shall become effective until the owners' association accepts such transfer and the responsibilities set forth herein. An owners' association established pursuant to this subparagraph shall comply with the following provisions:

(I) The owners' association shall be a business entity authorized and qualified to conduct business in this state. Control of the board of directors of the owners' association must be independent from any developer or managing entity of the timeshare plan or any interestholder.

(II) The bylaws of the owners' association shall provide that the corporation may not be voluntarily dissolved without the unanimous vote of all owners of personal property timeshare interests so long as any purchaser has a right to occupy any portion of the timeshare property pursuant to the timeshare plan.

(III) The owners' association shall not convey, hypothecate, mortgage, assign, lease, or otherwise transfer or encumber in any fashion any interest in or portion of the timeshare property with respect to which any purchaser has a right of use or occupancy, unless the timeshare plan is terminated pursuant to the timeshare instrument, or unless such conveyance, hypothecation, mortgage, assignment, lease,



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transfer, or encumbrance is approved by a vote of two-thirds of all voting interests of the association and such decision is declared by a court of competent jurisdiction to be in the best interests of the purchasers of the timeshare plan. The owners' association shall notify the division in writing within 10 days after receiving notice of the filing of any petition relating to obtaining such a court order. The division shall have standing to advise the court of the division's interpretation of the statute as it relates to the petition.

(IV) All purchasers of the timeshare plan shall be members of the owners' association and shall be entitled to vote on matters requiring a vote of the owners' association as provided in this chapter or the timeshare instrument. The owners' association shall act as a fiduciary to the purchasers of the timeshare plan. The articles of incorporation establishing the owners' association shall set forth the duties of the owners' association. All expenses reasonably incurred by the owners' association in the performance of its duties, together with any reasonable compensation of the officers or directors of the owners' association, shall be common expenses of the timeshare plan.

(V) The documents establishing the owners' association shall constitute a part of the timeshare instrument.

(VI) For owners' associations holding property in a timeshare plan located outside this state, the owners' association holding such property shall be deemed in compliance with the requirements of this subparagraph if such owners' association is authorized and qualified to conduct owners' association business under the laws of such jurisdiction and the



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agreement or law governing such arrangement provides substantially similar protections for the purchaser as are required in this subparagraph for owners' associations holding property in a timeshare plan in this state.

(VII) The owners' association shall have appointed a registered agent in this state for service of process. In the event such a registered agent cannot be located, service of process may be made pursuant to s. 721.265.

6. Personal property subject to certificate of title.—If any personal property that is an accommodation or facility of a timeshare plan is subject to a certificate of title in this state pursuant to chapter 319 or chapter 328, the following notation must be made on such certificate of title pursuant to s. 319.27(1) or s. 328.15 ~~s. 328.15(1)~~:

The further transfer or encumbrance of the property subject to this certificate of title, or any lien or encumbrance thereon, is subject to the requirements of section 721.17, Florida Statutes, and the transferee or lienor agrees to be bound by all of the obligations set forth therein.

7. If the developer has previously provided a certified copy of any document required by this paragraph, she or he may for all subsequent disbursements substitute a true and correct copy of the certified copy, provided no changes to the document have been made or are required to be made.

8. In the event that use rights relating to an accommodation or facility are transferred into a trust pursuant to subparagraph 4. or into an owners' association pursuant to



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subparagraph 5., all other interestholders, including the owner of the underlying fee or underlying personal property, must execute a nondisturbance and notice to creditors instrument pursuant to subsection (3).

Section 31. (1) The rights, duties, and interests flowing from a transaction, certificate of title, or record relating to a vessel which was validly entered into or created before the effective date of this act and would be subject to this act if it had been entered into or created on or after the effective date of this act remain valid on and after the effective date of this act.

(2) This act does not affect an action or a proceeding commenced before the effective date of this act.

(3) Except as otherwise provided in subsection (4), a security interest that is enforceable immediately before the effective date of this act and would have priority over the rights of a person who becomes a lien creditor at that time is a perfected security interest under this act.

(4) A security interest perfected immediately before the effective date of this act remains perfected until the earlier of:

(a) The time perfection would have ceased under the law under which the security interest was perfected; or

(b) Three years after the effective date of this act.

(5) This act does not affect the priority of a security interest in a vessel if immediately before the effective date of this act the security interest is enforceable and perfected, and that priority is established.

Section 32. Subject to section 25, this act applies to any



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transaction, certificate of title, or record relating to a
vessel, even if the transaction, certificate of title, or record
was entered into or created before the effective date of this
act.

Section 33. This act shall take effect July 1, 2023.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to certificates of title for vessels;
creating s. 328.001, F.S.; providing a short title;
creating s. 328.0015, F.S.; providing definitions;
amending s. 328.01, F.S.; revising requirements for
application for, and information to be included in, a
certificate of title for a vessel; creating s.
328.015, F.S.; requiring the Department of Highway
Safety and Motor Vehicles to retain certain
information relating to ownership and titling of
vessels; requiring the department to furnish certain
information upon request; creating s. 328.02, F.S.;
providing that the law of the state under which a
vessel's certificate of title is covered governs all
issues relating to a certificate of title; specifying
when a vessel becomes covered by such certificate;
amending s. 328.03, F.S.; requiring a vessel owner to
deliver an application for certificate of title to the
department by a specified time; revising circumstances



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2070 under which a vessel must be titled by this state;
2071 providing requirements for issuing, transferring, or
2072 renewing the number of an undocumented vessel issued
2073 under certain federal provisions; deleting provisions
2074 relating to operation, use, or storage of a vessel;
2075 deleting provisions relating to selling, assigning, or
2076 transferring a vessel; specifying that a certificate
2077 of title is prima facie evidence of the accuracy of
2078 the information in the record that constitutes the
2079 certificate; creating s. 328.04, F.S.; providing
2080 requirements for the contents of a certificate of
2081 title; creating s. 328.045, F.S.; providing
2082 responsibilities of an owner and insurer of a hull-
2083 damaged vessel when transferring an ownership interest
2084 in the vessel; requiring the department to create a
2085 new certificate indicating such damage; providing
2086 civil penalties; creating s. 328.055, F.S.; requiring
2087 the department to maintain certain information in its
2088 files and to provide certain information to
2089 governmental entities; specifying that certain
2090 information is a public record; creating s. 328.06,
2091 F.S.; providing responsibilities of the department
2092 when creating a certificate of title; creating s.
2093 328.065, F.S.; specifying effect of possession of a
2094 certificate of title; providing construction; amending
2095 s. 328.09, F.S.; providing duties of the department
2096 relating to creation, issuance, refusal to issue, or
2097 cancellation of a certificate of title; providing for
2098 a hearing; creating s. 328.101, F.S.; specifying that



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2099 a certificate of title and certain other records are
2100 effective despite missing or incorrect information;
2101 amending s. 328.11, F.S.; providing requirements for
2102 obtaining a duplicate certificate of title; creating
2103 s. 328.12, F.S.; providing requirements for
2104 determination and perfection of a security interest in
2105 a vessel; providing applicability; creating s.
2106 328.125, F.S.; providing requirements for the delivery
2107 of a statement of termination of a security interest;
2108 providing duties of the department; providing
2109 liability for noncompliance; creating s. 328.14, F.S.;
2110 providing for the rights of a purchaser of a vessel
2111 who is not a secured party; creating s. 328.145, F.S.;
2112 providing for the rights of a secured party; amending
2113 s. 328.15, F.S.; deleting certain provisions relating
2114 to notice of a lien; providing for future expiration
2115 of certain provisions; amending ss. 328.16 and
2116 328.165, F.S.; conforming provisions to changes made
2117 by the act; creating s. 328.215, F.S.; specifying
2118 circumstances under which the department may create a
2119 new certificate of title after receipt of an
2120 application for a transfer of ownership or termination
2121 of a security interest unaccompanied by a certificate
2122 of title; authorizing the department to indicate
2123 certain information on the new certificate;
2124 authorizing the department to require a bond,
2125 indemnity, or other security; providing for the
2126 release of such bond, indemnity, or other security;
2127 providing that the department is not liable for



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2128 creating a certificate of title based on erroneous or
2129 fraudulent information; providing penalties; creating
2130 s. 328.22, F.S.; providing requirements for the
2131 transfer of ownership in a vessel; providing effect of
2132 noncompliance; creating s. 328.23, F.S.; providing a
2133 definition; providing duties of the department upon
2134 receipt of a secured party's transfer statement;
2135 providing construction; creating s. 328.24, F.S.;
2136 providing a definition; providing requirements for a
2137 transfer of ownership by operation of law; providing
2138 duties of the department; providing applicability;
2139 creating s. 328.25, F.S.; providing that the
2140 principles and law of equity supplement the provisions
2141 of the act; creating s. 328.41, F.S.; authorizing the
2142 department to adopt rules to implement vessel
2143 registration provisions; amending ss. 409.2575,
2144 705.103, and 721.08, F.S.; conforming provisions and
2145 cross-references to changes made by the act; providing
2146 construction and applicability regarding transactions,
2147 certificates of title, and records entered into or
2148 created, actions or proceedings commenced, and
2149 security interests perfected before the effective date
2150 of the act; providing applicability; providing an
2151 effective date.

By Senator Hooper

16-01049A-19

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1 A bill to be entitled
 2 An act relating to certificates of title for vessels;
 3 creating s. 328.001, F.S.; providing a short title;
 4 creating s. 328.0015, F.S.; defining terms; amending
 5 s. 328.01, F.S.; revising requirements for application
 6 for, and information to be included in, a certificate
 7 of title for a vessel; creating s. 328.015, F.S.;
 8 requiring the Department of Highway Safety and Motor
 9 Vehicles to retain certain information relating to
 10 ownership and titling of vessels; requiring the
 11 department to furnish certain information upon
 12 request; creating s. 328.02, F.S.; providing that
 13 local law governs all issues relating to a certificate
 14 of title; specifying when a vessel becomes covered by
 15 such certificate; amending s. 328.03, F.S.; requiring
 16 a vessel owner to deliver an application for a
 17 certificate of title to the department by a specified
 18 time; revising circumstances under which a vessel must
 19 be titled by this state; providing requirements for
 20 issuing, transferring, or renewing the number of an
 21 undocumented vessel issued under certain federal
 22 provisions; deleting provisions relating to operation,
 23 use, or storage of a vessel; deleting provisions
 24 relating to selling, assigning, or transferring a
 25 vessel; specifying that a certificate of title is
 26 prima facie evidence of the accuracy of the
 27 information in the record that constitutes the
 28 certificate; creating s. 328.04, F.S.; providing
 29 requirements for the content of a certificate of

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30 title; creating s. 328.045, F.S.; providing the
 31 respective responsibilities of an owner and insurer of
 32 a hull-damaged vessel when transferring an ownership
 33 interest in the vessel; requiring the department to
 34 create a new certificate of title indicating such
 35 damage; providing a civil penalty; creating s.
 36 328.055, F.S.; requiring the department to maintain
 37 certain information in its files and to provide
 38 certain information to governmental entities;
 39 specifying that certain information is a public
 40 record; creating s. 328.06, F.S.; providing
 41 responsibilities of the department when creating a
 42 certificate of title; creating s. 328.065, F.S.;
 43 specifying effect of possession of a certificate of
 44 title; providing construction; amending s. 328.09,
 45 F.S.; providing duties of the department relating to
 46 creation, issuance, refusal to issue, or cancellation
 47 of a certificate of title; providing for a hearing;
 48 creating s. 328.101, F.S.; specifying that a
 49 certificate of title and certain other records are
 50 effective despite missing or incorrect information;
 51 amending s. 328.11, F.S.; providing requirements for
 52 obtaining a duplicate certificate of title; creating
 53 s. 328.12, F.S.; providing requirements for the
 54 determination and the perfection of a security
 55 interest in a vessel; providing applicability;
 56 requiring the department to adopt rules; creating s.
 57 328.125, F.S.; providing requirements for the delivery
 58 of a statement of termination of a security interest;

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59 providing duties of the department; providing
 60 liability for noncompliance; creating s. 328.14, F.S.;
 61 providing for the rights of a purchaser of a vessel
 62 who is not a secured party; creating s. 328.145, F.S.;
 63 providing for the rights of a secured party; amending
 64 s. 328.15, F.S.; deleting certain provisions relating
 65 to notice of a lien; providing for future repeal of
 66 certain provisions; amending ss. 328.16 and 328.165,
 67 F.S.; conforming provisions to changes made by the
 68 act; creating s. 328.215, F.S.; specifying
 69 circumstances under which the department may create a
 70 new certificate of title after receipt of an
 71 application for a transfer of ownership or termination
 72 of a security interest unaccompanied by a certificate
 73 of title; authorizing the department to indicate
 74 certain information on the new certificate;
 75 authorizing the department to require a bond,
 76 indemnity, or other security under certain
 77 circumstances; providing for the release of such bond,
 78 indemnity, or other security; creating s. 328.22,
 79 F.S.; providing rules for the transfer of ownership in
 80 a vessel; providing effect of noncompliance; creating
 81 s. 328.23, F.S.; defining the term "secured party's
 82 transfer statement"; providing duties of the
 83 department upon receipt of a secured party's transfer
 84 statement; providing construction; creating s. 328.24,
 85 F.S.; defining the term "by operation of law";
 86 providing requirements for a transfer of ownership by
 87 operation of law; providing duties of the department;

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88 providing applicability; creating s. 328.25, F.S.;
 89 providing that the principles and law of equity
 90 supplement the provisions of the act; amending ss.
 91 409.2575, 705.103, and 721.08, F.S.; conforming
 92 provisions and cross-references to changes made by the
 93 act; providing construction and applicability
 94 regarding transactions, certificates of title, and
 95 records entered into or created, actions or
 96 proceedings commenced, and security interests
 97 perfected before the effective date of the act;
 98 providing applicability; providing an effective date.
 99

100 Be It Enacted by the Legislature of the State of Florida:
 101

102 Section 1. Section 328.001, Florida Statutes, is created to
 103 read:

104 328.001 Short title.—This part may be cited as the "Uniform
 105 Certificate of Title for Vessels Act."

106 Section 2. Section 328.0015, Florida Statutes, is created
 107 to read:

108 328.0015 Definitions.—

109 (1) As used in this part, the term:

110 (a) "Barge" means a vessel that is not self-propelled or
 111 fitted for propulsion by sail, paddle, oar, or similar device.

112 (b) "Builder's certificate" means a certificate of the
 113 facts of the build of a vessel as described in 46 C.F.R. s.
 114 67.99.

115 (c) "Buyer" means a person who buys or contracts to buy a
 116 vessel.

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(d) "Cancel," with respect to a certificate of title, means to make the certificate ineffective.

(e) "Certificate of origin" means a record created by a manufacturer or importer as the manufacturer's or importer's proof of identity of a vessel. The term includes a manufacturer's certificate or statement of origin and an importer's certificate or statement of origin. The term does not include a builder's certificate.

(f) "Certificate of title" means a record, created by the department or by a governmental agency of another jurisdiction under the law of that jurisdiction, that is designated as a certificate of title by the department or agency and is evidence of ownership of a vessel.

(g) "Dealer" means a person, including a manufacturer, in the business of selling vessels.

(h) "Department" means the Department of Highway Safety and Motor Vehicles.

(i) "Documented vessel" means a vessel covered by a certificate of documentation issued pursuant to 46 U.S.C. s. 12105. The term does not include a foreign-documented vessel.

(j) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(k) "Electronic certificate of title" means a certificate of title consisting of information that is stored solely in an electronic medium and is retrievable in perceivable form.

(l) "Foreign-documented vessel" means a vessel of which the ownership is recorded in a registry maintained by a country other than the United States which identifies each person who

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has an ownership interest in a vessel and includes a unique alphanumeric designation for the vessel.

(m) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(n) "Hull damaged" means compromised with respect to the integrity of a vessel's hull by a collision, allision, lightning strike, fire, explosion, running aground, or similar occurrence, or the sinking of a vessel in a manner that creates a significant risk to the integrity of the vessel's hull.

(o) "Hull identification number" means the alphanumeric designation assigned to a vessel pursuant to 33 C.F.R. part 181.

(p) "Lien creditor," with respect to a vessel, means:
1. A creditor who has acquired a lien on the vessel by attachment, levy, or the like;

2. An assignee for benefit of creditors from the time of assignment;

3. A trustee in bankruptcy from the date of the filing of the petition; or

4. A receiver in equity from the time of appointment.

(q) "Owner" means a person who has legal title to a vessel.

(r) "Owner of record" means the owner indicated in the files of the department or, if the files indicate more than one owner, the one first owner indicated.

(s) "Person" means an individual, corporation, business trust, estate, trust, statutory trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(t) "Purchase" means to take by sale, lease, mortgage,

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pledge, consensual lien, security interest, gift, or any other voluntary transaction that creates an interest in a vessel.

(u) "Purchaser" means a person who takes by purchase.

(v) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(w) "Secured party," with respect to a vessel, means a person:

1. In whose favor a security interest is created or provided for under a security agreement, regardless of whether any obligation to be secured is outstanding;

2. Who is a consignor as defined under chapter 679; or

3. Who holds a security interest arising under s. 672.401, s. 672.505, s. 672.711(3), or s. 680.508(5).

(x) "Secured party of record" means the secured party whose name is indicated as the name of the secured party in the files of the department or, if the files indicate more than one secured party, the one first indicated.

(y) "Security interest" means an interest in a vessel which secures payment or performance of an obligation if the interest is created by contract or arises under s. 672.401, s. 672.505, s. 672.711(3), or s. 680.508(5). The term includes any interest of a consignor in a vessel in a transaction that is subject to chapter 679. The term does not include the special property interest of a buyer of a vessel on identification of that vessel to a contract for sale under s. 672.501, but a buyer also may acquire a security interest by complying with chapter 679. Except as otherwise provided in s. 672.505, the right of a seller or lessor of a vessel under chapter 672 or chapter 680 to

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retain or acquire possession of the vessel is not a security interest, but a seller or lessor also may acquire a security interest by complying with chapter 679. The retention or reservation of title by a seller of a vessel, notwithstanding shipment or delivery to the buyer under s. 672.401, is limited in effect to a reservation of a security interest. Whether a transaction in the form of a lease creates a security interest is determined as provided in part II of chapter 671.

(z) "Sign" means, with present intent to authenticate or adopt a record, to:

1. Make or adopt a tangible symbol; or

2. Attach to or logically associate with the record an electronic symbol, sound, or process.

(aa) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(bb) "State of principal use" means the state on the waters of which a vessel is or will be used, operated, navigated, or employed more than on the waters of any other state during a calendar year.

(cc) "Title brand" means a designation of previous damage, use, or condition that must be indicated on a certificate of title.

(dd) "Transfer of ownership" means a voluntary or involuntary conveyance of an interest in a vessel.

(ee) "Vessel" means a watercraft used or capable of being used as a means of transportation on water, except any of the following:

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- 233 1. A seaplane.
- 234 2. An amphibious vehicle for which a certificate of title
- 235 is issued pursuant to chapter 319 or a similar statute of
- 236 another state.
- 237 3. Watercraft less than 16 feet in length and propelled
- 238 solely by sail, paddle, oar, or an engine of less than 10
- 239 horsepower.
- 240 4. Watercraft that operate only on a permanently fixed,
- 241 manufactured course and the movement of which is restricted to
- 242 or guided by means of a mechanical device to which the
- 243 watercraft is attached or by which the watercraft is controlled.
- 244 5. A stationary floating structure that:
- 245 a. Does not have and is not designed to have a mode of
- 246 propulsion of its own;
- 247 b. Is dependent for utilities upon a continuous utility
- 248 hookup to a source originating on shore; and
- 249 c. Has a permanent, continuous hookup to a shoreside sewage
- 250 system.
- 251 6. Watercraft owned by the United States, a state, or a
- 252 foreign government or a political subdivision of the United
- 253 States, a state, or a foreign government.
- 254 7. Watercraft used solely as a lifeboat on another
- 255 watercraft.
- 256 (ff) "Vessel number" means the alphanumeric designation for
- 257 a vessel issued pursuant to 46 U.S.C. s. 12301.
- 258 (gg) "Written certificate of title" means a certificate of
- 259 title consisting of information inscribed on a tangible medium.
- 260 (2) The following definitions and terms also apply to this
- 261 part:

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- 262 (a) "Agreement" as defined in s. 671.201(3).
- 263 (b) "Buyer in ordinary course of business" as defined in s.
- 264 671.201(9).
- 265 (c) "Conspicuous" as defined in s. 671.201(10).
- 266 (d) "Consumer goods" as defined in s. 679.1021(1)(w).
- 267 (e) "Debtor" as defined in s. 679.1021(1)(bb).
- 268 (f) "Knowledge" as defined in s. 671.209.
- 269 (g) "Lease" as defined in s. 680.1031(1)(j).
- 270 (h) "Lessor" as defined in 680.1031(1)(p).
- 271 (i) "Notice" as defined s. 671.209.
- 272 (j) "Representative" as defined in s. 671.201(36).
- 273 (k) "Sale" as defined in s. 672.106(1).
- 274 (l) "Security agreement" as defined in s. 679.1021(1)(uuu).
- 275 (m) "Seller" as defined in s. 672.103(1)(d).
- 276 (n) "Send" as defined in s. 671.201(39).
- 277 (o) "Value" as defined in s. 671.211.
- 278 Section 3. Section 328.01, Florida Statutes, is amended to
- 279 read:
- 280 328.01 Application for certificate of title.—
- 281 (1) ~~(a)~~ The owner of a vessel ~~that which~~ is required to be
- 282 titled shall apply to the county tax collector for a certificate
- 283 of title. Except as otherwise provided in ss. 328.045, 328.11,
- 284 328.12, 328.215, 328.23, and 328.24, only an owner may apply for
- 285 a certificate of title.
- 286 (2) An application for a certificate of title must be
- 287 signed by the applicant and contain:
- 288 (a) The applicant's name, the street address of the
- 289 applicant's principal residence, and, if different, the
- 290 applicant's mailing address;

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291 (b) The name and mailing address of each other owner of the
 292 vessel;
 293 (c) The hull identification number for the vessel or, if
 294 none, an application for the issuance of a hull identification
 295 number for the vessel;
 296 (d) The vessel number for the vessel or, if none issued by
 297 the department, an application for a vessel number;
 298 (e) A description of the vessel as required by the
 299 department, which must include:
 300 1. The official number for the vessel, if any, assigned by
 301 the United States Coast Guard;
 302 2. The name of the manufacturer, builder, or maker;
 303 3. The model year or the year in which the manufacture or
 304 build of the vessel was completed;
 305 4. The overall length of the vessel;
 306 5. The vessel type;
 307 6. The hull material;
 308 7. The propulsion type;
 309 8. The engine drive type, if any; and
 310 9. The fuel type, if any;
 311 (f) An indication of all security interests in the vessel
 312 known to the applicant and the name and mailing address of each
 313 secured party;
 314 (g) A statement that the vessel is not a documented vessel
 315 or a foreign-documented vessel;
 316 (h) Any title brand known to the applicant and, if known,
 317 the jurisdiction under whose law the title brand was created;
 318 (i) If the applicant knows that the vessel is hull damaged,
 319 a statement that the vessel is hull damaged;

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320 (j) If the application is made in connection with a
 321 transfer of ownership, the transferor's name, the street address
 322 of the transferor's principal residence, and, if different,
 323 mailing address, the sales price, if any, and the date of the
 324 transfer; and
 325 (k) If the vessel was previously registered or titled in
 326 another jurisdiction, a statement identifying each jurisdiction
 327 known to the applicant in which the vessel was registered or
 328 titled.
 329 (3) In addition to the information required by subsection
 330 (2), an application for a certificate of title may contain an
 331 electronic communication address of the owner, transferor, or
 332 secured party.
 333 (4) Except as otherwise provided in s. 328.11, s. 328.215,
 334 s. 328.23, or s. 328.24, an application for a certificate of
 335 title must be accompanied by:
 336 (a) A certificate of title that is signed by the owner
 337 shown on the certificate and that:
 338 1. Identifies the applicant as the owner of the vessel; or
 339 2. Is accompanied by a record that identifies the applicant
 340 as the owner; or
 341 (b) If there is no certificate of title:
 342 1. If the vessel was a documented vessel, a record issued
 343 by the United States Coast Guard which shows the vessel is no
 344 longer a documented vessel and which identifies the applicant as
 345 the owner;
 346 2. If the vessel was a foreign-documented vessel, a record
 347 issued by the foreign country which shows the vessel is no
 348 longer a foreign-documented vessel and which identifies the

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applicant as the owner; or

3. In all other cases, a certificate of origin, bill of sale, or other record that, to the satisfaction of the department, identifies the applicant as the owner.

(5) A record submitted in connection with an application is part of the application. The department shall maintain the record in its files.

(6) The department may require that an application for a certificate of title be accompanied by payment or evidence of payment of all fees and taxes payable by the applicant under the laws of this state other than this part in connection with the application or the acquisition or use of the vessel. The application shall include the true name of the owner, the residence or business address of the owner, and the complete description of the vessel, including the hull identification number, except that an application for a certificate of title for a homemade vessel shall state all the foregoing information except the hull identification number.

(7) (a) The application must ~~shall~~ be signed by the owner and ~~must~~ ~~shall~~ be accompanied by personal or business identification and the prescribed fee. An individual applicant ~~shall~~ ~~must~~ provide a valid driver license or identification card issued by this state or another state or a valid passport. A business applicant ~~shall~~ ~~must~~ provide a federal employer identification number, if applicable, verification that the business is authorized to conduct business in the state, or a Florida city or county business license or number.

(b) The owner of an undocumented vessel that is exempt from titling may apply to the county tax collector for a certificate

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of title by filing an application accompanied by the prescribed fee.

~~(2) (a) The owner of a manufactured vessel that was initially sold in this state for which vessel an application for an initial title is made shall establish proof of ownership by submitting with the application the original copy of the manufacturer's statement of origin for that vessel.~~

~~(b) The owner of a manufactured vessel that was initially sold in another state or country for which vessel an application for an initial title is made shall establish proof of ownership by submitting with the application:~~

~~1. The original copy of the manufacturer's statement of origin if the vessel was initially sold or manufactured in a state or country requiring the issuance of such a statement or the original copy of the executed bill of sale if the vessel was initially sold or manufactured in a state or country not requiring the issuance of a manufacturer's statement of origin; and~~

~~2. The most recent certificate of registration for the vessel, if such a certificate was issued.~~

~~(c) In making application for an initial title, the owner of a homemade vessel shall establish proof of ownership by submitting with the application:~~

~~1. A notarized statement of the builder or its equivalent, whichever is acceptable to the Department of Highway Safety and Motor Vehicles, if the vessel is less than 16 feet in length; or~~

~~2. A certificate of inspection from the Fish and Wildlife Conservation Commission and a notarized statement of the builder or its equivalent, whichever is acceptable to the Department of~~

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Highway Safety and Motor Vehicles, if the vessel is 16 feet or more in length.

(d) The owner of a nontitled vessel registered or previously registered in another state or country for which an application for title is made in this state shall establish proof of ownership by surrendering, with the submission of the application, the original copy of the most current certificate of registration issued by the other state or country.

(e) The owner of a vessel titled in another state or country for which an application for title is made in this state shall not be issued a title unless and until all existing titles to the vessel are surrendered to the Department of Highway Safety and Motor Vehicles. The department shall retain the evidence of title which is presented by the applicant and on the basis of which the certificate of title is issued. The department shall use reasonable diligence in ascertaining whether the facts in the application are true; and, if satisfied that the applicant is the owner of the vessel and that the application is in the proper form, the department shall issue a certificate of title.

(f) In making application for the titling of a vessel previously documented by the Federal Government, the current owner shall establish proof of ownership by submitting with the application a copy of the canceled documentation papers or a properly executed release from documentation certificate provided by the United States Coast Guard. In the event such documentation papers or certification are in the name of a person other than the current owner, the current owner shall provide the original copy of all subsequently executed bills of

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sale applicable to the vessel.

(3) (a) In making application for a title upon transfer of ownership of a vessel, the new owner shall surrender to the Department of Highway Safety and Motor Vehicles the last title document issued for that vessel. The document shall be properly executed. Proper execution includes, but is not limited to, the previous owner's signature and certification that the vessel to be transferred is debt-free or is subject to a lien. If a lien exists, the previous owner shall furnish the new owner, on forms supplied by the Department of Highway Safety and Motor Vehicles, the names and addresses of all lienholders and the dates of all liens, together with a statement from each lienholder that the lienholder has knowledge of and consents to the transfer of title to the new owner.

(b) If the application for transfer of title is based upon a contractual default, the recorded lienholder shall establish proof of right to ownership by submitting with the application the original certificate of title and a copy of the applicable contract upon which the claim of ownership is made. If the claim is based upon a court order or judgment, a copy of such document shall accompany the application for transfer of title. If, on the basis of departmental records, there appears to be any other lien on the vessel, the certificate of title must contain a statement of such a lien, unless the application for a certificate of title is either accompanied by proper evidence of the satisfaction or extinction of the lien or contains a statement certifying that any lienholder named on the last issued certificate of title has been sent notice by certified mail, at least 5 days before the application was filed, of the

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465 applicant's intention to seek a repossessed title. If such
 466 notice is given and no written protest to the department is
 467 presented by a subsequent lienholder within 15 days after the
 468 date on which the notice was mailed, the certificate of title
 469 shall be issued showing no liens. If the former owner or any
 470 subsequent lienholder files a written protest under oath within
 471 the 15-day period, the department shall not issue the
 472 repossessed certificate for 10 days thereafter. If, within the
 473 10-day period, no injunction or other order of a court of
 474 competent jurisdiction has been served on the department
 475 commanding it not to deliver the certificate, the department
 476 shall deliver the repossessed certificate to the applicant, or
 477 as is otherwise directed in the application, showing no other
 478 liens than those shown in the application.

479 (c) In making application for transfer of title from a
 480 deceased titled owner, the new owner or surviving coowner shall
 481 establish proof of ownership by submitting with the application
 482 the original certificate of title and the decedent's probated
 483 last will and testament or letters of administration appointing
 484 the personal representative of the decedent. In lieu of a
 485 probated last will and testament or letters of administration, a
 486 copy of the decedent's death certificate, a copy of the
 487 decedent's last will and testament, and an affidavit by the
 488 decedent's surviving spouse or heirs affirming rights of
 489 ownership may be accepted by the department. If the decedent
 490 died intestate, a court order awarding the ownership of the
 491 vessel or an affidavit by the decedent's surviving spouse or
 492 heirs establishing or releasing all rights of ownership and a
 493 copy of the decedent's death certificate shall be submitted to

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494 the department.

495 (c)(d) An owner or coowner who has made a bona fide sale or
 496 transfer of a vessel and has delivered possession thereof to a
 497 purchaser shall not, by reason of any of the provisions of this
 498 chapter, be considered the owner or coowner of the vessel so as
 499 to be subject to civil liability for the operation of the vessel
 500 thereafter by another if the owner or coowner has fulfilled
 501 either of the following requirements:

502 1. The owner or coowner has delivered to the department, or
 503 has placed in the United States mail, addressed to the
 504 department, either the certificate of title, properly endorsed,
 505 or a notice in the form prescribed by the department; or

506 2. The owner or coowner has made proper endorsement and
 507 delivery of the certificate of title as provided by this
 508 chapter. As used in this subparagraph, the term "proper
 509 endorsement" means:

510 a. The signature of one coowner if the vessel is held in
 511 joint tenancy, signified by the vessel's being registered in the
 512 names of two or more persons as coowners in the alternative by
 513 the use of the word "or." In a joint tenancy, each coowner is
 514 considered to have granted to each of the other coowners the
 515 absolute right to dispose of the title and interest in the
 516 vessel, and, upon the death of a coowner, the interest of the
 517 decedent in the jointly held vessel passes to the surviving
 518 coowner or coowners. This sub-subparagraph is applicable even if
 519 the coowners are husband and wife; or

520 b. The signatures of every coowner or of the respective
 521 personal representatives of the coowners if the vessel is
 522 registered in the names of two or more persons as coowners in

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the conjunctive by the use of the word "and."

The department shall adopt suitable language that must appear upon the certificate of title to effectuate the manner in which the interest in or title to the vessel is held.

~~(8)(4)~~ If the owner cannot furnish the department of Highway Safety and Motor Vehicles with all the required ownership documentation, the department may, at its discretion, issue a title conditioned on the owner's agreement to indemnify the department and its agents and defend the title against all claims or actions arising out of such issuance.

~~(9)(5)~~(a) An application for an initial title or a title transfer shall include payment of the applicable state sales tax or proof of payment of such tax.

(b) An application for a title transfer between individuals, which transfer is not exempt from the payment of sales tax, shall include payment of the appropriate sales tax payable on the selling price for the complete vessel rig, which includes the vessel and its motor, trailer, and accessories, if any. If the applicant submits with his or her application an itemized, properly executed bill of sale which separately describes and itemizes the prices paid for each component of the rig, only the vessel and trailer will be subject to the sales tax.

~~(10)(6)~~ The department of Highway Safety and Motor Vehicles shall prescribe and provide suitable forms for applications, certificates of title, notices of security interests, and other notices and forms necessary to carry out the provisions of this chapter.

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Section 4. Section 328.015, Florida Statutes, is created to read:

328.015 Duties and operation of the department.—

(1) The department shall retain the evidence used to establish the accuracy of the information in its files relating to the current ownership of a vessel and the information on the certificate of title.

(2) The department shall retain in its files all information regarding a security interest in a vessel for at least 10 years after the department receives a termination statement regarding the security interest. The information must be accessible by the hull identification number for the vessel and any other methods provided by the department.

(3) If a person submits a record to the department, or submits information that is accepted by the department, and requests an acknowledgment of the filing or submission, the department shall send to the person an acknowledgment showing the hull identification number of the vessel to which the record or submission relates, the information in the filed record or submission, and the date and time the record was received by or the submission was accepted by the department. A request under this section must contain the hull identification number and be delivered by means authorized by the department.

(4) The department shall send or otherwise make available in a record the following information to any person who requests it and pays the applicable fee:

(a) Whether the files of the department indicate, as of a date and time specified by the department, but not a date earlier than 3 days before the department received the request,

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any certificate of title, security interest, termination statement, or title brand that relates to a vessel:

1. Identified by a hull identification number designated in the request;
2. Identified by a vessel number designated in the request; or
3. Owned by a person designated in the request;

(b) With respect to the vessel:

1. The name and address of any owner as indicated in the files of the department or on the certificate of title;
2. The name and address of any secured party as indicated in the files of the department or on the certificate, and the effective date of the information; and
3. A copy of any termination statement indicated in the files of the department and the effective date of the termination statement; and

(c) With respect to the vessel, a copy of any certificate of origin, secured party transfer statement, transfer-by-law statement under s. 328.24, and other evidence of previous or current transfers of ownership.

(5) In responding to a request under this section, the department may provide the requested information in any medium. On request, the department shall send the requested information in a record that is self-authenticating.

Section 5. Section 328.02, Florida Statutes, is created to read:

328.02 Law governing vessel covered by certificate of title.

(1) The local law of the jurisdiction under whose

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certificate of title a vessel is covered governs all issues relating to the certificate from the time the vessel becomes covered by the certificate until the vessel becomes covered by another certificate or becomes a documented vessel, even if no other relationship exists between the jurisdiction and the vessel or its owner.

(2) A vessel becomes covered by a certificate of title when an application for the certificate and the applicable fee are delivered to the department in accordance with this part or to the governmental agency that creates a certificate in another jurisdiction in accordance with the law of that jurisdiction.

Section 6. Section 328.03, Florida Statutes, is amended to read:

328.03 Certificate of title required.—

(1) Except as otherwise provided in subsections (2) and (3), each vessel that is operated, used, or stored on the waters of this state must be titled by this state pursuant to this part, and the owner of a vessel for which this state is the state of principal use shall deliver to the department an application for a certificate of title for the vessel, with the applicable fee, not later than 20 days after the later of:

- (a) The date of a transfer of ownership.
- (b) The date this state becomes the state of principal use.

(2) An application for a certificate of title is not required for chapter, unless it is:

- (a) A documented vessel;
- (b) A foreign-documented vessel;
- (c) A barge;
- (d) A vessel before delivery if the vessel is under

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639 construction or completed pursuant to contract;

640 (e) A vessel held by a dealer for sale or lease;

641 (f) A vessel used solely for demonstration, testing, or
 642 sales promotional purposes by the manufacturer or dealer;

643 (g) ~~(e)~~ A vessel operated, used, or stored exclusively on
 644 private lakes and ponds;

645 (h) ~~(b)~~ A vessel owned by the United States Government;

646 ~~(e) A non-motor-powered vessel less than 16 feet in length;~~

647 ~~(d) A federally documented vessel;~~

648 (i) ~~(e)~~ A vessel already covered by a registration number in
 649 full force and effect which was awarded to it pursuant to a
 650 federally approved numbering system of another state or by the
 651 United States Coast Guard in a state without a federally
 652 approved numbering system, if the vessel is not located in this
 653 state for a period in excess of 90 consecutive days; or

654 (j) ~~(f)~~ A vessel from a country other than the United States
 655 temporarily used, operated, or stored on the waters of this
 656 state for a period that is not in excess of 90 days;

657 ~~(g) An amphibious vessel for which a vehicle title is~~
 658 ~~issued by the Department of Highway Safety and Motor Vehicles;~~

659 ~~(h) A vessel used solely for demonstration, testing, or~~
 660 ~~sales promotional purposes by the manufacturer or dealer; or~~

661 ~~(i) A vessel owned and operated by the state or a political~~
 662 ~~subdivision thereof.~~

663 (3) The department may not issue, transfer, or renew a
 664 certificate of number for a vessel issued pursuant to the
 665 requirements of 46 U.S.C. s. 12301, unless the department has
 666 created a certificate of title for the vessel or an application
 667 for a certificate for the vessel and the applicable fee have

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668 been delivered to the department.

669 ~~(2) A person shall not operate, use, or store a vessel for~~
 670 ~~which a certificate of title is required unless the owner has~~
 671 ~~received from the Department of Highway Safety and Motor~~
 672 ~~Vehicles a valid certificate of title for such vessel. However,~~
 673 ~~such vessel may be operated, used, or stored for a period of up~~
 674 ~~to 180 days after the date of application for a certificate of~~
 675 ~~title while the application is pending.~~

676 ~~(3) A person shall not sell, assign, or transfer a vessel~~
 677 ~~titled by the state without delivering to the purchaser or~~
 678 ~~transferee a valid certificate of title with an assignment on it~~
 679 ~~showing the transfer of title to the purchaser or transferee. A~~
 680 ~~person shall not purchase or otherwise acquire a vessel required~~
 681 ~~to be titled by the state without obtaining a certificate of~~
 682 ~~title for the vessel in his or her name. The purchaser or~~
 683 ~~transferee shall, within 30 days after a change in vessel~~
 684 ~~ownership, file an application for a title transfer with the~~
 685 ~~county tax collector.~~

686 (4) An additional \$10 fee shall be charged against the
 687 purchaser or transferee if he or she files a title transfer
 688 application after the 20-day 30-day period. The county tax
 689 collector shall be entitled to retain \$5 of the additional
 690 amount.

691 (5) ~~(4)~~ A certificate of title is prima facie evidence of
 692 the accuracy of the information in the record that constitutes
 693 the certificate and of the ownership of the vessel. A
 694 certificate of title is good for the life of the vessel so long
 695 as the certificate is owned or held by the legal holder. If a
 696 titled vessel is destroyed or abandoned, the owner, with the

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 697 consent of any recorded lienholders, must ~~shall~~, within 30 days
 698 after the destruction or abandonment, surrender to the
 699 department for cancellation any and all title documents. If a
 700 titled vessel is insured and the insurer has paid the owner for
 701 the total loss of the vessel, the insurer shall obtain the title
 702 to the vessel and, within 30 days after receiving the title,
 703 forward the title to the department ~~of Highway Safety and Motor~~
 704 ~~Vehicles~~ for cancellation. The insurer may retain the
 705 certificate of title when payment for the loss was made because
 706 of the theft of the vessel.

(6) ~~(5)~~ The department ~~of Highway Safety and Motor Vehicles~~
 707 shall provide labeled places on the title where the seller's
 708 price shall be indicated when a vessel is sold and where a
 709 selling dealer shall record his or her valid sales tax
 710 certificate of registration number.

(7) ~~(6)~~ (a) The department ~~of Highway Safety and Motor~~
 712 ~~Vehicles~~ shall charge a fee of \$5.25 for issuing each
 713 certificate of title. The tax collector shall be entitled to
 714 retain \$3.75 of the fee.

(b) ~~Beginning July 1, 1996,~~ The department ~~of Highway~~
 717 ~~Safety and Motor Vehicles~~ shall use security procedures,
 718 processes, and materials in the preparation and issuance of each
 719 certificate of title to prohibit, to the extent possible, a
 720 person's ability to alter, counterfeit, duplicate, or modify the
 721 certificate.

(8) ~~(7)~~ The department ~~of Highway Safety and Motor Vehicles~~
 723 shall charge a fee of \$4 in addition to that charged in
 724 subsection (7) ~~(6)~~ for each initial certificate of title issued
 725 for a vessel previously registered outside this state.

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 726 ~~(9) (8)~~ The department ~~of Highway Safety and Motor Vehicles~~
 727 shall make regulations necessary and convenient to carry out the
 728 provisions of this chapter.

Section 7. Section 328.04, Florida Statutes, is created to
 730 read:

328.04 Content of certificate of title.-

(1) A certificate of title must contain:

(a) The date the certificate was created;

(b) The name of the owner of record and, if not all owners
 735 are listed, an indication that there are additional owners
 736 indicated in the files of the department;

(c) The mailing address of the owner of record;

(d) The hull identification number;

(e) The information listed in s. 328.01(2)(e);

(f) Except as otherwise provided in s. 328.12(2), the name
 741 and mailing address of the secured party of record, if any, and
 742 if not all secured parties are listed, an indication that there
 743 are other security interests indicated in the files of the
 744 department; and

(g) All title brands indicated in the files of the
 746 department covering the vessel, including brands indicated on a
 747 certificate created by a governmental agency of another
 748 jurisdiction and delivered to the department.

(2) This part does not preclude the department from noting
 750 on a certificate of title the name and mailing address of a
 751 secured party who is not a secured party of record.

(3) For each title brand indicated on a certificate of
 753 title, the certificate must identify the jurisdiction under
 754 whose law the title brand was created or the jurisdiction that

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created the certificate on which the title brand was indicated.
If the meaning of a title brand is not easily ascertainable or cannot be accommodated on the certificate, the certificate may state: "Previously branded in (insert the jurisdiction under whose law the title brand was created or whose certificate of title previously indicated the title brand)."

(4) If the files of the department indicate that a vessel was previously registered or titled in a foreign country, the department shall indicate on the certificate of title that the vessel was registered or titled in that country.

(5) A written certificate of title must contain a form that all owners indicated on the certificate may sign to evidence consent to a transfer of an ownership interest to another person. The form must include a certification, signed under penalty of perjury, that the statements made are true and correct to the best of each owner's knowledge, information, and belief.

(6) A written certificate of title must contain a form for the owner of record to indicate, in connection with a transfer of an ownership interest, that the vessel is hull damaged.

Section 8. Section 328.045, Florida Statutes, is created to read:

328.045 Title brands.-

(1) Unless subsection (3) applies, at or before the time the owner of record transfers an ownership interest in a hull-damaged vessel that is covered by a certificate of title created by the department, if the damage occurred while that person was an owner of the vessel and the person has notice of the damage at the time of the transfer, the owner shall:

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(a) Deliver to the department an application for a new certificate that complies with s. 328.01 and includes the title brand designation "Hull Damaged"; or

(b) Indicate on the certificate in the place designated for that purpose that the vessel is hull damaged, and deliver the certificate to the transferee.

(2) Not later than 20 days after delivery of the application under paragraph (1)(a) or the certificate of title under paragraph (1)(b), the department shall create a new certificate that indicates that the vessel is branded "Hull Damaged."

(3) Before an insurer transfers an ownership interest in a hull-damaged vessel that is covered by a certificate of title created by the department, the insurer shall deliver to the department an application for a new certificate that complies with s. 328.01 and includes the title brand designation "Hull Damaged." Not later than 20 days after delivery of the application to the department, the department shall create a new certificate that indicates that the vessel is branded "Hull Damaged."

(4) An owner of record who fails to comply with subsection (1), a person who solicits or colludes in a failure by an owner of record to comply with subsection (1), or an insurer that fails to comply with subsection (3) is subject to a civil penalty of \$1,000.

Section 9. Section 328.055, Florida Statutes, is created to read:

328.055 Maintenance of and access to files.-

(1) For each record relating to a certificate of title

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submitted to the department, the department shall:

(a) Ascertain or assign the hull identification number for the vessel;

(b) Maintain the hull identification number and all the information submitted with the application pursuant to s. 328.01(2) to which the record relates, including the date and time the record was delivered to the department;

(c) Maintain the files for public inspection subject to subsection (5); and

(d) Index the files of the department as required by subsection (2).

(2) The department shall maintain in its files the information contained in all certificates of title created under this part. The information in the files of the department must be searchable by the hull identification number of the vessel, the vessel number, the name of the owner of record, and any other method used by the department.

(3) The department shall maintain in its files, for each vessel for which it has created a certificate of title, all title brands known to the department, the name of each secured party known to the department, the name of each person known to the department to be claiming an ownership interest, and all stolen property reports the department has received.

(4) Upon request, for safety, security, or law enforcement purposes, the department shall provide to federal, state, or local government the information in its files relating to any vessel for which the department has issued a certificate of title.

(5) Except as otherwise provided by the laws of this state

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other than this part, the information required under s. 328.04 is a public record.

Section 10. Section 328.06, Florida Statutes, is created to read:

328.06 Action required on creation of certificate of title.-

(1) On creation of a written certificate of title, the department shall promptly send the certificate to the secured party of record or, if none, to the owner of record at the address indicated for that person in the department's files. On creation of an electronic certificate of title, the department shall promptly send a record evidencing the certificate to the owner of record and, if there is one, to the secured party of record at the address indicated for each person in the department's files. The department may send the record to the person's mailing address or, if indicated in the department's files, to an electronic address.

(2) If the department creates a written certificate of title, any electronic certificate of title for the vessel is canceled and replaced by the written certificate. The department shall maintain in the department's files the date and time of cancellation.

(3) Before the department creates an electronic certificate of title, any written certificate for the vessel must be surrendered to the department. If the department creates an electronic certificate, the department must destroy or otherwise cancel the written certificate for the vessel which has been surrendered to the department and maintain in the department's files the date and time of destruction or other cancellation. If

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871 a written certificate being canceled is not destroyed, the
 872 department shall indicate on the face of the certificate that it
 873 has been canceled.

874 Section 11. Section 328.065, Florida Statutes, is created
 875 to read:

876 328.065 Effect of possession of certificate of title;
 877 judicial process.—Possession of a certificate of title does not
 878 by itself provide a right to obtain possession of a vessel.
 879 Garnishment, attachment, levy, replevin, or other judicial
 880 process against the certificate is not effective to determine
 881 possessory rights to the vessel. This part does not prohibit
 882 enforcement under the laws of this state of a security interest
 883 in, levy on, or foreclosure of a statutory or common-law lien on
 884 a vessel. Absence of an indication of a statutory or common-law
 885 lien on a certificate does not invalidate the lien.

886 Section 12. Section 328.09, Florida Statutes, is amended to
 887 read:

888 (Substantial rewording of section. See
 889 s. 328.09, F.S., for present text.)

890 328.09 Refusal to issue and authority to cancel a
 891 certificate of title or registration.—

892 (1) Unless an application for a certificate of title is
 893 rejected under subsection (3) or subsection (4), the department
 894 shall create a certificate for the vessel in accordance with
 895 subsection (2) not later than 20 days after delivery to the
 896 department of an application that complies with s. 328.01.

897 (2) If the department creates electronic certificates of
 898 title, the department shall create an electronic certificate
 899 unless in the application the secured party of record or, if

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900 none, the owner of record requests that the department create a
 901 written certificate.

902 (3) Except as otherwise provided in subsection (4), the
 903 department may reject an application for a certificate of title
 904 only if:

905 (a) The application does not comply with s. 328.01;

906 (b) The application does not contain documentation
 907 sufficient for the department to determine whether the applicant
 908 is entitled to a certificate;

909 (c) There is a reasonable basis for concluding that the
 910 application is fraudulent or that issuance of a certificate
 911 would facilitate a fraudulent or illegal act; or

912 (d) The application does not comply with the laws of this
 913 state other than this part.

914 (4) The department shall reject an application for a
 915 certificate of title for a vessel that is a documented vessel or
 916 a foreign-documented vessel.

917 (5) The department may cancel a certificate of title it
 918 created only if the department:

919 (a) Could have rejected the application for the certificate
 920 under subsection (3);

921 (b) Is required to cancel the certificate under another
 922 provision of this part; or

923 (c) Receives satisfactory evidence that the vessel is a
 924 documented vessel or a foreign-documented vessel.

925 (6) The department shall provide an opportunity for a
 926 hearing pursuant to ss. 120.569 and 120.57 at which the owner
 927 and any other interested party may present evidence in support
 928 of or opposition to cancellation of a certificate of title.

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929 Section 13. Section 328.101, Florida Statutes, is created
930 to read:

931 328.101 Effect of missing or incorrect information.—Except
932 as otherwise provided in s. 679.337, a certificate of title or
933 other record required or authorized by this part is effective
934 even if it contains incorrect information or does not contain
935 required information.

936 Section 14. Section 328.11, Florida Statutes, is amended to
937 read:

938 328.11 Duplicate certificate of title.—

939 (1) If a written certificate of title is lost, stolen,
940 mutilated, destroyed, or otherwise becomes unavailable or
941 illegible, the secured party of record or, if no secured party
942 is indicated in the department's files, the owner of record may
943 apply for and, by furnishing information satisfactory to the
944 department, obtain a duplicate certificate in the name of the
945 owner of record.

946 (2) An applicant for a duplicate certificate of title shall
947 sign the application, and, except as otherwise permitted by the
948 department, the application must comply with s. 328.01. The
949 application must include the existing certificate unless the
950 certificate is lost, stolen, mutilated, destroyed, or otherwise
951 unavailable.

952 (3) A duplicate certificate of title created by the
953 department must comply with s. 328.04 and indicate on the face
954 of the certificate that it is a duplicate certificate.

955 (4) If a person receiving a duplicate certificate of title
956 subsequently obtains possession of the original written
957 certificate, the person shall promptly destroy the original

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958 certificate of title.

959 ~~(5)(1) The Department of Highway Safety and Motor Vehicles~~
960 ~~may issue a duplicate certificate of title upon application by~~
961 ~~the person entitled to hold such a certificate if the department~~
962 ~~is satisfied that the original certificate has been lost,~~
963 ~~destroyed, or mutilated.~~ The department shall charge a fee of \$6
964 for issuing a duplicate certificate.

965 ~~(6)(2)~~ In addition to the fee imposed by subsection (5)
966 ~~(1)~~, the department of ~~Highway Safety and Motor Vehicles~~ shall
967 charge a fee of \$5 for expedited service in issuing a duplicate
968 certificate of title. Application for such expedited service may
969 be made by mail or in person. The department shall issue each
970 certificate of title applied for under this subsection within 5
971 working days after receipt of a proper application or shall
972 refund the additional \$5 fee upon written request by the
973 applicant.

974 ~~(3) If, following the issuance of an original, duplicate,~~
975 ~~or corrected certificate of title by the department, the~~
976 ~~certificate is lost in transit and is not delivered to the~~
977 ~~addressee, the owner of the vessel or the holder of a lien~~
978 ~~thereon may, within 180 days after the date of issuance of the~~
979 ~~title, apply to the department for reissuance of the certificate~~
980 ~~of title. An additional fee may not be charged for reissuance~~
981 ~~under this subsection.~~

982 (7)(4) The department shall implement a system to verify
983 that the application is signed by a person authorized to receive
984 a duplicate title certificate under this section if the address
985 shown on the application is different from the address shown for
986 the applicant on the records of the department.

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987 Section 15. Section 328.12, Florida Statutes, is created to
988 read:

989 328.12 Perfection of security interest.-

990 (1) Except as otherwise provided in this section, a
991 security interest in a vessel may be perfected only by delivery
992 to the department of an application for a certificate of title
993 which identifies the secured party and otherwise complies with
994 s. 328.01. The security interest is perfected on the later of
995 delivery to the department of the application and the applicable
996 fee or attachment of the security interest under s. 679.2031.

997 (2) If the interest of a person named as owner, lessor,
998 consignor, or bailor in an application for a certificate of
999 title delivered to the department is a security interest, the
1000 application sufficiently identifies the person as a secured
1001 party. Identification on the application for a certificate of a
1002 person as owner, lessor, consignor, or bailor is not by itself a
1003 factor in determining whether the person's interest is a
1004 security interest.

1005 (3) If the department has created a certificate of title
1006 for a vessel, a security interest in the vessel may be perfected
1007 by delivery to the department of an application, on a form the
1008 department may require, to have the security interest added to
1009 the certificate. The application must be signed by an owner of
1010 the vessel or by the secured party and must include:

1011 (a) The name of the owner of record;

1012 (b) The name and mailing address of the secured party;

1013 (c) The hull identification number for the vessel; and

1014 (d) If the department has created a written certificate of
1015 title for the vessel, the certificate.

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1016 (4) A security interest perfected under subsection (3) is
1017 perfected on the later of delivery to the department of the
1018 application and all applicable fees or attachment of the
1019 security interest under s. 679.2031.

1020 (5) Upon delivery of an application that complies with
1021 subsection (3) and payment of all applicable fees, the
1022 department shall create a new certificate of title pursuant to
1023 s. 328.09 and deliver the new certificate or a record evidencing
1024 an electronic certificate pursuant to s. 328.06. The department
1025 shall maintain in the department's files the date and time of
1026 delivery of the application to the department.

1027 (6) If a secured party assigns a perfected security
1028 interest in a vessel, the receipt by the department of a
1029 statement providing the name of the assignee as secured party is
1030 not required to continue the perfected status of the security
1031 interest against creditors of and transferees from the original
1032 debtor. A purchaser of a vessel subject to a security interest
1033 who obtains a release from the secured party indicated in the
1034 files of the department or on the certificate takes free of the
1035 security interest and of the rights of a transferee unless the
1036 transfer is indicated in the files of the department or on the
1037 certificate.

1038 (7) This section does not apply to a security interest:

1039 (a) Created in a vessel by a person during any period in
1040 which the vessel is inventory held for sale or lease by the
1041 person or is leased by the person as lessor if the person is in
1042 the business of selling vessels;

1043 (b) In a barge for which no application for a certificate
1044 of title has been delivered to the department; or

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(c) In a vessel before delivery if the vessel is under construction, or completed, pursuant to contract and for which no application for a certificate has been delivered to the department.

(8) This subsection applies if a certificate of documentation for a documented vessel is deleted or canceled. If a security interest in the vessel was valid immediately before deletion or cancellation against a third party as a result of compliance with 46 U.S.C. s. 31321, the security interest is and remains perfected until the earlier of 4 months after cancellation of the certificate or the time the security interest becomes perfected under this part.

(9) A security interest in a vessel arising under s. 672.401, s. 672.505, s. 672.711(3), or s. 680.508(5) is perfected when it attaches, but becomes unperfected when the debtor obtains possession of the vessel, unless the security interest is perfected pursuant to subsection (1) or subsection (3) before the debtor obtains possession.

(10) A security interest in a vessel as proceeds of other collateral is perfected to the extent provided in s. 679.3151.

(11) A security interest in a vessel perfected under the law of another jurisdiction is perfected to the extent provided in s. 679.3161(4).

(12) The department shall adopt rules to administer this section.

Section 16. Section 328.125, Florida Statutes, is created to read:

328.125 Termination statement.—

(1) A secured party indicated in the department's files as

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having a security interest in a vessel shall deliver a termination statement to the department and, on the debtor's request, to the debtor, by the earlier of:

(a) Twenty days after the secured party receives a signed demand from an owner for a termination statement and there is no obligation secured by the vessel subject to the security interest and no commitment to make an advance, incur an obligation, or otherwise give value secured by the vessel; or

(b) If the vessel is consumer goods, 30 days after there is no obligation secured by the vessel and no commitment to make an advance, incur an obligation, or otherwise give value secured by the vessel.

(2) If a written certificate of title has been created and delivered to a secured party and a termination statement is required under subsection (1), the secured party, not later than the date required by subsection (1), shall deliver the certificate to the debtor or to the department with the statement. If the certificate is lost, stolen, mutilated, destroyed, or is otherwise unavailable or illegible, the secured party shall deliver with the statement, not later than the date required by subsection (1), an application for a duplicate certificate which meets the requirements of s. 328.11.

(3) Upon delivery to the department of a termination statement authorized by the secured party, the security interest to which the statement relates ceases to be perfected. If the security interest to which the statement relates is indicated on the certificate of title, the department shall create a new certificate and deliver the new certificate or a record evidencing an electronic certificate. The department shall

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maintain in its files the date and time of delivery to the department of the statement.

(4) A secured party who fails to comply with this section is liable for any loss that the secured party had reason to know might result from its failure to comply and which could not reasonably have been prevented and for the cost of an application for a certificate of title under s. 328.01 or s. 328.11.

Section 17. Section 328.14, Florida Statutes, is created to read:

328.14 Rights of purchaser other than secured party.-

(1) A buyer in ordinary course of business has the protections afforded by ss. 672.403(2) and 679.320(1), even if an existing certificate of title was not signed and delivered to the buyer or a new certificate listing the buyer as owner of record was not created.

(2) Except as otherwise provided in ss. 328.145 and 328.22, the rights of a purchaser of a vessel who is not a buyer in ordinary course of business or a lien creditor are governed by the Uniform Commercial Code.

Section 18. Section 328.145, Florida Statutes, is created to read:

328.145 Rights of secured party.-

(1) Subject to subsection (2), the effect of perfection and nonperfection of a security interest and the priority of a perfected or unperfected security interest with respect to the rights of a purchaser or creditor, including a lien creditor, is governed by the Uniform Commercial Code.

(2) If, while a security interest in a vessel is perfected

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by any method under this part, the department creates a certificate of title that does not indicate that the vessel is subject to the security interest or contain a statement that it may be subject to security interests not indicated on the certificate:

(a) A buyer of the vessel, other than a person in the business of selling or leasing vessels of that kind, takes free of the security interest if the buyer, acting in good faith and without knowledge of the security interest, gives value and receives possession of the vessel; and

(b) The security interest is subordinate to a conflicting security interest in the vessel that is perfected under s. 328.12 after creation of the certificate and without the conflicting secured party's knowledge of the security interest.

Section 19. Section 328.15, Florida Statutes, is amended to read:

328.15 Notice of lien on vessel; recording.-

~~(1) No lien for purchase money or as security for a debt in the form of retain title contract, conditional bill of sale, chattel mortgage, or otherwise on a vessel shall be enforceable in any of the courts of this state against creditors or subsequent purchasers for a valuable consideration and without notice unless a sworn notice of such lien is recorded. The lien certificate shall contain the following information:~~

~~(a) Name and address of the registered owner;~~

~~(b) Date of lien;~~

~~(c) Description of the vessel to include make, type, motor and serial number; and~~

~~(d) Name and address of lienholder.~~

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~~The lien shall be recorded by the Department of Highway Safety and Motor Vehicles and shall be effective as constructive notice when filed. The date of filing of the notice of lien is the date of its receipt by the department's central office in Tallahassee, if first filed there, or otherwise by the office of a county tax collector or of the tax collector's agent.~~

~~(2)(a) The Department of Highway Safety and Motor Vehicles shall not enter any lien upon its lien records, whether it is a first lien or a subordinate lien, unless the official certificate of title issued for the vessel is furnished with the notice of lien, so that the record of lien, whether original or subordinate, may be noted upon the face thereof. After the department records the lien, it shall send the certificate of title to the holder of the first lien who shall hold such certificate until the lien is satisfied in full.~~

~~(b) When a vessel is registered in the names of two or more persons as coowners in the alternative by the use of the word "or," whether or not the coowners are husband and wife, each coowner is considered to have granted to any other coowner the absolute right to place a lien or encumbrance on the vessel, and the signature of one coowner constitutes proper execution of the notice of lien. When a vessel is registered in the names of two or more persons as coowners in the conjunctive by the use of the word "and," the signature of each coowner is required in order to place a lien or encumbrance on the vessel.~~

~~(c) If the owner of the vessel as shown on the title certificate or the director of the state child support enforcement program desires to place a second or subsequent lien~~

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~~or encumbrance against the vessel when the title certificate is in the possession of the first lienholder, the owner shall send a written request to the first lienholder by certified mail and such first lienholder shall forward the certificate to the department for endorsement. The department shall return the certificate to the first lienholder, as indicated in the notice of lien filed by the first lienholder, after endorsing the second or subsequent lien on the certificate and on the duplicate. If the first lienholder fails, neglects, or refuses to forward the certificate of title to the department within 10 days after the date of the owner's or the director's request, the department, on written request of the subsequent lienholder or an assignee thereof, shall demand of the first lienholder the return of such certificate for the notation of the second or subsequent lien or encumbrance.~~

(1)(3) Upon the payment of a any such lien, the debtor or the registered owner of the motorboat shall be entitled to demand and receive from the lienholder a satisfaction of the lien which shall likewise be filed with the Department of Highway Safety and Motor Vehicles.

(2)(4) The Department of Highway Safety and Motor Vehicles under precautionary rules and regulations to be promulgated by it may permit the use, in substitution of the formal satisfaction of lien, of other methods of satisfaction, such as perforation, appropriate stamp, or otherwise, as it deems reasonable and adequate.

(3)(5)(a) The Department of Highway Safety and Motor Vehicles shall adopt rules to administer this section. The department may by rule require that a notice of satisfaction of

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a lien be notarized. The department shall prepare the forms of the notice of lien and the satisfaction of lien to be supplied, at a charge not to exceed 50 percent more than cost, to applicants for recording the liens or satisfactions and shall keep a record of such notices of lien and satisfactions available for inspection by the public at all reasonable times. The division may furnish certified copies of such satisfactions for a fee of \$1, which are admissible in evidence in all courts of this state under the same conditions and to the same effect as certified copies of other public records.

(b) The department shall establish and administer an electronic titling program that requires the recording of vessel title information for new, transferred, and corrected certificates of title. Lienholders shall electronically transmit liens and lien satisfactions to the department in a format determined by the department. Individuals and lienholders who the department determines are not normally engaged in the business or practice of financing vessels are not required to participate in the electronic titling program.

~~(6) The Department of Highway Safety and Motor Vehicles is entitled to a fee of \$1 for the recording of each notice of lien. No fee shall be charged for recording the satisfaction of a lien. All of the fees collected shall be paid into the Marine Resources Conservation Trust Fund.~~

~~(4)(7)~~ (a) Should any person, firm, or corporation holding such lien, which has been recorded by the Department of Highway Safety and Motor Vehicles, upon payment of such lien and on demand, fail or refuse, within 30 days after such payment and demand, to furnish the debtor or the registered owner of such

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vessel a satisfaction of the lien, then, in that event, such person, firm, or corporation shall be held liable for all costs, damages, and expenses, including reasonable ~~attorney~~ attorney's fees, lawfully incurred by the debtor or the registered owner of such vessel in any suit which may be brought in the courts of this state for the cancellation of such lien.

(b) Following satisfaction of a lien, the lienholder shall enter a satisfaction thereof in the space provided on the face of the certificate of title. If there are no subsequent liens shown thereon, the certificate shall be delivered by the lienholder to the person satisfying the lien or encumbrance and an executed satisfaction on a form provided by the department shall be forwarded to the department by the lienholder within 10 days after satisfaction of the lien.

(c) If the certificate of title shows a subsequent lien not then being discharged, an executed satisfaction of the first lien shall be delivered by the lienholder to the person satisfying the lien and the certificate of title showing satisfaction of the first lien shall be forwarded by the lienholder to the department within 10 days after satisfaction of the lien.

(d) If, upon receipt of a title certificate showing satisfaction of the first lien, the department determines from its records that there are no subsequent liens or encumbrances upon the vessel, the department shall forward to the owner, as shown on the face of the title, a corrected certificate showing no liens or encumbrances. If there is a subsequent lien not being discharged, the certificate of title shall be reissued showing the second or subsequent lienholder as the first

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lienholder and shall be delivered to the new first lienholder. The first lienholder shall be entitled to retain the certificate of title until his or her lien is satisfied. Upon satisfaction of the lien, the lienholder shall be subject to the procedures required of a first lienholder in this subsection ~~and in subsection (2)~~.

~~(5)-(8)~~ When the original certificate of title cannot be returned to the department by the lienholder and evidence satisfactory to the department is produced that all liens or encumbrances have been satisfied, upon application by the owner for a duplicate copy of the certificate of title, upon the form prescribed by the department, accompanied by the fee prescribed in this chapter, a duplicate copy of the certificate of title without statement of liens or encumbrances shall be issued by the department and delivered to the owner.

~~(6)-(9)~~ Any person who fails, within 10 days after receipt of a demand by the department by certified mail, to return a certificate of title to the department ~~as required by paragraph (2)-(e)~~ or who, upon satisfaction of a lien, fails within 10 days after receipt of such demand to forward the appropriate document to the department as required by paragraph ~~(4)(b)~~ ~~(7)(b)~~ or paragraph ~~(4)(c)~~ ~~(7)(e)~~ commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

~~(7)-(10)~~ The department shall use the last known address as shown by its records when sending any notice required by this section.

~~(8)-(11)~~ If the original lienholder sells and assigns his or her lien to some other person, and if the assignee desires to have his or her name substituted on the certificate of title as

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the holder of the lien, he or she may, after delivering the original certificate of title to the department and providing a sworn statement of the assignment, have his or her name substituted as a lienholder. Upon substitution of the assignee's name as lienholder, the department shall deliver the certificate of title to the assignee as the first lienholder.

(9) Subsections (1), (2), and (4)-(8) shall expire on October 1, 2022.

Section 20. Section 328.16, Florida Statutes, is amended to read:

328.16 Issuance in duplicate; delivery; liens, security interests, and encumbrances.—

(1) The department shall assign a number to each certificate of title and shall issue each certificate of title and each corrected certificate in duplicate. The database record shall serve as the duplicate title certificate.

(2) An authorized person must sign the original certificate of title and each corrected certificate and, if there are no liens, security interests, or encumbrances on the vessel, as shown in the records of the department or as shown in the application, must deliver the certificate to the applicant or to another person as directed by the applicant or person, agent, or attorney submitting the application. If there are one or more liens, security interests, or encumbrances on the vessel, the department must deliver the certificate to the first lienholder or secured party as shown by department records. The department shall deliver to the first lienholder or secured party, along with the certificate, a form to be subsequently used by the lienholder or secured party as a satisfaction. If the

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1335 application for certificate of title shows the name of a first
 1336 lienholder or secured party which is different from the name of
 1337 the first lienholder or secured party as shown by the records of
 1338 the department, the certificate shall not be issued to any
 1339 person until after the department notifies all parties who
 1340 appear to hold a lien or a security interest and the applicant
 1341 for the certificate, in writing by certified mail. If the
 1342 parties do not amicably resolve the conflict within 10 days
 1343 after the date the notice was mailed, the department shall serve
 1344 notice in writing by certified mail on all persons that appear
 1345 to hold liens or security interests on that particular vessel,
 1346 including the applicant for the certificate, to show cause
 1347 within 15 days after the date the notice is mailed why it should
 1348 not issue and deliver the certificate to the secured party of
 1349 record or person indicated in the notice of lien filed by the
 1350 lienholder whose name appears in the application as the first
 1351 lienholder without showing any lien or liens as outstanding
 1352 other than those appearing in the application or those filed
 1353 subsequent to the filing of the application for the certificate
 1354 of title. If, within the 15-day period, any person other than
 1355 the lienholder or secured party of record shown in the
 1356 application or a party filing a subsequent lien or security
 1357 interest, in answer to the notice to show cause, appears in
 1358 person or by a representative, or responds in writing, and files
 1359 a written statement under oath that his or her lien or security
 1360 interest on that particular vessel is still outstanding, the
 1361 department shall not issue the certificate to anyone until after
 1362 the conflict has been settled by the lien or security interest
 1363 claimants involved or by a court of competent jurisdiction. If

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1364 the conflict is not settled amicably within 10 days after the
 1365 final date for filing an answer to the notice to show cause, the
 1366 complaining party shall have 10 days to obtain a ruling, or a
 1367 stay order, from a court of competent jurisdiction. If a ruling
 1368 or stay order is not issued and served on the department within
 1369 the 10-day period, the department shall issue the certificate
 1370 showing no liens or security interests, except those shown in
 1371 the application or thereafter filed, to the original applicant
 1372 if there are no liens or security interests shown in the
 1373 application and none are thereafter filed, or to the person
 1374 indicated as the secured party of record or in the notice of
 1375 lien filed by the lienholder whose name appears in the
 1376 application as the first lienholder if there are liens shown in
 1377 the application or thereafter filed. A duplicate certificate or
 1378 corrected certificate must show only such security interest or
 1379 interests or lien or liens as were shown in the application and
 1380 subsequently filed liens or security interests that may be
 1381 outstanding.

1382 (3) ~~Except as provided in s. 328.15(11),~~ The certificate of
 1383 title shall be retained by the first lienholder or secured party
 1384 of record. The first lienholder or secured party of record is
 1385 entitled to retain the certificate until the first lien or
 1386 security interest is satisfied.

1387 (4) Notwithstanding any requirements in this section ~~or in~~
 1388 ~~s. 328.15~~ indicating that a lien or security interest on a
 1389 vessel shall be noted on the face of the Florida certificate of
 1390 title, if there are one or more liens, security interests, or
 1391 encumbrances on a vessel, the department shall electronically
 1392 transmit the lien or security interest to the first lienholder

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1393 or secured party and notify the first lienholder or secured
 1394 party of any additional liens or security interests. Subsequent
 1395 lien or security interest satisfactions shall be electronically
 1396 transmitted to the department and must include the name and
 1397 address of the person or entity satisfying the lien or security
 1398 interest. When electronic transmission of liens or security
 1399 interest and lien satisfactions or security interest are used,
 1400 the issuance of a certificate of title may be waived until the
 1401 last lien or security interest is satisfied and a clear
 1402 certificate of title is issued to the owner of the vessel.

1403 (5) The owner of a vessel, upon which a lien or security
 1404 interest has been filed with the department or noted upon a
 1405 certificate of title for a period of 5 years, may apply to the
 1406 department in writing for such lien or security interest to be
 1407 removed from the department files or from the certificate of
 1408 title. The application must be accompanied by evidence
 1409 satisfactory to the department that the applicant has notified
 1410 the lienholder or secured party by certified mail, not less than
 1411 20 days before ~~prior to~~ the date of the application, of his or
 1412 her intention to apply to the department for removal of the lien
 1413 or security interest. Ten days after receipt of the application,
 1414 the department may remove the lien or security interest from its
 1415 files or from the certificate of title, as the case may be, if
 1416 no statement in writing protesting removal of the lien or
 1417 security interest is received by the department from the
 1418 lienholder or secured party within the 10-day period. However,
 1419 if the lienholder or secured party files with the department,
 1420 within the 10-day period, a written statement that the lien or
 1421 security interest is still outstanding, the department may not

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1422 remove the lien or security interest until the lienholder or
 1423 secured party presents a satisfaction of lien or satisfaction of
 1424 security interest to the department.

