

Tab 2 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 3 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 4 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 5 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 6 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~~
Tab 7 SB 608 by Bean; (Similar to H 00309) Railroad-highway Grade Crossings						
Tab 8 SB 622 by Brandes (CO-INTRODUCERS) Diaz, Mayfield; (Similar to H 06003) Traffic Infraction Detectors						
Tab 9 CS/SB 722 by JU, Hooper; (Similar to CS/H 00487) Carrying of Firearms by Tactical Medical Professionals						
Tab 10 CS/SB 762 by JU, Gruters; (Identical to CS/H 00639) Duties and Obligations of Sheriffs						
Tab 11 CS/SB 1004 by CA, Rodriguez; (Identical to CS/H 00995) Regional Planning Council Meetings						
Tab 12 CS/SB 1792 by CA, Gruters; (Similar to CS/H 01237) Towing and Immobilizing of Vehicles and Vessels						
658588	D	S	RS	IS, Gruters	Delete everything after	04/03 06:21 PM
547770	SD	S	RCS	IS, Gruters	Delete everything after	04/03 06:21 PM
Tab 13 SB 1104 by Bean; (Compare to CS/H 00199) Transportation Credentials						
460906	D	S	RCS	IS, Bean	Delete everything after	04/03 06:21 PM
759926	AA	S	RCS	IS, Bean	Delete L.1102 - 1117:	04/03 06:21 PM
273748	AA	S	RCS	IS, Stewart	btw L.1139 - 1140:	04/03 06:21 PM
~~573432~~	~~A~~	~~S~~	~~WD~~	~~IS, Hutson~~	~~Delete L.457 - 476:~~	~~04/03 06:21 PM~~
Tab 14 SB 1106 by Bean; (Compare to CS/CS/H 00505) Fees/Specialty License Plates Uniform Annual Use Fee						
750416	A	S	RCS	IS, Bean	Delete L.37:	04/03 06:21 PM
Tab 15 SB 480 by Rouson; (Similar to CS/H 00199) Specialty License Plates/Highwaymen						
177288	A	S	RCS	IS, Lee	Delete L.39:	04/03 06:21 PM

Tab 16	SB 482 by Rouson; (Identical to H 00201) Fees/Highwaymen License Plate						
473194	A	S	RCS	IS, Lee	Delete L.15:	04/03 06:21 PM	
Tab 17	SB 484 by Rader; (Identical to H 00273) Specialty License Plates/Florida State Beekeepers Association						
414190	A	S	RCS	IS, Lee	Delete L.39:	04/03 06:21 PM	
Tab 18	SB 486 by Rader; (Identical to H 00275) Fees/Florida State Beekeepers Association License Plate						
251046	A	S	RCS	IS, Lee	Delete L.16:	04/03 06:21 PM	
Tab 19	SB 1654 by Braynon; (Compare to H 01225) Specialty License Plates						

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

INFRASTRUCTURE AND SECURITY

Senator Lee, Chair
Senator Perry, Vice Chair

MEETING DATE: Tuesday, April 2, 2019
TIME: 2:00—5:00 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	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION

Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.

Secretary of Transportation

1	Thibault, Kevin J. (Groveland)	Pleasure of Governor	Recommend Confirm Yeas 7 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION

2	SB 728 Lee (Identical CS/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 IS 04/02/2019 Fav/CS RC	Fav/CS Yeas 8 Nays 0
3	SB 1638 Lee (Compare CS/CS/H 725, CS/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 IS 04/02/2019 Fav/CS CM RC	Fav/CS Yeas 8 Nays 0

Consideration of proposed bills:

COMMITTEE MEETING EXPANDED AGENDA

Infrastructure and Security

Tuesday, April 2, 2019, 2:00—5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	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.	Submitted and Reported Favorably as Committee Bill Yeas 7 Nays 0
5	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.	Submitted and Reported Favorably as Committee Bill Yeas 8 Nays 0
6	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.	Submitted and Reported Favorably as Committee Bill Yeas 8 Nays 0
7	SB 608 Bean (Similar H 309)	Railroad-highway Grade Crossings; Prohibiting a railroad train from blocking a public highway, street, or road at a railroad-highway grade crossing for more than a specified time; exempting certain persons from liability for violations under certain circumstances, etc. IS 04/02/2019 Temporarily Postponed JU ATD AP	Temporarily Postponed

COMMITTEE MEETING EXPANDED AGENDA

Infrastructure and Security

Tuesday, April 2, 2019, 2:00—5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 622 Brandes (Similar H 6003, S 306)	Traffic Infraction Detectors; Repealing provisions relating to the installation and use of traffic infraction detectors to enforce specified provisions when a driver fails to stop at a traffic signal, provisions that authorize the Department of Highway Safety and Motor Vehicles, a county, or a municipality to use such detectors, and the distribution of penalties collected for specified violations; repealing provisions relating to the authorization to use traffic infraction detectors, etc. IS 04/02/2019 Temporarily Postponed ATD AP	Temporarily Postponed
9	CS/SB 722 Judiciary / Hooper (Similar CS/H 487)	Carrying of Firearms by Tactical Medical Professionals; Exempting certain licensed medical professionals from specified provisions concerning the carrying of firearms; requiring certain policies and procedures for law enforcement agencies; providing immunities and privileges for such professionals, etc. JU 03/11/2019 Fav/CS IS 04/02/2019 Favorable RC	Favorable Yeas 8 Nays 0
10	CS/SB 762 Judiciary / Gruters (Identical CS/H 639, Compare CS/S 328)	Duties and Obligations of Sheriffs; Requiring each sheriff to coordinate with certain boards of county commissioners and chief judges to develop a comprehensive plan for security of trial court facilities; specifying that sheriffs and their deputies, employees, and contractors are officers of the court under specified circumstances, etc. JU 03/25/2019 Fav/CS IS 04/02/2019 Favorable ACJ AP	Favorable Yeas 8 Nays 0
11	CS/SB 1004 Community Affairs / Rodriguez (Identical CS/H 995)	Regional Planning Council Meetings; Providing requirements for establishing a quorum for meetings of certain councils when a voting member appears via telephone, real-time videoconferencing, or similar real-time electronic or video communication; requiring notice of intent to appear via telephone, real-time videoconferencing, or similar real-time electronic or video communication by a specified time, etc. CA 03/20/2019 Fav/CS IS 04/02/2019 Favorable RC	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Infrastructure and Security

Tuesday, April 2, 2019, 2:00—5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
12	CS/SB 1792 Community Affairs / Gruters (Similar CS/H 1237)	Towing and Immobilizing of Vehicles and Vessels; Specifying that local governments may enact rates to tow or immobilize vessels on private property and to remove and store vessels under specified circumstances; prohibiting counties and municipalities, respectively, from enacting certain ordinances or rules that impose fees or charges on authorized wrecker operators, towing businesses, or vehicle immobilization services; authorizing certain persons to place liens on vehicles or vessels to recover specified fees or charges; authorizing vehicle immobilization devices to be used on trespassing motor vehicles, etc. CA 03/26/2019 Fav/CS IS 04/02/2019 Fav/CS RC	Fav/CS Yeas 8 Nays 0
13	SB 1104 Bean (Compare CS/H 199, H 273, CS/CS/H 505, S 480, S 484, S 660, S 1686, Linked S 1106)	Transportation Credentials; Authorizing fleet companies to purchase specialty license plates in lieu of standard fleet license plates; allowing the Department of Highway Safety and Motor Vehicles to authorize dealer and fleet specialty license plates; directing the department to audit certain organizations that receive funds from the sale of specialty license plates; directing the department to implement protocols for issuing an optional electronic credential and procure a related technology solution, subject to certain requirements, etc. IS 04/02/2019 Fav/CS ATD AP	Fav/CS Yeas 7 Nays 0
14	SB 1106 Bean (Compare CS/CS/H 505, Linked S 1104)	Fees/Specialty License Plates Uniform Annual Use Fee; Creating a uniform annual use fee collected for a specialty license plate unless otherwise specified; adding annual use fees for certain specialty license plates, etc. IS 04/02/2019 Fav/CS ATD AP	Fav/CS Yeas 7 Nays 0
15	SB 480 Rouson (Similar CS/H 199, Compare H 201, CS/CS/H 505, S 1104, Linked S 482)	Specialty License Plates/Highwaymen; Directing the Department of Highway Safety and Motor Vehicles to develop a Highwaymen license plate; providing for distribution and use of fees collected from the sale of the plates, etc. IS 04/02/2019 Fav/CS ATD AP	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Infrastructure and Security

Tuesday, April 2, 2019, 2:00—5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
16	SB 482 Rouson (Identical H 201, Compare CS/H 199, CS/CS/H 505, Linked S 480)	Fees/Highwaymen License Plate; Establishing a fee for a certain specialty license plate, etc. IS 04/02/2019 Fav/CS ATD AP	Fav/CS Yeas 8 Nays 0
17	SB 484 Rader (Identical H 273, Compare H 275, CS/CS/H 505, S 1104, Linked S 486)	Specialty License Plates/Florida State Beekeepers Association; Directing the Department of Highway Safety and Motor Vehicles to develop a Florida State Beekeepers Association license plate, etc. IS 04/02/2019 Fav/CS ATD AP	Fav/CS Yeas 7 Nays 0
18	SB 486 Rader (Identical H 275, Compare H 273, CS/CS/H 505, Linked S 484)	Fees/Florida State Beekeepers Association License Plate; Creating a fee for a certain specialty license plate, etc. IS 04/02/2019 Fav/CS ATD AP	Fav/CS Yeas 6 Nays 0
19	SB 1654 Braynon (Compare H 1225, H 1227)	Specialty License Plates; Directing the Department of Highway Safety and Motor Vehicles to develop certain specialty license plates; establishing annual use fees for the plates, etc. IS 04/02/2019 Temporarily Postponed ATD AP	Temporarily Postponed
Other Related Meeting Documents			

2325

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

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

Kevin J. Thibault

is duly appointed

Secretary,

Department of Transportation

for a term beginning on the Eighteenth day of January, A.D.,
2019, to serve at the pleasure of the Governor and is subject to
be confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Eighth day of February, A.D., 2019.*



Secretary of State



State of Florida appears in small letters across the face of this 8 1/2 x 11" document.

If photocopied or chemically altered, the word "VOID" will appear.



RON DeSANTIS
GOVERNOR

RECEIVED

2019 JAN 22 PM 1:20

TELEPHONE ROOMS
TALLAHASSEE, FL

January 18, 2019

Secretary Michael Ertel
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, FL 32399-0250

Dear Secretary Ertel,

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

Mr. Kevin J. Thibault
502 Narrow View Lane
Groveland, FL 34736

as Secretary of the Florida Department of Transportation, subject to confirmation by the Senate. This appointment is effective January 18, 2019, for a term ending at the pleasure of the Governor.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis", with a long, sweeping flourish extending to the right.

Ron DeSantis

Governor

RD/mm

HAND DELIVERED

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Leon

2019 FEB 15 PM 9:40

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

Secretary of the Florida Department of Transportation
(Title of Office)

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

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

[Signature]
Signature

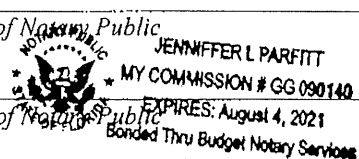
Sworn to and subscribed before me this 29th day of January, 2019.

Jennifer L. Parfitt
Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____



ACCEPTANCE

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

Mailing Address: ☐ Home ☒ Office

605 Suwannee St. MS 57
Street or Post Office Box

Willakhassee, FL 32399-0450
City, State, Zip Code

Kevin J. Thibault
Print Name

[Signature]
Signature

1222/5

RECEIVED

QUESTIONNAIRE FOR SENATE CONFIRMATION

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

2018 FEB 6 AM 9:41
DIVISION OF ELECTIONS
TALLAHASSEE, FL
1/29/2018
Date Completed

1. Name: Mr. Thibault Kevin Joseph
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 605 Suwannee Street MS 57 Tallahassee
Street Office # City
FL 32399-0450 850-414-5205
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 502 Narrow View Lane Groveland Lake
Street City County
FL 34736 850-294-1833
Post Office Box State Zip Code Area Code/Phone Number

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

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

Address	City & State	From	To
5435 Paces Mill Road	Tallahassee, FL	10/2004	5/2016
561 Juniper Springs Dr.	Groveland, FL	5/2016	11/2017

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

Address	City & State	From	To
237 Crawford Street	Fall River, Massachusetts	6/1985	10/1988
123 Danforth Street	Fall River, Massachusetts	6/1984	6/1985

5. Date of Birth: _____ Place of Birth: Fall River MA

6. Social Security Number: _____

7. Driver License Number _____ Issuing State: Florida

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

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

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

10. Since what year have you been a continuous resident of Florida? 1988

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

A. County of Registration: Lake

B. Current Party Affiliation: NPA

12. Education

A. High School: Diman Regional Vocational High School
(Name and Location)

Year Graduated: 1980

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
Bristol Community College	1980-1982	Associate of Arts Degree - Engineering
UMass-Dartmouth	1982-1984	Bachelor of Science - Civil Engineering

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

A. Dates of Service: _____

B. Branch or Component: _____

C. Date & type of discharge: _____

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

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

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

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
Florida Department of Trans.	State Agency	Secretary	Current
TranSystems Corporation, Orlando	Consulting Engineers	Sr. Vice President	Dec. 2017-Jan. 2019
Parsons Corporation, Orlando	Consulting Engineers	Sr. Vice President	May 2011 - Dec. 2017

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

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
Executive Director	Florida Dept. of Transportation	7/2010 - 5/2011
Assistant Secretary	Florida Dept. of Transportation	4/2004 - 7/2010
Director of Production	Florida Dept. of Transportation	7/1995 - 4/2002

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

Over 34 years of progressively increasing responsibility in transportation program development, including registration as
a professional engineer in the State of Florida. My background provides a unique balance of public and private
sector 'best practices' in transportation project development, with extensive experience in working via a
collaborative nature with elected/public officials in delivering effective transportation solutions that meet regional needs.
Very familiar with regional, state and federal policies related to transportation, with a strong professional network that can
position Florida to be a leader in transportation.

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

Bachelor of Science Degree in Civil Engineering - University of Massachusetts-Dartmouth
American Association of State Highway & Transportation Officials Leadership Institute
Registered Professional Engineer in Florida & Massachusetts

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

Leader of the Year - Florida's Turnpike
Distinguished Manager of the Year - Florida Department of Transportation

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

Floridians for Better Transportation - Board Member 2011 - 2018 (Board Chair, 2012/2014)
American Society of Civil Engineers - 1985 to present (Chapter President - 2013/2014)
Florida Engineering Society - 2002 to Present
International Bridge Tunnel & Turnpike Association - Board of Directors Member 2010-2011
Enterprise Florida Board of Directors - Proxy Member 2015-2016
UMass Dartmouth College Advisory Board

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

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

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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

(1) How frequently were meetings scheduled: N/A

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

Meetings Attended

Meetings Missed

Reason for Absence

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

Date

Nature of Violation

Disposition

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

A. Title of office: _____

C. Reason for suspension: _____

B. Date of suspension: _____

D. Result: Reinstated ☐ Removed ☐ Resigned ☐

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

A. Title of Office: _____

B. Term of Appointment: _____

C. Confirmation results: _____

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

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

License/Certificate

Original

Title & Number

Issue Date

Issuing Authority

Disciplinary Action/Date

PE 44787

1991

Florida Board of Professional Engineers

N/A

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

Name of Business

Your Relationship to Business

Business' Relationship to Agency

TranSystems Corp

Regional Sr. Vice President

Consulting Engineer

Parsons Corporation

Sr. Vice President

Consulting Engineer

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

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
Parsons Corporation	Son	Employee	Consulting Engineer

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

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

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

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

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

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Mario Nuevo			
John Grow			
Ananth Prasad			

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

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
American Society of Civil Engineers	Washington, DC	Chapter President 203/2014	1985 to Present
Florida Eng. Society	Tallahassee, FL	N/A	2002 to Present
Floridians for Better Transportation	Tallahassee, FL	Chairman, 2012 & 2014	2011 to 2019

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

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

HAND DELIVERED

RECEIVED

CERTIFICATION

2019 FEB -6 AM 9:41

STATE OF FLORIDA

COUNTY OF Leon

DIVISION OF ELECTIONS
TALLAHASSEE, FL

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

Kevin J. Thibault

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

[Signature]

Signature of Applicant-Affiant

Sworn to and subscribed before me this 5th day of February, 2019.

Jennifer L. Parfitt

Signature of Notary Public-State of Florida



JENNIFFER L. PARFITT
MY COMMISSION # GG 090140
EXPIRES: August 4, 2021
Bonded thru Budget Notary Services

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: August 4, 2021

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

(seal)

MEMORANDUM

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

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

Because: (please provide cite.) _____

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

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

Senate Confirmation Questionnaire

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

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

Please type or use blue ink.

1. Board of Interest: Secretary of Transportation
2. Current Employer and Occupation: FDOT
3. Are you applying for reappointment: Yes ☐ No ☒
4. *Do you have a disability? Yes ☐ No ☒ If "Yes", please describe your disability that would qualify you for this appointment, if applicable.
- _____
- _____
- _____

5. *Sex: Male ☒ Female ☐

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

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

Kevin J. Thibault

Applicant's Name, including name commonly used
(Please print)

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/2/2019
Meeting Date

Bill Number (if applicable)

Topic CONFIRMATION HEARING

Amendment Barcode (if applicable)

Name KEVIN J. THIBAUT

Job Title SECRETARY

Address 605 SUNDANCE ST.

Phone 250 4145205

Street

TALLAHASSEE

FL

32399

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☒ Information

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

Representing DEPT. OF TRANS.

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.



717782

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

2019728__

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

Page 1 of 6

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

20-01365-19

2019728__

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

Page 2 of 6

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

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

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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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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)

4.2.19

Meeting Date

728

Bill Number (if applicable)

Topic CDDs

Amendment Barcode (if applicable)

Name Cheryl Stuart

Job Title Attorney - Hopping Green & Sams

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Phone 222 7500

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Tallahassee

FL

32301

City

State

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Nealhand & Assoc. of Florida Community Developers

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

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4/2/19
Meeting Date

728
Bill Number (if applicable)

Topic CDD's

Amendment Barcode (if applicable)

Name DAVID RAMBA

Job Title RAMBA LAW GROUP

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TAUAHASSEE FL 32301
City State Zip

Email david@rambalaw.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing NEAL COMMUNITIES

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 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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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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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

APPEARANCE RECORD

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

4/2/19
Meeting Date

1638
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name ALIX MILLER

Job Title VICE PRESIDENT

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Street

Tallahassee

FL

32301

City

State

Zip

Phone 850-222-9900

Email alixmiller@fltrucking.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FLORIDA TRUCKING 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
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: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Proctor	Miller		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

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.*

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
- 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 ten 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

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.

These provisions do not apply to drivers of utility service vehicles.¹³

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

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;

(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.

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.

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

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.

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).

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

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 registration renewal notices. However, current law does not allow the e-mail to be used for other business purposes.^{30 31 32 33 34}

Effect of Proposed Changes

The bill amends ss. 319.40, 320.95(2), 322.08, 328.30, and 328.80, F.S., authorizing the DHSMV to collect and use e-mail addresses 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 may be used would be: allowing customers to subscribe to services such as receiving email alerts 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.³⁵

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

²⁹ Section 92.142, F.S.

³⁰ Section 319.40, F.S.

³¹ Section 320.95, F.S.

³² Section 322.08(10), F.S.

³³ Section 328.30, F.S.

³⁴ Section 328.80, F.S.

³⁵ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, DHSMV Package - Fiscal, (March 21, 2019).

fees based on fleet operation in various member jurisdictions.³⁶ 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.³⁷

All apportionable vehicles domiciled in the state are required to be registered in accordance with the IRP and display “Apportioned” license plates.³⁸ 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.³⁹

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.⁴⁰ Apportionable vehicles that do not regularly operate in a particular jurisdiction also have the option to register for trip permits in order to operate in IRP member jurisdictions for limited periods where they do not pay license taxes.⁴¹

The IRP defines an apportionable vehicle as:⁴²

[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

³⁶ International Registration Plan, Inc., *About IRP*, <http://www.irponline.org/?page=AboutIRP> (last visited Mar. 4, 2019).

³⁷ 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).

³⁸ Section 320.0715(1), F.S.

³⁹ Sections 320.0715(4)(a) and (b), F.S.

⁴⁰ Section 320.0715(4)(c), F.S.

⁴¹ 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).

⁴² 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.

bus operations will pay license fees to each jurisdiction it operates in, and prevents or suspends the registration of unsafe carriers.⁴³

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.⁴⁴

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 ten-year period. However, "Apportioned" license plates issued to vehicles registered under the IRP are issued annually.⁴⁵ 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.⁴⁶

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

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

⁴³ 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).

⁴⁴ Section 320.0715(1), F.S.

⁴⁵ Section 320.06(1)(b)1., F.S.

⁴⁶ 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).

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 is authorized to collect e-mail addresses and use e-mail, 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. However, current law does not allow the e-mail addresses to be used for other business purposes.^{47,48,49,50,51}

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.⁵² 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.⁵³ 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.⁵⁴ Additionally, the

⁴⁷ Section 319.40, F.S.

⁴⁸ Section 320.95, F.S.

⁴⁹ Section 322.08(10), F.S.

⁵⁰ Section 328.30, F.S.

⁵¹ Section 328.80, F.S.

⁵² Section 320.02(2)(a), F.S.

⁵³ Section 320.02(3), F.S.

⁵⁴ Section 320.02(4), F.S.

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.⁵⁵

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.⁵⁶

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.⁵⁷

Vessels

A purchaser of a new or used vessel has 30 days to title and register the vessel.⁵⁸ During the 30-day period before registration, the owner must have proof of the date of purchase aboard the vessel.⁵⁹ Section 328.48, F.S., establishes the steps for applying for vessel registration in Florida. The DHSMV is responsible for issuing vessel registrations.⁶⁰ Applications for titles and registrations must be filed at a county tax collector office.⁶¹ 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.⁶²

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.⁶³ 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

⁵⁵ Section 320.02(5)(a), F.S.

⁵⁶ Section 320.06(1)(a), F.S.

⁵⁷ Section 320.06(1)(c), F.S.

⁵⁸ Section 328.46(1), F.S.

⁵⁹ Section 328.46(1), F.S.

⁶⁰ Section 328.48(3), F.S.

⁶¹ Section 328.48(1)(a), F.S.

⁶² Section 328.48(2), F.S.

⁶³ Section 328.48(4), F.S.

- A description of the vessel.⁶⁴

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.⁶⁵

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.⁶⁶ Local tax collector and tag agent offices throughout the state process tag, title, and registration transactions through FRVIS.⁶⁷ 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 and tag agent offices.⁶⁸ 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.⁶⁹

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.⁷⁰

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.^{71,72,73,74,75}

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.⁷⁶ The DHSMV may require each tax collector to give a bond, payable to the DHSMV, conditioned that

⁶⁴ Section 328.48(4), F.S.

⁶⁵ Section 328.48(5), F.S.

⁶⁶ 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).

⁶⁷ *Id.* at 1-2.

⁶⁸ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, FW: FRVIS, (April 4, 2019).

⁶⁹ DHSMV, *supra* at 2, FN 66.

⁷⁰ *Id.*

⁷¹ Section 319.40, F.S.

⁷² Section 320.95, F.S.

⁷³ Section 322.08(10), F.S.

⁷⁴ Section 328.30, F.S.

⁷⁵ Section 328.80, F.S.

⁷⁶ Section 320.03(1), F.S.

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.⁷⁷ 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.⁷⁸ 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.⁷⁹

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.⁸⁰ Each tax collector must keep a full and complete record and account of all vessel decals or other 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.⁸¹

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

⁷⁷ Section 320.03(2), F.S.

⁷⁸ Section 320.03(3), F.S.

⁷⁹ Section 320.03(4)(b), F.S.

⁸⁰ Section 328.73(1), F.S.

⁸¹ Section 328.73(2), F.S.

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 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.⁸² 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.⁸³ 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.⁸⁴ 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;

⁸² Section 320.131(2), F.S.

⁸³ *Id.*

⁸⁴ Section 320.131(9), F.S.

- 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.

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 the DHSMV rule. 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 expiration⁸⁵; however, an ID card can only be renewed within 90 days of expiration.⁸⁶ 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.

⁸⁵ Section 322.18(7), F.S.

⁸⁶ Section 322.051(2)(a), F.S.

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;
- 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.⁸⁷

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.⁸⁸ According to the DHSMV, the reporting function is now automated for all school districts to access in real time.⁸⁹

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.

⁸⁷ Section 322.091(1), F.S.

⁸⁸ Section 322.091(5), F.S.

⁸⁹ Department of Highway Safety and Motor Vehicles, 2019 Legislative Concepts (on file with Infrastructure and Security).

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.⁹⁰ A fee of \$10.00 is charged for this service⁹¹, which is in addition to the standard fees on title transfers, title issuances, duplicate titles, and recordation of liens.⁹² The fee, minus deductions for odometer fraud prevention and detection⁹³ and \$3.50 to be retained by the processing agency, are deposited into the General Revenue Fund.⁹⁴ Application for expedited service may be made by mail or in person and the DHSMV must issue each title within five 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 five working days after compliance with the DHSMV's verification requirements.⁹⁵

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.⁹⁶

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 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.

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.⁹⁷ Likewise, a person may not sell, manufacture, or deliver a blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver license or identification card.⁹⁸

⁹⁰ Section 319.323, F.S.

⁹¹ *Id.*

⁹² Section 319.32, F.S.

⁹³ Section 319.324, F.S.

⁹⁴ Section 319.323, F.S.

⁹⁵ *Id.*

⁹⁶ Department of Highway Safety and Motor Vehicles, 2019 Legislative Concepts (on file with Infrastructure and Security).

⁹⁷ Section 322.212(1)(a), F.S.

⁹⁸ Section 322.212(1)(d), F.S.

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.⁹⁹

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 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.¹⁰⁰

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 one year.¹⁰¹

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 one 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.¹⁰² 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 telephone¹⁰³ while operating a CMV, may be assessed a civil penalty and commercial driver license disqualification¹⁰⁴ as follows:

- First violation: \$500;
- Second violation: \$1,000 and a 60-day commercial driver license disqualification;¹⁰⁵

⁹⁹ Section 322.212(5)(a), F.S.

¹⁰⁰ Section 322.212(6), F.S.

¹⁰¹ Section 322.212(7), F.S.

¹⁰² Chapter 2013-160, L.O.F.

¹⁰³ 49 C.F.R. 392.82

¹⁰⁴ 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."

¹⁰⁵ Commercial driver license disqualification is pursuant to 49 C.F.R. part 383.

- 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:

- 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;¹⁰⁶
- Unlawful speed of 15 miles per hour or more above the posted speed limit;
- Improper lane change;¹⁰⁷
- Following too closely;¹⁰⁸
- 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.¹⁰⁹

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.

¹⁰⁶ Reckless driving is defined in s. 316.192, F.S.

¹⁰⁷ Improper lane change is defined in s. 316.085, F.S.

¹⁰⁸ Following too closely is defined in s. 316.0895, F.S.

¹⁰⁹ A license or learner permit is required to drive a commercial motor vehicle pursuant to s. 322.03, F.S.

Effective Date

The act takes effect 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.

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.¹¹⁰

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.

¹¹⁰ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, DHSMV Package - Fiscal, (March 21, 2019).

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 state's motor carrier safety program for federal fiscal year 2019.¹¹¹ 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 \$15,033,312.¹¹²

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.

¹¹¹ 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).

¹¹² Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, Mscap funds, (February 7, 2019).

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, 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.

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: 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 ~~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, 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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1. Committed fraud or willful misrepresentation in 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



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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

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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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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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1335 of 26,000 pounds or less and two-axle vehicles may be
1336 proportionally registered.

1337 Section 24. Paragraph (b) of subsection (1) of section
1338 320.06, Florida Statutes, is amended to read:

1339 320.06 Registration certificates, license plates, and
1340 validation stickers generally.—

1341 (1)

1342 (b)1. Registration license plates bearing a graphic symbol
1343 and the alphanumeric system of identification shall be issued
1344 for a 10-year period. At the end of the 10-year period, upon
1345 renewal, the plate shall be replaced. The department shall
1346 extend the scheduled license plate replacement date from a 6-
1347 year period to a 10-year period. The fee for such replacement is
1348 \$28, \$2.80 of which shall be paid each year before the plate is
1349 replaced, to be credited toward the next \$28 replacement fee.
1350 The fees shall be deposited into the Highway Safety Operating
1351 Trust Fund. A credit or refund may not be given for any prior
1352 years' payments of the prorated replacement fee if the plate is
1353 replaced or surrendered before the end of the 10-year period,
1354 except that a credit may be given if a registrant is required by
1355 the department to replace a license plate under s.

1356 320.08056(8)(a). With each license plate, a validation sticker
1357 shall be issued showing the owner's birth month, license plate
1358 number, and the year of expiration or the appropriate renewal
1359 period if the owner is not a natural person. The validation
1360 sticker shall be placed on the upper right corner of the license
1361 plate. The license plate and validation sticker shall be issued
1362 based on the applicant's appropriate renewal period. The
1363 registration period is 12 months, the extended registration

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1364 period is 24 months, and all expirations occur based on the
1365 applicant's appropriate registration period.

1366 2. A vehicle that has an apportioned registration shall be
1367 issued an annual license plate and a cab card that denote the
1368 declared gross vehicle weight for each apportioned jurisdiction
1369 in which the vehicle is authorized to operate. This subparagraph
1370 expires October 1, 2019.

1371 3. Upon implementation of a new operating system for
1372 apportioned vehicle registration, a vehicle registered in
1373 accordance with the International Registration Plan which has an
1374 apportioned registration must be issued a license plate for a 5-
1375 year period, an annual cab card denoting the declared gross
1376 vehicle weight, and an annual validation sticker showing the
1377 month and year of expiration. The validation sticker must be
1378 placed in the center of the license plate. The license plate and
1379 validation sticker must be issued based on the applicant's
1380 appropriate renewal period. The registration period is 12
1381 months. This fee must be deposited into the Highway Safety
1382 Operating Trust Fund. If the license plate is damaged or worn,
1383 it may be replaced at no charge by applying to the department
1384 and surrendering the current license plate.

1385 4.2. In order to retain the efficient administration of the
1386 taxes and fees imposed by this chapter, the 80-cent fee increase
1387 in the replacement fee imposed by chapter 2009-71, Laws of
1388 Florida, is negated as provided in s. 320.0804.

1389 Section 25. Subsection (5) of section 320.0607, Florida
1390 Statutes, is amended to read:

1391 320.0607 Replacement license plates, validation decal, or
1392 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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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 37. 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

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into the Highway Safety Operating Trust Fund.

Section 38. 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 license, or commercial learner's permit for a period of 1 year.

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

APPEARANCE RECORD

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

4/2/19
Meeting Date

7090
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name ALIX MILLER

Job Title VICE PRESIDENT

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing FLORIDA TRUCKING 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
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: March 21, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Proctor	Miller		Pre-meeting

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 ten-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 five 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 five 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:

None.

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

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

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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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20197092pb

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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20197092pb

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	.	
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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



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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.



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/04/2019	.	
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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,



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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.

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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 Infrastructure and Security

BILL: SB 608

INTRODUCER: Senator Bean

SUBJECT: Railroad-highway Grade Crossings

DATE: April 1, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Pre-meeting
2.			JU	
3.			ATD	
4.			AP	

I. Summary:

SB 608 prohibits a railroad train from blocking a public highway, street, or road at a railroad-highway grade crossing for more than fifteen minutes unless the blocking is due to a safety-related emergency or a mechanical failure making movement of the train impossible. The bill sets out a schedule of increasing penalties based on the length of time a crossing is blocked and directs a law enforcement officer to issue a citation to the owner or operator of a railroad train for violations.

Additionally, the bill exempts a member of a railroad train crew, yard crew, or engine crew from personal liability for violation of any state, municipal, or county ordinance regulating the blocking of a railroad-highway grade crossing by a railroad train under specified conditions. However, the employer or railroad company is not relieved of any responsibility to such state law or municipal or county ordinance.

The fiscal impact of the bill on state and local government and on the private sector is indeterminate, as the number of violations that would occur is unknown. See the Fiscal Impact Statement heading for details.

The bill's provisions may be subject to preemption under federal law.

The bill takes effect July 1, 2019.

II. Present Situation:

Blocked Railroad-Highway Grade Crossings

According to the Federal Railroad Administration (FRA), the duration of a blocked railroad-highway grade crossing¹ can range from only a limited time, for example, for a short passenger train traveling at relatively high speed, to hours after a grade crossing accident or a mechanical problem with a train.² The FRA has identified a number of reasons for trains to block crossings, and the reasons affect the length of time that a crossing is blocked.³ The principal causes of blocked railroad-highway grade crossings according to the FRA are:

- Community growth around railroads;
- Growth in highway traffic, leading to increased traffic congestion and demand for more crossings;
- Growth in rail traffic, both freight and rail, leading to more trains using the crossings;
- Increased train length, leading to longer periods of delay for motor vehicles;
- Trains held in sidings on single-track rail lines, for example, to allow two trains proceeding in opposite directions to pass or to allow a faster train to overtake a slower train;
- Rail yards used to sort rail cars from arriving trains into departing trains and switching activities;⁴ and
- Operational issues, such as the train being stopped due to mechanical reasons, being involved in a grade crossing accident with a motor vehicle, or because the crew has reached the federal hours of service limitations.⁵

The FRA has concluded: “Given the growth in both rail and highway traffic, it is likely that the problem of blocked crossings will increase in the future.”⁶

Federal Regulation and Preemption

No federal regulations specifically address the duration for which a railroad train may block a railroad-highway grade crossing. However, as noted by the FRA, the railroads have on occasion asserted that federal law preempts these state statutes and local ordinances on grounds that they are preempted under federal law. “For example, to clear a crossing in compliance with a State provision, a railroad might have to adjust either the speed or the length of its train, both of which are governed by Federal regulations. Likewise, a railroad might not be able to complete required air-brake testing at certain locations where doing so would block a crossing in violation of a

¹ Section 335.141, F.S., defines “public railroad-highway grade crossing” as “a location at which a railroad track is crossed at grade by a public road.”

² See Federal Railroad Administration, *Impact of Blocked Highway/Rail Grade Crossings On Emergency Response Services*, August 2006, at p. 5, available at www.fra.dot.gov/Elit/Document/3572 (last viewed March 29, 2019). While the study is dated and focused on emergency response services, the information relating to the causes of blocked railroad crossings appears to remain valid.

³ *Id.*

⁴ A railway switch is generally the movement of a train or train car from one track to another. For a discussion of the different types of railway switches, see Agico Group, *What Is A Railway Switch?*, available at <http://www.railway-fasteners.com/news/what-is-the-railway-switch.html> (last viewed March 29, 2019).

⁵ *Supra* note 2 at pp. 6-14.

⁶ *Supra* note 2 at p. 3.

State provision. Where there is a conflict between the State law and Federal safety requirements, the courts will find the State law to be preempted and, thus, unenforceable.”⁷

In *The People v. Burlington Northern Santa Fe Railroad*,⁸ 209 Cal.App.4th 1513, (First DCA Cal. 2012), involving an order of the California Public Utilities Commission generally requiring that a crossing blocked by a stopped train be opened within ten minutes, the court noted “The People have not cited, and we have not discovered through our independent research, a single case in which a court considered [Interstate Commerce Commission Termination Act] preemption and concluded that an antiblocking regulation was *not* preempted.”⁹

Nonetheless, according to the FRA, “The great majority of states place restrictions on the amount of time a highway-rail grade crossing can be blocked...but generally does not exceed 20 minutes. A number of state laws contain an exception for emergencies or circumstances beyond the control of the railroad company. Individual cities and towns¹⁰ within states that do not have relevant statutes regarding blocked crossings may have ordinances restricting the blocking of highway-rail grade crossings within their jurisdictions.”¹¹

Florida Law

Section 351.03, F.S., provides requirements for railroad companies and local governments with respect to railroad-highway grade crossings. That statute requires in part that when a railroad train engages in a switching operation, or stops such that a public highway, street, or road is blocked at any time from one-half hour after sunset to one-half hour before sunrise, the crew of the railroad train must place a lighted fusee¹² or other visual warning device in both directions from the train, on or at the edge of the road, to warn approaching motorists that a railroad train is blocking the road.¹³ This provision does not apply to crossings at which there are automatic warning devices that are properly functioning, or at which there is adequate lighting. A violation of this provision is a second degree misdemeanor, punishable by a definite term of imprisonment not exceeding 60 days or by a fine of \$500.¹⁴

⁷ *Supra* note 2 at p. 16.

⁸ 209 Cal.App.4th 1513 (1 DCA Cal. 2012). The opinion cites to a number of other cases involving blocked-crossing duration limits.

⁹ *Id.* at 1529. A concurring opinion concluded that the Federal Railroad Safety Act (FRSA) of 1970 likewise “covers,” or preempts, the subject of time limits on trains stopped at crossings, and that the time limit at issue in the Utilities Commission order was not saved under the FRSA “savings clause.” *Id.* at 1539. The clause “saves” state statutes that are necessary to eliminate or reduce an essentially local safety or security hazard; not incompatible with federal law, and not unreasonably burdensome on interstate commerce. *Id.* at 1517-1518.

¹⁰ As an example of a town in Florida with such an ordinance, see the Town of Baldwin Code of Ordinances, Chapter 15. Offenses, section 15-11, available at http://baldwin-fl.elaws.us/code/coor_ptii_ch15_sec15-11 (last viewed March 29, 2019). The ordinance allows obstruction of a crossing for no more than five minutes in a 15-minute period, with exceptions for an emergency, limited to a railroad accident or collision; a locomotive or rail-car mechanical failure; a track-switching or signal-system failure; or a blocking of the tracks themselves that is not due to or caused by control.