1425 Section 21. Subsection (1) of section 328.165, Florida
 1426 Statutes, is amended to read:

1427 328.165 Cancellation of certificates.—

1428 (1) If it appears that a certificate of title has been
 1429 improperly issued, the department shall cancel the certificate.
 1430 Upon cancellation of any certificate of title, the department
 1431 shall notify the person to whom the certificate of title was
 1432 issued, and any lienholders or secured parties appearing
 1433 thereon, of the cancellation and shall demand the surrender of
 1434 the certificate of title; however, the cancellation does not
 1435 affect the validity of any lien or security interest noted
 1436 thereon. The holder of the certificate of title shall
 1437 immediately return it to the department. If a certificate of
 1438 registration has been issued to the holder of a certificate of
 1439 title so canceled, the department shall immediately cancel the
 1440 certificate of registration and demand the return of the
 1441 certificate of registration, and the holder of such certificate
 1442 of registration shall immediately return it to the department.

1443 Section 22. Section 328.215, Florida Statutes, is created
 1444 to read:

1445 328.215 Application for transfer of ownership or
 1446 termination of security interest without certificate of title.—

1447 (1) Except as otherwise provided in s. 328.23 or s. 328.24,
 1448 if the department receives, unaccompanied by a signed
 1449 certificate of title, an application for a new certificate that
 1450 includes an indication of a transfer of ownership or a

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1451 termination statement, the department may create a new
 1452 certificate under this section only if:

1453 (a) All other requirements under ss. 328.01 and 328.09 are
 1454 met;

1455 (b) The applicant provides an affidavit stating facts
 1456 showing the applicant is entitled to a transfer of ownership or
 1457 termination statement;

1458 (c) The applicant provides the department with satisfactory
 1459 evidence that notification of the application has been sent to
 1460 the owner of record and all persons indicated in the
 1461 department's files as having an interest, including a security
 1462 interest, in the vessel; at least 45 days have passed since the
 1463 notification was sent; and the department has not received an
 1464 objection from any of those persons; and

1465 (d) The applicant submits any other information required by
 1466 the department as evidence of the applicant's ownership or right
 1467 to terminate the security interest, and the department has no
 1468 credible information indicating theft, fraud, or an undisclosed
 1469 or unsatisfied security interest, lien, or other claim to an
 1470 interest in the vessel.

1471 (2) The department may indicate in a certificate of title
 1472 created under subsection (1) that the certificate was created
 1473 without submission of a signed certificate or termination
 1474 statement. Unless credible information indicating theft, fraud,
 1475 or an undisclosed or unsatisfied security interest, lien, or
 1476 other claim to an interest in the vessel is delivered to the
 1477 department not later than 1 year after creation of the
 1478 certificate, on request in a form and manner required by the
 1479 department, the department shall remove the indication from the

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1480 certificate.

1481 (3) Unless the department determines that the value of a
 1482 vessel is less than \$5,000, before the department creates a
 1483 certificate of title under subsection (1), the department may
 1484 require the applicant to post a bond or provide an equivalent
 1485 source of indemnity or security. The bond, indemnity, or other
 1486 security may not exceed twice the value of the vessel as
 1487 determined by the department. The bond, indemnity, or other
 1488 security must be in a form required by the department and
 1489 provide for indemnification of any owner, purchaser, or other
 1490 claimant for any expense, loss, delay, or damage, including
 1491 reasonable attorney fees and costs, but not including incidental
 1492 or consequential damages, resulting from creation or amendment
 1493 of the certificate.

1494 (4) Unless the department receives a claim for indemnity
 1495 not later than 1 year after creation of a certificate of title
 1496 under subsection (1), on request in a form and manner required
 1497 by the department, the department shall release any bond,
 1498 indemnity, or other security.

1499 Section 23. Section 328.22, Florida Statutes, is created to
 1500 read:

1501 328.22 Transfer of ownership.—

1502 (1) On voluntary transfer of an ownership interest in a
 1503 vessel covered by a certificate of title, the following rules
 1504 apply:

1505 (a) If the certificate is a written certificate of title
 1506 and the transferor's interest is noted on the certificate, the
 1507 transferor shall promptly sign the certificate and deliver it to
 1508 the transferee. If the transferor does not have possession of

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1509 the certificate, the person in possession of the certificate has
 1510 a duty to facilitate the transferor's compliance with this
 1511 paragraph. A secured party does not have a duty to facilitate
 1512 the transferor's compliance with this paragraph if the proposed
 1513 transfer is prohibited by the security agreement.

1514 (b) If the certificate of title is an electronic
 1515 certificate of title, the transferor shall promptly sign and
 1516 deliver to the transferee a record evidencing the transfer of
 1517 ownership to the transferee.

1518 (c) The transferee has a right enforceable by specific
 1519 performance to require the transferor to comply with paragraph
 1520 (a) or paragraph (b).

1521 (2) The creation of a certificate of title identifying the
 1522 transferee as owner of record satisfies subsection (1).

1523 (3) A failure to comply with subsection (1) or to apply for
 1524 a new certificate of title does not render a transfer of
 1525 ownership of a vessel ineffective between the parties. Except as
 1526 otherwise provided in s. 328.101, s. 328.14(1), s. 328.145, or
 1527 s. 328.23, a transfer of ownership without compliance with
 1528 subsection (1) is not effective against another person claiming
 1529 an interest in the vessel.

1530 (4) A transferor that complies with subsection (1) is not
 1531 liable as owner of the vessel for an event occurring after the
 1532 transfer, regardless of whether the transferee applies for a new
 1533 certificate of title.

1534 Section 24. Section 328.23, Florida Statutes, is created to
 1535 read:

1536 328.23 Transfer of ownership by secured party's transfer
 1537 statement.-

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1538 (1) In this section, "secured party's transfer statement"
 1539 means a record signed by the secured party of record stating:

1540 (a) That there has been a default on an obligation secured
 1541 by the vessel;

1542 (b) That the secured party of record is exercising or has
 1543 exercised post-default remedies with respect to the vessel;

1544 (c) That by reason of the exercise, the secured party of
 1545 record has the right to transfer the ownership interest of an
 1546 owner, and the name of the owner;

1547 (d) The name and last known mailing address of the owner of
 1548 record and the secured party of record;

1549 (e) The name of the transferee;

1550 (f) Other information required by s. 328.01(2); and

1551 (g) One of the following:

1552 1. The certificate of title is an electronic certificate.

1553 2. The secured party does not have possession of the
 1554 written certificate of title created in the name of the owner of
 1555 record.

1556 3. The secured party is delivering the written certificate
 1557 of title to the department with the secured party's transfer
 1558 statement.

1559 (2) Unless the department rejects a secured party's
 1560 transfer statement for a reason stated in s. 328.09(3), not
 1561 later than 20 days after delivery to the department of the
 1562 statement and payment of fees and taxes payable under the laws
 1563 of this state other than this part in connection with the
 1564 statement or the acquisition or use of the vessel, the
 1565 department shall:

1566 (a) Accept the statement;

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1567 (b) Amend the files of the department to reflect the
 1568 transfer; and
 1569 (c) If the name of the owner whose ownership interest is
 1570 being transferred is indicated on the certificate of title:
 1571 1. Cancel the certificate even if the certificate has not
 1572 been delivered to the department;
 1573 2. Create a new certificate indicating the transferee as
 1574 owner; and
 1575 3. Deliver the new certificate or a record evidencing an
 1576 electronic certificate.
 1577 (3) An application under subsection (1) or the creation of
 1578 a certificate of title under subsection (2) is not by itself a
 1579 disposition of the vessel and does not by itself relieve the
 1580 secured party of its duties under chapter 679.
 1581 Section 25. Section 328.24, Florida Statutes, is created to
 1582 read:
 1583 328.24 Transfer by operation of law.—
 1584 (1) In this section, "by operation of law" means pursuant
 1585 to a law or judicial order affecting ownership of a vessel:
 1586 (a) Because of death, divorce, or other family law
 1587 proceeding, merger, consolidation, dissolution, or bankruptcy;
 1588 (b) Through the exercise of the rights of a lien creditor
 1589 or a person having a lien created by statute or rule of law; or
 1590 (c) Through other legal process.
 1591 (2) A transfer-by-law statement must contain:
 1592 (a) The name and last known mailing address of the owner of
 1593 record and the transferee and the other information required by
 1594 s. 328.01;
 1595 (b) Documentation sufficient to establish the transferee's

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1596 ownership interest or right to acquire the ownership interest;
 1597 (c) A statement that:
 1598 1. The certificate of title is an electronic certificate of
 1599 title;
 1600 2. The transferee does not have possession of the written
 1601 certificate of title created in the name of the owner of record;
 1602 or
 1603 3. The transferee is delivering the written certificate to
 1604 the department with the transfer-by-law statement; and
 1605 (d) Except for a transfer described in paragraph (1)(a),
 1606 evidence that notification of the transfer and the intent to
 1607 file the transfer-by-law statement has been sent to all persons
 1608 indicated in the department's files as having an interest,
 1609 including a security interest, in the vessel.
 1610 (3) Unless the department rejects a transfer-by-law
 1611 statement for a reason stated in s. 328.09(3) or because the
 1612 statement does not include documentation satisfactory to the
 1613 department as to the transferee's ownership interest or right to
 1614 acquire the ownership interest, not later than 20 days after
 1615 delivery to the department of the statement and payment of fees
 1616 and taxes payable under the law of this state other than this
 1617 part in connection with the statement or with the acquisition or
 1618 use of the vessel, the department shall:
 1619 (a) Accept the statement;
 1620 (b) Amend the files of the department to reflect the
 1621 transfer; and
 1622 (c) If the name of the owner whose ownership interest is
 1623 being transferred is indicated on the certificate of title:
 1624 1. Cancel the certificate even if the certificate has not

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been delivered to the department;

2. Create a new certificate indicating the transferee as owner;

3. Indicate on the new certificate any security interest indicated on the canceled certificate, unless a court order provides otherwise; and

4. Deliver the new certificate or a record evidencing an electronic certificate.

(4) This section does not apply to a transfer of an interest in a vessel by a secured party under part VI of chapter 679.

Section 26. Section 328.25, Florida Statutes, is created to read:

328.25 Supplemental principles of law and equity.—Unless displaced by a provision of this part, the principles of law and equity supplement its provisions.

Section 27. Section 409.2575, Florida Statutes, is amended to read:

409.2575 Liens on motor vehicles and vessels.—

(1) The director of the state IV-D program, or the director's designee, may cause a lien for unpaid and delinquent support to be placed upon motor vehicles, as defined in chapter 320, and upon vessels, as defined in chapter 327, that are registered in the name of an obligor who is delinquent in support payments, if the title to the property is held by a lienholder, in the manner provided in chapter 319 or, if applicable in accordance with s. 328.15(9), chapter 328. Notice of lien ~~may shall~~ not be mailed unless the delinquency in support exceeds \$600.

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(2) If the first lienholder fails, neglects, or refuses to forward the certificate of title to the appropriate department as requested pursuant to s. 319.24 or, if applicable in accordance with s. 328.15(9), s. 328.15, the director of the IV-D program, or the director's designee, may apply to the circuit court for an order to enforce the requirements of s. 319.24 or s. 328.15, whichever applies.

Section 28. Subsection (2) of section 705.103, Florida Statutes, is amended to read:

705.103 Procedure for abandoned or lost property.—

(2) Whenever a law enforcement officer ascertains that an article of lost or abandoned property is present on public property and is of such nature that it cannot be easily removed, the officer shall cause a notice to be placed upon such article in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: ...(setting forth brief description)... is unlawfully upon public property known as ...(setting forth brief description of location)... and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and publication of notice. Dated this: ...(setting forth the date of posting of notice)..., signed: ...(setting forth name, title, address, and telephone number of law enforcement officer)....

Such notice shall be not less than 8 inches by 10 inches and shall be sufficiently weatherproof to withstand normal exposure

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to the elements. In addition to posting, the law enforcement officer shall make a reasonable effort to ascertain the name and address of the owner. If such is reasonably available to the officer, she or he shall mail a copy of such notice to the owner on or before the date of posting. If the property is a motor vehicle as defined in s. 320.01(1) or a vessel as defined in s. 327.02, the law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles in order to determine the name and address of the owner and any person who has filed a lien on the vehicle or vessel as provided in s. 319.27(2) or (3) ~~or s. 328.15(1)~~. On receipt of this information, the law enforcement agency shall mail a copy of the notice by certified mail, return receipt requested, to the owner and to the lienholder, if any, except that a law enforcement officer who has issued a citation for a violation of s. 823.11 to the owner of a derelict vessel is not required to mail a copy of the notice by certified mail, return receipt requested, to the owner. If, at the end of 5 days after posting the notice and mailing such notice, if required, the owner or any person interested in the lost or abandoned article or articles described has not removed the article or articles from public property or shown reasonable cause for failure to do so, the following shall apply:

(a) For abandoned property, the law enforcement agency may retain any or all of the property for its own use or for use by the state or unit of local government, trade such property to another unit of local government or state agency, donate the property to a charitable organization, sell the property, or notify the appropriate refuse removal service.

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(b) For lost property, the officer shall take custody and the agency shall retain custody of the property for 90 days. The agency shall publish notice of the intended disposition of the property, as provided in this section, during the first 45 days of this time period.

1. If the agency elects to retain the property for use by the unit of government, donate the property to a charitable organization, surrender such property to the finder, sell the property, or trade the property to another unit of local government or state agency, notice of such election shall be given by an advertisement published once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the property was found if the value of the property is more than \$100. If the value of the property is \$100 or less, notice shall be given by posting a description of the property at the law enforcement agency where the property was turned in. The notice must be posted for not less than 2 consecutive weeks in a public place designated by the law enforcement agency. The notice must describe the property in a manner reasonably adequate to permit the rightful owner of the property to claim it.

2. If the agency elects to sell the property, it must do so at public sale by competitive bidding. Notice of the time and place of the sale shall be given by an advertisement of the sale published once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the sale is to be held. The notice shall include a statement that the sale shall be subject to any and all liens. The sale must be held at the nearest suitable place to that where the lost or abandoned

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property is held or stored. The advertisement must include a description of the goods and the time and place of the sale. The sale may take place no earlier than 10 days after the final publication. If there is no newspaper of general circulation in the county where the sale is to be held, the advertisement shall be posted at the door of the courthouse and at three other public places in the county at least 10 days prior to sale. Notice of the agency's intended disposition shall describe the property in a manner reasonably adequate to permit the rightful owner of the property to identify it.

Section 29. Paragraph (c) of subsection (2) of section 721.08, Florida Statutes, is amended to read:

721.08 Escrow accounts; nondisturbance instruments; alternate security arrangements; transfer of legal title.—

(2) One hundred percent of all funds or other property which is received from or on behalf of purchasers of the timeshare plan or timeshare interest prior to the occurrence of events required in this subsection shall be deposited pursuant to an escrow agreement approved by the division. The funds or other property may be released from escrow only as follows:

(c) *Compliance with conditions.*—

1. Timeshare licenses.—If the timeshare plan is one in which timeshare licenses are to be sold and no cancellation or default has occurred, the escrow agent may release the escrowed funds or other property to or on the order of the developer upon presentation of:

a. An affidavit by the developer that all of the following conditions have been met:

(I) Expiration of the cancellation period.

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(II) Completion of construction.

(III) Closing.

(IV) Either:

(A) Execution, delivery, and recordation by each interestholder of the nondisturbance and notice to creditors instrument, as described in this section; or

(B) Transfer by the developer of legal title to the subject accommodations and facilities, or all use rights therein, into a trust satisfying the requirements of subparagraph 4. and the execution, delivery, and recordation by each other interestholder of the nondisturbance and notice to creditors instrument, as described in this section.

b. A certified copy of each recorded nondisturbance and notice to creditors instrument.

c. One of the following:

(I) A copy of a memorandum of agreement, as defined in s. 721.05, together with satisfactory evidence that the original memorandum of agreement has been irretrievably delivered for recording to the appropriate official responsible for maintaining the public records in the county in which the subject accommodations and facilities are located. The original memorandum of agreement must be recorded within 180 days after the date on which the purchaser executed her or his purchase agreement.

(II) A notice delivered for recording to the appropriate official responsible for maintaining the public records in each county in which the subject accommodations and facilities are located notifying all persons of the identity of an independent escrow agent or trustee satisfying the requirements of

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subparagraph 4. that shall maintain separate books and records, in accordance with good accounting practices, for the timeshare plan in which timeshare licenses are to be sold. The books and records shall indicate each accommodation and facility that is subject to such a timeshare plan and each purchaser of a timeshare license in the timeshare plan.

2. Timeshare estates.—If the timeshare plan is one in which timeshare estates are to be sold and no cancellation or default has occurred, the escrow agent may release the escrowed funds or other property to or on the order of the developer upon presentation of:

a. An affidavit by the developer that all of the following conditions have been met:

(I) Expiration of the cancellation period.

(II) Completion of construction.

(III) Closing.

b. If the timeshare estate is sold by agreement for deed, a certified copy of the recorded nondisturbance and notice to creditors instrument, as described in this section.

c. Evidence that each accommodation and facility:

(I) Is free and clear of the claims of any interestholders, other than the claims of interestholders that, through a recorded instrument, are irrevocably made subject to the timeshare instrument and the use rights of purchasers made available through the timeshare instrument;

(II) Is the subject of a recorded nondisturbance and notice to creditors instrument that complies with subsection (3) and s. 721.17; or

(III) Has been transferred into a trust satisfying the

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requirements of subparagraph 4.

d. Evidence that the timeshare estate:

(I) Is free and clear of the claims of any interestholders, other than the claims of interestholders that, through a recorded instrument, are irrevocably made subject to the timeshare instrument and the use rights of purchasers made available through the timeshare instrument; or

(II) Is the subject of a recorded nondisturbance and notice to creditors instrument that complies with subsection (3) and s. 721.17.

3. Personal property timeshare interests.—If the timeshare plan is one in which personal property timeshare interests are to be sold and no cancellation or default has occurred, the escrow agent may release the escrowed funds or other property to or on the order of the developer upon presentation of:

a. An affidavit by the developer that all of the following conditions have been met:

(I) Expiration of the cancellation period.

(II) Completion of construction.

(III) Closing.

b. If the personal property timeshare interest is sold by agreement for transfer, evidence that the agreement for transfer complies fully with s. 721.06 and this section.

c. Evidence that one of the following has occurred:

(I) Transfer by the owner of the underlying personal property of legal title to the subject accommodations and facilities or all use rights therein into a trust satisfying the requirements of subparagraph 4.; or

(II) Transfer by the owner of the underlying personal

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property of legal title to the subject accommodations and facilities or all use rights therein into an owners' association satisfying the requirements of subparagraph 5.

d. Evidence of compliance with the provisions of subparagraph 6., if required.

e. If a personal property timeshare plan is created with respect to accommodations and facilities that are located on or in an oceangoing vessel, including a "documented vessel" or a "foreign vessel," as defined and governed by 46 U.S.C. chapter 301:

(I) In making the transfer required in sub-subparagraph c., the developer shall use as its transfer instrument a document that establishes and protects the continuance of the use rights in the subject accommodations and facilities in a manner that is enforceable by the trust or owners' association.

(II) The transfer instrument shall comply fully with the provisions of this chapter, shall be part of the timeshare instrument, and shall contain specific provisions that:

(A) Prohibit the vessel owner, the developer, any manager or operator of the vessel, the owners' association or the trustee, the managing entity, or any other person from incurring any liens against the vessel except for liens that are required for the operation and upkeep of the vessel, including liens for fuel expenditures, repairs, crews' wages, and salvage, and except as provided in sub-sub-subparagraphs 4.b.(III) and 5.b.(III). All expenses, fees, and taxes properly incurred in connection with the creation, satisfaction, and discharge of any such permitted lien, or a prorated portion thereof if less than all of the accommodations on the vessel are subject to the

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timeshare plan, shall be common expenses of the timeshare plan.

(B) Grant a lien against the vessel in favor of the owners' association or trustee to secure the full and faithful performance of the vessel owner and developer of all of their obligations to the purchasers.

(C) Establish governing law in a jurisdiction that recognizes and will enforce the timeshare instrument and the laws of the jurisdiction of registry of the vessel.

(D) Require that a description of the use rights of purchasers be posted and displayed on the vessel in a manner that will give notice of such rights to any party examining the vessel. This notice must identify the owners' association or trustee and include a statement disclosing the limitation on incurring liens against the vessel described in sub-sub-subparagraph (A).

(E) Include the nondisturbance and notice to creditors instrument for the vessel owner and any other interestholders.

(F) The owners' association created under subparagraph 5. or trustee created under subparagraph 4. shall have access to any certificates of classification in accordance with the timeshare instrument.

(III) If the vessel is a foreign vessel, the vessel must be registered in a jurisdiction that permits a filing evidencing the use rights of purchasers in the subject accommodations and facilities, offers protection for such use rights against unfiled and inferior claims, and recognizes the document or instrument creating such use rights as a lien against the vessel.

(IV) In addition to the disclosures required by s.

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

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721.07(5), the public offering statement and purchase contract must contain a disclosure in conspicuous type in substantially the following form:

The laws of the State of Florida govern the offering of this timeshare plan in this state. There are inherent risks in purchasing a timeshare interest in this timeshare plan because the accommodations and facilities of the timeshare plan are located on a vessel that will sail into international waters and into waters governed by many different jurisdictions. Therefore, the laws of the State of Florida cannot fully protect your purchase of an interest in this timeshare plan. Specifically, management and operational issues may need to be addressed in the jurisdiction in which the vessel is registered, which is (insert jurisdiction in which vessel is registered). Concerns of purchasers may be sent to (insert name of applicable regulatory agency and address).

4. Trust.—

a. If the subject accommodations or facilities, or all use rights therein, are to be transferred into a trust in order to comply with this paragraph, such transfer shall take place pursuant to this subparagraph. If the accommodations or facilities included in such transfer are subject to a lease, the unexpired term of the lease must be disclosed as the term of the timeshare plan pursuant to s. 721.07(5)(f)4.

b. Prior to the transfer of the subject accommodations and facilities, or all use rights therein, to a trust, any lien or other encumbrance against such accommodations and facilities, or use rights therein, shall be made subject to a nondisturbance

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and notice to creditors instrument pursuant to subsection (3). No transfer pursuant to this subparagraph shall become effective until the trustee accepts such transfer and the responsibilities set forth herein. A trust established pursuant to this subparagraph shall comply with the following provisions:

(I) The trustee shall be an individual or a business entity authorized and qualified to conduct trust business in this state. Any corporation authorized to do business in this state may act as trustee in connection with a timeshare plan pursuant to this chapter. The trustee must be independent from any developer or managing entity of the timeshare plan or any interestholder of any accommodation or facility of such plan.

(II) The trust shall be irrevocable so long as any purchaser has a right to occupy any portion of the timeshare property pursuant to the timeshare plan.

(III) The trustee shall not convey, hypothecate, mortgage, assign, lease, or otherwise transfer or encumber in any fashion any interest in or portion of the timeshare property with respect to which any purchaser has a right of use or occupancy unless the timeshare plan is terminated pursuant to the timeshare instrument, or such conveyance, hypothecation, mortgage, assignment, lease, transfer, or encumbrance is approved by a vote of two-thirds of all voting interests of the timeshare plan. Subject to s. 721.552, a vote of the voting interests of the timeshare plan is not required for substitution or automatic deletion of accommodations or facilities.

(IV) All purchasers of the timeshare plan or the owners' association of the timeshare plan shall be the express beneficiaries of the trust. The trustee shall act as a fiduciary

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to the beneficiaries of the trust. The personal liability of the trustee shall be governed by ss. 736.08125, 736.08163, 736.1013, and 736.1015. The agreement establishing the trust shall set forth the duties of the trustee. The trustee shall be required to furnish promptly to the division upon request a copy of the complete list of the names and addresses of the owners in the timeshare plan and a copy of any other books and records of the timeshare plan required to be maintained pursuant to s. 721.13 that are in the possession, custody, or control of the trustee. All expenses reasonably incurred by the trustee in the performance of its duties, together with any reasonable compensation of the trustee, shall be common expenses of the timeshare plan.

(V) The trustee shall not resign upon less than 90 days' prior written notice to the managing entity and the division. No resignation shall become effective until a substitute trustee, approved by the division, is appointed by the managing entity and accepts the appointment.

(VI) The documents establishing the trust arrangement shall constitute a part of the timeshare instrument.

(VII) For trusts holding property in a timeshare plan located outside this state, the trust and trustee holding such property shall be deemed in compliance with the requirements of this subparagraph if such trust and trustee are authorized and qualified to conduct trust business under the laws of such jurisdiction and the agreement or law governing such trust arrangement provides substantially similar protections for the purchaser as are required in this subparagraph for trusts holding property in a timeshare plan in this state.

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(VIII) The trustee shall have appointed a registered agent in this state for service of process. In the event such a registered agent is not appointed, service of process may be served pursuant to s. 721.265.

5. Owners' association.—

a. If the subject accommodations or facilities, or all use rights therein, are to be transferred into an owners' association in order to comply with this paragraph, such transfer shall take place pursuant to this subparagraph.

b. Before the transfer of the subject accommodations and facilities, or all use rights therein, to an owners' association, any lien or other encumbrance against such accommodations and facilities, or use rights therein, shall be made subject to a nondisturbance and notice to creditors instrument pursuant to subsection (3). No transfer pursuant to this subparagraph shall become effective until the owners' association accepts such transfer and the responsibilities set forth herein. An owners' association established pursuant to this subparagraph shall comply with the following provisions:

(I) The owners' association shall be a business entity authorized and qualified to conduct business in this state. Control of the board of directors of the owners' association must be independent from any developer or managing entity of the timeshare plan or any interestholder.

(II) The bylaws of the owners' association shall provide that the corporation may not be voluntarily dissolved without the unanimous vote of all owners of personal property timeshare interests so long as any purchaser has a right to occupy any portion of the timeshare property pursuant to the timeshare

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2031 plan.

2032 (III) The owners' association shall not convey,
 2033 hypothecate, mortgage, assign, lease, or otherwise transfer or
 2034 encumber in any fashion any interest in or portion of the
 2035 timeshare property with respect to which any purchaser has a
 2036 right of use or occupancy, unless the timeshare plan is
 2037 terminated pursuant to the timeshare instrument, or unless such
 2038 conveyance, hypothecation, mortgage, assignment, lease,
 2039 transfer, or encumbrance is approved by a vote of two-thirds of
 2040 all voting interests of the association and such decision is
 2041 declared by a court of competent jurisdiction to be in the best
 2042 interests of the purchasers of the timeshare plan. The owners'
 2043 association shall notify the division in writing within 10 days
 2044 after receiving notice of the filing of any petition relating to
 2045 obtaining such a court order. The division shall have standing
 2046 to advise the court of the division's interpretation of the
 2047 statute as it relates to the petition.

2048 (IV) All purchasers of the timeshare plan shall be members
 2049 of the owners' association and shall be entitled to vote on
 2050 matters requiring a vote of the owners' association as provided
 2051 in this chapter or the timeshare instrument. The owners'
 2052 association shall act as a fiduciary to the purchasers of the
 2053 timeshare plan. The articles of incorporation establishing the
 2054 owners' association shall set forth the duties of the owners'
 2055 association. All expenses reasonably incurred by the owners'
 2056 association in the performance of its duties, together with any
 2057 reasonable compensation of the officers or directors of the
 2058 owners' association, shall be common expenses of the timeshare
 2059 plan.

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2060 (V) The documents establishing the owners' association
 2061 shall constitute a part of the timeshare instrument.

2062 (VI) For owners' associations holding property in a
 2063 timeshare plan located outside this state, the owners'
 2064 association holding such property shall be deemed in compliance
 2065 with the requirements of this subparagraph if such owners'
 2066 association is authorized and qualified to conduct owners'
 2067 association business under the laws of such jurisdiction and the
 2068 agreement or law governing such arrangement provides
 2069 substantially similar protections for the purchaser as are
 2070 required in this subparagraph for owners' associations holding
 2071 property in a timeshare plan in this state.

2072 (VII) The owners' association shall have appointed a
 2073 registered agent in this state for service of process. In the
 2074 event such a registered agent cannot be located, service of
 2075 process may be made pursuant to s. 721.265.

2076 6. Personal property subject to certificate of title.—If
 2077 any personal property that is an accommodation or facility of a
 2078 timeshare plan is subject to a certificate of title in this
 2079 state pursuant to chapter 319 or chapter 328, the following
 2080 notation must be made on such certificate of title pursuant to
 2081 s. 319.27(1) or s. 328.15 ~~s. 328.15(1)~~:

2082 *The further transfer or encumbrance of the property subject to*
 2083 *this certificate of title, or any lien or encumbrance thereon,*
 2084 *is subject to the requirements of section 721.17, Florida*
 2085 *Statutes, and the transferee or lienor agrees to be bound by all*
 2086 *of the obligations set forth therein.*
 2087
 2088

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7. If the developer has previously provided a certified copy of any document required by this paragraph, she or he may for all subsequent disbursements substitute a true and correct copy of the certified copy, provided no changes to the document have been made or are required to be made.

8. In the event that use rights relating to an accommodation or facility are transferred into a trust pursuant to subparagraph 4. or into an owners' association pursuant to subparagraph 5., all other interestholders, including the owner of the underlying fee or underlying personal property, must execute a nondisturbance and notice to creditors instrument pursuant to subsection (3).

Section 30. (1) The rights, duties, and interests flowing from a transaction, certificate of title, or record relating to a vessel which was validly entered into or created before October 1, 2019, and would be subject to this act if it had been entered into or created on or after October 1, 2019, remain valid on and after October 1, 2019.

(2) This act does not affect an action or proceeding commenced before October 1, 2019.

(3) Except as otherwise provided in subsection (4), a security interest that is enforceable immediately before October 1, 2019, and that would have priority over the rights of a person who becomes a lien creditor at such time is a perfected security interest under this act.

(4) A security interest perfected immediately before October 1, 2019, remains perfected until the earlier of:

(a) The time perfection would have ceased under the law under which the security interest was perfected; or

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(b) October 1, 2022.

(5) This act does not affect the priority of a security interest in a vessel if immediately before October 1, 2019, the security interest is enforceable and perfected, and that priority is established.

Section 31. Subject to s. 328.24, as created by this act, this act applies to any transaction, certificate of title, or record relating to a vessel, even if the transaction, certificate of title, or record was entered into or created before October 1, 2019.

Section 32. This act shall take effect October 1, 2019.

THE FLORIDA SENATE

APPEARANCE RECORD

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

March 20/19

Meeting Date

676

Bill Number (if applicable)

Topic

Vessel Fixing

Amendment Barcode (if applicable)

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Consult

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Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

National Marine Manufacturers

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 Infrastructure and Security

BILL: SB 476

INTRODUCER: Senator Perry and others

SUBJECT: Child Restraint Requirements

DATE: March 27, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Favorable
2.			CF	
3.			RC	

I. Summary:

SB 476 amends current law relating to child restraint requirements while transporting a child in a motor vehicle being operated on Florida's roads. The bill increases from age five years or younger, to age six years or younger, the age of child which must be protected by properly using a crash-tested, federally-approved child restraint device. The bill also increases from age four through five years, to age four through six years, the age of a child for which use of a separate carrier, an integrated child seat, or a child booster seat is authorized.

The bill appears to present no fiscal impact to state revenues or expenditures. The fiscal impact to those transporting a child in a motor vehicle, school bus, or child care facility vehicle operated on Florida's roads is indeterminate. See the Fiscal Impact Statement heading for more details.

The bill takes effect July 1, 2019.

II. Present Situation:

Child Passenger Safety

The focus on child passenger safety continues to be in the forefront of motor vehicle safety concerns. According to the National Conference of State Legislatures:

In America, four children die and 490 are injured in motor vehicle crashes every day. It is the leading cause of death for children between the ages of 2 and 14. ... Children are at a much greater risk for death or injury when they ride unrestrained or in the wrong type of restraint.

More than half of children killed in crashes are totally unrestrained. When child safety seats are used correctly, they can reduce fatal injuries by just over 70

percent for infants and by 54 percent for toddlers, according to NHTSA. All 50 states, the District of Columbia, Puerto Rico and the U.S. territories have some form of child safety seat law. NHTSA recommends that state child passenger laws cover children up to age 16 in every seating position. ...

While every state has a law, there is variation in the age and size requirements. Some laws cover children only up to a certain age (usually age four), while others allow use of adult safety belts to restrain children.^{1, 2}

For children that are restrained at the time of a motor vehicle crash, NHTSA recognizes as the primary reasons for injuries to children:

- Prematurely turning a child forward, moving from harnessed safety seats to booster seats, and moving from booster seats to adult safety belts,
- Misuse of safety restraints and seat belts, and
- Children seated in the front seat of the vehicle.²

Child Restraint Devices or “Car Seats” and U.S.D.O.T. Recommendations

Car seats available on the market offer a variety of choices. The best choice, according to NHTSA, is a selection based on a given child’s age and size, which complies with the specific car seat manufacturer’s instructions for height and weight limits, and is properly installed in accordance with the vehicle’s owner’s manual. Further, for maximum safety, NHTSA recommends keeping a child in a car seat for as long as possible, provided the child does not exceed the manufacturer’s height and weight limitations. NHTSA also recommends keeping a child in the back seat at least through the age of 12.³

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

- Rear-facing car seats have a harness and, in a crash, cradles and moves with a child to reduce the stress to the child’s neck and spinal cord,
- Forward-facing car seats have a harness and tether that limits a child’s forward movement during a crash,
- Booster seats position the seat belt so that it fits properly over the stronger parts of a child’s body, and
- Seat belts.⁴

NHTSA recommends that a child from birth through 12 months should always ride in a rear-facing car seat, noting that convertible and all-in-one versions of these seats usually have higher

¹ NCSL, *Occupant Protection/Safety (Seat) Belts and Child Passengers, Child Passenger Safety Overview*, available at <http://www.ncsl.org/research/transportation/occupant-protection-safety-belts-and-child-passen.aspx#other> (last viewed March 21, 2019).

² NHTSA, the National Highway Traffic Safety Administration, is part of the U.S.D.O.T. See the U.S.D.O.T.’s website available at <https://www.transportation.gov/administrations> (last viewed March 21, 2019).

³ NHTSA, *Car Seats and Booster Seats*, available at <https://www.nhtsa.gov/equipment/car-seats-and-booster-seats#age-size-rec> (last viewed March 21, 2019).

⁴ *Id.*

height and weight limits for the rear-facing position, which facilitates keeping a child in a rear-facing position for a longer period of time.⁵

For children one through three years old, NHTSA suggests keeping a child in a rear-facing seat until the child reaches the top height or weight limit indicated by the car seat's manufacturer. Once either limit is exceeded, NHTSA recommends a forward-facing seat with a harness and tether.⁶

For children four through seven years, NHTSA advises a child should be kept in a forward-facing car seat with a harness and tether until the child reaches the top height or weight limit set by the car seat's manufacturer. Again, once either limit is exceeded, the child should be transported in a booster seat, but NHTSA recommends the booster seat still be installed properly in the back seat of the vehicle.⁷

For children eight through 12 years, NHTSA recommends keeping a child in a booster seat until the child is big enough to fit in a seat belt properly. Proper fit in a seat belt means that the lap belt lies snugly across the upper thighs, not the stomach, and the shoulder belt lies snugly across the shoulder and chest, not across the neck or face. NHTSA notes the child should still ride in the back seat of the vehicle "because it's safer there."⁸

Florida Law

Safety Belt Usage Under 18

Section 316.614(4)(a), F.S., prohibits a person from operating a motor vehicle or autocycle⁹ in this state unless each passenger and the operator of the vehicle or autocycle under the age of 18 years are restrained by a safety belt or by a child restraint device, if applicable.

Child Restraint Requirements

Section 316.613, F.S., requires every operator of a motor vehicle¹⁰ operated on the roadways, streets, or highways of this state to provide for protection of a child who is five years of age or younger by properly using a crash-tested, federally approved child restraint device:

- For children through three years of age, the device must be a separate carrier or a vehicle manufacturer's integrated child seat.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ An autocycle is "a three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, antilock brakes, a steering wheel, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration." Section 316.003(2), F.S.

¹⁰ Section 316.003(42), F.S., defines "motor vehicle," except for purposes of the payment of tolls, as "a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy, or moped." As used in s. 316.613, F.S., the term "motor vehicle" does not include:

- A school bus as defined in s. 316.003, F.S.

- For children aged four through five years, a separate carrier, an integrated child seat, or a child booster seat may be used. However, the requirement does not apply when a safety belt is used as required in s. 316.614(4)(a), F.S., and the child:
 - Is being transported gratuitously by an operator who is not a member of the child's immediate family;
 - Is being transported in a medical emergency situation involving the child; or
 - Has a medical condition that necessitates an exception as evidenced by appropriate documentation from a health care professional.

A person who violates the provisions of s. 316.613, F.S., commits a moving violation punishable by a penalty of \$60.¹¹ In addition, the violator will have three points assessed against his or her driver license. Instead of the \$60 penalty and the assessment of points, a violator may elect to participate in a child restraint safety program, with the approval of the court with jurisdiction over the violation. After completing the program, the court may waive the \$60 penalty and any associated court costs, and must waive the assessment of points.

Current law also addresses use of safety belts or other restraint systems on school buses and on child-care facility vehicles.

School Buses

Section 316.6145, F.S., requires each school bus¹² purchased new after December 31, 2000, and used to transport students in grades pre-K through 12 be equipped with safety belts or with any other federally approved restraint system in a number sufficient to allow each student being transported to use a separate safety belt or restraint system. Enacted in 1999, the statute requires each school district to prioritize the allocation of buses equipped with safety belts or restraint systems to children in elementary schools.¹³ However, the provisions of s. 316.613, F.S., do not apply to school buses, as they are excluded from the definition of “motor vehicle” for purposes of that section.¹⁴

-
- A bus used for the transportation of persons for compensation, other than a bus regularly used to transport children to or from school, as defined in s. 316.615(1)(b), F.S., or in conjunction with school activities.
 - A farm tractor or implement of husbandry.
 - A truck having a gross vehicle weight rating of more than 26,000 pounds.
 - A motorcycle, moped, or bicycle.

¹¹ Section 318.18(3)(a), F.S.

¹² As used in that section, “school bus” means one that is owned, leased, operated, or contracted by a school district.

¹³ Section 1006.25(2), F.S., requires each school bus regularly used for the transportation of prekindergarten disability program and K-12 public school students to and from school or to and from school activities, and owned, operated, rented, contracted, or leased by any district school board to comply with the applicable federal motor vehicle safety standards. Subsection (4) of that section requires students be transported only in designated seating positions, except in specified emergency situations, and use the occupant crash protection system provided by the manufacturer. The Department of Education posts on its website guidelines providing “clarification and interpretation of the NHTSA Guidelines, and additional background and Department of Education recommendations regarding technical and operational issues associated with transporting pre-school age students.” See Florida Department of Education, *Florida Guidelines for Seating of Pre-school Age Children in School Buses*, available at <http://www.fldoe.org/schools/healthy-schools/transportation/> (last viewed March 22, 2019).

¹⁴ Section 316.613(2)(a), F.S.

Child Care Facility Vehicles

Section 402.305(1), F.S., requires the Florida Department of Children and Families (FDCF) to establish licensing standards that each licensed child care facility must meet regardless of the origin or source of the fees used to operate the facility or the type of children served. Section 402.305(10), F.S., requires the minimum standards, among other items, to include requirements for child restraints or seat belts in vehicles used by child care facilities¹⁵ and large family child care homes¹⁶ to transport children.

Pursuant to that direction, the FDCF's Florida Administrative Code Rule 65C-22.001(6)(e)¹⁷ requires each child transported in a child care facility vehicle or a large family child care home vehicle to be in an individual, factory-installed seat belt or a federally approved child restraint.

III. Effect of Proposed Changes:

The bill amends s. 316.613, F.S., increasing from five years of age or younger, to six years of age or younger, the requirement to provide for protection of a child by properly using a crash-tested, federally approved child restraint device. The bill also increases from age four through five years, to age four through six years, the authorization to use a separate carrier, an integrated child seat, or a child booster seat. Children being transported in a child restraint device in compliance with the current provisions of s. 316.613(1) and (1)(a)2., F.S., must be kept in that (or another) compliant device for one additional year. This result may or may not be consistent with NHTSA's recommendations focusing on the actual weight and height of the child being transported.

The requirement to protect children aged through three years with a separate carrier or a vehicle manufacturer's integrated child seat remains unchanged.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁵ Section 402.302(1), F.S., defines "child care" to mean "the care, protection, and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care." Subsection (2) of that section defines "child care facility" to include "any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit."

¹⁶ Section 402.302, F.S., defines "large family child care home" to mean "an occupied resident in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation, with one of the two personnel being the owner or occupant of the residence."

¹⁷ See Florida Department of Children and Families, *Chapter 65C-22 Florida Administrative Code Child Care Standards*, available online at <http://ccrain.fl-dcf.org/documents/2/470.pdf> (last viewed March 22, 2019).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The result of the bill is that children being transported in a child restraint device in compliance with the current provisions of s. 316.613(1) and (1)(a)2., F.S., must be kept in that (or another) compliant device for one additional year. Therefore, individuals and child care facilities in compliance with current law will not be *required* to purchase a different child restraint device. This result may or may not be consistent with NHTSA's recommendations focusing on the actual weight and height of the child being transported. The extent of any fiscal impact is indeterminate.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.613.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Perry

8-00927-19

2019476__

A bill to be entitled

An act relating to child restraint requirements; amending s. 316.613, F.S.; increasing the age of children for whom operators of motor vehicles must provide protection by using a crash-tested, federally approved child restraint device; increasing the age of children for whom a separate carrier, an integrated child seat, or a child booster seat may be used; providing an effective date.

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

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

316.613 Child restraint requirements.—

(1)(a) Every operator of a motor vehicle as defined in this section, while transporting a child in a motor vehicle operated on the roadways, streets, or highways of this state, shall, if the child is 6 ~~5~~ years of age or younger, provide for protection of the child by properly using a crash-tested, federally approved child restraint device.

1. For children aged through 3 years, such restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat.

2. For children aged 4 through 6 ~~5~~ years, a separate carrier, an integrated child seat, or a child booster seat may be used. However, the requirement to use a child restraint device under this subparagraph does not apply when a safety belt is used as required in s. 316.614(4)(a) and the child:

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

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

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

Section 2. This act shall take effect July 1, 2019.

Page 2 of 2

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

3-26-19

Meeting Date

476

Bill Number (if applicable)

Topic

Booster Seats

Amendment Barcode (if applicable)

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Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

UNITED WAY 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

APPEARANCE RECORD

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

3/26/19

Meeting Date

476

Bill Number (if applicable)

Topic Child Restraint Requirement

Amendment Barcode (if applicable)

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Speaking: ☒ For ☐ Against ☐ Information

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

Representing Budd Ball Cleanhouse on Human Services

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3-26-19

Meeting Date

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

SB474

Bill Number (if applicable)

Topic Child Restraint Requirements

Amendment Barcode (if applicable)

Name Pamela Korithoski

Job Title President

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Street

Phone 407-855-7604

Orlando, FL 32809

City

State

Zip

Email alachua.cc@florida
pta.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Alachua County Council of PTAs

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/26/19

Meeting Date

SB 476

Bill Number (if applicable)

Topic Child Restraints

Amendment Barcode (if applicable)

Name Mary-Lynn Cullen

Job Title Legislative Liaison

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Street

Sarasota FL 34243

City

State

Zip

Phone 941-928-0278

Email aichildrey@aol.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Advocacy Institute For Children

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/26/19

Meeting Date

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

SB 0476

Bill Number (if applicable)

Topic Child Restaurant Requirements

Amendment Barcode (if applicable)

Name Linda Alexionok

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Tall. Fl.

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State

32301

Zip

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Email lalexionok@iantrials.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing The Children's Amputation

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26/19

Meeting Date

476

Bill Number (if applicable)

Topic Child Restraint Requirements

Amendment Barcode (if applicable)

Name Jim Millican

Job Title Chief

Address 4360-55 Av N

Phone 727-526-5650

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St. Pete

FL

33714

City

State

Zip

Email jmillican6@calmanfire.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Lealman Fire District

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26

Meeting Date

SB 476

Bill Number (if applicable)

Topic Child Restraint Reg.

Amendment Barcode (if applicable)

Name Traci Deen

Job Title Chair

Address 1375 Suffolk Rd.
Street

Phone 786 271 3113

Winter Park FL 32789
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Junior Leagues of FL

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 Infrastructure and Security

BILL: CS/SB 542

INTRODUCER: Infrastructure and Security Committee and Senator Brandes

SUBJECT: Micromobility Devices and Motorized Scooters

DATE: March 27, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 542 addresses the operation of micromobility devices and motorized scooters. More specifically, the bill:

- Defines “micromobility device” and revises the definition of “motorized scooter.”
- Grants certain rights and applies certain duties of a bicycle rider to the operator of a micromobility device or motorized scooter, but provides a local government is not prevented from exercising its regulatory authority with respect to streets, highways, and sidewalks under their jurisdiction.
- Provides an operator of a micromobility device or motorized scooter is not required to have a valid driver license.
- Excludes micromobility devices and motorized scooters from compliance with vehicle registration, licensing, and insurance requirements.
- Deems a person who offers motorized scooters or micromobility devices for hire responsible for securing all such devices located in any area of the state where an active tropical storm or hurricane warning has been issued.
- Excludes micromobility devices and motorized scooters from provisions relating to equipment required on slow-moving vehicles, and from the definition of “motor vehicle” in provisions relating to motor vehicle licensing and license-plate display provisions.
- Makes technical and conforming changes.

The fiscal impact to local government and to the private sector is indeterminate. See the Fiscal Impact Statement heading for details.

The bill takes effect upon becoming a law.

II. Present Situation:

Share Programs

Some local governments across the country, and in Florida, have entered into agreements with bicycle and motorized scooter share programs to make the bicycles and scooters available to the public. Advocates see the bicycles and scooters as additional modes of transportation that increase personal mobility, particularly for shorter urban trips. Others local governments have moved to ban them, citing safety concerns.¹

These share programs allow the public to rent and ride bicycles and motorized scooters on a short-term basis within designated geographical areas.²

Docked Bicycle Share Programs

Companies offering “docked” bicycles require their bicycles to be rented from and returned to designated, unmanned docking stations.³ Rental options vary by program, but generally allow some combination of a single use rate for a flat fee, or a weekly, monthly, or annual subscription allowing the member to rent a bicycle for either an unlimited number of rides or a certain number of minutes per day during the subscription period.⁴

Dockless Bicycle Share Programs

Companies offering “dockless” bicycles do not have stations located at fixed positions from where their bicycles must be rented and returned. The operator unlocks the bicycle using information provided by or transmitted from the program’s mobile application on their mobile phone, and the bicycle is used according to the terms of the program agreement. The program agreement may require the operator to sign a waiver of liability prior to using the bicycle, including waiver of liability by parents who rent a bicycle for their minor children.⁵

The absence of designated bicycle racks, stations, or hubs to dock the bicycles when not in use distinguishes the dockless bicycle sharing model from the docked bicycle sharing models.

¹ See Tallahassee Democrat, Etters, C., March 7, 2019, *E-scooters in Tallahassee? Not right now say commissioners*, available at <https://www.tallahassee.com/story/news/2019/03/07/e-scooters-tallahassee-not-right-now-say-commissioners/3089813002/> (last viewed March 23, 2019).

² Some programs use “geofencing,” “a virtual boundary that triggers an action when crossed by a mobile device,” such as slowing the vehicle down or stopping it. See Route Fifty, *One operator, Bird, expressed displeasure with the 12 mph speed limit the city imposed*, Nyczepir, D., December 19, 2018, available at <https://www.routefifty.com/smart-cities/2018/12/san-jose-moves-forward-scooter-geofencing-rule/153682/> (last viewed March 23, 2019).

³ See, e.g., Citibike, *How it Works*, available at <http://citibikemiami.com/how-it-works> (last viewed March 23, 2019).

⁴ See, e.g., Broward B-cycle, *How it Works*, available at <https://broward.bcycle.com/how-it-works> and Juice Orlando Bike Share, *How it Works*, available at [Juice, About](https://juiceorlando.com/about), (last viewed March 23, 2019).

⁵ See, e.g., Lime, available at <https://www.li.me/> and the Lime user agreement, available at <https://www.li.me/user-agreement> (last viewed March 23, 2019).

Motorized Scooter Share Programs

In many of the business models, riders can use the motorized scooter share program's app to locate and reserve a motorized scooter for a fee (typically \$1) plus a per-minute fare. Within the app, the rider can see the motorized scooters available in the surrounding area, as well as the battery charge and range of miles available on the motorized scooter. Once the motorized scooter is located, the rider can capture a barcode located on the motorized scooter via a cell phone camera to reserve and start the ride. The rider ends the ride by parking the motorized scooter and selecting to end the ride on the app. The rider receives a summary of the ride with the total amount of the fare.⁶ These motorized scooters are dockless, and riders are able to leave the motorized scooters in a location of their choosing when they end their rides.⁷

Bicycle and motorized scooter share programs are not currently regulated by the state.

Safety and Other Concerns

The Center for Disease Control recently partnered with Austin, Texas, to conduct its first study of emergency services calls and injuries related to dockless electric scooters. In Austin, one of the oldest and biggest dockless scooter programs in the country, six scooter companies were operating a combined 11,000 vehicles in the city as of December of 2018.⁸ The study will examine 37 scooter-related emergency medical services calls and 68 scooter injuries reported at local hospitals in just a two-month period from September to November of 2018.⁹

Riders in Florida have not escaped injury,¹⁰ but in some locations, reported injuries are minimal.¹¹ The causes of such disparate results are difficult to identify due to the broad variation of a number of factors, such as traffic density, geography, weather conditions, the number of scooters deployed in a given local jurisdiction, the number and length of trips, and a host of other potentials. Some doctors point to the need for useful data that will be produced only by development of "a classification schema that does not currently exist: Was the scooter shared or privately owned? Was the user wearing a helmet? ... Doctors are hoping more specific data will inform safety regulations..."¹²

⁶ American Association of Motor Vehicle Administrators, *Electric Dockless Scooters Whitepaper*, 2019, at p. 3. (Copy on file in the Senate Infrastructure and Security Committee.)

⁷ *Id.*

⁸ See Next City, *Federal Agency to Study Dockless Scooter Health Risks*, Kaufman, R., December 13, 2018, available at <https://nextcity.org/daily/entry/federal-agency-to-study-dockless-scooter-health-risks> (last viewed March 23, 2019).

⁹ See Quartz, *Austin is calling in the CDC to study the public health risk of scooters*, Griswold, A., December 12, 2018, available at <https://qz.com/1492227/cdc-will-study-public-health-risk-of-electric-scooters-in-austin/> (last viewed March 23, 2019).

¹⁰ See, e.g., Newser, *Family to Sue After E-Scooter Accident Leaves Woman in Coma*, Quinn, R., February 12, 2019, available at <http://www.newser.com/story/271183/family-to-sue-after-e-scooter-accident-leaves-woman-in-coma.html> (last viewed March 23, 2019). Hollywood, Florida banned scooters "citing an uptick in emergency room visits as they flood sidewalks. ..." *Supra* note 1.

¹¹ *Supra* note 8.

¹² *Id.*

Other concerns have been cited with respect to dockless motorized scooters, perhaps resulting from riders being able to leave the scooters in a location of their choosing. Parking of these scooters has caused concerns relating to:

- Crowding and obstruction of sidewalks for pedestrians;
- Restricting the use of sidewalks for people with disabilities; and
- Riders leaving the scooters in the travel lanes of roadways.¹³

Similar concerns have been raised with respect to the bicycle share programs, including bicycles being thrown into bodies of water, stranded in trees or on rooftops, and left in other undesirable locations.¹⁴

Florida Uniform Traffic Control Law

The Florida Uniform Traffic Control Laws is codified in ch. 316, F.S. Unless expressly authorized, it is unlawful for any local government to pass or attempt to enforce any ordinance on a matter that is covered by state traffic control laws.¹⁵

Bicycle Regulation

Section 316.003(4), F.S., defines a “bicycle” as:

Every vehicle propelled solely by human power, and every *motorized bicycle* propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, 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 such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. A person under the age of 16 may not operate or ride upon a motorized bicycle.

Under state traffic control laws bicyclists are considered vehicle operators and are generally required to obey the same rules of the road as other vehicle operators, including traffic signs, signals, and lane markings.¹⁶ Section 316.2065, F.S., governs the operation of bicycles in Florida and provides for a number of bicycle-specific regulations, including:

- A bicycle rider or passenger who is under 16 years of age must wear a bicycle helmet.¹⁷
- A person may not knowingly rent or lease any bicycle to be ridden by a child who is under the age of 16 years unless:
 - The child possesses a bicycle helmet; or

¹³ *Supra* note 6.

¹⁴ See Next City, *Seattle Test Will Lead to Regulating Dockless Bike-Share*, Cohen, J., December 21, 2017, available at <https://nextcity.org/daily/entry/seattle-dockless-bikeshare-pilot-regulation> (last viewed March 23, 2019).

¹⁵ Sections 316.002 and 316.007, F.S.

¹⁶ Section 316.2065(1), F.S.

¹⁷ Section 316.2065(3)(d), F.S.

- The lessor provides a bicycle helmet for the child to wear.¹⁸
- Every bicycle in use between sunset and sunrise shall 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.¹⁹
- A person operating a bicycle on a sidewalk, or across a roadway on a crosswalk, must yield the right-of-way to any pedestrian and must give an audible signal before overtaking and passing the pedestrian.²⁰

A person operating a bicycle on a roadway must ride in the bicycle lane, but if there is no bicycle lane, the bicycle operator must ride as close to the right-hand curb as practicable. However, a bicycle operator may move to the center of the lane when:

- Overtaking and passing another bicycle or vehicle proceeding in the same direction;
- Preparing for a left turn at an intersection or into a private road or driveway; or
- Reasonably necessary to avoid any condition or potential conflict, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, turn lane, or substandard-width lane, which makes it unsafe to continue along the right-hand curb or edge or within a bicycle lane.²¹

A substandard width lane is any lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.²² Bicycle operators operating a bicycle on a one-way highway with two or more marked traffic lanes may ride as near to the left-hand curb as practicable²³ and bicycle operators may not ride more than two abreast on a roadway.²⁴

Local Traffic Control Authority

State traffic control laws allow local authorities to exercise some discretion over matters relating to bicycle safety and operation. Section 316.008, F.S., “Powers of local authorities,” grants local authorities with a reasonable exercise of police power to regulate a number of traffic-related activities within their jurisdictions, including:

- The operation of bicycles;
- Restricting the use of streets;
- Establishing speed limits for vehicles in public parks;
- Regulating or prohibiting stopping, standing, or parking;
- Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;
- Regulating, restricting, or monitoring traffic by security devices or personnel on public streets and highway;
- Designating and regulating traffic on play streets;

¹⁸ Section 316.2065(15)(a), F.S.

¹⁹ Section 316.2065(7), F.S.

²⁰ Section 316.2065(10), F.S.

²¹ Section 316.2065(5)(a), F.S.

²² *Id.*

²³ Section 316.2065(5)(b), F.S.

²⁴ Section 316.2065(6), F.S.

- Regulating, restricting, or prohibiting traffic within the boundary of any airport owned by the state, a county, a municipality, or a political subdivision; and
- Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions.

Section 316.008(7), F.S., authorizes a county or municipality to enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, *motorized scooters*, and electric personal assistive mobility devices on sidewalks or sidewalk areas, when such use is permissible under federal law²⁵ and under certain conditions. Local authorities, in conjunction with the Department of Transportation, are authorized to determine when overtaking and passing or driving to the left of the roadway would be especially hazardous and may require signs and markings to be placed to designate a no-passing zone.²⁶

Driving on Sidewalks or Bicycle Paths

Section 316.1995, F.S., prohibits a person from driving any vehicle other than by human power upon a bicycle path, sidewalk, or sidewalk area, except upon a permanent or duly authorized temporary driveway, except:

- Pursuant to a local ordinance as authorized in s. 316.008, F.S., discussed above, or
- As provided in s. 316.212(8), F.S., relating to golf carts.

Operation of Motorized Scooters and Miniature Motorcycles

Section 316.2128, F.S., addresses operation of motorized scooters and miniature motorcycles and their sales. That section requires a commercial seller of these scooters and motorcycles to display at the place of business a notice that they are not legal to operate on public roads, may not be registered as motor vehicles, and may not be operated on sidewalks unless authorized by an ordinance enacted pursuant to s. 316.008(7)(a) or s. 316.212(8), F.S., discussed above. The notice must also appear in all forms of advertising offering motorized scooters or miniature motorcycles for sale, and a copy of the notice must be provided to a consumer prior to becoming obligated to make a purchase.

Additional Equipment Required on Certain Vehicles

Section 316.2225(7), F.S., requires in part that every slow-moving vehicle or equipment, animal-drawn vehicle, or other machinery designed for use and speeds less than 25 miles per hour being operated on a public highway to display a triangular slow-moving vehicle emblem.

III. Effect of Proposed Changes:

The bill addresses the operation of micromobility devices and motorized scooters and revises various related provisions of current law.

²⁵ 23 U.S.C. s. 217 authorizes a state to expend certain funds for construction of pedestrian walkways (sidewalks) and bicycle transportation facilities and for carrying out non-construction projects related to safe bicycle use. 23 U.S.C. s. 217(h) specifically prohibits motorized vehicles on trails and pedestrian walkways if such funds are used by the state to construct them, except for maintenance purposes; when snow conditions and state or local regulations permit, snowmobiles; motorized wheelchairs; when state or local regulations permit, electric bicycles; and such other circumstances as the U.S.D.O.T. Secretary deems appropriate. Failure to comply can result in the state's loss of those federal funds.

²⁶ Section 316.0875, F.S.

Section 1 of the bill amends s. 316.003, F.S., to define the term “micromobility device” to mean “any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips, which is incapable of traveling at speeds greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in this section.”

This section of the bill also revises the current definition of “motorized scooter” to include any vehicle²⁷ or *micromobility device powered by a motor with or without* a seat or saddle for the use of the rider. The definition is also revised to reduce the maximum allowable speed of such vehicles or devices on level ground from 30 miles per hour to 20 miles per hour. The bill also corrects a cross reference necessitated by the bill’s revisions.

The reduced speed may increase safety for other users of sidewalks where bicycles and motorized scooters use the same sidewalks. However, this result may be offset to the extent that the bill results in increased use of the sidewalks by bicycles and motorized scooters. This result may also be offset to the extent that increased interaction of these devices with “conventional” traffic in the roadways results in additional injuries or fatalities.

Section 2 amends s. 316.1995, F.S., relating to exceptions to driving upon sidewalks or bicycle paths, to insert a cross-reference to new provisions created by the bill in s. 316.2128, F.S.

Section 3 amends s. 316.2128, F.S., relating to operation and sales of motorized scooters and miniature motorcycles, to incorporate micromobility devices into the section title and limit the reference to sales provisions in the title to miniature motorcycles. Additionally, with respect to the operation of micromobility devices or motorized scooters, the bill:

- Grants the operator of a micromobility device or motorized scooter all of the rights and duties applicable to the rider of a bicycle under s. 316.2065, F.S., except those imposed by s. 316.2065(2), (3)(b), and (3)(c), F.S., which by their nature do not apply.²⁸
- Provides that s. 316.2128, F.S., may not be construed to prevent a local government, through the exercise of its powers under s. 316.008, F.S., from adopting an ordinance governing the operation of micromobility devices and motorized scooters on streets, highways, sidewalks and sidewalk areas under the local government’s jurisdiction.
- Excludes a micromobility device or motorized scooter from compliance with the vehicle registration and insurance requirements of s. 320.02, F.S.,²⁹ or the vehicle licensing requirements of s. 316.605, F.S.³⁰

²⁷ Section 316.003(99), F.S., defines “vehicle” to mean “every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except personal delivery devices, mobile carriers, and devices used exclusively upon stationary rails or tracks.”

²⁸ These duties include: A person operating a bicycle must ride upon or astride a permanent and regular seat attached thereto; must carry any passenger who is a child under four years of age, or who weighs 40 pounds or less, in a seat or carrier that is designed to carry a child of that age or size that secures and protects the child from the moving parts of the bicycle; and must remain in immediate control of the bicycle when a passenger is in a child seat or carrier.

²⁹ Section 320.02, F.S., generally requires every owner or person in charge of a motor vehicle that is operated or driven on the roads of this state to register the vehicle in this state

³⁰ Section 316.605, F.S., generally requires every vehicle to be licensed in the name of the owner and provides requirements for display of the vehicle license plate.

- Allows a person without a valid driver license to operate a micromobility device or motorized scooter.
- Requires a person who offers micromobility devices or motorized scooters for hire to be responsible for securing all such devices located in any area of the State where the National Weather Service has issues an active tropical storm or hurricane warning.

Because riders of micromobility devices and motorized scooters would have the same rights and duties of bicycle riders under s. 316.2065, F.S. (with the identified exceptions that do not apply by their nature), riders of micromobility devices and motorized scooters would be bound by the provisions of that section of law. For example:

- A person under the age of 16 would continue to be prohibited from operating or riding upon a motorized bicycle.
- A rider or passenger under 16 on a micromobility device or motorized scooter would be required to wear a helmet.
- A rider of a micromobility device or motorized scooter on a roadway would be required to ride in the bicycle lane, but if there is no bicycle lane, as close to the right-hand curb as practicable.
- A rider of a micromobility device or motorized scooter on a sidewalk, or across a roadway on a crosswalk, would be required to yield the right-of-way to any pedestrian.

However, except with respect to specific requirements in the bill, such as the exclusions from vehicle registration, licensing, and insurance requirements, a local government retains its authority under s. 316.008, F.S., to regulate the operation of micromobility devices and motorized scooters on streets, highways, sidewalks and sidewalk areas under the local government's jurisdiction. A local government could not, for example, require a person to have a valid driver license but could set a minimum age requirement for rentals of these devices. Alternatively, a local government could limit the areas where the devices could be operated or potentially prohibit operation of these devices completely.

This section of the bill also removes references to motorized scooters in the consumer notice provisions currently contained in s. 316.2128, F.S., thereby removing motorized scooters from application of those provisions.

Section 4 amends s. 316.2225(7), F.S., to exclude micromobility devices and motorized scooters from equipment requirements related to display of a triangular slow-moving vehicle emblem for certain slow-moving vehicles.

Section 5 amends s. 320.01, F.S., to exclude motorized scooters and micromobility devices from the definition of "motor vehicle" in ch. 320, F.S., relating to motor vehicle licensing provisions.

Section 6 amends s. 655.960(1), F.S., to revise a cross-reference to conform to changes made by the bill.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

Public access to micromobility devices and motorized scooters may increase if the bill results in additional local markets being opened to businesses offering these services.

Increased use of micromobility devices and motorized scooters may have an indeterminate impact on users' out-of-pocket medical treatment costs and other expenses depending on the frequency and severity of injuries that result. The parties to any litigation relating to injuries or fatalities associated with micromobility devices or motorized scooters may incur significant expenses to defend against a claim for or to seek recoverable damages.

C. Government Sector Impact:

Increased use of micromobility devices and motorized scooters may have an indeterminate impact on public health costs depending on the frequency and severity of injuries that may result and the availability of private health insurance to cover those costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.1995, 316.2128, 316.2225, 320.01, and 655.960.

IX. Additional Information:

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

CS by Infrastructure and Security on March 26, 2019:

The committee substitute removed the following provisions from the bill:

- Allowing county and municipal regulation of micromobility devices and motorized scooters if the regulation is not in conflict with ch. 316, F.S., and is no more restrictive than the regulation of bicycles.
- Establishing exclusive state and federal control of regulation of such devices and scooters.
- Authorizing counties and municipalities to require licensure of persons offering micromobility devices or motorized scooters for hire and requiring counties and municipalities to grant licenses if specified proof of insurance is provided.
- Authorizing a person to park such devices or scooters on sidewalks under certain conditions.

The committee substitute also provides:

- A local government is not prevented from exercising its traffic-related statutory powers with respect to streets, highways, and sidewalks under local government jurisdiction.
- A person who offers motorized scooters or micromobility devices for hire is responsible for securing all such devices in any area of the state where an active tropical storm or hurricane warning has been issued.

- B. Amendments:

None.



449268

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2019	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Brandes)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (38) through (101) of
section 316.003, Florida Statutes, are redesignated as
subsections (39) through (102), respectively, a new subsection
(38) is added to that section, and present subsections (44) and
(59) of that section are amended, to read:

316.003 Definitions.—The following words and phrases, when



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

(38) MICROMOBILITY DEVICE.—Any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in this chapter.

(45)~~(44)~~ MOTORIZED SCOOTER.—Any vehicle or micromobility device that is powered by a motor with or without ~~not having~~ a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 ~~30~~ miles per hour on level ground.

(60)~~(59)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph (82) (b) ~~(81) (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.

Section 2. Section 316.1995, Florida Statutes, is amended to read:

316.1995 Driving upon sidewalk or bicycle path.—

(1) Except as provided in s. 316.008, ~~or~~ s. 316.212(8), or s. 316.2128, a person may not drive any vehicle other than by human power upon a bicycle path, sidewalk, or sidewalk area, except upon a permanent or duly authorized temporary driveway.

(2) A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in



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chapter 318.

(3) This section does not apply to motorized wheelchairs.

Section 3. Section 316.2128, Florida Statutes, is amended to read:

316.2128 ~~Operation of~~ Micromobility devices, motorized scooters, and miniature motorcycles; requirements ~~for sales.~~

(1) The operator of a motorized scooter or micromobility device has all of the rights and duties applicable to the rider of a bicycle under s. 316.2065, except the duties imposed by s. 316.2065(2), (3) (b), and (3) (c), which by their nature do not apply.

(2) A motorized scooter or micromobility device is not required to satisfy the registration and insurance requirements of s. 320.02 or the licensing requirements of s. 316.605.

(3) A person is not required to have a driver license to operate a motorized scooter or micromobility device.

(4) A person who offers motorized scooters or micromobility devices for hire is responsible for securing all such devices located in any area of the state where an active tropical storm or hurricane warning has been issued by the National Weather Service.

(5)~~(1)~~ A person who engages in the business of, serves in the capacity of, or acts as a commercial seller of motorized scooters or miniature motorcycles in this state must prominently display at his or her place of business a notice that such vehicles are not legal to operate on public roads, may not be registered as motor vehicles, and may not be operated on sidewalks unless authorized by an ordinance enacted pursuant to s. 316.008(7) (a) or s. 316.212(8). The required notice must also



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appear in all forms of advertising offering ~~motorized scooters~~
~~or~~ miniature motorcycles for sale. The notice and a copy of this
section must also be provided to a consumer prior to the
consumer's purchasing or becoming obligated to purchase a
~~motorized scooter or~~ a miniature motorcycle.

(6) ~~(2)~~ Any person selling or offering a ~~motorized scooter~~
~~or~~ a miniature motorcycle for sale in violation of this section
commits an unfair and deceptive trade practice as defined in
part II of chapter 501.

Section 4. Subsection (7) of section 316.2225, Florida
Statutes, is amended to read:

316.2225 Additional equipment required on certain
vehicles.—In addition to other equipment required in this
chapter, the following vehicles shall be equipped as herein
stated under the conditions stated in s. 316.217.

(7) On every slow-moving vehicle or equipment, animal-drawn
vehicle, or other machinery designed for use and speeds less
than 25 miles per hour, excluding electric personal assistive
mobility devices and motorized scooters, but including all road
construction and maintenance machinery except when engaged in
actual construction or maintenance work either guarded by a
flagger or a clearly visible warning sign, which normally
travels or is normally used at a speed of less than 25 miles per
hour and which is operated on a public highway, there must be÷

~~(a)~~ a triangular slow-moving vehicle emblem SMV as
described in, and displayed as provided in, this subsection
~~paragraph (b).~~

(a) The requirement of the emblem shall be in addition to
any other equipment required by law. The emblem shall not be



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displayed on objects which are customarily stationary in use except while being transported on the roadway of any public highway of this state.

(b) The Department of Highway Safety and Motor Vehicles shall adopt such rules and regulations as are required to carry out the purpose of this section. The requirements of such rules and regulations shall incorporate the current specifications for SMV emblems of the American Society of Agricultural Engineers.

Section 5. Paragraph (a) of subsection (1) of section 320.01, Florida Statutes, is amended to read:

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

(1) "Motor vehicle" means:

(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, motorized scooters, micromobility devices, personal delivery devices and mobile carriers as defined in s. 316.003, special mobile equipment as defined in s. 316.003, vehicles that run only upon a track, bicycles, swamp buggies, or mopeds.

Section 6. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

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

(1) "Access area" means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does



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not include any street or highway open to the use of the public,
as defined in s. 316.003(82)(a) or (b) ~~s. 316.003(81)(a) or (b)~~,
including any adjacent sidewalk, as defined in s. 316.003.

Section 7. This act shall take effect upon becoming a law.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to mobility devices and motorized
scooters; amending s. 316.003, F.S.; defining the term
"micromobility device"; revising the definition of the
term "motorized scooter"; conforming a cross-
reference; amending s. 316.1995, F.S.; conforming a
provision to changes made by the act; amending s.
316.2128, F.S.; providing that the operator of a
motorized scooter or micromobility device has all of
the rights and duties applicable to the rider of a
bicycle, except the duties imposed by specified
provisions that by their nature do not apply;
exempting a motorized scooter or micromobility device
from certain registration, insurance, and licensing
requirements; providing that a person is not required
to have a driver license to operate a motorized
scooter or micromobility device; requiring a person
who offers motorized scooters or micromobility devices
for hire to be responsible for securing all such
devices located in any area of the state where a



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certain warning has been issued by the National
Weather Service; deleting specified requirements for
the sale of motorized scooters; amending s. 316.2225,
F.S.; exempting electric personal assistive mobility
devices and motorized scooters from certain emblem
requirements; amending s. 320.01, F.S.; revising the
definition of the term "motor vehicle"; amending s.
655.960, F.S.; conforming a cross-reference; providing
an effective date.



936054

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2019	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Lee) recommended the following:

Senate Amendment to Amendment (449268) (with title amendment)

Delete line 50

and insert:

apply. However, this section shall not be construed to prevent a local government, through the exercise of its powers under s. 316.008, from adopting an ordinance governing the operation of micromobility devices and motorized scooters on streets, highways, sidewalks and sidewalk areas under the local



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11 government's jurisdiction.