¹¹ See FRA, *Compilation of State Laws & Regulations Affecting Highway-Rail Grade Crossings*, “Blocked Crossings” heading, available at <https://www.fra.dot.gov/StateLaws> (last viewed March 29, 2019).

¹² A fusee in the context of railroad operations is “a red flare light used on a railroad as a warning signal to approaching trains.” See Dictionary.com, *fusee*, available at <https://www.dictionary.com/browse/fusee> (last viewed March 29, 2019).

¹³ Section 351.03(5)(a), F.S.

¹⁴ Section 775.082(4)(b), and s. 775.083(1)(e), F.S.

Section 351.034, F.S., provides requirements for clearing railroad-highway grade crossings for emergency vehicles. Except for trains or equipment stopped due to mechanical failure where separation or movement is not possible, any train or equipment that has come to a complete stop and is blocking a crossing must be cut, separated, or moved to clear the crossing upon the approach of any emergency vehicle, as follows:

- An ambulance operated by public authority or by private persons;
- A fire engine, or an emergency vehicle operated by power or electric companies;
- Any other vehicle when operated as an emergency vehicle, defined as one which is engaged in the saving of life, property, or responding to any other public peril; or
- An emergency vehicle used as such by the United States government when, upon approach, the vehicle gives warning by sounding sirens, flashing lights, flag waving, or any other warning sufficient to attract attention to the emergency vehicle, upon which the train or equipment must be cut and the crossing cleared “with all possible dispatch” to permit the emergency vehicle to pass.

Florida law does not otherwise address the length of time for which a train may block a railroad-highway grade crossing.

III. Effect of Proposed Changes:

The bill amends s. 351.03, F.S., relating to railroad-highway grade-crossing warning signs and signals, revising the title to remove reference to blocking highways, roads, and streets *during darkness*. The bill also adds a new subsection (6) to that section of law, prohibiting a train that has come to a complete stop from remaining stopped so as to block a public highway, street, or road at a railroad-highway grade crossing for more than 15 minutes, unless the stoppage is due to a safety-related emergency or a mechanical failure that renders movement of the train impossible.

The bill also directs a law enforcement officer, as defined in s. 943.10, F.S.,¹⁵ to issue a citation to the owner or operator who violates the above provision and imposes graduating fines, payable to the clerk of court, based on the length of time a crossing is blocked. If the crossing is blocked for:

- More than 15 minutes but less than 20 minutes, the fine is \$200.
- Twenty minutes or more but less than 30 minutes, \$300.
- Thirty minutes or more but less than 1 hour, \$600.
- For one hour, \$1,200 plus \$1,000 for each additional 15 minutes after the first hour.

The bill also prohibits a person who is a member of a railroad train crew, yard crew, or engine crew from being held personally liable for the violation of any state law or municipal or county ordinance that regulates or intends to regulate the occupying or blocking of a public highway,

¹⁵ That section defines “law enforcement officer” to mean “any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.”

street, or road at a railroad-highway grade crossing by a railroad train upon reasonable proof that the person's action was necessary due to circumstances beyond his or her control or in order to comply with written or verbal orders or instructions from his or her employer or employer's agent. Additionally, the bill provides that this provision does not relieve the employer or railroad company of any responsibility of the employer or railroad company pursuant to such state law or municipal or county ordinance.

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:

The provisions contained in the bill appear to be subject to challenge on the basis of federal preemption.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate, as the frequency and duration of blocked crossings is unknown. However, to the extent that the bill results in a reduction of delays at railroad-highway grade crossings, the traveling public and affected businesses may benefit.

To the extent that an owner or operator of a railroad commits and is cited for a violation under the bill's provisions, the owner or operator would incur expenses associated with payment of the applicable fine, or with pursuing a legal challenge to the state statute in an indeterminate amount.

A member of a railroad train crew, yard crew, or engine crew may incur expenses associated with providing "reasonable proof that the person's action was necessary due to

circumstances beyond his or her control or in order to comply with written or verbal orders or instructions from his or her employer or employer's agent," in order to avoid liability. Alternatively, a crew member may choose to challenge the statute and would in that event incur indeterminate litigation expenses.

C. Government Sector Impact:

To the extent that fines are collected, clerks of court within the applicable law enforcement jurisdiction would receive fine revenues in indeterminate amounts.

To the extent that a local ordinance is inconsistent with the bill's provisions, the state law would preempt the local ordinance. Local governments would incur administrative expenses associated with revising the local regulations, which likely would be 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: 351.03.

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 Bean

4-00981A-19

2019608__

A bill to be entitled

An act relating to railroad-highway grade crossings; amending s. 351.03, F.S.; prohibiting a railroad train from blocking a public highway, street, or road at a railroad-highway grade crossing for more than a specified time; providing exceptions; providing civil penalties; exempting certain persons from liability for violations under certain circumstances; providing construction; providing an effective date.

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

Section 1. Section 351.03, Florida Statutes, is amended to read:

351.03 Railroad-highway grade-crossing warning signs and signals; audible warnings; exercise of reasonable care; blocking highways, roads, and streets ~~during darkness.~~

(1) Every railroad company shall exercise reasonable care for the safety of motorists whenever its track crosses a highway and shall be responsible for erecting and maintaining crossbuck grade-crossing warning signs in accordance with the uniform system of traffic control devices adopted pursuant to s. 316.0745. Such crossbuck signs shall be erected and maintained at all public or private railroad-highway grade crossings.

(2) Advance railroad warning signs and pavement markings shall be installed and maintained at public railroad-highway grade crossings in accordance with the uniform system of traffic control devices by the governmental entity having jurisdiction over or maintenance responsibility for the highway or street.

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All persons approaching a railroad-highway grade crossing shall exercise reasonable care for their own safety and for the safety of railroad train crews as well as for the safety of train or vehicle passengers.

(3) Except as provided in subsection (4), any railroad train approaching within 1,500 feet of a public railroad-highway grade crossing shall emit a signal audible for such distance.

(4) (a) The Department of Transportation and the Federal Railroad Administration may authorize a municipality or county to implement a whistle ban provided the following conditions are met:

1. A traffic operations system is implemented to secure railroad-highway grade crossings for the purpose of preventing vehicles from going around, under, or through lowered railroad gates.

2. The municipality or county has in effect an ordinance that unconditionally prohibits the sounding of railroad train horns and whistles during the hours of 10 p.m. and 6 a.m. at all public railroad-highway grade crossings within the municipality or county and where the municipality, county, or state has erected signs at the crossing announcing that railroad train horns and whistles may not be sounded during such hours. Signs so erected shall be in conformance with the uniform system of traffic control devices as specified in s. 316.0745.

(b) Upon final approval and verification by the department and the Federal Railroad Administration that such traffic operations system meets all state and federal safety and traffic regulations and that such railroad-highway grade crossings can be secured, the municipality or county may pass an ordinance

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prohibiting the sounding of audible warning devices by trains upon approaching such railroad-highway grade crossings between the hours of 10 p.m. and 6 a.m.

(c) Nothing in this subsection shall be construed to nullify the liability provisions of s. 768.28.

(5) (a) Whenever a railroad train engages in a switching operation or stops so as to block a public highway, street, or road at any time from one-half hour after sunset to one-half hour before sunrise, the crew of the railroad train shall cause to be placed a lighted fusee or other visual warning device in both directions from the railroad train upon or at the edge of the pavement of the highway, street, or road to warn approaching motorists of the railroad train blocking the highway, street, or road. However, this subsection does not apply to railroad-highway grade crossings at which there are automatic warning devices properly functioning or at which there is adequate lighting.

(b) A person who violates any provision of paragraph (a) is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) (a) A railroad train that has come to a complete stop and is blocking a public highway, street, or road at a railroad-highway grade crossing may not remain stopped for more than 15 minutes unless such stoppage is due to a safety-related emergency or a mechanical failure that renders movement of the train impossible.

(b) A law enforcement officer, as defined in s. 943.10, shall issue a citation to the owner or operator of a railroad train that violates paragraph (a). The owner or operator is

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subject to the following fines, payable to the clerk of court:

1. If the crossing is blocked for more than 15 minutes but less than 20 minutes, \$200.

2. If the crossing is blocked for 20 minutes or more but less than 30 minutes, \$300.

3. If the crossing is blocked for 30 minutes or more but less than 1 hour, \$600.

4. If the crossing is blocked for 1 hour, \$1,200, plus \$1,000 for each additional 15 minutes after the first hour.

(c) A person who is a member of a railroad train crew, yard crew, or engine crew may not be held personally liable for the violation of any state law or municipal or county ordinance that regulates or intends to regulate the occupying or blocking of a public highway, street, or road at a railroad-highway grade crossing by a railroad train, whether passenger or freight, upon reasonable proof that the person's action was necessary due to circumstances beyond his or her control or in order to comply with written or verbal orders or instructions from his or her employer or employer's agent. This paragraph does not relieve the employer or railroad company of any responsibility of the employer or railroad company pursuant to such state law or municipal or county ordinance.

Section 2. 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: SB 622

INTRODUCER: Senator Brandes and others

SUBJECT: Traffic Infraction Detectors

DATE: April 1, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Pre-meeting
2.			ATD	
3.			AP	

I. Summary:

SB 622 repeals and amends various provisions of law effective July 1, 2022, to remove authorization for the use of traffic infraction detectors, commonly known as “red light cameras,” which are currently used to enforce specified provisions of traffic law by automatically photographing vehicles whose drivers run red lights. The bill leaves intact the express preemption to the state of regulation of the use of red light cameras, thereby prohibiting implementation of red light camera programs by local ordinance.

The Revenue Estimating Conference (REC) has estimated that the bill will reduce state and local government revenues by increasing annual amounts over the next five years. In Fiscal Year 2019-2020, the estimated reductions will be \$2.7 million, increasing to \$159.6 million in Fiscal Year 2023-2024. See the “Fiscal Impact Statement” heading for further detail.

II. Present Situation:

Traffic Infraction Detectors Generally

Traffic infraction detectors, or “red-light cameras,” are used to enforce traffic laws by automatically photographing vehicles whose drivers run, or fail to yield at, red lights. The cameras are connected to the traffic signal and to sensors that monitor traffic flow at the crosswalk or stop line. The system continuously photographs vehicles that enter the intersection above a pre-set minimum speed after the signal has turned red. In some cases, video cameras are used. These video cameras and accompanying sensors record the license plate number, the date and time of day, the time elapsed since the signal has turned red, and the vehicle’s speed.

Traffic Infraction Detectors in Florida

In 2010, the Florida Legislature enacted ch. 2010-80, L.O.F. The law expressly preempted to the state regulation of the use of cameras for enforcing the provisions of ch. 316, F.S.¹ The law authorized the Department of Highway Safety and Motor Vehicles (DHSMV), counties, and municipalities to authorize officials to issue notices of violations of ss. 316.074(1) and 316.075(1)(c)1., F.S., for a driver's failure to stop at a traffic signal when such violation was identified by a traffic infraction detector.²

Municipalities may install or authorize installation of traffic infraction detectors on streets and highways in accordance with Florida Department of Transportation (FDOT) standards, and on state roads within the incorporated area when permitted by the FDOT.³ Counties may install or authorize installation of traffic infraction detectors on streets and highways in unincorporated areas of the county in accordance with FDOT standards, and on state roads in unincorporated areas of the county when permitted by the FDOT.⁴ The DHSMV may install or authorize installation of traffic infraction detectors on any state road under the original jurisdiction of the FDOT, when permitted by the FDOT.⁵

If the DHSMV, a county, or a municipality installs a traffic infraction detector at an intersection, the respective governmental entity must install signage notifying the public that a traffic infraction device may be in use at that intersection, including specific notification of enforcement of violations concerning right turns.⁶ Such signage must meet the specifications for uniform signals and devices adopted by the FDOT pursuant to s. 316.0745, F.S.⁷

Notifications and Citations

If a traffic infraction detector identifies a vehicle violating ss. 316.074(1) or 316.075(1)(c)1., F.S., the visual information is captured and reviewed by a traffic infraction enforcement officer. Notices of violation and traffic citations may not be issued for failure to stop if the driver is making a right-hand turn "in a careful and prudent manner" at an intersection where right-hand turns are permissible,⁸ and may not be issued if the driver of the vehicle came to a complete stop after crossing the stop line and before turning right but failed to stop before crossing over the stop line.⁹

A notification must be issued to the registered owner of a vehicle within 30 days of an alleged violation,¹⁰ notifying the alleged violator that he or she must pay the required penalty to the county or municipality,¹¹ furnish an affidavit setting forth an authorized defense (see below), or

¹ Section 316.0076, F.S.

² See generally s. 316.0083, F.S.

³ Section 316.008(8), F.S. and s. 316.0776(1), F.S.

⁴ *Id.*

⁵ Section 321.50, F.S. DHSMV has not undertaken any effort to install or authorize traffic infraction detectors.

⁶ Section 316.0776(2), F.S.

⁷ *Id.*

⁸ Section 316.0083(1)(a) and (2), F.S.

⁹ Section 316.0083(1)(a), F.S.

¹⁰ Notifications of violation must be sent by first-class mail, and mailing of the notifications of violation constitutes notice.

¹¹ However, payment or a fee may not be required before any hearing requested by the alleged violator.

Section 316.0083(1)(b)1.c., F.S.

request a hearing within 60 days of the date of the notification to avoid issuance of a uniform traffic citation. The notification must include notice that the owner has the right to review the photographic or electronic images or the streaming video evidence, which constitute(s) a rebuttable presumption against the vehicle owner, and must state the time and place, or the Internet location, where the evidence may be examined and observed.¹² The notification must also direct the alleged violator to a website that provides information on the right to request a hearing and on all related court costs, and a form to request a hearing.¹³

If the registered owner of the vehicle does not submit payment, request a hearing, or submit an affidavit setting forth an authorized defense within 60 days of receipt of the notification described above, the traffic infraction enforcement officer must issue a uniform traffic citation¹⁴ to the registered owner (first name on registration in cases of joint registration).¹⁵ The citation must also include the statements described above regarding review of the photographic or video evidence.¹⁶ The report of a traffic infraction enforcement officer and images provided by a traffic infraction detector are admissible in court and create a rebuttable presumption the vehicle was used in a violation.¹⁷ A traffic infraction enforcement officer must provide by electronic transmission a replica of the citation data when issued under s. 316.0083, F.S., to the court having jurisdiction over the alleged offense or its traffic violations bureau within five days after the issuance date of the citation to the violator, or, if a hearing is requested, to the clerk for the local hearing officer having jurisdiction over the alleged offense within 14 days.¹⁸

Defenses

The registered owner of the motor vehicle is responsible for payment of the fine unless the owner can establish that the vehicle:

- Passed through the intersection to yield the right-of-way to an emergency vehicle or as part of a funeral procession;
- Passed through the intersection at the direction of a law enforcement officer; or
- Was, at the time of the violation, in the care, custody, or control of another person.

Additional defenses are available if a law enforcement officer issues a uniform traffic citation for the alleged violation or if the owner was deceased on or before the date the uniform traffic citation was issued.¹⁹

To establish any of these defenses, the owner of the vehicle must furnish an affidavit to the appropriate governmental entity within 30 days after the date of issuance of the uniform traffic citation that provides detailed information supporting an exemption as provided above, including relevant documents such as a police report (if the car had been reported stolen) or a copy of the uniform traffic citation, if issued.²⁰ If the owner submits an affidavit that another driver was

¹² Section 316.0083(1)(b)1.b., F.S.

¹³ Section 316.0083(1)(b)1.c., F.S.

¹⁴ Citations must be sent by certified mail, and delivery constitutes notification. Section. 316.0083(1)(c)1.a. and b., F.S.

¹⁵ Section 316.0083(1)(c)1.c., F.S.

¹⁶ Section 316.0083(1)(c)2., F.S.

¹⁷ Section 316.0083(1)(e), F.S.

¹⁸ Section 316.650(3)(c), F.S.

¹⁹ Section 316.0083(1)(d), F.S.

²⁰ Section 316.0083(1)(d)2., F.S.

behind the wheel, the affidavit must contain the name, address, date of birth, and if known, the driver's license number, of the other driver.²¹ Upon receipt of an affidavit and required documentation, the appropriate governmental entity must dismiss the citation and provide proof of such dismissal to the person that submitted the affidavit.²² A notice of violation may then be issued to the person identified in the affidavit as having care, custody or control of the vehicle at the time of the alleged violation, and the affidavit from the registered owner may be used as evidence in a further proceeding regarding that person's alleged violation of ss. 316.074(1) or 316.075(1)(c)1., F.S.²³ Submission of a false affidavit is a second degree misdemeanor.²⁴

If a vehicle is leased, the owner of the leased vehicle is not responsible for paying the citation, nor required to submit an affidavit, if the motor vehicle is registered in the name of the lessee.²⁵ If a person presents documentation from the appropriate governmental entity that the citation was issued in error, the clerk of court may dismiss the case and may not charge for such service.²⁶

Penalties

A fine of \$158 is levied on violators who fail to stop at a traffic signal as required by ss. 316.074(1) or 316.075(1)(c)1., F.S. When the \$158 fine is the result of a local government's traffic infraction detector, \$75 is retained by the local government and \$83 is deposited with the Department of Revenue (DOR).²⁷ DOR subsequently distributes the fines by depositing \$70 in the General Revenue Fund, \$10 in the Department of Health Emergency Services Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund.²⁸

If a law enforcement officer cites a motorist for the same offense, the fine is still \$158, but the revenue is distributed from the local clerk of court to DOR, where \$30 is distributed to the General Revenue Fund, \$65 is distributed to the Department of Health Emergency Services Trust Fund, and \$3 is distributed to the Brain and Spinal Cord Injury Trust Fund. The remaining \$60 is distributed in small percentages to a number of funds pursuant to s. 318.21, F.S.²⁹

Violations of ss. 316.074(1) or 316.075(1)(c)1., F.S., enforced by traffic infraction detectors may not result in points being assessed against the operator's driver's license and may not be used for the purpose of setting motor vehicle insurance rates.³⁰ However, the clerk of the court is required to notify the DHSMV of persons who were mailed a notice of violation but failed to pay the penalty, comply with the terms of a payment plan or order, or failed to appear at a hearing. In such cases, the DHSMV is prohibited from issuing a license plate or revalidation sticker for any

²¹ Section 316.0083(1)(d)2.a., F.S.

²² Section 316.0083(1)(d)2., F.S.

²³ Section 316.0083(1)(d)3., F.S.

²⁴ Section 316.0083(1)(d)5., F.S.

²⁵ Section 316.0083(1)(d)3., F.S.

²⁶ Section 318.18(15)(c), F.S.

²⁷ Section 318.18(15)(a)3., F.S. and s. 316.0083(1)(b)3.b., F.S.

²⁸ *Id.*

²⁹ Section 318.18(15)(a)1., F.S.

³⁰ Section 322.27(3)(d)6., F.S.

vehicle owned or co-owned by such persons until the amounts assessed have been paid. Challengers are authorized solely on the grounds that the outstanding fines have been paid.³¹

Actual State Revenues

According to the DOR website, from July 2015 through June 2016, 68 jurisdictions operated red light camera programs throughout the state; from July 2016 through June 2017, 63 jurisdictions; and from July 2017 through June 2018, 56 jurisdictions. DOR reports the *state* portion of the fines collected, and their distribution, for the time periods indicated is as follows:³²

Time Period	Total	General Revenue	Health Admin. TF	Brain & Spinal CI TF
7/2015 – 6/2016	\$59,986,371	\$50,535,262	\$7,287,991	\$2,163,118
7/2016 – 6/2017	\$58,186,173	\$49,129,230	\$6,950,182	\$2,106,761
7/2017 – 6/2018	\$64,142,013	\$54,239,985	\$7,749,565	\$2,324,689

Impact of Red Light Cameras and Other Countermeasures on Crashes and Fatalities

Research reveals numerous studies of the impact of red light cameras on crashes and fatalities, and the studies are contradictory. In a 2014 Research Memorandum, the Office of Program Policy Analysis & Governmental Accountability (OPPAGA) OPPAGA cited “many” studies reviewing red light camera safety effectiveness which “concluded that there is no well-accepted consensus on whether red light cameras are effective at improving public safety because of wide variation in research techniques and considerations.”³³

However, a number of countermeasures, including red light cameras, are recognized by the Federal Highway Administration (FHWA) as tools for significant reduction in red light camera violations. Those measures include:

- Intersection engineering improvements, such as modifying traffic signal timing, improving signing and marking, improving sight lines, modifying grades and/or grade separation, adjusting the prevailing speeds, changes in surface treatments, altering lane configuration, and replacing the traffic signal with some other form of traffic control device or intersection type;
- Education campaigns to assist motorists and the general public in understanding the safety issues inherent to red light running;
- Traditional enforcement by law enforcement officers specifically targeting red light running violators at problem locations; and
- Red light camera systems.

According to the FHWA, once a problem at an intersection is documented, an engineering study should be undertaken that considers each of the possible solutions and results in selection of the

³¹ Section 318.15(3), F.S.

³² See *Red Light Camera State Portion Collection Report by Jurisdiction*, available by scrolling down on the DOR website at: <http://dor.myflorida.com/dor/taxes/distributions.html>. (Last visited January 30, 2017).

³³ See OPPAGA’s research memorandum, *Florida Red Light Camera Programs*, February 7, 2014, at p. 8, available at <http://www.thenewspaper.com/rlc/docs/2014/fl-oppaga.pdf> (last viewed March 28, 2019).

most appropriate measure given the individual characteristics at a particular intersection.³⁴ Whether municipalities and counties are conducting engineering studies and selecting the most appropriate measure for addressing red light violations based on those studies is unclear.

DHSMV Red Light Camera Summary Report

Section 316.0083(4), F.S., requires each county or municipality operating a red light camera program to annually self-report data to the DHSMV, which includes red light camera program results over the preceding fiscal year, the procedures for enforcement, and other statistical data and information required by the DHSMV. The DHSMV must compile the information and submit a summary report to the Governor, Senate President, and House Speaker.

The DHSMV issued its most recent report in December of 2018, covering the period between July 1, 2017, and June 30, 2018.³⁵ According to the report, during the identified period of time:

- Local jurisdictions reporting red light cameras in operation totaled 49.
- Active red light cameras as of June 30, 2018, totaled 508 (121 fewer cameras than the previous year).
- Intersections equipped with red light cameras totaled 310 (99 fewer intersections than the previous year.)
- Agencies issued 1,159,392 notices of violation, of which 718,835 (62 percent) were paid and approximately 4,216 (0.3 percent) were contested and dismissed.³⁶

The DHSMV report reflects the following breakdown of the number of crashes at red light camera intersections before and after the cameras were installed:

	Before	After	Percent Change
Total Crashes	8,907	10,252	15.10%
Angle Crashes	1,839	2,072	12.67%
Rear-End Crashes	4,841	5,451	12.60%
Crashes Involving Non-Motorists	230	230	0.00%
Crashes Involving Running a Red Light	304	304	0.00%
Non-Injury Crashes	6,425	7,622	18.63%
Injury Crashes	2,463	2,609	5.93%
Fatal Crashes	19	21	

According to the most recent DHSMV report and those from 2015-16³⁷ and 2016-17,³⁸ the total number of crashes occurring at intersections before and after red light cameras were installed has increased over the identified period of time.

³⁴ See the Federal Highway Administration *Red Light Camera Systems Operational Guidelines*, available at: <https://safety.fhwa.dot.gov/intersection/conventional/signalized/rlr/fhwasa05002/#toc89679996>. (Last visited January 31, 2017.)

³⁵ The DHSMV uses an on-line questionnaire to facilitate its collection of data. See FLHSMV, *Red Light Camera Summary Report*, available at <https://www.flhsmv.gov/pdf/cabinetreports/redlightcameraanalysis2018.pdf> (last viewed March 28, 2019).

³⁶ *Id.* at pp. 2-3.

³⁷ Available at <https://www.flhsmv.gov/pdf/cabinetreports/redlightcameraanalysis2016.pdf> (last viewed March 28, 2019).

³⁸ Available at <https://www.flhsmv.gov/pdf/cabinetreports/redlightcameraanalysis2017.pdf> (last viewed March 28, 2019).

Judicial Decisions

The Fourth District Court of Appeal (DCA) in October of 2014 dismissed a red light camera citation, holding that the city had improperly delegated its police powers when it contractually outsourced its statutory obligations to a red light camera vendor.³⁹ In that case, the city's contract with the vendor provided that the vendor was responsible for:

- Deciding which cases are sent to the city's traffic infraction enforcement officer to review;
- Initially determining who is subject to prosecution for a red light violation;
- Obtaining the information necessary for completion of the citation;
- Creating the actual citation;
- Issuing the citation to the registered vehicle owner; and
- Eventually transmitting the traffic citation data to the court.

Given the circumstances, the court found that the contractual process was not the equivalent of a traffic infraction enforcement officer issuing the citation,⁴⁰ “especially when it is the third-party vendor that controls what information is, or is not, made available for the officer's consideration.” On April 13, 2015, the Florida Supreme Court declined to accept jurisdiction in denying the city's petition for review.⁴¹

However, in July of 2016, the Third DCA, on different contractual provisions and processes, reached a different conclusion.⁴² The court held that the review of red light camera images authorized by Florida law does allow a city's vendor, as its agent, to review and sort red light camera images to forward to a police officer when:

- The vendor's decisions are essentially ministerial and non-discretionary in that such decisions are strictly circumscribed by the contract language, guidelines promulgated by the city, and actual practices;
- These ministerial decisions are additionally restricted by a broad policy that requires the vendor to automatically forward “close calls” to law enforcement for review;
- The police officer, not the vendor, makes the actual decision whether probable cause exists and whether a notice and citation should be issued; and
- The officer's decision that probable cause exists and the citation should be issued are supported by the responsible officer's full, professional review which does not merely acquiesce to any decision by the vendor.⁴³

Distinguishing the circumstances presented from the *Arem* case, the Third DCA certified certain questions relating to the Florida Supreme Court as having great public importance.

On May 3, 2018, the Florida Supreme Court approved the Third DCA's decision in the *Jimenez* case, holding that “section 316.0083(1)(a) authorizes a local government to contract with a

³⁹ *City of Hollywood v. Arem*, 39 Fla. L. Weekly D2175 (Fla. 4th DCA).

⁴⁰ In Florida, only traffic infraction enforcement officers and sworn law enforcement officers are authorized to issue traffic citations. Sections 316.0083(1)(b)3. and 316.650(3)(c), F.S.

⁴¹ *City of Hollywood v. Arem*, Case No. SC 15-236 (Fla. 2015).

⁴² See also *City of Oldsmar and Pamela Jo Bondi, Attorney General vs. Trinh*, Case No. 2D15-4898, (Fla. 2nd DCA), in which the Second District Court of Appeal certifies conflict with the Fourth District in the *Arem* case.

⁴³ *State of Florida, by and through the City of Aventura, et. Al. vs. Jimenez*, Case Nos. 3D15-2303 & 3D15-2271. Opinion filed July 27, 2016.

private third-party vendor to review and sort information from red light cameras, in accordance with written guidelines provided by the local government, before sending that information to a trained traffic enforcement officer who determines whether probable cause exists and a citation should be issued.”⁴⁴

III. Effect of Proposed Changes:

The bill repeals authorization for the use of red light cameras in Florida and leaves in place the express preemption to the state of regulation of the use of such cameras. Because the preemption provisions of s. 316.0076, F.S., remain in statute, local governments will have no authority to implement red light camera programs.

Section 1 of the bill amends s. 316.003, F.S., to repeal the current subsection (36) definition of “local hearing officer,” currently defined to mean the person, designated by a department, county, or municipality that elects to authorize traffic infraction enforcement officers to issue traffic citations under s. 316.0083(1)(a), who is authorized to conduct hearings related to a notice of violation issued pursuant to s. 316.0083. Authorization of a charter county, noncharter county, or municipality to use a currently appointed code enforcement board or special magistrate to serve as the local hearing officer, as well as authorization of the Department of Highway Safety and Motor Vehicles to enter into interlocal agreements to use a county or municipal local hearing officer, is likewise removed.

This section of the bill also amends s. 316.003, F.S., to repeal the current subsection (91) definition of “traffic infraction detector,” currently defined to mean a vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Also removed is the requirement to include in any notice of violation or traffic citation issued by the use of a traffic infraction detector a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated.

Section 2 amends s. 316.008, F.S., to repeal the current subsection (8) authorization of counties or municipalities to install, or authorize the installation of, and use traffic infraction detectors to enforce specified provisions of traffic law relating to obedience to traffic control signals and stopping a vehicle facing a steady red signal.

Section 3 repeals s. 316.0083, F.S., the “Mark Wandall Traffic Safety Program,” which currently:

- Authorizes DHSMV, a county, or a municipality to authorize a traffic infraction enforcement officer to issue traffic citations for specified provisions of traffic law relating to obedience to traffic control signals and stopping a vehicle facing a steady red signal;

⁴⁴ *Luis Torres Jimenez vs. State of Florida, etc., et al.*, Case No. SC16-1976. Opinion filed May 3, 2018, available at <https://caselaw.findlaw.com/fl-supreme-court/1895123.html> (last viewed March 28, 2019). The Court also approved the Second DCA’s decision in *Trinh* and disapproved the Fourth DCA’s opinion in *Arem* to the extent of inconsistency with the Supreme Court’s opinion.

- Prohibits issuance of notices of violation or traffic citations for failing to stop while making rolling, “right-on-red” turns in a “careful and prudent manner” and for failing to stop before crossing the stop line or other point at which a stop is required when making a “right-on-red” turn;
- Provides the process and requirements for issuance of notices of violation, sets forth specific information to be included in such notices; provides alternative options for an alleged violator, including providing a specified affidavit, requesting a hearing, or paying the penalty stated in the notice; provides penalty amounts and fine distributions; and prohibits certain individuals, manufacturers, or vendors from receiving commissions, fees, or remuneration relating to the use of traffic infraction detectors;
- Provides the process and requirements for issuance of traffic citations; sets forth specific information to be included in such notices; provides for defenses to be established by affidavit, states requirements for information to be included in such affidavits, provides penalties for submission of false affidavits; provides for dismissal of citations and issuance of notices of violation and traffic citations to the person designated in an affidavit as having care, custody, or control of the motor vehicle at the time of the violation; and provides for supplemental enforcement;
- Requires each county or municipality that operates traffic infraction detectors to provide a specified annual summary report to DHSMV regarding the use and operation of traffic infraction detectors, and requires DHSMV to prepare an annual report to the Governor, Senate President, and House Speaker; and
- Sets forth procedures for hearings on notices of violation and authorizes a specified appeal of a final administrative order.

Section 4 repeals s. 316.00831, F.S., which currently provides for retention by a county or municipality and subsequent remission to the Department of Revenue, as appropriate, of penalties collected for notices of violation during the interim between passage of the Mark Wandall Safety Program in 2010 and DOR’s notification of its ability to receive and distribute the retained funds.

Section 5 repeals s. 316.07456, F.S., which currently requires deployed traffic infraction detectors to meet specifications published by the FDOT and be tested at regular intervals according to FDOT specifications; requires the FDOT to establish such specifications on or before December 31, 2010; and provides that any detectors in operation before July 1, 2011, are not required to meet FDOT specifications until July 1, 2011.

Section 6 repeals s. 316.0776, F.S., which currently provides permitting, placement, and installation standards for traffic infraction detectors; and for signage, public announcement, and public awareness campaigns under certain conditions.

Section 7 amends s. 318.15, F.S., to repeal provision in current subsection (3) for withholding of a license plate or revalidation sticker for any motor vehicle owned or co-owned by a person who failed to pay the penalty, comply with the terms of a payment plan or order, or failed to appear at a hearing; as well as authorization to challenge the withholding solely on the basis that the outstanding fines and civil penalties have been paid.

Section 8 repeals s. 321.50, F.S., which currently authorizes DHSMV to use traffic infraction detectors to enforce specified provisions of traffic law relating to obedience to traffic control signals and stopping a vehicle facing a steady red signal on state roads under FDOT jurisdiction when permitted by the FDOT.

Sections 9, 12, 13, and 15 amend ss. 28.37, 318.121, 318.14, and 320.03, F.S., respectively, to remove and correct cross references to conform to changes made by the act.

Section 10 amends s. 316.640(1)(b) and (5)(a), F.S., to remove DHSMV authorization to designate employees as traffic infraction enforcement officers; instruction and training requirements for such officers; provisions relating to such officers carrying firearms or other weapons and making arrests; the requirement that such officers be physically located in the state; authorization of such officers to issue traffic citations under the Mark Wandall Traffic Safety Program; and authorization of any sheriff's department or police department of a municipality to designate employees as traffic infraction officers.

Section 11 amends s. 316.650(3)(a) and (c), F.S., to remove a cross reference to conform to changes made by the act and to remove requirements relating to provision of replicas of traffic citations and notices of violation issued under the Mark Wandall Traffic Safety Program.

Section 14 amends s. 318.18(15) and (22), F.S., to remove penalty amounts for red light violations enforced by a traffic infraction enforcement officer; distribution requirements for fines collected from traffic infraction detector programs; provisions for dismissal of notices of violation or traffic citations issued in error; the prohibition against certain individuals manufacturers, or vendors receiving commissions, fees, or remuneration relating to the use of traffic infraction detectors; and authorization of local hearing officers to order payment of county or municipal costs, not to exceed \$250.

Section 16 amends s. 322.27(3)(d), F.S., to remove prohibitions against imposition of driver license points for red light violations enforced by a traffic infraction enforcement officer and against using red light violations enforced by a traffic infraction enforcement officer to set motor vehicle insurance rates.

Section 17 provides the act takes effect July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

To the extent that local governments did not anticipate the possible repeal of authority to implement red light camera programs and did not include provision for termination of vendor contracts in the event of such repeal, some vendors may raise impairment of contract claims.

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

The REC has not considered the fiscal impact of SB 622 but has reviewed HB 6003 (2019), which also repeals authorization for red light camera programs and related provisions effective July 1, 2022. The REC estimated that the bill will reduce state and local government revenues by increasing annual amounts over the next five years. While the bill does not repeal authorization for the red light camera program until July 1, 2022, the REC expects that, due to the 2022 repeal, some local governments will not renew contracts that are due to expire before July 1, 2022. The “Cash” columns in the table below show each year’s expected reductions.⁴⁵

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
19-20	(1.1)	(64.3)	(0.2)	(12.4)	(1.4)	(75.3)	(2.7)	(152.0)
20-21	(4.7)	(65.1)	(0.9)	(12.6)	(5.5)	(76.3)	(11.1)	(154.0)
21-22	(7.1)	(65.9)	(1.4)	(12.8)	(8.3)	(77.2)	(16.8)	(155.9)
22-23	(54.0)	(66.7)	(10.5)	(13.0)	(63.2)	(78.1)	(127.7)	(157.8)
23-24	(67.5)	(67.5)	(13.1)	(13.1)	(79.0)	(79.0)	(159.6)	(159.6)

B. Private Sector Impact:

Individuals would no longer be subject to a citation for a red light violation detected by a red light camera, thereby also eliminating costs such as those associated with disputing notices of violations and paying court costs.

C. Government Sector Impact:

The Department of Revenue would no longer incur expenses associated with processing the payments from municipalities and counties and distributing the revenues to the appropriate funds.

The DHSMV would experience a reduction in administrative expenses with respect to the annual red light camera reports but estimates it will require 45 hours of programming

⁴⁵ See the January 24, 2019, Revenue Estimating Conference analysis of HB 6003 available at <http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2019/pdf/page23-25.pdf> (last viewed March 28, 2019).

time to implement the bill's provisions,⁴⁶ which likely can be absorbed within existing resources.

Local governments that currently are required to self-report data for the annual DHSMV summary report would no longer incur expenses to respond to the DHSMV's annual on-line survey.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.008, 318.15, 28.37, 316.640, 316.650, 318.121, 318.14, 318.18, 320.03, and 322.27.

This bill repeals the following sections of the Florida Statutes: 316.0083, 316.00831, 316.07456, 316.0776, and 321.50.

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.

⁴⁶ See the DHSMV analysis of HB 6003, which also repeals the red light camera authorization and related provisions effective July 1, 2022, at p. 4 and p. 7. (Copy on file in the Senate Infrastructure and Security Committee.)

By Senator Brandes

24-01478-19

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1 A bill to be entitled
 2 An act relating to traffic infraction detectors;
 3 repealing s. 316.003(36) and (91), F.S., relating to
 4 the definitions of "local hearing officer" and
 5 "traffic infraction detector," respectively; repealing
 6 ss. 316.008(8), 316.0083, and 316.00831, F.S.,
 7 relating to the installation and use of traffic
 8 infraction detectors to enforce specified provisions
 9 when a driver fails to stop at a traffic signal,
 10 provisions that authorize the Department of Highway
 11 Safety and Motor Vehicles, a county, or a municipality
 12 to use such detectors, and the distribution of
 13 penalties collected for specified violations;
 14 repealing s. 316.07456, F.S., relating to transitional
 15 implementation of such detectors; repealing s.
 16 316.0776, F.S., relating to placement and installation
 17 of traffic infraction detectors; repealing s.
 18 318.15(3), F.S., relating to failure to comply with a
 19 civil penalty; repealing s. 321.50, F.S., relating to
 20 the authorization to use traffic infraction detectors;
 21 amending ss. 28.37, 316.640, 316.650, 318.121, 318.14,
 22 318.18, 320.03, and 322.27, F.S., relating to
 23 distribution of proceeds, enforcement by traffic
 24 infraction enforcement officers using such detectors,
 25 procedures for disposition of citations, preemption of
 26 additional fees or surcharges, compliance, amount of
 27 penalties, registration and renewal of license plates,
 28 and points assessed for certain violations, to conform
 29 provisions to changes made by the act; providing an

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30 effective date.
 31
 32 Be It Enacted by the Legislature of the State of Florida:
 33
 34 Section 1. Subsections (36) and (91) of section 316.003,
 35 Florida Statutes, are repealed.
 36 Section 2. Subsection (8) of section 316.008, Florida
 37 Statutes, is repealed.
 38 Section 3. Section 316.0083, Florida Statutes, is repealed.
 39 Section 4. Section 316.00831, Florida Statutes, is
 40 repealed.
 41 Section 5. Section 316.07456, Florida Statutes, is
 42 repealed.
 43 Section 6. Section 316.0776, Florida Statutes, is repealed.
 44 Section 7. Subsection (3) of section 318.15, Florida
 45 Statutes, is repealed.
 46 Section 8. Section 321.50, Florida Statutes, is repealed.
 47 Section 9. Subsection (5) of section 28.37, Florida
 48 Statutes, is amended to read:
 49 28.37 Fines, fees, service charges, and costs remitted to
 50 the state.—
 51 (5) Ten percent of all court-related fines collected by the
 52 clerk, except for penalties or fines distributed to counties or
 53 municipalities under s. 318.18(15) ~~s. 316.0083(1)(b)3. or s.~~
 54 ~~318.18(15)(a)~~, shall be deposited into the fine and forfeiture
 55 fund to be used exclusively for clerk court-related functions,
 56 as provided in s. 28.35(3) (a).
 57 Section 10. Paragraph (b) of subsection (1) and paragraph
 58 (a) of subsection (5) of section 316.640, Florida Statutes, are

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amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(b)1. The Department of Transportation has authority to enforce on all the streets and highways of this state all laws applicable within its authority.

2.a. The Department of Transportation shall develop training and qualifications standards for toll enforcement officers whose sole authority is to enforce the payment of tolls pursuant to s. 316.1001. Nothing in this subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall a toll enforcement officer have arrest authority.

b. For the purpose of enforcing s. 316.1001, governmental entities, as defined in s. 334.03, which own or operate a toll facility may employ independent contractors or designate employees as toll enforcement officers; however, any such toll enforcement officer must successfully meet the training and qualifications standards for toll enforcement officers established by the Department of Transportation.

~~3. For the purpose of enforcing s. 316.0083, the department may designate employees as traffic infraction enforcement officers. A traffic infraction enforcement officer must successfully complete instruction in traffic enforcement procedures and court presentation through the Selective Traffic Enforcement Program as approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program, but may not necessarily otherwise meet the uniform minimum standards~~

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~~established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. This subparagraph does not authorize the carrying of firearms or other weapons by a traffic infraction enforcement officer and does not authorize a traffic infraction enforcement officer to make arrests. The department's traffic infraction enforcement officers must be physically located in the state.~~

(5) (a) Any sheriff's department or police department of a municipality may employ, as a traffic infraction enforcement officer, any individual who successfully completes instruction in traffic enforcement procedures and court presentation through the Selective Traffic Enforcement Program as approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program, but who does not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. Any such traffic infraction enforcement officer who observes the commission of a traffic infraction or, in the case of a parking infraction, who observes an illegally parked vehicle may issue a traffic citation for the infraction when, based upon personal investigation, he or she has reasonable and probable grounds to believe that an offense has been committed which constitutes a noncriminal traffic infraction as defined in s. 318.14. ~~In addition, any such traffic infraction enforcement officer may issue a traffic citation under s. 316.0083. For purposes of enforcing s. 316.0083, any sheriff's department or police~~

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~~department of a municipality may designate employees as traffic~~
~~infraction enforcement officers.~~ The traffic infraction
 enforcement officers must be physically located in the county of
 the respective sheriff's or police department.

Section 11. Paragraphs (a) and (c) of subsection (3) of
 section 316.650, Florida Statutes, are amended to read:

316.650 Traffic citations.—

(3) (a) Except for a traffic citation issued pursuant to s.
 316.1001 ~~or s. 316.0083~~, each traffic enforcement officer, upon
 issuing a traffic citation to an alleged violator of any
 provision of the motor vehicle laws of this state or of any
 traffic ordinance of any municipality or town, shall deposit the
 original traffic citation or, in the case of a traffic
 enforcement agency that has an automated citation issuance
 system, the chief administrative officer shall provide by an
 electronic transmission a replica of the citation data to a
 court having jurisdiction over the alleged offense or with its
 traffic violations bureau within 5 days after issuance to the
 violator.

~~(c) If a traffic citation is issued under s. 316.0083, the~~
~~traffic infraction enforcement officer shall provide by~~
~~electronic transmission a replica of the traffic citation data~~
~~to the court having jurisdiction over the alleged offense or its~~
~~traffic violations bureau within 5 days after the date of~~
~~issuance of the traffic citation to the violator. If a hearing~~
~~is requested, the traffic infraction enforcement officer shall~~
~~provide a replica of the traffic notice of violation data to the~~
~~clerk for the local hearing officer having jurisdiction over the~~
~~alleged offense within 14 days.~~

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Section 12. Section 318.121, Florida Statutes, is amended
 to read:

318.121 Preemption of additional fees, fines, surcharges,
 and costs.—Notwithstanding any general or special law, or
 municipal or county ordinance, additional fees, fines,
 surcharges, or costs other than the court costs and surcharges
 assessed under s. 318.18(11), (13), (18), and (19), ~~and (22)~~ may
 not be added to the civil traffic penalties assessed under this
 chapter.

Section 13. Subsection (2) of section 318.14, Florida
 Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception;
 procedures.—

(2) Except as provided in s. 316.1001(2) ~~ss. 316.1001(2)~~
~~and 316.0083~~, any person cited for a violation requiring a
 mandatory hearing listed in s. 318.19 or any other criminal
 traffic violation listed in chapter 316 must sign and accept a
 citation indicating a promise to appear. The officer may
 indicate on the traffic citation the time and location of the
 scheduled hearing and must indicate the applicable civil penalty
 established in s. 318.18. For all other infractions under this
 section, except for infractions under s. 316.1001, the officer
 must certify by electronic, electronic facsimile, or written
 signature that the citation was delivered to the person cited.
 This certification is prima facie evidence that the person cited
 was served with the citation.

Section 14. Subsections (15) and (22) of section 318.18,
 Florida Statutes, are amended to read:

318.18 Amount of penalties.—The penalties required for a

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noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(15)(a)1. One hundred and fifty-eight dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal ~~and when enforced by a law enforcement officer~~. Sixty dollars shall be distributed as provided in s. 318.21, \$30 shall be distributed to the General Revenue Fund, \$3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund, and the remaining \$65 shall be remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health.

2. One hundred and fifty eight dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by the department's traffic infraction enforcement officer. One hundred dollars shall be remitted to the Department of Revenue for deposit into the General Revenue Fund, \$45 shall be distributed to the county for any violations occurring in any unincorporated areas of the county or to the municipality for any violations occurring in the incorporated boundaries of the municipality in which the infraction occurred, \$10 shall be remitted to the Department of Revenue for deposit into the Department of Health Emergency Medical Services Trust Fund for distribution as provided in s. 395.4036(1), and \$3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund.

3. One hundred and fifty eight dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to

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~~stop at a traffic signal and when enforced by a county's or municipality's traffic infraction enforcement officer. Seventy-five dollars shall be distributed to the county or municipality issuing the traffic citation, \$70 shall be remitted to the Department of Revenue for deposit into the General Revenue Fund, \$10 shall be remitted to the Department of Revenue for deposit into the Department of Health Emergency Medical Services Trust Fund for distribution as provided in s. 395.4036(1), and \$3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund.~~

~~(b)~~ Amounts deposited into the Brain and Spinal Cord Injury Trust Fund pursuant to this subsection shall be distributed quarterly to the Miami Project to Cure Paralysis and shall be used for brain and spinal cord research.

~~(c)~~ If a person who is mailed a notice of violation or cited for a violation of s. 316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic infraction enforcement officer under s. 316.0083, presents documentation from the appropriate governmental entity that the notice of violation or traffic citation was in error, the clerk of court or clerk to the local hearing officer may dismiss the case. The clerk of court or clerk to the local hearing officer may not charge for this service.

~~(d)~~ An individual may not receive a commission or per-ticket fee from any revenue collected from violations detected through the use of a traffic infraction detector. A manufacturer or vendor may not receive a fee or remuneration based upon the number of violations detected through the use of a traffic infraction detector.

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233 ~~(e)~~ Funds deposited into the Department of Health Emergency
 234 Medical Services Trust Fund under this subsection shall be
 235 distributed as provided in s. 395.4036(1).

236 ~~(22) In addition to the penalty prescribed under s.~~
 237 ~~316.0083 for violations enforced under s. 316.0083 which are~~
 238 ~~upheld, the local hearing officer may also order the payment of~~
 239 ~~county or municipal costs, not to exceed \$250.~~

240 Section 15. Subsection (8) of section 320.03, Florida
 241 Statutes, is amended to read:

242 320.03 Registration; duties of tax collectors;
 243 International Registration Plan.—

244 (8) If the applicant's name appears on the list referred to
 245 in s. 316.1001(4), s. 316.1967(6), ~~s. 318.15(3)~~, or s.
 246 713.78(13), a license plate or revalidation sticker may not be
 247 issued until that person's name no longer appears on the list or
 248 until the person presents a receipt from the governmental entity
 249 or the clerk of court that provided the data showing that the
 250 fines outstanding have been paid. This subsection does not apply
 251 to the owner of a leased vehicle if the vehicle is registered in
 252 the name of the lessee of the vehicle. The tax collector and the
 253 clerk of the court are each entitled to receive monthly, as
 254 costs for implementing and administering this subsection, 10
 255 percent of the civil penalties and fines recovered from such
 256 persons. As used in this subsection, the term "civil penalties
 257 and fines" does not include a wrecker operator's lien as
 258 described in s. 713.78(13). If the tax collector has private tag
 259 agents, such tag agents are entitled to receive a pro rata share
 260 of the amount paid to the tax collector, based upon the
 261 percentage of license plates and revalidation stickers issued by

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262 the tag agent compared to the total issued within the county.
 263 The authority of any private agent to issue license plates shall
 264 be revoked, after notice and a hearing as provided in chapter
 265 120, if he or she issues any license plate or revalidation
 266 sticker contrary to the provisions of this subsection. This
 267 section applies only to the annual renewal in the owner's birth
 268 month of a motor vehicle registration and does not apply to the
 269 transfer of a registration of a motor vehicle sold by a motor
 270 vehicle dealer licensed under this chapter, except for the
 271 transfer of registrations which includes the annual renewals.
 272 This section does not affect the issuance of the title to a
 273 motor vehicle, notwithstanding s. 319.23(8)(b).

274 Section 16. Paragraph (d) of subsection (3) of section
 275 322.27, Florida Statutes, is amended to read:

276 322.27 Authority of department to suspend or revoke driver
 277 license or identification card.—

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

290 (d) The point system shall have as its basic element a

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291 graduated scale of points assigning relative values to
 292 convictions of the following violations:

- 293 1. Reckless driving, willful and wanton-4 points.
- 294 2. Leaving the scene of a crash resulting in property
 295 damage of more than \$50-6 points.
- 296 3. Unlawful speed, or unlawful use of a wireless
 297 communications device, resulting in a crash-6 points.
- 298 4. Passing a stopped school bus:
- 299 a. Not causing or resulting in serious bodily injury to or
 300 death of another-4 points.
- 301 b. Causing or resulting in serious bodily injury to or
 302 death of another-6 points.
- 303 5. Unlawful speed:
- 304 a. Not in excess of 15 miles per hour of lawful or posted
 305 speed-3 points.
- 306 b. In excess of 15 miles per hour of lawful or posted
 307 speed-4 points.
- 308 6. A violation of a traffic control signal device as
 309 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.
 310 ~~However, no points shall be imposed for a violation of s.~~
 311 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
 312 ~~stop at a traffic signal and when enforced by a traffic~~
 313 ~~infraction enforcement officer. In addition, a violation of s.~~
 314 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
 315 ~~stop at a traffic signal and when enforced by a traffic~~
 316 ~~infraction enforcement officer may not be used for purposes of~~
 317 ~~setting motor vehicle insurance rates.~~
- 318 7. All other moving violations (including parking on a
 319 highway outside the limits of a municipality)-3 points. However,

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320 no points shall be imposed for a violation of s. 316.0741 or s.
 321 316.2065(11); and points shall be imposed for a violation of s.
 322 316.1001 only when imposed by the court after a hearing pursuant
 323 to s. 318.14(5).

- 324 8. Any moving violation covered in this paragraph,
 325 excluding unlawful speed and unlawful use of a wireless
 326 communications device, resulting in a crash-4 points.
- 327 9. Any conviction under s. 403.413(6)(b)-3 points.
- 328 10. Any conviction under s. 316.0775(2)-4 points.
- 329 11. A moving violation covered in this paragraph which is
 330 committed in conjunction with the unlawful use of a wireless
 331 communications device within a school safety zone-2 points, in
 332 addition to the points assigned for the moving violation.
- 333 Section 17. This act shall take effect July 1, 2022.

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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 Judiciary

BILL: CS/SB 722

INTRODUCER: Infrastructure ad Security Committee, Judiciary Committee and Senator Hooper

SUBJECT: Carrying of Firearms by Tactical Medical Professionals

DATE: April 2, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Stallard	Cibula	JU	Fav/CS
2. Proctor	Miller	IS	Favorable
3. _____	_____	RC	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 722 expressly authorizes a “tactical medical professional” (TMP) who has a concealed weapons and firearms license to carry firearms, weapons, and ammunition when he or she is actively operating in direct support of a tactical law enforcement operation. For the authorization to apply, the bill also requires the law enforcement agency head to have appointed the TMP, the agency to have an established policy for these appointments, and the TMP to have completed two types of firearm training, one of which must be provided by the agency.

In addition to this express authorization to carry firearms, weapons, and ammunition, the bill also grants a TMP who is authorized to carry a firearm or other weapon during an operation the same “immunities and privileges” as a law enforcement officer. However, a TMP may not make an arrest. The immunities and privileges provision might authorize a TMP to carry a concealed or unconcealed firearm or weapon whenever a law enforcement officer may, which is anytime the officer is “carrying out official duties in this state.”

The bill defines “tactical medical professional” as a paramedic, physician, or osteopathic physician who is appointed to provide medical services directly to a tactical law enforcement unit engaged in high-risk incidents, such as drug raids and hostage situations.

II. Present Situation:

Overview

A paramedic or physician who has a concealed weapons and firearms license and who is engaged in a tactical law enforcement operation may carry a weapon or firearm depending on the location of the operation, the type of weapon or firearm, and the manner of carry. For example, if the operation takes place at a park, the person may carry a concealed firearm, or an openly carried or concealed weapon. If the operation takes place at a courthouse, the person may carry only an unconcealed weapon, but no firearm. If the operation takes place at a school, the person may not carry a firearm or weapon.

If the paramedic or physician qualifies as an “assistant” of a “law enforcement officer,” he or she may be able to carry a weapon or firearm in any manner and in any place that is not a school. The law, however, is not clear as to who qualifies as an assistant of a law enforcement officer.¹

Licensed Concealed Carry of Firearms and Weapons

Although the law generally prohibits a person from carrying a firearm on his or her person, this prohibition is subject to several exceptions. Of these exceptions, perhaps the most well-known and broadly applicable is the concealed weapons and firearms license.²

The license authorizes a person to carry a concealed handgun “throughout the state.” However, the license does not authorize a person to carry a firearm into any of a list of places, including police stations, legislative meetings, prisons, local government meetings, “school facilities and administration buildings” or “college or university facilities.”

To obtain a concealed firearm license, a person must submit an application to the Department of Agriculture and Consumer Services, and the Department must grant the license to each applicant who:³

- Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship and Immigration Services, or is a consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country;
- Is 21 years of age or older;
- Does not suffer from a physical infirmity that prevents the safe handling of a weapon or firearm;

¹ The only authority that Staff were able to uncover interpreting the meaning of “assistant” of a “law enforcement officer” was a 1994 advisory opinion of the attorney general. Op. Att’y Gen. Fla. 94-65 (1994). In the opinion, the attorney general determined that a police department’s fingerprint technician was not an “assistant” under the relevant statute, s. 790.25(3)d., F.S. For several reasons, this opinion offers little if any guidance in determining whether a paramedic or physician would qualify as an assistant because the opinion addressed someone in a substantially different role.

² As of December 31, 2018, 1,941,180 Floridians held a standard concealed firearm license. Fla. Dept. of Ag., *Number of Licensees by Type*, http://www.freshfromflorida.com/content/download/7471/118627/Number_of_Licensees_By_Type.pdf.

³ Section 790.06(2), F.S. However, the Department must *deny* a license to an applicant who meets any criterion set forth in s. 790.06(3), F.S., which also sets forth criteria for the mandatory revocation of a license.

- Is not ineligible to possess a firearm by virtue of having been convicted of a felony;
- Has not been committed for the abuse of a controlled substance;
- Has not been found guilty of a crime relating to controlled substances within a three-year period immediately preceding the date on which the application is submitted;
- Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired;
- Desires a legal means to carry a concealed weapon or firearm for lawful self-defense;
- Demonstrates competency in the use of a firearm;⁴
- Has not been, or is deemed not to have been, adjudicated an incapacitated person in a guardianship proceeding;
- Has not been, or is deemed not to have been, committed to a mental institution;
- Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony, or any misdemeanor crime of domestic violence, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or expunction has occurred;
- Has not been issued an injunction that is currently in force and effect which restrains the applicant from committing acts of domestic violence or acts of repeat violence; and
- Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.

Lawful Unlicensed Carry of Firearms and Weapons

Section 790.25(3), F.S., provides a long list of persons who may lawfully carry concealed or unconcealed firearms or weapons regardless of whether they have a concealed weapons and firearms license.⁵ Many of the persons on the list are specified military and law enforcement personnel, including:

Sheriffs, marshals, prison or jail wardens, police officers, Florida highway patrol officers, game wardens, revenue officers, forest officials, special officers . . . and other peace and **law enforcement officers and their deputies and assistants** and full-time paid peace officers of other states and of the Federal Government who are carrying out official duties while in this state.⁶

Who qualifies as an “assistant” to a law enforcement officer is not further described. As a result, it is unclear as to whether a paramedic or physician who is part of a tactical law enforcement team would qualify as an “assistant” to a law enforcement officer.

⁴ See s. 790.06(2)(h), F.S., for the list of courses and other means of demonstrating competency, and for the required documentation that one must present to the state relative to this provision.

⁵ Although s. 790.25(3), F.S., is not perfectly clear that it authorizes the unlicensed concealed or unconcealed carry of a firearm, especially when read in light of s. 790.25(2), F.S., the courts have nonetheless stated that it does. *See, e.g., State v. Little*, 104 So. 3d 1263, (Fla. 4th DCA 2013) (holding that a union secretary carrying a concealed firearm at the union hall parking lot was exempt from the general ban on concealed carry in s. 790.01, F.S., by virtue of section 790.25(3)(n), F.S.); *Norman v. State*, 215 So. 3d 18, 22 (Fla. 2017) (stating that “pursuant to chapter 790, Florida law provides sixteen exceptions to Florida’s Open Carry Law . . .” and that s. 790.25(3), F.S., provides “a list of sixteen statutory exceptions to the [law prohibiting the open carry of a firearm].”

⁶ Section 790.25(3)d., F.S. (emphasis added).

Prohibited Possession of a Firearm on School Property

Schools are perhaps the only places in this state that are subject to a broad, stand-alone weapons and firearms ban in this state's statutes.⁷ Regardless of whether a person has a concealed weapons and firearms license, s. 790.115, F.S., broadly prohibits a person, other than a law enforcement officer, from possessing a firearm on the property of any "school," meaning any preschool through postsecondary school, whether public or private.⁸ And the law is unclear as to how the prohibition in this statute interacts with the authority for unlicensed carry of weapons and firearms granted in s. 790.25(3), F.S.

Federal Law

The federal Gun-Free School Zones Act prohibits the possession of a firearm that has moved in or otherwise affects interstate or foreign commerce at a place an individual knows, or has reasonable cause to believe, is a school or is within 1,000 feet of a school.⁹ However, this prohibition does not apply to a person who is licensed by his or her state to carry a concealed handgun.¹⁰

Federal law also prohibits a person from carrying a firearm in the "sterile area" of an airport terminal, which is the part of the airport that a passenger can only reach after going through security screening.¹¹ None of the exceptions to this prohibition clearly apply to a paramedic or physician assisting a tactical law enforcement team.¹²

Additionally, a person may not possess a firearm in a post office, except for official purposes.¹³

Privileges and Immunities of Law Enforcement Officers

The law affords law enforcement officers several types of special treatment, some of which are described as a "privilege" or "immunity" in the Florida Statutes, which state that a law enforcement officer:

- Is exempt from the ban on carrying a firearm on school property.¹⁴
- May carry a concealed or unconcealed firearm, without a concealed weapons and firearms license, if he or she is "carrying out official duties."¹⁵
- May carry a concealed firearm or weapon without a license while off duty.¹⁶

⁷ At several other places, the statutes *effectively* ban *most* people from carrying firearms and concealed weapons. The statutes do this by stating that the concealed weapons and firearms license does not authorize a person to carry at those places. Without that authority, even license holders are subject to the general ban on carrying firearms and concealed weapons at those places.

⁸ It also means any career center. Section 790.115(2)(a), F.S.

⁹ 18 U.S.C. § 922(q)(2)(A).

¹⁰ See 18 U.S.C. § 922(q)(2)(B)(ii).

¹¹ 49 CFR § 1540.111. For a precise definition of "sterile area," see 49 CFR § 1540.5.

¹² See 49 CFR § 1540.111(b).

¹³ 39 C.F.R. § 232.1.

¹⁴ Section 790.115(3), F.S.

¹⁵ Section 790.025(3)(d), F.S.

¹⁶ See s. 790.06(5)(b), F.S., which appears to authorize a law enforcement officer to carry a concealed weapon or firearm without a license. Also, s. 790.052, F.S., authorizes a law enforcement officer to carry a concealed firearm while off duty, at the discretion of his or her superior officers.

- May disobey traffic signals and exceed posted speed limits.¹⁷
- May use deadly force in more circumstances than an ordinary citizen, such as to stop a felon from fleeing.¹⁸
- “Shall be held guiltless and fully justified in law” for injuring or killing a rioter who has disobeyed an order to leave a riot.¹⁹
- Is entitled to have supplemental death benefits paid out for the benefit of his or her survivors when killed in the line of duty.²⁰
- Is entitled to special rights and privileges while under investigation.²¹
- Is immune from liability while acting in good faith to take into protective custody a person who meets the criteria for involuntary admission for drug treatment.²²
- Is exempt from the background-check fee for obtaining a concealed weapons and firearms license.²³
- May purchase a firearm from a licensed dealer without undergoing a background check.²⁴
- Is immune from liability for false arrest, false imprisonment, or unlawful detention for reasonably detaining a disorderly restaurant or hotel guest.²⁵
- Is immune from liability for criminal or civil prosecution for trespass to recover lost or abandoned property.²⁶
- Is exempt from having personal identifying and location information from public records provided to the public.²⁷

III. Effect of Proposed Changes:

The bill expressly authorizes a “tactical medical professional” (TMP) who has a concealed weapons and firearms license to possess firearms, weapons, and ammunition when he or she is “actively operating in direct support of a tactical law enforcement operation.” For this authorization to apply, the agency head must have appointed the TMP, the agency must have an established policy for these appointments, and the TMP must complete two types of firearm training, one of which must be provided annually by the agency.

In addition to the *express* authority granted under the bill to possess firearms and weapons while “actively supporting a tactical law enforcement operation,” another provision of the bill may *effectively* grant TMPs the authority to carry concealed or unconcealed firearms and weapons any time they are “carrying out official duties”. The bill grants a TMP the same “immunities and privileges” as a law enforcement officer if the TMP meets the conditions set forth in the bill for the carrying of a firearm or other weapon by a TMP who is assisting on a tactical operation. And

¹⁷ Section 316.072(5), F.S.

¹⁸ Section 776.05, F.S.

¹⁹ See ss. 870.01 and 870.05, F.S. This immunity only applies to the types of officers listed in s. 870.01, F.S.

²⁰ Section 112.19, F.S.

²¹ See s. 112.532, F.S.

²² See ss. 397.675 and 397.6775, F.S.

²³ Section 790.06(5)(b), F.S.

²⁴ Section 790.065(1)(b), F.S.

²⁵ See s. 509.143(1)-(3), F.S.

²⁶ See s. 705.103(1)-(6), F.S.

²⁷ Section 119.071(4), F.S.

law enforcement officers are authorized under current law to carry a concealed or unconcealed firearm or weapon whenever “carrying out official duties in this state”.

Although the intent of the bill is to authorize TMPs to carry weapons and firearms at any place that a tactical law enforcement operation may occur, the specific grant of authority in the bill might be insufficient to allow a TMP to possess a weapon or firearm on school property. Section 790.115, F.S., broadly bans the possession of firearms and other weapons on school property, but states that the ban does not apply to “any law enforcement officer.” Accordingly, a TMP’s authority to carry a weapon or firearm on school property might depend on whether the exemption in s. 790.115(3), F.S. constitutes a “privilege” or “immunity” of a law enforcement officer. The Legislature may wish to amend s. 790.115, F.S., to make it inapplicable to TMPs if it intends to allow TMPs to possess a firearm or weapon on school property in support of their duties.

Moreover, the authority granted by the bill may be insufficient to authorize a TMP to carry a firearm or weapon in places where firearms and weapons may be possessed only by law enforcement officers under federal law.

The bill defines a tactical medical professional as a paramedic, physician, or osteopathic physician who is appointed to provide medical services directly to a tactical law enforcement unit engaged in high-risk incidents, such as drug raids and hostage situations.

The bill takes effect 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.

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:

The bill grants a TMP who meets the requirements for carrying a firearm while assisting on a tactical operation the “privileges and immunities” of law enforcement officers, except the power to make an arrest. However, the word “privilege” or “immunity” is used in only some of many instances of special treatment for law enforcement officers in the Florida Statutes. The Legislature may wish to consider whether bill’s general grant of “privileges and immunities” should be replaced by a list of the specific privileges or immunities that the Legislature wishes to grant.

VIII. Statutes Affected:

This bill substantially amends section 790.25 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 Judiciary on March 11, 2019:

The underlying bill granted a TMP the privileges and immunities of a law enforcement officer, except as to the powers of arrest. The committee substitute provides these privileges and immunities to a TMP only if he or she meets the conditions for carrying a firearm or other weapon. Also, the committee substitute includes osteopathic physicians among those who may qualify as TMPs.

B. Amendments:

None.

By the Committee on Judiciary; and Senator Hooper

590-02893-19

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A bill to be entitled

An act relating to carrying of firearms by tactical medical professionals; amending s. 790.25, F.S.; exempting certain licensed medical professionals from specified provisions concerning the carrying of firearms; requiring certain policies and procedures for law enforcement agencies; providing immunities and privileges for such professionals; providing a definition; providing an effective date.

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

Section 1. Paragraph (q) is added to subsection (3) of section 790.25, Florida Statutes, to read:

790.25 Lawful ownership, possession, and use of firearms and other weapons.—

(3) LAWFUL USES.—The provisions of ss. 790.053 and 790.06 do not apply in the following instances, and, despite such sections, it is lawful for the following persons to own, possess, and lawfully use firearms and other weapons, ammunition, and supplies for lawful purposes:

(q)1. A tactical medical professional who is actively operating in direct support of a tactical operation by a law enforcement agency provided that all of the following conditions are met:

a. The tactical medical professional is lawfully able to possess firearms and has an active concealed weapons permit issued pursuant to s. 790.06.

b. The tactical medical professional is appointed to a law

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enforcement tactical team of a law enforcement agency by the head of the law enforcement agency.

c. The law enforcement agency has an established policy providing for the appointment, training, and deployment of the tactical medical professional.

d. The tactical medical professional successfully completes a firearms safety training and tactical training as established or designated by the appointing law enforcement agency.

e. The law enforcement agency provides and the tactical medical professional participates in annual firearm training and tactical training.

2. Except as to the powers of arrest, a tactical medical professional who meets all of the conditions in subparagraph 1. has the same immunities and privileges as a law enforcement officer, as defined in s. 943.10.

3. For the purposes of this paragraph, the term "tactical medical professional" means a paramedic, as defined in s. 401.23, a physician, as defined in s. 458.305, or an osteopathic physician, as defined in s. 459.003, who is appointed to provide direct support to a tactical law enforcement unit by providing medical services at high-risk incidents, including, but not limited to, hostages incidents, narcotics raids, hazardous surveillance, sniper incidents, armed suicidal persons, barricaded suspects, high risk felony warrant service, fugitives refusing to surrender, and active shooter incidents.

Section 2. This act shall take effect July 1, 2019.

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/21/15
Meeting Date

722
Bill Number (if applicable)

Topic BILL 722 SWAT MEDIC BILL

Amendment Barcode (if applicable)

Name GREGORY B. LEE

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Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing BROWNS SHEPHERD OIL

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)

4/2/19

Meeting Date

722

Bill Number (if applicable)

Topic Bill 722

Amendment Barcode (if applicable)

Name Thomas NOWAND

Job Title SWAT Medic Broward Sheriff

Address 2601 W Broward BLVD

Phone 954-540-7242

Street

Fort Lauderdale FL

33311

City

State

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Broward Sheriff Office

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)

April 2, 2019

Meeting Date

722

*Bill Number (if applicable)*Topic Carrying of Firearms by Tactical Medical Professionals*Amendment Barcode (if applicable)*Name Gary HesterJob Title Chief - Government AffairsAddress 2636 Mitcham DrivePhone 850-219-3631*Street*TallahasseeFL32308Email ghester@fpca.com*City**State**Zip*Speaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)Representing Florida Police Chiefs 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

4/2/19

Meeting Date

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

722

Bill Number (if applicable)

Topic Carrying Firearms by Tactical Medics

Amendment Barcode (if applicable)

Name Stephen Winn

Job Title Major - Governmental Affairs

Address 339 E Jefferson St.
Street

Phone 251-0792

Quincy FL 32351
City State Zip

Email winnsr@earthlink.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Gadsden County Sheriff's Office

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 Judiciary

BILL: CS/SB 762

INTRODUCER: Infrastructure and Security Committee, Judiciary Committee, and Senator Gruters

SUBJECT: Duties and Obligations of Sheriffs

DATE: April 3, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Tulloch	Cibula	JU	Fav/CS
2. Price	Miller	IS	Favorable
3. _____	_____	ACJ	_____
4. _____	_____	AP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 762 addresses the decision-making authority and responsibilities of two constitutional officers, the chief judge of a circuit court and the county sheriff, in providing courthouse security. The bill clarifies the decision-making authority for courthouse security, providing that:

- The sheriff, county commissioners, and chief judge of the circuit must develop a comprehensive plan for courthouse security.
- The sheriff retains operational control in accord with the comprehensive security plan.
- The chief judge retains decision-making authority to carry out his or her administrative functions concerning the protection of due process rights and the scheduling and conduct of trials and other judicial proceedings in accord with the comprehensive plan.

Because the sheriffs and their deputies, employees, and contractors are officers of the court when providing security for trial court facilities, the chief judge has authority to direct these officers to ensure the proper conduct of trials and judicial proceedings. However, the sheriff retains operational control as to how security is provided. For example, the chief judge may request two bailiffs in a courtroom for high profile cases, but the sheriff will designate the two deputies who will serve as bailiffs.

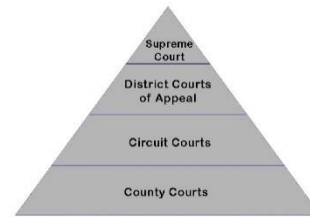
The bill is effective July 1, 2019.

II. Present Situation:

Florida's Court System

The Florida Constitution vests all judicial power in:

- The supreme court;
- The district courts of appeal;
- The circuit courts; and
- The county courts.¹



The Constitution provides that “[n]o other courts may be established by the state, any political subdivision or any municipality.”²

Court System Administration

The Constitution vests the Florida Supreme Court with broad authority to administer the state courts system and establish court rules of procedure.³ The chief justice of the Florida Supreme Court is constitutionally designated as the “chief administrative officer of the judicial system.”⁴ The Constitution also directs that a chief judge be chosen for each district court of appeal and each circuit court.⁵

Chief Judge of the Circuit Court

The chief judge of the circuit court has administrative supervision responsibility for, not only the circuit court, but also the county courts within his or her circuit.⁶ Currently, there are 20 judicial circuits and 67 county courts, one in each of Florida’s 67 counties⁷ as constitutionally required.⁸

The following maps illustrate the territorial jurisdictions of the circuit and county courts. Note, some circuits contain multiple counties, particularly in North Florida; whereas, some circuits contain only one county, particularly in the larger metropolitan areas in Central and South Florida.⁹

¹ FLA. CONST. art. V., s. 1.

² *Id.* (The Constitution does permit the Legislature to establish quasi-judicial, administrative courts and a civil traffic infraction hearing officer system).

³ FLA. CONST. art. V, s. 2(a).

⁴ FLA. CONST. art. V, s. 2(b).

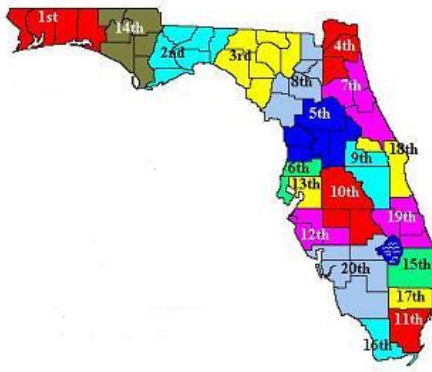
⁵ FLA. CONST. art. V, s. 2(c), (d).

⁶ FLA. CONST. art. V, s. 2(d). Additionally, the chief judge is constitutionally chosen “as provided by supreme court rule.” *Id.*

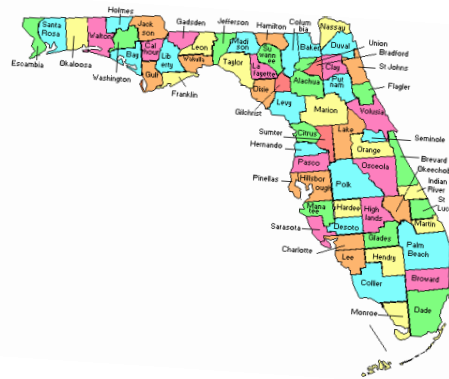
⁷ Florida Courts, *Court System Organization & Structure*, <http://www.flcourts.org/florida-courts/> (last visited Jan. 29, 2019).

⁸ FLA. CONST. art. V, s. 6(a) (“There shall be a county court in each county.”).

⁹ Ron DeSantis, 46th Governor of Florida, Judicial and Judicial Nominating Commission Information, *The Florida Court System*, <https://www.flgov.com/judicial-and-judicial-nominating-commission-information/> (last visited Jan. 29, 2019).



Twenty Judicial Circuits



Sixty-Seven Counties

The chief judge exercises “administrative supervision over all the trial courts within the judicial circuit and over the judges and other officers of such courts.”¹⁰ In exercising his or her responsibility, the chief judge has the power to:

- Assign judges to court divisions and determine the length of the assignment.
- Regulate the use of courtrooms.
- Supervise dockets and calendars.
- Require attendance of all other officers of the court.
- Do everything necessary to promote the prompt and efficient administration of justice in the courts.
- Delegate to the trial court administrator, by administrative order, the authority to bind the circuit in contract.
- Manage, operate, and oversee the jury system.
- Report data to the Chief Justice of the Supreme Court concerning the circuit’s caseload, status of dockets, disposition of cases, and other relevant information.
- Consult with the clerk of court to determine the priority of services provided by the clerk to the trial courts.¹¹

County Responsibilities for Funding Court-Related Functions

Under Article V, s. 14 of the Florida Constitution, the state is responsible for most of the costs of the state courts system. However, the Constitution requires counties to:

[F]und the cost of communications services, existing radio systems, existing multi-agency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and *security of facilities for the trial courts, public defenders’ offices, state attorneys’ offices, and the offices of the clerks of the circuit and county courts performing court-related functions.*¹²

¹⁰ Section 43.26, F.S.

¹¹ *Id.*

¹² Emphasis added.

The constitutional responsibility for counties to fund court-related functions is implemented in s. 29.008, F.S., which also defines many of the key terms from the constitutional provision above. Among these terms, s. 29.008(1)(a), F.S. defines “facility” as follows:

“Facility” means reasonable and necessary buildings and office space and appurtenant equipment and furnishings, structures, real estate, easements, and related interests in real estate, including, but not limited to, those for the purpose of housing legal materials for use by the general public and personnel, equipment, or functions of the circuit or county courts, public defenders’ offices, state attorneys’ offices, and court-related functions of the office of the clerks of the circuit and county courts and all storage. The term “facility” includes all wiring necessary for court reporting services. The term also includes access to parking for such facilities in connection with such court-related functions that may be available free or from a private provider or a local government for a fee. . . .

1. As of July 1, 2005, equipment and furnishings shall be limited to that appropriate and customary for courtrooms, hearing rooms, jury facilities, and other public areas in courthouses and any other facility occupied by the courts, state attorneys, public defenders, guardians ad litem, and criminal conflict and civil regional counsel. Court reporting equipment in these areas or facilities is not a responsibility of the county.

2. Equipment and furnishings under this paragraph in existence and owned by counties on July 1, 2005, except for that in the possession of the clerks, for areas other than courtrooms, hearing rooms, jury facilities, and other public areas in courthouses and any other facility occupied by the courts, state attorneys, and public defenders, shall be transferred to the state at no charge. This provision does not apply to any communications services as defined in paragraph (f).