12

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

14 And the title is amended as follows:

15 Delete lines 148 - 149

16 and insert:

17 providing for construction; exempting a motorized

18 scooter or micromobility device

By Senator Brandes

24-00489A-19

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1 A bill to be entitled
 2 An act relating to micromobility devices and motorized
 3 scooters; amending s. 316.003, F.S.; defining the term
 4 "micromobility device"; revising the definition of the
 5 term "motorized scooter"; conforming a cross-
 6 reference; amending s. 316.008, F.S.; authorizing a
 7 county or municipality to regulate the operation of
 8 micromobility devices and for-hire motorized scooters,
 9 subject to certain restrictions; authorizing a county
 10 or municipality to require that a person offering
 11 micromobility devices or for-hire motorized scooters
 12 be licensed; requiring that such license be granted if
 13 the applicant for licensure provides certain proof of
 14 insurance coverage; providing that, except for
 15 specified provisions, regulation of micromobility
 16 devices and for-hire motorized scooters is exclusively
 17 controlled by state and federal law; amending s.
 18 316.1995, F.S.; conforming a provision to changes made
 19 by the act; amending s. 316.2128, F.S.; providing that
 20 the operator of a micromobility device or motorized
 21 scooter has all of the rights and duties applicable to
 22 the rider of a bicycle, except the duties imposed by
 23 specified provisions that by their nature do not
 24 apply; exempting a micromobility device or motorized
 25 scooter from certain registration, insurance, and
 26 licensing requirements; providing that a person is not
 27 required to have a valid driver license to operate a
 28 micromobility device or motorized scooter; authorizing
 29 the parking of a micromobility device or motorized

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

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30 scooter on sidewalks, subject to certain requirements;
 31 deleting specified requirements for the sale of
 32 motorized scooters; amending s. 316.2225, F.S.;
 33 exempting micromobility devices and motorized scooters
 34 from certain emblem requirements; amending s. 655.960,
 35 F.S.; conforming a cross-reference; providing an
 36 effective date.
 37

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

40 Section 1. Present subsections (38) through (101) of
 41 section 316.003, Florida Statutes, are redesignated as
 42 subsections (39) through (102), respectively, a new subsection
 43 (38) is added to that section, and present subsections (44) and
 44 (59) of that section are amended, to read:

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

49 (38) MICROMOBILITY DEVICE.—Any motorized transportation
 50 device made available for private use by reservation through an
 51 online application, website, or software for point-to-point
 52 trips, which is incapable of traveling at speeds greater than 20
 53 miles per hour on level ground. This term includes motorized
 54 scooters and bicycles as defined in this section.

55 (45)(44) MOTORIZED SCOOTER.—Any vehicle or micromobility
 56 device that is powered by a motor with or without ~~not having~~ a
 57 seat or saddle for the use of the rider, designed to travel on
 58 not more than three wheels, and not capable of propelling the

Page 2 of 6

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

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vehicle at a speed greater than 20 ~~30~~ miles per hour on level ground.

~~(60)-(59) PRIVATE ROAD OR DRIVEWAY.~~—Except as otherwise provided in paragraph ~~(82)(b)~~ ~~(81)(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.

Section 2. Subsection (9) is added to section 316.008, Florida Statutes, to read:

316.008 Powers of local authorities.—

(9) (a) A county or municipality may regulate the operation of micromobility devices and for-hire motorized scooters; however, any such ordinance or regulation may not conflict with this chapter or federal law and may not be more restrictive than the county's or municipality's regulation of bicycles.

(b) A county or municipality may require a person offering micromobility devices or for-hire motorized scooters to be licensed. The license must be granted if the applicant for licensure provides proof of:

1. Commercial general liability insurance coverage with a limit of at least \$1 million per occurrence and with a \$5 million aggregate limit; and

2. If the applicant employs persons within the jurisdiction of the county or municipality, workers' compensation coverage that meets the minimum requirements under chapter 440 and the Florida Insurance Code.

(c) Except as provided in this section, regulation of micromobility devices and for-hire motorized scooters is exclusively controlled by state and federal law.

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Section 3. Section 316.1995, Florida Statutes, is amended to read:

316.1995 Driving upon sidewalk or bicycle path.—

(1) Except as provided in s. 316.008, s. 316.2128, or s. 316.212(8), a person may not drive any vehicle other than by human power upon a bicycle path, sidewalk, or sidewalk area, except upon a permanent or duly authorized temporary driveway.

(2) A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

(3) This section does not apply to motorized wheelchairs.

Section 4. Section 316.2128, Florida Statutes, is amended to read:

316.2128 Operation of micromobility devices, motorized scooters, and miniature motorcycles; requirements for sales of miniature motorcycles.—

(1) The operator of a micromobility device or motorized scooter has all of the rights and duties applicable to the rider of a bicycle under s. 316.2065, except the duties imposed by s. 316.2065(2) and (3)(b) and (3)(c), which by their nature do not apply.

(2) A micromobility device or motorized scooter is not required to satisfy the registration and insurance requirements of s. 320.02 or the licensing requirements of s. 316.605.

(3) A person is not required to have a valid driver license to operate a micromobility device or motorized scooter.

(4) A person may park a micromobility device or motorized scooter on sidewalks in a manner that does not impede the normal movement of pedestrian traffic to adhere with local ordinances

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and state or federal laws.

(5)(1) A person who engages in the business of, serves in the capacity of, or acts as a commercial seller of ~~motorized scooters or~~ miniature motorcycles in this state must prominently display at his or her place of business a notice that such vehicles are not legal to operate on public roads, may not be registered as motor vehicles, and may not be operated on sidewalks unless authorized by an ordinance enacted pursuant to s. 316.008(7)(a) or s. 316.212(8). The required notice must also appear in all forms of advertising offering ~~motorized scooters or~~ miniature motorcycles for sale. The notice and a copy of this section must also be provided to a consumer prior to the consumer's purchasing or becoming obligated to purchase a ~~motorized scooter or~~ a miniature motorcycle.

(6)(2) Any person selling or offering a ~~motorized scooter or~~ a miniature motorcycle for sale in violation of this section commits an unfair and deceptive trade practice as defined in part II of chapter 501.

Section 5. Subsection (7) of section 316.2225, Florida Statutes, is amended to read:

316.2225 Additional equipment required on certain vehicles.—In addition to other equipment required in this chapter, the following vehicles shall be equipped as herein stated under the conditions stated in s. 316.217.

(7) On every slow-moving vehicle or equipment, animal-drawn vehicle, or other machinery designed for use and speeds less than 25 miles per hour, excluding micromobility devices and motorized scooters, but including all road construction and maintenance machinery except when engaged in actual construction

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or maintenance work either guarded by a flagger or a clearly visible warning sign, which normally travels or is normally used at a speed of less than 25 miles per hour and which is operated on a public highway, ~~there must be~~

~~(a)~~ a triangular slow-moving vehicle emblem SMV as described in, and displayed as provided in, this subsection ~~paragraph (b)~~.

(a) The requirement of the emblem shall be in addition to any other equipment required by law. The emblem shall not be displayed on objects which are customarily stationary in use except while being transported on the roadway of any public highway of this state.

(b) The Department of Highway Safety and Motor Vehicles shall adopt such rules and regulations as are required to carry out the purpose of this section. The requirements of such rules and regulations shall incorporate the current specifications for SMV emblems of the American Society of Agricultural Engineers.

Section 6. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

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

(1) "Access area" means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(82)(a) or (b) ~~s. 316.003(81)(a) or (b)~~, including any adjacent sidewalk, as defined in s. 316.003.

Section 7. This act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/19
Meeting Date

SB 542
Bill Number (if applicable)

Topic Micromobility Devices + Motorized Scooters

Amendment Barcode (if applicable)

Name BRIAN NO

Job Title Head of Public Policy, Spin

Address 450 Mission St, Ste 400
Street

Phone 720-394-5532

SF CA 94105
City State Zip

Email brian@spin.pm

Speaking: ☐ For ☒ Against ☐ Information

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

Representing SPIN

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/19

Meeting Date

542

Bill Number (if applicable)

Topic Motorized Scooters

Amendment Barcode (if applicable)

Name Edward Brigg

Job Title Consultant

Address _____

Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Uber Technologies & Affiliates, Inc.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

26 March 2019
Meeting Date

SB 542
Bill Number (if applicable)

Topic Micro mobility Devices and Motorized Scooters Amendment Barcode (if applicable)

Name Diego Echeverri

Job Title Director of Coalitions

Address 200 W College Ave
Street

Phone 813-767-2084

Tallahassee FL
City State Zip

Email decheverri@afphq.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Americans For Prosperity

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

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 Community Affairs

BILL: CS/SB 728

INTRODUCER: Infrastructure and Security Committee and Senator Lee

SUBJECT: Community Development Districts

DATE: April 3, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Peacock	Yeatman	CA	Favorable
2. Price	Miller	IS	Fav/CS
3. _____	_____	RC	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 728 authorizes Community Development Districts (CDDs) of less than 2,500 acres and solely in one county or municipality to include a list of parcels in the CDD's establishment petition that the CDD expects to add within the next 10 years. A parcel may only be included with the consent of the landowner. The bill provides a process for expanding the boundaries of the CDD to include these additional parcels. The bill also provides that the expansion of CDD boundaries to include these parcels does not alter the time period for transition from a landowner board to a board composed of qualified electors under s. 190.006, F.S., and states that the parcels may be added even if the resulting CDD is greater than 2,500 acres.

The bill provides that a CDD may also merge with another type of special district created by special act under certain circumstances.

II. Present Situation:

Overview

In general terms, a community development district (CDD) is a "local unit of special-purpose government"¹ which is often created to facilitate the funding and management of new housing developments.

¹ Section 190.003(6), F.S.

Expanding a CDD involves a somewhat different process depending on its original size. For CDDs that began as less than 2,500 acres in size, a person must file a petition with the county. For larger CDDs, a person must file a petition, along with a \$1,500 filing fee, with the Florida Land and Water Adjudicatory Commission (FLWAC). Then, in either case, a public hearing must be held.

However, special requirements apply if someone is seeking a particularly large expansion of a CDD. Any expansion of more than 50 percent of the initial size of the CDD or more than 1,000 acres must be processed according to the statute that governs creation of a new CDD.

CDDs in General

Chapter 190, F.S., the “Uniform Community Development District Act of 1980,”² sets forth the exclusive and uniform procedures for establishing and operating a community development district (CDD).³ This type of independent special district⁴ is an alternative method to manage and finance basic services for community development.⁵ There are currently 685 active CDDs in Florida.⁶

A CDD must act within the constraints of applicable comprehensive plans, ordinances, and regulations of the local general-purpose government.⁷ CDDs have certain general powers, including the authority to:

- Assess and impose ad valorem taxes upon lands in the CDD;
- Bring lawsuits (and be sued);
- Participate in the state retirement system;
- Contract for services;
- Borrow money;
- Accept gifts;
- Adopt rules and orders pursuant to the Administrative Procedure Act (APA);⁸
- Maintain an office;
- Lease;
- Issue bonds;
- Raise money by user charges or fees; and
- Levy and enforce special assessments.⁹

² Section 190.001, F.S.

³ Sections 190.004 and 190.005, F.S.

⁴ A “special district” is “a unit of local government created for a special purpose... within a limited geographic boundary ... created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.” Section 189.012(6), F.S. An “independent special district” is a special district that does not meet any of the criteria listed in s. 189.012(2), F.S. Additionally, any special district including more than one county is an independent special district, unless the district lies wholly within a single municipality. Section 189.012(3), F.S.

⁵ Section 190.003(6), F.S.

⁶ Department of Economic Opportunity, *Official List of Special Districts Online – Directory*, available at <http://specialdistrictreports.floridajobs.org/webreports/mainindex.aspx> (last visited March 8, 2019).

⁷ Section 190.004(3), F.S.

⁸ Ch. 120, F.S.

⁹ Section 190.011, F.S.

The statutes also authorize additional special powers pertaining to public improvements and community facilities, such as systems for water management, water supply, sewer, and wastewater management, as well as roads, bridges, culverts, street lights, buses, trolleys, transit shelters, ridesharing facilities and services, parking improvements, signage, environmental contamination, conservation areas, mitigation areas, and wildlife habitat.¹⁰ With the consent of the applicable local general-purpose government with jurisdiction over the affected area, a CDD may plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for:

- Parks and facilities for indoor and outdoor recreational, cultural, and educational uses;
- Fire prevention and control;
- School buildings and related structures and site improvements;
- Security;
- Control and elimination of mosquitoes and other arthropods of public health importance; and
- Waste collection and disposal.¹¹

Establishing a CDD

Petition for Rulemaking by the Florida Land and Water Adjudicatory Commission

The process for establishing a CDD depends upon its size. CDDs of 2,500 acres or more are established by petitioning the Florida Land and Water Adjudicatory Commission (FLWAC)¹² to adopt an administrative rule creating the district.¹³ The statute requires each petition to contain specified information, including the written consent to establishing the CDD by all landowners¹⁴ of real property to be included in the district.¹⁵ Prior to filing, the petitioner must submit copies of the petition and pay separate filing fees of \$15,000 each to the county and any municipality in which the proposed CDD will be located and also to each municipality contiguous with or containing a portion of the land proposed for inclusion in the district.¹⁶ The counties and municipalities required to receive copies of the petition may conduct public hearings and express support or objection to the proposed district by resolution and by stating their position before the FLWAC.¹⁷ Additionally, a public hearing on the petition must be held in the county where the CDD will be located; these hearings are conducted under the requirements of the Administrative

¹⁰ Section 190.012(1), F.S. The rule or ordinance establishing the CDD may restrict the special powers authorized in this subsection. Sections 190.005(1)(f) and (2)(d), F.S.

¹¹ Section 190.012(2), F.S.

¹² Created by s. 380.07, F.S., the FLWAC is comprised of the Administration Commission, which in turn is created by s. 14.202, F.S., and is composed of the Governor and Cabinet (Section 20.03, F.S., provides that “Cabinet” means the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture). This distinction affects the requirements for an affirmative vote by the FLWAC. Unless otherwise provided in law, the statutory voting requirements for the Administration Commission apply and affirmation by the FLWAC requires approval by the Governor and at least two Cabinet members.

¹³ Section 190.005(1), F.S.

¹⁴ “Landowner” means the owner of a freehold estate as appears by the deed record, including a trustee, a private corporation, and an owner of a condominium unit; it does not include a reversioner, remainderman, mortgagee, or any governmental entity, who shall not be counted and need not be notified of proceedings under this act. Landowner shall also mean the owner of a ground lease from a governmental entity, which leasehold interest has a remaining term, excluding all renewal options, in excess of 50 years. Section 190.003(14), F.S.

¹⁵ Section 190.005(1)(a), F.S.

¹⁶ Section 190.005(1)(b), F.S.

¹⁷ Section 190.005(1)(c), F.S.

Procedure Act (APA)¹⁸ before an administrative law judge.¹⁹ Once the hearing process is complete, the entire record is submitted to the FLWAC, reviewed by staff, and placed on the FLWAC meeting agenda for final consideration with the petition.²⁰ If the petition is approved, staff of the FLWAC initiates proceedings to adopt the rule creating the CDD.

Petition for Ordinance Creating a CDD

CDDs of less than 2,500 acres are generally established by ordinance of the county having jurisdiction over the majority of land in the area in which the CDD is to be located.²¹ A petition to establish a CDD is filed with the county commission.²² After conducting a local public hearing before a hearing officer,²³ the commission may adopt an ordinance creating the CDD.²⁴ If any of the land proposed for inclusion in the CDD lies within the area of a municipality, the county cannot create the district without approval of the affected municipality.²⁵

However, if all the land proposed for inclusion in the CDD lies within the territorial jurisdiction of a municipality, the petition is filed with that municipality which then exercises the duties otherwise performed by the county commission.²⁶ In this case, the CDD would be created by municipal ordinance. Within 90 days after receiving the petition, the county commission (or municipality, as applicable) may transfer the petition to the FLWAC.²⁷ Finally, if all the land of the proposed CDD lies within the territorial jurisdiction of two or more municipalities or two or more counties, the petition must be filed with the FLWAC even if the total area is less than 2,500 acres.²⁸

Requirements for Notice, Meeting, and Vote of Landowners in a CDD

The powers of a CDD are exercised by the board of supervisors elected by the landowners of the district.²⁹ The board must have five members serving two- or 4-year terms.³⁰ The initial members of the board are designated in the original petition to create the CDD and serve until new members are elected after the district is established.³¹ A meeting of landowners for the purpose of electing the board must be held within 90 days after the effective date of the rule or ordinance

¹⁸ See ch. 120, F.S. The general hearing requirements are stated in ss. 120.569 and 120.57(1), F.S.

¹⁹ Section 190.005(1)(d), F.S.; Rules 42-1.009 & 42-1.012, F.A.C. Chapter 42-1, F.A.C., the procedural rules of the FLWAC, remains substantially unchanged since its adoption in 1982.

²⁰ Section 190.005(1)(e), F.S. A similar process is followed when the FLWAC considers a proposed merger of existing CDDs. See FLWAC Agenda Item 1 dated Aug. 16, 2011, available at <http://www.myflorida.com/myflorida/cabinet/agenda11/0816/FLWAC0816.pdf> (last visited March 8, 2019).

²¹ Section 190.005(2), F.S.

²² Section 190.005(2)(a), F.S. The petition must contain the same information as required for submission to the FLWAC.

²³ Section 190.005(2)(b), F.S. The hearing must follow the same notice and procedural requirements as the local hearing for petitions before the FLWAC.

²⁴ See s. 190.005(2)(d), F.S.

²⁵ Section 190.005(2)(e), F.S.

²⁶ *Id.*

²⁷ Section 190.005(2)(f), F.S.

²⁸ Section 190.005(2)(e), F.S.

²⁹ Section 190.006(1), F.S.

³⁰ *Id.*

³¹ Sections 190.005(1)(a)3., and 190.006(2)(a), F.S.

creating the district.³² Each landowner is entitled to one vote for each acre owned.³³ The top two candidates are elected to four-year terms, while the next three candidates are elected to two-year terms.³⁴ A new board election, held among the qualified electors of the district, occurs when either the board proposes to exercise its ad valorem taxing authority or six years after the formation of the district (ten years for districts exceeding 5,000 acres).³⁵ Elections of board members by qualified electors are non-partisan general elections conducted by the supervisor of elections.³⁶

Financial Reporting by a CDD

CDDs are subject to the financial reporting requirements of Chs., 189, 190, and 218, F.S.³⁷ The district manager is responsible for drafting a proposed budget on or before June 15 of each year.³⁸ The board of the CDD considers the proposed budget, makes amendments as necessary, and adopts the budget by resolution.³⁹ After the board adopts the budget, a public hearing on the budget is held and the board may make further changes as it deems necessary.⁴⁰ At least 60 days prior to adoption, the district is required to submit its budget to the local government entities having jurisdiction over the area.⁴¹ This submission is for the purposes of disclosure and information only, but the local government entities may submit written comments to the CDD board.⁴² CDDs are also required to take affirmative steps to provide full disclosure of information related to public financing and maintenance of improvements constructed by the district.⁴³ The district must provide any developer of residential property in the district with sufficient copies of this information to be able to provide a copy to each prospective initial purchaser of property.⁴⁴ Districts must file disclosures of this information in the property records of each county in which the district is located.⁴⁵ The Department of Economic Opportunity (DEO) is required to keep a current list of districts and their disclosures of public financing.⁴⁶

CDDs, like other special districts, also must comply with the annual financial reporting and financial audit reporting requirements of Ch. 218, F.S.⁴⁷ A CDD with revenues or total expenditures or expenses in excess of \$100,000 is required to have an annual audit conducted by

³² Section 190.006(2)(a), F.S.

³³ Section 190.006(2)(b), F.S.

³⁴ *Id.*

³⁵ Sections 190.006(3)(a)1.-2., F.S. For CDDs with less than certain minimum numbers of qualified electors after 6 or 10 years, as applicable, the district landowners shall continue to elect the board members (s. 190.006(3)(a)2.a., F.S.) until the number of qualified electors in the district exceeds the statutory minimum (s. 190.006(3)(a)2.b., F.S.).

³⁶ Section 190.006(3)(b), F.S. The statute does not specify which supervisor of elections conducts the board election if the district encompasses property in more than one county.

³⁷ Sections 189.016 and 190.008(1), F.S.

³⁸ Section 190.008(2)(a), F.S.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Section 190.008(2)(b), F.S.

⁴² Section 190.008(2)(b)-(c), F.S.

⁴³ Section 190.009(1), F.S.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ Section 190.009(2), F.S.

⁴⁷ Sections 189.016(9), F.S. and 190.008(1), F.S.

an independent certified public accountant.⁴⁸ The auditor shall review the financial accounts and records of the district, reports on compliance and internal control, management letters, and financial statements, as required by rules adopted by the Auditor General.⁴⁹ The auditor must present these findings to the chair of the district's governing board and submit a copy of the report to the Auditor General.⁵⁰ The audit report is a public record once the report is submitted by the auditor to the district.⁵¹ All CDDs are required to file an annual financial report with the Department of Financial Services.⁵²

Expansion or Contraction of a CDD

A landowner or the board of a CDD may petition for the boundaries of the district to be expanded or contracted.⁵³ If the petition seeks to expand the district boundaries, the petition must include a proposed timetable for the construction of any district services in the new area, the estimated cost of constructing the proposed services, and the designation of the future land use plan for the area from the relevant local government local comprehensive plan.⁵⁴ If the petition seeks to contract the district boundaries, the petition must include a list of services and facilities currently provided by the district to the removed area, as well as the future land use plan for the area from the relevant local government local comprehensive plan.⁵⁵

For districts established by county ordinance, the petition for expansion or contraction must be filed with the county commission, but there is no filing fee requirement.⁵⁶ The county commission then conducts a public hearing on the petition in the same manner as for other ordinance amendments. For districts established by FLWAC rule, the petitioner must pay a \$1,500 filing fee to each county or municipality in which the proposed resulting CDD will be located and also to each municipality contiguous with or containing a portion of the land proposed for inclusion in the district, and the required public meeting is conducted by the board of the CDD instead of a hearing officer.⁵⁷

The amount of land that can be added to a CDD is restricted. Whether a district was initially established by FLWAC rule or county or municipal ordinance, the cumulative additions to the district may not be greater than the lesser of 50 percent of the land area of the initial district or 1,000 acres.⁵⁸

⁴⁸ Section 218.39(1), F.S. An entity is exempt from this requirement if it is informed by the first day of the fiscal year that the Auditor General will be conducting an audit of the entity for that fiscal year.

⁴⁹ Section 218.39(2), F.S. The rules of the Auditor General are Rules 10.550, 10.650, 10.700, 10.800, and 10.850, F.A.C. See Rule 61H1-20.0093, F.A.C.

⁵⁰ Sections 218.39(5) and (7), F.S.

⁵¹ See s. 119.0713(2)(b), F.S.

⁵² Section 218.32(1)(a), F.S.

⁵³ Section 190.046(1), F.S.

⁵⁴ Section 190.046(1)(a), F.S.

⁵⁵ *Id.*

⁵⁶ Section 190.046(1)(b), F.S.

⁵⁷ Section 190.046(1)(d)1.-4., F.S.

⁵⁸ Section 190.046(1)(e), F.S.

Merger of a CDD

A CDD may be merged with another CDD with the filing of a petition for merger that states the elements for establishing a new CDD, including being evaluated by the criteria for creating a new district and the submission of the filing fee.⁵⁹ A CDD may also be merged with other types of special districts using the process for creating a new district, with the CDD inheriting the rights and associated obligations of property and creditors of the merged special district(s).⁶⁰ A CDD merging with another type of special district is required to enter a merger agreement to allocate indebtedness to be assumed by the new CDD and the process for retiring the debt.⁶¹ The approval of the merger agreement and the petition by the board of supervisors of the CDD is deemed to constitute the consent of the district landowners.⁶²

A CDD may also be merged with up to four other CDDs created by the same local general-purpose government, as long as the membership of each board of directors is composed entirely of qualified electors.⁶³ This method may be used even if the merged district would have been required to receive FLWAC approval if the CDD was being newly created. The filing of a petition approved by the board of each CDD applying constitutes consent of the landowners within each district.

Before filing the merger petition, each CDD must hold a public hearing to take comments on the proposed merger, the merger agreement, and the assignment of board seats.⁶⁴ The hearing must be noticed at least 14 days beforehand. If any CDD withdraws after the public hearing, the remaining districts considering merger must hold a public hearing on a revised merger agreement between the remaining parties. The petition may not be filed for at least 30 days after the last public hearing.

III. Effect of Proposed Changes:

Section 1 amends s. 190.046, F.S., to provide that a petition to establish a new CDD of less than 2,500 acres located solely in one county or municipality may identify “sufficiently contiguous” lands beyond the CDD’s boundaries which the petitioner anticipates expanding the CDD to include within ten years after the effective date of the ordinance establishing the district. However, these additional lands must be within the same county or municipality as the CDD. Additionally, the petition must include a legal description of each additional parcel within the sufficiently contiguous land, the current owner of the parcel, the acreage of each additional parcel, and the current land use designation of each parcel. The petitioner must provide notice to the current owner of each such parcel of the filing of the petition, the date and time of the public hearing on the petition, and the name and address of the petitioner at least 14 days before the public hearing pursuant to s. 190.005(2)(b), F.S., concerning the creation of the CDD. A parcel may only be included with written consent of the landowner.

⁵⁹ Section 190.046(3), F.S.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ Section 190.046(4)(a), F.S.

⁶⁴ Section 190.046(4)(c), F.S.

After the district is established, a person may then petition the county or municipality to amend the boundaries of the CDD to include the previously identified parcel that was a proposed addition to the CDD before its establishment. A filing fee may not be charged for this petition. Additionally, each petition must include:

- A legal description by metes and bounds of the parcel to be added;
- A new legal description by metes and bounds of the district;
- Written consent of all landowners of the parcels to be added;
- A map of the district including the parcel to be added;
- A description of the development proposed on the additional parcel; and
- A copy of the original petition identifying the parcel to be added.

Before filing the petition with the county or municipality, the person must provide the petition to the district and to the owner of the proposed additional parcel, if the owner is not the petitioner.

Once the petition is determined to be sufficient and complete, the county or municipality must process the addition of the parcel to the CDD as an amendment to the ordinance that establishes the district. The county or municipality may process all petitions to amend the ordinance, even if, after adding such parcels, the district exceeds 2,500 acres.

The petitioner must publish a notice of the intent to amend the ordinance that establishes the district in a newspaper of general circulation in the proposed district. This notice is in addition to any notice required for the adoption of the ordinance amendment. The notice must be published at least ten days before the scheduled hearing on the ordinance amendment and may be published in the section of the newspaper reserved for legal notices. The notice must include a general description of the land to be added to the district and the data and the time of the scheduled hearing to amend the ordinance. The petitioner must mail or hand-deliver the notice of the hearing on the ordinance amendment to the owner of the parcel and to the district at least 14 days before the scheduled hearing.

The amendment of a district by the addition of a parcel does not alter the transition from landowner voting to qualified elector voting pursuant to s. 190.006, F.S., even if the total size of the district after the addition exceeds 5,000 acres. After adoption of the ordinance expanding the district, the petitioner must cause to be recorded a notice of boundary amendment which reflects the new boundaries of the district.

The bill provides that this new method of adding lands to a district does not preclude the addition of lands using procedures in other provisions of s. 190.046, F.S.

The bill also provides that a CDD may also merge with another type of special district created by special act pursuant to the terms of that special act or by filing a petition for establishment of a new district in accordance with s. 190.005, F.S.

Section 2 provides that the bill will take effect upon becoming a law.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Line 71 states that “a person” may petition the county or municipality to amend the boundaries of the CDD to include a previously identified parcel that was a proposed addition to the district before its establishment. It is unclear if this provision could be exercised by persons other than the board of the district or the landowner of the property to be added.

Similarly, line 88 states that the “person” must provide the petition to the CDD and to the owner of the proposed additional parcel before filing the county or municipality if the owner is not the petitioner.

VIII. Statutes Affected:

This bill substantially amends section 190.046 of the Florida Statutes.

IX. Additional Information:

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

CS by Infrastructure and Security on March 26, 2019:

The committee substitute changes the title of the bill from an act relating to “Growth Management” to an act relating to “Community Development Districts.”

- B. **Amendments:**

None.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2019	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Lee) recommended the following:

Senate Amendment

In title, delete line 2
and insert:
An act relating to community development districts;
amending s.

By Senator Lee

20-01365-19

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1 A bill to be entitled
 2 An act relating to growth management; amending s.
 3 190.046, F.S.; authorizing sufficiently contiguous
 4 lands located within the county or municipality which
 5 a petitioner anticipates adding to the boundaries of a
 6 new community development district to also be
 7 identified in a petition to establish the new district
 8 under certain circumstances; providing requirements
 9 for the petition; providing notification requirements
 10 for the petition; prohibiting a parcel from being
 11 included in the district without the written consent
 12 of the owner of the parcel; authorizing a person to
 13 petition the county or municipality to amend the
 14 boundaries of the district to include a certain parcel
 15 after establishment of the district; prohibiting a
 16 filing fee for such petition; providing requirements
 17 for the petition; requiring the person to provide the
 18 petition to the district and to the owner of the
 19 proposed additional parcel before filing the petition
 20 with the county or municipality; requiring the county
 21 or municipality to process the addition of the parcel
 22 to the district as an amendment to the ordinance that
 23 establishes the district once the petition is
 24 determined sufficient and complete; authorizing the
 25 county or municipality to process all such petitions
 26 even if the addition exceeds specified acreage;
 27 providing notice requirements for the intent to amend
 28 the ordinance establishing the district; providing
 29 that the amendment of a district by the addition of a

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30 parcel does not alter the transition from landowner
 31 voting to qualified elector voting; requiring the
 32 petitioner to cause to be recorded a certain notice of
 33 boundary amendment upon adoption of the ordinance
 34 expanding the district; providing construction;
 35 authorizing community development districts to merge
 36 with another type of special district created by
 37 special act or by filing a petition for establishment
 38 of a new district; authorizing a community development
 39 district merging with another type of district to
 40 enter into merger agreements for certain purposes;
 41 providing an effective date.

42
 43 Be It Enacted by the Legislature of the State of Florida:

44
 45 Section 1. Paragraph (h) is added to subsection (1) of
 46 section 190.046, Florida Statutes, and subsection (3) of that
 47 section is amended, to read:

48 190.046 Termination, contraction, or expansion of
 49 district.—

50 (1) A landowner or the board may petition to contract or
 51 expand the boundaries of a community development district in the
 52 following manner:

53 (h) For a petition to establish a new community development
 54 district of less than 2,500 acres on land located solely in one
 55 county or one municipality, sufficiently contiguous lands
 56 located within the county or municipality which the petitioner
 57 anticipates adding to the boundaries of the district within 10
 58 years after the effective date of the ordinance establishing the

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district may also be identified. If such sufficiently contiguous land is identified, the petition must include a legal description of each additional parcel within the sufficiently contiguous land, the current owner of the parcel, the acreage of the parcel, and the current land use designation of the parcel. At least 14 days before the hearing required under s. 190.005(2)(b), the petitioner must give the current owner of each such parcel notice of filing the petition to establish the district, the date and time of the public hearing on the petition, and the name and address of the petitioner. A parcel may not be included in the district without the written consent of the owner of the parcel.

1. After establishment of the district, a person may petition the county or municipality to amend the boundaries of the district to include a previously identified parcel that was a proposed addition to the district before its establishment. A filing fee may not be charged for this petition. Each such petition must include:

a. A legal description by metes and bounds of the parcel to be added;

b. A new legal description by metes and bounds of the district;

c. Written consent of all owners of the parcel to be added;

d. A map of the district including the parcel to be added;

e. A description of the development proposed on the additional parcel; and

f. A copy of the original petition identifying the parcel to be added.

2. Before filing with the county or municipality, the

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person must provide the petition to the district and to the owner of the proposed additional parcel, if the owner is not the petitioner.

3. Once the petition is determined sufficient and complete, the county or municipality must process the addition of the parcel to the district as an amendment to the ordinance that establishes the district. The county or municipality may process all petitions to amend the ordinance for parcels identified in the original petition, even if, by adding such parcels, the district exceeds 2,500 acres.

4. The petitioner shall cause to be published in a newspaper of general circulation in the proposed district a notice of the intent to amend the ordinance that establishes the district. The notice must be in addition to any notice required for adoption of the ordinance amendment. Such notice must be published at least 10 days before the scheduled hearing on the ordinance amendment and may be published in the section of the newspaper reserved for legal notices. The notice must include a general description of the land to be added to the district and the date and time of the scheduled hearing to amend the ordinance. The petitioner shall deliver, including by mail or hand delivery, the notice of the hearing on the ordinance amendment to the owner of the parcel and to the district at least 14 days before the scheduled hearing.

5. The amendment of a district by the addition of a parcel pursuant to this paragraph does not alter the transition from landowner voting to qualified elector voting pursuant to s. 190.006, even if the total size of the district after the addition of the parcel exceeds 5,000 acres. Upon adoption of the

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ordinance expanding the district, the petitioner must cause to be recorded a notice of boundary amendment which reflects the new boundaries of the district.

6. This paragraph is intended to facilitate the orderly addition of lands to a district under certain circumstances and does not preclude the addition of lands to any district using the procedures in the other provisions of this section.

(3) The district may merge with other community development districts upon filing a petition for merger, which petition shall include the elements set forth in s. 190.005(1) and which shall be evaluated using the criteria set forth in s. 190.005(1)(e). The filing fee shall be as set forth in s. 190.005(1)(b). In addition, the petition shall state whether a new district is to be established or whether one district shall be the surviving district. A community development district may also merge with another type of special district created by special act pursuant to the terms of that special act or by filing a petition for establishment of a new ~~The district may merge with any other special districts upon filing a petition for establishment of a community development~~ district pursuant to s. 190.005. The government formed by a merger involving a community development district pursuant to this section shall assume all indebtedness of, and receive title to, all property owned by the preexisting special districts, and the rights of creditors and liens upon property are ~~shall~~ not be impaired by such merger. Any claim existing or action or proceeding pending by or against any district that is a party to the merger may be continued as if the merger had not occurred, or the surviving district may be substituted in the proceeding for the district

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that ceased to exist. Prior to filing a ~~the~~ petition, the districts desiring to merge shall enter into a merger agreement and shall provide for the proper allocation of the indebtedness so assumed and the manner in which such debt shall be retired. The approval of the merger agreement and the petition by the board of supervisors of the district shall constitute consent of the landowners within the district. A community development district merging with another type of district may also enter into a merger agreement to address issues of transition, including the allocation of indebtedness and retirement of debt.

Section 2. This act shall take effect upon becoming a law.

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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 Criminal Justice

BILL: CS/CS/SB 766

INTRODUCER: Criminal Justice Committee and Senator Gruters

SUBJECT: Expanded Uses of Unmanned Aircraft

DATE: March 27, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Jones</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 766 expands the possibilities for drone use by law enforcement agencies, fire departments, state agencies, and political subdivisions.

The bill creates additional exceptions for law enforcement agency drone use found in s. 934.50(4), F.S. The new exceptions will allow law enforcement agencies to use drones to:

- Assist in crowd control where the crowd consists of 50 or more persons.
- Assist with traffic management, except that the agency may not use the drone to gather evidence to enforce traffic infractions.
- Facilitate evidence collection at a crime scene or traffic crash scene.

Under the provisions of the bill, state agencies and political subdivisions will not be prohibited from using drones for damage assessment due to a flood, wildfire, or natural disaster, or for vegetation and wildlife management purposes on publicly owned land or water. It also allows certified fire department personnel to use drones to perform tasks within the scope of their certification.

The bill is effective July 1, 2019.

II. Present Situation:

A drone, also called Unmanned Aerial Vehicle (UAV) and Unmanned Aerial System (UAS), is defined in s. 934.50, F.S., as a powered, aerial vehicle that:

- Does not carry a human operator;
- Uses aerodynamic forces to provide vehicle lift;
- Can fly autonomously or be piloted remotely;
- Can be expendable or recoverable; and
- Can carry a lethal or nonlethal payload.¹

Drones range in size from wingspans of 6 inches to 246 feet and can weigh from approximately 4 ounces to over 25,600 pounds.² They may be controlled manually or through an autopilot that uses a data link to connect the drone's pilot to the drone.³ Drones can be equipped with infrared cameras,⁴ and "LADAR" (laser radar).⁵ In 2011, it was reported that the U.S. Army contracted with two corporations to develop facial recognition and behavioral recognition technologies for drone use.⁶

Federal Aviation Authority

In February 2012, Congress passed the Federal Aviation Authority (FAA) Modernization and Reform Act of 2012 (Act), which required the FAA to safely open the nation's airspace to drones by September 2015.⁷ The FAA regulates the use of drones as it does all aircraft in the national airspace, with an emphasis on safety, efficiency, and national security, but views considerations such as privacy beyond the scope of FAA authority.⁸

¹ Section 934.50(2), F.S.

² 14 CFR Part 91, Docket No. FAA-2006-25714, Department of Transportation, Federal Aviation Administration, *Unmanned Aircraft Operations in the National Airspace System*, February 6, 2007.

³ *Id.*

⁴ Infrared cameras can see objects through walls based on the relative levels of heat produced by the objects. *Drones in Domestic Surveillance Operations: Fourth Amendment Implications and Congressional Response*, Congressional Research Service, April 3, 2013, available at www.fas.org/sgp/crs/natsec/R42701.pdf (last viewed February 22, 2019). Search and rescue drones equipped with thermal imaging help first responders identify the location of people lost in chaotic scenes, and police departments have started using drones with thermal capabilities to identify the location of suspects while keeping an infrared eye on their officers. *Best Infrared Drones (Buying Guide)*, Spire Drones, available at <https://buythebestdrone.com/best-infrared-drones/> (last viewed February 22, 2019).

⁵ The research and development laboratory at the Massachusetts Institute of Technology has developed airborne lidar systems that generate detailed 3D imagery of terrain and structures, including those beneath dense foliage. The lab reports that the micro-lidar could be used under both clear and heavy foliage conditions for surveillance and reconnaissance missions as well as for humanitarian assistance and disaster relief operations. Lincoln Laboratory, Massachusetts Institute of Technology, R & D Projects, *Micro-lidar*, available at <https://www.ll.mit.edu/r-d/projects/micro-lidar> (last viewed February 22, 2019).

⁶ Clay Dillow, Popular Science, *Army Developing Drones That Can Recognize Your Face From a Distance*, September 28, 2011, available at pops.ci.com/technology/article/2011-09/army-wants-drones-can-recognize-your-face-and-read-your-mind (last viewed February 22, 2019).

⁷ Public Law 112-95, February 14, 2012, The FAA Modernization and Reform Act of 2012, *Drones in Domestic Surveillance Operations: Fourth Amendment Implications and Congressional Response*, Congressional Research Service, April 3, 2013, available at www.fas.org/sgp/crs/natsec/R42701.pdf (last viewed February 19, 2019).

⁸ 14 CFR Parts 21, 43, 61, 91, 101, 107, 119, 133, and 183, *Operation and Certification of Small Unmanned Aircraft Systems*, 81 FR 42064-01, June 28, 2016.

Under the authority granted in the 2012 Act, the FAA issued its regulations on the operation and certification of small (less than 55 pounds at take-off) unmanned aircraft systems in June 2016.⁹ The 2016 small drone regulations are still in effect and include airspace restrictions and a waiver mechanism allowing for deviations from drone operational restrictions upon application and authorization by the FAA.¹⁰

FAA Drone Airspace Restrictions

The FAA has designated generally restricted airspace including drone flight around and over sports stadiums and wildfires at specified times or under specified conditions. Drone operators must educate themselves on these restrictions prior to flying.¹¹

FAA Drone Operational Restrictions

The following are among the operational restrictions in the 2016 regulation:

- Small unmanned aircraft may not operate over any persons not directly participating in the operation, not under a covered structure, and not inside a covered stationary vehicle;¹²
- Maximum altitude of 400 feet above ground level (AGL) or, if higher than 400 feet AGL, remain within 400 feet of a structure; and
- Daylight-only operations or civil twilight (30 minutes before official sunrise to 30 minutes after official sunset, local time) with appropriate anti-collision lighting.¹³

Both the Lakeland Police Department and the Polk County Sheriff's Office have recently obtained waivers of the daylight-only operational restriction from the FAA.¹⁴

Proposed Rule

The FAA announced a new proposed regulation for the use of drones on January 18, 2019.¹⁵ The proposal appears to provide avenues that would allow drone operators to routinely fly over people and fly at night.¹⁶

⁹ *Id.*

¹⁰ *Id.*

¹¹ See FAA, Unmanned Aircraft Systems, *Airspace Restrictions*, available at https://www.faa.gov/uas/where_to_fly/airspace_restrictions/#wildfires (last viewed February 19, 2019).

¹² The term “over” refers to the flight of the small unmanned aircraft directly over any part of a person. For example, a small UAS that hovers directly over a person’s head, shoulders, or extended arms or legs would be an operation over people. Similarly, if a person is lying down, for example at a beach, an operation over that person’s torso or toes would also constitute an operation over people. An operation during which a small UAS flies over any part of any person, regardless of the dwell time, if any, over the person, would be an operation over people. 14 CFR Parts 21, 43, 61, 91, 101, 107, 119, 133, and 183, *Operation and Certification of Small Unmanned Aircraft Systems*, 81 FR 42064-01, June 28, 2016.

¹³ *Id.*

¹⁴ Certificates of Waiver 107W-2018-16741 (dated November 28, 2018) and 107W-2018-16274 (dated November 6, 2018); FAA, Unmanned Aircraft Systems, *Part 107 Waivers Issued*, available at https://www.faa.gov/uas/commercial_operators/part_107_waivers/waivers_issued/ (last viewed February 20 2019).

¹⁵ Department of Transportation, Office of the Secretary, FAA, 14 CFR Part 107, Notice of Proposed Rulemaking, *Operation of Small Unmanned Aircraft Systems over People*, Comments due on or before April 15, 2019, Federal Register, Vol 84, No. 30, February 13, 2019.

¹⁶ *Id.*

The proposed regulation creates a risk-assessment model based upon the weight of the drone, and the design of the drone, with an eye toward any mitigation the drone design presents to prohibit serious injury or property damage should the drone make contact with a person or property on the ground.¹⁷ The process of the FAA accepting public comment on the proposal, and then drafting a final regulation began on February 13, 2019.¹⁸

Law Enforcement Use of Drones in Florida – Section 934.50, F.S.

The Florida Sheriff's Association estimates that 12 sheriff's offices currently have drones.¹⁹ Of the 139 police departments that responded to the question regarding whether their department has at least one drone, 32 said they do have a drone and 10 responded that they soon will have a drone.²⁰

A law enforcement agency is defined in s. 934.50, F.S., as a lawfully established state or local public agency that is responsible for the prevention and detection of crime, local government code enforcement, and the enforcement of penal, traffic, regulatory, game, or controlled substance laws.²¹

Section 934.50(3)(b), F.S., provides that a real property owner, tenant, occupant, invitee, or licensee of the property is presumed to have a reasonable expectation of privacy from drone surveillance²² of the property or the owner, tenant, occupant, invitee, or licensee by another person, state agency,²³ or political subdivision,²⁴ if he or she cannot be seen by persons at ground level who are in a place they have a legal right to be.²⁵

Section 934.50, F.S., prohibits law enforcement agencies from using a drone to gather evidence or other information, with certain exceptions.²⁶ Evidence obtained or collected by a law enforcement agency using a drone is not admissible in a criminal prosecution in any court of law

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ E-mail from Florida Sheriff's Association Deputy Executive Director of Operations dated January 28, 2019 (on file with the Senate Committee on Criminal Justice).

²⁰ E-mail from Florida Police Chiefs Association Executive Director dated January 29, 2019 (on file with the Senate Committee on Criminal Justice).

²¹ Section 934.50(2)(d), F.S.

²² Surveillance is defined in s. 934.50(2)(e), F.S.: With respect to an owner, tenant, occupant, invitee, or licensee of privately owned real property, the observation of such persons with sufficient visual clarity to be able to obtain information about their identity, habits, conduct, movements, or whereabouts; or with respect to privately owned real property, the observation of such property's physical improvements with sufficient visual clarity to be able to determine unique identifying features or its occupancy by one or more persons.

²³ A state agency, as defined in s. 11.45, F.S., is a separate agency or unit of state government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, commission, department, division, institution, office, officer, or public corporation, as the case may be, except any such agency or unit within the legislative branch of state government other than the Florida Public Service Commission.

²⁴ A political subdivision is defined in s. 11.45, F.S., as a separate agency or unit of local government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, city, commission, consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village.

²⁵ Section 934.50(3)(b), F.S. *See also* s. 934.50(5)(b)-(d) F.S., providing for compensatory damages, injunctive relief, attorney fees, and punitive damages for a violation of s. 934.50(3)(b), F.S.

²⁶ Section 934.50(3)(a), F.S.

in this state unless it is permitted under one of the statute's exceptions.²⁷ An aggrieved party may initiate a civil action against a law enforcement agency to obtain all appropriate relief in order to prevent or remedy a violation of s. 934.50, F.S.²⁸

The exceptions for law enforcement agencies using drones to gather evidence and other information are as follows:

- The U.S. Secretary of Homeland Security determines that credible intelligence exists indicating a high risk of a terrorist attack by an individual or organization and the drone is used to counter the risk;
- The law enforcement agency first obtains a search warrant authorizing the use of a drone; or
- The law enforcement agency has reasonable suspicion that swift action is necessary to prevent imminent danger to life or serious damage to property, to forestall the imminent escape of a suspect or the destruction of evidence, or to achieve purposes including, but not limited to, facilitating the search for a missing person.²⁹

Weaponized Drones Prohibited in Florida

In Florida, s. 330.411, F.S., prohibits a person from possessing or operating an unmanned aircraft or unmanned aircraft system as defined in s. 330.41, F.S., with an attached weapon, firearm, explosive, destructive device, or ammunition as defined in s. 790.001, F.S.³⁰ North Dakota is the only state that allows law enforcement agencies to utilize weaponized drones. The weapons are limited to the non-lethal variety such as tear gas, rubber bullets, beanbags, pepper spray, and tasers.³¹

Use of Drones for Law Enforcement Investigations

Several jurisdictions outside Florida, including the Massachusetts State Police and the Lake County Police in Illinois, are reported to be using drones to assist in more efficient and timely traffic crash investigations.³² The North Carolina Department of Transportation and North Carolina State Highway Patrol demonstrated in a research project that some advantages to using drones in traffic crash investigations include faster processing and clearing of the scene and opening the road to traffic flow more quickly than traditional evidence-gathering methods.³³

²⁷ Section 934.50(6), F.S.

²⁸ Section 934.50(5)(a), F.S.

²⁹ Section 934.50(4)(a)-(c), F.S. There are additional exceptions to the prohibition on the use of drones that are not law enforcement agency related. These exceptions can be found in s. 934.50(4)(d)-(j), F.S.

³⁰ Section 330.41(2)(c), F.S., defines an unmanned aircraft system as a drone and its associated elements, including communication links and the components used to control the drone which are required for the pilot in command to operate the drone safely and efficiently. Section 330.41(2)(b), F.S., specifies that drone has the same meaning as s. 934.50(2), F.S.

³¹ North Dakota House Bill 1328 (2015), available at <https://www.legis.nd.gov/assembly/64-2015/documents/15-0259-05000.pdf?20150501154934> (last viewed February 19, 2019).

³² *How drones help Lake County police investigate crashes, get roads open faster*, Daily Herald, May 7, 2017, available at <http://www.dailyherald.com/news/20170506/how-drones-help-lake-county-police-investigate-crashes-get-roads-open-faster> (last viewed February 18, 2019).

³³ "Research shows that documenting a collision scene using photogrammetry and UAS can be advantageous, especially in terms of speed and cost. With a combination of advanced imaging software and the latest UAS technology, we find that the North Carolina State Highway Patrol (NCSHP) can rapidly map collision scenes and simultaneously gather more information than legacy technologies. Indeed, large scenes can be documented in less than 30 minutes." *Collision Scene Reconstruction & Investigation Using Unmanned Aircraft Systems*, Division of Aviation, UAS Program Office, N.C. Department of

In addition to quickly and efficiently clearing traffic crash scenes, drone technology has enhanced crime scene documentation using a process called orthomosaic photography that can recreate a crime scene in 3-D.³⁴

Drones can also be used by law enforcement to more efficiently do jobs such as searching for evidence. For example, the San Bernardino Police Department used a drone to successfully search a large field for a gun thrown by a suspect who was being pursued.³⁵ The San Bernardino police chief emphasized the cost benefit in deploying a drone versus assembling a team to look for the gun in that situation.³⁶

Tactical Uses for Drones

Some have suggested that drones could be used to gain a tactical advantage in active shooter situations like that which occurred in Las Vegas in 2017 at the outdoor music festival at which 58 people were killed and more than 500 injured.³⁷ For example, Brian Levin, director of The Center for the Study of Hate and Extremism at California State University-San Bernardino opines that a “drone could have provided real-time intelligence and surveillance to what’s going on” during the Las Vegas incident.³⁸ In an article written for the International Journal of Aviation, Aeronautics, and Aerospace, Ryan Wallace and Jon Loffi, analyzed the law enforcement response to the Las Vegas shooting, concluding that had a drone been accessible to the Las Vegas Police it may have provided life-saving reconnaissance and shooter distraction.³⁹

Crowd Control and Monitoring for Public Safety

According to a December 2017 news article, the Las Vegas Police Department planned to use drones to monitor New Year’s Eve revelers on the Strip on December 31, 2017. The department decided to use drones to monitor crowds from an aerial view, which would help police better position barricades and other pedestrian control devices. Additionally, the department intended to use the drones to identify suspicious packages, track any unusual activity, and check hotel

Transportation, August 2017, available at <https://www.ncdot.gov/divisions/aviation/Documents/ncshp-uas-mapping-study.pdf> (last viewed February 18, 2019).

³⁴ Mesa County, Colorado, Sheriff’s Office unmanned aircraft program director, Ben Miller, envisions the 3-D crime scene preservation technique as a real aid in cold cases. The Huffington Post, Michelle Fredrickson, *Drones Add a New Dimension to Crime Scene Investigations*, October 24, 2014 (updated December 6, 2017), available at https://www.huffingtonpost.com/pro-journal/drones-add-a-new-dimensio_b_6033392.html (last viewed February 19, 2019).

³⁵ National Police Foundation, Jarrod Burguan, San Bernardino Police Chief, *Drones help augment a police department’s capabilities to fight crime*, available at <https://www.policefoundation.org/drones-help-augment-a-police-departments-capabilities-to-fight-crime/> (last viewed February 20, 2019).

³⁶ *Id.*

³⁷ Las Vegas Review-Journal, Nicole Raz, *Las Vegas police drones will monitor New Year’s Eve crowds*, December 27, 2017, available at <https://www.reviewjournal.com/entertainment/new-years-eve-in-vegas/las-vegas-police-drones-will-monitor-new-years-eve-crowds/> (last viewed February 20, 2019).

³⁸ *Id.* See also Wallace, Ryan and Loffi, Jon, *How Law Enforcement Unmanned Aircraft Systems (UAS) Could Improve Tactical Response to Active Shooter Situations: The Case of the 2017 Las Vegas Shooting*, Vol. 4, Article 7, International Journal of Aviation, Aeronautics, and Aerospace, October 9, 2017, available at <https://commons.erau.edu/cgi/viewcontent.cgi?referer=https://scholar.google.com/&httpsredir=1&article=1198&context=ijaa> (last viewed February 20, 2019).

³⁹ *Id.*

windows to try to detect anyone who might try to recreate the mass shooting incident that occurred in the city just a few months earlier.⁴⁰

Likewise, New York City had planned to have a camera-equipped drone in the sky during the 2018 New Year's Eve celebration, but "relegated to a cordoned-off area and tethered to a building" to prevent injury should the drone fall. Inclement weather prevented the drone operation.⁴¹

As stated above, the FAA, which regulates the use of drones and other aircraft in the national airspace, has restricted drone flight over persons, however at least one local governmental authority has recently had that restriction waived by the FAA.⁴² The same model drone (Vantage Robotics Snap) was used by CNN to obtain a waiver from the FAA due to the safety features of the drone, which has the ability to break apart upon impact.⁴³

Fire Department Use of Drones

According to an October 2018 news article, fire departments use UAVs for reconnaissance of wildfires and motor vehicle accident scenes, hazmat incidents, and hot spot identification at structure fires. In addition to the reconnaissance function and hot spot identification, additional uses for UAVs include:

- Search and rescue, even in urban settings;
- Preplanning with aerial photos and video identifying water supply sources, utility shutoffs, and apparatus location planning;
- Winter and ice rescue; and
- Disaster assessment and post-disaster reconnaissance after weather events such as floods or tornados.⁴⁴

The Mesa Fire and Medical Department in Mesa, Arizona, has also used drones in a variety of capacities, including:

- Gaining a 360-degree perspective on damaged structures;
- Surveying buildings to provide hazard assessments for property owners;
- Water rescue operations and flood damage assessment;

⁴⁰ Las Vegas Review-Journal, Nicole Raz, *Las Vegas police drones will monitor New Year's Eve crowds*, December 27, 2017, available at <https://www.reviewjournal.com/entertainment/new-years-eve-in-vegas/las-vegas-police-drones-will-monitor-new-years-eve-crowds/> (last viewed February 20, 2019).

⁴¹ The Washington Post, Peter Holley, *The NYPD planned to use drones during Times Square New Year's Eve celebration. Then it started raining*, December 31, 2018, available at https://www.washingtonpost.com/technology/2018/12/31/nypds-latest-tool-keeping-times-square-revelers-safe-remote-controlled-drone/?utm_term=.1a63123ba637 (last viewed February 20, 2019).

⁴² See the section of the Bill Analysis on the FAA below; see also Vantage Robotics News, *Snap Gets FAA Waiver with Rutherford County, Tennessee*, November 19, 2018, available at <https://vantagerobotics.com/news/snap-gets-faa-waiver-rutherford-county-tennessee> (last viewed February 20, 2019).

⁴³ IEEE Spectrum, David Schneider, *CNN Uses Vantage Robotics' Snap Drone to Win FAA Fly-Over-People Waiver*, October 19, 2018, available at <https://spectrum.ieee.org/automaton/robotics/drones/cnn-uses-vantage-robotics-snap-drone-to-win-faa-fly-over-people-waiver> (last viewed February 20, 2019).

⁴⁴ Alan M. Petrillo/Fire Apparatus & Emergency Equipment, *Fire Department Drones Serve a Variety of Needs on Incident Scenes*, <https://www.fireapparatusmagazine.com/articles/print/volume-23/issue-10/features/fire-department-drones-serve-a-variety-of-needs-on-incident-scenes.html> (last visited Mar 27, 2019).

- Assisting with a search for a missing kindergarten teacher; and
- Demonstrating how drones outfitted with special meters and cameras to identify lethal chemicals in hazmat situations can help keep first responders safe.⁴⁵

UAV usage is not currently widespread with Florida's fire service providers.⁴⁶ However, in Brevard County, Fire Rescue personnel have been trained to test for the FAA drone pilot certification⁴⁷ so they can conduct search-and-rescue operations, ocean rescue, map brush fires, and examine burning buildings to identify safe entry points for firefighters using drones.⁴⁸

Other Governmental Functions for Drones

Drones are becoming useful for governmental functions outside policing. For example, the Daytona Beach Police Department utilized its drones to document the state of the city's infrastructure immediately before and after Hurricane Irma came through in September 2017 to provide the Federal Emergency Management Agency with the proof necessary to obtain funding for rebuilding. Additionally, the department was able to aid first responders in navigating the fastest and safest routes to those in need of aid by providing a birds-eye view to downed power lines, unstable infrastructure, and blocked roads in the wake of the storm.⁴⁹

Although it does not currently use drones, the Florida Department of Agriculture and Consumer Services suggests that using a drone would be helpful in conducting timber assessments after a wildfire goes through an area and for land management purposes such as prescribed burning, timber stand mapping, and insect and disease monitoring. A drone could also be used by the department to pinpoint areas that need to be further evaluated by field personnel for both timber stand work and insect and disease evaluations. Utilizing a drone over such large tracts of land could reduce potential physical impacts for working around threatened and endangered species by allowing the department to work remotely with the drone thus reducing disturbance to the endangered species.⁵⁰

⁴⁵ Wayne Schutsky/East Valley Tribune, *Ariz. Fire, EMS Leads the Way with Drone Use*, <https://www.ems1.com/ems-products/technology/articles/370989048-Ariz-fire-EMS-leads-the-way-with-drone-use/> (last visited Mar 27, 2019).

⁴⁶ Section 633.102(13), F.S., defines "fire service provider" to mean a municipality or county, the state, the division, or any political subdivision of the state, including authorities and special districts, that employs firefighters or uses volunteer firefighters to provide fire extinguishment or fire prevention services for the protection of life and property. The term includes any organization under contract or other agreement with such entity to provide such services.

⁴⁷ Federal Aviation Administration, *Become a Drone Pilot*, https://www.faa.gov/uas/commercial_operators/become_a_drone_pilot/ (last visited Mar 27, 2019).

⁴⁸ Florida Today, Rick Neale, *Florida Tech drone training takes flight for Brevard County firefighters, lifeguards*, November 30, 2018, available at <https://www.floridatoday.com/story/news/2018/11/30/florida-tech-drone-training-takes-flight-brevard-firefighters/2140086002/> (last viewed February 20, 2019).

⁴⁹ In Public Safety, PoliceOne.com, Jinnie Chua, *Why drones should be part of every PD's disaster response plan*, February 22, 2018, available at <https://www.policeone.com/2018-guide-drones/articles/471474006-Why-drones-should-be-part-of-every-PDs-disaster-response-plan/> (last viewed February 20, 2019).

⁵⁰ Florida Department of Agriculture and Consumer Services, Agency Bill Analysis, February 11, 2019, (on file with the Senate Committee on Criminal Justice).

III. Effect of Proposed Changes:

The bill adds three exceptions in s. 934.50(4), F.S., which will allow law enforcement agencies to use drones to:

- Assist in crowd control involving a group of 50 people or more.
- Assist with traffic management, except that a law enforcement agency may not use a drone to gather evidence to enforce traffic infractions.
- Facilitate the collection of evidence at a crime scene or traffic crash scene.

Additionally, the bill provides that s. 934.50, F.S., does not prohibit the use of a drone by:

- A state agency or political subdivision for:
 - The assessment of damage due to a flood, wildfire, or natural disaster; or
 - Vegetation or wildlife management on publicly owned land or water.⁵¹
- Certified fire department personnel to perform tasks within the scope and practice authorized under their certifications.⁵²

The terms law enforcement agency, state agency, and political subdivision as used in s. 934.50, F.S., are currently defined in s. 934.50(2)(d), F.S., and s. 934.50(3)(b), F.S., (by cross-reference to s. 11.45, F.S.).

The bill is effective July 1, 2019.

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.

⁵¹ There does not seem to be a singular definition in the Florida Statutes for the term publicly owned land. For example, in s. 317.0003(8), F.S., public lands is defined as lands within the state that are available for public use and that are owned, operated, or managed by a federal, state, county or municipal government entity. In s. 375.312(2), F.S., public lands means any lands in the state which are owned by, leased by, or otherwise assigned to the state or any of its agencies and which are used by the general public for recreational purposes. There is no definition of public waters appearing in the Florida Statutes although there is a detailed definition of “waters” found in s. 403.031(13), F.S.

⁵² There does not seem to be a definition for the scope and practice authorized for fire department personnel under their certification in the Florida Statutes. However, s. 633.408, F.S., contains firefighter and volunteer firefighter training certification requirements, and R. 69A-37.055, F.A.C., contains curriculum requirements for training firefighter recruits or firefighters.

E. Other Constitutional Issues:

Privacy

Although it is generally understood that a person does not currently have a reasonable expectation of privacy under the circumstances set forth in the bill, with the evolution of technology as it relates to intrusion into a person's privacy interests, the law applying the Fourth Amendment to the U.S. Constitution, too, may evolve.⁵³

Preemption

The regulation of the national airspace and the aircraft that occupy it is a federal matter.⁵⁴ The FAA Chief Counsel issued a document in 2015 about state and local regulation of drones in which he said that state and local restrictions affecting UAS operations should be consistent with the extensive federal statutory and regulatory framework in order to “ensure the maintenance of a safe and sound air transportation system and of navigable airspace free from inconsistent restrictions.”⁵⁵ However, given the Chief Counsel's acknowledgement that “laws traditionally related to state and local police power – including land use, zoning, privacy, trespass, and law enforcement operations – generally are not subject to federal regulation”⁵⁶ it appears that the bill would not be an encroachment into an area exclusively regulated by the federal government.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill allows for new uses for drones by government agencies under certain circumstances which could result in a cost savings for such agencies. However, nothing in the bill requires law enforcement agencies, fire departments, state agencies, or political subdivisions to spend resources to acquire drones or train personnel to use them.

⁵³ The Fourth Amendment to the U.S. Constitution protects persons from unreasonable searches and seizures by the government. U.S. Const. amend. IV. See *Katz v. United States*, 389 U.S. 347 (1967) finding there is no reasonable expectation of privacy in the public view. See also *Carpenter v. United States*, 138 S.Ct. 2206 (2018) a recent Fourth Amendment case finding a reasonable expectation of privacy in historical cell phone location records.

⁵⁴ Congress has vested the FAA with authority to regulate the areas of airspace use, management and efficiency, air traffic control, safety, navigational facilities, and aircraft noise at its source. 49 U.S.C. ss. 40103, 44502, and 44701-44735.

⁵⁵ FAA, Office of the Chief Counsel, *State and Local Regulation of Unmanned Aircraft Systems (UAS) Fact Sheet*, December 17, 2015, available at https://www.faa.gov/uas/resources/policy_library/media/UAS_Fact_Sheet_Final.pdf (last viewed February 4, 2019).

⁵⁶ *Id.*, citing *Skysign International, Inc. v. City and County of Honolulu*, 276 F.3d 1109, 1115 (9th Cir. 2002).

The Florida Department of Agriculture and Consumer Services and the Florida Department of Law Enforcement do not anticipate a fiscal impact related to this bill.⁵⁷

The Florida Fish and Wildlife Conservation Commission indicates by Memorandum that it will not be submitting a bill analysis for this bill.⁵⁸

The Florida Department of Highway Safety and Motor Vehicles expects no immediate fiscal impact, however, if the department decides to expand its use of drones, additional non-recurring budget authority would be required to purchase the equipment and recurring budget authority would be needed for ongoing maintenance.⁵⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 934.50 of the Florida Statutes

IX. Additional Information:

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

CS by Criminal Justice on March 4, 2019:

The committee substitute amends the exceptions in the bill to:

- Require that the size of a crowd subject to crowd control be 50 people or more.
- Provide that a law enforcement agency may not use a drone to gather evidence to enforce traffic infractions.
- Allow a state agency or political subdivision to use a drone for vegetation or wildlife management on publicly owned land or water.

CS by Infrastructure and Security on March 26, 2019:

The committee substitute amends the bill to:

- Allow certified fire department personnel to use drones to perform tasks within the scope of their certification.

⁵⁷ Florida Department of Agriculture and Consumer Services, 2019 Agency Bill Analysis, February 11, 2019; Florida Department of Law Enforcement, 2019 Agency Bill Analysis, February 6, 2019 (on file with the Senate Committee on Criminal Justice).

⁵⁸ Florida Fish and Wildlife Conservation Commission, Memorandum, March 1, 2019, (on file with the Senate Committee on Criminal Justice).

⁵⁹ Florida Department of Highway Safety and Motor Vehicles, 2019 Agency Bill Analysis, February 12, 2019, (on file with the Senate Committee on Criminal Justice).

B. Amendments:

None.

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



387434

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2019	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Hooper)
recommended the following:

Senate Amendment (with directory amendment)

Between lines 31 and 32
insert:

(h) By certified fire department personnel to perform tasks
within the scope and practice authorized under their
certifications.

===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

And the directory clause is amended as follows:



387434

11 Delete lines 12 - 13
12 and insert:
13 paragraphs (i) through (o), respectively, new paragraphs (d)
14 through (h) are added to that subsection, and paragraph (a) of

By the Committee on Criminal Justice; and Senator Gruters

591-02649-19

2019766c1

1 A bill to be entitled
 2 An act relating to expanded uses of unmanned aircraft;
 3 amending s. 934.50, F.S.; authorizing the use of
 4 drones by law enforcement agencies and other specified
 5 entities for specified purposes; providing an
 6 effective date.
 7
 8 Be It Enacted by the Legislature of the State of Florida:
 9
 10 Section 1. Present paragraphs (d) through (j) of subsection
 11 (4) of section 934.50, Florida Statutes, are redesignated as
 12 paragraphs (h) through (n), respectively, new paragraphs (d)
 13 through (g) are added to that subsection, and paragraph (a) of
 14 subsection (3) of that section is amended, to read:
 15 934.50 Searches and seizure using a drone.—
 16 (3) PROHIBITED USE OF DRONES.—
 17 (a) A law enforcement agency may not use a drone to gather
 18 evidence or other information except as provided in (4).
 19 (4) EXCEPTIONS.—This section does not prohibit the use of a
 20 drone:
 21 (d) To assist a law enforcement agency in crowd control
 22 involving a group of 50 people or more.
 23 (e) To assist a law enforcement agency with traffic
 24 management, except that a law enforcement agency may not use a
 25 drone to gather evidence to enforce traffic infractions.
 26 (f) To facilitate a law enforcement agency's collection of
 27 evidence at a crime scene or traffic crash scene.
 28 (g) By a state agency or political subdivision for the
 29 assessment of damage due to a flood, wildfire, or natural

Page 1 of 2

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

591-02649-19

2019766c1

30 disaster or for vegetation or wildlife management on publicly
 31 owned land or water.
 32 Section 2. This act shall take effect July 1, 2019.

Page 2 of 2

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

3-26-19

Meeting Date

766

Bill Number (if applicable)

387434

Amendment Barcode (if applicable)

Topic Expanded uses of Unmanned Aircraft

Name Jim Millican

Job Title Chief

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Email millican@flchief.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Fire Chiefs Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26/19

Meeting Date

CS/SB 766

Bill Number (if applicable)

Topic CS/SB 766

Amendment Barcode (if applicable)

Name TODD SUMNER

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Phone 850-591-6119

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City

State

Zip

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing Drone Technologist LLC

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

MARCH 26, 2014

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

5B0766

Meeting Date

Bill Number (if applicable)

Topic Expanded uses of unmanned aircraft

Amendment Barcode (if applicable)

Name Ray Colburn

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City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Fire Chiefs' Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/26/2019

Meeting Date

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

766

Bill Number (if applicable)

Topic Expanded Uses of Unmanned Aircraft

Amendment Barcode (if applicable)

Name Matt Dunagan

Job Title Deputy Director

Address 2617 Mahan Drive

Phone 850-877-2165

Street

Tallahassee

FL

32308

Email mdunagan@flsheriffs.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Sheriffs Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/26/2019

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

766

*Meeting Date**Bill Number (if applicable)*Topic Expanded Uses of Unmanned Aircraft*Amendment Barcode (if applicable)*Name Matt DunaganJob Title Deputy DirectorAddress 2617 Mahan DrivePhone 850-877-2165*Street*TallahasseeFL32308Email mdunagan@flsheriffs.org*City**State**Zip*Speaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)Representing Florida Sheriffs AssociationAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.****This form is part of the public record for this meeting.***

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26/19

Meeting Date

766

Bill Number (if applicable)

Topic UNMANNED AIRCRAFT

Amendment Barcode (if applicable)

Name DANIEL DANIEL

Job Title

Address 311 EAST PARK AVENUE
Street

Phone 224-5081

TALLAHASSEE FL 32301
City State Zip

Email ddaniel@smithbryanandmcgovern.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing D. J. I.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

766

Meeting Date _____

Bill Number (if applicable) _____

Topic _____

Amendment Barcode (if applicable) _____

Name JESS MCCARTY

Job Title ASSISTANT COUNTY ATTORNEY

Address 111 NW 1ST STREET, SUITE 2810

Phone 305-979-7110

Street

MIAMI

FL

33128

Email JMM2@MIAMIDADE.GOV

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing MIAMI-DADE COUNTY

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3/26

Meeting Date

766

Bill Number (if applicable)

Topic

DRONES

Amendment Barcode (if applicable)

Name

MATT ALFORD

Job Title

DEPT LEGISLATIVE AFFAIRS DIRECTOR

Address

Street

Phone

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

FL DEPT AG

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

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S-001 (10/14/14)

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APPEARANCE RECORD

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

3-26-19

Meeting Date

766

Bill Number (if applicable)

Topic Expanded Uses of Unmanned Aircraft

Amendment Barcode (if applicable)

Name Jim Milligan

Job Title Chief

Address 4360-55 NW

Street

Phone 722-526-5650

St. Pete

City

FL

State

33714

Zip

Email jmilligan@jeffersonfire.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Fire Chiefs Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/26/19

Meeting Date

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

766

Bill Number (if applicable)

Topic Expanded Uses of Unmanned Aircraft

Amendment Barcode (if applicable)

Name Chief Gary Hester

Job Title Government Affairs

Address 2636 Mitcham Drive

Phone 850-219-3631

Street

Tallahassee

FL

32308

City

State

Zip

Email ghester@fpca.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Police Chiefs Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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 Infrastructure and Security

BILL: SB 1440

INTRODUCER: Senator Farmer

SUBJECT: Public Swimming Pools

DATE: March 25, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Favorable
2.			CA	
3.			RC	

I. Summary:

SB 476 requires, by December 1, 2019, or an earlier date set by the county health department, that each public swimming pool have available a telephone with specified capabilities, and placement, visibility, or signage requirements for all public swimming pools.

The bill takes effect upon becoming law.

The fiscal impact to state and local revenues and expenditures is indeterminate but likely insignificant and capable of being absorbed within existing resources. The fiscal impact to owners or operators of public swimming pools is indeterminate. See the Fiscal Impact Statement heading for details.

II. Present Situation:

Regulation of Public Swimming Pools

Section 514.011(2), F.S., defines “public swimming pool” or “public pool” to mean “a watertight structure of concrete, masonry, or other approved materials which is located either indoors or outdoors, used for bathing or swimming by humans, and filled with a filtered and disinfected water supply, together with buildings, appurtenances, and equipment used in connection therewith. A public swimming pool or public pool shall mean a conventional pool, spa-type pool, wading pool, special purpose pool, or water recreation attraction, to which admission may be gained with or without payment of a fee and includes, but is not limited to, pools operated by or serving camps, churches, cities, counties, day care centers, group home facilities for eight or more clients, health spas, institutions, parks, state agencies, schools, subdivisions, or the cooperative living-type projects of five or more living units, such as apartments, boardinghouses, hotels, mobile home parks, motels, recreational vehicle parks, and townhouses.”

Section 514.021, F.S., authorizes the Department of Health (DOH) to adopt and enforce rules to protect the health, safety, or welfare of persons by setting sanitation and safety standards¹ for public swimming pools (and public bathing places), which standards are limited to matters relating to source of water supply; microbiological, chemical, and physical quality of the water in the pool; method of water purification, treatment, and disinfection; lifesaving apparatus; and measures to ensure safety of bathers. However, the DOH may not by rule regulate the design, alteration, modification, or repair of public swimming pools, which rule has no impact on sanitation and safety of persons using such pools; or regulate the construction, erection, of demolition of such pools. Those functions are preempted to the Florida Building Commission.²

Assignment of Authority to County Health Departments

Section 514.025, F.S., directs the DOH to assign to county health departments *that are staffed with qualified engineering personnel* the functions of reviewing applications and plans for the construction, development, or modification of public swimming pools; of conducting inspections, and of issuing all permits. The DOH is responsible for such functions if a county health department determines that qualified staff are not available. County health departments *are* responsible for routine surveillance of water quality in all public swimming pools, including routine inspections, complaint investigations, enforcement procedures, and operating permits.

Operating Permits Required

Section 514.031, F.S., requires any person or public body desiring to operate a public swimming pool to file an application for an operating permit with the DOH containing specified information. If the DOH determines the pool is or may reasonably be expected to be operated in compliance with applicable law, the DOH is directed to grant the permit. Each permit must be renewed annually, and the permit must be posted in a conspicuous place.

Public Swimming Pool Safety Features

Section 514.0315, F.S., requires a public swimming pool to be equipped with an anti-entrapment system or device that complies with American Society of Mechanical Engineers/American National Standards Institute standard A112.19.8, or any successor standard.^{3, 4}

If a public swimming pool was built before January 1, 1993, with a single main drain other than an unblockable drain, must be equipped with at least one of the following features that complies with any American Society of Mechanical Engineers, American National Standards Institute, American Society for Testing and Materials, or other applicable consumer product safety

¹ See the DOH Rule Chapter 64E-9, Florida Administration Code, available at <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=64E-9> (last visited March 22, 2019).

² Section 514.021(2), F.S.

³ “This standard establishes materials, testing, and marking requirements for suction fittings that are designed to be totally submerged for use in swimming pools, wading pools, spas, and hot tubs, as well as other aquatic facilities.” See ANSI Webstore, *ANSI/ASME A112.19.8-2007*, available at <https://webstore.ansi.org/standards/asme/ansiasmea112192007> (last viewed March 22, 2019).

⁴ With limited exception, the federal government is not involved in regulating swimming pools. The 2007 Virginia Graeme Baker Act requires pools to be equipped with anti-entrapment devices to keep swimmers, especially small children, from being caught in pool and spa drains. See National Conference of State Legislatures Legisbrief, *Keeping Recreational Water Facilities Safe*, Vol 23., No. 24, June 2015, available at <http://www.ncsl.org/LinkClick.aspx?fileticket=f0vZuHlkTt8%3D&tabid=29483&portalid=1> (last viewed March 22, 2019).

standard for such system or device and protects against evisceration and body-and-limb suction entrapment:

- A safety vacuum release system that ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected and that has been tested by an independent third party and found to conform to American Society of Mechanical Engineers/American National Standards Institute standard A112.19.17,⁵ American Society for Testing and Materials standard F2387, or any successor standard.
- A suction-limiting vent system with a tamper-resistant atmospheric opening.
- A gravity drainage system that uses a collector tank.
- An automatic pump shut-off system.
- A device or system that disables the drain.

The determination and selection of a feature for a public swimming pool constructed before January 1, 1993, is at the sole discretion of the owner or operator, but a licensed contractor must install the feature.

Florida law does not currently address availability of a telephone for users of public swimming pools in case of an emergency.

III. Effect of Proposed Changes:

The bill amends s. 514.0315, F.S., by creating subsection (4), providing that by December 1, 2019, or an earlier date determined by the county health department, each public swimming pool must have available a telephone for all public swimming pool users in case of an emergency. The telephone must:

- Be capable of directly dialing 911 or a central monitoring station in compliance with North American safety standards which is either ETL or UL listed,⁶
- Include dialing instructions,
- Be permanently mounted inside the pool premises or outside the premises, within 75 feet of the pool entrance, and
- Be visible from within the pool premises or, if the telephone is not visible from within the pool premises, a sign must be posted inside the premises indicating its location.

Owners and operators of existing public swimming pools that currently have telephones may need to make modifications to their facilities to ensure compliance with the above requirements upon their first sanitation and safety inspection on or after December 1, 2019 (or earlier date set

⁵ This standard “Establishes general requirements, dimensions and tolerances, materials, installation instructions, testing requirements, and markings and identification for SVRS devices. SVRS devices are intended to be utilized on pool, spa, hot tub, and/or therapy unit suction systems. SVRS devices covered under this Standard are designed to relieve high vacuum occurrences that cause human body or body part suction entrapment.” See ANSI Webstore, *ASME A112.19.17-2010*, available at <https://webstore.ansi.org/Standards/ASME/ASMEA11219172010> (last viewed March 22, 2019).

⁶ The ETL and the UL marks indicate that the product has been independently tested by a nationally recognized testing laboratory and that the product has met the minimum requirements of widely accepted North American product safety standards. See Expertise: Product Safety Testing, *ETL vs. UL: The Difference is Service*, available at <http://www.flexmasterusa.com/Portals/2/ULvsETL.PDF> and Intertek, *ETL Listed Mark*, available at <http://www.intertek.com/marks/etl/> (last viewed March 22, 2019).

by the county health department) for renewal of the existing operating permit. Owners and operators of existing public swimming pools that do not have compliant telephones for pool users' emergency use will need to provide telephones that comply with the above requirements upon their first sanitation and safety inspection on or after December 1, 2019 (or earlier date set by the county health department) and renewal of the existing operating permit.

Owners and operators of swimming pools to be constructed and opened to the public who apply for an operating permit will be required, in order to receive an operating permit effective on or after December 31, 2019, to have available a telephone for all public swimming pool users in case of an emergency, which telephone meets the above-described requirements.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that a public swimming pool owner or operator has a telephone (with the specified capabilities) for pool users' emergency use, but that telephone fails to comply with the other requirements of the bill, owners and operators are expected to incur insignificant expenses to make modifications that accomplish compliance, such as posting dialing instructions or installing a directional sign.

To the extent that such owners or operators are required to provide a telephone with the specified capabilities and meet the placement, visibility, and signage requirements, such

owners or operators would initially incur expenses associated with purchase or lease of the telephone and compliance with the placement, visibility, and signage requirements. Thereafter, such owners and operators would be responsible for monthly billing for telephone service, likely at a commercial rate. The exact amount of any such monthly expense is, however, indeterminate, as it dependent upon the service provider's monthly fee.

C. Government Sector Impact:

Upon application for or renewal of an operating permit, sanitation and safety inspectors will be required to inspect for the presence of the required telephone and determine compliance with the placement, visibility, and signage requirements. These inspections would be conducted either by DOH inspectors or by county health department inspectors to which the DOH inspection function has been assigned as discussed above. These efforts would presumably add very little in the way of time or effort for an inspector to perform an inspection that is otherwise required for an operating permit. Increased inspection costs, if any, are indeterminate but likely insignificant and capable of being absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 514.0315.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Farmer

34-00670B-19

20191440__

A bill to be entitled

An act relating to public swimming pools; amending s.
514.0315, F.S.; requiring public swimming pools to
have a telephone available by a certain date;
specifying that the telephone must meet certain
requirements; providing an effective date.

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

Section 1. Subsection (4) is added to section 514.0315,
Florida Statutes, to read:

514.0315 Required safety features for public swimming pools
and spas.—

(4) By December 31, 2019, or an earlier date determined by
the county health department, each public swimming pool must
have available a telephone for all public swimming pool users in
case of an emergency. The telephone must:

(a) Be capable of directly dialing 911 or a central
monitoring station in compliance with North American safety
standards which is either ETL or UL listed.

(b) Include dialing instructions.

(c) Be permanently mounted inside the pool premises or
outside the premises, within 75 feet of a pool entrance.

(d) Be visible from within the pool premises, or if the
telephone is not visible from within the pool premises, a sign
must be posted inside the premises indicating its location.

Section 2. This act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

3-26-19 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

SB 1440

Bill Number (if applicable)

Topic SWIMMING POOL SAFETY

Amendment Barcode (if applicable)

Name TAYLOR BIEHL

Job Title GOV. CONSULTANT

Address 106 E. COLLEGE AVE. SUITE 640

Street

Phone 850-224-1660

City

State

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing BIG BEN'S ADVOCACY ASSOC. KINGS III

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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3/26/19

Meeting Date

00005 14410

Bill Number (if applicable)

Topic Public Swimming Pools

Amendment Barcode (if applicable)

Name Samantha Padgett

Job Title General Counsel

Address 230 S. Adams St.

Phone 224-2250

Street

Tallahassee

FL

32301

City

State

Zip

Email spadgett@fla.org

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida Restaurant & Lodging Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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 Infrastructure and Security

BILL: CS/SB 1638

INTRODUCER: Infrastructure and Security Committee and Senator Lee

SUBJECT: Commercial Motor Vehicles

DATE: April 3, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	Fav/CS
2.			CM	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1638 revises numerous provisions relating to commercial motor vehicles (CMV). In summary, the bill:

- Updates various CMV regulations to address compatibility concerns with federal regulations;
- Removes exceptions regarding the visibility of headlamps and turn signals by waste collection vehicles under specified circumstances;
- Provides an effective date for certain requirements relating to the use of electronic logging devices and hours of service support documents;
- Removes language requiring intrastate CMVs that are not carrying hazardous materials to comply with certain federal regulations providing maximum drive time requirements;
- Removes a duplicative \$100 fine for falsifying hours of service records;
- Amends a provision to correct a federal regulations reference that allows a short-haul driver, not transporting hazardous materials requiring a placard, to be exempt from maintaining records of duty status;
- Conforms to federal regulation by adding the terms “gross vehicle weight rating” and “gross combined vehicle weight rating” for determining which vehicles, not transporting hazardous materials, meet the 26,001 pound threshold requirement for select intrastate commerce exemptions;
- Removes an exemption from federal regulations regarding transporting petroleum products due to the inclusion of flammable liquids that could require a hazardous material placard; and
- Requires charter buses operating interstate to register as apportionable vehicles.

The bill may have an indeterminate impact to the CMV industry associated with changes to the CMV regulations. In addition, failure to adopt statutory changes to comply with federal regulations may jeopardize federal funding for the state's motor carrier safety program.

II. Present Situation:

Federal Motor Carrier Safety Administration Compatibility

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA), within the United States Department of Transportation, is to prevent commercial motor vehicle-related fatalities and injuries.¹ In 2007, the FMCSA presented to Florida a Motor Carrier Safety Assistance Program (MSCAP) review, which concluded that Florida Statutes have multiple compatibility concerns with federal CMV safety regulations.²

Section 316.003(13), F.S. defines "commercial motor vehicle" as any self-propelled or towed vehicle used on public highways in commerce to transport passengers or cargo, if such vehicle:

- Has a gross vehicle weight rating of 10,000 pounds or more;
- Is designed to transport more than 15 passengers, including the driver; or
- Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act³, as amended.

Section 316.302(1)(a), F.S., provides that all owners and drivers of CMVs operating on the state's public highways while engaged in interstate commerce are subject to the following parts of 49 C.F.R.:

- 382 Controlled Substance and Alcohol Use Testing
- 385 Safety Fitness Procedures
- 390 Federal Motor Carrier Safety Regulations; General
- 391 Qualifications of Drivers and Longer Combination Vehicle Driver Instructors
- 392 Driving of Commercial Motor Vehicles
- 393 Parts and Accessories Necessary for Safe Operation
- 395 Hours of Service for Drivers
- 396 Inspection, Repair, and Maintenance
- 397 Transportation of Hazardous Materials; Driving and Parking Rules

Section 316.302(1)(b), F.S., provides that, with certain exceptions, all owners or drivers of CMVs engaged in intrastate commerce are subject to the following parts of 49 C.F.R. except as it relates to the definition of bus, as those rules and regulations existed on December 31, 2012:

- 382 Controlled Substance and Alcohol Use Testing
- 383 Commercial Driver's License Standards; Requirements and Testing
- 385 Safety Fitness Procedures
- 390 Federal Motor Carrier Safety Regulations; General

¹ Federal Motor Carrier Safety Administration, available at <https://www.fmcsa.dot.gov/mission/about-us> (last visited Mar. 1, 2019).

² 2007 Florida State MSCAP Review (Copy on file with Senate Committee on Infrastructure and Security).

³ 49 U.S.C. ss. 1801 *et seq.*

- 391 Qualifications of Drivers and Longer Combination Vehicle Driver Instructors
- 392 Driving of Commercial Motor Vehicles
- 393 Parts and Accessories Necessary for Safe Operation
- 395 Hours of Service for Drivers
- 396 Inspection, Repair, and Maintenance
- 397 Transportation of Hazardous Materials; Driving and Parking Rules

Federal regulations define “bus” as “any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs.”⁴ In its 2007 review, the FMCSA found that Florida’s exemption for taxicabs was not compatible with federal regulations, which includes taxicabs in the definition of “bus.”⁵

In its 2007 review, the FMCSA also found that the statutory provision exempting trucks transporting solid waste and recyclable materials with specified mechanisms operating at speeds of less than 20 miles per hour from certain lighting provisions is incompatible with federal regulations,⁶ which does not contain a similar exemption and that federal regulations expressly prohibit lamps and reflectors from being obscured.⁷

Federal regulations provide that with some exceptions, CMV drivers are required to be at least 21 years of age.⁸ Federal regulations also provide maximum drive time requirements for property carrying vehicles.⁹ Section 316.302(2)(a), F.S., provides that a person operating a CMV solely in intrastate commerce and not transporting any hazardous material in amounts that require placarding¹⁰ is not required to comply with the above-referenced federal regulations.

Federal regulations provide hours of service rules for CMV drivers.¹¹ Florida law also provides that, except as provided in federal regulations, a person operating a CMV solely in intrastate commerce and not transporting any hazardous material may not drive:

- More than 12 hours following 10 consecutive hours off duty; or
- For any period after the end of the 16th hour after coming on duty following 10 consecutive hours off duty.¹²

These provisions do not apply to drivers of utility service vehicles.¹³

⁴ 49 C.F.R. s. 390.5T.

⁵ 2007 Florida State MSCAP Review, at p. 2.

⁶ 49 C.F.R. 393 Subpart B.

⁷ 2007 Florida State MSCAP Review, at p. 4.

⁸ 49 C.F.R. s. 391.11(b)(1).

⁹ 49 C.F.R. s. 395.3(a) and (b).

¹⁰ Placarding is required pursuant to 49 C.F.R. part 172. In this analysis, everywhere there is a discussion regarding the transportation of hazardous materials, it is assumed to be in amounts that require placarding.

¹¹ 49 C.F.R. s. 395.

¹² Section 316.302(2)(b), F.S.

¹³ 49 C.F.R. s. 395.2, defines “utility service vehicle” as any commercial motor vehicle:

(1) Used in the furtherance of repairing, maintaining, or operating any structures or any other physical facilities necessary for the delivery of public utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone, and television cable or community antenna service;

Section 316.302(2)(c), F.S., provides that, except as provided in the federal hours of service rules¹⁴, a person operating a CMV solely in intrastate commerce not transporting any hazardous material may not drive after having been on duty more than 70 hours in any period of seven consecutive days or more than 80 hours in any period of eight consecutive days if the motor carrier operates every day of the week. Upon request of the Department of Highway Safety and Motor Vehicles (HSMV), motor carriers are required to furnish time records or other written verification so that the HSMV can determine compliance with the hours of service requirements. Falsification of time records is subject to a civil penalty not to exceed \$100.

Section 316.302(2)(d), F.S., provides that a person operating a CMV solely in intrastate commerce not transporting any hazardous material within a 150 air-mile radius is not required to comply with federal provisions regarding a driver's record of duty status¹⁵ if the requirements of certain federal rules regarding short-haul operations¹⁶ are met. If a driver is not released from duty within 12 hours after the driver arrives for duty, the motor carrier must maintain documentation of the driver's driving times throughout the duty period.

Section 316.302(2)(f), F.S., provides that a person who is operating a CMV having a declared gross vehicle weight of less than 26,001 pounds operating solely in intrastate commerce and who is not transporting hazardous materials or who is transporting petroleum products¹⁷ is exempt from s. 316.302(1), F.S. However, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

In its 2007 findings, the FMCSA determined that s. 316.302(2)(f), F.S., is not compatible with federal regulations since it exempts vehicles transporting petroleum products and the state definition of petroleum products includes liquids that could require placarding, while federal regulations do not allow drivers of vehicles requiring placarding to be exempt from applicable requirements.¹⁸

III. Effect of Proposed Changes:

The bill amends various provisions of ss. 316.302(1) and (2), F.S., addressing issues related to Florida's CMV regulations and their incompatibility with federal regulation.

(2) While engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

(3) Except for any occasional emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented by the utility.

¹⁴ 49 C.F.R. s. 395.1.

¹⁵ 49 C.F.R. 395.8.

¹⁶ 49 C.F.R. s. 395.1(e)(1)(iii) and (v) are various rules relating to short-haul operations.

¹⁷ Section 376.301(33), F.S., defines "petroleum product" as "any liquid fuel commodity made from petroleum, including, but not limited to, all forms of fuel known or sold as diesel fuel, kerosene, all forms of fuel known or sold as gasoline, and fuels containing a mixture of gasoline and other products, excluding liquefied petroleum gas and American Society for Testing and Materials grades no. 5 and no. 6 residual oils, bunker C residual oils, intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher, asphalt oils, and petrochemical feedstocks."

¹⁸ 2007 Florida State MSCAP Review, at p. 3.

The bill amends s. 316.302(1)(b), F.S., removing the exception for the federal definition of a bus and updating the date of adoption to December 31, 2018, which updates the state law referencing the applicable federal rules applicable to intrastate CMVs.

The bill amends s. 316.302(1)(d), F.S., removing exceptions regarding headlamps and turn signals by waste collection vehicles under specified circumstances.

The bill creates s. 316.302(1)(e), F.S., providing that the requirement for electronic logging devices and hours of service support documents¹⁹ do not go into effect for motor carriers engaged in intrastate commerce, and not carrying hazardous materials in amounts requiring placarding, until December 31, 2019.

The bill amends s. 316.302(2)(a), F.S., no longer requiring intrastate CMVs that are not carrying hazardous materials to comply with certain federal regulations providing maximum drive time requirements. Therefore, these vehicles will not be required to comply with 49 C.F.R. 395.3, documenting the maximum driving time for operators of property carrying vehicles. These drivers continue to be subject to the maximum driving times required by state law.

The bill amends s. 316.302(2)(c), F.S., by removing the \$100 fine for falsifying hours of service records, because it is duplicative of the fine provided in the CMV penalties statute.²⁰

The bill amends s. 316.302(2)(d), F.S., to update and correct a reference to federal regulations, 49 C.F.R. 395.1(e)(1)(ii) and (iii)(A) and (C) and (v), that allow a short-haul driver, not transporting hazardous materials requiring a placard, to be exempt from maintaining documentation of the driver's driving times. In order to be exempt, a driver must return to the work reporting location and be released from work within 12 consecutive hours and have either 10 or 8 hours off.

The bill amends s. 316.302(2)(f), F.S., to remove specific exemptions from federal regulations for drivers transporting petroleum products due to the inclusion of flammable liquids that could require a hazardous material placard. The paragraph is also amended to refer to the federal criteria for the exemption: CMVs having a *gross vehicle weight*, *gross vehicle weight rating*, and *gross combined weight rating* of less than 26,001 pounds, instead of a declared gross vehicle weight.

The bill deletes s. 316.302(2)(j), F.S., removing the requirement that a qualified driver who operates a CMV in intrastate commerce only, and who does not transport hazardous materials in amounts that require placarding, be exempt from the diabetes requirement for medical examination of 49 C.F.R. part 391, subpart E, ss. 391.41(b)(3) and 391.41(c).

¹⁹ Electronic Logging Devices and Hours of Service Supporting Documents, 80 Fed. Reg. 78291 (Dec. 16, 2015), <https://www.federalregister.gov/documents/2015/12/16/2015-31336/electronic-logging-devices-and-hours-of-servicesupporting-documents> (last visited Mar. 4, 2019).

²⁰ Section 316.3025(3)(b)1., F.S.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

There is a potential impact to the CMV industry associated with changes to the CMV regulations contained in the bill; however, the impact is indeterminate at this time.

C. Government Sector Impact:

According to the FMCSA, failure to adopt regulations to comply with federal compatibility requirements by February 16, 2019, may jeopardize federal funding for the state's motor carrier safety program for federal fiscal year 2019.²¹ Federal funding for the state's motor carrier safety program for fiscal year 2018-2019 totaled \$12,778,315, and when matched with state funds in the amount of \$2,254,997, totaled \$15,033,312.²²

VI. Technical Deficiencies:

None.

²¹ William A. Quade, Associate Administrator for Enforcement (Federal Motor Carrier Safety Administration), letter to Colonel Gene Spaulding, Director (Florida Highway Patrol), August 10, 2018 TS (on file with the Committee on Infrastructure and Security).

²² Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, MCSAP funds, (February 7, 2019).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 316.302 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 Infrastructure and Security on April 2, 2019:

- The CS makes a technical change to conform to federal requirements, using the word “and” instead of “or” in order to use gross vehicle weight, gross vehicle weight rating, and gross combined weight rating to determine eligibility for an exemption of certain federal requirements.

B. Amendments:

None.



920906

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2019	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Lee) recommended the following:

Senate Amendment (with title amendment)

Delete line 109
and insert:
a ~~declared~~ gross vehicle weight, gross vehicle weight rating,
and

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

And the title is amended as follows:

Delete line 17



920906

11 and insert:
12 and gross combined weight rating, under certain

By Senator Lee

20-00818B-19

20191638__

A bill to be entitled

An act relating to commercial motor vehicles; amending s. 316.302, F.S.; revising regulations applicable to owners and drivers of commercial motor vehicles; exempting persons who operate a commercial motor vehicle solely in intrastate commerce which does not transport hazardous materials in amounts that require placarding from certain requirements related to electronic logging devices and hours of service supporting documents until a specified date; deleting a limitation on a civil penalty for falsification of certain time records; deleting a requirement that a motor carrier maintain certain documentation of driving times; extending an exemption from specified commercial motor vehicle requirements for a commercial vehicle having a certain gross vehicle weight rating or gross combined weight rating, under certain circumstances; deleting such exemption for a person transporting petroleum products; deleting an exemption from specified regulations relating to diabetes for certain drivers of commercial motor vehicles; providing an effective date.

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

Section 1. Subsection (1) and paragraphs (a), (c), (d), (f), and (j) of subsection (2) of section 316.302, Florida Statutes, are amended to read:

316.302 Commercial motor vehicles; safety regulations;

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

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20191638__

transporters and shippers of hazardous materials; enforcement.—

(1) (a) All owners and drivers of commercial motor vehicles that are operated on the public highways of this state while engaged in interstate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 383, 385, 386, and 390-397.

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 383, 385, 386, and 390-397, ~~with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus,~~ as such rules and regulations existed on December 31, 2018 ~~2012~~.

(c) The emergency exceptions provided by 49 C.F.R. s. 392.82 also apply to communications by utility drivers and utility contractor drivers during a Level 1 activation of the State Emergency Operations Center, as provided in the Florida Comprehensive Emergency Management plan, or during a state of emergency declared by executive order or proclamation of the Governor.

(d) Except as provided in ~~s. 316.215(5)~~, ~~and except as provided in~~ s. 316.228 for rear overhang lighting and flagging requirements for intrastate operations, the requirements of this section supersede all other safety requirements of this chapter for commercial motor vehicles.

(e) A person who operates a commercial motor vehicle solely in intrastate commerce which does not transport hazardous materials in amounts that require placarding pursuant to 49 C.F.R. part 172 need not comply with the requirements of

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

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electronic logging devices and hours of service supporting documents as provided in 49 C.F.R. parts 385, 386, 390, and 395 until December 31, 2019.

(2) (a) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b) (1) and 395.3 ~~49 C.F.R. ss. 391.11(b) (1) and 395.3(a) and (b).~~

(c) Except as provided in 49 C.F.R. s. 395.1, a person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 may not drive after having been on duty more than 70 hours in any period of 7 consecutive days or more than 80 hours in any period of 8 consecutive days if the motor carrier operates every day of the week. Thirty-four consecutive hours off duty shall constitute the end of any such period of 7 or 8 consecutive days. This weekly limit does not apply to a person who operates a commercial motor vehicle solely within this state while transporting, during harvest periods, any unprocessed agricultural products or unprocessed food or fiber that is subject to seasonal harvesting from place of harvest to the first place of processing or storage or from place of harvest directly to market or while transporting livestock, livestock feed, or farm supplies directly related to growing or harvesting agricultural products. Upon request of the Department of Highway Safety and Motor Vehicles, motor carriers shall furnish time records or other written verification to that department so that the Department of Highway Safety and Motor Vehicles can

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determine compliance with this subsection. These time records must be furnished to the Department of Highway Safety and Motor Vehicles within 2 days after receipt of that department's request. Falsification of such information is subject to a civil penalty ~~not to exceed \$100. The provisions of~~ This paragraph ~~does de~~ not apply to operators of farm labor vehicles operated during a state of emergency declared by the Governor or operated pursuant to s. 570.07(21) ~~or, and do not apply~~ to drivers of utility service vehicles as defined in 49 C.F.R. s. 395.2.

(d) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 within a 150 air-mile radius of the location where the vehicle is based need not comply with 49 C.F.R. s. 395.8, if the requirements of 49 C.F.R. s. 395.1(e) (1) (ii), (iii) (A) and (C), and (v) ~~49 C.F.R. s. 395.1(e) (1) (iii) and (v)~~ are met. ~~If a driver is not released from duty within 12 hours after the driver arrives for duty, the motor carrier must maintain documentation of the driver's driving times throughout the duty period.~~

(f) A person who operates a commercial motor vehicle having a ~~declared~~ gross vehicle weight, gross vehicle weight rating, or gross combined weight rating of less than 26,001 pounds solely in intrastate commerce and who is not transporting hazardous materials in amounts that require placarding pursuant to 49 C.F.R. part 172, ~~or who is transporting petroleum products as defined in s. 376.301,~~ is exempt from subsection (1). However, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a) (1) and 396.9.

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117 ~~(j) A person who is otherwise qualified as a driver under~~
118 ~~49 C.F.R. part 391, who operates a commercial motor vehicle in~~
119 ~~intrastate commerce only, and who does not transport hazardous~~
120 ~~materials in amounts that require placarding pursuant to 49~~
121 ~~C.F.R. part 172, is exempt from the requirements of 49 C.F.R.~~
122 ~~part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to~~
123 ~~diabetes.~~

124 Section 2. This act shall take effect October 1, 2019.

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 Infrastructure and Security

BILL: SPB 7090

INTRODUCER: Infrastructure and Security Committee

SUBJECT: Highway Safety and Motor Vehicles

DATE: April 4, 2019

REVISED: 4/4/2019

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Proctor</u>	<u>Miller</u>		IS Submitted as Comm. Bill/Fav

I. Summary:

SPB 7090 is a comprehensive bill relating the Department of Highway Safety and Motor Vehicles (DHSMV). The bill:

- Allows the DHSMV to collect payment for expedited shipping of driver license (DL) and identification (ID) cards at the request of the customer for online transactions;
- Allows the DHSMV to provide a no fee ID card, if the previous ID card was stolen, by providing a copy of the police report;
- Extends the renewal window for ID cards to match DLs;
- Creates a definition for “control person” and expands penalties to dealerships who employ a control person whose dealer license has been revoked;
- Strengthens the penalties for false information on an application for DL;
- Establishes a definition for the term “crash” in chapter 316 related to State Uniform Traffic Control;
- Establishes subpoena authority for the DHSMV to obtain testimony and documents from third-party entities that cannot be obtained under current law;
- Provides authority for the DHSMV and its agents (Tax Collectors) to collect and use email addresses and cellular telephones numbers to contact customers;
- Removes obsolete language related to the manual reporting of students whose driving privileges have been suspended for truancy;
- Updates Florida Statutes to resolve compatibility concerns from the Federal Motor Carrier Safety Administration (FMCSA) between existing state law and federal regulations;
- Incorporates violations for texting or using a handheld phone device while operating a commercial motor vehicle (CMV) as a serious disqualifying offense to align with federal regulations as noted in FMCSA compliance pre-audit;
- Revises the definition of "Apportionable Vehicle" to bring Florida's statutory definition of "Apportionable Vehicle" in alignment with the requirements of the International Registration Plan (IRP);
- Revises the issuance time frame for apportioned plates to be longer than one year, and will provide for free replacement for damaged or worn apportioned plates;

- Modifies existing law to indicate the DHSMV has statutory authority to adopt rules for the safe operations of commercial motor vehicles and conduct compliance reviews;
- Re-establishes the Privatized Rebuilt Vehicle Inspection Program (PRVIP) permanently and expand it statewide;
- Defines the term “platoon” as no more than 2 trucks that are wirelessly connected;
- Exempts platoon operators from state laws relating to “following too closely” and use of television receivers;
- Permits a platoon to be operated on Florida roadways after an operator provides notification to the Department of Transportation (DOT) and the DHSMV.
- Permits a district school board, by majority vote, to extend the period of enforcement for a school speed zone by an additional 15 minutes before, during, and additional 15 minutes after the periods of time when pupils are arriving at a regularly scheduled breakfast program or a regularly scheduled school session and leaving a regularly scheduled school session;
- Authorizes the DHSMV and Tax Collectors to collect and use cellular telephone numbers and email addresses to contact customers for business reasons other than vehicle renewals;
- Requires the DHSMV to provide tax collectors and their approved agents and vendors with real-time access to data that other third parties receive from the DHSMV related to registration of vehicles, mobile homes, and vessels;
- Changes the effective date for the bill’s changes to apportioned vehicle registrations to January 1, 2023;
- Provides tax collectors the option of purchasing validation stickers and paper stock used in producing vehicle registrations from the DHSMV’s contracted vendor or from other vendors, as long as the items meet the DHSMV’s specifications and are procured at prices that are at or lower than the pricing reflected in the DHSMV’s existing contracts for the items;
- Creates a Fleet Vehicle Temporary Tag Pilot Program, which allows the DHSMV to partner with a county tax collector to establish an agreement with up to ten companies allowing the issuance of up to 50 temporary tags at a time for use by the company’s fleet vehicles; and
- Clarifies that the DHSMV’s Mobile/Manufactured Home Repair and Remodeling Code, which has been adopted by rule, is uniform statewide and requires that all repairs and remodeling must conform to that Code

According to the DHSMV, the bill will have a negative, but insignificant fiscal impact to state expenditures. Additionally, classifying charter buses as an apportionable vehicle may have an indeterminate impact to state revenues. See fiscal comments in Section V.

The bill has an effect date of July 1, 2019.

II. Present Situation:

Due to the disparate issues in the bill, the present situation for each area is discussed below in conjunction with the Effect of the Proposed Changes.

III. Effect of Proposed Changes:

Definitions - Crash and Serious Bodily Injury

Present Situation

Chapter 316 of Florida law, related to State Uniform Traffic Control, contains the term “crash” over 150 times, but does not contain a definition for the term. The absence of a standard definition leads to inconsistent policies and procedures across law enforcement agencies that investigate crashes and among courts that adjudicate cases involving crashes.

Chapter 316, F.S., defines “serious bodily injury” in ss. 316.192, 316.027, and 316.1933, F.S. However, the term is not defined in the definitions section of s. 316.003, F.S.

Effect of Proposed Changes

The bill amends s. 316.003, F.S., by establishing a definition for the term “crash”. “Crash” is defined as the operation of a motor vehicle, motorized scooter, or moped which results in property damage or death, bodily injury, or complaint of bodily injury to any person. The term “crash” includes separation of the operator or an occupant from a motor vehicle, motorized scooter, or moped, or trailer being drawn by a motor vehicle, while in motion, which results in property damage or death, bodily injury, or complaint of bodily injury to any person. The term “crash” does not include such operation:

- On private property, if such operation does not result in death or serious bodily injury, unless the operator is suspected of violating s. 316.193, F.S., relating to driving under the influence;
- On a closed course used for commercial or recreational purposes, such as a commercial driving school or racetrack, unless the operator is suspected of violating s. 316.193, F.S., relating to driving under the influence; or
- If such property damage or death, bodily injury, or complaint of bodily injury to any person results from an intentional act of a law enforcement officer to force a motor vehicle or moped to stop or reduce speed, such as use of a pursuit termination device or the precision immobilization technique, except that the term “crash” includes such operation that results in death, bodily injury, or complaint of bodily injury to, or damage to property of, anyone other than the operator or an occupant being forced to stop or reduce speed or the law enforcement officer.

The term “crash” also does not include the death or suffering of a medical episode by the operator or an occupant of a motor vehicle or moped if operation of the motor vehicle or moped did not result in such death or medical episode and does not result in property damage or death, bodily injury, or complaint of bodily injury to any other person.

The bill also amends s. 316.003, F.S., by creating a definition for the term “serious bodily injury” to be an injury to any person which consists of a physical condition that creates a substantial risk of death, significant personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

The bill amends ss. 316.027, 316.0271, 316.061, 316.194, 316.622, 316.640, 316.655, 321.05, 321.065, 321.23, 322.0602, 322.36, 323.001, 323.002, 324.011, 324.022, 324.023, 324.051, and 324.242, F.S., changing the word “accident” to “crash”.

The bill amends ss. 316.027, 316.192, and 316.1933, F.S., deleting the definition of “serious bodily injury.”

Federal Motor Carrier Safety Administration Compatibility

Present Situation

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA), within the United States Department of Transportation, is to prevent commercial motor vehicle-related fatalities and injuries.¹ In 2007, the FMCSA presented to Florida a Motor Carrier Safety Assistance Program (MSCAP) review, which concluded that Florida Statutes have multiple compatibility concerns with federal CMV safety regulations.²

Section 316.003(13), F.S. defines “commercial motor vehicle” as any self-propelled or towed vehicle used on public highways in commerce to transport passengers or cargo, if such vehicle:

- Has a gross vehicle weight rating of 10,000 pounds or more;
- Is designed to transport more than 15 passengers, including the driver; or
- Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act³, as amended.

Section 316.302(1)(a), F.S., provides that all owners and drivers of CMVs operating on the state’s public highways while engaged in interstate commerce are subject to the following parts of 49 C.F.R.:

- 382 Controlled Substance and Alcohol Use Testing
- 385 Safety Fitness Procedures
- 390 Federal Motor Carrier Safety Regulations; General
- 391 Qualifications of Drivers and Longer Combination Vehicle Driver Instructors
- 392 Driving of Commercial Motor Vehicles
- 393 Parts and Accessories Necessary for Safe Operation
- 395 Hours of Service for Drivers
- 396 Inspection, Repair, and Maintenance
- 397 Transportation of Hazardous Materials; Driving and Parking Rules

Section 316.302(1)(b), F.S., provides that, with certain exceptions, all owners or drivers of CMVs engaged in intrastate commerce are subject to the following parts of 49 C.F.R. except as it relates to the definition of bus, as those rules and regulations existed on December 31, 2012:

- 382 Controlled Substance and Alcohol Use Testing
- 383 Commercial Driver’s License Standards; Requirements and Testing

¹ Federal Motor Carrier Safety Administration, available at <https://www.fmcsa.dot.gov/mission/about-us> (last visited Mar. 1, 2019).

² 2007 Florida State MSCAP Review (Copy on file with Senate Committee on Infrastructure and Security).

³ 49 U.S.C. ss. 1801 *et seq.*

- 385 Safety Fitness Procedures
- 390 Federal Motor Carrier Safety Regulations; General
- 391 Qualifications of Drivers and Longer Combination Vehicle Driver Instructors
- 392 Driving of Commercial Motor Vehicles
- 393 Parts and Accessories Necessary for Safe Operation
- 395 Hours of Service for Drivers
- 396 Inspection, Repair, and Maintenance
- 397 Transportation of Hazardous Materials; Driving and Parking Rules

Federal regulations define “bus” as “any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs.”⁴ In its 2007 review, the FMCSA found that Florida’s exemption for taxicabs was not compatible with federal regulations, which includes taxicabs in the definition of “bus.”⁵

In its 2007 review, the FMCSA also found that the statutory provision exempting trucks transporting solid waste and recyclable materials with specified mechanisms operating at speeds of less than 20 miles per hour from certain lighting provisions is incompatible with federal regulations,⁶ which does not contain a similar exemption and that federal regulations expressly prohibit lamps and reflectors from being obscured.⁷

Federal regulations provide that with some exceptions, CMV drivers are required to be at least 21 years of age.⁸ Federal regulations also provide maximum drive time requirements for property carrying vehicles.⁹ Section 316.302(2)(a), F.S., provides that a person operating a CMV solely in intrastate commerce and not transporting any hazardous material in amounts that require placarding¹⁰ is not required to comply with the above-referenced federal regulations.

Federal regulations provide hours of service rules for CMV drivers.¹¹ Florida law also provides that, except as provided in federal regulations, a person operating a CMV solely in intrastate commerce and not transporting any hazardous material may not drive:

- More than 12 hours following 10 consecutive hours off duty; or
- For any period after the end of the 16th hour after coming on duty following 10 consecutive hours off duty.¹²

These provisions do not apply to drivers of utility service vehicles.¹³

⁴ 49 C.F.R. s. 390.5T.

⁵ 2007 Florida State MSCAP Review, at p. 2.

⁶ 49 C.F.R. 393 Subpart B.

⁷ 2007 Florida State MSCAP Review, at p. 4.

⁸ 49 C.F.R. s. 391.11(b)(1).

⁹ 49 C.F.R. s. 395.3(a) and (b).

¹⁰ Placarding is required pursuant to 49 C.F.R. part 172. In this analysis, everywhere there is a discussion regarding the transportation of hazardous materials, it is assumed to be in amounts that require placarding.

¹¹ 49 C.F.R. s. 395.

¹² Section 316.302(2)(b), F.S.

¹³ 49 C.F.R. s. 395.2, defines “utility service vehicle” as any commercial motor vehicle:

(1) Used in the furtherance of repairing, maintaining, or operating any structures or any other physical facilities necessary for the delivery of public utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone, and television cable or community antenna service;

Section 316.302(2)(c), F.S., provides that, except as provided in the federal hours of service rules¹⁴, a person operating a CMV solely in intrastate commerce not transporting any hazardous material may not drive after having been on duty more than 70 hours in any period of seven consecutive days or more than 80 hours in any period of eight consecutive days if the motor carrier operates every day of the week. Upon request of the DHSMV, motor carriers are required to furnish time records or other written verification so that the DHSMV can determine compliance with the hours of service requirements. Falsification of time records is subject to a civil penalty not to exceed \$100.

Section 316.302(2)(d), F.S., provides that a person operating a CMV solely in intrastate commerce not transporting any hazardous material within a 150 air-mile radius is not required to comply with federal provisions regarding a driver's record of duty status¹⁵ if the requirements of certain federal rules regarding short-haul operations¹⁶ are met. If a driver is not released from duty within 12 hours after the driver arrives for duty, the motor carrier must maintain documentation of the driver's driving times throughout the duty period.

Section 316.302(2)(f), F.S., provides that a person who is operating a CMV having a declared gross vehicle weight of less than 26,001 pounds operating solely in intrastate commerce and who is not transporting hazardous materials or who is transporting petroleum products¹⁷ is exempt from s. 316.302(1), F.S. However, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

In its 2007 findings, the FMCSA determined that s. 316.302(2)(f), F.S., is not compatible with federal regulations since it exempts vehicles transporting petroleum products and the state definition of petroleum products includes liquids that could require placarding, while federal regulations do not allow drivers of vehicles requiring placarding to be exempt from applicable requirements.¹⁸

Effect of Proposed Changes

The bill amends various provisions of ss. 316.302(1) and (2), F.S., addressing issues related to Florida's CMV regulations and their incompatibility with federal regulation.

(2) While engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

(3) Except for any occasional emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented by the utility.

¹⁴ 49 C.F.R. s. 395.1.

¹⁵ 49 C.F.R. 395.8.

¹⁶ 49 C.F.R. s. 395.1(e)(1)(iii) and (v) are various rules relating to short-haul operations.

¹⁷ Section 376.301(33), F.S., defines "petroleum product" as "any liquid fuel commodity made from petroleum, including, but not limited to, all forms of fuel known or sold as diesel fuel, kerosene, all forms of fuel known or sold as gasoline, and fuels containing a mixture of gasoline and other products, excluding liquefied petroleum gas and American Society for Testing and Materials grades no. 5 and no. 6 residual oils, bunker C residual oils, intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher, asphalt oils, and petrochemical feedstocks."

¹⁸ 2007 Florida State MSCAP Review, at p. 3.

The bill amends s. 316.302(1)(b), F.S., removing the exception for the federal definition of a bus and updating the date of adoption to December 31, 2018, which updates the state law referencing the applicable federal rules applicable to intrastate CMVs.

The bill amends s. 316.302(1)(d), F.S., removing exceptions regarding headlamps and turn signals by waste collection vehicles under specified circumstances.

The bill creates s. 316.302(1)(e), F.S., providing that the requirement for electronic logging devices and hours of service support documents¹⁹ do not go into effect for motor carriers engaged in intrastate commerce, and not carrying hazardous materials in amounts requiring placarding, until December 31, 2019.

The bill amends s. 316.302(2)(a), F.S., no longer requiring intrastate CMVs that are not carrying hazardous materials to comply with certain federal regulations providing maximum drive time requirements. Therefore, these vehicles will not be required to comply with 49 C.F.R. 395.3, documenting the maximum driving time for operators of property carrying vehicles. These drivers continue to be subject to the maximum driving times required by state law.

The bill amends s. 316.302(2)(c), F.S., by removing the \$100 fine for falsifying hours of service records, because it is duplicative of the fine provided in the CMV penalties statute.²⁰

The bill amends s. 316.302(2)(d), F.S., to update and correct a reference to federal regulations, 49 C.F.R. 395.1(e)(1)(ii) and (iii)(A) and (C) and (v), that allow a short-haul driver, not transporting hazardous materials requiring a placard, to be exempt from maintaining documentation of the driver's driving times. In order to be exempt, a driver must return to the work reporting location and be released from work within 12 consecutive hours and have either 10 or 8 hours off.

The bill amends s. 316.302(2)(f), F.S., to remove specific exemptions from federal regulations for drivers transporting petroleum products due to the inclusion of flammable liquids that could require a hazardous material placard. The paragraph is also amended to refer to the federal criteria for the exemption: CMVs having a *gross vehicle weight*, *gross vehicle weight rating*, and *gross combined weight rating* of less than 26,001 pounds, instead of a declared gross vehicle weight.

The bill deletes s. 316.302(2)(j), F.S., removing the requirement that a qualified driver who operates a CMV in intrastate commerce only, and who does not transport hazardous materials in amounts that require placarding, be exempt from the diabetes requirement for medical examination of 49 C.F.R. part 391, subpart E, ss. 391.41(b)(3) and 391.41(c).

¹⁹ Electronic Logging Devices and Hours of Service Supporting Documents, 80 Fed. Reg. 78291 (Dec. 16, 2015), <https://www.federalregister.gov/documents/2015/12/16/2015-31336/electronic-logging-devices-and-hours-of-servicesupporting-documents> (last visited Mar. 4, 2019).

²⁰ Section 316.3025(3)(b)1., F.S.

Platooning

Present Situation

Platooning is an emerging automated driving technology that allows vehicles to communicate with one another in order to electronically “link” to each other in a line at close proximity, where the lead vehicle controls the speed and braking of the following vehicles. Vehicles platoon by using an onboard computer connected to a vehicle-to-vehicle (V2V) communications device that receives and transmits data using Dedicated Short-Range Communications (DSRC), a two-way wireless communications capability permitting very high data transmission. DSRC is used by both V2V communications as well as vehicle-to-infrastructure (V2I) communications to provide connectivity among vehicles and between infrastructure to prevent crashes, and enable safety, mobility, and environmental sustainability.

The National Highway Traffic Safety Administration (NHTSA) published a Notice of Proposed Rulemaking in January 2017, proposing to mandate V2V communications for new light vehicles and standardize the message and format of V2V transmissions to create a standard system, which enables vehicle manufacturers to develop safety applications using V2V communications. These V2V communication device requirements would use DSRC devices to transmit basic information on the road, such as a vehicle’s speed, heading, brake status, path predictions, and other vehicle information that can be used to provide drivers timely warnings of impending crash situations that a driver may not be capable of seeing. NHTSA has expressed that V2V communication “shows great promise in helping to avoid crashes, ease traffic congestion, and improve the environment.”

Driver-Assistive Truck Platooning

One form of V2V technology is DATP, which allows trucks to communicate with one another and to travel as close as 30 feet apart with automatic acceleration and braking. A draft is created, reducing wind resistance and cutting down on fuel consumption.

In 2016, s. 316.0896, F.S., was created to require the DOT, in consultation with the HSMV, to study the use and safe operation of DATP technology, develop and conduct a pilot project to test the use and safe operation of vehicles equipped to operate using DATP, and submit results of the study and any findings or recommendations from the pilot project to Florida’s Governor and Legislature. The DOT developed the pilot project as a demonstration and operational phase to:

- Evaluate impacts of DATP on surrounding traffic and infrastructure;
- Evaluate feasibility of conducting enforcement responsibilities when DATP trucks are operating; and
- Evaluate administrative aspects of permitting DATP systems.

The pilot project was conducted with Peloton Technology, one developer of DATP vehicle systems. Peloton’s DATP is a cloud-based system that uses integrated sensors, controls, and wireless communications to determine in real time whether conditions are appropriate to allow specific trucks to engage in platooning operations. Using V2V communications, the system synchronizes acceleration and braking between tractor-trailers, leaving steering to the drivers, but eliminating braking distance otherwise caused by lags in the front or rear driver’s response time. According to Peloton Technology, Peloton’s demonstration of its DATP technology

occurred on the Florida Turnpike and covered over 1,000 miles using two trucks traveling at a separation distance of approximately 65 feet.

Platoon Laws in Other States

According to Peloton, nine states have confirmed allowance for commercial deployment of DATP. At least ten states with “following too closely” laws, including Florida, exempt vehicles equipped with a DATP system or a platooning system from such state law. Additionally, Arkansas, Michigan, Nevada and Tennessee passed laws expressly allowing a person to operate DATP or platooning systems; however, Arkansas, Michigan, and Tennessee only allow operation upon state approval of a submitted operations plan, or following a certain number of days after submission of such plan, if the plan is not rejected by the overseeing agency. Several states and the federal government are continuing testing of DATP and other platooning systems.

Following Too Closely and TV Receiver Prohibitions

Section 316.0895, F.S., prohibits a driver of a motor vehicle to follow another vehicle more closely than is reasonable and prudent. It is unlawful, when traveling upon a roadway outside a business or residence district, for a motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer to follow within 300 feet of another vehicle.

Section 316.303, F.S., prohibits a motor vehicle operated on the highways of this state to be equipped with television-type receiving equipment that is visible from the driver’s seat; however, this prohibition does not apply to an electronic display:

- Used in conjunction with a vehicle navigation system;
- Used in a vehicle equipped with autonomous technology in autonomous mode; or
- Used in a vehicle equipped and operating with DATP technology.

Effect of Proposed Changes

The bill amends s. 316.003, F.S., to define “platoon” to mean a group of no more than two trucks that do not require placards, either laden or unladen, traveling in a unified manner using wireless vehicle-to-vehicle communications that electronically coordinate speeds and following distances of the trucks.

The bill repeals s. 316.0896, F.S., which created the Assistive truck platooning technology pilot project conducted by the DOT in consultation with the DHSMV.

The bill amends s. 316.0897, F.S., so that s. 316.0895, F.S., for following too closely, does not apply to the operator of a nonlead vehicle in a platoon, and that a platoon may be operated on a roadway in Florida after an operator provides notification to the DOT and the DHSMV.

The bill amends s. 316.303, F.S., to add that the prohibition on television receivers does not apply to an electronic display used by an operator of a platoon, as defined in s. 316.003, F.S.

School Speed Zones

Present Situation

Section 316.1895, F.S., relates to the establishment of speed zones. A school zone is an area designated for the purpose of establishing a reduced school zone speed limit that is in effect at the beginning and end of the regularly scheduled school day. Section 316.1895(5), F.S., provides: "A school zone speed limit may not be less than 15 miles per hour except by local regulation. No school zone speed limit shall be more than 20 miles per hour in an urbanized area, as defined in s. 334.03. Such speed limit may be in force during those times 30 minutes before, during, and 30 minutes after the periods of time when pupils are arriving at a regularly scheduled breakfast program or a regularly scheduled school session and leaving a regularly scheduled school session."

Effect of Proposed Changes

The bill creates s. 316.1895(5)(b), F.S., to allow a district school board as defined in s. 1003.01(1), F.S., by simple majority vote to increase the time a school zone speed limit is in force by an additional 15 minutes, before, during, and an additional 15 minutes after the periods of time when pupils are arriving at a regularly scheduled breakfast program or at a regularly scheduled school session and leaving a regularly scheduled school session.

This may result in a school zone speed limit potentially being in force for up to a total of 45 minutes before, during, and up to a total of 45 minutes after the periods of time when pupils are arriving at a regularly scheduled breakfast program or at a regularly scheduled school session and leaving a regularly scheduled school session, if enacted by a district school board.

Safety Rules for Nonpublic Sector Buses

Present Situation

Section 316.70, F.S., provides that the DOT must establish and revise standards contained in federal law²¹ to ensure the safe operation of nonpublic sector buses. The standards should be directed toward ensuring that:

- Nonpublic sector buses are safely maintained, equipped, and operated.
- Nonpublic sector buses are carrying the insurance required by law and carrying liability insurance on the checked baggage of passengers not to exceed the standard adopted by the United States Department of Transportation.
- Florida license tags are purchased for nonpublic sector buses pursuant to state law.
- The driving records of drivers of nonpublic sector buses are checked by their employers at least once each year to ascertain whether the driver has a suspended or revoked driver license.

DOT personnel may conduct compliance reviews for the purpose of determining compliance with these requirements. A civil penalty not to exceed \$5,000 in the aggregate may be assessed against any person who violates any provision of this section or who violates any rule or order of DOT. A civil penalty not to exceed \$25,000 in the aggregate may be assessed for violations

²¹ 49 C.F.R. parts 382, 385, and 390-397.

found in a follow-up compliance review conducted within a 24-month period. A civil penalty not to exceed \$25,000 in the aggregate may be assessed and the motor carrier may be enjoined pursuant to s. 316.3026, F.S., if violations are found after a second follow-up compliance review within 12 months after the first follow-up compliance review.

Effect of Proposed Changes

The bill amends s. 316.70, F.S., to change the agency who has statutory authority to adopt rules for the safe operations of commercial motor vehicles and conduct compliance reviews from the DOT to the DHSMV. This change addresses which agency is responsible for the safe operations of nonpublic sector buses, which should have been changed during the merger of the Office of Motor Carrier Compliance within the DOT to the Office of Commercial Vehicle Enforcement with the DHSMV.

The bill provides that a law enforcement officer of the DHSMV or an appointed agent who holds a current safety inspector certification from the Commercial Vehicle Safety Alliance may require the driver of a commercial motor vehicle operated in Florida to stop and submit to an inspection of the vehicle and the driver's records. If a specified issue is found, then the motor vehicle or driver may be removed from service or a written 15-day notice requiring correction of the condition may be provided.

The bill cross-references the applicable Code of Federal Regulations, removes duplicative standards for nonpublic sector buses.

The bill removes a civil penalty that may be applied should a motor carrier continue to be in violation of any provision of s. 316.70, F.S., or the DHSMV rules following a second follow up compliance review within 12 months after the first follow up compliance review.

Privatized Rebuilt Vehicle Inspection Program

Present Situation

In 2013, the Legislature created s. 319.141, F.S., creating a PRVIP in Miami-Dade and Hillsborough counties through June 30, 2018.²² The DHSMV set standards for the program and certified private sector inspection facilities in Miami-Dade County. The program's purpose was to evaluate private sector alternatives for rebuilt inspection services, including the feasibility of using private facilities, the cost impact to consumers, and the potential savings to the DHSMV. The DHSMV was required to establish a memorandum of understanding (MOU) allowing private parties participating in the pilot program to conduct rebuilt vehicle inspections and specifies requirements for oversight, bonding and insurance, procedure and forms, and requires the electronic submission of documents.

²² Section 319.14(1)(c)3., defines "rebuilt vehicle" for purposes of that section as a motor vehicle or motor home built from salvage or junk.

To be approved for the program, an applicant was required to:

- Have and maintain a surety bond or irrevocable letter of credit in the amount of \$100,000, executed by the applicant;
- Secure and maintain a facility at a permanent structure at an address recognized by the U.S. Postal Service where the only services provided are rebuilt inspection services;
- Annually attest that he or she is not employed by or does not have an ownership interest in or financial arrangement with a motor vehicle repair shop, motor vehicle dealer, towing company, storage company, vehicle auction, insurance company, salvage yard, metal retailer, or metal rebuilder, from which he or she receives remuneration for the referral of customers for rebuilt inspection services;
- Have and maintain garage liability and other insurance required by the DHSMV;
- Have completed criminal background checks of the owners, partners, and corporate officers and the inspectors employed by the facility; and
- Meet any additional criteria the DHSMV determines necessary to conduct proper inspections.²³

As required by law, in 2015, the DHSMV submitted a report²⁴ that summarized the implementation of the pilot program and program results. The DHSMV certified eight private businesses in the Miami area to conduct rebuilt vehicle inspections.²⁵ The DHSMV employees in Miami-Dade County were responsible for conducting rebuilt vehicle inspections at the DHSMV Regional Office and at various off-site locations, and for monitoring the PRVIP businesses to ensure inspections were conducted in accordance with program standards.²⁶

According to the DHSMV, each of the eight pilot program participants met all of the statutory requirements and the MOU executed with the DHSMV.²⁷ Statutorily authorized state rebuilt inspection fees (\$40) and re-inspection fees (\$20) were collected and remitted to the state as required. In addition, each pilot program participant was allowed to assess customers a service fee for each inspection. Service fees ranged from \$50 to \$85 and were not regulated in any manner by the DHSMV.²⁸

As provided in its authorizing legislation, the PRVIP was repealed on July 1, 2018, as it was not saved from repeal or reauthorized by the Legislature.

Effect of Proposed Changes

The bill revives, reenacts, and amends s. 319.141, F.S., notwithstanding its repeal on July 1, 2018. The bill re-establishes the PRVIP permanently and expands it statewide. The DHSMV will oversee the program and establish MOUs with participating private entities to include bonding and insurance, procedures, forms, and document transmittals. Proposed language would prohibit

²³ Section 319.141(4), F.S.

²⁴ DHSMV, *Florida's Private Rebuilt Vehicle Inspection Program – Pilot Program Report* (Jan. 30, 2015), available at <http://www.flhsmv.gov/pdf/cabinetreports/privaterebuiltreport.pdf> (last viewed March 9, 2019). No entities from Hillsborough County applied to participate in the pilot program.

²⁵ DHSMV, Office of Inspector General, *Rebuilt Vehicle Inspection Program Audit Report 201617-24* (Dec. 5, 2017), available at <https://www.flhsmv.gov/pdf/igoffice/20161724.pdf> (last viewed March 9, 2019).

²⁶ *Supra* note 60 at p. 3.

²⁷ *Id.*

²⁸ *Id.*

conflicts of interest, establish prohibited business practices, and provide authority for the DHSMV to conduct investigations.

The bill amends s. 319.001, F.S., to define:

- “Conflict” or “conflict of interest” means a situation in which a private interest could benefit from or interfere with official duties or a public interest, including, but not limited to, having a direct or indirect financial interest in a vehicle being inspected pursuant to s. 319.141, F.S.; or being employed by, or directly or indirectly having an ownership interest in, an entity that has a financial interest in a vehicle being inspected pursuant to s. 319.141, F.S.;
- “Private rebuilt inspection provider” means a person or an entity conducting rebuilt motor vehicle inspections who is physically located in this state and is authorized by the DHSMV and operating under this chapter;
- “Rebuilt courier service” means an individual or entity who provides services to vehicle owners or motor vehicle dealers who use the inspection services of a private rebuilt inspection provider. These services include, but are not limited to, preparing, compiling, or providing forms, applications, certificates of title, or other documentation required to conduct a rebuilt inspection, or engaging in or arranging for the transportation of vehicles for inspection; and
- “Rebuilt inspection” means an examination of a rebuilt vehicle and the required documentation. Required documentation includes, but is not limited to: a properly endorsed certificate of title, salvage certificate of title, or manufacturer’s statement of origin; an application for a rebuilt branded certificate of title; a rebuilder’s affidavit; a photograph of the junk or salvage vehicle taken before repairs began; receipts or invoices for all major component parts, as defined in s. 319.30, F.S.; repairs conducted; and proof that notice of rebuilding of the vehicle has been reported to the National Motor Vehicle Title Information System. If an airbag or airbags were deployed, before and after photos must be provided which clearly show the deployed airbags and that the airbags have been replaced.

The bill creates s. 319.002, F.S., providing rulemaking authority to the DHSMV for the PRVIP.

The bill creates s. 319.1411, F.S., to provide that the DHSMV may monitor and inspect the operations of the PRVIP providers as it deems necessary to determine whether the PRVIP provider is operating in compliance of law and to determine if the PRVIP provider has engaged in any prohibited business practices.

The bill creates s. 319.142, F.S., to establish rules of conduct and prohibited business practices for the PRVIP. The following business conduct is prohibited:

- Engaging in any business transaction or activity that is in substantial conflict with the proper discharge of the PRVIP provider’s duties in the public interest;
- Allowing a vehicle to pass inspection knowing that there was a material misrepresentation in the required documentation or that the documentation submitted in support of the inspection was counterfeit or materially altered;
- Failure to report to the DHSMV the identification of a suspected stolen part or stolen vehicle during a rebuilt inspection;
- In connection with providing private rebuilt inspection services, engaging in any course of conduct that is fraud or deceit upon the DHSMV, a dealer, or a vehicle owner;

- Knowingly falsifying the DHSMV records or knowingly providing materially false or misleading information to the DHSMV;
- Failing to allow an examination or inspection of a PRVIP provider facility, including a review of books and records, by the DHSMV or law enforcement during regular business hours;
- Passing a vehicle through inspection without having a reasonable basis to believe that all airbags that are subject to a safety recall issued by the National Highway Transportation Safety Administration were replaced with airbags not subject to such a safety recall;
- Failure to timely respond to a subpoena issued by the DHSMV;
- Conducting rebuilt inspection services at a physical location not approved in writing by the DHSMV or providing services from a mobile unit not approved in writing by the DHSMV;
- Failure to maintain at all times a garage liability insurance in the amount of at least \$100,000;
- Failure to maintain at all times a good and sufficient surety bond or irrevocable letter of credit in the amount of \$100,000 which covers all activities under the PRVIP and names the DHSMV as an insured;
- Violation of law or the contract between the DHSMV and the PRVIP provider; and
- The use of advertising that would reasonably lead the public to believe that the provider was or is an employee or representative of the DHSMV, or the use in its name of the terms “Department of Highway Safety and Motor Vehicles,” “DMV,” “DHSMV,” “FLHSMV,” or “HSMV” or any other terms or logos that are associated with the DHSMV.

The DHSMV is provided the authority to terminate a vendor contract for any violation of the above listed items.

The bill creates s. 319.1414, F.S., providing the DHSMV the authority to conduct investigations and examinations of approved PRVIP vendors. The purpose of the inspections is to determine whether a person has violated the terms of their contract. The DHSMV is authorized to subpoena records, examine witnesses under oath, and collect any business records as part of an investigation. The DHSMV is authorized to seek a court order for any vendor who refuses to comply with an investigation.

Subpoena and Investigative Authority

Present Situation

The DHSMV has jurisdiction over multiple chapters of Florida Statutes, for which they do not have subpoena authority, without which they are often unable to obtain documents and testimony from third-party entities (banks, tow companies, etc.) to conduct administrative or criminal investigations.

Effect of Proposed Changes

The bill creates s. 322.71, F.S., and amends ss. 319.25 and 320.861, F.S., authorizing the DHSMV to exercise the power of subpoena and to administer oaths or affirmations, examine witnesses, require affidavits, take depositions, and compel the attendance of witnesses and the production of books, papers, documents, records, and other evidence. The subpoena is to be used

for investigations or examinations conducted by the DHSMV of suspected violations of Chapters 319, 320, or 322, F.S., and may be served by an authorized representative of the DHSMV.

If a person refuses to obey the subpoena, the DHSMV may petition a court in the county in which the person or business is located. The court may direct the person to obey the subpoena, and any court costs incurred by the DHSMV in the process, must be paid by the subpoenaed person.

For the purpose of any investigation, examination, or proceeding initiated by the DHSMV under Chapters 319, 320, and 322, F.S., the DHSMV may designate agents to serve subpoenas and other processes and administer oaths or affirmations. A witness subpoenaed under this section is entitled to witness fees as established in statute for a witness in a civil case.²⁹

International Registration Plan – Charter Buses

Present Situation

The IRP is a registration reciprocity agreement among all states in the contiguous United States, the District of Columbia, and several Canadian provinces. It provides for the payment of license fees based on fleet operation in various member jurisdictions.³⁰ This allows carriers to operate inter-jurisdictionally while only needing to register its vehicles in its base jurisdiction, which is the state or province where the registrant has an established place of business.³¹

All apportionable vehicles domiciled in the state are required to be registered in accordance with the IRP and display “Apportioned” license plates.³² Motor carriers registered under the IRP are also required to maintain specified records for the DHSMV, and may have their registrations and license plates withheld if:

- An identifying number issued by the federal agency responsible for motor carrier safety is not provided for the motor carrier and entity responsible for motor carrier safety for each motor vehicle; or
- A motor carrier or vehicle owner has been prohibited from operating by a federal or state agency responsible for motor carrier safety.³³

Additionally, the DHSMV has authority to suspend, with notice, any commercial motor vehicle or license plate issued to a motor carrier or vehicle owner who has been prohibited from operating by a federal or state agency responsible for motor carrier safety.³⁴ Apportionable vehicles that do not regularly operate in a particular jurisdiction also have the option to register

²⁹ Section 92.142, F.S.

³⁰ International Registration Plan, Inc., *About IRP*, <http://www.irponline.org/?page=AboutIRP> (last visited Mar. 4, 2019).

³¹ As defined by the International Registration Plan, (January 2017) available at http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/publications/IRP_agreement_eff_january_1_.pdf at p. 16 (last visited Mar. 4, 2019).

³² Section 320.0715(1), F.S.

³³ Sections 320.0715(4)(a) and (b), F.S.

³⁴ Section 320.0715(4)(c), F.S.

for trip permits in order to operate in IRP member jurisdictions for limited periods where they do not pay license taxes.³⁵

The IRP defines an apportionable vehicle as:³⁶

[A]ny Power Unit that is used or intended for use in two or more Member Jurisdictions and that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and:

- (i) Has two Axles and a gross Vehicle weight or registered gross Vehicle weight in excess of 26,000 pounds, or
- (ii) Has three or more Axles, regardless of weight, or
- (iii) Is used in combination, when the gross Vehicle weight of such combination exceeds 26,000 pounds.

Prior to January 1, 2016, charter buses were excluded from having to register under the IRP, but retained the option to do so. The IRP was amended to remove charter buses from the exemption, requiring charter bus operations to register under the IRP. This registration ensures that charter bus operations will pay license fees to each jurisdiction it operates in, and prevents or suspends the registration of unsafe carriers.³⁷

Effect of Proposed Changes

The bill amends s. 320.01(24), F.S., to revise the definition of "Apportionable Vehicle" to remove charter buses, and bring Florida's statutory definition of "Apportionable Vehicle" in alignment with the requirements of the IRP. All charter buses operating interstate will be required to obtain an IRP registration or purchase trip permits.

Issuance of Apportionable Vehicle Plates

Present Situation

Florida law requires all apportionable vehicles domiciled in Florida to be registered in accordance with the IRP and to display required license plates.³⁸

Section 320.06, F.S., provides for motor vehicle registration certificates, license plates, and validation stickers. Registration license plates, which bear a graphic symbol and alphanumeric system of identification, most are issued for a 10-year period. However, "Apportioned" license plates issued to vehicles registered under the IRP are issued annually.³⁹ Apportioned vehicles are

³⁵ See IRP, Inc., *Trip Permits- Cost/Duration* (May 2016), available at http://www.irponline.org/resource/resmgr/Jurisdiction_Info_2/Trip_Permits_5.19.2016.xlsx (last visited Mar. 4, 2019).

³⁶ International Registration Plan, *supra* note 36 at p. 12-13 (last visited Mar. 4, 2019). The definition excludes a recreational vehicle, a vehicle displaying restricted plates, or a government-owned vehicle. However, those excluded vehicles may choose to register under the IRP.

³⁷ See IRP, Inc., *Official Amendment to the International Registration Plan* (June 2014) http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/irp_ballots/ballot_391.pdf (last visited Mar. 4, 2019).

³⁸ Section 320.0715(1), F.S.

³⁹ Section 320.06(1)(b)1., F.S.

also issued an annual cab card that denotes the declared gross vehicle weight for each apportioned jurisdiction where the vehicle is authorized to operate.⁴⁰

Section 320.0607, F.S., provides for replacement license plates, validation decals, or mobile home stickers. It requires that upon the issuance of an original license plate (whether every 10 years or annually for apportioned vehicles), the applicant pay a fee of \$28 to be deposited into the Highway Safety Operating Trust Fund (HSOTF).

Effect of Proposed Changes

The bill repeals s. 320.06(1)(b)2., F.S., on January 1, 2023, which provides that an apportioned vehicle must be issued an annual license plate and cab card denoting the declared gross vehicle weight.

Additionally, the bill amends s. 320.06, F.S., providing that upon implementation of a new operating system for apportioned vehicle registration, a vehicle registered in accordance with the IRP, will be issued a license plate for a five-year period, an annual cab card denoting the declared gross vehicle weight, and an annual validation sticker showing the month and year of expiration. The license plate and validation sticker will be issued based on the applicant's appropriate renewal period. The registration period for an apportionable vehicle is for 12 months and the validation sticker is valid for 12 months. The annual fee for an original and renewed validation sticker (rather than license plate) is \$28, which is deposited into the Highway Safety Operating Trust Fund. If the license plate is damaged or worn it may be replaced at no charge by applying to the DHSMV and surrendering the current license plate.

The bill amends s. 320.0607(5), F.S., providing that upon implementation of a new operating system for apportioned vehicle registration, the \$28 fee for a replacement license plate does not apply to vehicles registered under the IRP and issued an apportionable license plate. Instead, vehicles registered under the IRP will be issued an annual cab card and validation sticker for the same \$28 fee.

Collection and Use of Cellular Telephone Numbers

Present Situation

The DHSMV lacks statutory authority to collect and use cellular telephone numbers as a method to communicate with customers in an expedited manner. Florida Statutes already allows for the collection of email addresses and the use of email, in lieu of USPS, to provide motor vehicle registration renewal notices. However, current law does not allow the e-mail to be used for other business purposes.^{41 42 43 44 45}

⁴⁰ See IRP, Inc., *State of Florida Apportioned Cab Card Sample*, http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/cab_cards/fl_cc_sample.pdf (last visited Jan. 15, 2018).

⁴¹ Section 319.40, F.S.

⁴² Section 320.95, F.S.

⁴³ Section 322.08(10), F.S.

⁴⁴ Section 328.30, F.S.

⁴⁵ Section 328.80, F.S.

Effect of Proposed Changes

The bill amends ss. 319.40, 320.95, 322.08, and 328.30, F.S., and creates s. 328.80(2), F.S., authorizing the DHSMV and tax collectors to collect and use e-mail addresses and cellular telephone numbers to contact customers for business reasons other than vehicle registration, vessel registration, and driver license renewal notices. Providing an electronic mail address or cellular telephone number would be optional for the applicant, and before collecting an electronic mail address or cellular telephone number the DHSMV or tax collector must disclose to the applicant the purposes for which the electronic mail addresses and cellular telephone numbers may be used.

Vehicle and Vessel Registration Data***Present Situation*****Registration Requirements*****Motor Vehicles***

The motor vehicle registration process is set out in s. 320.02, F.S. Applicants must provide the street address of the owner's permanent residence and a valid driver license, identification card, or passport.⁴⁶ Any vehicle registered outside the state must be accompanied by a sworn affidavit from the seller and purchaser verifying the vehicle identification number (VIN), or a copy of the outside state's departmental form indicating that the vehicle has been physically inspected and the VIN verified.⁴⁷ The owner of any motor vehicle registered in the state must notify the DHSMV in writing of any change of address within 30 days of such change.⁴⁸ Additionally, the owner of the vehicle must provide proof that personal injury protection benefits, property damage liability coverage, bodily injury or death coverage, and combined bodily liability insurance and property damage liability insurance have been purchased.⁴⁹

Upon the receipt of an initial application for registration and payment of the appropriate license tax and other fees required by law, the DHSMV must assign to the motor vehicle a registration license number consisting of letters and numbers and issue to the owner a certificate of registration and a registration license plate.⁵⁰

License plates equipped with validation stickers subject to the registration period are valid for not more than 12 months and expire at midnight on the last day of the registration period. A registration license plate equipped with a validation sticker subject to the extended registration period is valid for not more than 24 months and expires at midnight on the last day of the extended registration period. For each registration period after the one in which the metal license plate is issued, and until the license plate is required to be replaced, a validation sticker showing the month and year of expiration shall be issued upon payment of the proper license tax amount and fees and is valid for not more than 12 or 24 months accordingly.⁵¹

⁴⁶ Section 320.02(2)(a), F.S.

⁴⁷ Section 320.02(3), F.S.

⁴⁸ Section 320.02(4), F.S.

⁴⁹ Section 320.02(5)(a), F.S.

⁵⁰ Section 320.06(1)(a), F.S.

⁵¹ Section 320.06(1)(c), F.S.

Vessels

A purchaser of a new or used vessel has 30 days to title and register the vessel.⁵² During the 30-day period before registration, the owner must have proof of the date of purchase aboard the vessel.⁵³ Section 328.48, F.S., establishes the steps for applying for vessel registration in Florida. The DHSMV is responsible for issuing vessel registrations.⁵⁴ Applications for titles and registrations must be filed at a county tax collector office.⁵⁵ Every vessel operated, used, or stored on the waters of Florida must be registered unless it is:

- A vessel operated, used, and stored exclusively on private lakes and ponds;
- A vessel owned by the United States Government;
- A vessel used exclusively as a ship's lifeboat; or
- A non-motor-powered vessel less than 16 feet in length or a non-motor-powered canoe, kayak, racing shell, or rowing scull, regardless of length.⁵⁶

Vessels that are required to be registered are classified for registration purposes according to a schedule set out in s. 328.72(1)(a), F.S. The certificate of registration must be pocket-sized and must be available for inspection on the vessel for which it is issued whenever such vessel is in operation.⁵⁷ Each certificate of registration issued must include (among other items):

- The numbers awarded to the vessel;
- The hull identification number;
- The name and address of the owner; and
- A description of the vessel.⁵⁸

Additionally, a decal signifying the year or years during which the certificate is valid must be furnished by the DHSMV with each certificate of registration issued and affixed to the front of the vessel.⁵⁹

Florida Real Time Vehicle Information System

The DHSMV maintains the Florida Real Time Vehicle Information System (FRVIS) that facilitates the collection of taxes and fees for tags, titles, and registrations associated with motor vehicles and vessels.⁶⁰ Local tax collector and tag agent offices throughout the state process tag, title, and registration transactions through FRVIS.⁶¹ According to the DHSMV, FRVIS processed approximately 404.6 million transactions for the collection of approximately \$3.026 billion in revenue from taxes and fees associated with tags, titles, and registrations for motor vehicles and vessels during fiscal year 2017-18, including amounts retained by local tax collector

⁵² Section 328.46(1), F.S.