Additionally, s. 29.008(1)(e), F.S. defines “security” as follows:

“Security” includes but is not limited to, all reasonable and necessary costs of services of *law enforcement officers or licensed security guards* and all electronic, cellular, or digital monitoring and screening devices necessary to ensure the safety and security of all persons visiting or working in a facility; to provide for security of the facility, including protection of property owned by the county or the state; and for security of prisoners brought to any facility. This includes bailiffs while providing courtroom and other security for each judge and other quasi-judicial officers.¹³

Sheriffs

Sheriffs are constitutional county officers.¹⁴ As a constitutional officer, a sheriff exercises independent authority and discretion in carrying out his or her various duties and in appointing and disciplining deputies.¹⁵ The sheriff’s duties include, among other things, conserving the

¹³ Emphasis added.

¹⁴ FLA. CONST. art. VIII, s. (d).

¹⁵ See generally *Demings v. Orange County Citizens Review Bd.*, 15 So. 3d 604, 610–11 (Fla. 5th DCA 2009).

county peace by suppressing riots and making arrests as necessary; and executing process on behalf of the Florida Supreme Court, circuit courts, county courts, and board of county commissioners in the sheriff's county.¹⁶

Sheriffs' Courtroom Duties

The sheriff is “the executive officer of the circuit court of the county.”¹⁷ As such, the sheriff or his or her deputies execute all service of court process in both civil and criminal matters and attend all sessions of court.¹⁸ In attending all sessions of court, the sheriff or his or her deputies serve as bailiffs and take charge of the jury, carry out service of process, keep order, and so forth. However, it is the sheriff, not the chief judge, who appoints any deputy to serve as a bailiff in a courtroom.¹⁹

Beyond the Courtroom: Security in other Court Facilities

Although sheriffs and their deputies are required to serve as bailiffs in the courtrooms around the state, unless contracted to do so with the county government, the sheriffs are not constitutionally or statutorily required to take responsibility for the security of all court facilities. Rather, county governments are responsible to provide for and fund security for court facilities and, as set out in s. 29.008(1)(e), F.S., *supra*, security may be provided by “law enforcement officers” such as municipal police officers,²⁰ or “licensed security guards.”

Tensions Between Sheriffs and Chief Circuit Court Judges

Tensions between sheriffs and chief circuit court judges often arise when determining the scope of each constitutional officers' authority in how courtroom and other court facility security is to be provided.²¹ A recent appellate court opinion relied on the definitions of “facility” and “security” in s. 29.008, F.S., *supra*, as the basis for permitting an administrative order of the chief judge to stand which ordered the sheriff to secure a building used by the court.²² The particular building at issue did not include courtrooms. The sheriff objected to the amount of control the chief judge exerted over the sheriff because the order required the sheriff to *exclusively* provide security to the facility in question. Additionally, the sheriff objected to the potential funding issues caused by the security requirements in the chief judge's order.²³

¹⁶ See generally s. 30.15, F.S.

¹⁷ Section 26.49, F.S. See also s. 34.07, F.S. (sheriff is executive officer of county courts).

¹⁸ Section. 30.15(1)(a)-(c), F.S.

¹⁹ *State ex rel. Wainwright v. Booth*, 291 So. 2d 74, 76–77 (Fla. 2d DCA 1974), writ discharged sub nom. *Booth v. Wainwright*, 300 So. 2d 257 (Fla. 1974).

²⁰ Section 943.10(1), F.S. (“Law enforcement officer means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state”).

²¹ See, e.g., *State ex rel. Wainwright v. Booth*, 291 So. 2d 74, 76–77 (Fla. 2d DCA 1974), writ discharged sub nom. *Booth v. Wainwright*, 300 So. 2d 257 (Fla. 1974) (challenging the validity of a chief judge's order requiring Department of Corrections to provide supplemental security to sheriff during a murder trial).

²² *Knight v. Chief Judge of Florida's Twelfth Judicial Circuit*, 235 So. 3d 996, 999 (Fla. 2d DCA 2017) (denying the sheriff's writ for petition of certiorari for failure to meet the burden of showing the chief judge had exceeded his authority by issuing an administrative order directing the sheriff to provide security in portions of the court facilities where no court proceedings are held).

²³ *Id.* at 997-1000.

III. Effect of Proposed Changes:

CS/SB 762 addresses the decision-making authority and responsibilities of the chief judge and the county sheriff in providing courthouse security. The bill clarifies the decision-making authority for courthouse security, providing that:

- The sheriff, county commissioners, and chief judge of the circuit must develop a comprehensive plan for courthouse security.
- The sheriff retains operational control in accord with the comprehensive security plan.
- The chief judge retains decision-making authority to carry out his or her administrative functions concerning the protection of due process rights and the scheduling and conduct of trials and other judicial proceedings in accord with the comprehensive plan.

Because the sheriffs and their deputies, employees, and contractors are officers of the court when providing security for trial court facilities, the chief judge has authority to direct these officers to ensure the proper conduct of trials and judicial proceedings. However, the sheriff retains operational control as to how security is provided. For example, the chief judge may request two bailiffs in a courtroom for high profile cases, but the sheriff will designate the two deputies who will serve as bailiffs.

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.

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:

None.

VIII. Statutes Affected:

This bill substantially amends section 30.15 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 Judiciary on March 25, 2019:

The Committee Substitute:

- Replaces the requirement that sheriffs and chief judges coordinate on trial court security with the requirement that sheriffs coordinate with both the county commissioners and the chief judges to develop a comprehensive plan for trial court security.
- Clarifies that sheriffs retain operational authority under the comprehensive plan.
- Clarifies that chief judges retain decision-making authority under the comprehensive plan.
- Removes statutory construction provision.
- Amends the title, changing it to duties and obligations of sheriffs.

B. Amendments:

None.

By the Committee on Judiciary; and Senator Gruters

590-03468-19

2019762c1

A bill to be entitled

An act relating to duties and obligations of sheriffs; amending s. 30.15, F.S.; requiring each sheriff to coordinate with certain boards of county commissioners and chief judges to develop a comprehensive plan for security of trial court facilities; specifying that sheriffs and chief judges retain certain authorities; specifying that sheriffs and their deputies, employees, and contractors are officers of the court under specified circumstances; providing an effective date.

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

Section 1. Subsection (4) is added to section 30.15, Florida Statutes, to read:

30.15 Powers, duties, and obligations.—

(4) (a) In accordance with each county's obligation under s. 14, Art. V of the State Constitution and s. 29.008 to fund security for trial court facilities, the sheriff of each county shall coordinate with the board of county commissioners of that county and the chief judge of the circuit in which that county is located on the development of a comprehensive plan for the provision of security for trial court facilities. Each sheriff shall retain authority over the implementation and provision of law enforcement services associated with the plan. The chief judge of the circuit shall retain decision-making authority to ensure the protection of due process rights, including, but not limited to, the scheduling and conduct of trial and other

Page 1 of 2

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

590-03468-19

2019762c1

judicial proceedings as part of his or her responsibility for the administrative supervision of trial courts under s. 43.26.

(b) Sheriffs and their deputies, employees, and contractors are officers of the court when providing security for trial court facilities under this subsection.

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

 4/02/2019
Meeting Date

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

762
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Lauren Jackson

Job Title Lobbyist

Address 205 S. Adams St.
Street

Phone 931-265-8999

Tallahassee FL 32301
City State Zip

Email lauren@evickconsultants.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FLORIDA ASSOCIATION OF COUNTIES

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)

4/2/19

Meeting Date

762

Bill Number (if applicable)

Topic Duties And obligations of Sheriffs

Amendment Barcode (if applicable)

Name Edward G. Labrador, [REDACTED]

Job Title Legislative Counsel

Address 100 S. Andrews Ave, Main Library, 8th Floor
Street

Phone 954-826-1155

Ft. Lauderdale FL 33301
City State Zip

Email elabrador@broward.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Broward County Bd. of County Cmsrs.

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)

4/2/19

Meeting Date

SB 762

Bill Number (if applicable)

Topic Duties and Obligations of Sheriffs

Amendment Barcode (if applicable)

Name Angela Drzewiecki (Drez-wick-ee)

Job Title _____

Address 301 S Bronough St Suite 500
Street

Phone 850-681-7383

Tallahassee FL 32301
City State Zip

Email angela@psmf1.net

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

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)

4/2/19

Meeting Date

HB 762

Bill Number (if applicable)

Topic

Sheriff

Amendment Barcode (if applicable)

Name

Greg Pound

Job Title

Address

9166 Sunrise Dr.

Phone

Street

Largo

City

Fl.

State

33773

Zip

Email

Speaking:

☐

For

☐

Against

☒

Information

Waive Speaking:

☐

In Support

☐

Against

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

Representing

Florida Families

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 1004

INTRODUCER: Infrastructure and Security Committee, Community Affairs Committee, and Senator Rodriguez

SUBJECT: Regional Planning Council Meetings

DATE: April 3, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	Yeatman	CA	Fav/CS
2.	Price	Miller	IS	Favorable
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1004 provides requirements for establishing a quorum for meetings of regional planning councils when a voting member appears via telephone, real-time video conferencing, or similar real-time electronic or video communication.

II. Present Situation:

Open Meetings Law

The Florida Constitution provides that the public has a right to access governmental meetings.¹ Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.² This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts, or special districts.³

¹ FLA CONST., art. I, s. 24(b).

² *Id.*

³ FLA CONST., art. I, s. 24(b). Meetings of the Legislature are governed by Article III, section 4(e) of the Florida Constitution, which states: "The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public."

Public policy regarding access to government meetings also is addressed in the Florida Statutes. Section 286.011, F.S., which is also known as the “Government in the Sunshine Law,”⁴ or the “Sunshine Law,”⁵ requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken be open to the public.⁶ The board or commission must provide the public reasonable notice of such meetings.⁷ Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin or economic status or which operates in a manner that unreasonably restricts the public’s access to the facility.⁸ Minutes of a public meeting must be promptly recorded and open to public inspection.⁹ Failure to abide by public meetings requirements will invalidate any resolution, rule or formal action adopted at a meeting.¹⁰ A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.¹¹

The Legislature may create an exemption to public meetings requirements by passing a general law by at least a two-thirds vote of both the Senate and the House of Representatives.¹² 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.¹³ A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.¹⁴

The following are general exemptions from the requirement that all meetings of any state agency or authority be open to the public:

- That portion of a meeting that would reveal a security or fire safety system plan; and
- Any portion of a team meeting at which negotiation strategies are discussed.¹⁵

Administrative Procedure Act

The Administrative Procedure Act (APA)¹⁶ outlines a comprehensive administrative process by which agencies exercise the authority granted by the Legislature while offering citizen

⁴ *Times Pub. Co. v. Williams*, 222 So. 2d 470, 472 (Fla. 2d DCA 1969).

⁵ *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693, 695 (Fla. 1969).

⁶ Section 286.011(1)-(2), F.S.

⁷ *Id.*

⁸ Section 286.011(6), F.S.

⁹ Section 286.011(2), F.S.

¹⁰ Section 286.011(1), F.S.

¹¹ Section 286.011(3), F.S.

¹² FLA CONST., art. I, s. 24(c).

¹³ *Id.*

¹⁴ *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 public records 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.

¹⁵ Section 286.0113, F.S.

¹⁶ See ch. 120, F.S.

involvement. The process subjects state agencies to a uniform procedure in enacting rules and issuing orders and allows citizens to challenge an agency's decision.¹⁷

The term "agency" is defined in s. 120.52(1), F.S., as:

- The Governor, each state officer and state department, and each departmental unit described in s. 20.04, F.S.;¹⁸
- The Board of Governors of the State University System;
- The Commission on Ethics;
- The Fish and Wildlife Conservation Commission;
- A regional water supply authority;
- A regional planning agency;
- A multicounty special district, but only if a majority of its governing board is comprised of non-elected persons;
- Educational units;
- Each entity described in chs. 163 (Intergovernmental Programs), 373 (Water Resources), 380 (Land and Water Management), and 582 (Soil and Water Conservation), F.S., and s. 186.504 (regional planning councils), F.S.;
- Each officer and governmental entity in the state having statewide jurisdiction or jurisdiction in more than one county; and
- Each officer and governmental entity in the state having jurisdiction in one county or less than one county, to the extent they are expressly made subject to the act by general or special law or existing judicial decisions.¹⁹

Use of Electronic Media and Public Meetings

Section 120.54(5)(b)2, F.S., requires the Administration Commission²⁰ to promulgate rules to create uniform rules of procedure for state agencies to use when conducting public meetings, hearings or workshops, including procedures for conducting meetings in person and by means of communications media technology.²¹ The agency must state in the notice that the public meeting, hearing, or workshop will be conducted by means of communications media technology, or if attendance may be provided by such means.²² The notice must also state how individuals interested in attending may do so.²³ Notwithstanding the use of electronic media technology, all evidence, testimony, and argument presented at the public meeting must be afforded equal consideration, regardless of the method of communication.²⁴ In addition to agencies required to

¹⁷ See Joint Administrative Procedures Committee, *A Primer on Florida's Administrative Procedure Act*, available at <http://www.japc.state.fl.us/Documents/Publications/PocketGuideFloridaAPA.pdf> (last visited March 15, 2019).

¹⁸ Section 20.04, F.S., specifies the structure of the executive branch of state government.

¹⁹ The definition of agency does not include a municipality or legal entity created solely by a municipality and expressly excludes certain legal entities or organizations found in chs. 343, 348 and 361, F.S., and ss. 339.175 and 163.01(7), F.S.

²⁰ Section 14.202, F.S. The Administration Commission is composed of the Governor and the Cabinet (The Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture compose the Cabinet. Section 20.03(1), F.S.).

²¹ Section 120.54(5)(b)2, F.S. The term "communications media technology" means the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

comply with ch. 120, F.S., certain entities created by an interlocal agreement may conduct public meetings and workshops via communications media technology.²⁵

While current law allows state agencies and certain entities created by an interlocal agreement to conduct meetings and vote by means of communications media technology, there has been a question over whether or not local boards or agencies may conduct meetings in the same fashion.²⁶ The Office of Attorney General has opined that only state agencies can conduct meetings and vote via communications media technology, thus rejecting a school board's request to conduct board meetings via electronic means.²⁷ The Attorney General reasoned that s. 120.54(5)(b)2, F.S., limits its terms only to uniform rules that apply to state agencies.²⁸ The Attorney General explained that "allowing state agencies and their boards and commissions to conduct meetings via communications media technology under specific guidelines recognizes the practicality of members from throughout the state participating in meetings of the board or commission."²⁹ The Attorney General reasoned that a similar rationale is not applicable to local boards and commissions even though it may be convenient and save money since the representation on these boards and commissions are local thus, "such factors would not by themselves appear to justify or allow the use of electronic media technology in order to assemble the members for a meeting."³⁰ However, if a quorum of a local board is physically present at the public meeting, a board may allow a member who is unavailable to physically attend the meeting due to extraordinary circumstances such as illness, to participate and vote at the meeting via communications media technology.³¹

Florida Regional Planning Councils

The Florida Regional Planning Council Act³² allows the creation of regional planning councils (RPC). The Legislature has recognized RPCs as the "only multipurpose regional entity that is in position to plan for and coordinate intergovernmental solutions to growth-related problems on greater-than local issues, provide technical assistance to local governments, and meet other needs of the communities in each region."³³ RPCs span multiple counties within the geographical boundaries of any one comprehensive planning district.³⁴ The voting membership of a RPC must consist of representatives living within the geographical area covered by the council.³⁵ The ten RPCs are as follows: West Florida, Apalachee, North Central Florida, Northeast Florida, East Central Florida, Tampa Bay, Central Florida, Southwest Florida, Treasure Coast, and South

²⁵ Section 163.01(18), F.S. (Allowing public agencies located in at least five counties, of which at least three are not contiguous, to conduct public meetings and workshops by means of communications media technology).

²⁶ Robert Eschenfelder, *Modern Sunshine: Attending Public Meetings in the Digital Age*, 84 Fla. B.J. 28 (2010).

²⁷ Op. Att'y Gen. Fla. 98-28 (1998).

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² Section 186.501–186.513, F.S.

³³ Section 186.502(4), F.S.

³⁴ Section 186. 504, F.S.

³⁵ Section 186.504(2), F.S.

Florida.³⁶ Each RPC consists of anywhere from 3 (South Florida) to 12 Counties (North Central Florida).³⁷

III. Effect of Proposed Changes:

Section 1 amends s. 120.525, F.S., to authorize the use of communication media technology for board meetings of RPCs that cover three or more counties. Specifically, a voting member who appears via telephone, real-time videoconferencing, or similar real-time electronic or video communication that is broadcast publicly at the meeting location may be counted toward the quorum requirement if at least one-third of the voting members of such RPC are physically present at the meeting location.

The bill also requires the member to provide oral, written, or electronic notice of his or her intent to appear via communications media technology to their respective planning council at least 24 hours before the scheduled meeting.

Section 2 provides the bill takes effect 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.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

³⁶ Section 186.512, F.S.

³⁷ *Id.*

B. Private Sector Impact:

None.

C. Government Sector Impact:

Authorizing RPCs to use media technology for quorum purposes may save on travel time and cost.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 120.525 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 Community Affairs on March 20, 2019:

The committee substitute removes references to “regional agencies” in the bill.

B. Amendments:

None.

By the Committee on Community Affairs; and Senator Rodriguez

578-03298-19

20191004c1

A bill to be entitled

An act relating to regional planning council meetings; amending s. 120.525, F.S.; providing requirements for establishing a quorum for meetings of certain councils when a voting member appears via telephone, real-time videoconferencing, or similar real-time electronic or video communication; requiring notice of intent to appear via telephone, real-time videoconferencing, or similar real-time electronic or video communication by a specified time; providing an effective date.

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

Section 1. Subsection (4) is added to section 120.525, Florida Statutes, to read:

120.525 Meetings, hearings, and workshops.—

(4) For purposes of establishing a quorum at meetings of regional planning councils that cover three or more counties, a voting member who appears via telephone, real-time videoconferencing, or similar real-time electronic or video communication that is broadcast publicly at the meeting location may be counted towards the quorum requirement if at least one-third of the voting members of such regional planning council are physically present at the meeting location. A member must provide oral, written, or electronic notice of his or her intent to appear via telephone, real-time videoconferencing, or similar real-time electronic or video communication to the regional planning council at least 24 hours before the scheduled meeting.

Section 2. This act shall take effect July 1, 2019.

THE FLORIDA SENATE
APPEARANCE RECORD

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

4-2-19

Meeting Date

1004

Bill Number (if applicable)

Topic Regional Planning Council's meetings

Amendment Barcode (if applicable)

Name RANA BROWN

Job Title consultant

Address 104 W Jefferson St

Phone 858-224-3427

Tallahassee FL 32301

City

State

Zip

Email RANA@REBOOKPA.COM

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Regional Council's Assoc.

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/CS/SB 1792

INTRODUCER: Infrastructure and Security Committee, Community Affairs Committee, and Senator Gruters

SUBJECT: Towing of Vehicles and Vessels

DATE: April 3, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	Yeatman	CA	Fav/CS
2.	Price	Miller	IS	Fav/CS
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1792 addresses the towing, removal, storage, and immobilization of vehicles and vessels. Generally, the bill:

- Provides definitions.
- Authorizes a county or municipality to regulate the rates for the towing, immobilization, and storage and removal of vessels parked on private property or involved in an accident scene.
- Requiring a county that regulates the above rates to establish maximum rates, which do not apply within the jurisdiction of a municipality that establishes maximum rates.
- Prohibits counties and municipalities, respectively, from enacting certain ordinances or rules that impose fees or charges on authorized wrecker operators or towing businesses for towing, impounding, or storing a vehicle or vessel immobilization services.
- Prohibits counties or municipalities from imposing charges, costs, expenses, fines, fees, or penalties on authorized wrecker operators, registered owners, other legally authorized persons in custody or in control, or lienholders of vehicles or vessels.
- Provides the above prohibitions do not prevent county or municipal levy of a reasonable business tax or imposition of a limited reasonable administrative fee or charge.
- Provides exemptions to bill requirements for certain ordinances enacted by a charter county with a population exceeding 1.3 million on or before January 1, 2019.
- Requires a reasonable administrative fee or charge imposed by a county or municipality to be included as part of the lien on the vehicle or vessel held by the towing operator.

- Includes vessels in the current prohibition against charging a vehicle storage fee when stored for less than six hours.
- Revises various related notice provisions.
- Revises requirements relating to towing and removing vehicles or vessels to include persons who are in custody, or in control or custody, of a vehicle or of a vessel.
- Removes provisions related to liability for improper removal of a vehicle or vessel.
- Prohibits county or municipal ordinances requiring a towing business to accept checks as a form of payment.
- Prohibits county or municipal authorization of attorney fees or court costs in connection with the towing of vehicles or vessels from private property and preempts regulation of such fees or court costs to the state.

The fiscal impact on local government and on the private sector is indeterminate. See the Fiscal Impact Statement heading for details.

The bill's provisions in general may limit the ability of municipalities and counties to raise revenue, thus requiring approval of the bill by each house of the Legislature by two-thirds vote of its membership. However, whether such approval is required is indeterminate. See the Municipality/County Mandates Restrictions heading for details.

The bill takes effect July 1, 2019.

II. Present Situation:

County and Municipal Wrecker Operator Systems

A county or municipal government may contract with one or more wrecker operators to tow or remove wrecked, disabled, or abandoned vehicles from streets, highways, and accident sites.¹ After the establishment of such contract(s), the county or municipality must create a “wrecker operator system” to apportion towing assignments between the contracted wrecker services. This apportionment may occur through the creation of geographic zones, a rotation schedule, or a combination of those methods.² Any wrecker operator that is included in the wrecker operator system is an “authorized wrecker operator” in the jurisdiction, while any wrecker operation not included is an “unauthorized wrecker operator.”³

Unauthorized wrecker operators are not permitted to initiate contact with the owner or operator of a wrecked or disabled vehicle.⁴ If the owner or operator initiates contact, the unauthorized

¹ Section 323.002(1)(c), F.S. The definition of “vehicle” does not include a vessel or trailer intended for the transport on land of a vessel. See s. 320.01(20), F.S. (defining “motor vehicle” for the purpose of issuance of motor vehicle licenses and separately defining a “marine boat trailer dealer” as a person engaged in “business of buying ... trailers specifically designed to be drawn by another vehicle and used for the transportation on land of vessels.”)

² Section 323.002(1)(c), F.S.

³ Section 323.002(1)(a)-(b), F.S.

⁴ Section 323.002(2)(b), F.S.

wrecker operator must disclose in writing, before the vehicle is connected to the towing apparatus:

- His or her full name;
- Driver license number;
- That he or she is not a member of the wrecker operator system;
- That the vehicle is not being towed for the owner's or operator's insurance company or lienholder;
- Whether he or she has an insurance policy providing at least \$300,000 in liability coverage and \$50,000 in on-hook cargo coverage; and
- The maximum charges for towing and storage.⁵

The unauthorized wrecker operator must disclose this information to the owner or operator in the presence of a law enforcement officer if an officer is present at the scene of the accident.⁶ It is a second degree misdemeanor for an unauthorized wrecker operator to initiate contact or to fail to provide required information after contact has been initiated.⁷ An unauthorized wrecker operator misrepresenting his or her status as an authorized wrecker operator commits a first degree misdemeanor.⁸ In either instance, the unauthorized wrecker operator's wrecker, tow truck, or other motor vehicle used during the offense may be immediately removed and impounded.⁹ Unauthorized wrecker operators also are prohibited from monitoring police radios to determine the location of wrecked or disabled vehicles.¹⁰

If a county chooses to regulate the activity, counties must establish maximum rates for the towing of vehicles removed from private property, as well as the towing and storage of vehicles removed from the scene of an accident or where the vehicle is towed at the request of a law enforcement officer. Municipalities are also authorized to adopt maximum rate ordinances. If a municipality enacts an ordinance to establish towing fees, the county ordinance will not apply within the municipality.¹¹ A county or municipality may not establish rates, including a maximum rate, for the towing of vessels.¹²

Vehicle Holds, Wrecker Operator Storage Facilities, and Liens

An investigating agency may place a hold on a motor vehicle stored within a wrecker operator's storage facility for up to five business days.¹³ A hold may be applied where the officer has probable cause to believe the vehicle:

- Should be seized under the Florida Contraband Forfeiture Act¹⁴ or ch. 379, F.S.;¹⁵

⁵ Section 323.002(2)(c), F.S.

⁶ *Id.*

⁷ *Id.*

⁸ Section 323.002(2)(d), F.S.

⁹ Section 323.002(2)(c) and (d), F.S.

¹⁰ Section 323.002(2)(a), F.S.

¹¹ Sections 125.0103(1)(c) and 166.043(1)(c), F.S.

¹² Compare 125.0103(1)(c), F.S., (requiring a county to establish maximum rates for towing of vehicles) with s. 715.07, F.S. (towing of vehicles or vessels parked on private property).

¹³ Section 323.001(1), F.S.

¹⁴ Sections 932.701-932.7062, F.S.

¹⁵ Chapter 379, F.S., includes multiple instances when a vehicle or vessel may be forfeited due to unlawful acts committed with such vehicle or vessel concerning fish and wildlife conservation.

- Was used as the means of committing a crime;
- Is evidence that tends to show a crime has been committed; or
- Was involved in a traffic accident resulting in death or personal injury.¹⁶

An officer may also apply a hold when the vehicle is impounded pursuant to ss. 316.193 (driving under the influence) or 322.34 (driving while license suspended, revoked, canceled, or disqualified), F.S., and when the officer is complying with a court order.¹⁷ The hold must be in writing and include the name and agency of the law enforcement officer placing the hold, the date and time the hold is placed on the vehicle, a general description of the vehicle (including its color, make, model, body style, and year; VIN (Vehicle Identification Number); registration license plate number, state, year; and validation sticker number, state and year), the specific reason for placing the hold, the condition of the vehicle, the location where the vehicle is being held, and the name, address, and telephone number of the wrecker operator and storage facility.¹⁸

The investigating agency must inform the wrecker operator in writing within the five day holding period if the agency intends to hold the vehicle for a longer period of time.¹⁹ The vehicle owner is liable for towing and storage charges for the first five days. If the vehicle will be held beyond five days, the investigating agency may choose to have the vehicle stored at a designated impound lot or to pay for storage at the wrecker operator's storage facility.²⁰

A wrecker operator or other person engaged in the business of transporting vehicles or vessels who recovers, removes, or stores a vehicle or vessel possesses a lien on the vehicle or vessel for a reasonable towing fee and storage fee, if the vehicle or vessel is removed upon instructions from:

- The owner of the vehicle or vessel;
- The owner, lessor, or authorized person acting on behalf of the owner or lessor of property on which the vehicle or vessel is wrongly parked (as long as the removal is performed in compliance with s. 715.07, F.S.);
- The landlord or authorized person acting on behalf of a landlord, when the vehicle or vessel remains on the property after the expiration of tenancy (and the removal is performed pursuant to ss. 83.806 or 715.104, F.S.); or
- Any law enforcement agency.²¹

Authority for Local Governments to Charge Fees

Counties and municipalities do not have authority to levy taxes, other than ad valorem taxes, except as provided by general law.²² However, local governments possess the authority to impose user fees or assessments by local ordinance as such authority is within the constitutional and statutory home rule powers of local governments.²³ The key distinction between a tax and a

¹⁶ Section 323.001(4)(a)-(e), F.S.

¹⁷ Section 323.001(4)(f)-(g), F.S.

¹⁸ Section 323.001(5), F.S.

¹⁹ Section 323.001(2), F.S.

²⁰ Section 323.001(2)(a)-(b), F.S.

²¹ Section 713.78(2), F.S.

²² FLA. CONST., art. VII, s. 1(a).

²³ *City of Boca Raton v. State*, 595 So. 2d 25, 30 (Fla. 1992).

fee is that fees are voluntary and benefit particular individuals in a manner not shared by others in the public.²⁴ On the other hand, a tax is a “forced charge or imposition, operating whether we like it or not and in no sense depends on the will or contract of the one on whom it is imposed.”²⁵ Usually a fee is applied for the use of a service and is tied directly to the cost of maintaining the service. Money collected from a fee is not applied to uses other than to provide the service for which the fee is applied. An administrative fee for towing and storage services may be permissible to the extent the fee provides a specific benefit to vehicle owners.²⁶

Fees Related to Towing, Storage, and Wrecker Operators

Some municipalities impose an administrative fee on vehicles towed by an authorized wrecker operator if the vehicle is seized or towed in connection with certain misdemeanors or felonies. The administrative fee is collected by the towing company on behalf of the municipal government and, in addition to towing and storage fees, must be paid before the vehicle is released to the registered owner or lienholder.

The City of Sarasota seizes the vehicle of those arrested for crimes related to drugs or prostitution.²⁷ The registered owner of the vehicle is then given two options:

- The registered owner may request a hearing where the city must show by a preponderance of the evidence that the vehicle was used to facilitate the commission of an act of prostitution or any violation of ch. 893, F.S., the Florida Comprehensive Drug Abuse Prevention and Control Act. The owner may post a bond equal to the civil penalty (\$500), hearing costs (\$50), and towing and storage fees to receive the vehicle back pending the outcome of the hearing, or the owner may leave the vehicle in impound, incurring additional fees; or
- The registered owner may waive the right to a hearing and pay the civil penalty (\$500).

If the registered owner of the vehicle is unable to pay the administrative penalty within 35 days, the city disposes of the vehicle. The City of Bradenton uses a similar process and rate structure.²⁸

Other municipalities have enacted ordinances charging an administrative fee for any vehicle impoundment associated with an arrest. For example, the City of Sweetwater imposes an “impoundment administrative fee” on all vehicles seized incident to an arrest. The fee is \$500 if the impoundment stems from a felony arrest and \$250 if the impoundment stems from a misdemeanor.²⁹

The City of Winter Springs imposes an administrative fee for impoundment arising from twelve offenses enumerated in the authorizing ordinance, ranging from prostitution to dumping litter

²⁴ *City of Miami v. Quik Cash Jewelry & Pawn, Inc.*, 811 So.2d 756, 758 (Fla. 3rd DCA 2002).

²⁵ *Id.*

²⁶ *See Jasinski v. City of Miami*, 269 F. Supp. 2d 1341, 1348 (S.D. Fla. 2003).

²⁷ Sarasota Police Department, *Vehicle Seizure Program*, available at <https://www.sarasotapd.org/about-us/vehicle-seizure-program> (last visited March 22, 2019).

²⁸ Bradenton, Fla. Code of Ordinances, ch. 54, art. IV, available at https://library.municode.com/fl/bradenton/codes/code_of_ordinances?nodeId=PTIICOOR_CH54OFMIPR_ARTIVIMMOVE_USFAPDRRECR (last visited March 22, 2019).

²⁹ Sweetwater, Fla. Code of Ordinances, ch. 42-1, s. 42.1(c), available at https://library.municode.com/fl/sweetwater/codes/code_of_ordinances?nodeId=PTIICOOR_CH42MOVETR_ARTIINGE_S_42-1IMMOVE (last visited March 22, 2019).

weighing more than 15 pounds.³⁰ The registered owner may request a hearing, either accruing additional storage fees pending the hearing or posting a bond equal to the amount of the administrative fee (\$550). If the registered owner waives the right to hearing, the administrative fee is reduced to \$250.

By contract, some municipalities require wrecker services to pay a monthly fee for serving as authorized wrecker operators. For example, the contract between the City of Sarasota and a wrecker operator requires the operator to pay the city \$10,151 per month for “the opportunity to provide” wrecker services, as well as \$500 for each impounded vehicle sold by the wrecker service.³¹

Additionally, a county or municipality may require a fee from a towing business in order to be licensed to operate within that county or municipality. For example, to operate a towing business in Miami-Dade County a person or corporation must apply to be a registered towing business with the county, which includes a \$412 annual fee, a vehicle safety inspection with a \$94 decal fee, proof of insurance requirements, and background checks (\$24 fee) of the owners of the towing business.³²

III. Effect of Proposed Changes:

Sections 1 and 3 amend ss. 125.0103 and 166.043, F.S., both relating to local government ordinances and rules imposing price controls on certain lawful business activity, to apply to vessels the provisions of those sections currently applicable to vehicles towed from (and then stored elsewhere) or immobilized on private property, or towed from an accident scene. Thus, with respect to activities on private property or at accident scenes, the bill authorizes a county or municipality to regulate the rates for the towing, immobilization, removal and storage of vessels. For purposes of these provisions, the term “vessel” is defined in each section of the bill to mean only vessels that are located on land.

If a county regulates the rate, the county would be required to establish a maximum rate that may be charged for such activities. However, if a municipality within a county chooses to establish a maximum rate, the county’s ordinance would not apply within that municipality.

Sections 2 and 4 create ss. 125.01047 and 166.04465, F.S., addressing respectively county and municipal rules and ordinances relating to towing services. The bill prohibits a county or municipality from enacting a rule or ordinance that imposes a fee or charge on an authorized wrecker operator or on a towing business for towing, impounding, or storing a vehicle or vessel. The bill defines the term “towing business” to mean a business that provides towing services for monetary gain.

³⁰ Winter Springs, Fla. Code of Ordinances, ch. 12, art. V., s. 12-100, available at https://library.municode.com/fl/winter_springs/codes/code_of_ordinances?nodeId=PTIICOR_CH12MOVETR_ARTVIM_MOVE_S12-100IMMOVEUSFACEMICRPATRRE (last visited March 22, 2019).

³¹ City of Sarasota, *Agreement for Wrecker Towing and Storage Services* (May 5, 2010) (on file with the Senate Community Affairs Committee).

³² Miami-Dade County, *Towing License*, available at <http://www.miamidade.gov/licenses/towing.asp> (last visited March 22, 2019).

The prohibition does not affect the county or municipality's ability to levy a business tax under ss. 205.0315, 205.033, or 205.0535, F.S., or to impose and collect from the registered owner or other legally authorized person in control of the vehicle or vessel, or the lienholder, a reasonable administrative fee or charge to cover the cost of enforcement, including parking enforcement, by the county or municipality when the vehicle or vessel is towed from public property. The reasonable administrative fee may not exceed 25 percent of the maximum towing rate.

The bill authorizes an authorized wrecker operator or towing business to impose and collect the administrative fee or charge on behalf of the county or municipality, but requires the operator or business to remit such fee or charge to the county or municipality only after it is collected.

On the bill's effective date, rules or ordinances enacted by counties (with certain exceptions discussed below) and municipalities that impose a fee or charge on an authorized wrecker operator or a towing business for towing, impounding, or storing a vehicle or vessel would be preempted by the bill's prohibition against such rules or ordinances. Counties and municipalities that have not enacted an ordinance imposing such fees or charges would be prohibited from doing so.

With respect to the referenced exception, the bill provides that s. 125.0147, F.S., does not affect an ordinance, resolution, or regulation enacted on or before January 1, 2019, by a charter county with a population exceeding 1.3 million according to the most recent decennial census which relates to the towing, impounding, removal, or storage of vehicles or vessels, including any amendment or revision made to such ordinance, resolution, or regulation after July 1, 2019. However, any changes to the ordinance, resolution, or regulation may not include new fees or charges to the towing operator or owner of the vehicle or vessel. According to the U.S. Census Bureau, based on the 2010 census, the specified charter counties include Broward, Miami-Dade, and Palm Beach.³³

An ordinance enacted by such charter county on or before January 1, 2019, would not be affected by the bill's revisions to s. 125.0147, F.S. The ordinance could continue in force indefinitely, provided no new fees or charges are included in any change to the ordinance. Should the ordinance become ineffective for any reason, such charter county would be prohibited from imposing a fee or charge on an authorized wrecker operator or a towing business for towing, impounding, or storing a vehicle or vessel. The county would then be limited to imposing and collecting the authorized reasonable business tax and administrative fee or charge, capped at 25 percent of the maximum towing or immobilization rate set by the county.

Section 5 amends s. 332.002, F.S., relating to county and municipal wrecker operator systems and penalties for operation outside of a system, by creating a new subsection (4) of that section. The bill, with one exception, prohibits a county or municipality from adopting or maintaining an ordinance or rule that impose a charge, cost, expense, fine, fee, or penalty, on an authorized wrecker operator, registered owner or other legally authorized person in control of a vehicle or

³³ Office of Economic & Demographic Research, *Census Population Counts by County and City in Florida, April 1, 2000 and 2010*, available at http://edr.state.fl.us/Content/population-demographics/data/Pop_2010Census.pdf (last viewed April 1, 2019).

vessel, or the lienholder of a vehicle or vessel, when the vehicle or vessel is towed by an authorized wrecker operator under ch. 323, F.S.

A county or municipality may adopt or maintain an ordinance or rule that imposes a reasonable administrative fee or charge on the registered owner or other legally authorized person in control of a vehicle or vessel, or the lienholder of a vehicle or vessel, when the vehicle or vessel is towed by an authorized wrecker operator, not to exceed 25 percent of the maximum towing rate, to cover the cost of enforcement, including parking enforcement, by the county or municipality when the vehicle or vessel is towed from public property. The authorized wrecker operator or towing business is authorized to collect the administrative fee or charge on behalf of the county or municipality and must remit such fee or charge to the county or municipality only after it is collected.

Counties and municipalities may not enact an ordinance or rule requiring an authorized wrecker operator to accept checks as a form of payment.

The bill provides these provisions do not affect an ordinance, resolution, or regulation enacted on or before January 1, 2019, by a charter county with a population exceeding 1.3 million according to the most recent decennial census which relates to the towing, impounding, removal, or storage of vehicles or vessels

The described ordinance, if enacted by such charter county on or before January 1, 2019, would not be affected by these revisions. The ordinance could continue in force indefinitely, provided no new fees or charges are included in any change to the ordinance. Should the ordinance become ineffective for any reason, such charter county would be prohibited from enacting a new ordinance. The county would then be limited to imposing and collecting from the registered owner or other legally authorized person in control of the vehicle or vessel the authorized reasonable administrative fee or charge, capped at 25 percent of the maximum towing rate set by the county.

Section 6 amends s. 713.78, F.S., relating to liens for recovering, towing, or storing vehicles and vessels. The bill provides that a reasonable administrative fee or charge imposed by a county or municipality must be included as part of the lien on the vehicle or vessel held by the towing operator. The bill includes vessels in the current prohibition against charging a reasonable vehicle storage fee when stored for less than six hours.

Section 7 amends s. 715.07, F.S., relating to removal of vehicles or vessels parked on private property. The bill inserts references to persons in *custody* or *in custody or control* of a vehicle or vessel, in current provisions³⁴ of law to:

- Require the entity that tows or removes a vehicle or vessel, and proposes to make a person in control *or custody* of a vehicle or vessel to pay the costs of towing and storage prior to redemption of the vehicle or vessel, to keep on file and on record with local law enforcement a copy of the current rates to be charged by the entity.

³⁴ The current provisions apply the requirements to an entity as they relate, respectively, to an owner, operator, or person in control; to the owner or other legally authorized person in control; or to an owner, custodian, or agent.

- Require the entity that tows or removes a vehicle or vessel from private property without the consent of the person in control *or custody* to have specified identifying company information clearly printed on the entity's vehicle.
- Require the entity that tows or removes a vehicle or vessel to release the vehicle within one hour to the *person in custody or control*, who has the right to inspect the vehicle or vessel and who may not be required to sign a specified release or waiver of liability for damages noted by that person at the time of redemption.

With respect to required notices, the bill removes a distance requirement within which a notice must be placed at a driveway access or curb cut allowing vehicular access to the property, and a height requirement for the sign structure.

This section of the bill also prohibits a county or municipality from enacting an ordinance requiring a towing business to accept checks as a form of payment and removes the current language regarding liability for damages, attorney's fees, and court costs resulting from the improper removal, transportation, or storage of a vehicle or vessel.

The bill retains current law deeming the section's requirements to be minimum standards and providing the standards do not preclude enactment of additional, local regulations, including the right to regulate rates when vehicles or vessels are towed from private property.

Additionally, the bill prohibits a municipality or county from authorizing attorney fees or court costs in connection with the towing of vehicles or vessels from private property and expressly preempts to the state regulation of attorney fees and court costs in connection with the towing of vehicles or vessels from private property. To the extent that municipalities or counties engage in such authorization, the practice would be prohibited on the effective date of the bill. Going forward, counties and municipalities would be prohibited from such authorizations.

Section 9 provides the bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18 of the Florida Constitution governs laws that require counties and municipalities to spend funds or that limit their ability to raise revenue or receive state tax revenue.

Subsection (b) of Article VII, s. 18 of the Florida Constitution provides that, except upon approval by each house of the Legislature by two-thirds vote of its membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate. However, these requirements do not apply to laws that have an

insignificant fiscal impact on local governments, which for Fiscal Year 2018-2019 is forecast at slightly over \$2 million.^{35, 36, 37}

The bill prohibits local governments from imposing amounts that may be currently imposed and may not be imposed in the future. The extent to which the bill's prohibitions against local government imposition of the specified fees and charges would be offset by the authorized business taxes and limited administrative fees is indeterminate. Thus, whether the bill would reduce the authority of municipalities or counties to raise in the aggregate revenue exceeding the "insignificant impact" ceiling is unknown. Approval of the bill by each house of the Legislature by two-thirds vote of its membership may be required.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill contains provisions that may both increase and decrease revenues and expenses for the private sector, as the bill prohibits county and municipal imposition of the identified fees and charges on authorized wrecker operators or towing businesses, replaced by business taxes that businesses are likely already paying and limited administrative fees that such operators and businesses must remit to the county or

³⁵ FLA. CONST. art. VII, s. 18(d).

³⁶ 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>

³⁷ Based on the Florida Demographic Estimating Conference's November 5, 2018 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 viewed April 1, 2019).

municipality (when a vehicle or vessel is towed from public property). These revisions would presumably decrease expenses for such operators and businesses, thereby increasing revenue, in indeterminate amounts. The increase would be offset by costs associated with collecting and remitting the limited administrative fees, but only if an operator or business chooses to do so.

As to the owner or other legally authorized person in control of a vehicle or vessel, or the lienholder, counties and municipalities are limited to imposing the reasonable administrative fee, not to exceed 25 percent of the maximum towing rate. This revision would presumably reduce expenses to owners or authorized persons whose vehicles or vessels are towed from public property, in indeterminate amounts.

Because the number of vehicles or vessels that will be towed is unknown, the fiscal impact of the bill on affected private sector businesses and individuals is indeterminate.

C. Government Sector Impact:

The bill contains provisions that may both increase and decrease revenues and expenses for local governments as the bill prohibits county and municipal imposition of the identified fees and charges on authorized wrecker operators or towing businesses, replaced by business taxes that businesses are likely already paying and limited administrative fees when a vehicle or vessel is towed from public property. This revision would presumably reduce revenue to local governments in indeterminate amounts. The authorized reasonable administrative fee assessed against owners or authorized persons, limited to 25 percent of the maximum towing rate, presumably would not offset the reduction in local government revenue due to the prohibition.

Because the number of vehicles or vessels that will be towed is unknown, the fiscal impact of the bill on local governments is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 125.0103, 166.043, 323.002, 713.78, and 715.07 of the Florida Statutes.

This bill creates sections 125.01047, 166.04465, and 715.08 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 April 2, 2019:

The CS/CS:

- Removes from the bill establishment of a regulatory structure for vehicle immobilization service operators and makes conforming changes throughout the bill.
- With respect to the excepted charter counties, adds that any amendment or revision to an ordinance enacted before July 1, 2019, may not include new fees or changes to the towing operator or owner of the vehicle or vessel.
- Prohibits local ordinances requiring an authorized wrecker operator to accept checks as a form of payment and restores some of the type-size requirements in the signage provisions.
- Prohibits a city or county from authorizing attorney fees or court costs in connection with the towing of vehicles or vessels from private property.
- Preempts to the state regulation of attorney fees and court costs in connection with towing vehicles or vessels from private property and deems void any local ordinance on the subject.
- Makes additional conforming and technical clarifying changes throughout the bill.

CS by Community Affairs on March 26, 2019:

The committee substitute provides that certain provisions in the bill do not affect an ordinance, resolution, or regulation enacted on or before January 1, 2019 by a charter county with a population exceeding 1.3 million.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/03/2019	.	
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The Committee on Infrastructure and Security (Gruters)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (b) and (c) of subsection (1) of
section 125.0103, Florida Statutes, are amended to read:

125.0103 Ordinances and rules imposing price controls;
findings required; procedures.—

(1)

(b) ~~The provisions of~~ This section does ~~shall~~ not prevent



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the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, or port rates, rates for towing of vehicles or vessels that are located on land from or immobilization of vehicles or vessels on private property, or rates for removal and storage of wrecked or disabled vehicles or vessels from an accident scene or the removal and storage of vehicles or vessels in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel.

(c) Counties must establish maximum rates which may be charged on the towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, removal and storage of wrecked or disabled vehicles or vessels from an accident scene or for the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel. However, if a municipality chooses to enact an ordinance establishing the maximum rates ~~fees~~ for the towing or immobilization of vehicles or vessels as described in paragraph (b), the county's ordinance shall not apply within such municipality.

Section 2. Section 125.01047, Florida Statutes, is created to read:

125.01047 Rules and ordinances relating to towing



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services.—

(1) A county may not enact an ordinance or rule that would impose a fee or charge on an authorized wrecker operator, as defined in s. 323.002(1), or on a towing business for towing, impounding, or storing a vehicle or vessel. As used in this section, the term "towing business" means a business that provides towing services for monetary gain.

(2) The prohibition imposed in subsection (1) does not affect a county's authority to:

(a) Levy a reasonable business tax under s. 205.0315, s. 205.033, or s. 205.0535.

(b) Impose and collect a reasonable administrative fee or charge on the registered owner or other legally authorized person in control of a vehicle or vessel, or the lienholder of a vehicle or vessel, not to exceed 25 percent of the maximum towing rate, to cover the cost of enforcement, including parking enforcement, by the county when the vehicle or vessel is towed from public property. However, an authorized wrecker operator or towing business may impose and collect the administrative fee or charge on behalf of the county and shall remit such fee or charge to the county only after it is collected.

(3) This section does not affect an ordinance, resolution, or regulation enacted on or before January 1, 2019, by a charter county with a population exceeding 1.3 million according to the most recent decennial census which relates to the towing, impounding, removal, or storage of vehicles or vessels, including any amendment or revision made to such ordinance, resolution, or regulation after July 1, 2019; however, any changes to the ordinance, resolution or regulation cannot



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69 include new fees or charges to the towing operator or owner of
70 the vehicle or vessel.

71 Section 3. Paragraphs (b) and (c) of subsection (1) of
72 section 166.043, Florida Statutes, are amended to read:

73 166.043 Ordinances and rules imposing price controls;
74 findings required; procedures.—

75 (1)

76 (b) ~~The provisions of~~ This section does ~~shall~~ not prevent
77 the enactment by local governments of public service rates
78 otherwise authorized by law, including water, sewer, solid
79 waste, public transportation, taxicab, or port rates, rates for
80 towing of vehicles or vessels from or immobilization of vehicles
81 or vessels on private property, or rates for removal and storage
82 of wrecked or disabled vehicles or vessels from an accident
83 scene or the removal and storage of vehicles or vessels in the
84 event the owner or operator is incapacitated, unavailable,
85 leaves the procurement of wrecker service to the law enforcement
86 officer at the scene, or otherwise does not consent to the
87 removal of the vehicle or vessel.

88 (c) Counties must establish maximum rates which may be
89 charged on the towing of vehicles or vessels from or
90 immobilization of vehicles or vessels on private property,
91 removal and storage of wrecked or disabled vehicles or vessels
92 from an accident scene or for the removal and storage of
93 vehicles or vessels, in the event the owner or operator is
94 incapacitated, unavailable, leaves the procurement of wrecker
95 service to the law enforcement officer at the scene, or
96 otherwise does not consent to the removal of the vehicle or
97 vessel. However, if a municipality chooses to enact an ordinance



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establishing the maximum rates ~~fees~~ for the towing or immobilization of vehicles or vessels as described in paragraph (b), the county's ordinance established under s. 125.0103 shall not apply within such municipality.

Section 4. Section 166.04465, Florida Statutes, is created to read:

166.04465 Rules and ordinances relating to towing services.—

(1) A municipality may not enact an ordinance or rule that would impose a fee or charge on an authorized wrecker operator, as defined in s. 323.002(1), or on a towing business for towing, impounding, or storing a vehicle or vessel. As used in this section, the term "towing business" means a business that provides towing services for monetary gain.

(2) The prohibition imposed in subsection (1) does not affect a municipality's authority to:

(a) Levy a reasonable business tax under s. 205.0315, s. 205.043, or s. 205.0535.

(b) Impose and collect a reasonable administrative fee or charge on the registered owner or other legally authorized person in control of a vehicle or vessel, or the lienholder of a vehicle or vessel, not to exceed 25 percent of the maximum towing rate, to cover the cost of enforcement, including parking enforcement, by the municipality when the vehicle or vessel is towed from public property. However, an authorized wrecker operator or towing business may impose and collect the administrative fee or charge on behalf of the municipality and shall remit such fee or charge to the municipality only after it is collected.



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Section 5. Present subsection (4) of section 323.002, Florida Statutes, is redesignated as subsection (6), and new subsections (4) and (5) are added to that section, to read:

323.002 County and municipal wrecker operator systems; penalties for operation outside of system.—

(4) (a) Except as provided in paragraph (b), a county or municipality may not adopt or maintain in effect an ordinance or rule that imposes a charge, cost, expense, fine, fee, or penalty on an authorized wrecker operator, registered owner or other legally authorized person in control of a vehicle or vessel, or the lienholder of a vehicle or vessel, when the vehicle or vessel is towed by an authorized wrecker operator under this chapter.

(b) A county or municipality may adopt or maintain an ordinance or rule that imposes a reasonable administrative fee or charge on the registered owner or other legally authorized person in control of a vehicle or vessel, or the lienholder of a vehicle or vessel, that is towed by an authorized wrecker operator, not to exceed 25 percent of the maximum towing rate, to cover the cost of enforcement, including parking enforcement, by the county or municipality when the vehicle or vessel is towed from public property. However, an authorized wrecker operator or towing business may impose and collect the administrative fee or charge on behalf of the county or municipality and shall remit such fee or charge to the county or municipality only after it is collected.

(c) A municipality or county may not enact an ordinance or rule requiring an authorized wrecker operator to accept checks as a form of payment.



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(5) This section does not affect an ordinance, resolution, or regulation enacted on or before January 1, 2019, by a charter county with a population exceeding 1.3 million according to the most recent decennial census which relates to the towing, impounding, removal, or storage of vehicles or vessels, including any amendment or revision made to such ordinance, resolution, or regulation after July 1, 2019; however, any changes to the ordinance, resolution, or regulation may not include new fees or charges to the towing operator or owner of the vehicle or vessel.

Section 6. Subsection (2) of section 713.78, Florida Statutes, is amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

(2) Whenever a person regularly engaged in the business of transporting vehicles or vessels by wrecker, tow truck, or car carrier recovers, removes, or stores a vehicle or vessel upon instructions from:

(a) The owner thereof;

(b) The owner or lessor, or a person authorized by the owner or lessor, of property on which such vehicle or vessel is wrongfully parked, and the removal is done in compliance with s. 715.07;

(c) The landlord or a person authorized by the landlord, when such motor vehicle or vessel remained on the premises after the tenancy terminated and the removal is done in compliance with s. 83.806 or s. 715.104; or

(d) Any law enforcement agency,



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she or he shall have a lien on the vehicle or vessel for a reasonable towing fee, for a reasonable administrative fee or charge imposed by a county or municipality, and for a reasonable storage fee; except that no storage fee shall be charged if the vehicle or vessel is stored for less than 6 hours.

Section 7. Subsections (2) and (4) of section 715.07, Florida Statutes, are amended to read:

715.07 Vehicles or vessels parked on private property; towing.—

(2) The owner or lessee of real property, or any person authorized by the owner or lessee, which person may be the designated representative of the condominium association if the real property is a condominium, may cause any vehicle or vessel parked on such property without her or his permission to be removed by a person regularly engaged in the business of towing vehicles or vessels, without liability for the costs of removal, transportation, or storage or damages caused by such removal, transportation, or storage, under any of the following circumstances:

(a) The towing or removal of any vehicle or vessel from private property without the consent of the registered owner or other legally authorized person in control of that vehicle or vessel is subject to strict compliance with the following conditions and restrictions:

1.a. Any towed or removed vehicle or vessel must be stored at a site within a 10-mile radius of the point of removal in any county of 500,000 population or more, and within a 15-mile radius of the point of removal in any county of less than 500,000 population. That site must be open for the purpose of



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redemption of vehicles on any day that the person or firm towing such vehicle or vessel is open for towing purposes, from 8:00 a.m. to 6:00 p.m., and, when closed, shall have prominently posted a sign indicating a telephone number where the operator of the site can be reached at all times. Upon receipt of a telephoned request to open the site to redeem a vehicle or vessel, the operator shall return to the site within 1 hour or she or he will be in violation of this section.

b. If no towing business providing such service is located within the area of towing limitations set forth in sub-subparagraph a., the following limitations apply: any towed or removed vehicle or vessel must be stored at a site within a 20-mile radius of the point of removal in any county of 500,000 population or more, and within a 30-mile radius of the point of removal in any county of less than 500,000 population.

2. The person or firm towing or removing the vehicle or vessel shall, within 30 minutes after completion of such towing or removal, notify the municipal police department or, in an unincorporated area, the sheriff, of such towing or removal, the storage site, the time the vehicle or vessel was towed or removed, and the make, model, color, and license plate number of the vehicle or description and registration number of the vessel and shall obtain the name of the person at that department to whom such information was reported and note that name on the trip record.

3. A person in the process of towing or removing a vehicle or vessel from the premises or parking lot in which the vehicle or vessel is not lawfully parked must stop when a person seeks the return of the vehicle or vessel. The vehicle or vessel must



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be returned upon the payment of a reasonable service fee of not more than one-half of the posted rate for the towing or removal service as provided in subparagraph 6. The vehicle or vessel may be towed or removed if, after a reasonable opportunity, the owner or legally authorized person in control of the vehicle or vessel is unable to pay the service fee. If the vehicle or vessel is redeemed, a detailed signed receipt must be given to the person redeeming the vehicle or vessel.

4. A person may not pay or accept money or other valuable consideration for the privilege of towing or removing vehicles or vessels from a particular location.

5. Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in control of the vehicle or vessel that the area in which that vehicle or vessel is parked is reserved or otherwise unavailable for unauthorized vehicles or vessels and that the vehicle or vessel is subject to being removed at the owner's or operator's expense, any property owner or lessee, or person authorized by the property owner or lessee, prior to towing or removing any vehicle or vessel from private property without the consent of the owner or other legally authorized person in control of that vehicle or vessel, must post a notice meeting the following requirements:

a. The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property, ~~within 5 feet from the public right-of-way line.~~ If there are no curbs or access barriers, the signs must be posted not less than one sign for each 25 feet of lot frontage.



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b. The notice must ~~clearly~~ indicate, in not less than 2-inch high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense. The words "tow-away zone" must be included on the sign in not less than 4-inch high letters.

c. The notice must also provide the name and current telephone number of the person or firm towing or removing the vehicles or vessels.

d. The sign structure containing the required notices must be permanently installed with the words "tow-away zone" ~~not less than 3 feet and not more than 6 feet above ground level~~ and must be continuously maintained on the property for not less than 24 hours prior to the towing or removal of any vehicles or vessels.

e. The local government may require permitting and inspection of these signs prior to any towing or removal of vehicles or vessels being authorized.

f. A business with 20 or fewer parking spaces satisfies the notice requirements of this subparagraph by prominently displaying a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense" in not less than 4-inch high, light-reflective letters on a contrasting background.

g. A property owner towing or removing vessels from real property must post notice, consistent with the requirements in sub-subparagraphs a.-f., which apply to vehicles, that unauthorized vehicles or vessels will be towed away at the owner's expense.

A business owner or lessee may authorize the removal of a



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vehicle or vessel by a towing company when the vehicle or vessel is parked in such a manner that restricts the normal operation of business; and if a vehicle or vessel parked on a public right-of-way obstructs access to a private driveway the owner, lessee, or agent may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted tow-away zone sign.

6. Any person or firm that tows or removes vehicles or vessels and proposes to require an owner, operator, or person in control or custody of a vehicle or vessel to pay the costs of towing and storage prior to redemption of the vehicle or vessel must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services and post at the storage site an identical rate schedule and any written contracts with property owners, lessees, or persons in control of property which authorize such person or firm to remove vehicles or vessels as provided in this section.

7. Any person or firm towing or removing any vehicles or vessels from private property without the consent of the owner or other legally authorized person in control or custody of the vehicles or vessels shall, on any trucks, wreckers as defined in s. 713.78(1)(c), or other vehicles used in the towing or removal, have the name, address, and telephone number of the company performing such service clearly printed in contrasting colors on the driver and passenger sides of the vehicle. The name shall be in at least 3-inch permanently affixed letters, and the address and telephone number shall be in at least 1-inch permanently affixed letters.



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8. Vehicle entry for the purpose of removing the vehicle or vessel shall be allowed with reasonable care on the part of the person or firm towing the vehicle or vessel. Such person or firm shall be liable for any damage occasioned to the vehicle or vessel if such entry is not in accordance with the standard of reasonable care.

9. When a vehicle or vessel has been towed or removed pursuant to this section, it must be released to its owner or person in control or custody ~~custodian~~ within one hour after requested. Any vehicle or vessel owner or person in control or custody ~~has agent~~ shall have the right to inspect the vehicle or vessel before accepting its return, and no release or waiver of any kind which would release the person or firm towing the vehicle or vessel from liability for damages noted by the owner or the person in control or custody ~~other legally authorized person~~ at the time of the redemption may be required from any vehicle or vessel owner or person in control or custody, ~~custodian, or agent~~ as a condition of release of the vehicle or vessel to its owner. A detailed, signed receipt showing the legal name of the company or person towing or removing the vehicle or vessel must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

(b) These requirements are minimum standards and do not preclude enactment of additional regulations by any municipality or county including the right to regulate rates when vehicles or vessels are towed from private property. However, a municipality or county may not enact an ordinance or rule requiring a towing business to accept checks as a form of payment. Additionally, a



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municipality or county may not authorize attorney fees or court costs in connection with the towing of vehicles or vessels from private property. The regulation of attorney fees and court courts in connection with the towing of vehicles or vessels from private property is expressly preempted to the state and any municipal or county ordinance on the subject is void.

~~(4) When a person improperly causes a vehicle or vessel to be removed, such person shall be liable to the owner or lessee of the vehicle or vessel for the cost of removal, transportation, and storage; any damages resulting from the removal, transportation, or storage of the vehicle or vessel; attorney's fees; and court costs.~~

Section 8. This act shall take effect July 1, 2019.

===== 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 towing of vehicles and vessels;
amending ss. 125.0103 and 166.043, F.S.; specifying
that local governments may enact rates to tow or
immobilize vessels on private property and to remove
and store vessels under specified circumstances;
creating ss. 125.01047 and 166.04465, F.S.;
prohibiting counties or municipalities from enacting
certain ordinances or rules that impose fees or
charges on authorized wrecker operators or towing
businesses; defining the term "towing business";



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providing exceptions; amending s. 323.002, F.S.;
prohibiting counties or municipalities from imposing
charges, costs, expenses, fines, fees, or penalties on
registered owners, other legally authorized persons in
control, or lienholders of vehicles or vessels under
certain conditions; prohibiting municipalities or
counties from enacting an ordinance or rule requiring
an authorized wrecker operator to accept checks as a
form of payment; providing an exception; amending s.
713.78, F.S.; authorizing certain persons to place
liens on vehicles or vessels to recover specified fees
or charges; amending s. 715.07, F.S.; revising certain
notice and signage requirements; revising requirements
relating to towing and to removing vehicles or vessels
to include persons who are in custody of a vehicle or
of a vessel; prohibiting municipalities or counties
from enacting an ordinance or rule requiring a towing
business to accept checks as a form of payment;
prohibiting municipalities or counties from
authorizing attorney fees or court costs in connection
with the towing of vehicles or vessels from private
property; providing that the regulation of attorney
fees and court courts in connection with the towing of
vehicles or vessels from private property is expressly
preempted to the state and any municipal or county
ordinance on the subject is void; deleting a
requirement related to liability for improper removal
of a vehicle or of a vessel; providing an effective
date.



547770

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2019	.	
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The Committee on Infrastructure and Security (Gruters)
recommended the following:

**Senate Substitute for Amendment (658588) (with title
amendment)**

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (b) and (c) of subsection (1) of
section 125.0103, Florida Statutes, are amended to read:

125.0103 Ordinances and rules imposing price controls;
findings required; procedures.—

(1)



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(b) ~~The provisions of~~ This section does ~~shall~~ not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, or port rates; rates for towing of vehicles or vessels from, or immobilization of vehicles or vessels on, private property; ~~or~~ rates for removal and storage of wrecked or disabled vehicles or vessels from an accident scene; or rates for the removal and storage of vehicles or vessels in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel. For purposes of this subsection, the term "vessels" means only vessels that are located on land.

(c) Counties must establish maximum rates which may be charged on the towing of vehicles or vessels from, or immobilization of vehicles or vessels on, private property; ~~the~~ removal and storage of wrecked or disabled vehicles or vessels from an accident scene; ~~or for~~ the removal and storage of vehicles or vessels; ~~in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel.~~ However, if a municipality chooses to enact an ordinance establishing the maximum rates ~~fees~~ for the towing or immobilization of vehicles or vessels as described in paragraph (b), the county's ordinance shall not apply within such municipality.

Section 2. Section 125.01047, Florida Statutes, is created



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to read:

125.01047 Rules and ordinances relating to towing services.—

(1) A county may not enact an ordinance or rule that would impose a fee or charge on an authorized wrecker operator, as defined in s. 323.002(1), or on a towing business for towing, impounding, or storing a vehicle or vessel. As used in this section, the term "towing business" means a business that provides towing services for monetary gain.

(2) The prohibition imposed in subsection (1) does not affect a county's authority to:

(a) Levy a reasonable business tax under s. 205.0315, s. 205.033, or s. 205.0535.

(b) Impose and collect a reasonable administrative fee or charge on the registered owner or other legally authorized person in control of a vehicle or vessel, or the lienholder of a vehicle or vessel, not to exceed 25 percent of the maximum towing rate, to cover the cost of enforcement, including parking enforcement, by the county when the vehicle or vessel is towed from public property. However, an authorized wrecker operator or towing business may impose and collect the administrative fee or charge on behalf of the county and shall remit such fee or charge to the county only after it is collected.

(3) This section does not affect an ordinance, resolution, or regulation enacted on or before January 1, 2019, by a charter county with a population exceeding 1.3 million according to the most recent decennial census which relates to the towing, impounding, removal, or storage of vehicles or vessels, including any amendment or revision made to such ordinance,



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resolution, or regulation after July 1, 2019; however, any
changes to the ordinance, resolution, or regulation cannot
include new fees or charges to the towing operator or owner of
the vehicle or vessel.

Section 3. Paragraphs (b) and (c) of subsection (1) of
section 166.043, Florida Statutes, are amended to read:

166.043 Ordinances and rules imposing price controls;
findings required; procedures.—

(1)

(b) ~~The provisions of~~ This section does ~~shall~~ not prevent
the enactment by local governments of public service rates
otherwise authorized by law, including water, sewer, solid
waste, public transportation, taxicab, or port rates; ~~rates for~~
towing of vehicles or vessels from, or immobilization of
vehicles or vessels on, private property; ~~or~~ rates for removal
and storage of wrecked or disabled vehicles or vessels from an
accident scene; or rates for the removal and storage of vehicles
or vessels in the event the owner or operator is incapacitated,
unavailable, leaves the procurement of wrecker service to the
law enforcement officer at the scene, or otherwise does not
consent to the removal of the vehicle or vessel. For purposes of
this subsection, the term "vessels" means only vessels that are
located on land.

(c) Counties must establish maximum rates which may be
charged on the towing of vehicles or vessels from, or
immobilization of vehicles or vessels on, private property; the
removal and storage of wrecked or disabled vehicles or vessels
from an accident scene; or ~~for~~ the removal and storage of
vehicles or vessels, in the event the owner or operator is



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incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel. However, if a municipality chooses to enact an ordinance establishing the maximum rates ~~fees~~ for the towing or immobilization of vehicles or vessels as described in paragraph (b), the county's ordinance established under s. 125.0103 shall not apply within such municipality.

Section 4. Section 166.04465, Florida Statutes, is created to read:

166.04465 Rules and ordinances relating to towing services.—

(1) A municipality may not enact an ordinance or rule that would impose a fee or charge on an authorized wrecker operator, as defined in s. 323.002(1), or on a towing business for towing, impounding, or storing a vehicle or vessel. As used in this section, the term "towing business" means a business that provides towing services for monetary gain.

(2) The prohibition imposed in subsection (1) does not affect a municipality's authority to:

(a) Levy a reasonable business tax under s. 205.0315, s. 205.043, or s. 205.0535.

(b) Impose and collect a reasonable administrative fee or charge on the registered owner or other legally authorized person in control of a vehicle or vessel, or the lienholder of a vehicle or vessel, not to exceed 25 percent of the maximum towing rate, to cover the cost of enforcement, including parking enforcement, by the municipality when the vehicle or vessel is towed from public property. However, an authorized wrecker



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operator or towing business may impose and collect the
administrative fee or charge on behalf of the municipality and
shall remit such fee or charge to the municipality only after it
is collected.

Section 5. Present subsection (4) of section 323.002,
Florida Statutes, is redesignated as subsection (6), and new
subsections (4) and (5) are added to that section, to read:

323.002 County and municipal wrecker operator systems;
penalties for operation outside of system.—

(4) (a) Except as provided in paragraph (b), a county or
municipality may not adopt or maintain in effect an ordinance or
rule that imposes a charge, cost, expense, fine, fee, or penalty
on an authorized wrecker operator, registered owner or other
legally authorized person in control of a vehicle or vessel, or
the lienholder of a vehicle or vessel, when the vehicle or
vessel is towed by an authorized wrecker operator under this
chapter.

(b) A county or municipality may adopt or maintain an
ordinance or rule that imposes a reasonable administrative fee
or charge on the registered owner or other legally authorized
person in control of a vehicle or vessel, or the lienholder of a
vehicle or vessel, that is towed by an authorized wrecker
operator, not to exceed 25 percent of the maximum towing rate,
to cover the cost of enforcement, including parking enforcement,
by the county or municipality when the vehicle or vessel is
towed from public property. However, an authorized wrecker
operator or towing business may impose and collect the
administrative fee or charge on behalf of the county or
municipality and shall remit such fee or charge to the county or



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municipality only after it is collected.

(c) A municipality or county may not enact an ordinance or rule requiring an authorized wrecker operator to accept checks as a form of payment.

(5) This section does not affect an ordinance, resolution, or regulation enacted on or before January 1, 2019, by a charter county with a population exceeding 1.3 million according to the most recent decennial census which relates to the towing, impounding, removal, or storage of vehicles or vessels, including any amendment or revision made to such ordinance, resolution, or regulation after July 1, 2019; however, any changes to the ordinance, resolution, or regulation may not include new fees or charges to the towing operator or owner of the vehicle or vessel.

Section 6. Subsection (2) of section 713.78, Florida Statutes, is amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

(2) Whenever a person regularly engaged in the business of transporting vehicles or vessels by wrecker, tow truck, or car carrier recovers, removes, or stores a vehicle or vessel upon instructions from:

(a) The owner thereof;

(b) The owner or lessor, or a person authorized by the owner or lessor, of property on which such vehicle or vessel is wrongfully parked, and the removal is done in compliance with s. 715.07;

(c) The landlord or a person authorized by the landlord, when such motor vehicle or vessel remained on the premises after



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the tenancy terminated and the removal is done in compliance with s. 83.806 or s. 715.104; or

(d) Any law enforcement agency,

she or he shall have a lien on the vehicle or vessel for a reasonable towing fee, for a reasonable administrative fee or charge imposed by a county or municipality, and for a reasonable storage fee; except that no storage fee shall be charged if the vehicle or vessel is stored for less than 6 hours.

Section 7. Subsections (2) and (4) of section 715.07, Florida Statutes, are amended to read:

715.07 Vehicles or vessels parked on private property; towing.—

(2) The owner or lessee of real property, or any person authorized by the owner or lessee, which person may be the designated representative of the condominium association if the real property is a condominium, may cause any vehicle or vessel parked on such property without her or his permission to be removed by a person regularly engaged in the business of towing vehicles or vessels, without liability for the costs of removal, transportation, or storage or damages caused by such removal, transportation, or storage, under any of the following circumstances:

(a) The towing or removal of any vehicle or vessel from private property without the consent of the registered owner or other legally authorized person in control of that vehicle or vessel is subject to strict compliance with the following conditions and restrictions:

1.a. Any towed or removed vehicle or vessel must be stored



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at a site within a 10-mile radius of the point of removal in any county of 500,000 population or more, and within a 15-mile radius of the point of removal in any county of less than 500,000 population. That site must be open for the purpose of redemption of vehicles on any day that the person or firm towing such vehicle or vessel is open for towing purposes, from 8:00 a.m. to 6:00 p.m., and, when closed, shall have prominently posted a sign indicating a telephone number where the operator of the site can be reached at all times. Upon receipt of a telephoned request to open the site to redeem a vehicle or vessel, the operator shall return to the site within 1 hour or she or he will be in violation of this section.

b. If no towing business providing such service is located within the area of towing limitations set forth in subparagraph a., the following limitations apply: any towed or removed vehicle or vessel must be stored at a site within a 20-mile radius of the point of removal in any county of 500,000 population or more, and within a 30-mile radius of the point of removal in any county of less than 500,000 population.

2. The person or firm towing or removing the vehicle or vessel shall, within 30 minutes after completion of such towing or removal, notify the municipal police department or, in an unincorporated area, the sheriff, of such towing or removal, the storage site, the time the vehicle or vessel was towed or removed, and the make, model, color, and license plate number of the vehicle or description and registration number of the vessel and shall obtain the name of the person at that department to whom such information was reported and note that name on the trip record.



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3. A person in the process of towing or removing a vehicle or vessel from the premises or parking lot in which the vehicle or vessel is not lawfully parked must stop when a person seeks the return of the vehicle or vessel. The vehicle or vessel must be returned upon the payment of a reasonable service fee of not more than one-half of the posted rate for the towing or removal service as provided in subparagraph 6. The vehicle or vessel may be towed or removed if, after a reasonable opportunity, the owner or legally authorized person in control of the vehicle or vessel is unable to pay the service fee. If the vehicle or vessel is redeemed, a detailed signed receipt must be given to the person redeeming the vehicle or vessel.

4. A person may not pay or accept money or other valuable consideration for the privilege of towing or removing vehicles or vessels from a particular location.

5. Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in control of the vehicle or vessel that the area in which that vehicle or vessel is parked is reserved or otherwise unavailable for unauthorized vehicles or vessels and that the vehicle or vessel is subject to being removed at the owner's or operator's expense, any property owner or lessee, or person authorized by the property owner or lessee, prior to towing or removing any vehicle or vessel from private property without the consent of the owner or other legally authorized person in control of that vehicle or vessel, must post a notice meeting the following requirements:

a. The notice must be prominently placed at each driveway



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access or curb cut allowing vehicular access to the property~~7~~
~~within 5 feet from the public right-of-way line.~~ If there are no
curbs or access barriers, the signs must be posted not less than
one sign for each 25 feet of lot frontage.

b. The notice must ~~clearly~~ indicate, in not less than 2-
inch high, light-reflective letters on a contrasting background,
that unauthorized vehicles will be towed away at the owner's
expense. The words "tow-away zone" must be included on the sign
in not less than 4-inch high letters.

c. The notice must also provide the name and current
telephone number of the person or firm towing or removing the
vehicles or vessels.

d. The sign structure containing the required notices must
be permanently installed with the words "tow-away zone" ~~not less~~
~~than 3 feet and not more than 6 feet above ground level~~ and must
be continuously maintained on the property for not less than 24
hours prior to the towing or removal of any vehicles or vessels.

e. The local government may require permitting and
inspection of these signs prior to any towing or removal of
vehicles or vessels being authorized.

f. A business with 20 or fewer parking spaces satisfies the
notice requirements of this subparagraph by prominently
displaying a sign stating "Reserved Parking for Customers Only
Unauthorized Vehicles or Vessels Will be Towed Away At the
Owner's Expense" in not less than 4-inch high, light-reflective
letters on a contrasting background.

g. A property owner towing or removing vessels from real
property must post notice, consistent with the requirements in
sub-subparagraphs a.-f., which apply to vehicles, that



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unauthorized vehicles or vessels will be towed away at the owner's expense.

A business owner or lessee may authorize the removal of a vehicle or vessel by a towing company when the vehicle or vessel is parked in such a manner that restricts the normal operation of business; and if a vehicle or vessel parked on a public right-of-way obstructs access to a private driveway the owner, lessee, or agent may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted tow-away zone sign.

6. Any person or firm that tows or removes vehicles or vessels and proposes to require an owner, operator, or person in control or custody of a vehicle or vessel to pay the costs of towing and storage prior to redemption of the vehicle or vessel must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services and post at the storage site an identical rate schedule and any written contracts with property owners, lessees, or persons in control of property which authorize such person or firm to remove vehicles or vessels as provided in this section.

7. Any person or firm towing or removing any vehicles or vessels from private property without the consent of the owner or other legally authorized person in control or custody of the vehicles or vessels shall, on any trucks, wreckers as defined in s. 713.78(1)(c), or other vehicles used in the towing or removal, have the name, address, and telephone number of the company performing such service clearly printed in contrasting



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colors on the driver and passenger sides of the vehicle. The name shall be in at least 3-inch permanently affixed letters, and the address and telephone number shall be in at least 1-inch permanently affixed letters.

8. Vehicle entry for the purpose of removing the vehicle or vessel shall be allowed with reasonable care on the part of the person or firm towing the vehicle or vessel. Such person or firm shall be liable for any damage occasioned to the vehicle or vessel if such entry is not in accordance with the standard of reasonable care.

9. When a vehicle or vessel has been towed or removed pursuant to this section, it must be released to its owner or person in control or custody ~~custodian~~ within one hour after requested. Any vehicle or vessel owner or person in control or custody ~~has agent~~ shall have the right to inspect the vehicle or vessel before accepting its return, and no release or waiver of any kind which would release the person or firm towing the vehicle or vessel from liability for damages noted by the owner or the person in control or custody ~~other legally authorized person~~ at the time of the redemption may be required from any vehicle or vessel owner or person in control or custody ~~custodian, or agent~~ as a condition of release of the vehicle or vessel to its owner. A detailed, signed receipt showing the legal name of the company or person towing or removing the vehicle or vessel must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

(b) These requirements are minimum standards and do not preclude enactment of additional regulations by any municipality



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or county including the right to regulate rates when vehicles or vessels are towed from private property. However, a municipality or county may not enact an ordinance or rule requiring a towing business to accept checks as a form of payment. Additionally, a municipality or county may not authorize attorney fees or court costs in connection with the towing of vehicles or vessels from private property. The regulation of attorney fees and court costs in connection with the towing of vehicles or vessels from private property is expressly preempted to the state and any municipal or county ordinance on the subject is void.

~~(4) When a person improperly causes a vehicle or vessel to be removed, such person shall be liable to the owner or lessee of the vehicle or vessel for the cost of removal, transportation, and storage; any damages resulting from the removal, transportation, or storage of the vehicle or vessel; attorney's fees; and court costs.~~

Section 8. This act shall take effect July 1, 2019.