⁵³ Section 328.46(1), F.S.

⁵⁴ Section 328.48(3), F.S.

⁵⁵ Section 328.48(1)(a), F.S.

⁵⁶ Section 328.48(2), F.S.

⁵⁷ Section 328.48(4), F.S.

⁵⁸ Section 328.48(4), F.S.

⁵⁹ Section 328.48(5), F.S.

⁶⁰ Department of Highway Safety and Motor Vehicles, *Florida Real Time Vehicle Information System (FRVIS): Information Technology Operational Audit*, at 1 (April 2014), available at https://flauditor.gov/pages/pdf_files/2014-183.pdf (last visited April 4, 2019).

⁶¹ *Id.* at 1-2.

and tag agent offices.⁶² These funds, together with all other sources of the DHSMV's revenue, are distributed through FRVIS to various state agencies, including the DHSMV, and non-state entities in accordance with governing Florida Statutes.⁶³

FRVIS is composed of two processing environments. The first is a distributed environment that consists of the servers at local tax collector and tag agent offices that process tag, title, and registration transactions throughout the state. The second environment is the host portion that consists of the back-end processing that is conducted centrally at the DHSMV's primary data center.⁶⁴

In addition to residential street addresses, the DHSMV is authorized to collect and store (in FRVIS) e-mail addresses. E-mail addresses may be used, in lieu of the United States Postal Service, to provide certain renewal notices, including registration renewal notices, driver license renewal notices, and vessel registration renewal notices.^{65,66,67,68,69}

Registration Duties of Tax Collectors

Motor Vehicles

Tax collectors are authorized agents of the DHSMV that issue registration certificates, registration license plates, validation stickers, and mobile home stickers to applicants.⁷⁰ The DHSMV may require each tax collector to give a bond, payable to the DHSMV, conditioned that the tax collector faithfully and truly perform the duties imposed upon him or her according to the requirements of law and the rules and regulations of the DHSMV.⁷¹ Each tax collector must keep a full and complete record and account of all validation stickers, mobile home stickers, or other properties received by him or her from the DHSMV.⁷² FRVIS must be installed in every tax collector's and license tag agent's office in accordance with a schedule established by the DHSMV in consultation with the tax collectors and contingent upon funds being made available for the system by the state.⁷³

Vessels

Tax collectors must issue registration certificates and vessel numbers and decals to applicants, subject to the requirements of law and in accordance with the rules of the DHSMV.⁷⁴ Each tax collector must keep a full and complete record and account of all vessel decals or other

⁶² Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, FW: FRVIS, (April 4, 2019).

⁶³ DHSMV, *supra* at 2, FN 60.

⁶⁴ *Id.*

⁶⁵ Section 319.40, F.S.

⁶⁶ Section 320.95, F.S.

⁶⁷ Section 322.08(10), F.S.

⁶⁸ Section 328.30, F.S.

⁶⁹ Section 328.80, F.S.

⁷⁰ Section 320.03(1), F.S.

⁷¹ Section 320.03(2), F.S.

⁷² Section 320.03(3), F.S.

⁷³ Section 320.03(4)(b), F.S.

⁷⁴ Section 328.73(1), F.S.

properties received by him or her from the DHSMV and must make prompt remittance of moneys collected by them at the times and in the manner prescribed by law.⁷⁵

Registration Data Access Concerns

The DHSMV provides tax collectors (and the tax collectors' third-party agents) with most, but not all, access to customer data available through FRVIS. For example, tax collectors are unable to run searches on real-time bulk data in FRVIS because they are only authorized to look up customer vehicle or vessel data individually in real-time data. Tax Collectors must therefore run any bulk data searches on batched bulk data from the previous business day. This limits the tax collectors' ability to analyze the data. Tax collectors believe that full access to real-time customer data will provide more efficiency within each tax collector's office, which will lead to better and more cost effective customer service.

Effect of Proposed Changes

The bill amends ss. 320.03 and 328.73, F.S., requiring the DHSMV to provide tax collectors acting on behalf of the DHSMV, and tax collector-approved agents and vendors, contingent upon an approved request and memorandum of understanding, real-time access to data that other third parties receive from the DHSMV related to vehicle and mobile home registration certificates, registration license plates, and validation stickers, including, but not limited to, the most current address information and electronic mail addresses of applicants. The memorandum of understanding required may not be more restrictive than any memorandum of understanding between the DHSMV and other third-party vendors.

Purchasing of Validation Stickers and Paper Stock

Present Situation

Section 320.06(2), F.S., requires the DHSMV to provide the tax collectors and license plate agents with the necessary number of validation stickers for plates. To do this, the DHSMV analyzes past usage, and anticipated future renewal needs in each county. This estimate is then compared against each order placed in the FRVIS system, and then processed on a weekly basis for delivery. If a tax collector or license plate agent requests an amount in excess of the anticipated need in the FRVIS system, then they may request an exception for increased delivery, which the DHSMV processes within a week.

Effect of Proposed Changes

The bill amends s. 320.06(2), F.S., allowing the tax collectors and their agents to have the option to purchase validation stickers and paper stock that is used to produce vehicle registrations from the DHSMV's contracted vendor or from other vendors if such items meet the DHSMV's specifications and are procured at prices that are at or lower than the pricing reflected in the DHSMV's existing contracts for procuring the items. Such purchases by the tax collectors and their agents are exempt from the competitive bid requirements of chapter 287. The DHSMV will reimburse the tax collectors and their agents for these purchases, but reimbursement may not be made at prices higher than the pricing contained in the DHSMV's existing contract. The tax

⁷⁵ Section 328.73(2), F.S.

collectors and their agents will be required to invoice the DHSMV in arrears for the validation stickers and vehicle registrations as they are issued.

Fleet Vehicle Temporary Tag Pilot Program

Present Situation

Section 320.131, F.S., provides that the DHSMV is authorized and empowered to design, issue, and regulate the use of temporary tags for use in certain cases provided in law when a permanent plate may not be immediately available. It also provides penalties for the misuse of temporary tags. Generally, a temporary tag is valid for 30 days.⁷⁶ Temporary tags cost \$2 each, of which \$1 is deposited into the Brain and Spinal Cord Injury Program Trust Fund and \$1 into the Highway Safety Operating Trust Fund.⁷⁷ The DHSMV uses a print-on-demand electronic temporary tag registration, record retention, and issue system that is required to be used by every DHSMV-authorized issuer of temporary tags.⁷⁸ These issuers include motor vehicle dealers and tax collectors who frequently issue temporary tags on behalf of the DHSMV.

Effect of Proposed Changes

The bill amends s. 320.131, F.S., and creates a Fleet Vehicle Temporary Tag Pilot Program. The bill provides that the DHSMV may partner with a county tax collector to conduct a pilot program that provides up to 50 temporary tags at a time to fleet companies who have at least 3,500 fleet vehicles registered in Florida. The DHSMV must establish a memorandum of understanding (MOU) that allows a maximum of ten companies to participate in the pilot program.

The bill provides that:

- The temporary tags are for exclusive use on the company's fleet vehicles, and may not be used on any other vehicle;
- Each temporary tag may be used on only one vehicle;
- Upon issuance of the vehicle's permanent license plate and registration, the temporary tag becomes invalid and must be removed from the vehicle and destroyed;
- Upon a finding by the DHSMV that a temporary tag has been misused under this program, the DHSMV may terminate the MOU with the company, invalidate all temporary tags issued to the company, and require such company to return any unused temporary tags.

The issuance of a temporary tag must be reported to the DHSMV within two business days after the issuance of the tag, and the tax collector must keep a record of each temporary tag issued. This program is repealed October 1, 2022, unless saved from repeal through reenactment by the Legislature.

⁷⁶ Section 320.131(2), F.S.

⁷⁷ *Id.*

⁷⁸ Section 320.131(9), F.S.

Motor Vehicle Dealer Licensing

Present Situation

Section 320.27, F.S., provides the DHSMV with the authority to revoke a dealership license for failure to comply with certain requirements. Oftentimes, persons who have previously had their dealer license revoked are able to re-establish themselves in other dealerships. The DHSMV lacks the authority to act on those who operate in this capacity. Current law allows the DHSMV to file for an injunction against a dealer who fails to comply with the law. However, the DHSMV does not have the authority to petition the court to prohibit the person who operated the dealership from operating in a similar capacity in the future.

Effect of Proposed Changes

The bill amends s. 320.27, F.S., to create a definition for “control person” to mean any person who has significant authority, directly or indirectly, to direct the management or policies of a company, whether through ownership, by contract, or otherwise. The term includes any person who is an owner, director, general partner, officer, manager, or employee exercising decision-making responsibility or exercising similar executive status or functions. The term does not include an employee whose function is only clerical, ministerial, or in sales under the supervision of an owner or manager or other person exercising decision-making responsibility.

The bill authorizes the DHSMV to deny an initial or renewal application for dealer license. The bill also allows the DHSMV to deny an application or suspend or revoke a license upon proof that the applicant or licensee has:

- Been convicted of a felony and has either not completed the resulting felony sentence or completed the felony sentence less than ten years after the date of licensure application.
- Previously owned a majority interest in, or acted as a control person of, a motor vehicle dealer that within the past ten years has been the subject of any decision, finding, injunction, suspension, revocation, denial, judgment, or administrative order by any court of competent jurisdiction, administrative law judge, or state agency that resulted in a finding of violation of any federal or state law relating to unlicensed activity, or fraud in connection with the sale of a motor vehicle, or knowingly employs or contracts such a person as a control person, or knowingly employs or contracts as a control person a person who has been convicted of a felony and has either not completed the resulting felony sentence or completed the felony sentence less than ten years from the date of licensure application.

The bill also provides that if a court grants an injunction, the court may bar, permanently or for a specific time period, any person found to have violated any federal or state law relating to unlicensed activity or fraud in connection with the sale of a motor vehicle. If a person is barred, the person may not continue in any capacity within the industry. The person will have no management, sales, or other role in the operation of a dealership. Further, if permanently barred, the person may not derive income from the dealership beyond reasonable compensation for the sale of his or her ownership interest in the business.

Establishment of Uniform Standards for Mobile Homes

Present Situation

Sections 320.8232(2), F.S., provides that the provisions of the repair and remodeling code must ensure safe and livable housing and must not be more stringent than those standards required to be met in the manufacture of mobile homes. The provisions of the code must include, but are not limited to, standards for structural adequacy, plumbing, heating, electrical systems, and fire and life safety.

Rule 15C-2.0081, F.A.C, provides more specificity by providing the guidelines that must be used to assure safe and livable housing. The rule provides that additions must be free standing and self-supporting with only the flashing attached to the main unit unless the added unit has been designed to be married to the existing unit. Anchoring of additions must be in compliance with requirements for similar type construction. Repair or remodeling of a mobile home must require the use of material and design equivalent to the original construction. The structure must include, but not be limited to, roof system, walls, floor system, windows, and exterior doors of the mobile home.

Effect of Proposed Changes

The bill amends s. 320.8232(2), F.S., by changing the reference to the repair and remodel code to the “Mobile and Manufactured Home Repair and Remodeling Code” which has been adopted by rule by the DHSMV. The bill also provides that all repair and remodeling of mobile and manufactured homes must be done in accordance with the DHSMV rules.

ID Card Renewal

Present Situation

A Florida DL can be renewed within 12 months of expiration⁷⁹; however, an ID card can only be renewed within 90 days of expiration.⁸⁰ Individuals outside the renewal window are not eligible to renew online.

Effect of Proposed Changes

The bill amends s. 322.051(2)(a), F.S., to extend the renewal window for ID cards to within 12 months of expiration to be consistent with the DL renewal period.

Truancy Reporting

Present Situation

A minor is not eligible for driving privileges unless that minor:

- Is enrolled in a public school, nonpublic school, or home education program and satisfies relevant attendance requirements;

⁷⁹ Section 322.18(7), F.S.

⁸⁰ Section 322.051(2)(a), F.S.

- Has received a high school diploma, a high school equivalency diploma, a special diploma, or a certificate of high school completion;
- Is enrolled in a study course in preparation for the high school equivalency examination and satisfies relevant attendance requirements;
- Is enrolled in other educational activities approved by the district school board and satisfies relevant attendance requirements;
- Has been issued a certificate of exemption; or
- Has received a hardship waiver.

The DHSMV may not issue a driver license or learner's permit to, or will suspend the driver license or learner's permit of, any minor concerning whom the DHSMV receives notification of noncompliance with the above requirements.⁸¹

The DHSMV must report quarterly to each school district the legal name, sex, date of birth, and social security number of each student whose driving privileges have been suspended for one of the reasons above.⁸² According to the DHSMV, the reporting function is now automated for all school districts to access in real time.⁸³

Effect of Proposed Changes

The bill amends s. 322.091(5), F.S., to remove language related to the manual quarterly reporting of students whose driving privileges have been suspended for truancy, and instead requires the DHSMV to make the report available upon request. The amended language is more consistent with the current automated nature of the report.

Stolen Identification Cards

Present Situation

Section 322.17(1)(b), F. S., provides for the replacement of a DL for no fee when reported stolen and accompanied by a police report to the person to whom the same was issued. There is no statutory authority to issue a no fee replacement ID card when stolen, even when a police report is provided.

Effect of Proposed Changes

The bill amends s. 322.17, F.S., by adding an ID card to the list of cards that can be replaced for free when stolen.

Expedited Shipping Service

Present Situation

The DHSMV has the authority to charge a service fee for individuals to receive expedited service on title transfers, title issuances, duplicate titles, and recordation of liens.⁸⁴ A fee of

⁸¹ Section 322.091(1), F.S.

⁸² Section 322.091(5), F.S.

⁸³ Department of Highway Safety and Motor Vehicles, 2019 Legislative Concepts (on file with Infrastructure and Security).

⁸⁴ Section 319.323, F.S.

\$10.00 is charged for this service⁸⁵, which is in addition to the standard fees on title transfers, title issuances, duplicate titles, and recordation of liens.⁸⁶ The fee, minus deductions for odometer fraud prevention and detection⁸⁷ and \$3.50 to be retained by the processing agency, are deposited into the General Revenue Fund.⁸⁸ Application for expedited service may be made by mail or in person and the DHSMV must issue each title within 5 working days after receipt of the application, except for an application for a duplicate title certificate covered by s. 319.23(4), F.S., in which case the title must be issued within 5 working days after compliance with the DHSMV's verification requirements.⁸⁹

Currently, the law does not provide the authority for the DHSMV to collect an expedited shipping cost related to DLs and ID cards from customers. For example, Florida residents needing an immediate DL or ID card issuance, such as a replacement or renewal, often call the The DHSMV customer service center to request expedited shipping of their transaction via the online portal. To assist these individuals, the DHSMV must have the individual pre-pay directly to a mail courier service for the expedited shipping cost.⁹⁰

Effect of Proposed Changes

The bill creates s. 322.21(10), F.S., to provide that an applicant who submits an application for a renewal or replacement DL or ID card to the DHSMV for online transactions must be provided with an option for expedited shipping in which the DHSMV, at the applicant's request, must issue the DL or ID card within 5 working days after receipt of the application and ship the DL or ID card using an expedited mail service. Fees collected for the expedited shipping option will be deposited into the HSOTF.

Penalties for False Information on Application for Driver License

Present Situation

A person may not have or display a blank, stolen, fictitious, counterfeit, or unlawfully issued driver license or identification card.⁹¹ Likewise, a person may not sell, manufacture, or deliver a blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver license or identification card.⁹²

It is unlawful for a person to use a false or fictitious name in any application for a driver license or identification card or knowingly to make a false statement, knowingly conceal a material fact, or otherwise commit a fraud in any such application.⁹³

A person who violates any of the above provisions is guilty of a felony of the third degree, except that a person who gives a false age in any application for a driver license or identification

⁸⁵ *Id.*

⁸⁶ Section 319.32, F.S.

⁸⁷ Section 319.324, F.S.

⁸⁸ Section 319.323, F.S.

⁸⁹ *Id.*

⁹⁰ Department of Highway Safety and Motor Vehicles, 2019 Legislative Concepts (on file with Infrastructure and Security).

⁹¹ Section 322.212(1)(a), F.S.

⁹² Section 322.212(1)(d), F.S.

⁹³ Section 322.212(5)(a), F.S.

card or who possesses a driver license, identification card, or any instrument in the likeness thereof, on which the date of birth has been altered is guilty of a misdemeanor of the second degree.⁹⁴

In addition to any other penalties provided above, a person who provides false information when applying for a commercial driver license or commercial learner's permit or is convicted of fraud in connection with testing for a commercial driver license or commercial learner's permit shall be disqualified from operating a commercial motor vehicle for a period of 1 year.⁹⁵

Effect of Proposed Changes

The bill amends s. 322.212, F.S., to strengthen the penalties in statute. The bill provides that in addition to any other penalties provided, if a person provides false information when applying for a driver license, identification card, commercial driver license, or commercial learner's permit or is convicted of fraud in connection with testing for a driver license, commercial driver license, or commercial learner's permit, such person's driving privilege shall be suspended for 1 year.

Serious Disqualifying Offense for a Commercial Motor Vehicle

Present Situation

In 2013, the Legislature amended s. 316.3025, F.S., codifying a federal prohibition on CMV drivers using handheld devices while operating a CMV.⁹⁶ However, s. 322.61, F.S., relating to offenses disqualifying someone from driving a CMV was not amended to list using a handheld device while operating a CMV as a serious disqualifying offense regarding a commercial driver license.

Section 316.3025(6)(a), F.S., provides penalties associated with texting and using a handheld mobile telephone while driving a CMV. A driver violating the federal prohibitions against texting or using a handheld mobile telephone⁹⁷ while operating a CMV, may be assessed a civil penalty and commercial driver license disqualification⁹⁸ as follows:

- First violation: \$500;
- Second violation: \$1,000 and a 60-day commercial driver license disqualification;⁹⁹
- Third and subsequent violations: \$2,750 and a 120-day commercial driver license disqualification.

Section 322.61, F.S., provides a list of serious disqualifying offenses regarding the operation of a CMV. If while operating a CMV, a person is convicted of two or more of the following offenses within a three year period, that person is disqualified from operating a CMV for a period of 60 days for:

⁹⁴ Section 322.212(6), F.S.

⁹⁵ Section 322.212(7), F.S.

⁹⁶ Chapter 2013-160, L.O.F.

⁹⁷ 49 C.F.R. 392.82

⁹⁸ Section 320.01(15), F.S., defines "disqualification" as "a prohibition, other than an out-of-service order, that precludes a person from driving a commercial motor vehicle."

⁹⁹ Commercial driver license disqualification is pursuant to 49 C.F.R. part 383.

- A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a crash resulting in death;
- Reckless driving;¹⁰⁰
- Unlawful speed of 15 miles per hour or more above the posted speed limit;
- Improper lane change;¹⁰¹
- Following too closely;¹⁰²
- Driving a commercial vehicle without obtaining a commercial driver license;
- Driving a commercial vehicle without the proper class of commercial driver license or commercial learner's permit or without the proper endorsement; or
- Driving a commercial vehicle without a commercial driver license or commercial learner's permit in possession.¹⁰³

Effect of Proposed Changes

The bill amends s. 322.61, F.S., to incorporate violations for texting or using a handheld phone device while operating a CMV as a serious disqualifying offense to align with federal regulations.

Administration of vessel registration and titling laws; records

Present Situation

The DHSMV has the authority to protect personal information contained in a motor vehicle record under the federal Driver's Privacy Protection Act of 1994 and s. 119.0712(2), F.S., and an entity that is allowed to receive motor vehicle record information may not use it for mass commercial solicitation of clients for litigation against motor vehicle dealers. No such protection for personal information contained in a vessel title or registration exists.

Effect of Proposed Changes

The bill amends s. 328.40, F.S., to allow the DHSMV to protect personal information contained in a vessel registration and title, subject to inspection and copying, as provided in chapter 119.

Effective Date

The act takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹⁰⁰ Reckless driving is defined in s. 316.192, F.S.

¹⁰¹ Improper lane change is defined in s. 316.085, F.S.

¹⁰² Following too closely is defined in s. 316.0895, F.S.

¹⁰³ A license or learner permit is required to drive a commercial motor vehicle pursuant to s. 322.03, F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There is a potential impact to the CMV industry associated with changes to the CMV regulations contained in the bill; however, the impact is indeterminate at this time.

Classifying charter buses as apportionable vehicles may change the registration fees for these vehicles; however, the actual impact for any specific vehicle will be based on motor vehicle details, jurisdictions where the vehicle travels, and the mileage percentages in each of the jurisdictions.¹⁰⁴

Individuals whose ID cards are stolen will see a reduction in costs since they will be able to obtain a replacement card at no cost.

Additionally, there may be a positive fiscal impact on fleet companies who qualify to be part of the Fleet Vehicle Temporary Tag pilot program because such companies will be able to receive up to 50 temporary tags at a time, which can reduce the amount of time a replacement fleet vehicle is inoperable while awaiting permanent registration and title.

C. Government Sector Impact:

According to the FMCSA, failure to adopt regulations to comply with federal compatibility requirements by February 16, 2019, may jeopardize federal funding for the

¹⁰⁴ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, DHSMV Package - Fiscal, (March 21, 2019).

state's motor carrier safety program for federal fiscal year 2019.¹⁰⁵ Federal funding for the state's motor carrier safety program for fiscal year 2018-2019 totaled \$12,778,315, and when matched with state funds in the amount of \$2,254,997, totaled \$15,033,312.¹⁰⁶

Tax collectors, and tax collector-approved agents and vendors, may see a positive indeterminate fiscal impact as a result of having real-time access to data and thus being able to provide more efficient service to customers.

The DHSMV may incur an indeterminate programming cost implementing real-time data access to tax collectors, and tax collector-approved agents and vendors.

VI. Technical Deficiencies:

None.

VII. Related Issues:

SPB 7092 contains fee provisions impacting this bill. The fees cover:

- Costs incurred by the DHSMV to obtain an order requiring a person to obey a subpoena, in whole or in part, and such fees must be charged to the subpoenaed person;
- The \$28.00 initial validation sticker and any renewed validation stickers for a apportionable vehicle; and
- A charged for the expedited shipping option, not to exceed the cost of the expedited mail service, for a DL or ID card.

SPB 7094 contains public record exemptions impacting this bill. The public record exemptions are:

- Personal information, including highly restricted personal information, contained in any record that pertains to a vessel title or vessel registration issued by the DHSMV;
- Verified e-mail addresses and Cellular Telephone numbers collected by the DHSMV; and
- Information received by the DHSMV as a result of an investigation or examination, until the investigation or examination ceases to be active or administrative action taken by the DHSMV has concluded or been made part of any hearing or court proceeding.

VIII. Statutes Affected:

This proposed bill substantially amends sections 316.003, 316.027, 316.0271, 316.061, 316.0896, 316.0897, 316.1895, 316.192, 316.193, 316.1933, 316.194, 316.302, 316.303, 316.622, 316.640, 316.655, 316.70, 318.19, 319.001, 319.141, 319.25, 319.40, 320.01, 320.03, 320.06, 320.0607, 320.131, 320.27, 320.8232, 320.861, 320.95, 321.05, 321.065, 321.23, 322.051, 322.0602, 322.08, 322.091, 322.17, 322.21, 322.212, 322.36, 322.61, 323.001, 323.002,

¹⁰⁵ William A. Quade, Associate Administrator for Enforcement (Federal Motor Carrier Safety Administration), letter to Colonel Gene Spaulding, Director (Florida Highway Patrol), August 10, 2018 TS (on file with the Committee on Infrastructure and Security).

¹⁰⁶ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, Mscap funds, (February 7, 2019).

324.011, 324.022, 324.023, 324.051, 324.242, 328.30, 328.40, 328.73, 328.80, 627.7415, 316.251, 501.976, 655.960, and 856.015 of the Florida Statutes.

This proposed bill creates the sections 319.002, 319.1411, 319.142, 319.1414, and 322.71 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

SPB by Infrastructure and Security on April 2, 2019 was amended to:

- Define the term “platoon” as no more than 2 trucks that are wirelessly connected;
- Exempt platoon operators from state laws relating to “following too closely” and use of television receivers;
- Permit a platoon to be operated on Florida roadways after an operator provides notification to the DOT and the DHSMV.
- Permit a district school board, by majority vote, to extend the period of enforcement for a school speed zone by an additional 15 minutes before, during, and additional 15 minutes after the periods of time when pupils are arriving at a regularly scheduled breakfast program or a regularly scheduled school session and leaving a regularly scheduled school session;
- Authorize the DHSMV and Tax Collectors to collect and use cellular telephone numbers and email addresses to contact customers for business reasons other than vehicle renewals;
- Require the DHSMV to provide tax collectors and their approved agents and vendors with real-time access to data that other third parties receive from the DHSMV related to registration of vehicles, mobile homes, and vessels;
- Change the effective date for the bill’s changes to apportioned vehicle registrations to January 1, 2023;
- Provide tax collectors the option of purchasing validation stickers and paper stock used in producing vehicle registrations from the DHSMV’s contracted vendor or from other vendors, as long as the items meet the DHSMV’s specifications and are procured at prices that are at or lower than the pricing reflected in the DHSMV’s existing contracts for the items;
- Create a Fleet Vehicle Temporary Tag Pilot Program, which allows the DHSMV to partner with a county tax collector to establish an agreement with up to ten companies allowing the issuance of up to 50 temporary tags at a time for use by the company’s fleet vehicles; and
- Clarify that the DHSMV’s Mobile/Manufactured Home Repair and Remodeling Code, which has been adopted by rule, is uniform statewide and requires that all repairs and remodeling must conform to that Code.



970424

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/04/2019	.	
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The Committee on Infrastructure and Security (Lee) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1304 - 2126

and insert:

Section 22. Subsection (5) of section 316.1895, Florida Statutes, is amended to read:

316.1895 Establishment of school speed zones, enforcement; designation.—

(5) (a) A school zone speed limit may not be less than 15 miles per hour except by local regulation. No school zone speed



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limit shall be more than 20 miles per hour in an urbanized area, as defined in s. 334.03. Such speed limit may be in force only during those times 30 minutes before, during, and 30 minutes after the periods of time when pupils are arriving at a regularly scheduled breakfast program or a regularly scheduled school session and leaving a regularly scheduled school session.

(b) A district school board as defined in s. 1003.01(1) may by simple majority vote increase the time a school zone speed limit is in force by an additional 15 minutes before, during, and an additional 15 minutes after the periods of time when pupils are arriving at a regularly scheduled breakfast program or at a regularly scheduled school session and leaving a regularly scheduled school session.

Section 23. Subsection (3) of section 319.40, Florida Statutes, is amended to read:

319.40 Transactions by electronic or telephonic means.—

(3) The department or its authorized agents may collect electronic mail addresses or verified texting numbers and use electronic mail or text messages for purposes of this chapter, including, but not limited to, use of electronic mail or text messages in lieu of the United States Postal Service as a method of notification. However, any notice regarding the potential forfeiture or foreclosure of an interest in property must be sent via the United States Postal Service. The provision of electronic mail addresses and verified texting numbers by the applicant is optional and, before collection pursuant to this subsection, the department or its authorized agents shall disclose to the applicant the purposes for which the electronic mail addresses and verified texting numbers may be used.



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Section 24. Subsection (24) of section 320.01, Florida Statutes, is amended to read:

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

(24) "Apportionable vehicle" means any vehicle, except recreational vehicles, vehicles displaying restricted plates, city pickup and delivery vehicles, ~~buses used in transportation of chartered parties,~~ and government-owned vehicles, which is used or intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and which is used for the transportation of persons for hire or is designed, used, or maintained primarily for the transportation of property and:

(a) Is a power unit having a gross vehicle weight in excess of 26,000 pounds;

(b) Is a power unit having three or more axles, regardless of weight; or

(c) Is used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight.

Vehicles, or combinations thereof, having a gross vehicle weight of 26,000 pounds or less and two-axle vehicles may be proportionally registered.

Section 25. Paragraph (b) of subsection (4) of section 320.03, Florida Statutes, is amended to read:

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

(4)

(b) The Florida Real Time Vehicle Information System shall



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be installed in every tax collector's and license tag agent's office in accordance with a schedule established by the department in consultation with the tax collectors and contingent upon funds being made available for the system by the state. For the purpose of enhancing customer services provided by tax collectors acting on behalf of the department, the department shall provide tax collectors and their agents with real-time access to data that other third parties receive from the department related to vehicle and mobile home registration certificates, registration license plates, and validation stickers, including, but not limited to, the most current address information and electronic mail addresses of applicants.

Section 26. Paragraph (b) of subsection (1) and subsection (2) of section 320.06, Florida Statutes, are amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(1)

(b)1. Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 10-year period. At the end of the 10-year period, upon renewal, the plate shall be replaced. The department shall extend the scheduled license plate replacement date from a 6-year period to a 10-year period. The fee for such replacement is \$28, \$2.80 of which shall be paid each year before the plate is replaced, to be credited toward the next \$28 replacement fee. The fees shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund may not be given for any prior years' payments of the prorated replacement fee if the plate is replaced or surrendered before the end of the 10-year period,



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except that a credit may be given if a registrant is required by the department to replace a license plate under s.

320.08056(8)(a). With each license plate, a validation sticker shall be issued showing the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker shall be placed on the upper right corner of the license plate. The license plate and validation sticker shall be issued based on the applicant's appropriate renewal period. The registration period is 12 months, the extended registration period is 24 months, and all expirations occur based on the applicant's appropriate registration period.

2. A vehicle that has an apportioned registration shall be issued an annual license plate and a cab card that denote the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate. This subparagraph expires October 1, 2019.

3. Upon implementation of a new operating system for apportioned vehicle registration, a vehicle registered in accordance with the International Registration Plan which has an apportioned registration must be issued a license plate for a 5-year period, an annual cab card denoting the declared gross vehicle weight, and an annual validation sticker showing the month and year of expiration. The validation sticker must be placed in the center of the license plate. The license plate and validation sticker must be issued based on the applicant's appropriate renewal period. The registration period is 12 months. This fee must be deposited into the Highway Safety Operating Trust Fund. If the license plate is damaged or worn,



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it may be replaced at no charge by applying to the department and surrendering the current license plate.

~~4.2-~~ In order to retain the efficient administration of the taxes and fees imposed by this chapter, the 80-cent fee increase in the replacement fee imposed by chapter 2009-71, Laws of Florida, is negated as provided in s. 320.0804.

(2) The department shall provide the several tax collectors and license plate agents with the necessary number of validation stickers. However, the tax collectors and their agents shall have the option to purchase validation stickers and paper stock that is used to produce vehicle registrations from the department's contracted vendor or from other vendors if such items meet the department's specifications and are procured at prices that are at or lower than the pricing reflected in the department's existing contracts for procuring these items. Such purchases by the tax collectors and their agents are exempt from the competitive bid requirements of chapter 287. The department shall reimburse the tax collectors and their agents for these purchases but reimbursement may not be made at prices higher than the pricing contained in the department's existing contract. The tax collectors and their agents shall invoice the department in arrears for the validation stickers and vehicle registrations as they are issued.

Section 27. Subsection (5) of section 320.0607, Florida Statutes, is amended to read:

320.0607 Replacement license plates, validation decal, or mobile home sticker.—

(5) Upon the issuance of an original license plate, the applicant shall pay a fee of \$28 to be deposited in the Highway



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Safety Operating Trust Fund. Upon implementation of a new operating system for apportioned vehicle registrations, this subsection does not apply to a vehicle registered under the International Registration Plan.

Section 28. Paragraph (g) is added to subsection (1) of section 320.27, Florida Statutes, and paragraph (a) of subsection (9) and subsection (11) of that section are amended, to read:

320.27 Motor vehicle dealers.—

(1) DEFINITIONS.—The following words, terms, and phrases when used in this section have the meanings respectively ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(g) "Control person" means any person who has significant authority, directly or indirectly, to direct the management or policies of a company, whether through ownership, by contract, or otherwise. The term includes any person who is an owner, director, general partner, officer, manager, or employee exercising decisionmaking responsibility or exercising similar executive status or functions. The term does not include an employee whose function is only clerical, ministerial, or in sales under the supervision of an owner or manager or other person exercising decisionmaking responsibility.

(9) DENIAL, SUSPENSION, OR REVOCATION.—

(a) The department may deny a new or renewal application ~~for or~~ suspend~~r~~ or revoke any license issued hereunder or under ~~the provisions of~~ s. 320.77 or s. 320.771 upon proof that an applicant or a licensee has:

1. Committed fraud or willful misrepresentation in



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application for or in obtaining a license.

2. Been convicted of a felony and has not completed the resulting felony sentence or has completed the felony sentence less than 10 years from the date of licensure application.

3. Failed to honor a bank draft or check given to a motor vehicle dealer for the purchase of a motor vehicle by another motor vehicle dealer within 10 days after notification that the bank draft or check has been dishonored. If the transaction is disputed, the maker of the bank draft or check shall post a bond in accordance with the provisions of s. 559.917, and no proceeding for revocation or suspension shall be commenced until the dispute is resolved.

4.a. Failed to provide payment within 10 business days to the department for a check payable to the department that was dishonored due to insufficient funds in the amount due plus any statutorily authorized fee for uttering a worthless check. The department shall notify an applicant or licensee when the applicant or licensee makes payment to the department by a check that is subsequently dishonored by the bank due to insufficient funds. The applicant or licensee shall, within 10 business days after receiving the notice, provide payment to the department in the form of cash in the amount due plus any statutorily authorized fee. If the applicant or licensee fails to make such payment within 10 business days, the department may deny, suspend, or revoke the applicant's or licensee's motor vehicle dealer license.

b. Stopped payment on a check payable to the department, issued a check payable to the department from an account that has been closed, or charged back a credit card transaction to



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the department. If an applicant or licensee commits any such act, the department may deny, suspend, or revoke the applicant's or licensee's motor vehicle dealer license.

5.a. Previously owned a majority interest in, or acted as a control person of, a motor vehicle dealer that, within the past 10 years, has been the subject of any decision, finding, injunction, suspension, revocation, denial, judgment, or administrative order by any court of competent jurisdiction, administrative law judge, or any state agency which resulted in a finding of violation of any federal or state law relating to unlicensed activity, or fraud in connection with the sale of a motor vehicle.

b. Knowingly employed or contracted with a person under sub-subparagraph a. or a person who has been convicted of a felony and has not completed the resulting felony sentence or completed the felony sentence less than 10 years from the date of licensure application as a control person.

(11) INJUNCTION.—

(a) In addition to the remedies provided in this chapter and notwithstanding the existence of any adequate remedy at law, the department is authorized to make application to any circuit court of the state, and such circuit court shall have jurisdiction, upon a hearing and for cause shown, to grant a temporary or permanent injunction, or both, restraining any person from acting as a motor vehicle dealer under the terms of this section without being properly licensed hereunder, from violating or continuing to violate any of the provisions of chapter 319, this chapter, or ss. 559.901-559.9221, or for failing or refusing to comply with the requirements of chapter



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319, this chapter, or ss. 559.901-559.9221, or any rule or regulation adopted thereunder, such injunction to be issued without bond. A single act in violation of the provisions of chapter 319, this chapter, or chapter 559 shall be sufficient to authorize the issuance of an injunction.

(b) If the court grants the injunction, the court may bar, permanently or for a specific time, any person found to have violated any federal or state law relating to unlicensed activity or fraud in connection with the sale of a motor vehicle. A person who is barred by the court under this paragraph may not continue in any capacity within the industry. The person may not have a management, sales, or any other role in the operation of a dealership. Further, if permanently barred, the person may not derive income from the dealership beyond reasonable compensation for the sale of his or her ownership interest in the business.

Section 29. Section 320.861, Florida Statutes, is amended to read:

320.861 Investigations; subpoenas and other process; oaths; rules ~~Inspection of records; production of evidence; subpoena power.~~

(1) The department may conduct investigations and examinations on any person suspected of violating or of having violated this chapter or any rule adopted or order issued thereunder ~~inspect the pertinent books, records, letters, and contracts of any licensee, whether dealer or manufacturer, relating to any written complaint made to it against such licensee.~~

(2) For purposes of any investigation or examination



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conducted under this section, the department ~~may is granted and~~
~~authorized to~~ exercise the power of subpoena and the powers to
administer oaths or affirmations, to examine witnesses, to
require affidavits, to take depositions, and to compel the
attendance of witnesses and the production of books, papers,
documents, records, and other evidence. Such subpoenas may be
served by a designated agent of the department ~~for the~~
~~attendance of witnesses and the production of any documentary~~
~~evidence necessary to the disposition by it of any written~~
~~complaint against any licensee, whether dealer or manufacturer.~~

(3) If a person refuses to testify; to produce books,
papers, documents, or records; or to otherwise obey the subpoena
or subpoena duces tecum issued under subsection (2), the
department may petition a court of competent jurisdiction in the
county where the person's residence or principal place of
business is located, upon which the court must issue an order
requiring such person to obey the subpoena or show cause for
failing to obey the subpoena. Unless the person shows sufficient
cause for failing to obey the subpoena, the court must direct
the person to obey the subpoena. Failure to comply with such
order constitutes contempt of court.

(4) For the purpose of any investigation, examination, or
proceeding initiated by the department under this chapter, the
department may designate agents to serve subpoenas and other
process and administer oaths or affirmations. The department
shall exercise this power on its own initiative in accordance
with ss. 320.615 and 320.71.

(5) Witnesses subpoenaed under this section are entitled to
witness fees at the same rate established by s. 92.142 for



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witnesses in a civil case, except that witness fees are not payable for appearance at the witness's place of business during regular business hours or at the witness's residence.

(6) The department may adopt rules to administer this section.

Section 30. Subsection (2) of section 320.95, Florida Statutes, is amended to read:

320.95 Transactions by electronic or telephonic means.—

(2) The department or its authorized agents may collect electronic mail addresses or verified texting numbers and use electronic mail or text messages in lieu of the United States Postal Service for the purpose of providing information, including, but not limited to, renewal notices, appointment scheduling information, tax collector office locations, hours of operation, contact information, driving skills testing locations, and website information. The provision of electronic mail addresses and verified texting numbers by the applicant is optional and, before collection pursuant to this subsection, the department or its authorized agents shall disclose to the applicant the purposes for which the electronic mail addresses and verified texting numbers may be used ~~renewal notices.~~

Section 31. Subsection (1) of section 321.05, Florida Statutes, is amended to read:

321.05 Duties, functions, and powers of patrol officers.—
The members of the Florida Highway Patrol are hereby declared to be conservators of the peace and law enforcement officers of the state, with the common-law right to arrest a person who, in the presence of the arresting officer, commits a felony or commits an affray or breach of the peace constituting a misdemeanor,



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with full power to bear arms; and they shall apprehend, without warrant, any person in the unlawful commission of any of the acts over which the members of the Florida Highway Patrol are given jurisdiction as hereinafter set out and deliver him or her to the sheriff of the county that further proceedings may be had against him or her according to law. In the performance of any of the powers, duties, and functions authorized by law, members of the Florida Highway Patrol have the same protections and immunities afforded other peace officers, which shall be recognized by all courts having jurisdiction over offenses against the laws of this state, and have authority to apply for, serve, and execute search warrants, arrest warrants, capias, and other process of the court. The patrol officers under the direction and supervision of the Department of Highway Safety and Motor Vehicles shall perform and exercise throughout the state the following duties, functions, and powers:

(1) To patrol the state highways and regulate, control, and direct the movement of traffic thereon; to maintain the public peace by preventing violence on highways; to apprehend fugitives from justice; to enforce all laws regulating and governing traffic, travel, and public safety upon the public highways and providing for the protection of the public highways and public property thereon, including the security and safety of this state's transportation infrastructure; to make arrests without warrant for the violation of any state law committed in their presence in accordance with state law; providing that no search may be made unless it is incident to a lawful arrest, to regulate and direct traffic concentrations and congestions; to enforce laws governing the operation, licensing, and taxing and



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limiting the size, weight, width, length, and speed of vehicles and licensing and controlling the operations of drivers and operators of vehicles, including the safety, size, and weight of commercial motor vehicles; to collect all state fees and revenues levied as an incident to the use or right to use the highways for any purpose, including the taxing and registration of commercial motor vehicles; to require the drivers of vehicles to stop and exhibit their driver licenses, registration cards, or documents required by law to be carried by such vehicles; to investigate traffic crashes ~~accidents~~, secure testimony of witnesses and of persons involved, and make report thereof with copy, if requested in writing, to any person in interest or his or her attorney; to investigate reported thefts of vehicles; and to seize contraband or stolen property on or being transported on the highways. Each patrol officer of the Florida Highway Patrol is subject to and has the same arrest and other authority provided for law enforcement officers generally in chapter 901 and has statewide jurisdiction. Each officer also has arrest authority as provided for state law enforcement officers in s. 901.15. This section does not conflict with, but is supplemental to, chapter 933.

Section 32. Section 321.065, Florida Statutes, is amended to read:

321.065 Traffic crash ~~accident~~ investigation officers; employment; standards.—The department may employ traffic crash ~~accident~~ investigation officers who must complete any applicable standards adopted by the Florida Highway Patrol, including, but not limited to: cognitive testing, drug testing, polygraph testing, psychological testing, and an extensive background



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check, including a credit check.

Section 33. Paragraph (d) of subsection (2) of section 321.23, Florida Statutes, is amended to read:

321.23 Public records; fees for copies; destruction of obsolete records; photographing records; effect as evidence.—

(2) Fees for copies of public records shall be charged and collected as follows:

(d) Photographs (accidents, etc.):

	Enlargement Proof	Color	Black & White
1.	5" x 7"	\$1.00	\$0.75
2.	8" x 10"	\$1.50	\$1.00
3.	11" x 14"	Not Available	\$1.75
4.	16" x 20"	Not Available	\$2.75
5.	20" x 24"	Not Available	\$3.75

The department shall furnish such information without charge to any local, state, or federal law enforcement agency upon proof satisfactory to the department as to the purpose of the investigation.

Section 34. Paragraph (a) of subsection (2) of section



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322.051, Florida Statutes, is amended to read:

322.051 Identification cards.—

(2)(a) Every identification card:

1. Issued to a person 5 years of age to 14 years of age shall expire, unless canceled earlier, on the fourth birthday of the applicant following the date of original issue.

2. Issued to a person 15 years of age and older shall expire, unless canceled earlier, on the eighth birthday of the applicant following the date of original issue.

Renewal of an identification card shall be made for the applicable term enumerated in this paragraph. Any application for renewal received later than 12 months ~~90 days~~ after expiration of the identification card shall be considered the same as an application for an original identification card.

Section 35. Paragraphs (a) and (b) of subsection (4) of section 322.0602, Florida Statutes, are amended to read:

322.0602 Youthful Drunk Driver Visitation Program.—

(4) VISITATION REQUIREMENT.—

(a) To the extent that personnel and facilities are made available to the court, the court may include a requirement for supervised visitation by the probationer to all, or any, of the following:

1. A trauma center, as defined in s. 395.4001, or a hospital as defined in s. 395.002, which regularly receives victims of vehicle crashes ~~accidents~~, between the hours of 10 p.m. and 2 a.m. on a Friday or Saturday night, in order to observe appropriate victims of vehicle crashes ~~accidents~~ involving drinking drivers, under the supervision of any of the



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following:

a. A registered nurse trained in providing emergency trauma care or prehospital advanced life support.

b. An emergency room physician.

c. An emergency medical technician.

2. A licensed service provider, as defined in s. 397.311, which cares for substance abuse impaired persons, to observe persons in the terminal stages of substance abuse impairment, under the supervision of appropriately licensed medical personnel. Prior to any visitation of such terminally ill or disabled persons, the persons or their legal representatives must give their express consent to participate in the visitation program.

3. If approved by the county coroner, the county coroner's office or the county morgue to observe appropriate victims of vehicle crashes ~~accidents~~ involving drinking drivers, under the supervision of the coroner or a deputy coroner.

(b) As used in this section, the term "appropriate victims" means victims or their legal representatives, including the next of kin, who have expressly given their consent to participate in the visitation program and victims whose condition is determined by the visitation supervisor to demonstrate the results of crashes ~~accidents~~ involving drinking drivers without being excessively gruesome or traumatic to the probationer.

Section 36. Subsection (10) of section 322.08, Florida Statutes, is amended to read:

322.08 Application for license; requirements for license and identification card forms.—

(10) The department or its authorized agents may collect



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electronic mail addresses or verified texting numbers and use electronic mail or text messages in lieu of the United States Postal Service for the purpose of providing information, including, but not limited to, renewal notices, appointment scheduling information, tax collector office locations, hours of operation, contact information, driving skills testing locations, and website information. The provision of electronic mail addresses and verified texting numbers by the applicant is optional and, before collection pursuant to this subsection, the department or its authorized agents shall disclose to the applicant the purposes for which the electronic mail addresses and verified texting numbers may be used ~~renewal notices.~~

Section 37. Subsection (5) of section 322.091, Florida Statutes, is amended to read:

322.091 Attendance requirements.—

(5) REPORTING AND ACCOUNTABILITY.—The department shall make available, upon request, a report ~~quarterly~~ to each school district which includes the legal name, sex, date of birth, and social security number of each student whose driving privileges have been suspended under this section.

Section 38. Section 322.17, Florida Statutes, is amended to read:

322.17 Replacement licenses, identification cards, and permits.—

(1)(a) In the event that an instruction permit or driver license issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may, upon payment of the appropriate fee pursuant to s. 322.21, obtain a replacement upon furnishing proof satisfactory to the department



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that such permit or license has been lost or destroyed, and further furnishing the full name, date of birth, sex, residence and mailing address, proof of birth satisfactory to the department, and proof of identity satisfactory to the department.

(b) In the event that an instruction permit, ~~or~~ driver license, or identification card issued under the provisions of this chapter is stolen, the person to whom the same was issued may, at no charge, obtain a replacement upon furnishing proof satisfactory to the department that such permit, ~~or~~ license, or identification card was stolen and further furnishing the person's full name, date of birth, sex, residence and mailing address, proof of birth satisfactory to the department, and proof of identity satisfactory to the department.

(2) Upon the surrender of the original license and the payment of the appropriate fees pursuant to s. 322.21, the department shall issue a replacement license to make a change in name, address, or restrictions.

(3) Notwithstanding any other provisions of this chapter, if a licensee establishes his or her identity for a driver license using an identification document authorized under s. 322.08(2)(c)7. or 8., the licensee may not obtain a duplicate or replacement instruction permit or driver license except in person and upon submission of an identification document authorized under s. 322.08(2)(c)7. or 8.

(4) Notwithstanding any other provision of this section or s. 322.21, the department shall, if necessary, issue or renew a replacement driver license at no charge to an inmate if the department determines that he or she has a valid driver license.



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If the replacement driver license is scheduled to expire within 6 months, the department may also issue a temporary permit valid for at least 6 months after the release date.

Section 39. Subsection (10) is added to section 322.21, Florida Statutes, to read:

322.21 License fees; procedure for handling and collecting fees.—

(10) An applicant who submits an application for a renewal or replacement driver license or identification card to the department using a convenience service must be provided with an option for expedited shipping in which the department, at the applicant's request, must issue the license or identification card within 5 working days after receipt of the application and ship the license or card using an expedited mail service. Fees collected for the expedited shipping option shall be deposited into the Highway Safety Operating Trust Fund.

Section 40. Present subsection (8) of section 322.212, Florida Statutes, is redesignated as subsection (9), a new subsection (8) is added to that section, and subsection (5) of that section is amended, to read:

322.212 Unauthorized possession of, and other unlawful acts in relation to, driver license or identification card.—

(5) (a) It is unlawful for any person to use a false or fictitious name in any application for a driver license or identification card or knowingly to make a false statement, knowingly conceal a material fact, provide altered or counterfeit documents, participate in dishonest or deceptive actions, or otherwise commit a fraud in any such application.

(b) It is unlawful for any person to have in his or her



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possession a driver license or identification card upon which the date of birth has been altered.

(c) It is unlawful for any person designated as a sexual predator or sexual offender to have in his or her possession a driver license or identification card upon which the sexual predator or sexual offender markings required by s. 322.141 are not displayed or have been altered.

(8) In addition to any other penalties provided by this section, the department shall suspend the license or permit of any person who provides false information when applying for a driver license, identification card, commercial driver license, or commercial learner's permit or who is convicted of fraud in connection with testing for a driver license, commercial driver license, or commercial learner's permit for a period of 1 year.

Section 41. Section 322.36, Florida Statutes, is amended to read:

322.36 Permitting unauthorized operator to drive.—A person may not authorize or knowingly permit a motor vehicle owned by him or her or under his or her dominion or control to be operated upon any highway or public street except by a person who is duly authorized to operate a motor vehicle under this chapter. Any person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. If a person violates this section by knowingly loaning a vehicle to a person whose driver license is suspended and if that vehicle is involved in a crash ~~an accident~~ resulting in bodily injury or death, the driver license of the person violating this section shall be suspended for 1 year.

Section 42. Subsection (1) of section 322.61, Florida



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Statutes, is amended to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(1) A person who, for offenses occurring within a 3-year period, is convicted of two of the following serious traffic violations or any combination thereof, arising in separate incidents committed in a commercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days. A holder of a commercial driver license or commercial learner's permit who, for offenses occurring within a 3-year period, is convicted of two of the following serious traffic violations, or any combination thereof, arising in separate incidents committed in a noncommercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days if such convictions result in the suspension, revocation, or cancellation of the licenseholder's driving privilege:

(a) A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a crash resulting in death.~~+~~

(b) Reckless driving, as defined in s. 316.192.~~+~~

(c) Unlawful speed of 15 miles per hour or more above the posted speed limit.~~;~~

(d) Improper lane change, as defined in s. 316.085.~~+~~

(e) Following too closely, as defined in s. 316.0895.~~+~~

(f) Driving a commercial vehicle without obtaining a commercial driver license.~~+~~

(g) Driving a commercial vehicle without the proper class



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of commercial driver license or commercial learner's permit or without the proper endorsement.~~;~~~~or~~

(h) Driving a commercial vehicle without a commercial driver license or commercial learner's permit in possession, as required by s. 322.03.

(i) Texting while driving a commercial motor vehicle as prohibited by 49 C.F.R. 392.80.

(j) Using a hand-held mobile telephone while driving a commercial motor vehicle, as prohibited by 49 C.F.R 392.82.

Section 43. Section 322.71, Florida Statutes, is created to read:

322.71 Investigations; subpoenas and other process; oaths; rules.—

(1) The department may conduct investigations and examinations on any person suspected of violating or of having violated any provision of this chapter or any rule adopted or order issued under this chapter.

(2) For purposes of any investigation or examination conducted under this section, the department may exercise the power of subpoena and the powers to administer oaths or affirmations, to examine witnesses, to require affidavits, to take depositions, and to compel the attendance of witnesses and the production of books, papers, documents, records, and other evidence. Such subpoenas may be served by an authorized representative of the department.

(3) If a person refuses to testify; to produce books, papers, documents, or records; or to otherwise obey the subpoena or subpoena duces tecum issued under subsection (2), the department may petition a court of competent jurisdiction in the



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county where the person's residence or principal place of business is located, upon which the court must issue an order requiring such person to obey the subpoena or show cause for failing to obey the subpoena. Unless the person shows sufficient cause for failing to obey the subpoena, the court must direct the person to obey the subpoena. Failure to comply with such order constitutes contempt of court.

(4) For the purpose of any investigation, examination, or proceeding initiated by the department under this chapter, the department may designate agents to serve subpoenas and other process and administer oaths or affirmations.

(5) Witnesses subpoenaed under this section are entitled to witness fees at the same rate established by s. 92.142 for witnesses in a civil case, except that witness fees are not payable for appearance at the witness's place of business during regular business hours or at the witness's residence.

(6) The department may adopt rules to administer this section.

Section 44. Subsection (4) of section 323.001, Florida Statutes, is amended to read:

323.001 Wrecker operator storage facilities; vehicle holds.—

(4) The requirements for a written hold apply when the following conditions are present:

(a) The officer has probable cause to believe the vehicle should be seized and forfeited under the Florida Contraband Forfeiture Act, ss. 932.701-932.7062;

(b) The officer has probable cause to believe the vehicle should be seized and forfeited under chapter 379;



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(c) The officer has probable cause to believe the vehicle was used as the means of committing a crime;

(d) The officer has probable cause to believe that the vehicle is itself evidence that tends to show that a crime has been committed or that the vehicle contains evidence, which cannot readily be removed, which tends to show that a crime has been committed;

(e) The officer has probable cause to believe the vehicle was involved in a traffic crash ~~accident~~ resulting in death or personal injury and should be sealed for investigation and collection of evidence by a vehicular homicide investigator;

(f) The vehicle is impounded or immobilized pursuant to s. 316.193 or s. 322.34; or

(g) The officer is complying with a court order.

Section 45. Paragraph (c) of subsection (1), paragraph (c) of subsection (2), and subsection (4) of section 323.002, Florida Statutes, are amended to read:

323.002 County and municipal wrecker operator systems; penalties for operation outside of system.—

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

(c) "Wrecker operator system" means a system for the towing or removal of wrecked, disabled, or abandoned vehicles, similar to the Florida Highway Patrol wrecker operator system described in s. 321.051(2), under which a county or municipality contracts with one or more wrecker operators for the towing or removal of wrecked, disabled, or abandoned vehicles from crash ~~accident~~ scenes, streets, or highways. A wrecker operator system shall include using a method for apportioning the towing assignments among the eligible wrecker operators through the creation of



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geographic zones, a rotation schedule, or a combination of these methods.

(2) In any county or municipality that operates a wrecker operator system:

(c) When an unauthorized wrecker operator drives by the scene of a wrecked or disabled vehicle and the owner or operator initiates contact by signaling the wrecker operator to stop and provide towing services, the unauthorized wrecker operator must disclose in writing to the owner or operator of the vehicle his or her full name and driver license number, that he or she is not the authorized wrecker operator who has been designated as part of the wrecker operator system, that the motor vehicle is not being towed for the owner's or operator's insurance company or lienholder, whether he or she has in effect an insurance policy providing at least \$300,000 of liability insurance and at least \$50,000 of on-hook cargo insurance, and the maximum charges for towing and storage which will apply before the vehicle is connected to the towing apparatus. The unauthorized wrecker operator must also provide a copy of the disclosure to the owner or operator in the presence of a law enforcement officer if such officer is at the scene of a motor vehicle crash ~~accident~~. Any person who violates this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and the person's wrecker, tow truck, or other motor vehicle that was used during the offense may be immediately removed and impounded pursuant to subsection (3).

(4) This section does not prohibit, or in any way prevent, the owner or operator of a vehicle involved in a crash ~~an accident~~ or otherwise disabled from contacting any wrecker



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operator for the provision of towing services, whether the wrecker operator is an authorized wrecker operator or not.

Section 46. Section 324.011, Florida Statutes, is amended to read:

324.011 Purpose of chapter.—It is the intent of this chapter to recognize the existing privilege to own or operate a motor vehicle on the public streets and highways of this state when such vehicles are used with due consideration for others and their property, and to promote safety and provide financial security requirements for such owners or operators whose responsibility it is to recompense others for injury to person or property caused by the operation of a motor vehicle. Therefore, it is required herein that the operator of a motor vehicle involved in a crash or convicted of certain traffic offenses meeting the operative provisions of s. 324.051(2) shall respond for such damages and show proof of financial ability to respond for damages in future crashes ~~accidents~~ as a requisite to his or her future exercise of such privileges.

Section 47. Subsection (1) of section 324.022, Florida Statutes, is amended to read:

324.022 Financial responsibility for property damage.—

(1) Every owner or operator of a motor vehicle required to be registered in this state shall establish and maintain the ability to respond in damages for liability on account of crashes ~~accidents~~ arising out of the use of the motor vehicle in the amount of \$10,000 because of damage to, or destruction of, property of others in any one crash. The requirements of this section may be met by one of the methods established in s. 324.031; by self-insuring as authorized by s. 768.28(16); or by



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maintaining an insurance policy providing coverage for property damage liability in the amount of at least \$10,000 because of damage to, or destruction of, property of others in any one crash ~~accident~~ arising out of the use of the motor vehicle. The requirements of this section may also be met by having a policy which provides coverage in the amount of at least \$30,000 for combined property damage liability and bodily injury liability for any one crash arising out of the use of the motor vehicle. The policy, with respect to coverage for property damage liability, must meet the applicable requirements of s. 324.151, subject to the usual policy exclusions that have been approved in policy forms by the Office of Insurance Regulation. No insurer shall have any duty to defend uncovered claims irrespective of their joinder with covered claims.

Section 48. Section 324.023, Florida Statutes, is amended to read:

324.023 Financial responsibility for bodily injury or death.—In addition to any other financial responsibility required by law, every owner or operator of a motor vehicle that is required to be registered in this state, or that is located within this state, and who, regardless of adjudication of guilt, has been found guilty of or entered a plea of guilty or nolo contendere to a charge of driving under the influence under s. 316.193 after October 1, 2007, shall, by one of the methods established in s. 324.031(1) or (2), establish and maintain the ability to respond in damages for liability on account of crashes ~~accidents~~ arising out of the use of a motor vehicle in the amount of \$100,000 because of bodily injury to, or death of, one person in any one crash and, subject to such limits for one



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person, in the amount of \$300,000 because of bodily injury to, or death of, two or more persons in any one crash and in the amount of \$50,000 because of property damage in any one crash. If the owner or operator chooses to establish and maintain such ability by furnishing a certificate of deposit pursuant to s. 324.031(2), such certificate of deposit must be at least \$350,000. Such higher limits must be carried for a minimum period of 3 years. If the owner or operator has not been convicted of driving under the influence or a felony traffic offense for a period of 3 years from the date of reinstatement of driving privileges for a violation of s. 316.193, the owner or operator shall be exempt from this section.

Section 49. Paragraph (b) of subsection (1) and paragraph (a) of subsection (2) of section 324.051, Florida Statutes, are amended to read:

324.051 Reports of crashes; suspensions of licenses and registrations.—

(1)

(b) The department is hereby further authorized to require reports of crashes from individual owners or operators whenever it deems it necessary for the proper administration of this chapter, and these reports shall be made without prejudice except as specified in this subsection. No such report shall be used as evidence in any trial arising out of a crash. However, subject to the applicable rules of evidence, a law enforcement officer at a criminal trial may testify as to any statement made to the officer by the person involved in the crash ~~accident~~ if that person's privilege against self-incrimination is not violated.



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(2)(a) Thirty days after receipt of notice of any crash
~~accident~~ described in paragraph (1)(a) involving a motor vehicle
within this state, the department shall suspend, after due
notice and opportunity to be heard, the license of each operator
and all registrations of the owner of the vehicles operated by
such operator whether or not involved in such crash and, in the
case of a nonresident owner or operator, shall suspend such
nonresident's operating privilege in this state, unless such
operator or owner shall, prior to the expiration of such 30
days, be found by the department to be exempt from the operation
of this chapter, based upon evidence satisfactory to the
department that:

1. The motor vehicle was legally parked at the time of such
crash.

2. The motor vehicle was owned by the United States
Government, this state, or any political subdivision of this
state or any municipality therein.

3. Such operator or owner has secured a duly acknowledged
written agreement providing for release from liability by all
parties injured as the result of said crash and has complied
with one of the provisions of s. 324.031.

4. Such operator or owner has deposited with the department
security to conform with s. 324.061 when applicable and has
complied with one of the provisions of s. 324.031.

5. One year has elapsed since such owner or operator was
suspended pursuant to subsection (3), the owner or operator has
complied with one of the provisions of s. 324.031, and no bill
of complaint of which the department has notice has been filed
in a court of competent jurisdiction.



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No such policy or bond shall be effective under this subsection unless it contains limits of not less than those specified in s. 324.021(7) .

Section 50. Subsections (2), (3), and (4) of section 324.242, Florida Statutes, are amended to read:

324.242 Personal injury protection and property damage liability insurance policies; public records exemption.—

(2) Upon receipt of a request and proof of a crash report as required under s. 316.065, s. 316.066, or s. 316.068, or a crash report created pursuant to the laws of another state, the department shall release the policy number for a policy covering a vehicle involved in a motor vehicle crash ~~accident~~ to:

(a) Any person involved in such crash ~~accident~~;

(b) The attorney of any person involved in such crash ~~accident~~; or

(c) A representative of the insurer of any person involved in such crash ~~accident~~.

(3) The department shall provide personal injury protection and property damage liability insurance policy numbers to department-approved third parties that provide data collection services to an insurer of any person involved in such crash ~~accident~~.

(4) Before the department's release of a policy number in accordance with subsection (2) or subsection (3), an insurer's representative, a contracted third party, or an attorney for a person involved in a crash ~~an accident~~ must provide the department with documentation confirming proof of representation.



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Section 51. Section 328.30, Florida Statutes, is amended to read:

328.30 Transactions by electronic or telephonic means.—

(1) The Department of Highway Safety and Motor Vehicles may accept any application provided for under this part ~~chapter~~ by electronic or telephonic means.

(2) The department may issue an electronic certificate of title in lieu of printing a paper title.

(3) The department or its authorized agents may collect electronic mail addresses or verified texting numbers and use electronic mail or text messages in lieu of the United States Postal Service for the purpose of providing information, including, but not limited to, renewal notices, appointment scheduling information, tax collector office locations, hours of operation, contact information, and website information. The provision of electronic mail addresses and verified texting numbers by the applicant is optional and, before collection pursuant to this subsection, the department or its authorized agents shall disclose to the applicant the purposes for which the electronic mail addresses and verified texting numbers may be used ~~renewal notices.~~

Section 52. Subsection (3) of section 328.40, Florida Statutes, is amended to read:

328.40 Administration of vessel registration and titling laws; records.—

(3) All records made or kept by the Department of Highway Safety and Motor Vehicles under this part are subject to inspection and copying as provided in chapter 119 ~~law are public records except for confidential reports.~~



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Section 53. Subsection (1) of section 328.73, Florida Statutes, is amended to read:

328.73 Registration; duties of tax collectors.—

(1) The tax collectors in the counties of the state, as authorized agents of the department, shall issue registration certificates and vessel numbers and decals to applicants, subject to the requirements of law and in accordance with rules of the department. For the purpose of enhancing customer services provided by tax collectors acting on behalf of the department, the department shall provide tax collectors and their agents with real-time access to data that other third parties receive from the department related to registration certificates and vessel numbers and decals, including, but not limited to, the most current address information and electronic mail address of applicants.

Section 54. Section 328.80, Florida Statutes, is amended to read:

328.80 Transactions by electronic or telephonic means.—

(1) The Department of Highway Safety and Motor Vehicles ~~commission~~ is authorized to accept any application provided for under this part ~~chapter~~ by electronic or telephonic means.

(2) The department or its authorized agents may collect electronic mail addresses or verified texting numbers and use electronic mail or text messages in lieu of the United States Postal Service for the purpose of providing information under this part, including, but not limited to, renewal notices, appointment scheduling information, tax collector office locations, hours of operation, and contact information. The provision of electronic mail addresses and verified texting



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numbers by the applicant is optional and, before collection
pursuant to this subsection, the department or its authorized
agents shall disclose to the applicant the purposes for which
the electronic mail addresses and verified texting numbers may
be used.

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

And the title is amended as follows:

Delete lines 102 - 229

and insert:

certain rules; amending s. 316.1895, F.S.; authorizing
a district school board by simple majority vote to
increase the time a school zone speed limit is in
force under certain circumstances; amending s. 319.40,
F.S.; authorizing the department or its authorized
agents to collect electronic mail addresses or
verified texting numbers and to use them for certain
purposes; providing that electronic mail addresses and
verified texting numbers may be provided at the option
of the applicant; requiring the department or its
authorized agents to disclose to the applicant the
purposes for which the electronic mail addresses and
verified texting numbers may be used; amending s.
320.01, F.S.; redefining the term "apportionable
vehicle"; amending s. 320.03, F.S.; authorizing the
department to provide tax collectors and their agents
with certain real-time access to data related to
vehicle and mobile home registration certificates,
registration license plates, and validation stickers;



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amending s. 320.06, F.S.; providing for future repeal of requirements for vehicles that have apportioned registrations; providing requirements for certain vehicles that have apportioned registrations upon implementation of a certain operating system; requiring that the fee be deposited into the Highway Safety Operating Trust Fund; authorizing certain license plates to be replaced at no charge; providing tax collectors and their agents the option to purchase validation stickers and paper stock that is used to produce vehicle registrations from vendors under certain circumstances; exempting such purchases from certain competitive bid requirements; requiring the department to reimburse the tax collectors and their agents for such purchases, subject to certain restrictions; requiring the tax collectors and their agents to invoice the department in arrears for the validation stickers and vehicle registrations as they are issued; amending s. 320.0607, F.S.; providing applicability; amending s. 320.27, F.S.; defining the term "control person"; authorizing the department to deny a new or renewal application for, or suspend or revoke, certain dealer licenses under certain circumstances; authorizing the court to bar a person from acting as a motor vehicle dealer under certain circumstances, subject to certain requirements; amending s. 320.861, F.S.; authorizing the department to conduct investigations and examinations of persons suspected of violating or of having violated certain



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990 laws, rules, or orders relating to motor vehicle
991 licenses; proving additional powers related to such
992 investigations and examinations; requiring a court to
993 take specified actions under certain circumstances;
994 providing for witness fees; authorizing the department
995 to adopt certain rules; amending s. 320.95, F.S.;
996 authorizing the department or its authorized agents to
997 collect electronic mail addresses or verified texting
998 numbers and to use electronic mail or text messages
999 for certain purposes; providing that electronic mail
1000 addresses and verified texting numbers may be provided
1001 at the option of the applicant; requiring the
1002 department or its authorized agents to disclose to the
1003 applicant the purposes for which the electronic mail
1004 addresses and verified texting numbers may be used;
1005 amending s. 321.05, F.S.; authorizing certain patrol
1006 officers to investigate traffic crashes; amending s.
1007 321.065, F.S.; authorizing the department to employ
1008 certain traffic crash investigation officers; amending
1009 s. 321.23, F.S.; revising certain public records
1010 photographs to include crashes; amending s. 322.051,
1011 F.S.; extending the period after which a renewal
1012 application for an identification card is considered
1013 the same as an original application; amending s.
1014 322.0602, F.S.; authorizing courts to include a
1015 requirement for supervised visitation under the
1016 Youthful Drunk Driver Visitation Program at trauma
1017 centers that regularly receive victims of vehicle
1018 crashes; conforming provisions to changes made by the



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1019 act; amending s. 322.08, F.S.; authorizing the
1020 department or its authorized agents to collect
1021 electronic mail addresses or verified texting numbers
1022 and use electronic mail or text messages for certain
1023 purposes; providing that electronic mail addresses and
1024 verified texting numbers may be provided at the option
1025 of the applicant; requiring the department or its
1026 authorized agents to disclose to the applicant the
1027 purposes for which the electronic mail addresses and
1028 verified texting numbers may be used; amending s.
1029 322.091, F.S.; requiring that the department make
1030 available, upon request, a report that includes
1031 specific information for students whose driving
1032 privileges have been suspended; amending s. 322.17,
1033 F.S.; authorizing stolen identification cards to be
1034 replaced at no charge under certain circumstances;
1035 amending s. 322.21, F.S.; providing for expedited
1036 shipping for the renewal or replacement driver
1037 licenses or identification cards under certain
1038 circumstances, subject to certain requirements;
1039 requiring that the fee be deposited into the Highway
1040 Safety Operating Trust Fund; amending s. 322.212,
1041 F.S.; prohibiting a person from providing altered or
1042 counterfeit documents or participating in dishonest or
1043 deceptive actions in any application for a driver
1044 license or identification card; providing for the
1045 suspension of specified licenses or permits for
1046 specified periods under certain circumstances;
1047 providing construction; amending s. 322.36, F.S.;



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1048 providing for suspension of license for loaning a
1049 vehicle to a person whose license is suspended if such
1050 vehicle is involved in certain crashes; amending s.
1051 322.61, F.S.; adding violations for disqualification
1052 from operating a commercial motor vehicle; creating s.
1053 322.71, F.S.; authorizing the department to conduct
1054 investigations and examinations of persons suspected
1055 of violating or of having violated certain laws,
1056 rules, or orders relating to motor vehicle licenses;
1057 providing additional powers related to such
1058 investigations and examinations; requiring a court to
1059 take specified actions under certain circumstances;
1060 providing for witness fees; authorizing the department
1061 to adopt certain rules; amending s. 323.001, F.S.;
1062 providing that the requirements for a certain written
1063 hold on a motor vehicle apply when an officer has
1064 probable cause to believe the vehicle was involved in
1065 a certain traffic crash; amending s. 323.002, F.S.;
1066 revising the term "wrecker operator system" to include
1067 wrecker operators removing vehicles from crash scenes
1068 under certain circumstances; requiring that an
1069 unauthorized wrecker operator provide a copy of a
1070 certain disclosure to the owner or operator of a
1071 vehicle in the presence of a law enforcement officer
1072 if such officer is at the scene of a motor vehicle
1073 crash; revising applicability to include vehicles
1074 involved in a crash, rather than an accident; amending
1075 s. 324.011, F.S.; requiring that certain operators of
1076 motor vehicles involved in a crash or convicted of



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1077 certain traffic offenses show proof of financial
1078 ability to respond for damages in future crashes;
1079 amending s. 324.022, F.S.; requiring that a certain
1080 owner or operator of a motor vehicle establish and
1081 maintain the ability to respond in damages for
1082 liability on account of certain crashes; conforming a
1083 provision to changes made by the act; amending s.
1084 324.023, F.S.; requiring that a certain owner or
1085 operator of a motor vehicle establish and maintain the
1086 ability to respond in damages for liability on account
1087 of certain crashes; amending s. 324.051, F.S.;
1088 authorizing a law enforcement officer at a criminal
1089 trial to testify as to any statement made to the
1090 officer by the person involved in a crash under
1091 certain circumstances; providing for certain
1092 suspensions of license, registration, and operating
1093 privileges after notice of a certain crash; amending
1094 s. 324.242, F.S.; requiring that the department
1095 release a policy number for a policy covering a
1096 vehicle involved in a motor vehicle crash under
1097 certain circumstances; conforming provisions to
1098 changes made by the act; amending s. 328.30, F.S.;
1099 authorizing the department to accept certain
1100 applications by electronic or telephonic means;
1101 authorizing the department or its authorized agents to
1102 collect electronic mail addresses or verified texting
1103 numbers and to use electronic mail or text messages
1104 for certain purposes; providing that electronic mail
1105 addresses and verified texting numbers may be provided



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1106 at the option of the applicant; requiring the
1107 department or its authorized agents to disclose to the
1108 applicant the purposes for which the electronic mail
1109 addresses and verified texting numbers may be used;
1110 amending s. 328.40, F.S.; providing that certain
1111 records made or kept by the department are subject to
1112 certain inspection and copying requirements; amending
1113 s. 328.73, F.S.; requiring the department to provide
1114 tax collectors and their agents with certain real-time
1115 access to data related to registration certificates
1116 and vessel numbers and decals; amending s. 328.80,
1117 F.S.; authorizing the department to accept certain
1118 applications by electronic or telephonic means;
1119 authorizing the department or its authorized agents to
1120 collect electronic mail addresses or verified texting
1121 numbers and to use electronic mail or text messages
1122 for certain purposes; providing that electronic mail
1123 addresses and verified texting numbers may be provided
1124 at the option of the applicant; requiring the
1125 department or its authorized agents to disclose to the
1126 applicant the purposes for which the electronic mail
1127 addresses and verified texting numbers may be used;
1128 amending s. 627.7415,



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LEGISLATIVE ACTION

Senate

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House

The Committee on Infrastructure and Security (Lee) recommended the following:

Senate Amendment to Amendment (970424) (with title amendment)

Delete lines 75 - 80

and insert:

department, contingent upon an approved request and memorandum of understanding, shall provide tax collectors and their agents with real-time access to data that other third parties receive from the department related to vehicle and mobile home registration certificates, registration license plates, and



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validation stickers, including, but not limited to, the most current address information and electronic mail addresses of applicants. The department shall approve or deny a request within 45 days after receipt; however, the 45-day period may be extended by mutual agreement of the department and the requestor.