===== 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 towing of vehicles and vessels;
amending ss. 125.0103 and 166.043, F.S.; specifying
that local governments may enact rates to tow or
immobilize vessels on private property and to remove
and store vessels under specified circumstances;
defining the term "vessels"; creating ss. 125.01047



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and 166.04465, F.S.; prohibiting counties or municipalities from enacting certain ordinances or rules that impose fees or charges on authorized wrecker operators or towing businesses; defining the term "towing business"; providing exceptions; amending s. 323.002, F.S.; prohibiting counties or municipalities from adopting or maintaining in effect an ordinance or rule that imposes charges, costs, expenses, fines, fees, or penalties on authorized wrecker operators or registered owners or other legally authorized persons in control or lienholders of vehicles or vessels under certain conditions; providing exceptions; prohibiting municipalities or counties from enacting an ordinance or rule requiring an authorized wrecker operator to accept checks as a form of payment; amending s. 713.78, F.S.; authorizing certain persons to place liens on vehicles or vessels to recover specified fees or charges; amending s. 715.07, F.S.; revising certain notice and signage requirements; revising requirements relating to towing and to removing vehicles or vessels to include persons who are in custody of a vehicle or of a vessel; prohibiting municipalities or counties from enacting an ordinance or rule requiring a towing business to accept checks as a form of payment; prohibiting municipalities or counties from authorizing attorney fees or court costs in connection with the towing of vehicles or vessels from private property; providing that the regulation of attorney fees and court costs



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417 in connection with the towing of vehicles or vessels
418 from private property is expressly preempted to the
419 state and any municipal or county ordinance on the
420 subject is void; deleting a requirement related to
421 liability for improper removal of a vehicle or of a
422 vessel; providing an effective date.

By the Committee on Community Affairs; and Senator Gruters

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1 A bill to be entitled
 2 An act relating to towing and immobilizing of vehicles
 3 and vessels; amending ss. 125.0103 and 166.043, F.S.;
 4 specifying that local governments may enact rates to
 5 tow or immobilize vessels on private property and to
 6 remove and store vessels under specified
 7 circumstances; defining the term "immobilize";
 8 creating ss. 125.01047 and 166.04465, F.S.;
 9 prohibiting counties and municipalities, respectively,
 10 from enacting certain ordinances or rules that impose
 11 fees or charges on authorized wrecker operators,
 12 towing businesses, or vehicle immobilization services;
 13 defining the term "towing business"; providing
 14 exceptions; amending s. 323.002, F.S.; prohibiting
 15 counties or municipalities from imposing charges,
 16 costs, expenses, fines, fees, or penalties on
 17 registered owners, other legally authorized persons in
 18 custody or in control, or lienholders of vehicles or
 19 vessels under certain conditions; providing
 20 exceptions; amending s. 713.78, F.S.; authorizing
 21 certain persons to place liens on vehicles or vessels
 22 to recover specified fees or charges; amending s.
 23 715.07, F.S.; revising certain notice requirements;
 24 revising requirements relating to towing and to
 25 removing vehicles or vessels to include persons who
 26 are in custody of a vehicle or of a vessel; deleting a
 27 requirement related to liability for improper removal
 28 of a vehicle or of a vessel; creating s. 715.08, F.S.;
 29 defining terms; authorizing vehicle immobilization

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30 devices to be used on trespassing motor vehicles;
 31 prohibiting persons from acting as operators of a
 32 vehicle immobilization service in this state unless
 33 specified requirements are met; providing requirements
 34 for such operators and persons acting on behalf of
 35 such operators; authorizing an operator to conduct
 36 vehicle immobilization at any time; providing notice
 37 requirements for immobilization of a vehicle;
 38 prohibiting a vehicle immobilization service or
 39 operator from taking specified actions; providing
 40 requirements for a certain receipt of payment;
 41 providing liability requirements under certain
 42 circumstances; providing insurance requirements for
 43 the operator; prohibiting the operator from engaging
 44 in specified activities; providing signage
 45 requirements; authorizing a certain local government
 46 to impose a fine upon an operator and to revoke,
 47 suspend, or not renew an operator's license for due
 48 cause; providing notice and hearing requirements for
 49 adverse actions regarding certain licenses; requiring
 50 disqualification from reapplying for a certain license
 51 for a specified period under certain circumstances;
 52 authorizing the revocation of an operator's license
 53 under certain circumstances; providing maximum
 54 specified fines and suspension of license for certain
 55 violations; providing an exception; providing an
 56 effective date.

57
 58 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Paragraphs (b) and (c) of subsection (1) of section 125.0103, Florida Statutes, are amended to read:

125.0103 Ordinances and rules imposing price controls; findings required; procedures.—

(1)

(b) ~~The provisions of~~ This section does shall not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, or port rates, rates for towing of vehicles or vessels from, or immobilization of vehicles or vessels on, private property, or rates for removal and storage of wrecked or disabled vehicles or vessels from an accident scene or the removal and storage of vehicles or vessels in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel.

(c) Counties must establish maximum rates that which may be charged for on the towing of vehicles or vessels from, or immobilization of vehicles or vessels on, private property, the removal and storage of wrecked or disabled vehicles or vessels from an accident scene or for the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel. However, if a municipality chooses to enact an ordinance establishing the maximum rates fees for the towing or

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immobilization of vehicles or vessels as described in paragraph (b), the county's ordinance does shall not apply within such municipality. For purposes of this paragraph, the term "immobilize" means the act of rendering a vehicle or vessel inoperable by the use of a device such as a "boot" or "club," the "Barnacle," or any other device that renders a vehicle or vessel inoperable.

Section 2. Section 125.01047, Florida Statutes, is created to read:

125.01047 Rules and ordinances relating to towing and to vehicle immobilization services.—

(1) A county may not enact an ordinance or rule that would impose a fee or charge on an authorized wrecker operator as defined in s. 323.002(1); a towing business for towing, impounding, or storing a vehicle or vessel; or a vehicle immobilization service as defined in s. 715.08. As used in this section, the term "towing business" means a business that provides towing services for monetary gain.

(2) The prohibition imposed in subsection (1) does not affect a county's authority to:

(a) Levy a reasonable business tax under s. 205.0315, s. 205.033, or s. 205.0535.

(b) Impose on and collect from the registered owner or other legally authorized person in control of a vehicle or vessel, or the lienholder of a vehicle or vessel, a reasonable administrative fee or charge not to exceed 25 percent of the maximum towing or of the immobilization rate, to cover the cost of enforcement, including parking enforcement, by the county when the vehicle or vessel is towed from or immobilized on

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public property. However, an authorized wrecker operator, towing business, or vehicle immobilization service may impose and collect the administrative fee or charge on behalf of the county and shall remit such fee or charge to the county after it is collected.

(3) This section does not affect an ordinance, resolution, or regulation enacted on or before January 1, 2019, by a charter county with a population exceeding 1.3 million according to the most recent decennial census which relates to the towing, immobilization, removal, or storage of vehicles or vessels, including any amendment or revision made to such ordinance, resolution, or regulation after July 1, 2019.

Section 3. Paragraphs (b) and (c) of subsection (1) of section 166.043, Florida Statutes, are amended to read:

166.043 Ordinances and rules imposing price controls; findings required; procedures.—

(1)

(b) ~~The provisions of~~ This section does ~~shall~~ not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, or port rates, rates for towing of vehicles or vessels from, or immobilization of vehicles or vessels on, private property, or rates for removal and storage of wrecked or disabled vehicles or vessels from an accident scene or the removal and storage of vehicles or vessels in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel.

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(c) Counties must establish maximum rates that ~~which~~ may be charged ~~for~~ ~~on~~ the towing of vehicles or vessels from, or immobilization of vehicles or vessels on, private property, the removal and storage of wrecked or disabled vehicles or vessels from an accident scene or ~~for~~ the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel. However, if a municipality chooses to enact an ordinance establishing the maximum rates ~~fees~~ for the towing or immobilization of vehicles or vessels as described in paragraph (b), the county's ordinance established under s. 125.0103 does ~~shall~~ not apply within such municipality. For purposes of this paragraph, the term "immobilize" means the act of rendering a vehicle or a vessel inoperable by the use of a device such as a "boot" or "club," the "Barnacle," or any other device that renders the vehicle or the vessel inoperable.

Section 4. Section 166.04465, Florida Statutes, is created to read:

166.04465 Rules and ordinances relating to towing or to vehicle immobilization services.—

(1) A municipality may not enact an ordinance or rule that would impose a fee or charge on an authorized wrecker operator as defined in s. 323.002(1); on a towing business for towing, impounding, or storing a vehicle or vessel; or a vehicle immobilization service as defined in s. 715.08. As used in this section, the term "towing business" means a business that provides towing services for monetary gain.

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(2) The prohibition imposed in subsection (1) does not affect a municipality's authority to:

(a) Levy a reasonable business tax under s. 205.0315, s. 205.043, or s. 205.0535.

(b) Impose on and collect from the registered owner or other legally authorized person in control of a vehicle or vessel, or the lienholder of a vehicle or vessel, a reasonable administrative fee or charge not to exceed 25 percent of the maximum towing or immobilization rate, to cover the cost of enforcement, including parking enforcement, by the municipality when the vehicle or vessel is towed from or immobilized on public property. However, an authorized wrecker operator, towing business, or vehicle immobilization service may impose and collect the administrative fee or charge on behalf of the municipality and shall remit such fee or charge to the municipality after it is collected.

Section 5. Present subsection (4) of section 323.002, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

323.002 County and municipal wrecker operator systems; penalties for operation outside of system.—

(4) (a) Except as provided in paragraph (b), a county or municipality may not adopt or maintain an ordinance or rule that imposes a charge, cost, expense, fine, fee, or penalty on a registered owner or other legally authorized person in custody or in control of a vehicle or vessel, or the lienholder of a vehicle or vessel, when the vehicle or vessel is towed by an authorized wrecker operator under this chapter.

(b) A county or municipality may adopt or maintain an

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ordinance or rule that imposes a reasonable administrative fee or charge on the registered owner or other legally authorized person in control of a vehicle or vessel, or the lienholder of a vehicle or vessel, when the vehicle or vessel is towed by an authorized wrecker operator. The fee or charge may not exceed 25 percent of the maximum towing rate, to cover the cost of enforcement, including parking enforcement, by the county or municipality when the vehicle or vessel is towed from public property. However, an authorized wrecker operator or towing business may impose and collect the administrative fee or charge on behalf of the county or municipality and shall remit such fee or charge to the county or municipality after it is collected.

(c) This subsection does not affect an ordinance, resolution, or regulation enacted on or before January 1, 2019, by a charter county with a population exceeding 1.3 million according to the most recent decennial census which imposes a charge, cost, expense, fine, fee, or penalty on a registered owner or other legally authorized person in control of a vehicle or vessel, or the lienholder of a vehicle or vessel, when the vehicle or vessel is towed by an authorized wrecker operator under this chapter.

Section 6. Subsection (2) of section 713.78, Florida Statutes, is amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

(2) Whenever a person regularly engaged in the business of transporting vehicles or vessels by wrecker, tow truck, or car carrier recovers, removes, or stores a vehicle or vessel upon instructions from:

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233 (a) The owner thereof;

234 (b) The owner or lessor, or a person authorized by the

235 owner or lessor, of property on which such vehicle or vessel is

236 wrongfully parked, and the removal is done in compliance with s.

237 715.07;

238 (c) The landlord or a person authorized by the landlord,

239 when such motor vehicle or vessel remained on the premises after

240 the tenancy terminated and the removal is done in compliance

241 with s. 83.806 or s. 715.104; or

242 (d) Any law enforcement agency,

243

244 she or he shall have a lien on the vehicle or vessel for a

245 reasonable towing fee, for a reasonable administrative fee or

246 charge imposed by a county or a municipality, and for a

247 reasonable storage fee; except that a ~~no~~ storage fee may not

248 ~~shall~~ be charged if the vehicle or the vessel is stored for less

249 than 6 hours.

250 Section 7. Subsection (2) and present subsection (4) of

251 section 715.07, Florida Statutes, are amended, and present

252 subsection (5) of that section is redesignated as subsection

253 (4), to read:

254 715.07 Vehicles or vessels parked on private property;

255 towing.—

256 (2) The owner or lessee of real property, or any person

257 authorized by the owner or lessee, which person may be the

258 designated representative of the condominium association if the

259 real property is a condominium, may cause any vehicle or vessel

260 parked on such property without her or his permission to be

261 removed by a person regularly engaged in the business of towing

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262 vehicles or vessels, without liability for the costs of removal,

263 transportation, or storage or damages caused by such removal,

264 transportation, or storage, under any of the following

265 circumstances:

266 (a) The towing or removal of any vehicle or vessel from

267 private property without the consent of the registered owner or

268 other legally authorized person in control of that vehicle or

269 vessel is subject to strict compliance with the following

270 conditions and restrictions:

271 1.a. Any towed or removed vehicle or vessel must be stored

272 at a site within a 10-mile radius of the point of removal in any

273 county of 500,000 population or more, and within a 15-mile

274 radius of the point of removal in any county of less than

275 500,000 population. That site must be open for the purpose of

276 redemption of vehicles on any day that the person or firm towing

277 such vehicle or vessel is open for towing purposes, from 8:00

278 a.m. to 6:00 p.m., and, when closed, shall have prominently

279 posted a sign indicating a telephone number where the operator

280 of the site can be reached at all times. Upon receipt of a

281 telephoned request to open the site to redeem a vehicle or

282 vessel, the operator shall return to the site within 1 hour or

283 she or he will be in violation of this section.

284 b. If no towing business providing such service is located

285 within the area of towing limitations set forth in sub-

286 subparagraph a., the following limitations apply: any towed or

287 removed vehicle or vessel must be stored at a site within a 20-

288 mile radius of the point of removal in any county of 500,000

289 population or more, and within a 30-mile radius of the point of

290 removal in any county of less than 500,000 population.

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2. The person or firm towing or removing the vehicle or vessel shall, within 30 minutes after completion of such towing or removal, notify the municipal police department or, in an unincorporated area, the sheriff, of such towing or removal, the storage site, the time the vehicle or vessel was towed or removed, and the make, model, color, and license plate number of the vehicle or description and registration number of the vessel and shall obtain the name of the person at that department to whom such information was reported and note that name on the trip record.

3. A person in the process of towing or removing a vehicle or vessel from the premises or parking lot in which the vehicle or vessel is not lawfully parked must stop when a person seeks the return of the vehicle or vessel. The vehicle or vessel must be returned upon the payment of a reasonable service fee of not more than one-half of the posted rate for the towing or removal service as provided in subparagraph 6. The vehicle or vessel may be towed or removed if, after a reasonable opportunity, the owner or legally authorized person in control of the vehicle or vessel is unable to pay the service fee. If the vehicle or vessel is redeemed, a detailed signed receipt must be given to the person redeeming the vehicle or vessel.

4. A person may not pay or accept money or other valuable consideration for the privilege of towing or removing vehicles or vessels from a particular location.

5. Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in control of the vehicle or vessel that the

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area in which that vehicle or vessel is parked is reserved or otherwise unavailable for unauthorized vehicles or vessels and that the vehicle or vessel is subject to being removed at the owner's or operator's expense, any property owner or lessee, or person authorized by the property owner or lessee, prior to towing or removing any vehicle or vessel from private property without the consent of the owner or other legally authorized person in control of that vehicle or vessel, must post a notice meeting the following requirements:

a. The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property, ~~within 5 feet from the public right of way line.~~ If there are no curbs or access barriers, the signs must be posted not less than one sign for each 25 feet of lot frontage.

b. The notice must clearly indicate, ~~in not less than 2-inch high, light-reflective letters on a contrasting background,~~ that unauthorized vehicles will be towed away at the owner's expense. The words "tow-away zone" must be included on the sign ~~in not less than 4-inch high letters.~~

c. The notice must also provide the name and current telephone number of the person or firm towing or removing the vehicles or vessels.

d. The sign structure containing the required notices must be permanently installed with the words "tow-away zone" ~~not less than 3 feet and not more than 6 feet above ground level~~ and must be continuously maintained on the property for not less than 24 hours prior to the towing or removal of any vehicles or vessels.

e. The local government may require permitting and inspection of these signs prior to any towing or removal of

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vehicles or vessels being authorized.

f. A business with 20 or fewer parking spaces satisfies the notice requirements of this subparagraph by prominently displaying a sign that clearly states ~~stating~~ "Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense." ~~in not less than 4-inch high, light-reflective letters on a contrasting background.~~

g. A property owner towing or removing vessels from real property must post notice, consistent with the requirements in sub-subparagraphs a.-f., which apply to vehicles, that unauthorized vehicles or vessels will be towed away at the owner's expense.

A business owner or lessee may authorize the removal of a vehicle or vessel by a towing company when the vehicle or vessel is parked in such a manner that restricts the normal operation of business; and if a vehicle or vessel parked on a public right-of-way obstructs access to a private driveway the owner, lessee, or agent may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted tow-away zone sign.

6. Any person or firm that tows or removes vehicles or vessels and proposes to require an owner, operator, or person in custody or control of a vehicle or vessel to pay the costs of towing and storage prior to redemption of the vehicle or vessel must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services and post at the storage site an identical rate schedule and any written contracts with property owners,

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lessees, or persons in control of property which authorize such person or firm to remove vehicles or vessels as provided in this section.

7. Any person or firm towing or removing any vehicles or vessels from private property without the consent of the owner or other legally authorized person in custody or control of the vehicles or vessels shall, on any trucks, wreckers as defined in s. 713.78(1)(c), or other vehicles used in the towing or removal, have the name, address, and telephone number of the company performing such service clearly printed ~~in contrasting colors~~ on the driver and passenger sides of the vehicle. ~~The name shall be in at least 3 inch permanently affixed letters, and the address and telephone number shall be in at least 1 inch permanently affixed letters.~~

8. Vehicle entry for the purpose of removing the vehicle or vessel shall be allowed with reasonable care on the part of the person or firm towing the vehicle or vessel. Such person or firm shall be liable for any damage occasioned to the vehicle or vessel if such entry is not in accordance with the standard of reasonable care.

9. When a vehicle or vessel has been towed or removed pursuant to this section, it must be released to its owner or to the person in custody or control ~~custodian~~ within one hour after requested. Any vehicle or vessel owner or the person in custody or control ~~agent~~ shall have the right to inspect the vehicle or vessel before accepting its return, and no release or waiver of any kind which would release the person or firm towing the vehicle or vessel from liability for damages noted by the owner or by the person in custody or control ~~other legally authorized~~

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person at the time of the redemption may be required from any vehicle or vessel owner, ~~custodian~~, or person in custody or control agent as a condition of release of the vehicle or vessel to its owner. A detailed, signed receipt showing the legal name of the company or person towing or removing the vehicle or vessel must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

(b) These requirements are minimum standards and do not preclude enactment of additional regulations by any municipality or county, including the right to regulate rates when vehicles or vessels are towed from private property.

~~(4) When a person improperly causes a vehicle or vessel to be removed, such person shall be liable to the owner or lessee of the vehicle or vessel for the cost of removal, transportation, and storage; any damages resulting from the removal, transportation, or storage of the vehicle or vessel; attorney's fees; and court costs.~~

Section 8. Section 715.08, Florida Statutes, is created to read:

715.08 Vehicle immobilization services.-

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

(a) "Immobilize" means the act of rendering a vehicle or a vessel inoperable by the use of a vehicle immobilization device.

(b) "License" means a license, a permit, or other similar grant of authority to operate issued to an operator by a local government.

(c) "Operator" means any person, as defined in s. 1.01(3), individual, or entity, including, but not limited to, a sole proprietor, an independent contractor, a partnership, or a

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similar business entity, offering or operating a vehicle immobilization service.

(d) "Vehicle immobilization device" means any mechanical device that is designed or used to be attached to a wheel, a tire, or other part of a parked motor vehicle which includes, but is not limited to, a "boot" or "club," the "Barnacle," or any other device that renders a vehicle or vessel inoperable.

(e) "Vehicle immobilization service" means any service in which vehicles are immobilized.

(2) VEHICLE IMMOBILIZATION OPERATIONS; REQUIREMENTS.-

(a) Vehicle immobilization devices may be used on trespassing motor vehicles as provided for under this section.

(b) It is unlawful for any person to act as an operator within this state unless the person is properly licensed or approved by a local government.

(c) It is unlawful for any person to act as an operator if the person also has ownership or any other valuable consideration in property or a lot being used for the business of parking, or allowing for the parking of, motor vehicles or is engaged in the business of parking lot or valet parking operations.

(d) Each operator shall conduct vehicle immobilization services using a name that is distinguishable from any other existing operator.

(e)1. An operator shall issue all individuals under the operator's employment, or who are acting on behalf of the operator, including the operator himself or herself, or partners, members, or officers of the operator, a photo identification with the name of the operator. Such an individual

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465 shall carry this operator-issued identification with him or her
 466 at all times while performing vehicle immobilization services.

467 2. All individuals under an operator's employment, or who
 468 are acting on behalf of the operator, including the operator
 469 himself or herself, or partners, members, or officers of the
 470 operator, shall wear a uniform that clearly identifies the name
 471 of the operator while performing vehicle immobilization
 472 services.

473 3. All vehicles being used by operators or individuals
 474 under an operator's employment to perform vehicle immobilization
 475 services must have prominently displayed on both sides of each
 476 vehicle the name of the operator and that the operator performs
 477 vehicle immobilization services, the address from which the
 478 operator conducts business, and the telephone number of the
 479 operator. The lettering must be in a contrasting color to the
 480 color of the vehicle, or if a vehicle magnet or decal is used,
 481 the lettering must be in a contrasting color to the color of the
 482 magnet or decal. The lettering must be at least one and one-half
 483 inches in height.

484 (f)1. An operator may conduct vehicle immobilization
 485 services 24 hours per day, 7 days per week, and 365 days per
 486 year.

487 2. An operator shall maintain a telephone number that is
 488 staffed by a live individual 24 hours per day and 365 days per
 489 year to communicate immediately with a driver or owner of an
 490 immobilized vehicle.

491 (g) An operator who has immobilized a vehicle shall
 492 immediately affix a notice to the driver's side window
 493 containing, at minimum, the following information:

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494 1. A warning that any attempt to move the vehicle may
 495 result in damage to the vehicle; and

496 2. The fee required to remove the immobilization device,
 497 the name of the operator, and the telephone number to call to
 498 have the immobilization device removed.

499 (h) It is unlawful for a vehicle immobilization service or
 500 operator to:

501 1. Immobilize vehicles on any private property without
 502 having entered into a valid written contract for vehicle
 503 immobilization services with the private property owner, the
 504 lawful lessee, the managing agent, or other person in control of
 505 the property;

506 2. Fail to arrive on the site where a vehicle was
 507 immobilized within 1 hour of being contacted by the owner, the
 508 driver, or the person in custody or in control of the vehicle;

509 3. Fail to release a vehicle from immobilization within 1
 510 hour after receipt of payment from the owner, the driver, or the
 511 person in charge of a vehicle that has been immobilized; and

512 4. Fail to provide a receipt of payment of the
 513 immobilization fee to the owner, the driver, or the person in
 514 custody or in control of an immobilized vehicle. The receipt
 515 must have the name, address, and telephone number of the
 516 operator; the name of the individual under the operator's
 517 employment or the partner, member, or officer of such operator
 518 who removed the immobilization device; and the operator's
 519 license number as issued by the department.

520 (i)1. If the application of a vehicle immobilization device
 521 damages a vehicle, the operator shall pay the cost of repairs
 522 for that damage.

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2. If the owner, the driver, or the person in charge of a motor vehicle to which an immobilization device has been installed attempts to operate such motor vehicle or to remove the device, then the operator is not liable for any damage to the vehicle resulting from such attempt. In such an instance, the owner, the driver, or the person in charge of the immobilized vehicle is liable to the operator for the cost of damage to the vehicle immobilization device.

(j) An operator shall maintain minimum insurance coverage in the amount of \$1 million in commercial general liability, \$1 million in commercial automobile liability, \$1 million in garage liability, \$1 million in professional liability, and \$1 million in umbrella coverage and shall have workers' compensation coverage on all employees.

(3) PROHIBITED ACTIVITIES.—An operator may not do any of the following:

(a) Procure a license issued by a local government by fraudulent conduct or by a false statement of a material fact.

(b) Pay, in the form of a gratuity or any other valuable consideration, any person who does not have ownership in property or in a lot being used for the business of parking, or allowing for the parking of, motor vehicles for information as to illegally parked vehicles.

(c) Make any payment or other valuable consideration to an owner, an employee, an agent, or a person in possession of property or a lot that is being used for the business of parking, or allowing for the parking of, motor vehicles in excess of the reasonable and customary fee ordinarily charged by such person in possession of such property or lot for parking

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thereon.

(d) Charge fees in excess of those provided for in this section.

(e) Impound any vehicle located on any portion of a public way within this state, unless such operator is contracted to do so by a governmental agency.

(4) SIGNAGE; REQUIREMENTS.—

(a) It is unlawful for any operator to install or to attach a device to any motor vehicle without posting signs meeting the following requirements:

1. The operator shall install signs at each designated entrance to a parking lot or parking area where parking prohibitions are in effect. If there is no designated entrance, the operator shall erect the signs so they are clearly visible from every parking space;

2. Signs must be a minimum of 18 inches by 24 inches, or if not allowed in such size, the maximum allowable size, with lettering a minimum height of one and one-half inches; and

3. Sign lettering must be in a solid color that contrasts with the sign's background.

(b) An operator's signs must clearly state the following, at a minimum:

1. WARNING: IMMOBILIZATION ENFORCED 24/7.

2. UNAUTHORIZED VEHICLES MAY BE IMMOBILIZED AT OWNER'S RISK AND EXPENSE.

3. THE IMMOBILIZATION OPERATOR IS ...(insert name of vehicle immobilization service)....

4. THE TELEPHONE NUMBER FOR IMMOBILIZATION REMOVAL IS

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581 ...(insert operator's telephone number)....

582

583 (c) No abbreviations may be used on signs required under

584 this subsection.

585 (5) ADMINISTRATIVE ACTIONS; OPERATOR RIGHTS.-

586 (a) A local government that has jurisdiction over, and that

587 issued a license to, an operator may impose a fine upon the

588 operator and may revoke, suspend, or not renew the operator's

589 license for due cause.

590 (b) Adverse actions may not be taken regarding any license

591 issued pursuant to this section until and after notice has been

592 provided and a hearing has been held by the local government.

593 Notice of such hearing must be given in writing and served at

594 least 30 days before the date of a hearing. The notice must

595 state the grounds of the complaint against the holder of such

596 license and must designate the time and place where such hearing

597 will be held. The notice must be served upon the license holder

598 via certified mail, signature required, addressed to the license

599 holder at the address provided on the operator's current

600 application.

601 (c) Any operator whose license has been revoked pursuant to

602 this section is disqualified from reapplying to the local

603 government for another license for 12 months immediately

604 following the revocation. The violation of any provision of this

605 section by any person with any ownership interest in the vehicle

606 immobilization service may result in the revocation of the

607 operator's license.

608 (d) The maximum fine for any violation of this section is

609 \$1,000. The maximum suspension of a license for any one

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

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610 violation of this section is 30 days.

611 (6) COUNTY ORDINANCES NOT AFFECTED.-This section does not

612 affect an ordinance, resolution, or regulation enacted on or

613 before January 1, 2019, by a charter county with a population

614 exceeding 1.3 million according to the most recent decennial

615 census which relates to the towing, immobilization, removal, or

616 storage of vehicles or vessels, including any amendment or

617 revision made to such ordinance, resolution, or regulation after

618 July 1, 2019.

619 Section 9. This act shall take effect July 1, 2019.

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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)

4/2/19

Meeting Date

CS/SB 1792

Bill Number (if applicable)

Topic Towing and Immobilization of Vehicles

Amendment Barcode (if applicable)

Name Igor Hernandez

Job Title Attorney

Address 2525 Ponce de Leon Blvd. Ste 300

Street

Phone 305-780-6058

City Coral Gables, FL

State

33145

Zip

Email ihernandez@delglange.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Public

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

04/02/19
Meeting Date

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

1792
Bill Number (if applicable)

Topic Towing of Vehicles

Amendment Barcode (if applicable)

Name David Custin

Job Title David R. Custin & Associates, Inc.

Address 6401 SW 113 PL
Street

Phone 305-607-8596

Miami FL 33173
City State Zip

Email CustinDR@DavidRCustin.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Tremont Towing, Inc. AND Beach Towing, 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)

4/2/19

Meeting Date

1792

Bill Number (if applicable)

Topic Towing

Amendment Barcode (if applicable)

Name Jose Diaz

Job Title _____

Address 108 E Jefferson St.
Street

Phone 850-294-7583

Tallahassee FL 32301
City State Zip

Email jdiaz@colan.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Professional Wrecker Operators 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)

4/2/19

Meeting Date

1792

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Greg Pound

Job Title _____

Address 9166 Sunrise Dr.

Street

Phone _____

Largo

City

FL

State

33773

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
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 1104

INTRODUCER: Infrastructure and Security Committee and Senator Bean

SUBJECT: Transportation Credentials

DATE: April 3, 2019

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1104 deals with transportation credentials. The bill:

- Creates 34 specialty license plates (SLP), and provides for the design of the SLPs and the use of the annual fees associated with the SLPs;
- Authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to issue SLPs for fleet vehicles and motor vehicle dealer vehicles upon approval by the SLP's sponsoring organization;
- Establishes a cap at 125 SLPs and provides a revised process for the discontinuation of low performing SLPs and the addition of new SLPs;
- Requires the DHSMV to conduct an audit every three years of certain SLP recipient organizations; and
- Expands the prohibition against using SLP revenues for lobbying.

The bill also creates two new special use plates for recipients of the Purple Heart and the Bronze Star.

CS/SB 1106 (2019), which this bill is linked to, provides for an annual use fee of \$25 for a SLP and \$50 for out of state collegiate SLPs.

According to the DHSMV, the bill will have a negative, but insignificant fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The bill has an effective date of October 1, 2019, but only if CS/SB 1106 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:

Specialty License Plates

Presently, there are over 120 SLPs available for purchase in Florida.¹ SLPs are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.² The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the SLP's design and designated in statute.³

In order to establish a SLP and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue pre-sale vouchers for the SLP; and
- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing of the SLP may begin.

If the minimum sales requirement has not been met by the end of the 24-month pre-sale period, then the DHSMV will discontinue the SLP and issuance of pre-sale vouchers. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other SLP or apply for a refund with the DHSMV.⁴

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.⁵ Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.⁶

DHSMV Costs Defrayed

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of SLPs to defray its costs for inventory, distribution, and other direct costs associated with the SLP program. The remainder of the proceeds collected are distributed as provided by law.⁷

¹ A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited March 31, 2019).

² Section 320.08056, F.S.

³ Section 320.08058, F.S.

⁴ Section 320.08053(2)(b), F.S.

⁵ Section 320.08056(10)(a), F.S.

⁶ Section 320.08062, F.S.

⁷ Section 320.08056(7), F.S.

Discontinuance of Specialty Plates

The DHSMV must discontinue the issuance of an approved SLP if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid SLP registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum SLP requirement.⁸ In addition, the DHSMV is authorized to discontinue any SLP if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.⁹

Fleet/Dealer Specialty License Plates

Section 320.06, F.S., provides for motor vehicle registration certificates, license plates, and validation stickers. Section 320.06(3)(a), F.S., provides requirements for the design of various license plates. The statute requires dealer license plates to be imprinted with "Florida" at the top and "Dealer" at the bottom.

Section 320.0657, F.S., provides for permanent registration for fleet license plates. The term "fleet" means nonapportioned motor vehicles owned or leased by a company and used for business purposes. Vehicle numbers comprising a "fleet" shall be established by the DHSMV.¹⁰ According to the DHSMV, in order to participate in the fleet vehicle program the company must have a minimum of 200 vehicles or a minimum of 25 trailers or semitrailers used exclusively to haul agricultural products.¹¹

The owner or lessee of a fleet of motor vehicles must, upon application in the manner and at the time prescribed and upon the DHSMV approval and payment of the appropriate license tax be issued permanent fleet license plates. Fleet license plates must have the word "Fleet" appearing at the bottom and the word "Florida" appearing at the top.¹² All vehicles with a fleet license plate must have the company's name or logo and unit number displayed so that they are readily identifiable.¹³

Section 320.08, F.S., provides the license taxes for various types of motor vehicles, and provides that the fee for a dealer license plate is \$17.¹⁴

⁸ Section 320.08056(8)(a), F.S.

⁹ Section 320.08056(8)(b), F.S.

¹⁰ Section 320.0657(1), F.S.

¹¹ Florida Highway Safety and Motor Vehicles, *Motor Vehicle Procedures Manual, Section 2. Registration, Procedure RS-55 II D.*, <https://www3.flhsmv.gov/dmv/Proc/rs/rs-55.pdf> (last visited March 31, 2019).

¹² Section 320.0657(2)(b), F.S.

¹³ Section 320.0657(2)(a), F.S.

¹⁴ Section 320.08(12), F.S.

Existing Specialty License Plates

Special Olympics Florida License Plate

Section 320.08058(7), F.S., creates the Special Olympics Florida SLP with an annual use fee of \$15.¹⁵ The license plate contains the official Special Olympics Florida logo with “Florida” centered at the bottom of the plate, and “Everyone Wins” centered at the top of the plate.¹⁶

Live the Dream License Plate

Section 320.08058(48), F.S., creates the Live the Dream SLP with an annual use fee of \$25.¹⁷ Proceeds from the Live the Dream SLP are distributed to the Dream Foundation, Inc., which retained the first \$60,000 in proceeds from the annual use fees as reimbursement for administrative costs, startup costs, and costs incurred in the SLP approval process. After those costs are reimbursed, up to 25 percent of the proceeds must be used for continuing promotion and marketing of the license plate and concept. The remaining funds must be distributed as follows:

- Twenty-five percent equally among the sickle cell organizations that are Florida members of the Sickle Cell Disease Association of America, Inc., for programs providing research, care, and treatment for sickle cell disease.
- Twenty-five percent to the Florida chapter of the March of Dimes for programs and services improving the health of babies through preventing birth defects and infant mortality.
- Ten percent to the Florida Association of Healthy Start Coalitions to decrease racial disparity in infant mortality and to increase healthy birth outcomes. Funding will be used by local Healthy Start Coalitions to provide services and increase screening rates for high-risk pregnant women, children under four years of age, and women of childbearing age.
- Ten percent to the Community Partnership for Homeless, Inc., for programs that provide relief from poverty, hunger, and homelessness.
- Five percent to the Dream Foundation, Inc., for administrative costs directly associated with operations relating to the management and distribution of the proceeds.¹⁸

In March 2015, the DHSMV began withholding funds from the Dream Foundation, Inc., because the organization failed to produce financial documentation that the DHSMV requested. In August 2015, a DHSMV Inspector General Audit found that the funds from the sale of the Live the Dream SLP were being improperly distributed. In 2016, the Dream Foundation, Inc., was administratively dissolved by the Department of State (DOS) and was subsequently reinstated as a new corporation with new corporate officers. Additionally, a royalty payment was due to the Martin Luther King, Jr., Center for Nonviolent Social Change, Inc., for the use of Dr. Martin Luther King Jr.’s image on the license plate.¹⁹

¹⁵ Section 320.08056(4)(g), F.S.

¹⁶ Section 320.08058(7)(a), F.S.

¹⁷ Section 320.08056(4)(vv), F.S.

¹⁸ Section 320.08058(48)(b), F.S.

¹⁹ Florida Highway Safety and Motor Vehicles, *Audit Reports Issued in Fiscal Year 2015-16*, <https://www.flhsmv.gov/pdf/igoffice/080415.pdf> (last visited March 31, 2019).

Lighthouse Association License Plate

Section 320.08058(65), F.S., creates the Lighthouse Association SLP with an annual use fee of \$25.²⁰ The license plate currently features the term “Visit Our Lights” on the bottom of the plate.

In God We Trust License Plate

Section 320.08058(66), F.S., creates an In God We Trust SLP with an annual use fee of \$25.²¹ The annual use fees are distributed to the In God We Trust Foundation, Inc., to fund educational scholarships for the children of Florida residents who are members of the United States Armed Forces, the National Guard, and the United States Armed Forces Reserve and for the children of public safety employees who have died in the line of duty who are not covered by existing state law. Funds must also be distributed to other non-profit organizations that may apply for grants and scholarships and to provide educational grants to public and private schools to promote the historical and religious significance of American and Florida history. The In God We Trust Foundation, Inc., must distribute the license plate annual use fees in the following manner:

- The In God We Trust Foundation, Inc., retains all revenues from the sale of the license plates until all startup costs for developing and establishing the license plate have been recovered.
- Ten percent of the funds received by the In God We Trust Foundation, Inc., must be spent on administrative costs, promotion, and marketing of the license plate directly associated with the operations of the In God We Trust Foundation, Inc.
- All remaining funds must be expended by the In God We Trust Foundation, Inc., for programs.²²

Fallen Law Enforcement Officer License Plate

Section 320.08058(80), F.S., creates the Fallen Law Enforcement Officers license plate with an annual use fee of \$25.²³ The annual use fees are distributed to the Police and Kids Foundation, Inc., which may use a maximum of 10 percent of the proceeds to promote and market the plate. The remainder of the proceeds must be used by the Police and Kids Foundation, Inc., to invest and reinvest and the interest earnings must be used for the operation of the Police and Kids Foundation, Inc.

Military Service Special License Plates

Currently, s. 320.089, F.S., authorizes 21 special license plates available to military service members or veterans for certain types of military service. Examples of service include Veteran of the U.S. Armed Forces, World War II Veteran, and Woman Veteran. While anyone who pays the appropriate fees may purchase most SLPs, one must provide proof of eligibility to obtain a special license plate.

Special license plates are each stamped with words consistent with the type of special license plate issued. A likeness of the related campaign medal or badge appears on the plate followed by the license plate serial number.

²⁰ Section 320.08056(4)(mmm), F.S.

²¹ Section 320.08056(4)(nnn), F.S.

²² Section 320.08056(66)(b), F.S.

²³ Section 320.08056(4)(bbbb), F.S.

Applicants for special license plates are required to pay the annual license tax²⁴ with the exception of certain disabled veterans who qualify for the Pearl Harbor, Purple Heart, or Prisoner of War plate, to whom such plates are issued at no cost.²⁵ The first \$100,000 of the revenue generated annually from the issuance of special use plates is deposited into the Grants and Donations Trust Fund under the Veterans' Nursing Homes of Florida Act.²⁶ Any additional revenue is deposited into the State Homes for Veterans Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans.²⁷

The Purple Heart

The Purple Heart is awarded to members of the U.S. Armed Forces who are wounded by an instrument of war in the hands of the enemy and posthumously to the next of kin in the name of those who are killed in action or die of wounds received in action.²⁸

The Bronze Star

The Bronze Star Medal is awarded to any person who, after December 6, 1941, while serving in any capacity with the U.S. Armed Forces, distinguishes himself or herself by heroic or meritorious achievement or service not involving participation in aerial flight.²⁹

Existing Motorcycle Specialty License Plates

Section 320.08068, F.S., creates a motorcycle SLP with an annual use fee of \$20. The annual use fee is distributed to The Able Trust as custodial agent and after paying administrative costs, the annual use fee is distributed 20 percent to the Brain and Spinal Cord Injury Program Trust Fund, 20 percent to Prevent Blindness Florida, 20 percent to the Blind Services Foundation of Florida, 20 percent to the Florida Association of Centers for Independent Living to support the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program pursuant to s. 413.402, F.S., and 20 percent to the Florida Association of Centers for Independent Living.

Prevent Blindness Florida

Preserve Vision Florida, formerly Prevent Blindness Florida, is a non-profit organization offering vision education and services to Florida's children and adults. Its focus is promoting a lifetime of healthy vision care through advocacy, education, screening and research. Its mission is to promote healthy vision through vision awareness and education, vision screening, assistance to receive medical eye care, and advocacy for vision and medical eye care health service. In May 2016, the organization Prevent Blindness Florida changed its name to Preserve Vision Florida.

²⁴ The annual license tax is provided in s. 320.08, F.S.

²⁵ Section 320.089(2)(a), F.S.

²⁶ Section 320.089(1)(b), F.S.

²⁷ *Id.*

²⁸ The Military Order of the Purple Heart, *About the Military Order of the Purple Heart*, <http://www.purpleheart.org/HistoryOrder.aspx> (last visited March 29, 2019).

²⁹ The Balance Careers, *Bronze Star Metal*, <https://www.thebalance.com/bronze-star-medal-3344939> (last visited March 29, 2019).

Ducks Unlimited

Ducks Unlimited is a waterfowl and wetlands conservation organization founded in 1937. The mission of Ducks Unlimited is habitat conservation.³⁰ Since 1985, Ducks Unlimited has worked to conserve more than 26,000 acres of Florida wetlands.³¹

The Dan Marino Foundation, Inc.

Based in Fort Lauderdale, The Dan Marino Foundation, Inc., is a nonprofit organization dedicated to improving the lives of persons with autism or other developmental disabilities.³²

Donate Life Florida

Donate Life Florida is a non-profit organization contracted by the State of Florida, Agency for Health Care Administration to create the state's organ, tissue, and eye donor registry.³³

Florida State Beekeepers Association

The Florida State Beekeepers Association is dedicated to providing resources for the improvement of Beekeeping using proven techniques and procedures in the management of Honeybees and to share this knowledge with everyone interested in the Art of Beekeeping.³⁴ Its purpose and function is to:

- The development and promotion of practical beekeeping methods in the state of Florida.
- To act in the interest of the beekeepers of Florida in protecting and carrying on statewide beekeeping affairs.
- To act as a medium for, and an aid in cooperative and mutual beekeeping methods.
- To act as the representative of the Florida beekeepers in State and National beekeeping and legislative matters.³⁵

America the Beautiful Fund

According to the DOS, the America the Beautiful Fund is registered as a fictitious name of Live Laugh Love Give Inc.³⁶ Based in Tampa, Live Laugh Love Give, Inc., is registered as a Florida Not for Profit Corporation with the DOS.³⁷

³⁰ Ducks Unlimited, *About Ducks Unlimited*, <http://www.ducks.org/about-du?poe=hometxt> (last visited March 31, 2019).

³¹ Ducks Unlimited, *Florida Conservation Projects*, <http://www.ducks.org/florida/florida-conservation-projects> (last visited March 31, 2019).

³² Dan Marino Foundation, <https://danmarinofoundation.org/> (last visited March 31, 2019).

³³ Donate Life Florida, *About the Joshua Abbott Organ and Tissue Donor Registry*, <https://www.donateliflorida.org/content/about/> (last visited March 31, 2019).

³⁴ Florida State Beekeepers Association, *Mission Statement*, <http://apisenterprises.com/fsba/fsbamission.htm> (last visited March 29, 2019).

³⁵ Florida State Beekeepers Association, *By-Laws/Constitution*, <http://apisenterprises.com/fsba/fsbabylaws.htm> (last visited March 29, 2019).

³⁶ Florida Department of State, *Fictitious Name Detail, America the Beautiful Fund*, Available at: <http://dos.sunbiz.org/scripts/ficidet.exe?action=DETREG&docnum=G15000109272&rdocnum=G15000038048> (last visited March 29, 2019).

³⁷ Florida, Department of State, *Detail by Entity Name, Live Laugh Love Give, Inc.*, Available at: <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=LIVELAUGHLOVEGIVE%20N150000073140&aggregateId=domnp-n15000007314-f5731073-3cde-4e13-9048->

There also appears to be a Washington D.C., based America the Beautiful Fund, which develops citizen-initiated projects across the United States to preserve and save natural and man-made environments and improve the quality of life.³⁸

Childhood Cancer

Neuroblastoma (nb) is a cancer that affects children. It is among the most common childhood tumors, and typically affects children under five years old. It is not usually diagnosed until the tumor grows and presents symptoms. The majority of childhood neuroblastoma cases are aggressive, showing survival rates of less than 60 percent with standard chemotherapy, and a 50 percent relapse rate. Once relapsed, there is currently no curative treatment, and for those under five years old, the survival rate is less than 10 percent.³⁹ Beat Nb, Inc. is a not-for-profit organization that has the mission to drive neuroblastoma cancer research and to raise awareness of the disease.⁴⁰

No Kid Should Know Cancer, Inc., is a not-for-profit organization based in Melbourne, Florida, that is organized to bring awareness to childhood cancer and help families who have been affected by childhood cancer financially and spiritually. Additionally, the organization sponsors, hosts, and participates in events that benefit clinical trials and improved treatment plans.⁴¹

University of Alabama

The Pensacola Bama Club is a Chapter of the University of Alabama National Alumni Association. They are a 501(c)(3) non-profit, fan-based organization representing the University of Alabama National Alumni Association in Pensacola, Florida, open to alumni, friends and fans of the university. The organization's primary mission is to provide scholarships to deserving local high school students as well as play host to an annual kick-off event and game watching parties.⁴²

Rotary

Rotary is a global network of 1.2 million neighbors, friends, leaders, and problem-solvers who come together to make positive, lasting change in communities at home and abroad.⁴³

Founded in 1990, the Community Foundation of Tampa Bay is dedicated to helping individuals in Hillsborough, Pinellas, Pasco, and Hernando counties. The Foundation functions as a

[7b6871a59bbf&searchTerm=Live%20Laugh%20Love%20Give&listNameOrder=LIVELAUGHLOVEGIVE%20F150000014520](https://www.philanthropynewsdigest.org/npo-spotlight/america-the-beautiful-fund) (last visited March 31, 2019).

³⁸ Philanthropy News Digest, *America the Beautiful Fund*, Available at: <https://philanthropynewsdigest.org/npo-spotlight/america-the-beautiful-fund> (last visited March 31, 2019).

³⁹ Beat Nb, Inc. *Neuroblastoma*, <https://beatnb.org/neuroblastoma/> (last visited March 29, 2019).

⁴⁰ Beat Nb, Inc. *Our Mission and Vision*, <https://beatnb.org/about-us/> (last visited March 31, 2019).

⁴¹ See Florida Department of State – Division of Corporations, *No Kid Should Know Cancer Inc.*, *Articles of Incorporation* (March 10, 2017), available at <http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2017%5C0310%5C10507351.tif&documentNumber=N17000002637> (last visited March 31, 2019).

⁴² Pensacola Bama Club, *About*, <https://www.pensacolabamaclub.org/about> (last visited March 31, 2019).

⁴³ Rotary, *Who We Are*, <https://www.rotary.org/en/about-rotary> (last visited March 31, 2019).

partnership between donors, nonprofits, community and business leaders, professional advisors, volunteers, and the residents of its four-county region.⁴⁴

Florida National Parks Association, Inc.

The Florida National Parks Association, Inc. is the official not for profit entity of Everglades National Park, Biscayne National Park, Dry Tortugas National Park, and Big Cypress National Preserve. The purpose of the Florida National Parks Association, Inc., is to generate additional revenues to help supplement the park service's budget as well as support educational, interpretive, and historical and scientific research. The FNPA also operates the book stores within the Parks to help generate revenues as well as providing a visitor information services function on behalf of the National Park Service.⁴⁵

Bonefish and Tarpon Trust

The Bonefish and Tarpon Trust's mission is to conserve and restore bonefish and tarpon fisheries and habitats through research, stewardship, education, and advocacy.⁴⁶

Florida Benevolent Group, Inc.

Based in Gainesville, Florida Benevolent Group, Inc., assists students in obtaining a medical education through a college or certificate program. The organization's desire is to offer assistance to individuals struggling to make it into school or to stay in school.⁴⁷

University of Georgia

Founded in 1946 as the Georgia Alumni Association of Jacksonville, the Georgia Bulldog Club of Jacksonville is America's largest bulldog club.⁴⁸ In 1988, the club established the Vince Dooley Scholarship Fund to award scholarships to attend the University of Georgia for students from Duval, Nassau, St. Johns, Clay, or Baker Counties based on academic and economic need.⁴⁹

Highwaymen

From the early 1950s through the 1980s, a group of 26 African-American artists known as the "Florida Highwaymen" used vivid and bright colors to display the beautiful untouched Florida landscape. The Florida Highwaymen painted wind-bent palm trees, serene sunsets, churning oceans and bright red Poinciana trees. They painted from their garages and back yards on inexpensive Upson board and then on the weekends would travel and sell their Highwaymen paintings to hotels, offices, businesses and individuals who appreciated the artwork for approximately \$25 apiece. Currently, the market for an original work of art by a Florida

⁴⁴ Community Foundation of Tampa Bay, *What We Do*, <https://cftampabay.org/about/what-we-do/> (last visited March 31, 2019).

⁴⁵ Florida National Parks Association, *About The Florida National Parks Association*, <https://floridanationalparksassociation.com/about-florida-national-parks-association> (last visited March 31, 2019).

⁴⁶ Bonefish and Tarpon Trust, *BTT Mission*, <https://www.bonefishtarpontrust.org/btt-mission> (last visited March 31, 2019).

⁴⁷ Florida Benevolent Group, *About*, <https://www.floridabenevolentgroup.org/> (last visited March 31, 2019).

⁴⁸ Georgia Bulldog Club of Jacksonville, *Welcome to the Home of the Georgia Bulldog Club of Jacksonville*, <https://jaxbulldogs.com/> (last visited March 31, 2019).

⁴⁹ Georgia Bulldog Club of Jacksonville, *Scholarship*, <https://jaxbulldogs.com/scholarship-fund/> (last visited March 31, 2019).

Highwayman can bring \$5,000 or more. Some of the Highwaymen who are still living have resumed painting to meet the continuing demand for their work.⁵⁰

St. Lucie County Education Foundation

In 1990, the St. Lucie County Education Foundation⁵¹ was organized as a direct support organization of the St. Lucie County School Board to raise private funds for programs to support students, teachers and public schools. The St. Lucie County Education Foundation is a non-profit organization that advances K-12 public education in St. Lucie County by increasing the capacity and resources of the district in partnership with key stakeholders.⁵²

Florida Professional Sports Team License Plates

Section 320.08058(9), F.S., provides that Florida Professional Sports Team license plates must bear the DHSMV-approved colors and design and must include the official league or team logo, or both, as appropriate for each team. The word “Florida” must appear at the top of the plate.

The annual use fee is distributed as follows:

- Fifty-five percent to the Professional Sports Development Trust Fund within the Department of Economic Opportunity (DEO), to be used solely to attract and support major sports events in this state.
- The remaining proceeds must be allocated to Enterprise Florida, Inc. and must be deposited into the Professional Sports Development Trust Fund within DEO. These funds must be used by Enterprise Florida, Inc., to:
 - Promote the economic development of the sports industry;
 - Distribute licensing and royalty fees to participating professional sports teams;
 - Promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards;
 - Partner with the Department of Education and the Department of Health to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement;
 - Institute a grant program for communities bidding on minor sporting events that create an economic impact for the state;
 - Distribute funds to Florida-based charities designated by Enterprise Florida, Inc., and the participating professional sports teams; and
 - Fulfill the sports promotion responsibilities of DEO.

The proceeds from the Professional Sports Development Trust Fund may also be used for operational expenses of Enterprise Florida, Inc., and financial support of the Sunshine State Games.

⁵⁰ Florida Highwaymen Paintings, available at <http://www.floridahighwaymenpaintings.com/> (last visited March 28, 2019).

⁵¹ Florida Department of State, Division of Corporations, Sunbiz, St. Lucie County Education Foundation, Inc., <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited March 28, 2019).

⁵² Education Foundation, *About Us*, available at <https://www.educationfoundationstlucie.org/p/3/about-us#.WjFxDGhSyUk> (last visited March 28, 2019).

There are nine Florida Professional Sports Teams SLPs available for purchase: Florida Panthers, Miami Heat, Tampa Bay Buccaneers, Jacksonville Jaguars, Miami Marlins, Tampa Bay Lightning, Miami Dolphins, Orlando Magic, and Tampa Bay Rays.⁵³

Orlando City Soccer

Orlando City Soccer Club was formed in 2010 and was awarded a Major League Soccer franchise in late November of 2013. On May 29, 2015, Orlando City Soccer Club announced they would be privately funding 100 percent of a new downtown stadium that would hold 25,500 people. The downtown stadium opened its doors for the first time to a sellout crowd on March 5, 2017.⁵⁴

Coastal Conservation Association Florida

Coastal Conservation Association Florida (CCAF) is a statewide, non-profit marine organization working in an advocacy role to protect the state's marine resources and the interests of saltwater anglers. It is comprised of 30 local chapters from Key West to Pensacola and it supports resource-based law enforcement, access to recreational fishing, and fishery regulations to protect state and federal fish stocks. CCAF is one of the 17 state chapters of the Coastal Conservation Association.⁵⁵

Blue Angels

At the end of World War II, Chief of Naval Operations Adm. Chester W. Nimitz ordered the formation of a flight demonstration team to keep the public interested in naval aviation. In a short three months, the Navy Flight Exhibition Team performed its first flight demonstration June 15, 1946, at their home base, Naval Air Station (NAS) Jacksonville, Florida. Lt. Cmdr. Roy "Butch" Voris led the team and flew the Grumman F6F-5 Hellcat.⁵⁶

The new Navy Flight Exhibition team was only the second formal flying demonstration team to have been created in the world, since the Patrouille de France formed in 1931. The team was introduced as the "Blue Angels" at a show in Omaha, Nebraska, in July 1946. Right Wing Pilot Lt. Maurice "Wick" Wickendoll came across the name in the New Yorker Magazine in a column called Goings On About Town. Voris said, "That sounds great! The Blue Angels. Navy, Blue, and Flying!"⁵⁷

Today, a total of 16 officers voluntarily serve with the Blue Angels. Each year the team typically selects three tactical (fighter or fighter/attack) jet pilots, two support officers and one Marine Corps C-130 pilot to relieve departing members.⁵⁸

⁵³ Department of Highway Safety and Motor Vehicles, *2017 Specialty License Plate Rankings*, available at <http://www.flhsmv.gov/specialtytags/tagsales.pdf> (last visited March 31, 2019).

⁵⁴ Orlando City Soccer Club, *History*, available at <https://www.orlandocitysc.com/club/history> (last visited March 31, 2019).

⁵⁵ Coastal Conservation Association Florida, <https://www.ccaflorida.org/> (last visited March 31, 2019).

⁵⁶ United States Navy Blue Angels, *History of the Blue Angels*, <https://www.blueangels.navy.mil/history/> (last visited March 31, 2019).

⁵⁷ *Id.*

⁵⁸ United States Navy Blue Angels, *The 2019 Blue Angels Team*, <https://www.blueangels.navy.mil/team/> (last visited March 31, 2019).

Since 1946, the Blue Angels have performed for nearly 500 million fans.⁵⁹

Palm Beach Zoo and Conservation Society

In 1969, a group of citizens in West Palm Beach showed an interest in creating a society for the advancement and support of the Dreher Park Zoo. With the support of the city, The Zoological Society of the Palm Beaches was founded on March 27, 1969. On October 1st, the operation of the Dreher Park Zoo was transferred over to the Zoological Society. On October 5th, a ceremony was held in which Society President Charles Camus gave Mayor Eugene Potter the zoo's first lease agreement. From this point on, the Zoological Society operated the Zoo, while the city owned and rented the land on which the Palm Beach Zoo was located.⁶⁰

In 2014 the Palm Beach Zoo changed its name to the Palm Beach Zoo and Conservation Society. Today, the zoo houses over 500 animals on 23 acres and sees approximately 300,000 visitors annually.⁶¹

Florida Society for Ethical Ecotourism

In 1998 the CREW Land & Water Trust and the Florida Department of Environmental Protection Rookery Bay National Estuarine Research Reserve received a grant from the Advisory Council of Environmental Education, within the Florida Game & Fresh Water Fish Commission, to provide an educational workshop for ecotour providers of Southwest Florida. As a result of the grant, a day-long Southwest Florida Eco/Heritage Tourism Workshop took place in downtown Ft. Myers in which 85 people participated.⁶²

Following the workshop, a group of volunteers from Southwest Florida communities met and formed the Society for Ethical Ecotourism in Southwest Florida. In 2011 they changed their name to the Florida Society for Ethical Ecotourism, Inc.⁶³ The Florida Society for Ethical Ecotourism, Inc., is registered as an active not-for-profit corporation with the DOS.⁶⁴

Paddle Florida, Inc.

Paddle Florida, Inc. is a not-for-profit 501(c)(3) corporation⁶⁵ organized to support canoeing and kayaking in Florida. Supporting multi-day paddling/camping adventures in each of Florida's five water management districts, showcasing the state's natural beauty and rich cultural heritage while promoting water conservation, wildlife preservation, springs restoration, and waterways protection. Paddle Florida seeks to promote Florida as an international destination for nature-based tourism.⁶⁶

⁵⁹ United States Navy Blue Angels, *History of the Blue Angels*, <https://www.blueangels.navy.mil/history/> (last visited March 31, 2019).

⁶⁰ Palm Beach Zoo & Conservation Society, *About Us*, <https://www.palmbeachzoo.org/about-us> (last visited April 3, 2019).

⁶¹ *Id.*

⁶² Florida Society for Ethical Ecotourism, *History of the "Florida Society for Ethical Ecotourism"*, <https://www.floridasee.com/docs/Florida%20SEE%20History.pdf> (last visited April 3, 2019).

⁶³ *Id.*

⁶⁴ Florida Department of State, Division of Corporations, Sunbiz, Florida Society for Ethical Ecotourism, Inc., <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited April 3, 2019).

⁶⁵ Florida Department of State, Division of Corporations, Sunbiz, Paddle Florida, Inc., <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited April 3, 2019).

⁶⁶ Paddle Florida, <http://www.paddleflorida.org/> (last visited April 3, 2019).

Paddle Florida scouts trips in advance to ensure waterway conditions and shoreline campsites are safe, comfortable, and showcase nature's best view. Meal plans and gear shuttling eliminate the need to weigh down boats with food and camping equipment. Florida-based entertainment and educational programming is provided each evening by regional artists, musicians, authors, and naturalists. Partnerships with local outfitters provide paddlers with canoes, kayaks, and other paddling gear to rent as needed. With this level of support, paddlers of all ages and skill levels are able to explore and enjoy the Florida.⁶⁷

Florida Knights of Columbus Charities, Inc.

Through the efforts of Father Michael J. McGivney, assistant pastor of St. Mary's Church in New Haven and some of his parishioners, the Connecticut state legislature on March 29, 1882, officially chartered the Knights of Columbus as a fraternal benefit society. The Order's founding principles were charity, unity and fraternity. They were formed to render financial aid to members and their families. Mutual aid and assistance are offered to sick, disabled and needy members and their families. Social and intellectual fellowship is promoted among members and their families through educational, charitable, religious, social welfare, war relief and public relief works.⁶⁸

The Knights of Columbus has grown from several members in one council to 15,900 councils and 1.9 million members throughout the United States, Canada, the Philippines, Mexico, Poland, the Dominican Republic, Puerto Rico, Panama, the Bahamas, the Virgin Islands, Cuba, Guatemala, Guam, Saipan, Lithuania, Ukraine, and South Korea.⁶⁹

Daughters of the American Revolution

The National Society Daughters of the American Revolution was founded on October 11, 1890, during a time that was marked by a revival in patriotism and intense interest in the beginnings of the United States of America. Women felt the desire to express their patriotic feelings and were frustrated by their exclusion from men's organizations formed to perpetuate the memory of ancestors who fought to make this country free and independent. As a result, a group of pioneering women in the nation's capital formed their own organization the Daughters of the American Revolution (DAR).⁷⁰

The objectives laid forth in the first meeting of the DAR have remained the same in 125 years of active service to the nation. Those objectives are:

- Historical - to perpetuate the memory and spirit of the men and women who achieved American Independence;
- Educational - to carry out the injunction of Washington in his farewell address to the American people, "to promote, as an object of primary importance, institutions for the general diffusion of knowledge, thus developing an enlightened public opinion..."; and

⁶⁷ *Id.*

⁶⁸ Florida State Council Knights of Columbus, *Learn About Us*, <https://floridakofc.org/about> (last visited April 3, 2019).

⁶⁹ *Id.*

⁷⁰ Daughters of the American Revolution, *DAR History*, <https://www.dar.org/national-society/about-dar/dar-history> (last visited April 3, 2019).

- Patriotic - to cherish, maintain, and extend the institutions of American freedom, to foster true patriotism and love of country, and to aid in securing for mankind all the blessings of liberty.⁷¹

Since its founding in 1890, DAR has admitted more than 950,000 members.⁷²

Florida Guardian Ad Litem Foundation, Inc.

The Florida Guardian Ad Litem Foundation's mission is to provide additional resources for the Guardian Ad Litem Program, its volunteers, and its affiliated circuit non-profit organizations in order to promote Guardian Ad Litem representation for abused, neglected and abandoned children in Florida's dependency system.⁷³

In the Guardian Ad Litem Program's 35 years, over 30,000 Guardian Ad Litem volunteers have represented the interests of over 200,000 children. Today the Guardian Ad Litem program has more than 10,000 Guardian Ad Litem volunteers. Whether through grants, individual or corporate donations, or time, the Guardian Ad Litem Foundation has worked to provide support to children involved in the Guardian Ad Litem Program. When a specific need is identified, the Foundation provides targeted support for unique and unfunded needs of children who are represented by Guardian Ad Litem volunteers. The Foundation funds such things as medical needs and money for activities related to normalcy for children represented by Guardian Ad Litem volunteers.⁷⁴

St. Johns Riverkeeper

St. Johns Riverkeeper is a privately-funded and independent voice for the St. Johns River and the public to whom it belongs. They are a 501(c)(3) organization and rely on the support of members, donors, and volunteers to accomplish their mission. They are a member of the Waterkeeper Alliance. Today, Waterkeeper Alliance is the world's fastest growing environmental movement, with over 270 Waterkeeper Organizations protecting rivers, lakes and coastal waterways on 6 continents. The St. Johns RIVERKEEPER mission is to be an independent voice that defends, advocates, and activates others to protect and restore the St. Johns River.⁷⁵

Omega Psi Phi Fraternity

Omega Psi Phi is the first international fraternal organization founded on the campus of a historically black college. On the evening of November 17, 1911, Omega Psi Phi was founded inside the Science Building (later renamed Thirkield Hall) at Howard University.⁷⁶

⁷¹ *Id.*

⁷² *Id.*

⁷³ Florida Guardian Ad Litem Foundation, *About Us*, <https://flgal.org/> (last visited April 3, 2019).

⁷⁴ *Id.*

⁷⁵ St. Johns Riverkeeper, *Our Work*, <http://www.stjohnsriverkeeper.org/our-work> (last visited April 3, 2019).

⁷⁶ Omega Psi Phi, *History of Omega*, <https://www.oppf.org/about-omega/> (last visited March 29, 2019).

State of Florida Omega Friendship Foundation, Inc.

State of Florida Omega Friendship Foundation, Inc., is an active not for profit corporation within the DOS's Division of Corporations incorporated in 2008.⁷⁷ According to corporate filings with the DOS, the corporation was organized to work and uplift humanity, mentor youth, sponsor blood drives, raise money for scholarships and charitable causes, and encourage members to make a difference in the lives of Black people.⁷⁸

Delta Sigma Theta Sorority

Delta Sigma Theta Sorority, Inc. was founded on January 13, 1913 by 22 collegiate women at Howard University to promote academic excellence and provide assistance to those in need. Their purpose is to provide assistance and support through established programs in local communities throughout the world. Since its founding more than 200,000 women have joined the organization, which is a sisterhood of predominantly Black, college educated women. The sorority currently has 1,000 collegiate and alumnae chapters located in the United States, Japan (Tokyo and Okinawa), Germany, the Virgin Islands, Bermuda, the Bahamas, Jamaica and the Republic of Korea.⁷⁹

Delta Research and Educational Foundation, Inc.

Delta Sigma Theta Sorority, Inc. established the Delta Research and Educational Foundation as a public charity supporting scholastic achievement, public service programs, and research initiatives focused upon African American women.⁸⁰

Sigma Gamma Rho Sorority

Sigma Gamma Rho Sorority, Inc. was organized on November 12, 1922, in Indianapolis, Indiana. The group became an incorporated national collegiate sorority on December 30, 1929, when a charter was granted to Alpha chapter at Butler University.⁸¹

Mary McLeod Bethune Scholarship Program

Section 1009.73, F.S., establishes the Mary McLeod Bethune Scholarship Program, to be administered by the Department of Education according to statute, and rules of the State Board of Education. The program provides matching grants for private sources that raise money for scholarships to be awarded to students who attend Florida Agricultural and Mechanical University, Bethune-Cookman University, Edward Waters College, or Florida Memorial University.

⁷⁷ Florida Department of State, Division of Corporations, Sunbiz, State of Florida Omega Friendship Foundation, Incorporated, <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited March 29, 2019).

⁷⁸ *Id.*

⁷⁹ Delta Sigma Theta Sorority, Inc., *Mission & Purpose*, <https://www.deltasigmatheta.org/mission-purpose.html> (last visited March 29, 2019).

⁸⁰ Delta Research and Educational Foundation, *About Us*, <http://www.deltafoundation.net/about-us> (last visited March 29, 2019).

⁸¹ Sigma Gamma Rho Sorority, Inc., *About Sigma*, https://www.sgrho1922.org/SGRho/About_Us/SGRho/SGRho_About/About.aspx?hkey=205007b1-ea63-4a8e-9187-6d046505ee95 (last visited March 29, 2019).

In order to be eligible to receive a Mary McLeod Bethune Scholarship, an applicant must:

- Meet the general eligibility requirements set forth in s. 1009.40, F.S., for state financial aid awards and tuition assistance grants;
- Be accepted at Florida Agricultural and Mechanical University, Bethune-Cookman University, Edward Waters College, or Florida Memorial University;
- Enroll as a full-time undergraduate student; and
- Earn a 3.0 grade point average on a 4.0 scale, or the equivalent, for high school subjects creditable toward a diploma.⁸²

In order to renew a scholarship awarded, a student must earn a minimum cumulative grade point average of 3.0 on a 4.0 scale and complete 12 credits each term for which the student received the scholarship. The amount of the scholarship to each recipient is \$3,000 annually, with priority in awarding the scholarships given to students having financial need.⁸³

Kappa Alpha Psi Fraternity

Kappa Alpha Psi Fraternity is a college fraternity chartered and incorporated originally under the laws of the State of Indiana as Kappa Alpha Nu on May 15, 1911. Its name changed to Kappa Alpha Psi effective April 15, 1915.⁸⁴

Southern Province of Kappa Alpha Psi Foundation, Inc.

The Southern Province of Kappa Alpha Psi Foundation, Inc., is an active corporation with the DOS's Division of Corporations⁸⁵, with the objectives to:

- Unite men of culture, patriotism, and honor in a bond of Fraternity;
- Encourage honorable achievement in every field of human endeavor;
- Promote the spiritual, social, intellectual, and moral welfare of members;
- Assist the aims and purposes of Colleges and Universities; and
- Inspire service in the public interest.⁸⁶

Alpha Kappa Alpha Sorority

Alpha Kappa Alpha Sorority, Incorporated (AKA) is an international service organization that was founded on the campus of Howard University in Washington, D.C. in 1908.⁸⁷ It is the oldest Greek-letter organization established by African-American college-educated women. Alpha Kappa Alpha is comprised of nearly 300,000 members in approximately 1,018 graduate and undergraduate chapters in the United States, the U.S. Virgin Islands, Liberia, the Bahamas, Bermuda, Canada, Dubai, Germany, Japan, Liberia, and South Korea.⁸⁸ Alpha Kappa Alpha's mission is to cultivate and encourage high scholastic and ethical standards, to promote unity and friendship among college women, to study and help alleviate problems concerning girls and

⁸² Section 1009.73(5), F.S.

⁸³ Section 1009.73(6), F.S.

⁸⁴ Kappa Alpha Psi, *A Brief History*, <https://kappaalphapsi.org/a-brief-history/> (last visited March 29, 2019).

⁸⁵ Florida Department of State, Division of Corporations, Sunbiz, Southern Province of Kappa Alpha Psi Foundation, Inc., <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited March 29, 2019).

⁸⁶ Southern Province of Kappa Alpha Psi Foundation, Inc., *Objectives*, <http://southernprovince.org/fraternity/objectives/> (last visited March 29, 2019).

⁸⁷ Alpha Kappa Alpha Sorority, Inc., *About*, <http://www.aka1908.com/about> (last visited March 29, 2019).

⁸⁸ Alpha Kappa Alpha Sorority, Inc., *Quick Facts*, <http://aka1908.com/about/quick-facts> (last visited April 1, 2019).

women in order to improve their social stature, to maintain a progressive interest in college life, and to be of "Service to All Mankind".⁸⁹

Alpha Kappa Alpha Educational Advancement Foundation, Inc.

Founded in 1981, the mission of the Alpha Kappa Alpha Educational Advancement Foundation is to promote lifelong learning. This is accomplished by securing charitable contributions, gifts and endowed funds to awards scholarships, fellowships and grants.⁹⁰

In 1989, Alpha Kappa Alpha Sorority, Inc., founded the Alpha Kappa Alpha Educational Advancement Foundation, Inc., to promote lifelong learning. This mission is accomplished by securing charitable contributions, gifts and endowed funds to award scholarships, fellowships, and grants.⁹¹

Alpha Phi Alpha Fraternity

Alpha Phi Alpha, the first intercollegiate Greek-letter fraternity established for African American Men, was founded at Cornell University in Ithaca, New York on December 4, 1906. The fraternity initially served as a study and support group for minority students who faced racial prejudice, both educationally and socially, at Cornell. The founders and early leaders of the fraternity succeeded in laying a firm foundation for Alpha Phi Alpha's principles of scholarship, fellowship, good character, and the uplifting of humanity. Alpha Phi Alpha chapters were established at other colleges and universities, many of them historically black institutions, soon after the founding at Cornell. The first alumni chapter was established in 1911.⁹²

JC Rawls-FFAC Foundation, Inc.

According to corporate filings with the DOS, JC Rawls-FFAC Foundation, Inc. was incorporated in Florida in 2013, and is organized as a not-for-profit corporation exclusively for educational and charitable purposes.⁹³

Zeta Phi Beta Sorority

Zeta Phi Beta Sorority, Inc. was founded January 16, 1920, at Howard University, Washington, D.C.⁹⁴ Since its inception, Zeta has continued its steady climb into the national spotlight with programs designed to demonstrate concern for the human condition both nationally and internationally. The organization has chronicled a number of firsts. It was the first National Pan-Hellenic Council organization to centralize its operations in a national headquarters, first to charter a chapter in Africa, first to form auxiliary groups, and first to be constitutionally bound to a fraternity, Phi Beta Sigma Fraternity, Inc. The sorority takes pride in its continued participation

⁸⁹ Alpha Kappa Alpha Sorority, Inc., *Mission*, <http://www.aka1908.com/about/mission> (last visited March 29, 2019).

⁹⁰ Alpha Kappa Alpha Educational Advancement Foundation, *Mission*, <https://akaeaf.org/> (last visited March 29, 2019).

⁹¹ Alpha Kappa Alpha Educational Advancement Foundation, Inc. <https://akaeaf.org/> (last visited March 29, 2019).

⁹² Alpha Phi Alpha Fraternity, Inc., *Our History*, <https://apa1906.net/our-history/> (last visited March 29, 2019).

⁹³ Florida Department of State, Division of Corporations, Sunbiz, *JC Rawls-FFAC Foundation, Inc.*, <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited March 29, 2019).

⁹⁴ Zeta Phi Beta Sorority, Inc., *Our History*, <http://zphib1920.org/our-history/> (last visited March 29, 2019).

in transforming communities through volunteer services from members and its auxiliaries. Zeta Phi Beta has chartered hundreds of chapters worldwide and has a membership of 100,000+.⁹⁵

Zeta's national and local programs include the endowment of its National Educational Foundation community outreach services and support of multiple affiliate organizations. Zeta chapters and auxiliaries have given untold hours of voluntary service to educate the public, assist youth, provide scholarships, support organized charities, and promote legislation for social and civic change.⁹⁶

Phi Beta Sigma Fraternity

Phi Beta Sigma Fraternity was founded at Howard University in Washington, D.C., January 9, 1914.⁹⁷ The Founders deeply wished to create an organization that viewed itself as “a part of” the general community rather than “apart from” the general community. They believed that each potential member should be judged by his own merits, rather than his family background or affluence, without regard to race, nationality, skin tone or texture of hair. They desired for their fraternity to exist as part of an even greater brotherhood which would be devoted to the “inclusive we” rather than the “exclusive we”.⁹⁸

From its inception, the Founders also conceived Phi Beta Sigma as a mechanism to deliver services to the general community. Rather than gaining skills to be utilized exclusively for themselves and their immediate families, they held a deep conviction that they should return their newly acquired skills to the communities from which they had come. This deep conviction was mirrored in the Fraternity's motto, “Culture For Service and Service For Humanity”.⁹⁹

Today, Phi Beta Sigma is an international organization of leaders. No longer a single entity, members of the Fraternity have been instrumental in the establishment of the Phi Beta Sigma National Foundation, the Phi Beta Sigma Federal Credit Union and The Sigma Beta Club Foundation. Zeta Phi Beta Sorority, founded in 1920 with the assistance of Phi Beta Sigma, is the sister organization of the Fraternity.¹⁰⁰

Iota Phi Theta Fraternity

On September 19, 1963, at Morgan State College (now Morgan State University), 12 students founded what is now the nation's fifth largest, predominately African-American social service fraternity: The Iota Phi Theta Fraternity, Incorporated.¹⁰¹

The Fraternity functioned as a local entity until the first interest groups were established in 1967 at Hampton Institute (Beta Chapter) and Delaware State College (Gamma Chapter). Further expansion took place in 1968 with chapters being formed at Norfolk State College (Delta

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ Phi Beta Sigma Fraternity, Inc., *History & Mission*, <http://phibetasigma1914.org/index.php/about/history/> (last visited March 29, 2019).

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ Iota Phi Theta Fraternity Incorporated, *Historical Overview*, <https://www.iotaphitheta.org/about/historical-overview> (last visited March 29, 2019).

Chapter) and Jersey City State College (Epsilon Chapter). The Fraternity was officially and legally incorporated on November 1, 1968 as a National Fraternity under the laws of the State of Maryland. Today, Iota Phi Theta consists of 249 chapters located in 40 States as well Japan, Korea and the Bahamas.¹⁰²

Wildlands Conservation, Inc.

The Wildlands Conservation, Inc. is a nonprofit corporation that originated as PEER, Inc. (Preserving the Environment through Ecological Research) founded in 2003. Renamed as the Wildlands Conservation, Inc. in 2007, they provide conservation planning, land management, land protection, research, banking, education and outreach. Wildlands Conservation, Inc. handles conservation projects throughout Florida.¹⁰³

Wildlands is working with the Gopher Tortoise Council to create the gopher tortoise license plate as a conservation strategy for the species. The gopher tortoise is a threatened species in the state of Florida. Wildlands is seeking to bring awareness to the gopher tortoise species in creating the specialty license plate. Funds generated by the plate will be used for gopher tortoise habitat conservation, habitat management, and research.¹⁰⁴

Florida Off Road Foundation, Inc.

Florida Off Road Foundation, Inc. is an active not for profit corporation within the DOS's Division of Corporations incorporated in 2019.¹⁰⁵ In their filing documents, they indicate the specific purpose for which the corporation is organized is: to provide and distribute funds to the foundation, from the sales of Florida Off Road specialty license plates to help preserve and protect Florida's off road natural habitat, environmental and other programs.

Mental Health Association of Central Florida, Inc.