Section 26. Subsection (10) is added to section 320.131, Florida Statutes, to read:

320.131 Temporary tags.—

(10) The department may partner with a county tax collector to conduct a Fleet Vehicle Temporary Tag pilot program to provide temporary tags to fleet companies to allow them to operate fleet vehicles awaiting a permanent registration and title.

(a) The department shall enter into a memorandum of understanding that allows up to 10 companies to participate in the pilot program and to receive multiple temporary tags for company fleet vehicles.

(b) To participate in the program, a fleet company must have at least 3,500 fleet vehicles registered in this state which qualify to be registered as fleet vehicles pursuant to s. 320.0657.

(c) The department, upon the request of an eligible fleet company, may issue up to 50 temporary tags per request to such company.

(d) A temporary tag issued under this subsection is for exclusive use on a vehicle purchased for the company's fleet and may not be used on any other vehicle.

(e) Each temporary tag may be used on only one vehicle, and



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each vehicle may use only one temporary tag.

(f) Upon issuance of the vehicle's permanent license plate and registration, the temporary tag becomes invalid and must be removed from the vehicle and destroyed.

(g) Upon a finding by the department that a temporary tag has been misused by a fleet company under the program, the department may terminate the memorandum of understanding with the company, invalidate all temporary tags issued to the company under the program, and require such company to return any unused temporary tags.

(h) The issuance of a tag using this method must be reported to the department within 2 business days, not including weekends or state holidays, after the issuance of the tag. The county tax collector shall keep a record of each temporary tag issued. The record must include the date of issuance, tag number issued, vehicle identification number, and vehicle description.

(i) This subsection is repealed October 1, 2022, unless saved from repeal through reenactment by the Legislature.

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

And the title is amended as follows:

Delete line 960

and insert:

registration license plates, and validation stickers
under certain circumstances; requiring the department
to either approve or deny a request within a specified
timeframe, which may be extended by mutual agreement
of the department and the requestor; amending s.
320.131, F.S.; authorizing the department to partner



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69 with a county tax collector to conduct a Fleet Vehicle
70 Temporary Tag pilot program for certain purposes;
71 providing program requirements; providing for future
72 repeal;



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LEGISLATIVE ACTION

Senate

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House

The Committee on Infrastructure and Security (Lee) recommended the following:

Senate Amendment to Amendment (970424) (with title amendment)

Delete lines 111 - 120
and insert:

issued an annual license plate and a cab card denoting that
~~denote~~ the declared gross vehicle weight for each apportioned
jurisdiction ~~in which the vehicle is authorized to operate. This~~
subparagraph shall expire on January 1, 2023.

3. Upon implementation of a new operating system for



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apportioned vehicle registration, a vehicle registered in
accordance with the International Registration Plan must be
issued a license plate for a 5-year period, an annual cab card
denoting the declared gross vehicle weight for each apportioned
jurisdiction, and an annual validation sticker showing the

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

And the title is amended as follows:

Delete lines 963 - 964

and insert:

registrations; providing requirements for vehicles
registered in accordance with the International
Registration Plan upon



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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Infrastructure and Security (Lee) recommended the following:

Senate Substitute for Amendment (970424) (with title amendment)

Delete lines 1304 - 2126
and insert:

Section 22. Subsections (55) through (101) of section 316.003, Florida Statutes, are renumbered as subsections (56) through (102), respectively, present subsection (59) is amended, and a new subsection (55) is added to that section, to read:

316.003 Definitions.—The following words and phrases, when



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

(55) PLATOON.—A group of no more than two trucks that do not require placards, either laden or unladen, traveling in a unified manner using wireless vehicle-to-vehicle communications that electronically coordinate speeds and following distances of the trucks.

(60) ~~(59)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph (82) (b) ~~(81) (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.

Section 23. Section 316.0896, Florida Statutes, is repealed.

Section 24. Section 316.0897, Florida Statutes, is created to read:

316.0897 Platoons.—

(1) Section 316.0895 does not apply to the operator of a nonlead vehicle in a platoon, as defined in s. 316.003.

(2) A platoon may be operated on a roadway in this state after an operator provides notification to the Department of Transportation and the Department of Highway Safety and Motor Vehicles.

Section 25. Subsection (5) of section 316.1895, Florida Statutes, is amended to read:

316.1895 Establishment of school speed zones, enforcement; designation.—

(5) (a) A school zone speed limit may not be less than 15



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miles per hour except by local regulation. No school zone speed limit shall be more than 20 miles per hour in an urbanized area, as defined in s. 334.03. Such speed limit may be in force only during those times 30 minutes before, during, and 30 minutes after the periods of time when pupils are arriving at a regularly scheduled breakfast program or a regularly scheduled school session and leaving a regularly scheduled school session.

(b) A district school board as defined in s. 1003.01(1) may by simple majority vote increase the time a school zone speed limit is in force by an additional 15 minutes before, during, and an additional 15 minutes after the periods of time when pupils are arriving at a regularly scheduled breakfast program or at a regularly scheduled school session and leaving a regularly scheduled school session.

Section 26. Subsection (3) of section 316.303, Florida Statutes, is amended to read:

316.303 Television receivers.—

(3) This section does not prohibit the use of an electronic display used in conjunction with a vehicle navigation system; an electronic display used by an operator of a vehicle equipped with autonomous technology, as defined in s. 316.003(3); or an electronic display used by an operator of a platoon vehicle equipped and operating with driver-assistive truck platooning technology, as defined in s. 316.003.

Section 27. Subsection (3) of section 319.40, Florida Statutes, is amended to read:

319.40 Transactions by electronic or telephonic means.—

(3) The department or tax collector may collect electronic mail addresses or cellular telephone numbers and use electronic



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mail or text messages in lieu of the United States Postal Service as a method of notification and for the purpose of providing information related to Department of Highway Safety and Motor Vehicles functions in accordance with chapter 119 and pursuant to the federal Driver Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. However, any notice regarding the potential forfeiture or foreclosure of an interest in property must be sent via the United States Postal Service. The provision of electronic mail addresses and cellular telephone numbers by the applicant is optional and, before collection pursuant to this subsection, the department or tax collector shall disclose to the applicant the purposes for which the electronic mail addresses and cellular telephone numbers may be used.

Section 28. Subsection (24) of section 320.01, Florida Statutes, is amended to read:

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

(24) "Apportionable vehicle" means any vehicle, except recreational vehicles, vehicles displaying restricted plates, city pickup and delivery vehicles, ~~buses used in transportation of chartered parties,~~ and government-owned vehicles, which is used or intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and which is used for the transportation of persons for hire or is designed, used, or maintained primarily for the transportation of property and:

(a) Is a power unit having a gross vehicle weight in excess of 26,000 pounds;

(b) Is a power unit having three or more axles, regardless



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of weight; or

(c) Is used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight.

Vehicles, or combinations thereof, having a gross vehicle weight of 26,000 pounds or less and two-axle vehicles may be proportionally registered.

Section 29. Paragraph (b) of subsection (4) of section 320.03, Florida Statutes, is amended to read:

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

(4)

(b) The Florida Real Time Vehicle Information System shall be installed in every tax collector's and license tag agent's office in accordance with a schedule established by the department in consultation with the tax collectors and contingent upon funds being made available for the system by the state. For the purpose of enhancing customer services provided by tax collectors acting on behalf of the department, the department, contingent upon an approved request and memorandum of understanding, shall provide tax collectors, and tax collector-approved agents and vendors with real-time access to data that other third parties receive from the department related to vehicle and mobile home registration certificates, registration license plates, and validation stickers, including, but not limited to, the most current address information and electronic mail addresses of applicants. The memorandum of understanding as required under this paragraph may not be more restrictive than any memorandum of understanding between the



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department and other third-party vendors.

Section 30. Paragraph (b) of subsection (1) and subsection (2) of section 320.06, Florida Statutes, are amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(1)

(b)1. Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 10-year period. At the end of the 10-year period, upon renewal, the plate shall be replaced. The department shall extend the scheduled license plate replacement date from a 6-year period to a 10-year period. The fee for such replacement is \$28, \$2.80 of which shall be paid each year before the plate is replaced, to be credited toward the next \$28 replacement fee. The fees shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund may not be given for any prior years' payments of the prorated replacement fee if the plate is replaced or surrendered before the end of the 10-year period, except that a credit may be given if a registrant is required by the department to replace a license plate under s.

320.08056(8)(a). With each license plate, a validation sticker shall be issued showing the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker shall be placed on the upper right corner of the license plate. The license plate and validation sticker shall be issued based on the applicant's appropriate renewal period. The registration period is 12 months, the extended registration period is 24 months, and all expirations occur based on the



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applicant's appropriate registration period.

2. A vehicle that has an apportioned registration shall be issued an annual license plate and a cab card denoting that
~~denote~~ the declared gross vehicle weight for each apportioned jurisdiction ~~in which the vehicle is authorized to operate. This~~
subparagraph expires January 1, 2023.

3. Upon implementation of a new operating system for apportioned vehicle registration, a vehicle registered in accordance with the International Registration Plan must be issued a license plate for a 5-year period, an annual cab card denoting the declared gross vehicle weight for each apportioned jurisdiction, and an annual validation sticker showing the month and year of expiration. The validation sticker must be placed in the center of the license plate. The license plate and validation sticker must be issued based on the applicant's appropriate renewal period. The registration period is 12 months. This fee must be deposited into the Highway Safety Operating Trust Fund. If the license plate is damaged or worn, it may be replaced at no charge by applying to the department and surrendering the current license plate.

4.2- In order to retain the efficient administration of the taxes and fees imposed by this chapter, the 80-cent fee increase in the replacement fee imposed by chapter 2009-71, Laws of Florida, is negated as provided in s. 320.0804.

(2) The department shall provide the several tax collectors and license plate agents with the necessary number of validation stickers. However, the tax collectors and their agents shall have the option to purchase validation stickers and paper stock that is used to produce vehicle registrations from the



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department's contracted vendor or from other vendors if such items meet the department's specifications and are procured at prices that are at or lower than the pricing reflected in the department's existing contracts for procuring these items. Such purchases by the tax collectors and their agents are exempt from the competitive bid requirements of chapter 287. The department shall reimburse the tax collectors and their agents for these purchases, but reimbursement may not be made at prices higher than the pricing contained in the department's existing contract. The tax collectors and their agents shall invoice the department in arrears for the validation stickers and vehicle registrations as they are issued.

Section 31. Subsection (5) of section 320.0607, Florida Statutes, is amended to read:

320.0607 Replacement license plates, validation decal, or mobile home sticker.—

(5) Upon the issuance of an original license plate, the applicant shall pay a fee of \$28 to be deposited in the Highway Safety Operating Trust Fund. Upon implementation of a new operating system for apportioned vehicle registrations, this subsection does not apply to a vehicle registered under the International Registration Plan.

Section 32. Subsection (10) is added to section 320.131, Florida Statutes, to read:

320.131 Temporary tags.—

(10) The department may partner with a county tax collector to conduct a Fleet Vehicle Temporary Tag Pilot Program to provide temporary tags to fleet companies to allow them to operate fleet vehicles awaiting a permanent registration and



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title.

(a) The department shall enter into a memorandum of understanding that allows up to 10 companies to participate in the pilot program and to receive multiple temporary tags for company fleet vehicles.

(b) To participate in the program, a fleet company must have at least 3,500 fleet vehicles registered in this state which qualify to be registered as fleet vehicles pursuant to s. 320.0657.

(c) The department, upon the request of an eligible fleet company, may issue up to 50 temporary tags per request to such company.

(d) A temporary tag issued under this subsection is for exclusive use on a vehicle purchased for the company's fleet and may not be used on any other vehicle.

(e) Each temporary tag may be used on only one vehicle, and each vehicle may use only one temporary tag.

(f) Upon issuance of the vehicle's permanent license plate and registration, the temporary tag becomes invalid and must be removed from the vehicle and destroyed.

(g) Upon a finding by the department that a temporary tag has been misused by a fleet company under the program, the department may terminate the memorandum of understanding with the company, invalidate all temporary tags issued to the company under the program, and require such company to return any unused temporary tags.

(h) The issuance of a tag using this method must be reported to the department within 2 business days, not including weekends or state holidays, after the issuance of the tag. The



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county tax collector shall keep a record of each temporary tag issued. The record must include the date of issuance, tag number issued, vehicle identification number, and vehicle description.

(i) This subsection is repealed October 1, 2022, unless saved from repeal through reenactment by the Legislature.

Section 33. Paragraph (g) is added to subsection (1) of section 320.27, Florida Statutes, and paragraph (a) of subsection (9) and subsection (11) of that section are amended, to read:

320.27 Motor vehicle dealers.—

(1) DEFINITIONS.—The following words, terms, and phrases when used in this section have the meanings respectively ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(g) "Control person" means any person who has significant authority, directly or indirectly, to direct the management or policies of a company, whether through ownership, by contract, or otherwise. The term includes any person who is an owner, director, general partner, officer, manager, or employee exercising decisionmaking responsibility or exercising similar executive status or functions. The term does not include an employee whose function is only clerical, ministerial, or in sales under the supervision of an owner or manager or other person exercising decisionmaking responsibility.

(9) DENIAL, SUSPENSION, OR REVOCATION.—

(a) The department may deny a new or renewal application ~~for or~~ suspend~~r~~ or revoke any license issued hereunder or under ~~the provisions of~~ s. 320.77 or s. 320.771 upon proof that an applicant or a licensee has:



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272 1. Committed fraud or willful misrepresentation in
273 application for or in obtaining a license.

274 2. Been convicted of a felony and has not completed the
275 resulting felony sentence or has completed the felony sentence
276 less than 10 years from the date of licensure application.

277 3. Failed to honor a bank draft or check given to a motor
278 vehicle dealer for the purchase of a motor vehicle by another
279 motor vehicle dealer within 10 days after notification that the
280 bank draft or check has been dishonored. If the transaction is
281 disputed, the maker of the bank draft or check shall post a bond
282 in accordance with the provisions of s. 559.917, and no
283 proceeding for revocation or suspension shall be commenced until
284 the dispute is resolved.

285 4.a. Failed to provide payment within 10 business days to
286 the department for a check payable to the department that was
287 dishonored due to insufficient funds in the amount due plus any
288 statutorily authorized fee for uttering a worthless check. The
289 department shall notify an applicant or licensee when the
290 applicant or licensee makes payment to the department by a check
291 that is subsequently dishonored by the bank due to insufficient
292 funds. The applicant or licensee shall, within 10 business days
293 after receiving the notice, provide payment to the department in
294 the form of cash in the amount due plus any statutorily
295 authorized fee. If the applicant or licensee fails to make such
296 payment within 10 business days, the department may deny,
297 suspend, or revoke the applicant's or licensee's motor vehicle
298 dealer license.

299 b. Stopped payment on a check payable to the department,
300 issued a check payable to the department from an account that



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has been closed, or charged back a credit card transaction to the department. If an applicant or licensee commits any such act, the department may deny, suspend, or revoke the applicant's or licensee's motor vehicle dealer license.

5.a. Previously owned a majority interest in, or acted as a control person of, a motor vehicle dealer that, within the past 10 years, has been the subject of any decision, finding, injunction, suspension, revocation, denial, judgment, or administrative order by any court of competent jurisdiction, administrative law judge, or any state agency which resulted in a finding of violation of any federal or state law relating to unlicensed activity or fraud in connection with the sale of a motor vehicle.

b. Knowingly employed or contracted with a person under sub-subparagraph a. or a person who has been convicted of a felony and has not completed the resulting felony sentence or completed the felony sentence less than 10 years from the date of licensure application as a control person.

(11) INJUNCTION.—

(a) In addition to the remedies provided in this chapter and notwithstanding the existence of any adequate remedy at law, the department is authorized to make application to any circuit court of the state, and such circuit court shall have jurisdiction, upon a hearing and for cause shown, to grant a temporary or permanent injunction, or both, restraining any person from acting as a motor vehicle dealer under the terms of this section without being properly licensed hereunder, from violating or continuing to violate any of the provisions of chapter 319, this chapter, or ss. 559.901-559.9221, or for



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failing or refusing to comply with the requirements of chapter 319, this chapter, or ss. 559.901-559.9221, or any rule or regulation adopted thereunder, such injunction to be issued without bond. A single act in violation of the provisions of chapter 319, this chapter, or chapter 559 shall be sufficient to authorize the issuance of an injunction.

(b) If the court grants the injunction, the court may bar, permanently or for a specific time, any person found to have violated any federal or state law relating to unlicensed activity or fraud in connection with the sale of a motor vehicle. A person who is barred by the court under this paragraph may not continue in any capacity within the industry. The person may not have a management, sales, or any other role in the operation of a dealership. Further, if permanently barred, the person may not derive income from the dealership beyond reasonable compensation for the sale of his or her ownership interest in the business.

Section 34. Subsection (2) of section 320.8232, Florida Statutes, is amended to read:

320.8232 Establishment of uniform standards for used recreational vehicles and repair and remodeling code for mobile homes.—

(2) ~~The provisions of the~~ Mobile and Manufactured Home Repair and Remodeling Code shall be a uniform code and ~~repair and remodeling code shall~~ ensure safe and livable housing and shall not be more stringent than those standards required to be met in the manufacture of mobile homes. Such provisions shall include, ~~but not be limited to,~~ standards for structural adequacy, plumbing, heating, electrical systems, and fire and



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life safety. All repair and remodeling of mobile and manufactured homes shall be done in accordance with department rules.

Section 35. Section 320.861, Florida Statutes, is amended to read:

320.861 Investigations; subpoenas and other process; oaths; rules ~~Inspection of records; production of evidence; subpoena power.~~—

(1) The department may conduct investigations and examinations on any person suspected of violating or of having violated this chapter or any rule adopted or order issued thereunder ~~inspect the pertinent books, records, letters, and contracts of any licensee, whether dealer or manufacturer, relating to any written complaint made to it against such licensee.~~

(2) For purposes of any investigation or examination conducted under this section, the department may ~~is granted and authorized to~~ exercise the power of subpoena and the powers to administer oaths or affirmations, to examine witnesses, to require affidavits, to take depositions, and to compel the attendance of witnesses and the production of books, papers, documents, records, and other evidence. Such subpoenas may be served by a designated agent of the department ~~for the attendance of witnesses and the production of any documentary evidence necessary to the disposition by it of any written complaint against any licensee, whether dealer or manufacturer.~~

(3) If a person refuses to testify; to produce books, papers, documents, or records; or to otherwise obey the subpoena or subpoena duces tecum issued under subsection (2), the



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department may petition a court of competent jurisdiction in the county where the person's residence or principal place of business is located, upon which the court must issue an order requiring such person to obey the subpoena or show cause for failing to obey the subpoena. Unless the person shows sufficient cause for failing to obey the subpoena, the court must direct the person to obey the subpoena. Failure to comply with such order constitutes contempt of court.

(4) For the purpose of any investigation, examination, or proceeding initiated by the department under this chapter, the department may designate agents to serve subpoenas and other process and administer oaths or affirmations. The department shall exercise this power on its own initiative in accordance with ss. 320.615 and 320.71.

(5) Witnesses subpoenaed under this section are entitled to witness fees at the same rate established by s. 92.142 for witnesses in a civil case, except that witness fees are not payable for appearance at the witness's place of business during regular business hours or at the witness's residence.

(6) The department may adopt rules to administer this section.

Section 36. Subsection (2) of section 320.95, Florida Statutes, is amended to read:

320.95 Transactions by electronic or telephonic means.—

(2) The department or tax collector may collect electronic mail addresses or cellular telephone numbers and use electronic mail or text messages in lieu of the United States Postal Service for the purpose of providing information related to Department of Highway Safety and Motor Vehicles functions in



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accordance with chapter 119 and pursuant to the federal Driver Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The provision of electronic mail addresses and cellular telephone numbers by the applicant is optional and, before collection pursuant to this subsection, the department or tax collector shall disclose to the applicant the purposes for which the electronic mail addresses and cellular telephone numbers may be used ~~renewal notices~~.

Section 37. Subsection (1) of section 321.05, Florida Statutes, is amended to read:

321.05 Duties, functions, and powers of patrol officers.—
The members of the Florida Highway Patrol are hereby declared to be conservators of the peace and law enforcement officers of the state, with the common-law right to arrest a person who, in the presence of the arresting officer, commits a felony or commits an affray or breach of the peace constituting a misdemeanor, with full power to bear arms; and they shall apprehend, without warrant, any person in the unlawful commission of any of the acts over which the members of the Florida Highway Patrol are given jurisdiction as hereinafter set out and deliver him or her to the sheriff of the county that further proceedings may be had against him or her according to law. In the performance of any of the powers, duties, and functions authorized by law, members of the Florida Highway Patrol have the same protections and immunities afforded other peace officers, which shall be recognized by all courts having jurisdiction over offenses against the laws of this state, and have authority to apply for, serve, and execute search warrants, arrest warrants, capias, and other process of the court. The patrol officers under the



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direction and supervision of the Department of Highway Safety and Motor Vehicles shall perform and exercise throughout the state the following duties, functions, and powers:

(1) To patrol the state highways and regulate, control, and direct the movement of traffic thereon; to maintain the public peace by preventing violence on highways; to apprehend fugitives from justice; to enforce all laws regulating and governing traffic, travel, and public safety upon the public highways and providing for the protection of the public highways and public property thereon, including the security and safety of this state's transportation infrastructure; to make arrests without warrant for the violation of any state law committed in their presence in accordance with state law; providing that no search may be made unless it is incident to a lawful arrest, to regulate and direct traffic concentrations and congestions; to enforce laws governing the operation, licensing, and taxing and limiting the size, weight, width, length, and speed of vehicles and licensing and controlling the operations of drivers and operators of vehicles, including the safety, size, and weight of commercial motor vehicles; to collect all state fees and revenues levied as an incident to the use or right to use the highways for any purpose, including the taxing and registration of commercial motor vehicles; to require the drivers of vehicles to stop and exhibit their driver licenses, registration cards, or documents required by law to be carried by such vehicles; to investigate traffic crashes ~~accidents~~, secure testimony of witnesses and of persons involved, and make report thereof with copy, if requested in writing, to any person in interest or his or her attorney; to investigate reported thefts of vehicles; and



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to seize contraband or stolen property on or being transported on the highways. Each patrol officer of the Florida Highway Patrol is subject to and has the same arrest and other authority provided for law enforcement officers generally in chapter 901 and has statewide jurisdiction. Each officer also has arrest authority as provided for state law enforcement officers in s. 901.15. This section does not conflict with, but is supplemental to, chapter 933.

Section 38. Section 321.065, Florida Statutes, is amended to read:

321.065 Traffic crash ~~accident~~ investigation officers; employment; standards.—The department may employ traffic crash ~~accident~~ investigation officers who must complete any applicable standards adopted by the Florida Highway Patrol, including, but not limited to: cognitive testing, drug testing, polygraph testing, psychological testing, and an extensive background check, including a credit check.

Section 39. Paragraph (d) of subsection (2) of section 321.23, Florida Statutes, is amended to read:

321.23 Public records; fees for copies; destruction of obsolete records; photographing records; effect as evidence.—

(2) Fees for copies of public records shall be charged and collected as follows:

(d) Photographs (crashes ~~accidents~~, etc.):

	Enlargement Proof	Color	Black & White
1.	5" x 7"	\$1.00	\$0.75



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2.	8" x 10"	\$1.50	\$1.00
3.	11" x 14"	Not Available	\$1.75
4.	16" x 20"	Not Available	\$2.75
5.	20" x 24"	Not Available	\$3.75

The department shall furnish such information without charge to any local, state, or federal law enforcement agency upon proof satisfactory to the department as to the purpose of the investigation.

Section 40. Paragraph (a) of subsection (2) of section 322.051, Florida Statutes, is amended to read:

322.051 Identification cards.—

(2)(a) Every identification card:

1. Issued to a person 5 years of age to 14 years of age shall expire, unless canceled earlier, on the fourth birthday of the applicant following the date of original issue.

2. Issued to a person 15 years of age and older shall expire, unless canceled earlier, on the eighth birthday of the applicant following the date of original issue.

Renewal of an identification card shall be made for the applicable term enumerated in this paragraph. Any application for renewal received later than 12 months ~~90 days~~ after



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expiration of the identification card shall be considered the same as an application for an original identification card.

Section 41. Paragraphs (a) and (b) of subsection (4) of section 322.0602, Florida Statutes, are amended to read:

322.0602 Youthful Drunk Driver Visitation Program.—

(4) VISITATION REQUIREMENT.—

(a) To the extent that personnel and facilities are made available to the court, the court may include a requirement for supervised visitation by the probationer to all, or any, of the following:

1. A trauma center, as defined in s. 395.4001, or a hospital as defined in s. 395.002, which regularly receives victims of vehicle crashes ~~accidents~~, between the hours of 10 p.m. and 2 a.m. on a Friday or Saturday night, in order to observe appropriate victims of vehicle crashes ~~accidents~~ involving drinking drivers, under the supervision of any of the following:

a. A registered nurse trained in providing emergency trauma care or prehospital advanced life support.

b. An emergency room physician.

c. An emergency medical technician.

2. A licensed service provider, as defined in s. 397.311, which cares for substance abuse impaired persons, to observe persons in the terminal stages of substance abuse impairment, under the supervision of appropriately licensed medical personnel. Prior to any visitation of such terminally ill or disabled persons, the persons or their legal representatives must give their express consent to participate in the visitation program.



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3. If approved by the county coroner, the county coroner's office or the county morgue to observe appropriate victims of vehicle crashes ~~accidents~~ involving drinking drivers, under the supervision of the coroner or a deputy coroner.

(b) As used in this section, the term "appropriate victims" means victims or their legal representatives, including the next of kin, who have expressly given their consent to participate in the visitation program and victims whose condition is determined by the visitation supervisor to demonstrate the results of crashes ~~accidents~~ involving drinking drivers without being excessively gruesome or traumatic to the probationer.

Section 42. Subsection (10) of section 322.08, Florida Statutes, is amended to read:

322.08 Application for license; requirements for license and identification card forms.—

(10) The department or tax collector may collect electronic mail addresses or cellular telephone numbers and use electronic mail or text messages in lieu of the United States Postal Service for the purpose of providing information related to Department of Highway Safety and Motor Vehicles functions in accordance with chapter 119 and pursuant to the federal Driver Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The provision of electronic mail addresses and cellular telephone numbers by the applicant is optional and, before collection pursuant to this subsection, the department or tax collector shall disclose to the applicant the purposes for which the electronic mail addresses and cellular telephone numbers may be used ~~renewal notices~~.

Section 43. Subsection (5) of section 322.091, Florida



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Statutes, is amended to read:

322.091 Attendance requirements.—

(5) REPORTING AND ACCOUNTABILITY.—The department shall make available, upon request, a report ~~quarterly~~ to each school district which includes the legal name, sex, date of birth, and social security number of each student whose driving privileges have been suspended under this section.

Section 44. Section 322.17, Florida Statutes, is amended to read:

322.17 Replacement licenses, identification cards, and permits.—

(1)(a) In the event that an instruction permit or driver license issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may, upon payment of the appropriate fee pursuant to s. 322.21, obtain a replacement upon furnishing proof satisfactory to the department that such permit or license has been lost or destroyed, and further furnishing the full name, date of birth, sex, residence and mailing address, proof of birth satisfactory to the department, and proof of identity satisfactory to the department.

(b) In the event that an instruction permit, ~~or~~ driver license, or identification card issued under the provisions of this chapter is stolen, the person to whom the same was issued may, at no charge, obtain a replacement upon furnishing proof satisfactory to the department that such permit, ~~or~~ license, or identification card was stolen and further furnishing the person's full name, date of birth, sex, residence and mailing address, proof of birth satisfactory to the department, and



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proof of identity satisfactory to the department.

(2) Upon the surrender of the original license and the payment of the appropriate fees pursuant to s. 322.21, the department shall issue a replacement license to make a change in name, address, or restrictions.

(3) Notwithstanding any other provisions of this chapter, if a licensee establishes his or her identity for a driver license using an identification document authorized under s. 322.08(2)(c)7. or 8., the licensee may not obtain a duplicate or replacement instruction permit or driver license except in person and upon submission of an identification document authorized under s. 322.08(2)(c)7. or 8.

(4) Notwithstanding any other provision of this section or s. 322.21, the department shall, if necessary, issue or renew a replacement driver license at no charge to an inmate if the department determines that he or she has a valid driver license. If the replacement driver license is scheduled to expire within 6 months, the department may also issue a temporary permit valid for at least 6 months after the release date.

Section 45. Subsection (10) is added to section 322.21, Florida Statutes, to read:

322.21 License fees; procedure for handling and collecting fees.—

(10) An applicant who submits an application for a renewal or replacement driver license or identification card to the department using a convenience service must be provided with an option for expedited shipping in which the department, at the applicant's request, must issue the license or identification card within 5 working days after receipt of the application and



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ship the license or card using an expedited mail service. Fees collected for the expedited shipping option shall be deposited into the Highway Safety Operating Trust Fund.

Section 46. Present subsection (8) of section 322.212, Florida Statutes, is redesignated as subsection (9), a new subsection (8) is added to that section, and subsection (5) of that section is amended, to read:

322.212 Unauthorized possession of, and other unlawful acts in relation to, driver license or identification card.—

(5)(a) It is unlawful for any person to use a false or fictitious name in any application for a driver license or identification card or knowingly to make a false statement, knowingly conceal a material fact, provide altered or counterfeit documents, participate in dishonest or deceptive actions, or otherwise commit a fraud in any such application.

(b) It is unlawful for any person to have in his or her possession a driver license or identification card upon which the date of birth has been altered.

(c) It is unlawful for any person designated as a sexual predator or sexual offender to have in his or her possession a driver license or identification card upon which the sexual predator or sexual offender markings required by s. 322.141 are not displayed or have been altered.

(8) In addition to any other penalties provided by this section, the department shall suspend the license or permit of any person who provides false information when applying for a driver license, identification card, commercial driver license, or commercial learner's permit or who is convicted of fraud in connection with testing for a driver license, commercial driver



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license, or commercial learner's permit for a period of 1 year.

Section 47. Section 322.36, Florida Statutes, is amended to read:

322.36 Permitting unauthorized operator to drive.—A person may not authorize or knowingly permit a motor vehicle owned by him or her or under his or her dominion or control to be operated upon any highway or public street except by a person who is duly authorized to operate a motor vehicle under this chapter. Any person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. If a person violates this section by knowingly loaning a vehicle to a person whose driver license is suspended and if that vehicle is involved in a crash ~~an accident~~ resulting in bodily injury or death, the driver license of the person violating this section shall be suspended for 1 year.

Section 48. Subsection (1) of section 322.61, Florida Statutes, is amended to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(1) A person who, for offenses occurring within a 3-year period, is convicted of two of the following serious traffic violations or any combination thereof, arising in separate incidents committed in a commercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days. A holder of a commercial driver license or commercial learner's permit who, for offenses occurring within a 3-year period, is convicted of two of the following serious traffic violations, or any combination thereof, arising in separate incidents committed



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in a noncommercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days if such convictions result in the suspension, revocation, or cancellation of the licenseholder's driving privilege:

(a) A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a crash resulting in death.~~+~~

(b) Reckless driving, as defined in s. 316.192.~~+~~

(c) Unlawful speed of 15 miles per hour or more above the posted speed limit.~~;~~

(d) Improper lane change, as defined in s. 316.085.~~+~~

(e) Following too closely, as defined in s. 316.0895.~~+~~

(f) Driving a commercial vehicle without obtaining a commercial driver license.~~+~~

(g) Driving a commercial vehicle without the proper class of commercial driver license or commercial learner's permit or without the proper endorsement.~~+~~~~or~~

(h) Driving a commercial vehicle without a commercial driver license or commercial learner's permit in possession, as required by s. 322.03.

(i) Texting while driving a commercial motor vehicle as prohibited by 49 C.F.R. 392.80.

(j) Using a hand-held mobile telephone while driving a commercial motor vehicle, as prohibited by 49 C.F.R. 392.82.

Section 49. Section 322.71, Florida Statutes, is created to read:

322.71 Investigations; subpoenas and other process; oaths; rules.-



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(1) The department may conduct investigations and examinations on any person suspected of violating or of having violated any provision of this chapter or any rule adopted or order issued under this chapter.

(2) For purposes of any investigation or examination conducted under this section, the department may exercise the power of subpoena and the powers to administer oaths or affirmations, to examine witnesses, to require affidavits, to take depositions, and to compel the attendance of witnesses and the production of books, papers, documents, records, and other evidence. Such subpoenas may be served by an authorized representative of the department.

(3) If a person refuses to testify; to produce books, papers, documents, or records; or to otherwise obey the subpoena or subpoena duces tecum issued under subsection (2), the department may petition a court of competent jurisdiction in the county where the person's residence or principal place of business is located, upon which the court must issue an order requiring such person to obey the subpoena or show cause for failing to obey the subpoena. Unless the person shows sufficient cause for failing to obey the subpoena, the court must direct the person to obey the subpoena. Failure to comply with such order constitutes contempt of court.

(4) For the purpose of any investigation, examination, or proceeding initiated by the department under this chapter, the department may designate agents to serve subpoenas and other process and administer oaths or affirmations.

(5) Witnesses subpoenaed under this section are entitled to witness fees at the same rate established by s. 92.142 for



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witnesses in a civil case, except that witness fees are not payable for appearance at the witness's place of business during regular business hours or at the witness's residence.

(6) The department may adopt rules to administer this section.

Section 50. Subsection (4) of section 323.001, Florida Statutes, is amended to read:

323.001 Wrecker operator storage facilities; vehicle holds.—

(4) The requirements for a written hold apply when the following conditions are present:

(a) The officer has probable cause to believe the vehicle should be seized and forfeited under the Florida Contraband Forfeiture Act, ss. 932.701-932.7062;

(b) The officer has probable cause to believe the vehicle should be seized and forfeited under chapter 379;

(c) The officer has probable cause to believe the vehicle was used as the means of committing a crime;

(d) The officer has probable cause to believe that the vehicle is itself evidence that tends to show that a crime has been committed or that the vehicle contains evidence, which cannot readily be removed, which tends to show that a crime has been committed;

(e) The officer has probable cause to believe the vehicle was involved in a traffic crash ~~accident~~ resulting in death or personal injury and should be sealed for investigation and collection of evidence by a vehicular homicide investigator;

(f) The vehicle is impounded or immobilized pursuant to s. 316.193 or s. 322.34; or



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(g) The officer is complying with a court order.

Section 51. Paragraph (c) of subsection (1), paragraph (c) of subsection (2), and subsection (4) of section 323.002, Florida Statutes, are amended to read:

323.002 County and municipal wrecker operator systems; penalties for operation outside of system.—

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

(c) "Wrecker operator system" means a system for the towing or removal of wrecked, disabled, or abandoned vehicles, similar to the Florida Highway Patrol wrecker operator system described in s. 321.051(2), under which a county or municipality contracts with one or more wrecker operators for the towing or removal of wrecked, disabled, or abandoned vehicles from crash ~~accident~~ scenes, streets, or highways. A wrecker operator system shall include using a method for apportioning the towing assignments among the eligible wrecker operators through the creation of geographic zones, a rotation schedule, or a combination of these methods.

(2) In any county or municipality that operates a wrecker operator system:

(c) When an unauthorized wrecker operator drives by the scene of a wrecked or disabled vehicle and the owner or operator initiates contact by signaling the wrecker operator to stop and provide towing services, the unauthorized wrecker operator must disclose in writing to the owner or operator of the vehicle his or her full name and driver license number, that he or she is not the authorized wrecker operator who has been designated as part of the wrecker operator system, that the motor vehicle is not being towed for the owner's or operator's insurance company



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or lienholder, whether he or she has in effect an insurance policy providing at least \$300,000 of liability insurance and at least \$50,000 of on-hook cargo insurance, and the maximum charges for towing and storage which will apply before the vehicle is connected to the towing apparatus. The unauthorized wrecker operator must also provide a copy of the disclosure to the owner or operator in the presence of a law enforcement officer if such officer is at the scene of a motor vehicle crash ~~accident~~. Any person who violates this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and the person's wrecker, tow truck, or other motor vehicle that was used during the offense may be immediately removed and impounded pursuant to subsection (3).

(4) This section does not prohibit, or in any way prevent, the owner or operator of a vehicle involved in a crash ~~an accident~~ or otherwise disabled from contacting any wrecker operator for the provision of towing services, whether the wrecker operator is an authorized wrecker operator or not.

Section 52. Section 324.011, Florida Statutes, is amended to read:

324.011 Purpose of chapter.—It is the intent of this chapter to recognize the existing privilege to own or operate a motor vehicle on the public streets and highways of this state when such vehicles are used with due consideration for others and their property, and to promote safety and provide financial security requirements for such owners or operators whose responsibility it is to recompense others for injury to person or property caused by the operation of a motor vehicle. Therefore, it is required herein that the operator of a motor



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vehicle involved in a crash or convicted of certain traffic offenses meeting the operative provisions of s. 324.051(2) shall respond for such damages and show proof of financial ability to respond for damages in future crashes ~~accidents~~ as a requisite to his or her future exercise of such privileges.

Section 53. Subsection (1) of section 324.022, Florida Statutes, is amended to read:

324.022 Financial responsibility for property damage.—

(1) Every owner or operator of a motor vehicle required to be registered in this state shall establish and maintain the ability to respond in damages for liability on account of crashes ~~accidents~~ arising out of the use of the motor vehicle in the amount of \$10,000 because of damage to, or destruction of, property of others in any one crash. The requirements of this section may be met by one of the methods established in s. 324.031; by self-insuring as authorized by s. 768.28(16); or by maintaining an insurance policy providing coverage for property damage liability in the amount of at least \$10,000 because of damage to, or destruction of, property of others in any one crash ~~accident~~ arising out of the use of the motor vehicle. The requirements of this section may also be met by having a policy which provides coverage in the amount of at least \$30,000 for combined property damage liability and bodily injury liability for any one crash arising out of the use of the motor vehicle. The policy, with respect to coverage for property damage liability, must meet the applicable requirements of s. 324.151, subject to the usual policy exclusions that have been approved in policy forms by the Office of Insurance Regulation. No insurer shall have any duty to defend uncovered claims



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irrespective of their joinder with covered claims.

Section 54. Section 324.023, Florida Statutes, is amended to read:

324.023 Financial responsibility for bodily injury or death.—In addition to any other financial responsibility required by law, every owner or operator of a motor vehicle that is required to be registered in this state, or that is located within this state, and who, regardless of adjudication of guilt, has been found guilty of or entered a plea of guilty or nolo contendere to a charge of driving under the influence under s. 316.193 after October 1, 2007, shall, by one of the methods established in s. 324.031(1) or (2), establish and maintain the ability to respond in damages for liability on account of crashes ~~accidents~~ arising out of the use of a motor vehicle in the amount of \$100,000 because of bodily injury to, or death of, one person in any one crash and, subject to such limits for one person, in the amount of \$300,000 because of bodily injury to, or death of, two or more persons in any one crash and in the amount of \$50,000 because of property damage in any one crash. If the owner or operator chooses to establish and maintain such ability by furnishing a certificate of deposit pursuant to s. 324.031(2), such certificate of deposit must be at least \$350,000. Such higher limits must be carried for a minimum period of 3 years. If the owner or operator has not been convicted of driving under the influence or a felony traffic offense for a period of 3 years from the date of reinstatement of driving privileges for a violation of s. 316.193, the owner or operator shall be exempt from this section.

Section 55. Paragraph (b) of subsection (1) and paragraph



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(a) of subsection (2) of section 324.051, Florida Statutes, are amended to read:

324.051 Reports of crashes; suspensions of licenses and registrations.—

(1)

(b) The department is hereby further authorized to require reports of crashes from individual owners or operators whenever it deems it necessary for the proper administration of this chapter, and these reports shall be made without prejudice except as specified in this subsection. No such report shall be used as evidence in any trial arising out of a crash. However, subject to the applicable rules of evidence, a law enforcement officer at a criminal trial may testify as to any statement made to the officer by the person involved in the crash ~~accident~~ if that person's privilege against self-incrimination is not violated.

(2)(a) Thirty days after receipt of notice of any crash ~~accident~~ described in paragraph (1)(a) involving a motor vehicle within this state, the department shall suspend, after due notice and opportunity to be heard, the license of each operator and all registrations of the owner of the vehicles operated by such operator whether or not involved in such crash and, in the case of a nonresident owner or operator, shall suspend such nonresident's operating privilege in this state, unless such operator or owner shall, prior to the expiration of such 30 days, be found by the department to be exempt from the operation of this chapter, based upon evidence satisfactory to the department that:

1. The motor vehicle was legally parked at the time of such



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crash.

2. The motor vehicle was owned by the United States Government, this state, or any political subdivision of this state or any municipality therein.

3. Such operator or owner has secured a duly acknowledged written agreement providing for release from liability by all parties injured as the result of said crash and has complied with one of the provisions of s. 324.031.

4. Such operator or owner has deposited with the department security to conform with s. 324.061 when applicable and has complied with one of the provisions of s. 324.031.

5. One year has elapsed since such owner or operator was suspended pursuant to subsection (3), the owner or operator has complied with one of the provisions of s. 324.031, and no bill of complaint of which the department has notice has been filed in a court of competent jurisdiction.

No such policy or bond shall be effective under this subsection unless it contains limits of not less than those specified in s. 324.021(7).

Section 56. Subsections (2), (3), and (4) of section 324.242, Florida Statutes, are amended to read:

324.242 Personal injury protection and property damage liability insurance policies; public records exemption.—

(2) Upon receipt of a request and proof of a crash report as required under s. 316.065, s. 316.066, or s. 316.068, or a crash report created pursuant to the laws of another state, the department shall release the policy number for a policy covering a vehicle involved in a motor vehicle crash ~~accident~~ to:



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(a) Any person involved in such crash ~~accident~~;

(b) The attorney of any person involved in such crash ~~accident~~; or

(c) A representative of the insurer of any person involved in such crash ~~accident~~.

(3) The department shall provide personal injury protection and property damage liability insurance policy numbers to department-approved third parties that provide data collection services to an insurer of any person involved in such crash ~~accident~~.

(4) Before the department's release of a policy number in accordance with subsection (2) or subsection (3), an insurer's representative, a contracted third party, or an attorney for a person involved in a crash ~~an accident~~ must provide the department with documentation confirming proof of representation.

Section 57. Section 328.30, Florida Statutes, is amended to read:

328.30 Transactions by electronic or telephonic means.—

(1) The Department of Highway Safety and Motor Vehicles may accept any application provided for under this part ~~chapter~~ by electronic or telephonic means.

(2) The department may issue an electronic certificate of title in lieu of printing a paper title.

(3) The department or tax collector may collect electronic mail addresses or cellular telephone numbers and use electronic mail or text messages in lieu of the United States Postal Service for the purpose of providing information related to Department of Highway Safety and Motor Vehicles functions in



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accordance with chapter 119 and pursuant to the federal Driver Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The provision of electronic mail addresses and cellular telephone numbers by the applicant is optional and, before collection pursuant to this subsection, the department or tax collector shall disclose to the applicant the purposes for which the electronic mail addresses and cellular telephone numbers may be used ~~renewal notices~~.

Section 58. Subsection (3) of section 328.40, Florida Statutes, is amended to read:

328.40 Administration of vessel registration and titling laws; records.—

(3) All records made or kept by the Department of Highway Safety and Motor Vehicles under this part are subject to inspection and copying as provided in chapter 119 ~~law are public records except for confidential reports~~.

Section 59. Subsection (1) of section 328.73, Florida Statutes, is amended to read:

328.73 Registration; duties of tax collectors.—

(1) The tax collectors in the counties of the state, as authorized agents of the department, shall issue registration certificates and vessel numbers and decals to applicants, subject to the requirements of law and in accordance with rules of the department. For the purpose of enhancing customer services provided by tax collectors acting on behalf of the department, the department, contingent upon an approved request and memorandum of understanding, shall provide tax collectors, and tax collector-approved agents and vendors with real-time access to data that other third parties receive from the



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department related to registration certificates and vessel numbers and decals, including, but not limited to, the most current address information and electronic mail addresses of applicants. The memorandum of understanding as required under this paragraph may not be more restrictive than any memorandum of understanding between the department and other third-party vendors.

Section 60. Section 328.80, Florida Statutes, is amended to read:

328.80 Transactions by electronic or telephonic means.—

(1) The Department of Highway Safety and Motor Vehicles ~~commission~~ is authorized to accept any application provided for under this part ~~chapter~~ by electronic or telephonic means.

(2) The department or tax collector may collect electronic mail addresses or cellular telephone numbers and use electronic mail or text messages in lieu of the United States Postal Service for the purpose of providing information related to Department of Highway Safety and Motor Vehicles functions in accordance with chapter 119 and pursuant to the federal Driver Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The provision of electronic mail addresses and cellular telephone numbers by the applicant is optional and, before collection pursuant to this subsection, the department or tax collector shall disclose to the applicant the purposes for which the electronic mail addresses and cellular telephone numbers may be used.

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



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1048 Delete lines 102 - 229
1049 and insert:
1050 certain rules; amending s. 316.003, F.S.; defining the
1051 term "platoon"; conforming a cross-reference;
1052 repealing s. 316.0896, F.S., relating to the assistive
1053 truck platooning technology pilot project; creating s.
1054 316.0897, F.S.; exempting the operator of a nonlead
1055 vehicle in a platoon from provisions relating to
1056 following too closely; authorizing a platoon to be
1057 operated on a roadway in this state after an operator
1058 provides notification to the Department of
1059 Transportation and the Department of Highway Safety
1060 and Motor Vehicles; amending s. 316.1895, F.S.;
1061 authorizing a district school board by simple majority
1062 vote to increase the time a school zone speed limit is
1063 in force under certain circumstances; amending s.
1064 316.303, F.S.; exempting an operator of a certain
1065 platoon vehicle from the prohibition on the active
1066 display of television or video; amending s. 319.40,
1067 F.S.; authorizing the department or a tax collector to
1068 collect electronic mail addresses or cellular
1069 telephone numbers and to use them for certain
1070 purposes; providing that electronic mail addresses and
1071 cellular telephone numbers may be provided at the
1072 option of the applicant; requiring the department or a
1073 tax collector to disclose to the applicant the
1074 purposes for which the electronic mail addresses and
1075 cellular telephone numbers may be used; amending s.
1076 320.01, F.S.; redefining the term "apportionable



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1077 vehicle"; amending s. 320.03, F.S.; authorizing the
1078 department, under certain circumstances, to provide
1079 tax collectors and certain agents and vendors with
1080 certain real-time access to data related to vehicle
1081 and mobile home registration certificates,
1082 registration license plates, and validation stickers;
1083 providing requirements for a certain memorandum of
1084 understanding; amending s. 320.06, F.S.; providing for
1085 future repeal of requirements for vehicles that have
1086 apportioned registrations; providing requirements for
1087 certain vehicles that have apportioned registrations
1088 upon implementation of a certain operating system;
1089 requiring that the fee be deposited into the Highway
1090 Safety Operating Trust Fund; authorizing certain
1091 license plates to be replaced at no charge; providing
1092 tax collectors and their agents the option to purchase
1093 validation stickers and paper stock that is used to
1094 produce vehicle registrations from vendors under
1095 certain circumstances; exempting such purchases from
1096 certain competitive bid requirements; requiring the
1097 department to reimburse the tax collectors and their
1098 agents for such purchases, subject to certain
1099 restrictions; requiring the tax collectors and their
1100 agents to invoice the department in arrears for the
1101 validation stickers and vehicle registrations as they
1102 are issued; amending s. 320.0607, F.S.; providing
1103 applicability; amending s. 320.131, F.S.; authorizing
1104 the department to partner with a county tax collector
1105 to conduct a Fleet Vehicle Temporary Tag Pilot Program



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1106 for certain purposes; providing program requirements;
1107 providing for future repeal; amending s. 320.27, F.S.;
1108 defining the term "control person"; authorizing the
1109 department to deny a new or renewal application for,
1110 or suspend or revoke, certain dealer licenses under
1111 certain circumstances; authorizing the court to bar a
1112 person from acting as a motor vehicle dealer under
1113 certain circumstances, subject to certain
1114 requirements; amending s. 320.8232, F.S.; requiring
1115 the Mobile and Manufactured Home Repair and Remodeling
1116 Code to be a uniform code; providing specified
1117 standards for provisions of the code; requiring all
1118 repair and remodeling of mobile and manufactured homes
1119 to be done in accordance with department rules;
1120 amending s. 320.861, F.S.; authorizing the department
1121 to conduct investigations and examinations of persons
1122 suspected of violating or of having violated certain
1123 laws, rules, or orders relating to motor vehicle
1124 licenses; proving additional powers related to such
1125 investigations and examinations; requiring a court to
1126 take specified actions under certain circumstances;
1127 providing for witness fees; authorizing the department
1128 to adopt certain rules; amending s. 320.95, F.S.;
1129 authorizing the department or a tax collector to
1130 collect electronic mail addresses or cellular
1131 telephone numbers and to use electronic mail or text
1132 messages for certain purposes; providing that
1133 electronic mail addresses and cellular telephone
1134 numbers may be provided at the option of the



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1135 applicant; requiring the department or a tax collector
1136 to disclose to the applicant the purposes for which
1137 the electronic mail addresses and cellular telephone
1138 numbers may be used; amending s. 321.05, F.S.;
1139 authorizing certain patrol officers to investigate
1140 traffic crashes; amending s. 321.065, F.S.;
1141 authorizing the department to employ certain traffic
1142 crash investigation officers; amending s. 321.23,
1143 F.S.; revising certain public records photographs to
1144 include crashes; amending s. 322.051, F.S.; extending
1145 the period after which a renewal application for an
1146 identification card is considered the same as an
1147 original application; amending s. 322.0602, F.S.;
1148 authorizing courts to include a requirement for
1149 supervised visitation under the Youthful Drunk Driver
1150 Visitation Program at trauma centers that regularly
1151 receive victims of vehicle crashes; conforming
1152 provisions to changes made by the act; amending s.
1153 322.08, F.S.; authorizing the department or a tax
1154 collector to collect electronic mail addresses or
1155 cellular telephone numbers and use electronic mail or
1156 text messages for certain purposes; providing that
1157 electronic mail addresses and cellular telephone
1158 numbers may be provided at the option of the
1159 applicant; requiring the department or a tax collector
1160 to disclose to the applicant the purposes for which
1161 the electronic mail addresses and cellular telephone
1162 numbers may be used; amending s. 322.091, F.S.;
1163 requiring that the department make available, upon



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1164 request, a report that includes specific information
1165 for students whose driving privileges have been
1166 suspended; amending s. 322.17, F.S.; authorizing
1167 stolen identification cards to be replaced at no
1168 charge under certain circumstances; amending s.
1169 322.21, F.S.; providing for expedited shipping for the
1170 renewal or replacement driver licenses or
1171 identification cards under certain circumstances,
1172 subject to certain requirements; requiring that the
1173 fee be deposited into the Highway Safety Operating
1174 Trust Fund; amending s. 322.212, F.S.; prohibiting a
1175 person from providing altered or counterfeit documents
1176 or participating in dishonest or deceptive actions in
1177 any application for a driver license or identification
1178 card; providing for the suspension of specified
1179 licenses or permits for specified periods under
1180 certain circumstances; providing construction;
1181 amending s. 322.36, F.S.; providing for suspension of
1182 license for loaning a vehicle to a person whose
1183 license is suspended if such vehicle is involved in
1184 certain crashes; amending s. 322.61, F.S.; adding
1185 violations for disqualification from operating a
1186 commercial motor vehicle; creating s. 322.71, F.S.;
1187 authorizing the department to conduct investigations
1188 and examinations of persons suspected of violating or
1189 of having violated certain laws, rules, or orders
1190 relating to motor vehicle licenses; providing
1191 additional powers related to such investigations and
1192 examinations; requiring a court to take specified



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1193 actions under certain circumstances; providing for
1194 witness fees; authorizing the department to adopt
1195 certain rules; amending s. 323.001, F.S.; providing
1196 that the requirements for a certain written hold on a
1197 motor vehicle apply when an officer has probable cause
1198 to believe the vehicle was involved in a certain
1199 traffic crash; amending s. 323.002, F.S.; revising the
1200 term "wrecker operator system" to include wrecker
1201 operators removing vehicles from crash scenes under
1202 certain circumstances; requiring that an unauthorized
1203 wrecker operator provide a copy of a certain
1204 disclosure to the owner or operator of a vehicle in
1205 the presence of a law enforcement officer if such
1206 officer is at the scene of a motor vehicle crash;
1207 revising applicability to include vehicles involved in
1208 a crash, rather than an accident; amending s. 324.011,
1209 F.S.; requiring that certain operators of motor
1210 vehicles involved in a crash or convicted of certain
1211 traffic offenses show proof of financial ability to
1212 respond for damages in future crashes; amending s.
1213 324.022, F.S.; requiring that a certain owner or
1214 operator of a motor vehicle establish and maintain the
1215 ability to respond in damages for liability on account
1216 of certain crashes; conforming a provision to changes
1217 made by the act; amending s. 324.023, F.S.; requiring
1218 that a certain owner or operator of a motor vehicle
1219 establish and maintain the ability to respond in
1220 damages for liability on account of certain crashes;
1221 amending s. 324.051, F.S.; authorizing a law



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1222 enforcement officer at a criminal trial to testify as
1223 to any statement made to the officer by the person
1224 involved in a crash under certain circumstances;
1225 providing for certain suspensions of license,
1226 registration, and operating privileges after notice of
1227 a certain crash; amending s. 324.242, F.S.; requiring
1228 that the department release a policy number for a
1229 policy covering a vehicle involved in a motor vehicle
1230 crash under certain circumstances; conforming
1231 provisions to changes made by the act; amending s.
1232 328.30, F.S.; authorizing the department to accept
1233 certain applications by electronic or telephonic
1234 means; authorizing the department or a tax collector
1235 to collect electronic mail addresses or cellular
1236 telephone numbers and to use electronic mail or text
1237 messages for certain purposes; providing that
1238 electronic mail addresses and cellular telephone
1239 numbers may be provided at the option of the
1240 applicant; requiring the department or a tax collector
1241 to disclose to the applicant the purposes for which
1242 the electronic mail addresses and cellular telephone
1243 numbers may be used; amending s. 328.40, F.S.;
1244 providing that certain records made or kept by the
1245 department are subject to certain inspection and
1246 copying requirements; amending s. 328.73, F.S.;
1247 requiring the department, under certain circumstances,
1248 to provide tax collectors and certain agents and
1249 vendors with certain real-time access to data related
1250 to registration certificates and vessel numbers and



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1251 decals; providing requirements for a certain
1252 memorandum of understanding; amending s. 328.80, F.S.;
1253 authorizing the department to accept certain
1254 applications by electronic or telephonic means;
1255 authorizing the department or a tax collector to
1256 collect electronic mail addresses or cellular
1257 telephone numbers and to use electronic mail or text
1258 messages for certain purposes; providing that
1259 electronic mail addresses and cellular telephone
1260 numbers may be provided at the option of an applicant;
1261 requiring the department or tax collector to disclose
1262 to an applicant the purposes for which the electronic
1263 mail addresses and cellular telephone numbers may be
1264 used; amending s. 627.7415,

FOR CONSIDERATION By the Committee on Infrastructure and Security

596-02573B-19

20197090pb

1 A bill to be entitled
 2 An act relating to the Department of Highway Safety
 3 and Motor Vehicles; amending s. 316.003, F.S.;
 4 defining terms; conforming a cross-reference; amending
 5 s. 316.027, F.S.; deleting the defined term "serious
 6 bodily injury"; requiring community service in a
 7 trauma center or hospital that receives victims of
 8 vehicle crashes; amending s. 316.0271, F.S.; requiring
 9 that, under a yellow dot program, certain critical
 10 medical information be made readily available to
 11 responders in the event of a motor vehicle crash;
 12 authorizing an emergency medical responder at a motor
 13 vehicle crash to search the glove compartment of the
 14 vehicle for a yellow dot folder; amending s. 316.061,
 15 F.S.; prohibiting certain persons from being liable or
 16 at fault regarding the cause of a crash solely by
 17 reason of moving a vehicle; amending s. 316.192, F.S.;
 18 deleting the defined term "serious bodily injury";
 19 amending s. 316.193, F.S.; adding an operator to
 20 persons who may incur serious bodily injury for
 21 purposes of a certain penalty; amending s. 316.1933,
 22 F.S.; adding a driver to persons who may incur serious
 23 bodily injury for purposes of a certain alcohol or
 24 drug test; deleting the defined term "serious bodily
 25 injury"; amending s. 316.194, F.S.; authorizing
 26 traffic crash investigation officers, rather than
 27 traffic accident investigation officers, to move
 28 vehicles; amending s. 316.302, F.S.; revising the
 29 applicability of specified rules and regulations to

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30 certain owners and drivers of commercial motor
 31 vehicles; providing that a person who operates a
 32 commercial motor vehicle solely in intrastate commerce
 33 which does not transport hazardous materials in
 34 amounts that require placarding need not comply with
 35 specified requirements of electronic logging devices
 36 and hours of service supporting documents until a
 37 specified date; removing a limit on civil penalties
 38 for falsification of certain time records; deleting a
 39 requirement that a motor carrier maintain
 40 documentation of driving times under certain
 41 circumstances; revising the conditions under which
 42 persons who operate commercial motor vehicles are
 43 exempt from specified rules and regulations; amending
 44 s. 316.622, F.S.; requiring that the department
 45 provide to the Department of Business and Professional
 46 Regulation a copy of each crash report involving a
 47 farm labor vehicle; amending s. 316.640, F.S.;
 48 authorizing the Division of the Florida Highway Patrol
 49 to employ traffic crash investigation officers, rather
 50 than traffic accident investigation officers;
 51 conforming provisions to changes made by that act;
 52 amending s. 316.655, F.S.; authorizing a driver
 53 convicted of certain violations resulting in a crash,
 54 rather than an accident, to have his or her driving
 55 privileges revoked or suspended by the court; amending
 56 s. 316.70, F.S.; requiring that owners and drivers of
 57 certain nonpublic sector buses be subject to specified
 58 rules and regulations; providing duties for the

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59 Department of Highway Safety and Motor Vehicles,
 60 rather than the Department of Transportation, for such
 61 nonpublic sector buses; authorizing department
 62 personnel to conduct compliance investigations and
 63 assess certain penalties; authorizing motor carriers
 64 to be enjoined under certain circumstances;
 65 authorizing certain officers and agents to require
 66 drivers of certain commercial vehicles to submit to
 67 certain inspections and to either remove the vehicle
 68 or driver from service or provide notice requiring
 69 correction under certain circumstances; amending s.
 70 318.19, F.S.; revising infractions that require a
 71 mandatory hearing; amending s. 319.001, F.S.; defining
 72 terms; creating s. 319.002, F.S.; providing for
 73 department administering and enforcement requirements;
 74 providing rulemaking authority for the department;
 75 amending s. 319.141, F.S.; creating a private rebuilt
 76 motor vehicle inspection program, to replace a pilot
 77 rebuilt motor vehicle inspection program; providing
 78 powers and duties of the department; specifying the
 79 purpose of the program; providing requirements for the
 80 program; providing powers and requirements for private
 81 rebuilt inspection providers; creating s. 319.1411,
 82 F.S.; authorizing the department to monitor and
 83 inspect the operations of private rebuilt inspection
 84 providers to make specified determinations; creating
 85 s. 319.142, F.S.; providing grounds and requirements
 86 for termination of a contract with a private rebuilt
 87 inspection provider; creating s. 319.1414, F.S.;

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88 authorizing the department to investigate and examine
 89 private rebuilt inspection providers under certain
 90 circumstances; providing additional powers related to
 91 such investigations and examinations; requiring a
 92 court to take specified actions under certain
 93 circumstances; providing for witness fees; authorizing
 94 the department to adopt certain rules; amending s.
 95 319.25, F.S.; authorizing the department to conduct
 96 investigations and examinations of certain persons
 97 relating to title certificates; authorizing additional
 98 powers related to such investigations and
 99 examinations; requiring a court to take specified
 100 actions under certain circumstances; providing for
 101 witness fees; authorizing the department to adopt
 102 certain rules; amending s. 319.40, F.S.; authorizing
 103 the department to collect and use e-mail addresses for
 104 certain purposes; amending s. 320.01, F.S.; redefining
 105 the term "apportionable vehicle"; amending s. 320.06,
 106 F.S.; providing for future repeal of requirements for
 107 vehicles that have apportioned registrations;
 108 providing requirements for certain vehicles that have
 109 apportioned registrations upon implementation of a
 110 certain operating system; requiring that the fee be
 111 deposited into the Highway Safety Operating Trust
 112 Fund; authorizing certain license plates to be
 113 replaced at no charge; amending s. 320.0607, F.S.;
 114 providing applicability; amending s. 320.27, F.S.;
 115 defining the term "control person"; authorizing the
 116 department to deny a new or renewal application for,

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117 or suspend or revoke, certain dealer licenses under
 118 certain circumstances; authorizing the court to bar a
 119 person from acting as a motor vehicle dealer under
 120 certain circumstances, subject to certain
 121 requirements; amending s. 320.861, F.S.; authorizing
 122 the department to conduct investigations and
 123 examinations of persons suspected of violating or of
 124 having violated certain laws, rules, or orders
 125 relating to motor vehicle licenses; proving additional
 126 powers related to such investigations and
 127 examinations; requiring a court to take specified
 128 actions under certain circumstances; providing for
 129 witness fees; authorizing the department to adopt
 130 certain rules; amending s. 320.95, F.S.; authorizing
 131 the department to collect and use e-mail addresses for
 132 certain purposes; amending s. 321.05, F.S.;
 133 authorizing certain patrol officers to investigate
 134 traffic crashes; amending s. 321.065, F.S.;
 135 authorizing the department to employ certain traffic
 136 crash investigation officers; amending s. 321.23,
 137 F.S.; revising certain public records photographs to
 138 include crashes; amending s. 322.051, F.S.; extending
 139 the period after which a renewal application for an
 140 identification card is considered the same as an
 141 original application; amending s. 322.0602, F.S.;
 142 authorizing courts to include a requirement for
 143 supervised visitation under the Youthful Drunk Driver
 144 Visitation Program at trauma centers that regularly
 145 receive victims of vehicle crashes; conforming

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146 provisions to changes made by the act; amending s.
 147 322.08, F.S.; authorizing the department to collect
 148 and use e-mail addresses for certain purposes;
 149 amending s. 322.091, F.S.; requiring that the
 150 department make available, upon request, a report that
 151 includes specific information for students whose
 152 driving privileges have been suspended; amending s.
 153 322.17, F.S.; authorizing stolen identification cards
 154 to be replaced at no charge under certain
 155 circumstances; amending s. 322.21, F.S.; providing for
 156 expedited shipping for the renewal or replacement
 157 driver licenses or identification cards under certain
 158 circumstances, subject to certain requirements;
 159 requiring that the fee be deposited into the Highway
 160 Safety Operating Trust Fund; amending s. 322.212,
 161 F.S.; prohibiting a person from providing altered or
 162 counterfeit documents or participating in dishonest or
 163 deceptive actions in any application for a driver
 164 license or identification card; providing for the
 165 suspension of specified licenses or permits for
 166 specified periods under certain circumstances;
 167 providing construction; amending s. 322.36, F.S.;
 168 providing for suspension of license for loaning a
 169 vehicle to a person whose license is suspended if such
 170 vehicle is involved in certain crashes; amending s.
 171 322.61, F.S.; adding violations for disqualification
 172 from operating a commercial motor vehicle; creating s.
 173 322.71, F.S.; authorizing the department to conduct
 174 investigations and examinations of persons suspected

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

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175 of violating or of having violated certain laws,
 176 rules, or orders relating to motor vehicle licenses;
 177 providing additional powers related to such
 178 investigations and examinations; requiring a court to
 179 take specified actions under certain circumstances;
 180 providing for witness fees; authorizing the department
 181 to adopt certain rules; amending s. 323.001, F.S.;
 182 providing that the requirements for a certain written
 183 hold on a motor vehicle apply when an officer has
 184 probable cause to believe the vehicle was involved in
 185 a certain traffic crash; amending s. 323.002, F.S.;
 186 revising the term "wrecker operator system" to include
 187 wrecker operators removing vehicles from crash scenes
 188 under certain circumstances; requiring that an
 189 unauthorized wrecker operator provide a copy of a
 190 certain disclosure to the owner or operator of a
 191 vehicle in the presence of a law enforcement officer
 192 if such officer is at the scene of a motor vehicle
 193 crash; revising applicability to include vehicles
 194 involved in a crash, rather than an accident; amending
 195 s. 324.011, F.S.; requiring that certain operators of
 196 motor vehicles involved in a crash or convicted of
 197 certain traffic offenses show proof of financial
 198 ability to respond for damages in future crashes;
 199 amending s. 324.022, F.S.; requiring that a certain
 200 owner or operator of a motor vehicle establish and
 201 maintain the ability to respond in damages for
 202 liability on account of certain crashes; conforming a
 203 provision to changes made by the act; amending s.

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204 324.023, F.S.; requiring that a certain owner or
 205 operator of a motor vehicle establish and maintain the
 206 ability to respond in damages for liability on account
 207 of certain crashes; amending s. 324.051, F.S.;
 208 authorizing a law enforcement officer at a criminal
 209 trial to testify as to any statement made to the
 210 officer by the person involved in a crash under
 211 certain circumstances; providing for certain
 212 suspensions of license, registration, and operating
 213 privileges after notice of a certain crash; amending
 214 s. 324.242, F.S.; requiring that the department
 215 release a policy number for a policy covering a
 216 vehicle involved in a motor vehicle crash under
 217 certain circumstances; conforming provisions to
 218 changes made by the act; amending s. 328.30, F.S.;
 219 authorizing the department to accept certain
 220 applications by electronic or telephonic means;
 221 authorizing the department to collect and use e-mail
 222 addresses for certain purposes; amending s. 328.40,
 223 F.S.; providing that certain records made or kept by
 224 the department are subject to certain inspection and
 225 copying requirements; amending s. 328.80, F.S.;
 226 authorizing the department to accept certain
 227 applications by electronic or telephonic means;
 228 authorizing the department to collect and use e-mail
 229 addresses for certain purposes; amending s. 627.7415,
 230 F.S.; revising the applicability of certain federal
 231 regulations that commercial motor vehicles are subject
 232 to for certain insurance purposes; amending ss.

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233 316.251, 501.976, 655.960, 856.015, F.S.; conforming
 234 cross-references; providing an effective date.

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

237
 238 Section 1. Present subsections (16) through (73) and (74)
 239 through (101) of s. 316.003, Florida Statutes, are redesignated
 240 as subsections (17) through (74) and (76) through (103),
 241 respectively, new subsections (16) and (75) are added to that
 242 section, and present subsection (59) of that section is amended,
 243 to read:

244 316.003 Definitions.—The following words and phrases, when
 245 used in this chapter, shall have the meanings respectively
 246 ascribed to them in this section, except where the context
 247 otherwise requires:

248 (16) CRASH.—The operation of a motor vehicle, motorized
 249 scooter, or moped in this state which results in property damage
 250 or the death of or bodily injury, or a complaint of bodily
 251 injury, to any person. The term "crash" includes separation of
 252 the operator or an occupant from a motor vehicle, motorized
 253 scooter, or moped, or a trailer being drawn by a motor vehicle,
 254 while in motion, which results in property damage or the death
 255 of or bodily injury, or a complaint of bodily injury, to any
 256 person. The term "crash" does not include such operation in any
 257 of the following situations:

258 (a) On private property, if such operation does not result
 259 in death or serious bodily injury, except that the term "crash"
 260 includes such operation on private property when the operator is
 261 suspected of violating s. 316.193.

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262 (b) On a closed course used for commercial or recreational
 263 purposes, such as a commercial driving school or race track,
 264 except that the term "crash" includes such operation on a closed
 265 course when the operator is suspected of violating s. 316.193.

266 (c) If such property damage, death, bodily injury, or
 267 complaint of bodily injury results from an intentional act of a
 268 law enforcement officer to force a motor vehicle or moped to
 269 stop or reduce speed, such as use of a pursuit termination
 270 device or the precision immobilization technique, except that
 271 the term "crash" includes such operation that results in such
 272 property damage or the death of or bodily injury to, or
 273 complaint of bodily injury to, anyone other than the operator or
 274 occupant of the motor vehicle or moped being forced to stop or
 275 reduce speed or the law enforcement officer.

276 (d) The death or suffering of a medical episode by the
 277 operator or an occupant of a motor vehicle or moped, if
 278 operation of the motor vehicle or moped did not result in such
 279 death or medical episode and did not result in property damage
 280 or the death of or bodily injury, or complaint of bodily injury,
 281 to any other person.

282 (60)-(59) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
 283 provided in paragraph (83) (b) ~~(81) (b)~~, any privately owned way
 284 or place used for vehicular travel by the owner and those having
 285 express or implied permission from the owner, but not by other
 286 persons.

287 (75) SERIOUS BODILY INJURY.—An injury to any person which
 288 consists of a physical injury that creates a substantial risk of
 289 death, significant personal disfigurement, or protracted loss or
 290 impairment of the function of any bodily member or organ.

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Section 2. Subsections (1) and (4) of section 316.027, Florida Statutes, are amended to read:

316.027 Crash involving death or personal injuries.—

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

~~(a) "Serious bodily injury" means an injury to a person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of a bodily member or organ.~~

~~(b)~~ "vulnerable road user" means any of the following:

(a)1- A pedestrian, including a person actually engaged in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way.

(b)2- A person operating a bicycle, motorcycle, scooter, or moped lawfully on the roadway.

(c)3- A person riding an animal.

(d)4- A person lawfully operating on a public right-of-way, crosswalk, or shoulder of the roadway:

1.a- A farm tractor or similar vehicle designed primarily for farm use;

2.b- A skateboard, roller skates, or in-line skates;

3.e- A horse-drawn carriage;

4.d- An electric personal assistive mobility device; or

5.e- A wheelchair.

(4) (a) In addition to any other civil, criminal, or administrative penalty imposed, a person whose commission of a noncriminal traffic infraction or a violation of this chapter or s. 1006.66 causes or results in the death of another person may

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be required by the court to serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle ~~crashes~~ accidents, under the supervision of a registered nurse, an emergency room physician, or an emergency medical technician pursuant to a voluntary community service program operated by the trauma center or hospital.

(b) Notwithstanding paragraph (a), in addition to any other civil, criminal, or administrative penalty imposed, a person whose commission of a violation of s. 316.172(1)(a) or (b) causes or results in serious bodily injury to or death of another person shall be required by the court to:

1. Serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle crashes ~~accidents~~, under the supervision of a registered nurse, an emergency room physician, or an emergency medical technician pursuant to a voluntary community service program operated by the trauma center or hospital.

2. Participate in a victim's impact panel session in a judicial circuit if such a panel exists, or if such a panel does not exist, attend a department-approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway as provided in s. 322.0261(2).

Section 3. Subsection (1) and paragraph (a) of subsection (5) of section 316.0271, Florida Statutes, are amended to read:

316.0271 Yellow dot critical motorist medical information program; yellow dot decal, folder, and information form.—

(1) The governing body of a county may create a yellow dot critical motorist medical information program to facilitate the provision of emergency medical care to program participants by

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emergency medical responders by making critical medical information readily available to responders in the event of a motor vehicle ~~crash accident~~ or a medical emergency involving a participant's vehicle.

(5) (a) If the driver or a passenger of a motor vehicle is involved in a motor vehicle ~~crash accident~~ or emergency situation and a yellow dot decal is affixed to the vehicle, an emergency medical responder at the scene may search the glove compartment of the vehicle for the corresponding yellow dot folder.

Section 4. Subsection (3) of section 316.061, Florida Statutes, is amended to read:

316.061 Crashes involving damage to vehicle or property.—

(3) Employees or authorized agents of the Department of Transportation, law enforcement with proper jurisdiction, or an expressway authority created pursuant to chapter 348, in the exercise, management, control, and maintenance of its highway system, may undertake the removal from the main traveled way of roads on its highway system of all vehicles incapacitated as a result of a motor vehicle crash and of debris caused thereby. Such removal is applicable when such a motor vehicle crash results only in damage to a vehicle or other property, and when such removal can be accomplished safely and will result in the improved safety or convenience of travel upon the road. The driver or any other person who has removed a motor vehicle from the main traveled way of the road as provided in this section ~~may shall~~ not be considered liable or at fault regarding the cause of the ~~crash accident~~ solely by reason of moving the vehicle.

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Section 5. Paragraph (c) of subsection (3) of section 316.192, Florida Statutes, is amended to read:

316.192 Reckless driving.—

(3) Any person:

(c) Who, by reason of such operation, causes:

1. Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Serious bodily injury to another commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. ~~The term "serious bodily injury" means an injury to another person, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.~~

Section 6. Subsection (3) of section 316.193, Florida Statutes, is amended to read:

316.193 Driving under the influence; penalties.—

(3) Any person:

(a) Who is in violation of subsection (1);

(b) Who operates a vehicle; and

(c) Who, by reason of such operation, causes or contributes to causing:

1. Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Serious bodily injury to another or to himself or herself, ~~as defined in s. 316.1933~~, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083,

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or s. 775.084.

3. The death of any human being or unborn child commits DUI manslaughter, and commits:

a. A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:

(I) At the time of the crash, the person knew, or should have known, that the crash occurred; and

(II) The person failed to give information and render aid as required by s. 316.062.

For purposes of this subsection, the term "unborn child" has the same meaning as provided in s. 775.021(5). A person who is convicted of DUI manslaughter shall be sentenced to a mandatory minimum term of imprisonment of 4 years.

Section 7. Subsection (1) of section 316.1933, Florida Statutes, is amended to read

316.1933 Blood test for impairment or intoxication in cases of death or serious bodily injury; right to use reasonable force.—

(1)~~(a)~~ If a law enforcement officer has probable cause to believe that a motor vehicle driven by or in the actual physical control of a person under the influence of alcoholic beverages, any chemical substances, or any controlled substances has caused the death or serious bodily injury of a human being, including serious bodily injury of the driver, a law enforcement officer shall require the person driving or in actual physical control of the motor vehicle to submit to a test of the person's blood

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for the purpose of determining the alcoholic content thereof or the presence of chemical substances as set forth in s. 877.111 or any substance controlled under chapter 893. The law enforcement officer may use reasonable force if necessary to require such person to submit to the administration of the blood test. The blood test shall be performed in a reasonable manner. Notwithstanding s. 316.1932, the testing required by this paragraph need not be incidental to a lawful arrest of the person.

~~(b) The term "serious bodily injury" means an injury to any person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.~~

Section 8. Paragraphs (a) and (b) of subsection (3) of section 316.194, Florida Statutes, are amended to read:

316.194 Stopping, standing or parking outside of municipalities.—

(3) (a) Whenever any police officer or traffic crash ~~accident~~ investigation officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this section, the officer is authorized to move the vehicle, or require the driver or other persons in charge of the vehicle to move the vehicle, to a position off the paved or main-traveled part of the highway.

(b) Officers and traffic crash ~~accident~~ investigation officers may provide for the removal of any abandoned vehicle to the nearest garage or other place of safety, cost of such removal to be a lien against motor vehicle, when an abandoned

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vehicle is found unattended upon a bridge or causeway or in any tunnel, or on any public highway in the following instances:

1. Where such vehicle constitutes an obstruction of traffic;

2. Where such vehicle has been parked or stored on the public right-of-way for a period exceeding 48 hours, in other than designated parking areas, and is within 30 feet of the pavement edge; and

3. Where an operative vehicle has been parked or stored on the public right-of-way for a period exceeding 10 days, in other than designated parking areas, and is more than 30 feet from the pavement edge. However, the agency removing such vehicle shall be required to report same to the Department of Highway Safety and Motor Vehicles within 24 hours of such removal.

Section 9. Subsections (1) and (2) of section 316.302, Florida Statutes, are amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1) (a) All owners and drivers of commercial motor vehicles that are operated on the public highways of this state while engaged in interstate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 383, 385, 386 and 390-397.

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 383, 385, 386, and 390-397, ~~with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus,~~ as such rules and regulations existed on

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December 31, 2018 ~~2012~~.

(c) The emergency exceptions provided by 49 C.F.R. s. 392.82 also apply to communications by utility drivers and utility contractor drivers during a Level 1 activation of the State Emergency Operations Center, as provided in the Florida Comprehensive Emergency Management plan, or during a state of emergency declared by executive order or proclamation of the Governor.

(d) Except as provided ~~in s. 316.215(5), and except as provided~~ in s. 316.228 for rear overhang lighting and flagging requirements for intrastate operations, the requirements of this section supersede all other safety requirements of this chapter for commercial motor vehicles.

(e) A person who operates a commercial motor vehicle solely in intrastate commerce which does not transport hazardous materials in amounts that require placarding pursuant to 49 C.F.R. part 172 need not comply with the requirements of electronic logging devices and hours of service supporting documents as provided in 49 C.F.R. parts 385, 386, 390, and 395 until December 31, 2019.

(2) (a) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b) (1) and 395.3~~(a) and (b)~~.

(b) Except as provided in 49 C.F.R. s. 395.1, a person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 may not drive:

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1. More than 12 hours following 10 consecutive hours off duty; or

2. For any period after the end of the 16th hour after coming on duty following 10 consecutive hours off duty.

The provisions of this paragraph do not apply to drivers of utility service vehicles as defined in 49 C.F.R. s. 395.2.

(c) Except as provided in 49 C.F.R. s. 395.1, a person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 may not drive after having been on duty more than 70 hours in any period of 7 consecutive days or more than 80 hours in any period of 8 consecutive days if the motor carrier operates every day of the week. Thirty-four consecutive hours off duty shall constitute the end of any such period of 7 or 8 consecutive days. This weekly limit does not apply to a person who operates a commercial motor vehicle solely within this state while transporting, during harvest periods, any unprocessed agricultural products or unprocessed food or fiber that is subject to seasonal harvesting from place of harvest to the first place of processing or storage or from place of harvest directly to market or while transporting livestock, livestock feed, or farm supplies directly related to growing or harvesting agricultural products. Upon request of the Department of Highway Safety and Motor Vehicles, motor carriers shall furnish time records or other written verification to that department so that the Department of Highway Safety and Motor Vehicles can determine compliance with this subsection. These time records

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must be furnished to the Department of Highway Safety and Motor Vehicles within 2 days after receipt of that department's request. Falsification of such information is subject to a civil penalty ~~not to exceed \$100. The provisions of~~ This paragraph ~~does~~ ~~do~~ not apply to operators of farm labor vehicles operated during a state of emergency declared by the Governor or operated pursuant to s. 570.07(21) ~~or, and do not apply~~ to drivers of utility service vehicles as defined in 49 C.F.R. s. 395.2.

(d) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 within a 150 air-mile radius of the location where the vehicle is based need not comply with 49 C.F.R. s. 395.8, if the requirements of 49 C.F.R. s. 395.1(e)(1) (ii), (iii)(A) and (C), and (v) are met. ~~If a driver is not released from duty within 12 hours after the driver arrives for duty, the motor carrier must maintain documentation of the driver's driving times throughout the duty period.~~

(e) A person who operates a commercial motor vehicle solely in intrastate commerce is exempt from subsection (1) while transporting agricultural products, including horticultural or forestry products, from farm or harvest place to the first place of processing or storage, or from farm or harvest place directly to market. However, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9. A vehicle or combination of vehicles operated pursuant to this paragraph having a gross vehicle weight of 26,001 pounds or more or having three or more axles on the power unit, regardless of weight, must display the name of the vehicle owner or motor

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carrier and the municipality or town where the vehicle is based on each side of the power unit in letters that contrast with the background and that are readable from a distance of 50 feet. A person who violates this vehicle identification requirement may be assessed a penalty as provided in s. 316.3025(3)(a).

(f) A person who operates a commercial motor vehicle having a ~~declared~~ gross vehicle weight, gross vehicle weight rating, and gross combined weight rating of less than 26,001 pounds solely in intrastate commerce and who is not transporting hazardous materials in amounts that require placarding pursuant to 49 C.F.R. part 172, ~~or who is transporting petroleum products as defined in s. 376.301,~~ is exempt from subsection (1). However, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

(g) A person whose driving record shows no convictions for the preceding 3 years and who, as of October 1, 1988, is employed as a driver-salesperson, as defined in 49 C.F.R. s. 395.2, and who operates solely in intrastate commerce, is exempt from 49 C.F.R. part 391.

(h) A person who is an employee of an electric utility, as defined in s. 361.11, or a telephone company, as defined in s. 364.02, and who operates a commercial motor vehicle solely in intrastate commerce and within a 200 air-mile radius of the location where the vehicle is based, is exempt from 49 C.F.R. ss. 396.11 and 396.13 and 49 C.F.R. part 391, subparts D and E.

(i) A person whose driving record shows no traffic convictions, pursuant to s. 322.61, during the 2-year period immediately preceding the application for the commercial driver license, who is otherwise qualified as a driver under 49 C.F.R.

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part 391, and who operates a commercial vehicle in intrastate commerce only shall be exempt from the requirements of 49 C.F.R. part 391, subpart E, s. 391.41(b)(10). However, such operators are still subject to the requirements of ss. 322.12 and 322.121. As proof of eligibility, such driver shall have in his or her possession a physical examination form dated within the past 24 months.

~~(j) A person who is otherwise qualified as a driver under 49 C.F.R. part 391, who operates a commercial motor vehicle in intrastate commerce only, and who does not transport hazardous materials in amounts that require placarding pursuant to 49 C.F.R. part 172, is exempt from the requirements of 49 C.F.R. part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to diabetes.~~

~~(j)(k)~~ A person holding a commercial driver license who is a regularly employed driver of a commercial motor vehicle and is subject to an alcohol and controlled substance testing program related to that employment shall not be required to be part of a separate testing program for operating any bus owned and operated by a church when the driver does not receive any form of compensation for operating the bus and when the bus is used to transport people to or from church-related activities at no charge. The provisions of this paragraph may not be implemented if the Federal Government notifies the department that implementation will adversely affect the allocation of federal funds to the state.

Section 10. Subsection (8) of section 316.622, Florida Statutes, is amended to read:

316.622 Farm labor vehicles.—

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639 (8) The department shall provide to the Department of
 640 Business and Professional Regulation each quarter a copy of each
 641 crash accident report involving a farm labor vehicle.

642 Section 11. Paragraph (a) of subsection (1) of section
 643 316.640, Florida Statutes, is amended to read:

644 316.640 Enforcement.—The enforcement of the traffic laws of
 645 this state is vested as follows:

646 (1) STATE.—

647 (a)1.a. The Division of Florida Highway Patrol of the
 648 Department of Highway Safety and Motor Vehicles; the Division of
 649 Law Enforcement of the Fish and Wildlife Conservation
 650 Commission; and the agents, inspectors, and officers of the
 651 Department of Law Enforcement each have authority to enforce all
 652 of the traffic laws of this state on all the streets and
 653 highways thereof and elsewhere throughout the state wherever the
 654 public has a right to travel by motor vehicle.

655 b. University police officers may enforce all of the
 656 traffic laws of this state when violations occur on or within
 657 1,000 feet of any property or facilities that are under the
 658 guidance, supervision, regulation, or control of a state
 659 university, a direct-support organization of such state
 660 university, or any other organization controlled by the state
 661 university or a direct-support organization of the state
 662 university, or when such violations occur within a specified
 663 jurisdictional area as agreed upon in a mutual aid agreement
 664 entered into with a law enforcement agency pursuant to s.
 665 23.1225(1). Traffic laws may also be enforced off-campus when
 666 hot pursuit originates on or within 1,000 feet of any such
 667 property or facilities, or as agreed upon in accordance with the

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668 mutual aid agreement.

669 c. Florida College System institution police officers may
 670 enforce all the traffic laws of this state only when such
 671 violations occur on or within 1,000 feet of any property or
 672 facilities that are under the guidance, supervision, regulation,
 673 or control of the Florida College System institution, or when
 674 such violations occur within a specified jurisdictional area as
 675 agreed upon in a mutual aid agreement entered into with a law
 676 enforcement agency pursuant to s. 23.1225. Traffic laws may also
 677 be enforced off-campus when hot pursuit originates on or within
 678 1,000 feet of any such property or facilities, or as agreed upon
 679 in accordance with the mutual aid agreement.

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

684 (I) An airport authority may employ as a parking
 685 enforcement specialist any individual who successfully completes
 686 a training program established and approved by the Criminal
 687 Justice Standards and Training Commission for parking
 688 enforcement specialists but who does not otherwise meet the
 689 uniform minimum standards established by the commission for law
 690 enforcement officers or auxiliary or part-time officers under s.
 691 943.12. This sub-sub-subparagraph may not be construed to permit
 692 the carrying of firearms or other weapons, nor shall such
 693 parking enforcement specialist have arrest authority.

694 (II) A parking enforcement specialist employed by an
 695 airport authority may enforce all state, county, and municipal
 696 laws and ordinances governing parking only when such violations

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are on property or facilities owned or operated by the airport authority employing the specialist, by appropriate state, county, or municipal traffic citation.

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

f. School safety officers may enforce all of the traffic laws of this state when such violations occur on or about any property or facilities that are under the guidance, supervision, regulation, or control of the district school board.

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

3. The Division of the Florida Highway Patrol may employ as a traffic crash ~~accident~~ investigation officer any individual who successfully completes instruction in traffic crash ~~accident~~ investigation and court presentation through the Selective Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration or a similar program approved by the commission, but who does not necessarily meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic crash ~~accident~~

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investigation officer who makes an investigation at the scene of a traffic crash ~~accident~~ may issue traffic citations, based upon personal investigation, when he or she has reasonable and probable grounds to believe that a person who was involved in the crash ~~accident~~ committed an offense under this chapter, chapter 319, chapter 320, or chapter 322 in connection with the crash ~~accident~~. This subparagraph does not permit the officer to carry firearms or other weapons, and such an officer does not have authority to make arrests.

Section 12. Subsection (2) of section 316.655, Florida Statutes, is amended to read:

316.655 Penalties.—

(2) A driver convicted of a violation of any offense prohibited by this chapter or any other law of this state regulating motor vehicles, which resulted in a crash ~~an accident~~, may have his or her driving privileges revoked or suspended by the court if the court finds such revocation or suspension warranted by the totality of the circumstances resulting in the conviction and the need to provide for the maximum safety for all persons who travel on or who are otherwise affected by the use of the highways of the state. In determining whether suspension or revocation is appropriate, the court shall consider all pertinent factors, including, but not limited to, such factors as the extent and nature of the driver's violation of this chapter, the number of persons killed or injured as the result of the driver's violation of this chapter, and the extent of any property damage resulting from the driver's violation of this chapter.

Section 13. Section 316.70, Florida Statutes, is amended to

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read:

316.70 Nonpublic sector buses; safety rules.—

(1) All owners and drivers of nonpublic sector buses operated on the public highways of this state are subject to the rules and regulations ~~The Department of Transportation shall establish and revise standards to ensure the safe operation of nonpublic sector buses, which standards shall be those contained in 49 C.F.R. parts 382, 383, 385, 386, 387 and 390-397. The department and which shall be directed toward ensuring that:~~

(a) Nonpublic sector buses are safely maintained, equipped, and operated.

~~(b) Nonpublic sector buses are carrying the insurance required by law and carrying liability insurance on the checked baggage of passengers not to exceed the standard adopted by the United States Department of Transportation.~~

~~(b)(c)~~ Florida license tags are purchased for nonpublic sector buses pursuant to s. 320.38.

~~(d) The driving records of drivers of nonpublic sector buses are checked by their employers at least once each year to ascertain whether the driver has a suspended or revoked driver license.~~

(2) ~~Department of Transportation~~ personnel may conduct compliance investigations ~~reviews~~ for the purpose of determining compliance with this section. A civil penalty not to exceed \$5,000 in the aggregate may be assessed against any person who violates any provision of this section or who violates any department rule or order ~~of the Department of Transportation~~. A civil penalty not to exceed \$25,000 in the aggregate may be assessed for violations found in a followup compliance

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~~investigation review conducted within a 24-month period. A civil penalty not to exceed \$25,000 in the aggregate may be assessed and the motor carrier may be enjoined pursuant to s. 316.3026 if violations are found after a second followup compliance review within 12 months after the first followup compliance review.~~
Motor carriers may be enjoined pursuant to s. 316.3026 for violations identified during a compliance investigation or motor carriers found to be operating without insurance coverage required by s. 627.742 or 49 C.F.R. part 387 ~~may be enjoined as provided in s. 316.3026.~~

(3) For the purpose of enforcing this section, any law enforcement officer of the department or duly appointed agent who holds a current safety inspector certification from the Commercial Vehicle Safety Alliance may require the driver of any commercial vehicle operated on the highways of this state to stop and submit to an inspection of the vehicle or the driver's records. If the vehicle or driver is operating in an unsafe condition, or if any required part or equipment is not present or is not in proper repair or adjustment, and the continued operation would be unduly hazardous, the officer may require the vehicle or the driver to be removed from service pursuant to the North American Standard Out-of-Service Criteria, until the safety concerns are corrected. However, if continuous operation would not be unduly hazardous, the officer may give written notice requiring correction of the condition within 15 days.

~~(4)(3)~~ School buses subject to ~~the provisions of~~ chapter 1006 or s. 316.615 are exempt from ~~the provisions of~~ this section.

Section 14. Section 318.19, Florida Statutes, is amended to

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read:

318.19 Infractions requiring a mandatory hearing.—
Subsections 318.14(2), (4), and (9) do not apply to any person
cited for an infraction identified in the infractions listed in
this section and he or she shall ~~not have the provisions of s.~~
~~318.14(2), (4), and (9) available to him or her but must appear~~
before the designated official at the time and location of the
scheduled hearing for:

(1) Any infraction that ~~which~~ results in a crash that
causes the death of another;
(2) Any infraction that ~~which~~ results in a crash that
causes "serious bodily injury, as defined in s. 316.003," of
another or of the person cited for the infraction as defined in
s. 316.1933(1);

(3) Any infraction of s. 316.172(1)(b);

(4) Any infraction of s. 316.520(1) or (2); or

(5) Any infraction of s. 316.183(2), s. 316.187, or s.
316.189 of exceeding the speed limit by 30 mph or more.

Section 15. Section 319.001, Florida Statutes, is amended
to read:

319.001 Definitions.—As used in this chapter, the term:

(1) "Certificate of title" means the record that is
evidence of ownership of a vehicle, whether a paper certificate
authorized by the department or a certificate consisting of
information that is stored in an electronic form in the
department's database.

(2) "Conflict" or "conflict of interest" means a situation
in which a private interest could benefit from or interfere with
official duties or a public interest, including, but not limited

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to, having a direct or indirect financial interest in a vehicle
being inspected pursuant to s. 319.141; or being employed by, or
directly or indirectly having an ownership interest in, an
entity that has a financial interest in a vehicle being
inspected pursuant to s. 319.141.

~~(3)(2)~~ "Department" means the Department of Highway Safety
and Motor Vehicles.

~~(4)(3)~~ "Front-end assembly" means fenders, hood, grill, and
bumper.

~~(5)(4)~~ "Licensed dealer," unless otherwise specifically
provided, means a motor vehicle dealer licensed under s. 320.27,
a mobile home dealer licensed under s. 320.77, or a recreational
vehicle dealer licensed under s. 320.771.

~~(6)(5)~~ "Motorcycle body assembly" means frame, fenders, and
gas tanks.

~~(7)(6)~~ "Motorcycle engine" means cylinder block, heads,
engine case, and crank case.

~~(8)(7)~~ "Motorcycle transmission" means drive train.

~~(9)(8)~~ "New mobile home" means a mobile home the equitable
or legal title to which has never been transferred by a
manufacturer, distributor, importer, or dealer to an ultimate
purchaser.

~~(10)(9)~~ "New motor vehicle" means a motor vehicle the
equitable or legal title to which has never been transferred by
a manufacturer, distributor, importer, or dealer to an ultimate
purchaser; however, when legal title is not transferred but
possession of a motor vehicle is transferred pursuant to a
conditional sales contract or lease and the conditions are not
satisfied and the vehicle is returned to the motor vehicle

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871 dealer, the motor vehicle may be resold by the motor vehicle
 872 dealer as a new motor vehicle, provided the selling motor
 873 vehicle dealer gives the following written notice to the
 874 purchaser: "THIS VEHICLE WAS DELIVERED TO A PREVIOUS PURCHASER."
 875 The purchaser shall sign an acknowledgment, a copy of which is
 876 kept in the selling dealer's file.

877 (11) "Private rebuilt inspection provider" means a person
 878 or an entity conducting rebuilt motor vehicle inspections who is
 879 physically located in this state and is authorized by the
 880 department and operating under this chapter.

881 (12)(10) "Rear body section" means both quarter panels,
 882 decklid, bumper, and floor pan.

883 (13) "Rebuilt courier service" means an individual or
 884 entity who provides services to vehicle owners or motor vehicle
 885 dealers who use the inspection services of a private rebuilt
 886 inspection provider. These services include, but are not limited
 887 to, preparing, compiling, or providing forms, applications,
 888 certificates of title, or other documentation required to
 889 conduct a rebuilt inspection, or engaging in or arranging for
 890 the transportation of vehicles for inspection.

891 (14) "Rebuilt inspection" means an examination of a rebuilt
 892 vehicle and the required documentation. Required documentation
 893 includes, but is not limited to: a properly endorsed certificate
 894 of title, salvage certificate of title, or manufacturer's
 895 statement of origin; an application for a rebuilt branded
 896 certificate of title; a rebuilder's affidavit; a photograph of
 897 the junk or salvage vehicle taken before repairs began; receipts
 898 or invoices for all major component parts, as defined in s.
 899 319.30; repairs conducted; and proof that notice of rebuilding

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900 of the vehicle has been reported to the National Motor Vehicle
 901 Title Information System. If an airbag or airbags were deployed,
 902 before and after photos must be provided which clearly show the
 903 deployed airbags and that the airbags have been replaced.

904 (15)(11) "Satisfaction of lien" means full payment of a
 905 debt or release of a debtor from a lien by the lienholder.

906 (16)(12) "Used motor vehicle" means any motor vehicle that
 907 is not a "new motor vehicle" as defined in this section
 908 subsection (9).

909 Section 16. Section 319.002, Florida Statutes, is created
 910 to read:

911 319.002 Rulemaking authority.—The department shall
 912 administer and provide for the enforcement of this chapter. The
 913 department may adopt rules pursuant to ss. 120.536(1) and 120.54
 914 to implement this chapter, including rules and forms governing
 915 reports. The department also has nonexclusive power to define by
 916 rule any term, regardless of whether that term is used in this
 917 chapter, provided that the definition is not inconsistent with
 918 this chapter.

919 Section 17. Section 319.141, Florida Statutes, is amended
 920 to read:

921 319.141 Private ~~File~~ rebuilt motor vehicle inspection
 922 program.—

923 (1) The department may authorize private rebuilt inspection
 924 providers under the terms of this section. The purpose of the
 925 private rebuilt motor vehicle inspection program is to prevent
 926 the use of stolen parts in the rebuilding process, identify and
 927 recover stolen vehicles, require the installation of nonrecalled
 928 airbags in rebuilt vehicles, and assist law enforcement with the

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929 investigation of vehicle theft and related fraud. The department
 930 may monitor and investigate private rebuilt inspection providers
 931 and rebuilt courier services to ensure compliance with this
 932 chapter. The department may examine all records pertaining to
 933 any inspection or related service performed under the program.

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

935 ~~(a) "Facility" means a rebuilt motor vehicle inspection~~
 936 ~~facility authorized and operating under this section.~~

937 ~~(b) "Rebuilt inspection services" means an examination of a~~
 938 ~~rebuilt vehicle and a properly endorsed certificate of title,~~
 939 ~~salvage certificate of title, or manufacturer's statement of~~
 940 ~~origin and an application for a rebuilt certificate of title, a~~
 941 ~~rebuilder's affidavit, a photograph of the junk or salvage~~
 942 ~~vehicle taken before repairs began, receipts or invoices for all~~
 943 ~~major component parts, as defined in s. 319.30, and repairs~~
 944 ~~which were changed, and proof that notice of rebuilding of the~~
 945 ~~vehicle has been reported to the National Motor Vehicle Title~~
 946 ~~Information System.~~

947 ~~(2) By July 1, 2015, the department shall oversee a pilot~~
 948 ~~program in Miami-Dade County to evaluate alternatives for~~
 949 ~~rebuilt inspection services offered by existing private sector~~
 950 ~~operators, including the continued use of private facilities,~~
 951 ~~the cost impact to consumers, and the potential savings to the~~
 952 ~~department.~~

953 (2) A person or an entity, other than the department, may
 954 not conduct rebuilt inspection services unless authorized to do
 955 so by the department pursuant to this chapter.

956 (3) A person or an entity may not provide rebuilt courier
 957 services in this state or from locations outside of this state

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958 unless it has a valid, nonexclusive contract with each
 959 department-authorized private rebuilt inspection provider with
 960 which the rebuilt courier service conducts business. Such
 961 contract must require the rebuilt courier service to comply with
 962 state law and department procedures; provide proof of and agree
 963 to maintain garage liability insurance in the amount of at least
 964 \$100,000; and comply with any other requirement established by
 965 the department which is designed to protect the public, the
 966 department, or the private rebuilt inspection provider from
 967 illegal or disruptive conduct.

968 ~~(3) The department shall establish a memorandum of~~
 969 ~~understanding that allows private parties participating in the~~
 970 ~~pilot program to conduct rebuilt motor vehicle inspections and~~
 971 ~~specifies requirements for oversight, bonding and insurance,~~
 972 ~~procedures, and forms and requires the electronic transmission~~
 973 ~~of documents.~~

974 (4) The department shall authorize private rebuilt
 975 inspection providers who meet the requirements of this chapter.

976 ~~(5)(4) Before authorization is granted to a private rebuilt~~
 977 ~~inspection provider an applicant is approved, the department~~
 978 ~~shall ensure that the private rebuilt inspection provider meets~~
 979 ~~applicant meets basic criteria designed to protect the public.~~
 980 ~~At a minimum, the applicant shall meet all of the following~~
 981 ~~requirements:~~

982 (a) Has submitted a request for authorization to the
 983 department along with all required documentation.

984 (b) Has passed a physical location inspection conducted by
 985 the department to ensure that the private rebuilt inspection
 986 provider is operating in accordance with the requirements of

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this section and in a location where no other business is operating, attached, connected, or joined by a common address, even if such location is recognized by the United States Postal Service as a separate address. The location must have permanent signage with posted business hours; a rebuilt inspection area separate and visually obstructed from any area accessible to a customer; and a surveillance camera with recording capabilities for the rebuilt inspection area.

(c)(a) Has provided evidence of a good and sufficient Have and maintain a surety bond or irrevocable letter of credit in the amount of \$100,000 executed by the private rebuilt inspection provider which covers all activities under the private rebuilt motor vehicle inspection program and names the department as an insured. Such surety bonds and letters of credit must be executed by a surety company authorized to do business in this state as a surety, and irrevocable letters of credit must be issued by a bank authorized to do business in this state as a bank. Surety bonds and letters of credit must be in favor of the department and must be for 1 year applicant.

(d)(b) Has identified and provided a lease or proof of ownership of a proposed location that must be open to the public Secure and maintain a facility at a permanent structure at an address recognized by the United States Postal Service where the only services provided on such property are rebuilt inspection services. The location must be large enough to accommodate all of the vehicles being inspected and must have sufficient space to maintain physical security of all required inspection records The operator of a facility shall annually attest that he or she is not employed by or does not have an ownership interest in or

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~~other financial arrangement with the owner, operator, manager, or employee of a motor vehicle repair shop as defined in s. 559.903, a motor vehicle dealer as defined in s. 320.27(1)(e), a towing company, a vehicle storage company, a vehicle auction, an insurance company, a salvage yard, a metal retailer, or a metal rebuilder, from which he or she receives remuneration, directly or indirectly, for the referral of customers for rebuilt inspection services.~~

(e) Has ensured that each owner, partner, and corporate officer of the provider has provided an attestation acknowledging he or she is deemed to be engaging in activities that are in the public interest and are free of conflicts of interest.

(f)(e) Has provided evidence of garage liability insurance coverage with at least \$100,000 single-limit liability coverage, including bodily injury and property damage protection, and \$10,000 personal injury protection Have and maintain garage liability and other insurance required by the department.

(g)(d) Has provided a criminal background check on all Have completed criminal background checks of the owners, partners, and corporate officers which demonstrates that they have not been convicted of a felony, pled guilty to a felony, pled nolo contendere to a felony, or been incarcerated for a felony involving fraud, theft, or dishonest dealing within the last 10 years and the inspectors employed by the facility.

(h) Has provided evidence of authorization to conduct business in the state from the Florida Department of State, Division of Corporations.

~~(e) Meet any additional criteria the department determines~~

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1045 ~~necessary to conduct proper inspections.~~

1046 (6) Each authorized private rebuilt inspection provider may
 1047 operate additional locations in this state with the prior
 1048 written approval of the department. In determining whether to
 1049 approve a location, the department must apply the same criteria
 1050 as in paragraph (5) (b). A private rebuilt inspection provider
 1051 may operate a mobile inspection unit, with the prior written
 1052 approval of the department, as long as it also has a permanent
 1053 facility that meets the criteria specified in paragraph (5) (b),
 1054 and the operation of such mobile inspection unit complies with
 1055 the terms of the agreement with the department as specified in
 1056 paragraph (7) (l).

1057 (7) The department shall enter into a contract with each
 1058 authorized private rebuilt inspection provider. The agreement
 1059 must include all of the following:

1060 (a) A requirement that the provider maintain connections
 1061 with and use the department's motor vehicle database, the
 1062 National Motor Vehicle Title Information System, and information
 1063 from the National Insurance Crime Bureau.

1064 (b) A requirement that the provider follow department
 1065 policies and procedures when conducting rebuilt inspections.

1066 (c) A requirement that the provider maintain the
 1067 confidentiality of all information received under the agreement
 1068 in accordance with chapter 119 and the Driver Protection Privacy
 1069 Act.

1070 (d) A provision that the agreement is not assignable to a
 1071 third party, either in whole or in part, without the prior
 1072 written consent of the department.

1073 (e) A provision that the private rebuilt inspection

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1074 provider agrees to submit to oversight by the department.

1075 (f) A requirement that the provider maintain records
 1076 required by department policies and procedures, making those
 1077 records available to the department for inspection, and
 1078 complying with state public records laws.

1079 (g) Provisions outlining penalties for noncompliance with
 1080 the agreement, including termination.

1081 (h) Forms required to be utilized by the private rebuilt
 1082 inspection provider to document completion of the rebuilt
 1083 inspection process. These forms must include, but need not be
 1084 limited to, a completed and signed application for certificate
 1085 of title with or without registration; a completed and signed
 1086 statement of builder describing the process and major component
 1087 parts used in the rebuilding of the motor vehicle; a completed
 1088 and signed power of attorney for a motor vehicle, mobile home or
 1089 vessel, if applicable; and a completed and signed vehicle
 1090 identification number and odometer verification.

1091 (i) A requirement that the provider report stolen parts or
 1092 vehicles.

1093 (j) A requirement that the provider maintain a surety bond
 1094 and garage liability insurance.

1095 (k) Conditions under which the agreement may be terminated
 1096 by either party.

1097 (l) Requirements for the operation of a mobile inspection
 1098 unit, including, but not limited to, maintenance of general
 1099 liability insurance in the amount of \$100,000 and commercial
 1100 automobile liability insurance on each mobile unit in the amount
 1101 of \$100,000, physical security for indicia and inspection
 1102 records, maintenance of records at a permanent facility,

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cooperation with department oversight requirements, maintenance of a weekly schedule of planned rebuilt inspections, installation of a camera to document inspections, and observance of the confidentiality of the rebuilt inspection process.

~~(8)(5)~~ Each authorized private rebuilt inspection provider shall ~~A participant in the program shall~~ access vehicle and title information and enter inspection results through an electronic filing system authorized by the department and shall maintain records of each rebuilt vehicle inspection processed by the private rebuilt inspection provider at such facility for at least 5 years.

~~(9)(6)~~ The department ~~may~~ shall immediately terminate the contract with any private rebuilt inspection provider ~~operator~~ from the program who fails to meet the minimum eligibility requirements of this section ~~specified in subsection (4)~~. Before a change in ownership of a private rebuilt inspection provider facility, the current owner ~~operator~~ must give the department 45 days' written notice of the intended sale. The prospective owner must meet the all eligibility requirements of this section and execute a new contract memorandum of understanding with the department before he or she begins operating as a private rebuilt inspection provider ~~the facility~~.

~~(7) This section is repealed on July 1, 2018, unless saved from repeal through reenactment by the Legislature.~~

(10) By July 1 of each year, an authorized private rebuilt inspection provider shall attest that it has complied with this section and each owner, partner, and corporate officer must affirm he or she is free from conflicts of interest.

(11) Private rebuilt inspection providers may charge a fee

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for their services in addition to the fees in s. 319.32. This additional fee shall be clearly disclosed to each customer on his or her receipt and be conspicuously posted in an area frequented by customers.

Section 18. Section 319.1411, Florida Statutes, is created to read:

319.1411 Monitoring of private rebuilt inspection providers.~~The department may monitor and inspect the operations of private rebuilt inspection providers as it deems necessary to determine whether the private rebuilt inspection provider is operating in compliance with this chapter and to determine if the private rebuilt inspection provider has engaged in any of the business practices prohibited under s. 319.1412.~~

Section 19. Section 319.142, Florida Statutes, is created to read:

319.142 Rules of conduct and prohibited business practices.

(1) Each of the following constitutes grounds for termination of any and all contracts entered into with a private rebuilt inspection provider pursuant to this chapter:

(a) Engaging in any business transaction or activity that is in substantial conflict with the proper discharge of the private rebuilt inspection provider's duties in the public interest.

(b) Allowing a vehicle to pass inspection knowing that there was a material misrepresentation in the required documentation or that the documentation submitted in support of the inspection was counterfeit or materially altered.

(c) Failure to report to the department the identification

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1161 of a suspected stolen part or stolen vehicle during a rebuilt
 1162 inspection.

1163 (d) In connection with providing private rebuilt inspection
 1164 services, engaging in any course of conduct that is fraud or
 1165 deceit upon the department, a dealer, or a vehicle owner.

1166 (e) Knowingly falsifying department records or knowingly
 1167 providing materially false or misleading information to the
 1168 department.

1169 (f) Failing to allow an examination or inspection of a
 1170 private rebuilt inspection provider facility, including a review
 1171 of books and records, by the department or law enforcement
 1172 during regular business hours.

1173 (g) Passing a vehicle through inspection without having a
 1174 reasonable basis to believe that all airbags that are subject to
 1175 a safety recall issued by the National Highway Transportation
 1176 Safety Administration were replaced with airbags not subject to
 1177 such a safety recall.

1178 (h) Failure to timely respond to a subpoena issued by the
 1179 department.

1180 (i) Conducting rebuilt inspection services at a physical
 1181 location not approved in writing by the department or providing
 1182 services from a mobile unit not approved in writing by the
 1183 department.

1184 (j) Failure to maintain at all times a garage liability
 1185 insurance in the amount of at least \$100,000.

1186 (k) Failure to maintain at all times a good and sufficient
 1187 surety bond or irrevocable letter of credit in the amount of
 1188 \$100,000 which covers all activities under the private rebuilt
 1189 motor vehicle inspection program and names the department as an

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1190 insured.

1191 (l) Violation of this section or the contract between the
 1192 department and the private rebuilt inspection provider.

1193 (m) The use of advertising that would reasonably lead the
 1194 public to believe that the provider was or is an employee or
 1195 representative of the department, or the use in its name of the
 1196 terms "Department of Highway Safety and Motor Vehicles," "DMV,"
 1197 "DHSMV," "FLHSMV," or "HSMV" or any other terms or logos that
 1198 that are associated with the department.

1199 (2) Written notice of termination of a contract under this
 1200 section must be provided before termination of the contract.

1201 Section 20. Section 319.1414, Florida Statutes, is created
 1202 to read:

1203 319.1414 Investigations; examinations; subpoenas; hearings;
 1204 witnesses.-

1205 (1) The department may conduct investigations and
 1206 examinations of department-authorized private rebuilt inspection
 1207 providers as it deems necessary to determine whether a person
 1208 has violated or is about to violate this chapter or a contract
 1209 entered into pursuant to this chapter or to assist with the
 1210 enforcement of this chapter.

1211 (2) For purposes of any investigation or examination
 1212 conducted under this section, the department may exercise the
 1213 power of subpoena and the powers to administer oaths or
 1214 affirmations, to examine witnesses, to require affidavits, to
 1215 take depositions, and to compel the attendance of witnesses and
 1216 the production of books, papers, documents, records, and other
 1217 evidence. Such subpoenas may be served by a designated agent of
 1218 the department.

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1219 (3) If a person refuses to testify, produce books, papers,
 1220 documents, or records, or otherwise obey a subpoena or subpoena
 1221 duces tecum issued under subsection (2), the department may
 1222 petition a court of competent jurisdiction in the county where
 1223 the person's residence or principal place of business is
 1224 located, upon which the court must issue an order requiring such
 1225 person to obey the subpoena or show cause for failing to obey
 1226 the subpoena. Unless the person shows sufficient cause for
 1227 failing to obey the subpoena, the court shall direct the person
 1228 to obey the subpoena. Failure to comply with such order is
 1229 contempt of court.

1230 (4) For the purpose of any investigation, examination, or
 1231 proceeding initiated by the department under this chapter, the
 1232 department is authorized to designate agents to serve subpoenas
 1233 and other process, and administer oaths or affirmations.

1234 (5) Witnesses subpoenaed under this section are entitled to
 1235 witness fees at the same rate established by s. 92.142 for
 1236 witnesses in a civil case, except that witness fees are not
 1237 payable for appearance at the witness's place of business during
 1238 regular business hours or at the witness's residence.

1239 (6) The department may adopt rules to administer this
 1240 section.

1241 Section 21. Section 319.25, Florida Statutes, is amended to
 1242 read:

1243 319.25 Cancellation of certificates; investigations;
 1244 subpoenas and other process; oaths; rules.-

1245 (1) If it appears that a certificate of title has been
 1246 improperly issued, the department shall cancel the certificate.
 1247 Upon cancellation of any certificate of title, the department

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1248 shall notify the person to whom the certificate of title was
 1249 issued, as well as any lienholders appearing thereon, of the
 1250 cancellation and shall demand the surrender of the certificate
 1251 of title, but the cancellation shall not affect the validity of
 1252 any lien noted thereon. The holder of the certificate of title
 1253 shall return it to the department forthwith. If a certificate of
 1254 registration has been issued to the holder of a certificate of
 1255 title so canceled, the department shall immediately cancel the
 1256 certificate of registration and demand the return of such
 1257 certificate of registration and license plate or mobile home
 1258 sticker; and the holder of such certificate of registration and
 1259 license plate or sticker shall return them to the department
 1260 forthwith.

1261 (2) The department is authorized, upon application of any
 1262 person and payment of the proper fees, to prepare and furnish
 1263 lists containing title information in such form as the
 1264 department may authorize, to search the records of the
 1265 department and make reports thereof, and to make photographic
 1266 copies of the department records and attestations thereof,
 1267 except as provided in chapter 119.

1268 (3) The department may conduct investigations and
 1269 examinations of any person suspected of violating or of having
 1270 violated this chapter or any rule adopted or order issued under
 1271 this chapter.

1272 (4) For purposes of any investigation or examination
 1273 conducted under this section, the department may exercise the
 1274 power of subpoena and the powers to administer oaths or
 1275 affirmations, to examine witnesses, to require affidavits, to
 1276 take depositions, and to compel the attendance of witnesses and

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1277 the production of books, papers, documents, records, and other
 1278 evidence. Such subpoenas may be served by an authorized
 1279 representative of the department.

1280 (5) If a person refuses to testify, produce books, papers,
 1281 documents, or records, or otherwise obey the subpoena or
 1282 subpoena duces tecum issued under subsection (4), the department
 1283 may petition a court of competent jurisdiction in the county
 1284 where the person's residence or principal place of business is
 1285 located, upon which the court must issue an order requiring such
 1286 person to obey the subpoena or show cause for failing to obey
 1287 the subpoena. Unless the person shows sufficient cause for
 1288 failing to obey the subpoena, the court must direct the person
 1289 to obey the subpoena. Costs incurred by the department to obtain
 1290 an order granting, in whole or in part, its petition shall be
 1291 charged to the subpoenaed person, and failure to comply with
 1292 such order is contempt of court.

1293 (6) For the purpose of any investigation, examination, or
 1294 proceeding initiated by the department under this chapter, the
 1295 department is authorized to designate agents to serve subpoenas
 1296 and other process, and administer oaths or affirmations.

1297 (7) Witnesses subpoenaed under this section are entitled to
 1298 witness fees at the same rate established by s. 92.142 for
 1299 witnesses in a civil case, except that witness fees are not
 1300 payable for appearance at the witness's place of business during
 1301 regular business hours or at the witness's residence.

1302 (8) The department may adopt rules to administer this
 1303 section.

1304 Section 22. Subsection (3) of section 319.40, Florida
 1305 Statutes, is amended to read:

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1306 319.40 Transactions by electronic or telephonic means.-

1307 (3) The department may collect and use e-mail ~~electronic~~
 1308 ~~mail~~ addresses for purposes of this chapter, including, but not
 1309 limited to, and use of e-mail ~~electronic mail~~ in lieu of the
 1310 United States Postal Service as a method of notification.
 1311 However, any notice regarding the potential forfeiture or
 1312 foreclosure of an interest in property must be sent via the
 1313 United States Postal Service.

1314 Section 23. Subsection (24) of section 320.01, Florida
 1315 Statutes, is amended to read:

1316 320.01 Definitions, general.-As used in the Florida
 1317 Statutes, except as otherwise provided, the term:

1318 (24) "Apportionable vehicle" means any vehicle, except
 1319 recreational vehicles, vehicles displaying restricted plates,
 1320 city pickup and delivery vehicles, ~~buses used in transportation~~
 1321 ~~of chartered parties,~~ and government-owned vehicles, which is
 1322 used or intended for use in two or more member jurisdictions
 1323 that allocate or proportionally register vehicles and which is
 1324 used for the transportation of persons for hire or is designed,
 1325 used, or maintained primarily for the transportation of property
 1326 and:

1327 (a) Is a power unit having a gross vehicle weight in excess
 1328 of 26,000 pounds;

1329 (b) Is a power unit having three or more axles, regardless
 1330 of weight; or

1331 (c) Is used in combination, when the weight of such
 1332 combination exceeds 26,000 pounds gross vehicle weight.

1333
 1334 Vehicles, or combinations thereof, having a gross vehicle weight

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of 26,000 pounds or less and two-axle vehicles may be proportionally registered.

Section 24. Paragraph (b) of subsection (1) of section 320.06, Florida Statutes, is amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(1)

(b)1. Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 10-year period. At the end of the 10-year period, upon renewal, the plate shall be replaced. The department shall extend the scheduled license plate replacement date from a 6-year period to a 10-year period. The fee for such replacement is \$28, \$2.80 of which shall be paid each year before the plate is replaced, to be credited toward the next \$28 replacement fee. The fees shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund may not be given for any prior years' payments of the prorated replacement fee if the plate is replaced or surrendered before the end of the 10-year period, except that a credit may be given if a registrant is required by the department to replace a license plate under s.

320.08056(8)(a). With each license plate, a validation sticker shall be issued showing the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker shall be placed on the upper right corner of the license plate. The license plate and validation sticker shall be issued based on the applicant's appropriate renewal period. The registration period is 12 months, the extended registration

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period is 24 months, and all expirations occur based on the applicant's appropriate registration period.

2. A vehicle that has an apportioned registration shall be issued an annual license plate and a cab card that denote the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate. This subparagraph expires October 1, 2019.

3. Upon implementation of a new operating system for apportioned vehicle registration, a vehicle registered in accordance with the International Registration Plan which has an apportioned registration must be issued a license plate for a 5-year period, an annual cab card denoting the declared gross vehicle weight, and an annual validation sticker showing the month and year of expiration. The validation sticker must be placed in the center of the license plate. The license plate and validation sticker must be issued based on the applicant's appropriate renewal period. The registration period is 12 months. This fee must be deposited into the Highway Safety Operating Trust Fund. If the license plate is damaged or worn, it may be replaced at no charge by applying to the department and surrendering the current license plate.

~~4.2.~~ In order to retain the efficient administration of the taxes and fees imposed by this chapter, the 80-cent fee increase in the replacement fee imposed by chapter 2009-71, Laws of Florida, is negated as provided in s. 320.0804.

Section 25. Subsection (5) of section 320.0607, Florida Statutes, is amended to read:

320.0607 Replacement license plates, validation decal, or mobile home sticker.—

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1393 (5) Upon the issuance of an original license plate, the
 1394 applicant shall pay a fee of \$28 to be deposited in the Highway
 1395 Safety Operating Trust Fund. Upon implementation of a new
 1396 operating system for apportioned vehicle registrations, this
 1397 subsection does not apply to a vehicle registered under the
 1398 International Registration Plan.

1399 Section 26. Paragraph (g) is added to subsection (1) of
 1400 section 320.27, Florida Statutes, and paragraph (a) of
 1401 subsection (9) and subsection (11) of that section are amended,
 1402 to read:

1403 320.27 Motor vehicle dealers.—

1404 (1) DEFINITIONS.—The following words, terms, and phrases
 1405 when used in this section have the meanings respectively
 1406 ascribed to them in this subsection, except where the context
 1407 clearly indicates a different meaning:

1408 (g) “Control person” means any person who has significant
 1409 authority, directly or indirectly, to direct the management or
 1410 policies of a company, whether through ownership, by contract,
 1411 or otherwise. The term includes any person who is an owner,
 1412 director, general partner, officer, manager, or employee
 1413 exercising decisionmaking responsibility or exercising similar
 1414 executive status or functions. The term does not include an
 1415 employee whose function is only clerical, ministerial, or in
 1416 sales under the supervision of an owner or manager or other
 1417 person exercising decisionmaking responsibility.

1418 (9) DENIAL, SUSPENSION, OR REVOCATION.—

1419 (a) The department may deny a new or renewal application
 1420 for or suspend, or revoke any license issued hereunder or under
 1421 ~~the provisions of s. 320.77 or s. 320.771~~ upon proof that an

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1422 applicant or a licensee has:

1423 1. Committed fraud or willful misrepresentation in
 1424 application for or in obtaining a license.

1425 2. Been convicted of a felony and has not completed the
 1426 resulting felony sentence or has completed the felony sentence
 1427 less than 10 years from the date of licensure application.

1428 3. Failed to honor a bank draft or check given to a motor
 1429 vehicle dealer for the purchase of a motor vehicle by another
 1430 motor vehicle dealer within 10 days after notification that the
 1431 bank draft or check has been dishonored. If the transaction is
 1432 disputed, the maker of the bank draft or check shall post a bond
 1433 in accordance with the provisions of s. 559.917, and no
 1434 proceeding for revocation or suspension shall be commenced until
 1435 the dispute is resolved.

1436 4.a. Failed to provide payment within 10 business days to
 1437 the department for a check payable to the department that was
 1438 dishonored due to insufficient funds in the amount due plus any
 1439 statutorily authorized fee for uttering a worthless check. The
 1440 department shall notify an applicant or licensee when the
 1441 applicant or licensee makes payment to the department by a check
 1442 that is subsequently dishonored by the bank due to insufficient
 1443 funds. The applicant or licensee shall, within 10 business days
 1444 after receiving the notice, provide payment to the department in
 1445 the form of cash in the amount due plus any statutorily
 1446 authorized fee. If the applicant or licensee fails to make such
 1447 payment within 10 business days, the department may deny,
 1448 suspend, or revoke the applicant's or licensee's motor vehicle
 1449 dealer license.

1450 b. Stopped payment on a check payable to the department,

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issued a check payable to the department from an account that has been closed, or charged back a credit card transaction to the department. If an applicant or licensee commits any such act, the department may deny, suspend, or revoke the applicant's or licensee's motor vehicle dealer license.

5.a. Previously owned a majority interest in, or acted as a control person of, a motor vehicle dealer that, within the past 10 years, has been the subject of any decision, finding, injunction, suspension, revocation, denial, judgment, or administrative order by any court of competent jurisdiction, administrative law judge, or any state agency which resulted in a finding of violation of any federal or state law relating to unlicensed activity, or fraud in connection with the sale of a motor vehicle.

b. Knowingly employed or contracted with a person under sub-subparagraph a. or a person who has been convicted of a felony and has not completed the resulting felony sentence or completed the felony sentence less than 10 years from the date of licensure application as a control person.

(11) INJUNCTION.—

(a) In addition to the remedies provided in this chapter and notwithstanding the existence of any adequate remedy at law, the department is authorized to make application to any circuit court of the state, and such circuit court shall have jurisdiction, upon a hearing and for cause shown, to grant a temporary or permanent injunction, or both, restraining any person from acting as a motor vehicle dealer under the terms of this section without being properly licensed hereunder, from violating or continuing to violate any of the provisions of

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chapter 319, this chapter, or ss. 559.901-559.9221, or for failing or refusing to comply with the requirements of chapter 319, this chapter, or ss. 559.901-559.9221, or any rule or regulation adopted thereunder, such injunction to be issued without bond. A single act in violation of the provisions of chapter 319, this chapter, or chapter 559 shall be sufficient to authorize the issuance of an injunction.

(b) If the court grants the injunction, the court may bar, permanently or for a specific time period, any person found to have violated any federal or state law relating to unlicensed activity or fraud in connection with the sale of a motor vehicle. A person who is barred by the court under this paragraph may not continue in any capacity within the industry. The person may not have a management, sales, or any other role in the operation of a dealership. Further, if permanently barred, the person may not derive income from the dealership beyond reasonable compensation for the sale of his or her ownership interest in the business.

Section 27. Section 320.861, Florida Statutes, is amended to read:

320.861 Investigations; subpoenas and other process; oaths; rules inspection of records; production of evidence; subpoena power.—

(1) The department may conduct investigations and examinations on any person suspected of violating or of having violated this chapter or any rule adopted or order issued thereunder inspect the pertinent books, records, letters, and contracts of any licensee, whether dealer or manufacturer, relating to any written complaint made to it against such

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licensee.

(2) For purposes of any investigation or examination conducted under this section, the department may ~~is granted and authorized to~~ exercise the power of subpoena and the powers to administer oaths or affirmations, to examine witnesses, to require affidavits, to take depositions, and to compel the attendance of witnesses and the production of books, papers, documents, records, and other evidence. Such subpoenas may be served by a designated agent of the department ~~for the attendance of witnesses and the production of any documentary evidence necessary to the disposition by it of any written complaint against any licensee, whether dealer or manufacturer.~~

(3) If a person refuses to testify, produce books, papers, documents, or records, or otherwise obey the subpoena or subpoena duces tecum issued under subsection (2), the department may petition a court of competent jurisdiction in the county where the person's residence or principal place of business is located, upon which the court must issue an order requiring such person to obey the subpoena or show cause for failing to obey the subpoena. Unless the person shows sufficient cause for failing to obey the subpoena, the court must direct the person to obey the subpoena. Failure to comply with such order is contempt of court.

(4) For the purpose of any investigation, examination, or proceeding initiated by the department under this chapter, the department may designate agents to serve subpoenas and other process and administer oaths or affirmations. The department shall exercise this power on its own initiative in accordance with ss. 320.615 and 320.71.

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(5) Witnesses subpoenaed under this section are entitled to witness fees at the same rate established by s. 92.142 for witnesses in a civil case, except that witness fees are not payable for appearance at the witness's place of business during regular business hours or at the witness's residence.

(6) The department may adopt rules to administer this section.

Section 28. Subsection (2) of section 320.95, Florida Statutes, is amended to read:

320.95 Transactions by electronic or telephonic means.—

(2) The department may collect and use e-mail electronic mail addresses for purposes of this chapter, including, but not limited to, and use of e-mail electronic mail in lieu of the United States Postal Service for the purpose of providing renewal notices.

Section 29. Subsection (1) of section 321.05, Florida Statutes, is amended to read:

321.05 Duties, functions, and powers of patrol officers.—

The members of the Florida Highway Patrol are hereby declared to be conservators of the peace and law enforcement officers of the state, with the common-law right to arrest a person who, in the presence of the arresting officer, commits a felony or commits an affray or breach of the peace constituting a misdemeanor, with full power to bear arms; and they shall apprehend, without warrant, any person in the unlawful commission of any of the acts over which the members of the Florida Highway Patrol are given jurisdiction as hereinafter set out and deliver him or her to the sheriff of the county that further proceedings may be had against him or her according to law. In the performance of any

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of the powers, duties, and functions authorized by law, members of the Florida Highway Patrol have the same protections and immunities afforded other peace officers, which shall be recognized by all courts having jurisdiction over offenses against the laws of this state, and have authority to apply for, serve, and execute search warrants, arrest warrants, capias, and other process of the court. The patrol officers under the direction and supervision of the Department of Highway Safety and Motor Vehicles shall perform and exercise throughout the state the following duties, functions, and powers:

(1) To patrol the state highways and regulate, control, and direct the movement of traffic thereon; to maintain the public peace by preventing violence on highways; to apprehend fugitives from justice; to enforce all laws regulating and governing traffic, travel, and public safety upon the public highways and providing for the protection of the public highways and public property thereon, including the security and safety of this state's transportation infrastructure; to make arrests without warrant for the violation of any state law committed in their presence in accordance with state law; providing that no search may be made unless it is incident to a lawful arrest, to regulate and direct traffic concentrations and congestions; to enforce laws governing the operation, licensing, and taxing and limiting the size, weight, width, length, and speed of vehicles and licensing and controlling the operations of drivers and operators of vehicles, including the safety, size, and weight of commercial motor vehicles; to collect all state fees and revenues levied as an incident to the use or right to use the highways for any purpose, including the taxing and registration

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of commercial motor vehicles; to require the drivers of vehicles to stop and exhibit their driver licenses, registration cards, or documents required by law to be carried by such vehicles; to investigate traffic ~~crashes~~ accidents, secure testimony of witnesses and of persons involved, and make report thereof with copy, if requested in writing, to any person in interest or his or her attorney; to investigate reported thefts of vehicles; and to seize contraband or stolen property on or being transported on the highways. Each patrol officer of the Florida Highway Patrol is subject to and has the same arrest and other authority provided for law enforcement officers generally in chapter 901 and has statewide jurisdiction. Each officer also has arrest authority as provided for state law enforcement officers in s. 901.15. This section does not conflict with, but is supplemental to, chapter 933.

Section 30. Section 321.065, Florida Statutes, is amended to read:

321.065 Traffic crash ~~accident~~ investigation officers; employment; standards.—The department may employ traffic crash ~~accident~~ investigation officers who must complete any applicable standards adopted by the Florida Highway Patrol, including, but not limited to: cognitive testing, drug testing, polygraph testing, psychological testing, and an extensive background check, including a credit check.

Section 31. Paragraph (d) of subsection (2) of section 321.23, Florida Statutes, is amended to read:

321.23 Public records; fees for copies; destruction of obsolete records; photographing records; effect as evidence.—

(2) Fees for copies of public records shall be charged and

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collected as follows:

(d) Photographs (crashes accidents, etc.):

	Enlargement Proof	Color	Black & White
1.	5" x 7"	\$1.00	\$0.75
2.	8" x 10"	\$1.50	\$1.00
3.	11" x 14"	Not Available	\$1.75
4.	16" x 20"	Not Available	\$2.75
5.	20" x 24"	Not Available	\$3.75

The department shall furnish such information without charge to any local, state, or federal law enforcement agency upon proof satisfactory to the department as to the purpose of the investigation.

Section 32. Paragraph (a) of subsection (2) of section 322.051, Florida Statutes, is amended to read:

322.051 Identification cards.—

(2) (a) Every identification card:

1. Issued to a person 5 years of age to 14 years of age shall expire, unless canceled earlier, on the fourth birthday of the applicant following the date of original issue.

2. Issued to a person 15 years of age and older shall

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expire, unless canceled earlier, on the eighth birthday of the applicant following the date of original issue.

Renewal of an identification card shall be made for the applicable term enumerated in this paragraph. Any application for renewal received later than 12 months ~~90 days~~ after expiration of the identification card shall be considered the same as an application for an original identification card.

Section 33. Paragraphs (a) and (b) of subsection (4) of section 322.0602, Florida Statutes, are amended to read:

322.0602 Youthful Drunk Driver Visitation Program.—

(4) VISITATION REQUIREMENT.—

(a) To the extent that personnel and facilities are made available to the court, the court may include a requirement for supervised visitation by the probationer to all, or any, of the following:

1. A trauma center, as defined in s. 395.4001, or a hospital as defined in s. 395.002, which regularly receives victims of vehicle crashes accidents, between the hours of 10 p.m. and 2 a.m. on a Friday or Saturday night, in order to observe appropriate victims of vehicle crashes accidents involving drinking drivers, under the supervision of any of the following:

a. A registered nurse trained in providing emergency trauma care or prehospital advanced life support.

b. An emergency room physician.

c. An emergency medical technician.

2. A licensed service provider, as defined in s. 397.311, which cares for substance abuse impaired persons, to observe

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persons in the terminal stages of substance abuse impairment, under the supervision of appropriately licensed medical personnel. Prior to any visitation of such terminally ill or disabled persons, the persons or their legal representatives must give their express consent to participate in the visitation program.

3. If approved by the county coroner, the county coroner's office or the county morgue to observe appropriate victims of vehicle crashes ~~accidents~~ involving drinking drivers, under the supervision of the coroner or a deputy coroner.

(b) As used in this section, the term "appropriate victims" means victims or their legal representatives, including the next of kin, who have expressly given their consent to participate in the visitation program and victims whose condition is determined by the visitation supervisor to demonstrate the results of crashes ~~accidents~~ involving drinking drivers without being excessively gruesome or traumatic to the probationer.

Section 34. Subsection (10) of section 322.08, Florida Statutes, is amended to read:

322.08 Application for license; requirements for license and identification card forms.—

(10) The department may collect and use e-mail electronic mail addresses for purposes of this chapter, including, but not limited to, and use of e-mail electronic mail in lieu of the United States Postal Service for the purpose of providing renewal notices.

Section 35. Subsection (5) of section 322.091, Florida Statutes, is amended to read:

322.091 Attendance requirements.—

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(5) REPORTING AND ACCOUNTABILITY.—The department shall make available, upon request, a report ~~quarterly~~ to each school district which includes the legal name, sex, date of birth, and social security number of each student whose driving privileges have been suspended under this section.

Section 36. Section 322.17, Florida Statutes, is amended to read:

322.17 Replacement licenses, identification cards, and permits.—

(1) (a) In the event that an instruction permit or driver license issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may, upon payment of the appropriate fee pursuant to s. 322.21, obtain a replacement upon furnishing proof satisfactory to the department that such permit or license has been lost or destroyed, and further furnishing the full name, date of birth, sex, residence and mailing address, proof of birth satisfactory to the department, and proof of identity satisfactory to the department.

(b) In the event that an instruction permit, ~~or~~ driver license, or identification card issued under the provisions of this chapter is stolen, the person to whom the same was issued may, at no charge, obtain a replacement upon furnishing proof satisfactory to the department that such permit, ~~or~~ license, or identification card was stolen and further furnishing the person's full name, date of birth, sex, residence and mailing address, proof of birth satisfactory to the department, and proof of identity satisfactory to the department.

(2) Upon the surrender of the original license and the

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1734 payment of the appropriate fees pursuant to s. 322.21, the
 1735 department shall issue a replacement license to make a change in
 1736 name, address, or restrictions.

1737 (3) Notwithstanding any other provisions of this chapter,
 1738 if a licensee establishes his or her identity for a driver
 1739 license using an identification document authorized under s.
 1740 322.08(2)(c)7. or 8., the licensee may not obtain a duplicate or
 1741 replacement instruction permit or driver license except in
 1742 person and upon submission of an identification document
 1743 authorized under s. 322.08(2)(c)7. or 8.

1744 (4) Notwithstanding any other provision of this section or
 1745 s. 322.21, the department shall, if necessary, issue or renew a
 1746 replacement driver license at no charge to an inmate if the
 1747 department determines that he or she has a valid driver license.
 1748 If the replacement driver license is scheduled to expire within
 1749 6 months, the department may also issue a temporary permit valid
 1750 for at least 6 months after the release date.

1751 Section 37. Subsection (10) is added to section 322.21,
 1752 Florida Statutes, to read:

1753 322.21 License fees; procedure for handling and collecting
 1754 fees.—

1755 (10) An applicant who submits an application for a renewal
 1756 or replacement driver license or identification card to the
 1757 department using a convenience service must be provided with an
 1758 option for expedited shipping in which the department, at the
 1759 applicant's request, must issue the license or identification
 1760 card within 5 working days after receipt of the application and
 1761 ship the license or card using an expedited mail service. Fees
 1762 collected for the expedited shipping option shall be deposited

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1763 into the Highway Safety Operating Trust Fund.

1764 Section 38. Present subsection (8) of section 322.212,
 1765 Florida Statutes, is redesignated as subsection (9), a new
 1766 subsection (8) is added to that section, and subsection (5) of
 1767 that section is amended, to read:

1768 322.212 Unauthorized possession of, and other unlawful acts
 1769 in relation to, driver license or identification card.—

1770 (5) (a) It is unlawful for any person to use a false or
 1771 fictitious name in any application for a driver license or
 1772 identification card or knowingly to make a false statement,
 1773 knowingly conceal a material fact, provide altered or
 1774 counterfeit documents, participate in dishonest or deceptive
 1775 actions, or otherwise commit a fraud in any such application.

1776 (b) It is unlawful for any person to have in his or her
 1777 possession a driver license or identification card upon which
 1778 the date of birth has been altered.

1779 (c) It is unlawful for any person designated as a sexual
 1780 predator or sexual offender to have in his or her possession a
 1781 driver license or identification card upon which the sexual
 1782 predator or sexual offender markings required by s. 322.141 are
 1783 not displayed or have been altered.

1784 (8) In addition to any other penalties provided by this
 1785 section, the department shall suspend the license or permit of
 1786 any person who provides false information when applying for a
 1787 driver license, identification card, commercial driver license,
 1788 or commercial learner's permit or who is convicted of fraud in
 1789 connection with testing for a driver license, commercial driver
 1790 license, or commercial learner's permit for a period of 1 year.

1791 Section 39. Section 322.36, Florida Statutes, is amended to

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read:

322.36 Permitting unauthorized operator to drive.—A person may not authorize or knowingly permit a motor vehicle owned by him or her or under his or her dominion or control to be operated upon any highway or public street except by a person who is duly authorized to operate a motor vehicle under this chapter. Any person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. If a person violates this section by knowingly loaning a vehicle to a person whose driver license is suspended and if that vehicle is involved in a crash ~~an accident~~ resulting in bodily injury or death, the driver license of the person violating this section shall be suspended for 1 year.

Section 40. Subsection (1) of section 322.61, Florida Statutes, is amended to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(1) A person who, for offenses occurring within a 3-year period, is convicted of two of the following serious traffic violations or any combination thereof, arising in separate incidents committed in a commercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days. A holder of a commercial driver license or commercial learner's permit who, for offenses occurring within a 3-year period, is convicted of two of the following serious traffic violations, or any combination thereof, arising in separate incidents committed in a noncommercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a

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commercial motor vehicle for a period of 60 days if such convictions result in the suspension, revocation, or cancellation of the licenseholder's driving privilege:

(a) A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a crash resulting in death, ~~+~~

(b) Reckless driving, as defined in s. 316.192, ~~+~~

(c) Unlawful speed of 15 miles per hour or more above the posted speed limit, ~~;~~

(d) Improper lane change, as defined in s. 316.085, ~~+~~

(e) Following too closely, as defined in s. 316.0895, ~~+~~

(f) Driving a commercial vehicle without obtaining a commercial driver license, ~~+~~

(g) Driving a commercial vehicle without the proper class of commercial driver license or commercial learner's permit or without the proper endorsement, ~~+~~ ~~or~~

(h) Driving a commercial vehicle without a commercial driver license or commercial learner's permit in possession, as required by s. 322.03.

(i) Texting while driving a commercial motor vehicle as prohibited by 49 C.F.R. 392.80.

(j) Using a hand-held mobile telephone while driving a commercial motor vehicle, as prohibited by 49 C.F.R. 392.82.

Section 41. Section 322.71, Florida Statutes, is created to read:

322.71 Investigations; subpoenas and other process; oaths; rules.—

(1) The department may conduct investigations and examinations on any person suspected of violating or of having

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1850 violated any provision of this chapter or any rule adopted or
 1851 order issued under this chapter.

1852 (2) For purposes of any investigation or examination
 1853 conducted under this section, the department may exercise the
 1854 power of subpoena and the powers to administer oaths or
 1855 affirmations, to examine witnesses, to require affidavits, to
 1856 take depositions, and to compel the attendance of witnesses and
 1857 the production of books, papers, documents, records, and other
 1858 evidence. Such subpoenas may be served by an authorized
 1859 representative of the department.

1860 (3) If a person refuses to testify, produce books, papers,
 1861 documents, or records, or otherwise obey the subpoena or
 1862 subpoena duces tecum issued under subsection (2), the department
 1863 may petition a court of competent jurisdiction in the county
 1864 where the person's residence or principal place of business is
 1865 located, upon which the court must issue an order requiring such
 1866 person to obey the subpoena or show cause for failing to obey
 1867 the subpoena. Unless the person shows sufficient cause for
 1868 failing to obey the subpoena, the court must direct the person
 1869 to obey the subpoena. Failure to comply with such order is
 1870 contempt of court.

1871 (4) For the purpose of any investigation, examination, or
 1872 proceeding initiated by the department under this chapter, the
 1873 department may designate agents to serve subpoenas and other
 1874 process and administer oaths or affirmations.

1875 (5) Witnesses subpoenaed under this section are entitled to
 1876 witness fees at the same rate established by s. 92.142 for
 1877 witnesses in a civil case, except that witness fees are not
 1878 payable for appearance at the witness's place of business during

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1879 regular business hours or at the witness's residence.

1880 (6) The department may adopt rules to administer this
 1881 section.

1882 Section 42. Subsection (4) of section 323.001, Florida
 1883 Statutes, is amended to read:

1884 323.001 Wrecker operator storage facilities; vehicle
 1885 holds.—

1886 (4) The requirements for a written hold apply when the
 1887 following conditions are present:

1888 (a) The officer has probable cause to believe the vehicle
 1889 should be seized and forfeited under the Florida Contraband
 1890 Forfeiture Act, ss. 932.701-932.7062;

1891 (b) The officer has probable cause to believe the vehicle
 1892 should be seized and forfeited under chapter 379;

1893 (c) The officer has probable cause to believe the vehicle
 1894 was used as the means of committing a crime;

1895 (d) The officer has probable cause to believe that the
 1896 vehicle is itself evidence that tends to show that a crime has
 1897 been committed or that the vehicle contains evidence, which
 1898 cannot readily be removed, which tends to show that a crime has
 1899 been committed;

1900 (e) The officer has probable cause to believe the vehicle
 1901 was involved in a traffic ~~crash accident~~ resulting in death or
 1902 personal injury and should be seized for investigation and
 1903 collection of evidence by a vehicular homicide investigator;

1904 (f) The vehicle is impounded or immobilized pursuant to s.
 1905 316.193 or s. 322.34; or

1906 (g) The officer is complying with a court order.

1907 Section 43. Paragraph (c) of subsection (1), paragraph (c)

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of subsection (2), and subsection (4) of section 323.002, Florida Statutes, are amended to read:

323.002 County and municipal wrecker operator systems; penalties for operation outside of system.—

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

(c) "Wrecker operator system" means a system for the towing or removal of wrecked, disabled, or abandoned vehicles, similar to the Florida Highway Patrol wrecker operator system described in s. 321.051(2), under which a county or municipality contracts with one or more wrecker operators for the towing or removal of wrecked, disabled, or abandoned vehicles from crash ~~accident~~ scenes, streets, or highways. A wrecker operator system shall include using a method for apportioning the towing assignments among the eligible wrecker operators through the creation of geographic zones, a rotation schedule, or a combination of these methods.

(2) In any county or municipality that operates a wrecker operator system:

(c) When an unauthorized wrecker operator drives by the scene of a wrecked or disabled vehicle and the owner or operator initiates contact by signaling the wrecker operator to stop and provide towing services, the unauthorized wrecker operator must disclose in writing to the owner or operator of the vehicle his or her full name and driver license number, that he or she is not the authorized wrecker operator who has been designated as part of the wrecker operator system, that the motor vehicle is not being towed for the owner's or operator's insurance company or lienholder, whether he or she has in effect an insurance policy providing at least \$300,000 of liability insurance and at

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least \$50,000 of on-hook cargo insurance, and the maximum charges for towing and storage which will apply before the vehicle is connected to the towing apparatus. The unauthorized wrecker operator must also provide a copy of the disclosure to the owner or operator in the presence of a law enforcement officer if such officer is at the scene of a motor vehicle crash ~~accident~~. Any person who violates this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and the person's wrecker, tow truck, or other motor vehicle that was used during the offense may be immediately removed and impounded pursuant to subsection (3).

(4) This section does not prohibit, or in any way prevent, the owner or operator of a vehicle involved in a crash ~~an accident~~ or otherwise disabled from contacting any wrecker operator for the provision of towing services, whether the wrecker operator is an authorized wrecker operator or not.

Section 44. Section 324.011, Florida Statutes, is amended to read:

324.011 Purpose of chapter.—It is the intent of this chapter to recognize the existing privilege to own or operate a motor vehicle on the public streets and highways of this state when such vehicles are used with due consideration for others and their property, and to promote safety and provide financial security requirements for such owners or operators whose responsibility it is to recompense others for injury to person or property caused by the operation of a motor vehicle. Therefore, it is required herein that the operator of a motor vehicle involved in a crash or convicted of certain traffic offenses meeting the operative provisions of s. 324.051(2) shall

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respond for such damages and show proof of financial ability to respond for damages in future crashes ~~accidents~~ as a requisite to his or her future exercise of such privileges.

Section 45. Subsection (1) of section 324.022, Florida Statutes, is amended to read:

324.022 Financial responsibility for property damage.—

(1) Every owner or operator of a motor vehicle required to be registered in this state shall establish and maintain the ability to respond in damages for liability on account of crashes ~~accidents~~ arising out of the use of the motor vehicle in the amount of \$10,000 because of damage to, or destruction of, property of others in any one crash. The requirements of this section may be met by one of the methods established in s. 324.031; by self-insuring as authorized by s. 768.28(16); or by maintaining an insurance policy providing coverage for property damage liability in the amount of at least \$10,000 because of damage to, or destruction of, property of others in any one crash ~~accident~~ arising out of the use of the motor vehicle. The requirements of this section may also be met by having a policy which provides coverage in the amount of at least \$30,000 for combined property damage liability and bodily injury liability for any one crash arising out of the use of the motor vehicle. The policy, with respect to coverage for property damage liability, must meet the applicable requirements of s. 324.151, subject to the usual policy exclusions that have been approved in policy forms by the Office of Insurance Regulation. No insurer shall have any duty to defend uncovered claims irrespective of their joinder with covered claims.

Section 46. Section 324.023, Florida Statutes, is amended

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to read:

324.023 Financial responsibility for bodily injury or death.—In addition to any other financial responsibility required by law, every owner or operator of a motor vehicle that is required to be registered in this state, or that is located within this state, and who, regardless of adjudication of guilt, has been found guilty of or entered a plea of guilty or nolo contendere to a charge of driving under the influence under s. 316.193 after October 1, 2007, shall, by one of the methods established in s. 324.031(1) or (2), establish and maintain the ability to respond in damages for liability on account of crashes ~~accidents~~ arising out of the use of a motor vehicle in the amount of \$100,000 because of bodily injury to, or death of, one person in any one crash and, subject to such limits for one person, in the amount of \$300,000 because of bodily injury to, or death of, two or more persons in any one crash and in the amount of \$50,000 because of property damage in any one crash. If the owner or operator chooses to establish and maintain such ability by furnishing a certificate of deposit pursuant to s. 324.031(2), such certificate of deposit must be at least \$350,000. Such higher limits must be carried for a minimum period of 3 years. If the owner or operator has not been convicted of driving under the influence or a felony traffic offense for a period of 3 years from the date of reinstatement of driving privileges for a violation of s. 316.193, the owner or operator shall be exempt from this section.

Section 47. Paragraph (b) of subsection (1) and paragraph (a) of subsection (2) of section 324.051, Florida Statutes, are amended to read:

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324.051 Reports of crashes; suspensions of licenses and registrations.—

(1)

(b) The department is hereby further authorized to require reports of crashes from individual owners or operators whenever it deems it necessary for the proper administration of this chapter, and these reports shall be made without prejudice except as specified in this subsection. No such report shall be used as evidence in any trial arising out of a crash. However, subject to the applicable rules of evidence, a law enforcement officer at a criminal trial may testify as to any statement made to the officer by the person involved in the crash ~~accident~~ if that person's privilege against self-incrimination is not violated.

(2)(a) Thirty days after receipt of notice of any crash ~~accident~~ described in paragraph (1)(a) involving a motor vehicle within this state, the department shall suspend, after due notice and opportunity to be heard, the license of each operator and all registrations of the owner of the vehicles operated by such operator whether or not involved in such crash and, in the case of a nonresident owner or operator, shall suspend such nonresident's operating privilege in this state, unless such operator or owner shall, prior to the expiration of such 30 days, be found by the department to be exempt from the operation of this chapter, based upon evidence satisfactory to the department that:

1. The motor vehicle was legally parked at the time of such crash.

2. The motor vehicle was owned by the United States

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Government, this state, or any political subdivision of this state or any municipality therein.

3. Such operator or owner has secured a duly acknowledged written agreement providing for release from liability by all parties injured as the result of said crash and has complied with one of the provisions of s. 324.031.

4. Such operator or owner has deposited with the department security to conform with s. 324.061 when applicable and has complied with one of the provisions of s. 324.031.

5. One year has elapsed since such owner or operator was suspended pursuant to subsection (3), the owner or operator has complied with one of the provisions of s. 324.031, and no bill of complaint of which the department has notice has been filed in a court of competent jurisdiction.

No such policy or bond shall be effective under this subsection unless it contains limits of not less than those specified in s. 324.021(7).

Section 48. Subsections (2), (3), and (4) of section 324.242, Florida Statutes, are amended to read:

324.242 Personal injury protection and property damage liability insurance policies; public records exemption.—

(2) Upon receipt of a request and proof of a crash report as required under s. 316.065, s. 316.066, or s. 316.068, or a crash report created pursuant to the laws of another state, the department shall release the policy number for a policy covering a vehicle involved in a motor vehicle crash ~~accident~~ to:

(a) Any person involved in such crash ~~accident~~;

(b) The attorney of any person involved in such crash

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2082 ~~accident; or~~

2083 (c) A representative of the insurer of any person involved
2084 in such crash ~~accident~~.

2085 (3) The department shall provide personal injury protection
2086 and property damage liability insurance policy numbers to
2087 department-approved third parties that provide data collection
2088 services to an insurer of any person involved in such crash
2089 ~~accident~~.

2090 (4) Before the department's release of a policy number in
2091 accordance with subsection (2) or subsection (3), an insurer's
2092 representative, a contracted third party, or an attorney for a
2093 person involved in a crash ~~an accident~~ must provide the
2094 department with documentation confirming proof of
2095 representation.

2096 Section 49. Section 328.30, Florida Statutes, is amended to
2097 read:

2098 328.30 Transactions by electronic or telephonic means.—

2099 (1) The Department of Highway Safety and Motor Vehicles may
2100 accept any application provided for under this part ~~chapter~~ by
2101 electronic or telephonic means.

2102 (2) The department may issue an electronic certificate of
2103 title in lieu of printing a paper title.

2104 (3) The department may collect and use e-mail ~~electronic~~
2105 ~~mail~~ addresses for purposes of this part, including, but not
2106 limited to, and use of e-mail ~~electronic mail~~ in lieu of the
2107 United States Postal Service for the purpose of providing
2108 renewal notices.

2109 Section 50. Subsection (3) of section 328.40, Florida
2110 Statutes, is amended to read:

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2111 328.40 Administration of vessel registration and titling
2112 laws; records.—

2113 (3) All records made or kept by the Department of Highway
2114 Safety and Motor Vehicles under this part ~~are subject to~~
2115 inspection and copying as provided in chapter 119 ~~law are public~~
2116 ~~records except for confidential reports~~.

2117 Section 51. Section 328.80, Florida Statutes, is amended to
2118 read:

2119 328.80 Transactions by electronic or telephonic means.—

2120 (1) The Department of Highway Safety and Motor Vehicles
2121 ~~commission~~ is authorized to accept any application provided for
2122 under this part ~~chapter~~ by electronic or telephonic means.

2123 (2) The department may collect and use e-mail addresses for
2124 purposes of this part, including, but not limited to, use of e-
2125 mail in lieu of the United States Postal Service for the purpose
2126 of providing renewal notices.

2127 Section 52. Subsection (4) of section 627.7415, Florida
2128 Statutes, is amended to read:

2129 627.7415 Commercial motor vehicles; additional liability
2130 insurance coverage.—Commercial motor vehicles, as defined in s.
2131 207.002 or s. 320.01, operated upon the roads and highways of
2132 this state shall be insured with the following minimum levels of
2133 combined bodily liability insurance and property damage
2134 liability insurance in addition to any other insurance
2135 requirements:

2136 (4) All commercial motor vehicles subject to regulations of
2137 the United States Department of Transportation, 49 C.F.R. part
2138 387, subparts ~~subpart~~ A and B, and as may be hereinafter
2139 amended, shall be insured in an amount equivalent to the minimum

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levels of financial responsibility as set forth in such regulations.

A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 53. Subsection (2) of section 316.251, Florida Statutes, is amended to read:

316.251 Maximum bumper heights.—

(2) "New motor vehicles" as defined in s. 319.001 ~~s. 319.001(9)~~, "antique automobiles" as defined in s. 320.08, "horseless carriages" as defined in s. 320.086, and "street rods" as defined in s. 320.0863 shall be excluded from the requirements of this section.

Section 54. Subsection (19) of section 501.976, Florida Statutes, is amended to read:

501.976 Actionable, unfair, or deceptive acts or practices.—It is an unfair or deceptive act or practice, actionable under the Florida Deceptive and Unfair Trade Practices Act, for a dealer to:

(19) Fail to disclose damage to a new motor vehicle, as defined in s. 319.001 ~~s. 319.001(9)~~, of which the dealer had actual knowledge, if the dealer's actual cost of repairs exceeds the threshold amount, excluding replacement items.

In any civil litigation resulting from a violation of this section, when evaluating the reasonableness of an award of attorney's fees to a private person, the trial court shall consider the amount of actual damages in relation to the time spent.

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Section 55. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

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

(1) "Access area" means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(83)(a) or (b) ~~s. 316.003(81)(a) or (b)~~, including any adjacent sidewalk, as defined in s. 316.003.

Section 56. Subsection (5) of section 856.015, Florida Statutes, is amended to read:

856.015 Open house parties.—

(5) If a violation of subsection (2) causes or contributes to causing serious bodily injury, as defined in s. 316.003 ~~316.1933~~, or death to the minor, or if the minor causes or contributes to causing serious bodily injury or death to another as a result of the minor's consumption of alcohol or drugs at the open house party, the violation is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 57. This act shall take effect July 1, 2019.

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 Infrastructure and Security

BILL: SPB 7092

INTRODUCER: Infrastructure and Security Committee

SUBJECT: Highway Safety and Motor Vehicle Fees

DATE: April 3, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Proctor	Miller		IS Submitted as Comm. Bill/Fav

I. Summary:

SPB 7092 provides the Department of Highway Safety and Motor Vehicles (DHSMV) may collect fees pertaining to:

- Payment for expedited shipping of driver license (DL) and identification (ID) cards at the request of an individual for online transactions;
- Costs incurred by the DHSMV to obtain an order requiring a person to obey a subpoena, in whole or in part, and such fees must be charged to the subpoenaed person; and
- The \$28.00 initial validation sticker and any renewed annual validation stickers for an apportionable vehicle.

SPB 7092 takes effect on the same date that SPB 7090 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Article VII, s. 19 of the Florida Constitution requires the imposition, authorization, or raising of a state tax or fee be contained in a separate bill that contains no other subject and be approved by two-thirds of the membership of each house of the Legislature. As such, Art. VII, s. 19 of the Florida Constitution may apply if the fee provisions in the bill are interpreted to be a new fee.

II. Present Situation:

The present situation for each fee issue in the bill is discussed below in conjunction with the Effect of the Proposed Changes.

III. Effect of Proposed Changes:

Subpoena and Investigative Authority

Present Situation

The DHSMV has jurisdiction over multiple chapters of Florida Statutes, for which they do not have subpoena authority, without which they are often unable to obtain documents and testimony

from third-party entities (banks, tow companies, etc.) to conduct administrative or criminal investigations.

Effect of Proposed Changes

SPB 7090 creates s. 322.71, F.S., and amends ss. 319.25 and 320.861, F.S., authorizing DHSMV to exercise the power of subpoena and to administer oaths or affirmations, examine witnesses, require affidavits, take depositions, and compel the attendance of witnesses and the production of books, papers, documents, records, and other evidence. The subpoena is to be used for investigations or examinations conducted by DHSMV for suspected violations of Chapters 319, 320, and 322, F.S., and may be served by an authorized representative of DHSMV.

If a person refuses to obey the subpoena, DHSMV may petition a court in the county in which the person or business is located. The court may direct the person to obey the subpoena, and any court costs incurred by DHSMV in the process, must be paid by the subpoenaed person.

SPB 7092 allows the DHSMV to collect the court costs incurred during petitioning a court to direct a person to obey a subpoena.

Issuance of Apportionable Vehicle Plates

Present Situation

Florida law requires all apportionable vehicles domiciled in Florida to be registered in accordance with the International Registration Plan (IRP) and to display required license plates.¹

Section 320.06, F.S., provides for motor vehicle registration certificates, license plates, and validation stickers. Registration license plates, which bear a graphic symbol and alphanumeric system of identification, most are issued for a 10-year period. However, “Apportioned” license plates issued to vehicles registered under the IRP are issued annually.² Apportioned vehicles are also issued an annual cab card that denotes the declared gross vehicle weight for each apportioned jurisdiction where the vehicle is authorized to operate.³

Section 320.0607, F.S., provides for replacement license plates, validation decals, or mobile home stickers. It requires that upon the issuance of an original license plate (whether every ten years or annually for apportioned vehicles), the applicant pay a fee of \$28 to be deposited into the Highway Safety Operating Trust Fund (HSOTF).

Effect of Proposed Changes

SPB 7090 repeals s. 320.06(1)(b)2., F.S., on October 1, 2019, which provides that an apportioned vehicle must be issued an annual license plate and cab card denoting the declared gross vehicle weight.

¹ Section 320.0715(1), F.S.

² Section 320.06(1)(b)1., F.S.

³ See IRP, Inc., *State of Florida Apportioned Cab Card Sample*, http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/cab_cards/fl_cc_sample.pdf (last visited Jan. 15, 2018).

Additionally, SPB 7090 amends s. 320.06, F.S., providing that upon implementation of a new operating system for apportioned vehicle registration, a vehicle registered in accordance with the IRP, will be issued a license plate for a five-year period, an annual cab card denoting the declared gross vehicle weight, and an annual validation sticker showing the month and year of expiration. The license plate and validation sticker will be issued based on the applicant's appropriate renewal period. The registration period for an apportionable vehicle is for 12 months and the validation sticker is valid for 12 months. The annual fee for an original and renewed validation sticker (rather than license plate) is \$28, which is deposited into the Highway Safety Operating Trust Fund. If the license plate is damaged or worn it may be replaced at no charge by applying to DHSMV and surrendering the current license plate.

SPB 7090 amends s. 320.0607(5), F.S., providing that upon implementation of a new operating system for apportioned vehicle registration, the \$28 fee for a replacement license plate does not apply to vehicles registered under the IRP and issued an apportionable license plate. Instead, vehicles registered under the IRP will be issued an annual cab card and validation sticker for the same \$28 fee.

SPB 7092 allows the DHSMV to charge and collect the \$28 fee for deposit into the Highway Safety Operating Trust Fund.

Expedited Shipping Service

Present Situation

The DHSMV has the authority to charge a service fee for individuals to receive expedited service on title transfers, title issuances, duplicate titles, and recordation of liens.⁴ A fee of \$10.00 is charged for this service⁵, which is in addition to the standard fees on title transfers, title issuances, duplicate titles, and recordation of liens.⁶ The fee, minus deductions for odometer fraud prevention and detection⁷ and \$3.50 to be retained by the processing agency, are deposited into the General Revenue Fund.⁸ Application for expedited service may be made by mail or in person and the DHSMV must issue each title within 5 working days after receipt of the application, except for an application for a duplicate title certificate covered by s. 319.23(4), F.S., in which case the title must be issued within 5 working days after compliance with the DHSMV's verification requirements.⁹

Currently, the law does not provide the authority for the DHSMV to collect an expedited shipping cost related to DLs and ID cards from customers. For example, Florida residents needing an immediate DL or ID card issuance, such as a replacement or renewal, often call the DHSMV customer service center to request expedited shipping of their transaction via the online

⁴ Section 319.323, F.S.

⁵ *Id.*

⁶ Section 319.32, F.S.

⁷ Section 319.324, F.S.

⁸ Section 319.323, F.S.

⁹ *Id.*

portal. To assist these individuals, the DHSMV must have the individual pre-pay directly to a mail courier service for the expedited shipping cost.¹⁰

Effect of Proposed Changes

The SPB 7090 creates s. 322.21(10), F.S., to provide that an applicant who submits an application for a renewal or replacement DL or ID card to the DHSMV for online transactions must be provided with an option for expedited shipping in which the DHSMV, at the applicant's request, must issue the DL or ID card within five working days after receipt of the application and ship the DL or ID card using an expedited mail service. Fees collected for the expedited shipping option will be deposited into the HSOTF.

SPB 7092 amends s. 322.21, F.S., to allow the DHSMV to collect the fee for an expedited mail service, which may not exceed the cost of the expedited mail service.

Effective Date

SPB 7092 takes effect on the same date that SPB 7090 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Article VII, s. 19 of the Florida Constitution requires the imposition, authorization, or raising of a state tax or fee be contained in a separate bill that contains no other subject and be approved by two-thirds of the membership of each house of the Legislature. As such, Art. VII, s. 19 of the Florida Constitution may apply if the fee provisions in the bill are interpreted to be a new fee.

E. Other Constitutional Issues:

None.

¹⁰ Department of Highway Safety and Motor Vehicles, 2019 Legislative Concepts (on file with Infrastructure and Security).

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

None.

B. Private Sector Impact:

Those compelled by a court to obey a DHSMV subpoena may incur a cost to reimburse the DHSMV for court costs for the enforcement of the subpoena.

C. Government Sector Impact:

The bill is anticipated to have a net zero impact to the state.

The bill allows the DHSMV to collect court costs incurred during petitioning a court to direct a person to obey a subpoena.

The bill allows the DHSMV to charge and collect the \$28 fee for deposit into the Highway Safety Operating Trust Fund on the initial validation sticker, and each renewal validation sticker. Under existing statute, the \$28 fee is paid upon initial issuance and annual reissuance of the “Apportioned” license plates issued to vehicles registered under the IRP.¹¹

The bill allows the DHSMV to collect expedited mail service costs in relation to an expedited request for a DL or ID card, and use those fees to pay a shipping company for the expedited shipping. Fees collected by the DHSMV for the expedited shipping option will be deposited into the HSOTF and may not exceed the cost of the expedited mail service.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends sections 319.1414, 320.06, 320.861, 322.21, and 322.71 of the Florida Statutes.

¹¹ Section 320.06(1)(b)1., F.S.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

SPB by Infrastructure and Security on April 2, 2019:

- The SPB was amended to incorporate the linked bill number of SB 7090.

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



421644

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2019	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Lee) recommended the following:

Senate Amendment

Delete line 21
and insert:
Statutes, as created by SB 7090, 2019 Regular Session, is
amended

Delete line 39
and insert:
320.06, Florida Statutes, as amended by SB 7090, 2019 Regular



421644

11
12 Delete line 94
13 and insert:
14 Statutes, as created by SB 7090, 2019 Regular Session, is
15 amended
16
17 Delete line 112
18 and insert:
19 Statutes, as created by SB 7090, 2019 Regular Session, is
20 amended
21
22 Delete line 130
23 and insert:
24 Statutes, as created by SB 7090, 2019 Regular Session, is
25 amended
26
27 Delete line 148
28 and insert:
29 SB 7090 or similar legislation takes effect, if such legislation

FOR CONSIDERATION By the Committee on Infrastructure and Security

596-02583A-19

20197092pb

A bill to be entitled

An act relating to fees; amending s. 319.1414, F.S.; requiring that costs incurred by the Department of Highway Safety and Motor Vehicles to obtain a certain order be charged to a subpoenaed person; amending s. 320.06, F.S.; requiring a specified fee for certain validation stickers; amending s. 320.861, F.S.; requiring that costs incurred by the department to obtain a certain order be charged to a subpoenaed person; amending s. 322.21, F.S.; requiring a certain fee for the expedited shipping of a renewal or replacement driver license or identification card; amending s. 322.71, F.S.; requiring that costs incurred by the department to obtain a certain order be charged to a subpoenaed person; providing a contingent effective date.

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

Section 1. Subsection (3) of section 319.1414, Florida Statutes, as created by SB ____, 2019 Regular Session, is amended to read:

319.1414 Investigations; examinations; subpoenas; hearings; witnesses.—

(3) If a person refuses to testify, produce books, papers, documents, or records, or otherwise obey a subpoena or subpoena duces tecum issued under subsection (2), the department may petition a court of competent jurisdiction in the county where the person's residence or principal place of business is

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located, upon which the court must issue an order requiring such person to obey the subpoena or show cause for failing to obey the subpoena. Unless the person shows sufficient cause for failing to obey the subpoena, the court shall direct the person to obey the subpoena. Costs incurred by the department to obtain an order granting, in whole or in part, its petition must be charged to the subpoenaed person. Failure to comply with such order is contempt of court.

Section 2. Paragraph (b) of subsection (1) of section 320.06, Florida Statutes, as amended by SB ____, 2019 Regular Session, is amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(1)

(b)1. Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 10-year period. At the end of the 10-year period, upon renewal, the plate shall be replaced. The department shall extend the scheduled license plate replacement date from a 6-year period to a 10-year period. The fee for such replacement is \$28, \$2.80 of which shall be paid each year before the plate is replaced, to be credited toward the next \$28 replacement fee. The fees shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund may not be given for any prior years' payments of the prorated replacement fee if the plate is replaced or surrendered before the end of the 10-year period, except that a credit may be given if a registrant is required by the department to replace a license plate under s. 320.08056(8)(a). With each license plate, a validation sticker

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shall be issued showing the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker shall be placed on the upper right corner of the license plate. The license plate and validation sticker shall be issued based on the applicant's appropriate renewal period. The registration period is 12 months, the extended registration period is 24 months, and all expirations occur based on the applicant's appropriate registration period.

2. A vehicle that has an apportioned registration shall be issued an annual license plate and a cab card that denote the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate. This subparagraph expires October 1, 2019.

3. Upon implementation of a new operating system for apportioned vehicle registration, a vehicle registered in accordance with the International Registration Plan which has an apportioned registration must be issued a license plate for a 5-year period, an annual cab card denoting the declared gross vehicle weight, and an annual validation sticker showing the month and year of expiration. The validation sticker must be placed in the center of the license plate. The license plate and validation sticker must be issued based on the applicant's appropriate renewal period. The registration period is 12 months. The fee for the initial validation sticker and any renewed validation sticker is \$28. This fee must be deposited into the Highway Safety Operating Trust Fund. If the license plate is damaged or worn, it may be replaced at no charge by applying to the department and surrendering the current license

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plate.

4. In order to retain the efficient administration of the taxes and fees imposed by this chapter, the 80-cent fee increase in the replacement fee imposed by chapter 2009-71, Laws of Florida, is negated as provided in s. 320.0804.

Section 3. Subsection (3) of section 320.861, Florida Statutes, as created by SB ___, 2019 Regular Session, is amended to read:

320.861 Investigations; subpoenas and other process; oaths; rules.—

(3) If a person refuses to testify, produce books, papers, documents, or records, or otherwise obey the subpoena or subpoena duces tecum issued under subsection (2), the department may petition a court of competent jurisdiction in the county where the person's residence or principal place of business is located, upon which the court must issue an order requiring such person to obey the subpoena or show cause for failing to obey the subpoena. Unless the person shows sufficient cause for failing to obey the subpoena, the court must direct the person to obey the subpoena. Costs incurred by the department to obtain an order granting, in whole or in part, its petition shall be charged to the subpoenaed person. Failure to comply with such order is contempt of court.

Section 4. Subsection (10) of section 322.21, Florida Statutes, as created by SB ___, 2019 Regular Session, is amended to read:

322.21 License fees; procedure for handling and collecting fees.—

(10) An applicant who submits an application for a renewal

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or replacement driver license or identification card to the department using a convenience service must be provided with an option for expedited shipping in which the department, at the applicant's request, must issue the license or identification card within 5 working days after receipt of the application and ship the license or card using an expedited mail service. A fee must be charged for the expedited shipping option, not to exceed the cost of the expedited mail service, which is in addition to fees imposed by s. 322.051 or this section, or for the convenience service. Fees collected for the expedited shipping option shall be deposited into the Highway Safety Operating Trust Fund.

Section 5. Subsection (3) of section 322.71, Florida Statutes, as created by SB ___, 2019 Regular Session, is amended to read:

322.71 Investigations; subpoenas and other process; oaths; rules.—

(3) If a person refuses to testify, produce books, papers, documents, or records, or otherwise obey the subpoena or subpoena duces tecum issued under subsection (2), the department may petition a court of competent jurisdiction in the county where the person's residence or principal place of business is located, upon which the court must issue an order requiring such person to obey the subpoena or show cause for failing to obey the subpoena. Unless the person shows sufficient cause for failing to obey the subpoena, the court must direct the person to obey the subpoena. Costs incurred by the department to obtain an order granting, in whole or in part, its petition shall be charged to the subpoenaed person. Failure to comply with such

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order is contempt of court.

Section 6. This act shall take effect on the same date that SB ___ or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

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 Infrastructure and Security

BILL: SPB 7094

INTRODUCER: Infrastructure and Security Committee

SUBJECT: Highway Safety and Motor Vehicles

DATE: April 3, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Proctor	Miller		IS Submitted as Comm. Bill/Fav

I. Summary:

SPB 7094 is a bill relating the Department of Highway Safety and Motor Vehicles (DHSMV), which contains public record exemptions for:

- Personal information, including highly restricted personal information, contained in any record that pertains to a vessel title or vessel registration issued by the DHSMV;
- Verified e-mail addresses and cellular telephone numbers collected by the DHSMV; and
- Information received by the DHSMV as a result of an investigation or examination, until the investigation or examination ceases to be active or administrative action taken by the DHSMV has concluded or been made part of any hearing or court proceeding.

SPB 7094 is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2024, unless reviewed and reenacted by the Legislature. The bill contains a public necessity statement as required by the Florida Constitution. Because this bill creates a new public records exemption, a two-thirds vote of the members present and voting in each house of the Legislature is required for passage.

SB 7094 takes effect on the same date that SPB 7090 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

¹ FLA. CONST., art. I, s. 24(a).

² FLA. CONST., art. I, s. 24(a).

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that:

[i]t is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁵

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may create an exemption to open meetings requirements by passing a general law by a two-thirds vote of the House and the Senate.⁹ The exemption must explicitly lay out the public necessity justifying the exemption, and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰ A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.¹¹

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’¹² Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature.

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

¹² If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

Records designated as ‘exempt’ may be released at the discretion of the records custodian under certain circumstances.¹³

Open Government Sunset Review Act

The Open Government Sunset Review Act (referred to hereafter as the “OGSR”) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.¹⁴ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.¹⁵ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹⁶ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;¹⁷
- Releasing sensitive personal information would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;¹⁸ or
- It protects trade or business secrets.¹⁹

The OGSR also requires specified questions to be considered during the review process.²⁰ In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.²¹ If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote

¹³ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁴ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to section 119.15(2), F.S.

¹⁵ Section 119.15(3), F.S.

¹⁶ Section 119.15(6)(b), F.S.

¹⁷ Section 119.15(6)(b)1., F.S.

¹⁸ Section 119.15(6)(b)2., F.S.

¹⁹ Section 119.15(6)(b)3., F.S.

²⁰ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²¹ FLA. CONST. art. I, s. 24(c).

for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.²²

III. Effect of Proposed Changes:

Public records exemptions for certain information received by the DHSMV in the following areas:

Subpoena and Investigative Authority

Present Situation

The DHSMV has jurisdiction over multiple chapters of Florida Statutes, for which they do not have subpoena authority, without which they are often unable to obtain documents and testimony from third-party entities (banks, tow companies, etc.) to conduct administrative or criminal investigations.

Effect of Proposed Changes

SPB 7090 creates s. 322.71, F.S., and amends ss. 319.25 and 320.861, F.S., authorizing DHSMV to exercise the power of subpoena and to administer oaths or affirmations, examine witnesses, require affidavits, take depositions, and compel the attendance of witnesses and the production of books, papers, documents, records, and other evidence. The subpoena is to be used for investigations or examinations conducted by DHSMV of suspected violations of Chapters 319, 320, or 322, F.S., and may be served by an authorized representative of DHSMV.

SPB 7094 creates a confidential and exempt standard for information received by the department as a result of an investigation or examination conducted pursuant to ss. 319.1414, 319.25, and 320.861, F.S. and Chapter 322, F.S.

SPB 7094 requires that such information may be disclosed when the investigation or examination ceases to be active or administrative action taken by the DHSMV has concluded or been made part of any hearing or court proceeding. The DHSMV may release information that is made confidential and exempt in furtherance of its official duties and responsibilities or, if released to another governmental agency, in the furtherance of that agency's official duties and responsibilities.

Enhanced Customer Notification

Present Situation

The DHSMV lacks statutory authority to collect and use cellular telephone numbers as a method to communicate with customers in an expedited manner. Florida Statutes already allows for the collection of email addresses and the use of email, in lieu of USPS, to provide motor vehicle

²² Section 119.15(7), F.S.

registration renewal notices. However, current law does not allow the e-mail to be used for other business purposes.^{23 24 25 26 27}

Effect of Proposed Changes

SPB 7090 amends ss. 319.40, 320.95(2), 322.08, 328.30, and 328.80, F.S., authorizing DHSMV to collect and use e-mail addresses and cellular telephone numbers to contact customers for business reasons other than vehicle registration, vessel registration, and driver license renewal notices. The DHSMV advised some of the business reasons for which a customer's email and cellular telephone number may be used would be: allowing customers to subscribe to services such as receiving email alerts and text messages when it's time to renew their driver license or motor vehicle registrations, or to notify them when adverse action has been taken against their license due to failing to maintain insurance, failing to pay child support, or for accumulating too many points. It could also be used to communicate online order statuses and as part of a multi-factor authentication process to verify a user's identity.²⁸

SPB 7094 creates a confidential and exempt standard for e-mail addresses and cellular telephone numbers collected by the DHSMV pursuant to chapters 319, 320, 322, 324, or chapter 328, F.S. In order to communicate more effectively with motorists through enhancements in information technology the DHSMV seeks to increase communications with motorists through e-mail and text messaging. If the e-mail addresses or cellular telephone numbers of motorists are made available to the public, the DHSMV believes the impact on motorist privacy and risk of unsolicited commercial solicitation by e-mail or text message would have an undesirable chilling effect on motorists' voluntary use of electronic portals to communicate with the DHSMV, thereby undermining the effective use of enhancements in information technology.

SPB 7094 requires that such information may be disclosed to a tax collector if, by interagency agreement, the DHSMV authorizes the tax collector to send electronic communications to such e-mail addresses or cellular telephone numbers for the purpose of providing information about the issuance of titles, registrations, disabled parking permits, driver licenses, and identification cards; renewal notices; or the tax collector's office locations, hours of operation, contact information, driving skills testing locations, appointment scheduling information, or website information.

This exemption applies to e-mail addresses and cellular telephone numbers held before, on, or after the effective date of this exemption.

²³ Section 319.40, F.S.

²⁴ Section 320.95, F.S.

²⁵ Section 322.08(10), F.S.

²⁶ Section 328.30, F.S.

²⁷ Section 328.80, F.S.

²⁸ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, DHSMV Package - Fiscal, (March 21, 2019).

Administration of vessel registration and titling laws; records***Present Situation***

The DHSMV has the authority to protect personal information contained in a motor vehicle record under the federal Driver's Privacy Protection Act of 1994 and s. 119.0712(2), F.S., and an entity that is allowed to receive motor vehicle record information may not use it for mass commercial solicitation of clients for litigation against motor vehicle dealers. No such protection for personal information contained in a vessel title or registration exists.

Effect of Proposed Changes

SPB 7090 amends s. 328.40, F.S., to allow the DHSMV to protect personal information contained in a vessel registration and title, subject to inspection and copying, as provided in chapter 119.

SPB 7094 creates a confidential and exempt standard for personal information, including highly restricted personal information, contained in any record that pertains to a vessel title or vessel registration issued by the DHSMV.

SPB 7094 requires that such information may be disclosed in the same manner provided for a motor vehicle record pursuant to the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq.:

- For use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of titles I and IV of the Anti Car Theft Act of 1992, the Automobile Information Disclosure Act (15 U.S.C. 1231 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and chapters 301, 305, and 321–331 of title 49.
- For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.
- For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers.
- For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only—
 - to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and
 - if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.
- For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or

enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court.

- For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.
- For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.
- For use in providing notice to the owners of towed or impounded vehicles.
- For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.
- For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under chapter 313 of title 49.
- For use in connection with the operation of private toll transportation facilities.
- For any other use in response to requests for individual motor vehicle records if the State has obtained the express consent of the person to whom such personal information pertains.
- For bulk distribution for surveys, marketing or solicitations if the State has obtained the express consent of the person to whom such personal information pertains.
- For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.
- For any other use specifically authorized under the law of the State that holds the record, if such use is related to the operation of a motor vehicle or public safety.

This exemption applies to vessel records held before, on, or after the effective date of this exemption.

Effective Date

SPB 7094 takes effect on the same date that SPB 7090 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

SPB 7094 is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends sections 119.0712, 319.1414, 319.25, 320.861, and 322.71 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

SPB by Infrastructure and Security on April 2, 2019:

- The SPB was amended to incorporate the linked bill number of SB 7090.
- The SPB was amended to change the phrase “verified texting” number to “cellular telephone” number.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2019	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Lee) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (2) of section 119.0712, Florida
Statutes, is amended to read:

119.0712 Executive branch agency-specific exemptions from
inspection or copying of public records.—

(2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—

(a) For purposes of this subsection, the term “motor



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vehicle record" means any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by the Department of Highway Safety and Motor Vehicles.

(b) Personal information, including highly restricted personal information as defined in 18 U.S.C. s. 2725, contained in a motor vehicle record is confidential pursuant to the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. Such information may be released only as authorized by that act; however, information received pursuant to that act may not be used for mass commercial solicitation of clients for litigation against motor vehicle dealers.

(c)1. Personal information, including highly restricted personal information, contained in any record that pertains to a vessel title or vessel registration issued by the Department of Highway Safety and Motor Vehicles is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such information in a vessel record may be released only in the same manner provided for a motor vehicle record pursuant to the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. This exemption applies to vessel records held before, on, or after the effective date of this exemption.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

(d)1.(e) E-mail addresses and cellular telephone numbers collected by the Department of Highway Safety and Motor Vehicles



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pursuant to chapter 319, chapter 320, chapter 322, chapter 324, or chapter 328 s. 319.40(3), s. 320.95(2), or s. 322.08(9) are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to e-mail addresses and cellular telephone numbers held before, on, or after the effective date of this exemption ~~retroactively~~.

2. The department may disclose such e-mail addresses or cellular telephone numbers to a tax collector if, by interagency agreement, the department authorizes the tax collector to send electronic communications to such e-mail addresses or cellular telephone numbers for the purpose of providing information about the issuance of titles, registrations, disabled parking permits, driver licenses, and identification cards; renewal notices; or the tax collector's office locations, hours of operation, contact information, driving skills testing locations, appointment scheduling information, or website information.

3. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024 ~~2020~~, unless reviewed and saved from repeal through reenactment by the Legislature.

(e)-(d)1. Emergency contact information contained in a motor vehicle record is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2. Without the express consent of the person to whom such emergency contact information applies, the emergency contact information contained in a motor vehicle record may be released only to law enforcement agencies for purposes of contacting those listed in the event of an emergency.

Section 2. (1) The Legislature finds that it is a public



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69 necessity that personal information, including highly restricted
70 personal information, contained in any record that pertains to a
71 vessel title or vessel registration issued by the Department of
72 Highway Safety and Motor Vehicles be made confidential and
73 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
74 Article I of the State Constitution. Motorist personal
75 information, when held by the Department of Highway Safety and
76 Motor Vehicles in motor vehicle records, is confidential
77 pursuant to the federal Driver's Privacy Protection Act of 1994,
78 18 U.S.C. ss. 2721 et seq., and s. 119.0712(2), Florida
79 Statutes. These restrictions on the disclosure of motorist
80 personal information do not apply to vessel titles or vessel
81 registrations. Because the personal information in vessel
82 records comprises much of the same information contained in
83 motor vehicle records, when personal information revealed in
84 vessel records is made available to the public, the protections
85 afforded by the federal Driver's Privacy Protection Act of 1994,
86 18 U.S.C. ss. 2721 et seq., are significantly undermined,
87 eroding the privacy and safety of motorists. Therefore, the
88 Legislature finds that it is a public necessity to make personal
89 information contained in such vessel records confidential and
90 exempt from public records requirements. The Legislature further
91 finds that this public records exemption must be given
92 retroactive application because it is remedial in nature.

93 (2) The Legislature finds that it is a public necessity
94 that e-mail addresses and cellular telephone numbers collected
95 by the Department of Highway Safety and Motor Vehicles pursuant
96 to chapter 319, chapter 320, chapter 322, chapter 324, or
97 chapter 328, Florida Statutes, be made confidential and exempt



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from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. In order to communicate more effectively with motorists through enhancements in information technology, including efforts of the Motorist Modernization project, the Department of Highway Safety and Motor Vehicles seeks to increase communications with motorists through e-mail and text messaging. If the e-mail addresses or cellular telephone numbers of motorists are made available to the public, the impact on motorist privacy and risk of unsolicited commercial solicitation by e-mail or text message would have an undesirable chilling effect on motorists' voluntary use of electronic portals to communicate with the department, thereby undermining the effective use of these enhancements in information technology. Therefore, the Legislature finds that it is a public necessity to make such e-mail addresses and cellular telephone numbers collected by the Department of Highway Safety and Motor Vehicles confidential and exempt from public records requirements. The Legislature further finds that this public records exemption must be given retroactive application because it is remedial in nature.

Section 3. Present subsection (6) of section 319.1414, Florida Statutes, as created by SB 7090, 2019 Regular Session, is redesignated as subsection (7), and a new subsection (6) is added to that section, to read:

319.1414 Investigations; examinations; subpoenas; hearings; witnesses.—

(6) Information received by the department as a result of an investigation or examination conducted pursuant to this section is confidential and exempt from the disclosure



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requirements in s. 119.07(1) and s. 24(a), Art. I of the State
Constitution until the investigation or examination ceases to be
active or administrative action taken by the department has
concluded or been made part of any hearing or court proceeding.
The department may release information that is made confidential
and exempt under this subsection in furtherance of its official
duties and responsibilities or, if released to another
governmental agency, in the furtherance of that agency's
official duties and responsibilities. This subsection is subject
to the Open Government Sunset Review Act in accordance with s.
119.15 and shall stand repealed on October 2, 2024, unless
reviewed and saved from repeal through reenactment by the
Legislature.

Section 4. Present subsection (8) of section 319.25,
Florida Statutes, as created by SB 7090, 2019 Regular Session,
is redesignated as subsection (9), and a new subsection (8) is
added to that section, to read:

319.25 Cancellation of certificates; investigations;
subpoenas and other process; oaths; rules.—

(8) Information received by the department as a result of
an investigation or examination conducted pursuant to this
section is confidential and exempt from disclosure requirements
in s. 119.07(1) and s. 24(a), Art. I of the State Constitution
until the investigation or examination ceases to be active or
administrative action taken by the department has concluded or
been made part of any hearing or court proceeding. The
department may release information that is made confidential and
exempt under this subsection in furtherance of its official
duties and responsibilities or, if released to another



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governmental agency, in the furtherance of that agency's
official duties and responsibilities. This subsection is subject
to the Open Government Sunset Review Act in accordance with s.
119.15 and shall stand repealed on October 2, 2024, unless
reviewed and saved from repeal through reenactment by the
Legislature.

Section 5. Present subsection (6) of section 320.861,
Florida Statutes, as created by SB 7090, 2019 Regular Session,
is redesignated as subsection (7), and a new subsection (6) is
added to that section, to read:

320.861 Investigations; subpoenas and other process; oaths;
rules.—

(6) Information received by the department as a result of
an investigation or examination conducted pursuant to this
chapter is confidential and exempt from disclosure requirements
in s. 119.07(1) and s. 24(a), Art. I of the State Constitution
until the investigation or examination ceases to be active or
administrative action taken by the department has concluded or
been made part of any hearing or court proceeding. The
department may release information that is made confidential and
exempt under this subsection in furtherance of its official
duties and responsibilities or, if released to another
governmental agency, in the furtherance of that agency's
official duties and responsibilities. This subsection is subject
to the Open Government Sunset Review Act in accordance with s.
119.15 and shall stand repealed on October 2, 2024, unless
reviewed and saved from repeal through reenactment by the
Legislature.

Section 6. Present subsection (6) of section 322.71,



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Florida Statutes, as created by SB 7090, 2019 Regular Session, is redesignated as subsection (7) of that section, and a new subsection (6) is added to that section, to read:

322.71 Investigations; subpoenas and other process; oaths; rules.—

(6) Information received by the department as a result of an investigation or examination conducted pursuant to this chapter is confidential and exempt from disclosure requirements in s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation or examination ceases to be active or administrative action taken by the department has concluded or been made part of any hearing or court proceeding. The department may release information that is made confidential and exempt under this subsection in furtherance of its official duties and responsibilities or, if released to another governmental agency, in the furtherance of that agency's official duties and responsibilities. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 7. The Legislature finds that it is a public necessity that information received by the Department of Highway Safety and Motor Vehicles as a result of an investigation or examination conducted pursuant to s. 319.1414, s. 319.25, chapter 320 as provided in s. 320.861, and chapter 322 as provided in s. 322.71, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution until the investigation or



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examination ceases to be active or administrative action taken
by the department has concluded or been made part of any hearing
or court proceeding. The release of such information about a
pending investigation or examination of violations of s.
319.1414, s. 319.25, chapter 320, and chapter 322, Florida
Statutes, could obstruct or jeopardize the integrity of the
investigation or examination and impair the ability of the
Department of Highway Safety and Motor Vehicles in the
performance of its official duties and responsibilities under s.
319.1414, s. 319.25, chapter 320, and chapter 322, Florida
Statutes. Therefore, the Legislature finds that it is a public
necessity to make such information confidential and exempt from
public records requirements.

Section 8. This act shall take effect on the same date that
SB 7090 or similar legislation takes effect, if such legislation
is adopted in the same legislative session or an extension
thereof and becomes a law.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to public records; creating public
records exemptions for certain information received by
the Department of Highway Safety and Motor Vehicles;
amending s. 119.0712, F.S.; providing exemptions from
public records requirements for personal information
in certain vessel records, e-mail addresses, and



471932

cellular telephone numbers issued or collected by the
Department of Highway Safety and Motor Vehicles;
providing for retroactive application; authorizing
disclosure of confidential information under certain
circumstances; providing for future legislative review
and repeal of the exemptions; providing statements of
public necessity; amending s. 319.1414, F.S.;
exempting from public records requirements certain
information received by the department as a result of
investigations and examinations of private rebuilt
inspection providers; providing for future legislative
review and repeal of the exemptions; amending s.
319.25, F.S.; exempting from public record
requirements certain information received by the
department as a result of investigations and
examinations relating to title certificates; providing
for future legislative review and repeal of the
exemptions; amending s. 320.861, F.S.; exempting from
public records requirements certain information
received by the department as a result of
investigations and examinations of persons suspected
of violating or of having violated certain laws,
rules, or orders relating to motor vehicle licenses;
providing for future legislative review and repeal of
the exemptions; amending s. 322.71, F.S.; exempting
from public records requirements certain information
received by the department as a result of
investigations and examinations of persons suspected
of violating or of having violated certain laws,



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272 rules, or orders relating to driver licenses;
273 providing for future legislative review and repeal of
274 the exemptions; providing a statement of public
275 necessity; providing a contingent effective date.



302550

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/04/2019	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Lee) recommended the following:

Senate Amendment

Delete line 162
and insert:
Florida Statutes, as created by SB 7090, 2019 Regular Session,
is

Delete line 184
and insert:
Florida Statutes, as created by SB 7090, 2019 Regular Session,



302550

11
12 Delete line 206
13 and insert:
14 Florida Statutes, as created by SB 7090, 2019 Regular Session,
15 is
16
17 Delete line 228
18 and insert:
19 Florida Statutes, as created by SB 7090, 2019 Regular Session,
20 is
21
22 Delete line 271
23 and insert:
24 SB 7090 or similar legislation takes effect, if such legislation

FOR CONSIDERATION By the Committee on Infrastructure and Security

596-02574-19

20197094pb

1 A bill to be entitled
 2 An act relating to public records; creating public
 3 records exemptions for certain information received by
 4 the Department of Highway Safety and Motor Vehicles;
 5 amending s. 119.0712, F.S.; providing exemptions from
 6 public records requirements for personal information
 7 in certain vessel records, e-mail addresses, and
 8 verified texting numbers issued or collected by the
 9 Department of Highway Safety and Motor Vehicles;
 10 providing for retroactive application; defining the
 11 term "verified texting number"; authorizing disclosure
 12 of confidential information under certain
 13 circumstances; providing for future legislative review
 14 and repeal of the exemptions; providing statements of
 15 public necessity; amending s. 319.1414, F.S.;
 16 exempting from public records requirements certain
 17 information received by the department as a result of
 18 investigations and examinations of private rebuilt
 19 inspection providers; providing for future legislative
 20 review and repeal of the exemptions; amending s.
 21 319.25, F.S.; exempting from public record
 22 requirements certain information received by the
 23 department as a result of investigations and
 24 examinations relating to title certificates; providing
 25 for future legislative review and repeal of the
 26 exemptions; amending s. 320.861, F.S.; exempting from
 27 public records requirements certain information
 28 received by the department as a result of
 29 investigations and examinations of persons suspected

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

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30 of violating or of having violated certain laws,
 31 rules, or orders relating to motor vehicle licenses;
 32 providing for future legislative review and repeal of
 33 the exemptions; amending s. 322.71, F.S.; exempting
 34 from public records requirements certain information
 35 received by the department as a result of
 36 investigations and examinations of persons suspected
 37 of violating or of having violated certain laws,
 38 rules, or orders relating to driver licenses;
 39 providing for future legislative review and repeal of
 40 the exemptions; providing a statement of public
 41 necessity; providing a contingent effective date.
 42
 43 Be It Enacted by the Legislature of the State of Florida:
 44
 45 Section 1. Subsection (2) of section 119.0712, Florida
 46 Statutes, is amended to read:
 47 119.0712 Executive branch agency-specific exemptions from
 48 inspection or copying of public records.—
 49 (2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—
 50 (a) For purposes of this subsection, the term "motor
 51 vehicle record" means any record that pertains to a motor
 52 vehicle operator's permit, motor vehicle title, motor vehicle
 53 registration, or identification card issued by the Department of
 54 Highway Safety and Motor Vehicles.
 55 (b) Personal information, including highly restricted
 56 personal information as defined in 18 U.S.C. s. 2725, contained
 57 in a motor vehicle record is confidential pursuant to the
 58 federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss.

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

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2721 et seq. Such information may be released only as authorized by that act; however, information received pursuant to that act may not be used for mass commercial solicitation of clients for litigation against motor vehicle dealers.

(c)1. Personal information, including highly restricted personal information, contained in any record that pertains to a vessel title or vessel registration issued by the Department of Highway Safety and Motor Vehicles is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such information in a vessel record may be released only in the same manner provided for a motor vehicle record pursuant to the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. This exemption applies to vessel records held before, on, or after the effective date of this exemption.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

(d)1.(e) E-mail addresses and verified texting numbers collected by the Department of Highway Safety and Motor Vehicles pursuant to chapter 319, chapter 320, chapter 322, chapter 324, or chapter 328 s. 319.40(3), s. 320.95(2), or s. 322.08(9) are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to e-mail addresses and verified texting numbers held before, on, or after the effective date of this exemption. For purposes of this paragraph, the term "verified texting number" means a telephone number verified as capable of receiving text messages

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~~retroactively.~~

2. The department may disclose such e-mail addresses or verified texting numbers to a tax collector if, by interagency agreement, the department authorizes the tax collector to send electronic communications to such e-mail addresses or verified texting numbers for the purpose of providing information about the issuance of titles, registrations, disabled parking permits, driver licenses, and identification cards; renewal notices; or the tax collector's office locations, hours of operation, contact information, driving skills testing locations, appointment scheduling information, or website information.

3. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

(e)(d)1. Emergency contact information contained in a motor vehicle record is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2. Without the express consent of the person to whom such emergency contact information applies, the emergency contact information contained in a motor vehicle record may be released only to law enforcement agencies for purposes of contacting those listed in the event of an emergency.

Section 2. (1) The Legislature finds that it is a public necessity that personal information, including highly restricted personal information, contained in any record that pertains to a vessel title or vessel registration issued by the Department of Highway Safety and Motor Vehicles be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),

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Article I of the State Constitution. Motorist personal information, when held by the Department of Highway Safety and Motor Vehicles in motor vehicle records, is confidential pursuant to the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq., and s. 119.0712(2), Florida Statutes. These restrictions on the disclosure of motorist personal information do not apply to vessel titles or vessel registrations. Because the personal information in vessel records comprises much of the same information contained in motor vehicle records, when personal information revealed in vessel records is made available to the public, the protections afforded by the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq., are significantly undermined, eroding the privacy and safety of motorists. Therefore, the Legislature finds that it is a public necessity to make personal information contained in such vessel records confidential and exempt from public records requirements. The Legislature further finds that this public records exemption must be given retroactive application because it is remedial in nature.

(2) The Legislature finds that it is a public necessity that e-mail addresses and verified texting numbers collected by the Department of Highway Safety and Motor Vehicles pursuant to chapter 319, chapter 320, chapter 322, chapter 324, or chapter 328, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. In order to communicate more effectively with motorists through enhancements in information technology, including efforts of the Motorist Modernization project, the Department of Highway Safety and Motor Vehicles seeks to

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increase communications with motorists through e-mail and text messaging. If the e-mail addresses or verified texting numbers of motorists are made available to the public, the impact on motorist privacy and risk of unsolicited commercial solicitation by e-mail or text message would have an undesirable chilling effect on motorists' voluntary use of electronic portals to communicate with the department, thereby undermining the effective use of these enhancements in information technology. Therefore, the Legislature finds that it is a public necessity to make such e-mail addresses and verified texting numbers collected by the Department of Highway Safety and Motor Vehicles confidential and exempt from public records requirements. The Legislature further finds that this public records exemption must be given retroactive application because it is remedial in nature.

Section 3. Present subsection (6) of section 319.1414, Florida Statutes, as created by SB ___, 2019 Regular Session, is redesignated as subsection (7), and a new subsection (6) is added to that section, to read:

319.1414 Investigations; examinations; subpoenas; hearings; witnesses.—

(6) Information received by the department as a result of an investigation or examination conducted pursuant to this section is confidential and exempt from the disclosure requirements in s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation or examination ceases to be active or administrative action taken by the department has concluded or been made part of any hearing or court proceeding. The department may release information that is made confidential

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and exempt under this subsection in furtherance of its official duties and responsibilities or, if released to another governmental agency, in the furtherance of that agency's official duties and responsibilities. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4. Present subsection (8) of section 319.25, Florida Statutes, as created by SB ____, 2019 Regular Session, is redesignated as subsection (9), and a new subsection (8) is added to that section, to read:

319.25 Cancellation of certificates; investigations; subpoenas and other process; oaths; rules.—

(8) Information received by the department as a result of an investigation or examination conducted pursuant to this section is confidential and exempt from disclosure requirements in s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation or examination ceases to be active or administrative action taken by the department has concluded or been made part of any hearing or court proceeding. The department may release information that is made confidential and exempt under this subsection in furtherance of its official duties and responsibilities or, if released to another governmental agency, in the furtherance of that agency's official duties and responsibilities. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the

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Legislature.

Section 5. Present subsection (6) of section 320.861, Florida Statutes, as created by SB ____, 2019 Regular Session, is redesignated as subsection (7), and a new subsection (6) is added to that section, to read:

320.861 Investigations; subpoenas and other process; oaths; rules.—

(6) Information received by the department as a result of an investigation or examination conducted pursuant to this chapter is confidential and exempt from disclosure requirements in s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation or examination ceases to be active or administrative action taken by the department has concluded or been made part of any hearing or court proceeding. The department may release information that is made confidential and exempt under this subsection in furtherance of its official duties and responsibilities or, if released to another governmental agency, in the furtherance of that agency's official duties and responsibilities. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 6. Present subsection (6) of section 322.71, Florida Statutes, as created by SB ____, 2019 Regular Session, is redesignated as subsection (7) of that section, and a new subsection (6) is added to that section, to read:

322.71 Investigations; subpoenas and other process; oaths; rules.—

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(6) Information received by the department as a result of an investigation or examination conducted pursuant to this chapter is confidential and exempt from disclosure requirements in s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation or examination ceases to be active or administrative action taken by the department has concluded or been made part of any hearing or court proceeding. The department may release information that is made confidential and exempt under this subsection in furtherance of its official duties and responsibilities or, if released to another governmental agency, in the furtherance of that agency's official duties and responsibilities. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 7. The Legislature finds that it is a public necessity that information received by the Department of Highway Safety and Motor Vehicles as a result of an investigation or examination conducted pursuant to s. 319.1414, s. 319.25, chapter 320 as provided in s. 320.861, and chapter 322 as provided in s. 322.71, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution until the investigation or examination ceases to be active or administrative action taken by the department has concluded or been made part of any hearing or court proceeding. The release of such information about a pending investigation or examination of violations of s. 319.1414, s. 319.25, chapter 320, and chapter 322, Florida

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Statutes, could obstruct or jeopardize the integrity of the investigation or examination and impair the ability of the Department of Highway Safety and Motor Vehicles in the performance of its official duties and responsibilities under s. 319.1414, s. 319.25, chapter 320, and chapter 322, Florida Statutes. Therefore, the Legislature finds that it is a public necessity to make such information confidential and exempt from public records requirements.

Section 8. This act shall take effect on the same date that SB ___ or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

CourtSmart Tag Report

Room: EL 110
Caption: Senate Committee on Infrastructure and Security

Type:
Judge:

Started: 3/26/2019 4:02:49 PM
Ends: 3/26/2019 6:00:43 PM
Length: 01:57:55

4:02:47 PM Meeting called to order by Chair Lee
4:02:50 PM Roll call by AA Marilyn Hudson
4:02:58 PM Quorum present
4:03:09 PM Introduction of Tab 1, SB 7030
4:03:26 PM Explanation of SB 7030, School Safety and Security by Senator Diaz
4:06:26 PM Comments from Chair Lee
4:06:41 PM Question from Chair Lee
4:06:47 PM Response from Senator Diaz
4:08:14 PM Follow-up question from Chair Lee
4:08:22 PM Response from Senator Diaz
4:09:32 PM Follow-up question from Chair Lee
4:09:39 PM Response from Senator Diaz
4:10:37 PM Question from Senator Stewart
4:10:44 PM Response from Senator Diaz
4:12:11 PM Question from Senator Taddeo
4:12:23 PM Response from Senator Diaz
4:13:34 PM Follow-up question from Senator Taddeo
4:13:47 PM Response from Senator Diaz
4:14:46 PM Question from Senator Hutson
4:14:52 PM Response from Senator Diaz
4:16:39 PM Follow-up question from Senator Hutson
4:16:47 PM Response from Senator Hutson
4:17:14 PM Follow-up question from Senator Hutson
4:17:28 PM Response from Senator Diaz
4:17:59 PM Question from Senator Bean
4:18:06 PM Response from Senator Diaz
4:18:49 PM Follow-up question from Senator Bean
4:18:55 PM Response from Senator Diaz
4:19:20 PM Additional question from Senator Bean
4:19:26 PM Response from Senator Diaz
4:19:51 PM Additional question from Senator Bean
4:19:57 PM Response from Senator Diaz
4:20:12 PM Question from Senator Cruz
4:20:18 PM Response from Senator Diaz
4:21:34 PM Amendment Barcode No. 313254 introduced by Chair Lee
4:21:52 PM Explanation of Amendment by Senator Cruz
4:23:08 PM Speaker Oscar English in support
4:24:44 PM Speaker Gay Valimont, Moms Demand in Action in support
4:29:38 PM Wendy Collins waives in support
4:29:48 PM Molly Wade waives in support
4:29:58 PM Speaker Aleta Jarrett, RN, NCSN in support of Amendment
4:32:12 PM Patricia Roberson waives in support
4:32:17 PM John DiMino waives in support
4:32:29 PM Teri Bahn waives in support
4:32:36 PM Beth Dumond waives in support
4:32:42 PM Darcy Bolden waives in support
4:32:51 PM Kristina Ivester waives in support
4:32:56 PM Lee Ann Kirby waives in support
4:33:00 PM Allison Parish waives in support
4:33:03 PM Jon Harris Maurer waives in support
4:33:08 PM Pamela Lutton waives in opposition
4:33:29 PM Closure waived

4:33:31 PM Amendment is not adopted
4:34:01 PM Chair passed to Senator Perry
4:34:04 PM Introduction of Amendment Barcode No. 754328 by Chair Perry
4:34:09 PM Explanation of Amendment by Senator Lee
4:34:44 PM Question from Chair Bean
4:35:00 PM Senator Diaz in favor of Amendment
4:35:08 PM Closure Waived
4:35:11 PM Amendment adopted
4:35:14 PM Chair returned to Chair Lee
4:35:19 PM Amendment Barcode No. 756112 withdrawn
4:35:27 PM Amendment Barcode No. 307398 introduced by Chair Lee
4:35:40 PM Explanation of Amendment by Senator Taddeo
4:37:03 PM Question from Senator Perry
4:37:08 PM Response from Senator Taddeo
4:37:29 PM Follow-up question from Senator Perry
4:37:36 PM Response from Senator Taddeo
4:38:51 PM Debate by Senator Perry
4:39:36 PM Closure by Senator Taddeo
4:39:43 PM Amendment is not adopted
4:39:54 PM Amendment Barcode No. 664610 introduced by Chair Lee
4:40:04 PM Explanation of Amendment by Senator Cruz
4:40:24 PM Speaker Antonio White, Vice President of United Teachers of Dade in support
4:44:22 PM Speaker Molly Lavoic in support
4:48:23 PM Speaker Karly Hudson, Student, Melbourne High School in support
4:51:35 PM Wendy Collins waives in support
4:51:41 PM Teri Bahn waives in support
4:51:45 PM Beth Dumond waives in support
4:51:50 PM Darcy Bolden waives in support
4:51:56 PM Kristina Ivester waives in support
4:52:00 PM Speaker Alyson Sheehy, MSD Student in support
4:54:43 PM Speaker Nicolette Springer, Legislative Analyst, League of Women Voters in support
5:00:24 PM Allison Parish waives in support
5:00:29 PM Molly Lavoic waives in support
5:00:37 PM Aleta Jarrett waives in support
5:00:42 PM Patricia Roberson waives in support
5:00:50 PM John DiMino waives in support
5:00:55 PM Lee Ann Kirby waives in support
5:00:59 PM Pamela Lutton waives in opposition
5:01:09 PM Angie Gallo waives in support
5:01:31 PM Senator Cruz closure
5:01:50 PM Amendment is not adopted
5:01:57 PM Amendment Barcode No. 420924 introduced by Chair Lee
5:02:10 PM Explanation of Amendment by Senator Taddeo
5:03:46 PM Question from Senator Perry
5:03:51 PM Response from Senator Taddeo
5:05:24 PM Speaker Angie Gallo, Vice President Education, Florida PTA
5:07:06 PM Nancy Lawther, President, PTA waives in support
5:07:28 PM Comments from Senator Diaz in opposition of Amendment
5:07:46 PM Closure by Senator Taddeo
5:07:56 PM Amendment is not adopted
5:09:39 PM Speaker Rick Francis, Captain, School Safety Director
5:15:56 PM Question from Senator Stewart
5:16:02 PM Response from Captain Francis
5:17:01 PM Question from Senator Bean
5:17:05 PM Response from Captain Francis
5:17:52 PM Motion from Senator Hutson to end public comment and begin debate at 5:35
5:18:24 PM Second motion to vote time-certain at 5:55
5:18:41 PM Motion adopted
5:18:46 PM Comments from Chair Lee
5:18:56 PM Speaker Jeffery Kelly, Senior Solutions Consultant, MutualLink in support
5:21:13 PM Nancy Lawther waives in opposition
5:21:20 PM Nivka Pena waives in opposition

5:21:24 PM	Judith Rosario waives in opposition
5:21:28 PM	Ella Wood waives in opposition
5:21:31 PM	Jeff Kolkedy waives in opposition
5:21:36 PM	Sano Leger waives in opposition
5:21:42 PM	Wendy Collins waives in opposition
5:21:48 PM	Speaker Joshua Jamieson waives in opposition
5:23:23 PM	Polly DeLucia waives in opposition
5:23:31 PM	Jose Lopez waives in opposition
5:23:35 PM	Jazlyn Gallego waives in opposition
5:23:40 PM	Ricardo Negrón waives in opposition
5:23:46 PM	Emimelea Berrias waives in opposition
5:23:48 PM	Pam Korithoski waives in opposition
5:23:58 PM	Marcos Vilar waives in opposition
5:24:02 PM	Karol Landaeta waives in opposition
5:24:08 PM	Shawn McDonnell waives in opposition
5:24:12 PM	Jim Silvernale waives in opposition
5:24:18 PM	Speaker Felicia Alvarez in opposition
5:25:50 PM	Jason Smith waives in opposition
5:25:53 PM	Barry Collins waives in opposition
5:25:55 PM	Robert Redmond waives in opposition
5:25:59 PM	Francis Colon waives in opposition
5:26:03 PM	Mariely Alejandra Serrario waives in opposition
5:26:18 PM	Krystal White waives in opposition
5:26:22 PM	Geitho Augusta waives in opposition
5:26:32 PM	Gabriela De Jesus waives in opposition
5:26:35 PM	Alyson Sheehy waives in opposition
5:26:43 PM	Karly Hudson waives in opposition
5:26:45 PM	Molly Lavoic waives in opposition
5:26:49 PM	Bryan Porter waives in opposition
5:26:53 PM	Kevin Gibbs waives in opposition
5:26:56 PM	Haldon C. Sutton waives in opposition
5:27:00 PM	Mike Stovall waives in opposition
5:27:04 PM	Shashtika Guragain waives in opposition
5:27:12 PM	Alex Barrio waives in opposition
5:27:14 PM	Adriana Jimenez waives in opposition
5:27:18 PM	Gabriella Batista waives in opposition
5:27:24 PM	Geena Batista waives in support
5:27:29 PM	Maruxa Cardenas waives in opposition
5:27:35 PM	Israel Torres waives in opposition
5:27:38 PM	Kenneth Redd waives in opposition
5:27:42 PM	Megan Oates waives in opposition
5:27:45 PM	Glenda Abicht waives in opposition
5:27:57 PM	Isabella Miskiv waives in opposition
5:28:06 PM	Terri Miskiv waives in opposition
5:28:10 PM	Nicolette Springer waives in opposition
5:28:18 PM	Speaker Timothy Schomburg in opposition
5:29:11 PM	Pete Harris waives in opposition
5:29:17 PM	Bryant Coleman waives in opposition
5:29:28 PM	Lisa Mazza waives in opposition
5:29:29 PM	Marie Snowman Baker waives in opposition
5:29:33 PM	Charla Fox waives in opposition
5:29:36 PM	Gabriela Alcontara waives in opposition
5:29:46 PM	Melissa Robson waives in opposition
5:29:50 PM	Willie Barley waives in opposition
5:29:52 PM	Anna Whitten waives in opposition
5:29:58 PM	Kathleen Foster waives in opposition
5:30:07 PM	James Herard waives in opposition
5:30:10 PM	Denise Soufrine waives in opposition
5:30:15 PM	Anne Skurnick waives in opposition
5:30:18 PM	Susan Fried waives in opposition
5:30:22 PM	Christiane Gunn waives in opposition
5:30:23 PM	Leroy Cooper waives in opposition

5:30:30 PM	Steven Sommer waives in support
5:30:39 PM	Shane Cook waives in opposition
5:30:42 PM	Guy Masters waives in opposition
5:30:45 PM	Emma Hanley waives in opposition
5:30:52 PM	Quinn Holden-Schrark waives in opposition
5:30:57 PM	Michael Anderson waives in opposition
5:31:08 PM	Sabrina Javellana waives in opposition
5:31:19 PM	Speaker Lesley Logan in support
5:34:12 PM	Jose Balasquide waives in opposition
5:34:18 PM	Antonio White waives in opposition
5:34:26 PM	Speaker Dave Galloway in opposition
5:35:49 PM	Rick Soskis
5:35:53 PM	Linda Edson
5:35:59 PM	Olivia Babis in opposition
5:36:02 PM	Kristina Ivester waives in opposition
5:36:06 PM	Darcy Bolden waives in opposition
5:36:10 PM	Beth Dumland waives in opposition
5:36:11 PM	Teri Bahn waives in opposition
5:36:15 PM	Allyce Heflin waives in support
5:36:20 PM	John DiMilo waives in opposition
5:36:24 PM	Scott McCoy waives in opposition
5:36:29 PM	Patricia Roberson waives in opposition
5:36:32 PM	Aleta Jarrett waives in opposition
5:36:35 PM	Lee Ann Kilby waives in opposition
5:36:42 PM	Stephanie Kunkel waives in opposition
5:36:46 PM	Abdul Miller waives in opposition
5:36:51 PM	Jared Ochs waives in support
5:36:55 PM	Kammeron Brown waives in opposition
5:37:00 PM	Jared Ochs waives in support
5:37:06 PM	Molly Wade waives in opposition
5:37:11 PM	Allison Paris waives in opposition
5:37:12 PM	Collette Clark waives in opposition
5:37:16 PM	Ray Bellamy waives in opposition
5:37:22 PM	Chief Gary Hester waives in support
5:37:30 PM	Susan McLeaf waives in opposition
5:37:34 PM	Jan Keshen waives in opposition
5:37:39 PM	Spike Gram waives in opposition
5:37:54 PM	Senate Hooper in Debate
5:40:54 PM	Senator Hutson in debate
5:42:17 PM	Senator Stewart in debate
5:42:50 PM	Senator Taddeo in debate
5:44:49 PM	Senator Cruz in debate
5:45:49 PM	Senator Bean in debate
5:48:10 PM	Comments from Chair Lee
5:49:29 PM	Senator Diaz in closure
5:51:19 PM	Roll call by AA Marilyn Hudson
5:52:19 PM	CS/SB 7030 reported favorably
5:52:37 PM	Introduction of Tab 2, SB 676 by Chair Lee
5:52:50 PM	Explanation of SB 676, Certificates of Title for Vessels by Senator Hooper
5:53:09 PM	Explanation of Amendment Barcode No. 383990 by Senator Hooper
5:53:45 PM	Amendment adopted
5:53:50 PM	David Childs, National Marine Manufacturers waives in support
5:54:00 PM	Closure waived
5:54:02 PM	Roll call by AA Marilyn Hudson
5:54:13 PM	CS/SB 676 reported favorably
5:54:17 PM	Introduction of Tab 7, SB 1440 by Chair Lee
5:54:24 PM	Explanation of SB 1440, Public Swimming Pools by Senator Farmer
5:54:46 PM	Taylor Biehl, Big Bend Advocacy Association waives in support
5:54:48 PM	Samantha Padgett waives in opposition
5:55:10 PM	Closure by Senator Farmer
5:55:17 PM	Roll call by AA Marilyn Hudson
5:55:22 PM	SB 1440 reported favorably

5:55:28 PM Introduction of Tab 6, CS/SB 766 by Chair Lee
5:55:40 PM Explanation of CS/SB 766, Expanded Uses of Unmanned Aircraft by Senator Gruters
5:55:47 PM Introduction of Amendment Barcode No. 387434 by Chair Lee
5:55:56 PM Explanation of Amendment by Senator Hooper
5:56:13 PM Jim Millican, Florida Fire Chiefs Association waives in support
5:56:21 PM Amendment adopted
5:56:31 PM Todd Sumner, Drone Technologist waives in support
5:56:34 PM Ray Colburn, Florida Fire Chiefs Association waives in support
5:56:39 PM Matt Alford, Florida Department of Agriculture waives in support
5:56:42 PM David Daniel, D.J.I. waives in support
5:56:51 PM Matt Dunagan, Florida Sheriffs Association waives in support
5:56:54 PM Jesse McCarty, Miami-Dade County waives in support
5:56:57 PM Matt Alford, Florida Department of Agriculture waives in support
5:56:59 PM Jim Millican, Florida Fire Chiefs Association waives in support
5:57:02 PM Chief Gary Hester, Florida Police Chiefs Association waives in support
5:57:14 PM Closure waived
5:57:18 PM Roll call by AA Marilyn Hudson
5:57:22 PM CS/CS/SB 766 reported favorably
5:57:37 PM Introduction of Tab 4, SB 542 by Chair Lee
5:57:48 PM Late-filed Amendment Barcode No. 449268 introduced by Chair Lee
5:58:12 PM Amendment explained by Senator Brandes and Chair Lee
5:58:34 PM Amendment to Amendment adopted
5:58:41 PM Strike-All Amendment adopted
5:58:53 PM Brian No, SPIN waives in opposition
5:59:11 PM Edward Drigger waives in support
5:59:16 PM Diego Echeverri, Americans For Prosperity waives in support
5:59:18 PM Closure waived
5:59:20 PM Roll call by AA Marilyn Hudson
5:59:27 PM SB 542 reported favorably
5:59:40 PM Explanation of SB 476 by Senator Perry
6:00:08 PM Closure waived
6:00:15 PM Roll call by AA Marilyn Hudson
6:00:20 PM SB 476 reported favorably
6:00:24 PM Senator Perry moves to adjourn