The Mental Health Association of Central Florida, Inc. (MHACF) is a non-profit organization whose objective is to provide mental health services, support, and information to the members of the Central Florida community. The MHACF was established in 1946, to serve the mental health needs of Central Florida.¹⁰⁶

onePULSE Foundation

The onePULSE Foundation is a non-profit organization that was established after the Pulse nightclub shooting on June 12, 2016. The Foundation supports the construction and maintenance of a Pulse memorial and museum. The Foundation also provides community grants for Pulse

¹⁰² *Id.*

¹⁰³ Wildlands Conservation, *About Us*, available at <http://www.wildlandsconservation.org/who-we-are> (last visited April 3, 2019).

¹⁰⁴ Wildlands Conservation, *Gopher Tortoise, Gopher Tortoise License Plate*, available at <http://www.wildlandsconservation.org/gopher-tortoise-license-plate> (last visited April 3, 2019).

¹⁰⁵ Florida Department of State, Division of Corporations, Sunbiz, Florida Off Road Foundation, Inc., <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited April 3, 2019).

¹⁰⁶ MHACF, *About us, Our Mission and History*, available at <https://www.mhacf.org/our-mission/> (last visited February 6, 2019).

survivors and families, educational programs, and endowed scholarships to honor the 49 victims of the Pulse shooting.¹⁰⁷

Two Spirit Health Services, Inc.

Two Spirit Health Services, Inc. (TSHS) is a nonprofit organization established in 2011. TSHS provides access to affordable healthcare, behavioral care, drug discount programs, adoption services, aesthetic services and wellness programs. TSHS led the mental health efforts in assisting the victims of the Pulse nightclub shooting.¹⁰⁸

Audits and Attestations

All organizations receiving annual use fee proceeds from the DHSMV are responsible for ensuring that proceeds are used in accordance with state law.¹⁰⁹ Any organization not subject to audit pursuant to the Florida Single Audit Act¹¹⁰ must annually attest, under penalties of perjury, that such proceeds were used in compliance with applicable state laws.¹¹¹

Any organization subject to audit pursuant to the Florida Single Audit Act¹¹² must submit an audit report in accordance with the Auditor General's rules. The annual attestation must be submitted to the DHSMV for review within nine months after the end of the organization's fiscal year.¹¹³

Within 120 days after receiving an organization's audit or attestation, the DHSMV must determine which recipients of revenues from SLP annual use fees have not complied with the appropriate statutory provisions. In determining compliance, the DHSMV may commission an independent actuarial consultant, or an independent certified public accountant, who has expertise in nonprofit and charitable organizations.¹¹⁴

The DHSMV must discontinue the distribution of revenues to any organization failing to submit the required documentation, but may resume distribution of the revenues upon receipt of the required information.¹¹⁵

If the DHSMV or its designee determines that an organization has not complied with or has failed to use the revenues in accordance with applicable law, the DHSMV must discontinue the

¹⁰⁷ OnePULSE Foundation, *About us*, available at <https://onepulsefoundation.org/onepulse-foundation/#about> (last visited February 6, 2019).

¹⁰⁸ TSHS, *About*, available at <https://twospirthealth.org/thisisus/> (last visited February 6, 2019).

¹⁰⁹ Section 320.08062(1)(a), F.S.

¹¹⁰ Section 215.97, F.S.

¹¹¹ Section 320.08062(1)(b), F.S.

¹¹² Section 215.97(2)(a), F.S., defines an "audit threshold" to mean the threshold amount used to determine when a state single audit or project-specific audit of a nonstate entity shall be conducted in accordance with this section. Each nonstate entity that expends a total amount of state financial assistance equal to or in excess of \$750,000 in any fiscal year of such nonstate entity shall be required to have a state single audit, or a project-specific audit, for such fiscal year in accordance with the requirements of this section. Every 2 years the Auditor General, after consulting with the Executive Office of the Governor, the Department of Financial Services, and all state awarding agencies, shall review the threshold amount for requiring audits under this section and may adjust such threshold amount consistent with the purposes of this section.

¹¹³ Section 320.08062(1)(c), F.S.

¹¹⁴ Section 320.08062(2)(a), F.S.

¹¹⁵ Section 320.08062(2)(b), F.S.

distribution of the revenues to the organization. The DHSMV must notify the organization of its findings and direct the organization to make the changes necessary in order to comply. If the officers of the organization sign an affidavit under penalties of perjury stating they acknowledge the findings of the DHSMV and attest they have taken corrective action and that the organization will submit to a follow-up review by the DHSMV, then the department may resume the distribution of revenues.¹¹⁶

If an organization fails to comply with the DHSMV's recommendations and corrective actions as outlined above, the revenue distributions must be discontinued until completion of the next regular session of the Legislature. The DHSMV must notify the President of the Senate and the Speaker of the House of Representatives by the first day of the next regular session of any organization whose revenues have been withheld. If the Legislature does not provide direction to the organization and the DHSMV regarding the status of the undistributed revenues, the DHSMV must de-authorize the plate and the undistributed revenues are immediately deposited into the Highway Safety Operating Trust Fund.¹¹⁷

The DHSMV or its designee has the authority to examine all records pertaining to the use of funds from the sale of SLPs.¹¹⁸

III. Effect of Proposed Changes:

Establishing Specialty License Plates

The bill amends s. 320.08053(2)(b), F.S., requiring a minimum sale of 3,000 vouchers prior to the DHSMV manufacturing a SLP, instead of the current 1,000 plate sales requirement. However, for out-of-state college or university license plates, the minimum sale is 4,000 vouchers.

The bill creates s. 320.08053(3)(a), F.S., providing that new SLPs that have been approved by law but are awaiting issuance are issued in the order they appear in s. 320.08056, F.S.,¹¹⁹ provided that the plates have met the presale requirement and all other provisions of s. 320.08053, F.S. If the next awaiting SLP has not met the presale requirement, the DHSMV must proceed in the order provided in s. 320.08056, F.S., to identify the next qualified SLP that has met the presale requirement. The DHSMV must cycle through the list in statutory order.

The bill creates s. 320.08053(3)(b), F.S, providing that if the Legislature has approved 125 or more SLPs, the DHSMV may not make any new SLPs available for design or issuance until a sufficient number of plates are discontinued¹²⁰ such that the number of plates being issued is reduced to fewer than 125.. The 125 license plate limit does not apply to collegiate license plates established under s. 320.08058(3), F.S.

¹¹⁶ Section 320.08062(2)(c), F.S.

¹¹⁷ Section 320.08062(2)(d), F.S.

¹¹⁸ Section 320.08062(3), F.S.

¹¹⁹ Section 320.08056(4), F.S., lists specific specialty license plates and their annual use fees.

¹²⁰ Specialty license plates will be discontinued pursuant to s. 320.08056(8), F.S.

Specialty License Plates

The bill amends s. 320.08056(8)(a), F.S., providing that effective July 1, 2022, the DHSMV must discontinue the issuance of approved SLPs if the number of valid registrations falls below 3,000 plates for 12 consecutive months, instead of the current 1,000 plate threshold. However, there is an exception for out-of-state college or university license plates, which have a 4,000 plate threshold. In addition to the existing exemption from this requirement for in-state collegiate license plates, the bill provides exceptions for institutions and entities of the State University System, SLPs with statutory eligibility limitations for purchase, SLPs for which the annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, or Florida Professional Sports Team license plates.¹²¹

The bill creates s. 320.08056(8)(c), F.S., providing that a vehicle owner or lessee issued a SLP that has been discontinued by the DHSMV may keep the discontinued SLP for the remainder of the 10-year license plate replacement period¹²² and must pay all other applicable registration fees. However, the owner or lessee is exempt from paying the applicable SLP fee for the remainder of the 10-year license plate replacement period.

The bill creates s. 320.08056(8)(d), F.S., providing that if the DHSMV discontinues issuance of a SLP, all annual use fees held or collected by the DHSMV must be distributed within 180 days after the date the SLP is discontinued. Of those fees, the DHSMV must retain an amount sufficient to defray the applicable administrative and inventory closeout costs associated with discontinuing the plate. The remaining funds are to be distributed to the appropriate organization or organizations.¹²³

The bill creates s. 320.08056(8)(e), F.S., providing that if an organization that is the intended recipient of SLP funds no longer exists, the DHSMV must deposit any undistributed funds into the Highway Safety Operating Trust Fund.

The bill creates s. 320.08056(8)(f), F.S., providing that on January 1 of each year, the DHSMV must discontinue the SLP with the fewest number of plates in circulation, including license plates exempt from a statutory sales requirement. The DHSMV must mail a warning letter to the sponsoring organization of the 10 percent of SLPs with the lowest number of valid, active registrations as of December 1 of each year.

The bill amends s. 320.08056(10)(a), F.S., authorizing out-of-state expenditure of SLP fees for the Support Our Troops and American Legion license plates; the Florida Salutes Veterans, United States Marine Corps, and Military Services license plates, respectively; and the U.S. Paratroopers license plate.

The bill amends s. 320.08056(11), F.S., prohibiting any entity from using SLP revenue for lobbying. The current prohibition is limited to agencies.

¹²¹ Florida Professional Sports Team license plates are established in s. 320.08058(9), F.S.

¹²² License plates are issued for a 10-year period pursuant to s. 320.06(1)(b)1., F.S.

¹²³ Distributions to recipient organizations are pursuant to s. 320.08058, F.S.

The bill creates s. 320.08056(12), F.S., providing that for out-of-state college or university license plates, the recipient organization must:

- Have established an endowment, based in this state, for the purpose of providing scholarships to Florida residents meeting the requirements of Ch. 320, F.S.
- Provide documentation to the DHSMV that the recipient organization and the DHSMV have the college's or university's consent to use an appropriate image on a license plate.

Fleet/Dealer Specialty License Plates

The bill creates ss. 320.08056(2)(b) and (c), F.S., providing the DHSMV may authorize dealer and fleet SLPs. With the permission of the sponsoring SLP organization, a dealer or fleet company may purchase SLPs to be used on dealer and fleet vehicles. Notwithstanding s. 320.08058, F.S., a dealer or fleet SLP must include the letters "DLR" or "FLT" on the right side of the license plate. Dealer and fleet SLPs must be ordered directly through the DHSMV.

The bill amends s. 320.06(3)(a), F.S., providing that a dealer SLP is not required to say "dealer" at the bottom of the license plate.

The bill amends s. 320.0657(2)(b), F.S., authorizing fleet SLPs. The bill provides that for the additional annual use fee for the specific SLP, fleet companies may purchase SLPs in lieu of the standard fleet license plates. Fleet companies are responsible for all costs associated with the SLPs, including all annual use fees, processing fees, fees associated with switching license plate types, and other applicable fees. The bill amends s. 320.08(12), F.S., providing similar requirements regarding dealer SLPs.

Discontinued Specialty License Plates

The bill removes the American Red Cross SLP, Donate Organs Pass It On SLP, St. Johns River SLP, and Hispanic Achievers SLP from law as these SLPs have been discontinued.

Existing Specialty License Plates

Special Olympics Florida License Plate

The bill redesigns the Special Olympics Florida SLP with "Florida" centered at the top of the plate and "Be a Fan" centered at the bottom of the plate.

Live the Dream License Plate

The bill amends the distribution of funds for the Live the Dream SLP. The bill provides that the proceeds from the annual use fees are distributed to the Dream Foundation, Inc., to be used as follows:

- Up to five percent may be used to administer, promote, and market the license plate.
- At least 60 percent must be distributed equally among the sickle cell organizations that are Florida members of the Sickle Cell Disease Association of America, Inc.
- At least 30 percent must be distributed to Chapman Partnership, Inc.¹²⁴

¹²⁴ In 2011, Community Partnership for the Homeless changed its name to Chapman Partnership.

- Up to five percent may be distributed by the DHSMV on behalf of The Dream Foundation, Inc. to the Martin Luther King, Jr. Center for Nonviolent Social Change, Inc., as a royalty for the use of the image of Dr. Martin Luther King, Jr.

The bill also provides that by November 1, 2019, the annual use fees withheld by the DHSMV from the sale of the Live the Dream SLP will first be used to satisfy all outstanding royalty payments due to The Martin Luther King, Jr. Center for Nonviolent Social Change, Inc., for the use of Dr. Martin Luther King, Jr.'s image. All remaining funds will be distributed to the sub-recipients on a pro rata basis according to the percentages specified in statute.

Lighthouse Association License Plate

The bill changes the wording on the bottom of the Lighthouse Association SLP from "Visit Our Lights" to "SaveOurLighthouses.org."

In God We Trust License Plate

The bill amends the distribution of the annual use fees from the In God We Trust license plate. The annual use fees will be distributed to the In God We Trust Foundation, Inc., which may use up to ten percent of the proceeds to offset marketing, administration, and promotion, and the balance of the fees to address the needs of the military community and the needs of the public safety community, to provide educational grants and scholarships to foster self-reliance and stability in Florida's children, and to provide education in public and private schools regarding the historical significance of religion in American and Florida history.

Fallen Law Enforcement Officer License Plate

The bill provides that the annual use fees must be distributed to the Police and Kids Foundation, Inc., which may use up to ten percent of the proceeds for marketing the SLP. All remaining proceeds must be distributed to and used by the Police and Kids Foundation, Inc., for its operations, activities, programs, and projects.

Existing Motorcycle Specialty License Plates

Preserve Vision

The bill amends s. 320.08068(4)(b), F.S., changing the statutory reference from "Prevent Blindness Florida" to "Preserve Vision Florida" to reflect the change in the organization's name.

Ducks Unlimited License Plate

The bill creates a Ducks Unlimited license plate. The license plate must bear the DHSMV-approved colors and design. The word "Florida" appears at the top of the plate and "Conserving Florida Wetlands" appears at the bottom of the plate.

The annual use fee is distributed to Ducks Unlimited, Inc., to be used as follows:

- Up to five percent may be used for administrative costs and marketing of the plate.
- At least ninety-five percent must be used in Florida to support Ducks Unlimited's mission and efforts to conserve, restore, and manage Florida wetlands and associated habitats for the benefit of waterfowl, other wildlife, and people.

Dan Marino Campus License Plate

The bill creates a Dan Marino Campus license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Marino Campus” appears at the bottom of the plate.

The annual use fees from the sale of the Dan Marino Campus license plate are distributed to the Dan Marino Foundation, Inc., which may use up to ten percent of the fees for administrative costs and marketing the plate. The remainder of the fees are to be used by the Dan Marino Foundation, Inc., to assist Floridians with developmental disabilities in becoming employed, independent, and productive; to promote awareness of such services; and to promote and fund education scholarships related to such services.

Donate Life Florida License Plate

The bill creates the Donate Life Florida license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate, and “Donors Save Lives” appears at the bottom of the plate.

The annual use fees from the Donate Life Florida license plate are distributed to Donate Life Florida, which may use up to ten percent of the proceeds for marketing and administrative costs. The remaining proceeds must be used by Donate Life Florida to educate Florida residents on the importance of organ, tissue, and eye donation and for the continued maintenance of the Joshua Abbott Organ and Tissue Donor Registry, which is Florida’s organ, tissue, and eye donor registry.

Florida State Beekeepers Association License Plate

The bill creates the Florida State Beekeepers Association license plate. The plate must bear the DHSMV approved colors and design with “Florida” at the top of the plate and “Save the Bees” at the bottom of the plate.

The annual use fees will be distributed to the Florida State Beekeepers Association, a Florida nonprofit corporation.¹²⁵

The Florida State Beekeepers Association may use up to eighteen percent of the annual use fees for:

- Direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process of the license plate.
- Promotion and marketing costs of the license plate.

The bill requires that all vendors associated with the administrative costs be selected by competitive bid.

¹²⁵ Florida Department of State, Division of Corporations, Sunbiz, Florida State Beekeepers Association, Incorporated, <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited March 29, 2019).

The remaining eighty-two percent of the annual use fee distributed to the Florida State Beekeepers Association will be used to raise awareness of the importance of beekeeping to Florida agriculture by funding honeybee research, education, outreach, and husbandry. The Florida State Beekeepers Association board of managers must approve and is accountable for all such expenditures.

America the Beautiful License Plate

The bill creates the America the Beautiful license plate. The word “Florida” appears at the top of the plate and “America the Beautiful” appears at the bottom of the plate.

The annual use fees are distributed to the America the Beautiful Fund as follows:

- Fifteen percent to offset administrative, marketing, and promotion costs.
- Eighty-five percent for projects and programs teaching character, leadership, and service to Florida youth; provision of well-being and assistance in the military community; outdoor education advancing self-sufficiency; wildlife conservation, including imperiled and managed species; the maintenance of historic or culturally important sites, buildings, structures, or objects; and the development and modification of playgrounds, recreational areas, or other outdoor amenities, including disability access.

Beat Childhood Cancer License Plate

The bill creates the Beat Childhood Cancer license plate. The license plate must bear the DHSMV approved colors and design. The word “Florida” appears at the top of the plate and “Beat Childhood Cancer” appears at the bottom of the plate.

The annual use fees from the Beat Childhood Cancer license plate are to be distributed as follows:

- Eighty percent is distributed to Beat Nb, Inc., which may use up to ten percent of the proceeds for administrative costs directly associated with the operation of the corporation and for marketing and promoting the plate. The remaining proceeds must be used by Beat Nb, Inc., to fund pediatric cancer treatment and research.
- Twenty percent is distributed to No Kid Should Know Cancer, Inc., which may use up to five percent of the proceeds for administrative costs and for the marketing of the plate. The balance of the fees must be used by No Kid Should Know Cancer, Inc., to:
 - Support families who have a child recently diagnosed with cancer;
 - Hold events that raise awareness about childhood cancer; and
 - Support clinical trials that work to provide better treatment plans for children diagnosed with cancer and; ultimately a better prognosis.

University of Alabama License Plate

The bill creates a University of Alabama license plate. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Roll Tide” must appear at the bottom of the plate.

The annual use fees from the sale of the plate are distributed to the Pensacola Bama Club, which must use the moneys for the purpose of awarding scholarships to Florida residents attending the

University of Alabama. Students receiving these scholarships must be eligible for the Florida Bright Futures Scholarship Program¹²⁶ and use the scholarship funds for tuition and other expenses related to attending the University of Alabama.

Rotary License Plate

The bill creates the Rotary license plate. The license plate must contain the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Rotary” appears at the bottom of the plate. The license plate will also bear the Rotary International wheel emblem.

The annual use fees from the sale of the Rotary license plate are distributed to the Community Foundation of Tampa Bay, Inc., to be distributed as follows:

- Up to ten percent for administrative costs and for marketing the plate;
- Ten percent to Rotary’s Camp Florida for direct support to all programs and services provided to special needs children who attend the camp; and
- The remainder is distributed, proportionally based on sales, to each Rotary district in the state to support Rotary youth programs in Florida.

Florida Bay Forever License Plate

The bill creates the Florida Bay Forever license plate. The plate must bear the DHSMV approved colors and design. The word “Florida” appears at the top of the plate and “Florida Bay Forever” appears at the bottom of the plate.

The annual use fees from the sale of the Florida Bay Forever license plate are distributed to the Florida National Parks Association, Inc., which may use up to ten percent of the proceeds for administrative costs and marketing the plate. The remainder of the funds must be used to supplement the Everglades National Park’s budget and to support educational, interpretive, historical, and scientific research relating to the Everglades National Park.

Bonefish and Tarpon Trust License Plate

The bill creates a Bonefish and Tarpon Trust license plate. The plate must bear the DHSMV-approved colors and designs. The word “Florida” appears at the top of the plate, and “Bonefish and Tarpon Trust” appears at the bottom of the plate.

The annual use fees from the sale of the Bonefish and Tarpon Trust license plate are distributed to the Bonefish and Tarpon Trust, which may use up to ten percent of the proceeds to promote and market the license plate. The remainder of the proceeds must be used to conserve and enhance Florida bonefish and tarpon fisheries and their respective environments through stewardship, research, education, and advocacy.

Medical Professionals Who Care License Plate

The bill creates a Medical Professionals Who Care license plate. The plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Medical Professionals Who Care” appears at the bottom of the plate.

¹²⁶ Section 1009.531, F.S.

The annual use fees from the sale of the Medical Professionals Who Care license plate are distributed to Florida Benevolent Group, Inc., which may use up to ten percent of the fees for administrative costs, marketing, and promoting the license plate. The remainder of the fees are used by Florida Benevolent Group, Inc., to assist low-income individuals in obtaining a medical education and career through scholarships, support, and guidance.

University of Georgia License Plate

The bill creates a University of Georgia license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “University of Georgia” appears at the bottom of the plate.

The annual use fees from the University of Georgia SLP are distributed to the Georgia Bulldog Club of Jacksonville, which must distribute the moneys received for the purpose of awarding scholarships to Florida residents attending the University of Georgia. Students receiving the scholarship must be eligible for the Florida Bright Futures Scholarship Program¹²⁷ and use the scholarship funds for tuition and other expenses related to attending the University of Georgia.

Highwaymen License Plate

The bill creates the Highwaymen license plate. The license plate must bear the colors and design approved by the DHSMV. The new license plates will display the word “Florida” at the top of the plate and “Highwaymen” at the bottom of the plate.

The annual use fees will be distributed to the City of Fort Pierce, subject to a city resolution designating the city as the fiscal agent of the SLP. The city may use up to ten percent of the fees for administrative costs and marketing of the plate and shall use the remainder of the fees as follows:

- Before completion of construction of the Highwaymen Museum and African-American Cultural Center:
 - A minimum of fifteen percent shall be distributed to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County.
 - The remainder of the fees shall be used by the city to fund the construction of the Highwaymen Museum and African-American Cultural Center.
- Upon completion of construction of the Highwaymen Museum and African-American Cultural Center:
 - A minimum of ten percent shall be distributed to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County.

The remainder of the fees shall be used by the city to fund the day-to-day operations of the Highwaymen Museum and African-American Cultural Center.

Orlando City Soccer License Plate

The bill creates an Orlando City Soccer Club license plate. Section 320.08058(9), F.S., provides that Florida Professional Sports Team license plates must bear the DHSMV-approved colors and

¹²⁷ Section 1009.531, F.S.

design and must include the official league or team logo, or both, as appropriate for each team. The word “Florida” must appear at the top of the plate.

The annual use fee is distributed as follows:

- Fifty-five percent to the Professional Sports Development Trust Fund within the Department of Economic Opportunity (DEO), to be used solely to attract and support major sports events in this state.
- The remaining proceeds must be allocated to Enterprise Florida, Inc. and must be deposited into the Professional Sports Development Trust Fund within DEO. These funds must be used by Enterprise Florida, Inc., to:
 - Promote the economic development of the sports industry;
 - Distribute licensing and royalty fees to participating professional sports teams;
 - Promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards;
 - Partner with the Department of Education and the Department of Health to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement;
 - Institute a grant program for communities bidding on minor sporting events that create an economic impact for the state;
 - Distribute funds to Florida-based charities designated by Enterprise Florida, Inc., and the participating professional sports teams; and
 - Fulfill the sports promotion responsibilities of DEO.

The proceeds from the Professional Sports Development Trust Fund may also be used for operational expenses of Enterprise Florida, Inc., and financial support of the Sunshine State Games.

Coastal Conservation Association License Plate

The bill creates the Coastal Conservation Association license plate. The license plate will bear the DHSMV-approved colors and design. The new license plates will display the word “Florida” at the top of the plate and “Conserve Florida’s Fisheries” at the bottom of the plate.

The annual use fee is distributed to the CCAF to be used as follows:

- Up to ten percent may be used for administrative costs;
- Up to ten percent may be used to promote and market the plate; and
- The remainder must be used to support the mission and efforts of the CCAF for habitat enhancement and restoration, saltwater fisheries conservation, and education; to advise the public on the conservation of marine resources; and to promote and enhance the present and future availability of those coastal resources for the benefit and enjoyment of the general public.

Blue Angels License Plate

The bill creates the Blue Angels license plate. The license plate must bear the colors and design approved by the DHSMV. The word “Florida” must appear at the top of the plate, and the words “Home of the Blue Angels” must appear at the bottom of the plate.

The annual use fees from the sale of the SLP will be distributed to the Naval Aviation Museum Foundation, a nonprofit Florida corporation under s. 501(c)(3) of the Internal Revenue Code, to fund the maintenance, programs, marketing, and projects of the foundation, including the National Naval Aviation Museum and the National Flight Academy in Pensacola. Up to fifteen percent of the funds received by the Naval Aviation Museum Foundation may be used for marketing of the plate and costs directly associated with the administration of the foundation. The Naval Aviation Museum Foundation shall distribute fifty percent of the funds to eligible programs and projects associated with the National Flight Academy and the remainder of the funds to eligible programs and projects associated with the National Naval Aviation Museum

Palm Beach Zoo and Conservation Society License Plate

The bill creates the Palm Beach Zoo and Conservation Society license plate. The license plate must bear the colors and design approved by the DHSMV. The word “Florida” must appear at the top of the plate, and the words “Palm Beach Zoo and Conservation Society” must appear at the bottom of the plate.

The annual use fees from the sale of the SLP shall be distributed to the Palm Beach Zoo and Conservation Society to fund educational programs for students in pre-K through grade 12, conservation projects to protect endangered or threatened species, and services for the health and welfare of animals in the zoo’s care. The Palm Beach Zoo and Conservation Society may retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to ten percent of the annual use fee revenue may be used for promotion and marketing of the specialty license plate and administrative costs directly associated with the programs of the society and the specialty license plate.

Ethical Ecotourism License Plate

The bill creates the Ethical Ecotourism license plate. The license plate must bear the colors and design approved by the DHSMV. The word “Florida” must appear at the top of the plate, and the words approved by the DHSMV must appear at the bottom of the plate.

The annual use fees from the sale of the SLP shall be distributed equally between the Florida Society for Ethical Ecotourism and Paddle Florida, Inc., each of which may use up to ten percent of such proceeds for administrative costs and the marketing of the plate. The remaining proceeds must be used by the Florida Society for Ethical Ecotourism to provide environmental education and awareness that encourage behaviors that contribute to the sustainability of Florida’s natural ecosystems and resources, and by Paddle Florida, Inc., to raise awareness about water conservation, wildlife preservation, restoration of springs, and protection of waterways in this state.

Knights of Columbus License Plate

The bill creates the Knights of Columbus license plate. The license plate must bear the colors and design approved by the DHSMV. The word “Florida” must appear at the top of the plate, and the words “In God We Trust” must appear at the bottom of the plate.

The annual use fees from the sale of the SLP shall be distributed to the Florida Knights of Columbus Charities, Inc., which may use a maximum of ten percent of the proceeds to promote

and market the plate. The remainder of the proceeds shall be used by Florida Knights of Columbus Charities, Inc., a Knights of Columbus organization under s. 501(c)(3) of the Internal Revenue Code, to fund its charitable activities, including, but not limited to, the Christian Refugee Relief Fund, disaster relief, Ultrasound Initiative, Food for Families, and Coats for Kids.

Daughters of the American Revolution License Plate

The bill creates the Daughters of the American Revolution license plate. The license plate must bear the colors and design approved by the DHSMV. The word “Florida” must appear at the top of the plate, and the words “Daughters of the American Revolution” must appear at the bottom of the plate.

The annual use fees from the sale of the SLP shall be distributed to the Daughters of the American Revolution, a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code. Up to ten percent of the proceeds may be used for the promotion and marketing of the plate. The remainder of the proceeds shall be used within this state by the Daughters of the American Revolution, a nonpolitical volunteer women’s service organization, to promote patriotism, preserve American history, and secure America’s future through educational programs for local public and private K-12 students and scholarships and other educational funding for underprivileged children.

Guardian Ad Litem License Plate

The bill creates the Guardian Ad Litem license plate. The license plate must bear the colors and design approved by the DHSMV. The word “Florida” must appear at the top of the plate, and the words “Heartfelt Child Advocacy” must appear at the bottom of the plate.

The annual use fees from the sale of the SLP shall be distributed to the Florida Guardian Ad Litem Foundation, Inc., a direct-support organization and a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code. Up to ten percent of the proceeds may be used for administrative costs and the marketing of the plate. The remainder of the proceeds must be used in this state to support the mission and efforts of the statewide Guardian Ad Litem Program to recruit and retain volunteer child advocates, meet the unique needs of dependent children, and promote awareness of the mission.

Jumbo Shrimp License Plate

The bill creates the Jumbo Shrimp license plate. The license plate must bear the colors and design approved by the DHSMV. The word “Florida” must appear at the top of the plate, and the words “Jumbo Shrimp” must appear at the bottom of the plate.

The annual use fees from the sale of the SLP shall be distributed to the St. Johns Riverkeeper, a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code. Up to ten percent of the proceeds may be used for the promotion and marketing of the plate. The remainder of the proceeds shall be used by St. Johns Riverkeeper for programs and activities related to fulfilling its mission to protect and restore the health of the St. Johns River.

Omega Psi Phi Fraternity License Plate

The bill creates the Psi Phi license plate. The license plate must bear the colors and design approved by the DHSMV. The word “Florida” must appear at the top of the plate, and the words “Psi Phi” must appear at the bottom of the plate.

The annual use fees from the sale of the SLP shall be distributed to the State of Florida Omega Friendship Foundation, Inc., to be used as follows:

- Five percent shall be used solely for marketing of the Omega Psi Phi Fraternity license plate.
- Ninety-five percent shall be used for college scholarships for Florida residents attending historically black colleges and universities in this state.

Delta Sigma Theta Sorority License Plate

The bill creates the Delta Sigma Theta license plate. The license plate must bear the colors and design approved by the DHSMV. The word “Florida” must appear at the top of the plate, and the words “Delta Sigma Theta” must appear at the bottom of the plate.

The annual use fees from the sale of the SLP shall be distributed to the Delta Research and Educational Foundation, Inc., to be used as follows:

- Five percent shall be used solely for marketing of the Delta Sigma Theta Sorority license plate.
- Ninety-five percent shall be used for college scholarships for Florida residents attending historically black colleges and universities in this state.

Sigma Gamma Rho Sorority License Plate

The bill creates the Sigma Gamma Rho license plate. The license plate must bear the colors and design approved by the DHSMV. The word “Florida” must appear at the top of the plate, and the words “Sigma Gamma Rho” must appear at the bottom of the plate.

The annual use fees from the SLP of the plate shall be distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73, F.S.

Kappa Alpha Psi Fraternity License Plate

The bill creates the Kappa Alpha Psi license plate. The license plate must bear the colors and design approved by the DHSMV. The word “Florida” must appear at the top of the plate, and the words “Kappa Alpha Psi” must appear at the bottom of the plate.

The annual use fees from the sale of the SLP shall be distributed to the Southern Province of Kappa Alpha Psi Foundation, Inc., to be used as follows:

- Five percent shall be used solely for marketing of the Kappa Alpha Psi Fraternity license plate.
- Ninety-five percent shall be used for college scholarships for Florida residents attending historically black colleges and universities in this state.

Alpha Kappa Alpha Sorority License Plate

The bill creates the Alpha Kappa Alpha license plate. The license plate must bear the colors and design approved by the DHSMV. The word “Florida” must appear at the top of the plate, and the words “Alpha Kappa Alpha” must appear at the bottom of the plate.

The annual use fees from the sale of the SLP shall be distributed to the Alpha Kappa Alpha Educational Advancement Foundation, Inc., to be used as follows:

- Five percent shall be used solely for marketing of the Alpha Kappa Alpha Sorority license plate.
- Ninety-five percent shall be used for college scholarships for Florida residents attending historically black colleges and universities in this state.

Alpha Phi Alpha Fraternity License Plate

The bill creates the Alpha Phi Alpha license plate. The license plate must bear the colors and design approved by the DHSMV. The word “Florida” must appear at the top of the plate, and the words “Alpha Phi Alpha” must appear at the bottom of the plate.

The annual use fees from the sale of the SLP shall be distributed to the Department of Education to be used for the JC Rawls-FFAC Foundation, Inc.

Zeta Phi Beta Sorority License Plate

The bill creates the Zeta Phi Beta license plate. The license plate must bear the colors and design approved by the DHSMV. The word “Florida” must appear at the top of the plate, and the words “Zeta Phi Beta” must appear at the bottom of the plate.

The annual use fees from the sale of the SLP shall be distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73, F.S.

Phi Beta Sigma Fraternity License Plate

The bill creates the Phi Beta Sigma license plate. The license plate must bear the colors and design approved by the DHSMV. The word “Florida” must appear at the top of the plate, and the words “Phi Beta Sigma” must appear at the bottom of the plate.

The annual use fees from the sale of the SLP shall be distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73, F.S.

Iota Phi Theta Fraternity License Plate

The bill creates the Iota Phi Theta license plate. The license plate must bear the colors and design approved by the DHSMV. The word “Florida” must appear at the top of the plate, and the words “Iota Phi Theta” must appear at the bottom of the plate.

The annual use fees from the sale of the SLP shall be distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73, F.S.

Gopher Tortoise License Plate

The bill creates the Gopher Tortoise license plate. The license plate must bear the colors and design approved by the DHSMV. The word “Florida” must appear at the top of the plate, and the words “Protect the Gopher Tortoise” must appear at the bottom of the plate.

The annual use fees from the sale of the SLP shall be distributed to the Wildlands Conservation, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to fund gopher tortoise and commensal species research, education, and conservation, as well as upland habitat protection, restoration, and management in this state. Up to fifteen percent of the funds received by Wildlands Conservation, Inc., may be used for marketing of the plate and costs directly associated with the administration of the gopher tortoise protection program. Wildlands Conservation, Inc., shall use and distribute the remaining funds to eligible Florida-based scientific, conservation, and educational organizations for gopher tortoise and upland habitat research, conservation, and management.

Tread Lightly Off Road Florida License Plate

The bill creates the Tread Lightly Off Road Florida license plate. The license plate must bear the colors and design approved by the DHSMV. The word “Florida” must appear at the top of the plate, and the words “Tread Lightly” must appear at the bottom of the plate.

The annual use fees from the sale of the SLP shall be distributed to the Florida Off Road Foundation, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code. Up to ten percent of the funds may be used for marketing of the plate, costs directly associated with creation of the plate, and administrative costs related to distribution of proceeds, including annual audit services and compliance affidavit costs. The remainder of the funds shall be used by the Florida Off Road Foundation, Inc., to fund qualified nonprofit organizations that protect and preserve Florida’s natural off-road habitat; educate Floridians about responsible use of the off-road environment; support civilian volunteer programs to promote the use of off-road vehicles to assist law enforcement in situations such as search and rescue; support organized cleanups, trail maintenance, and restoration; or preserve Florida’s off-road culture.

Orlando United License Plate

The bill creates the Orlando United license plate. The license plate must bear the colors and design approved by the DHSMV. The word “Florida” must appear at the top of the plate, and the words “Orlando United” must appear at the bottom of the plate.

The annual use fees from the sale of the SLP shall be distributed as follows:

- Mental Health Association of Central Florida, Inc.
 - Thirty-one percent be used to provide free counseling to anyone affected by the shooting at the Pulse nightclub; of this amount up to five percent for administrative costs.
 - Five percent for marketing of the plate.

- OnePULSE Foundation
 - Thirty-one percent to construct and maintain the OnePulse Foundation Memorial; of this amount up to five percent for administrative costs.
 - Two percent for marketing the plate.
- Two Spirit Health Services, Inc.
 - Thirty-one percent to offer free personalized counseling to anyone affected by the shooting the Pulse nightclub; of this amount up to five percent for administrative costs.

Purple Heart Motorcycle Special License Plate

The bill creates s. 320.0875, F.S., creating the Purple Heart motorcycle license plate. Upon application to the DHSMV and payment of the motorcycle license tax,¹²⁸ a resident who owns or leases a motorcycle that is not used for-hire or commercial use is to be issued a Purple Heart motorcycle license plate if he or she provides documentation acceptable to the DHSMV that he or she is a recipient of the Purple Heart medal.

The Purple Heart motorcycle SLP will be stamped with the term “Combat-wounded Veteran” followed by the serial number of the license plate. It may have the term “Purple Heart” stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

Bronze Star Special License Plate

The bill amends s. 320.089, F.S., authorizing the DHSMV to create the Bronze Star special use license plate for recipients of the Bronze Star medal who provide proof of their qualification. The license plate will be stamped with the term “Bronze Star” and a likeness of the related campaign medal. Revenue generated from the sale of the Bronze Star special use license plate will be administered the same as the existing special use license plates, and deposited into the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund to support the State Veterans Homes Program.

Audits and Attestations

The bill amends s. 320.08062(1)(b), F.S., requiring the DHSMV to audit any SLP revenue recipient every three years if the organization is not subject to the Florida Single Audit Act. The purpose of this audit is to ensure that SLP proceeds have been used in compliance with Florida Statutes.

The bill takes effect October 1, 2019, but only if CS/SB 1106 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.

¹²⁸ The license tax is provided in s. 320.08, 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:

CS/SB 1106 establishes a \$25 annual use fee that will be charged for any specialty license plate that the DHSMV is required to develop and a \$50 annual use fee for the University of Alabama and the University of Georgia specialty license plates.

Individuals who choose to purchase a specialty license plate created in CS/SB 1104 will pay an additional use fee of \$25 in addition to required vehicle license taxes and fees.

Individuals who choose to purchase a University of Alabama or University of Georgia specialty license plate will pay an additional use fee of \$50 in addition to required vehicle license taxes and fees.

B. Private Sector Impact:

Organizations receiving SLP revenue may see additional revenues associated with the sale of SLPs.

Current law prohibits the redesign of a SLP unless the inventory of the license plate has been depleted. However, the organization may purchase the remaining inventory of the SLP from DHSMV at DHSMV's cost.¹²⁹ Special Olympics Florida and the Florida Lighthouse Association may be required to purchase the remaining inventory of its SLPs at DHSMV's cost prior to the authorized redesign of these SLPs.

C. Government Sector Impact:

Revenues from the sale of the Orlando City Soccer Club SLP will be deposited into the Professional Sports Development Trust Fund within DEO. To the extent that individuals

¹²⁹ Section 320.08056(9), F.S.

choose to purchase this SLP, there may be a positive, but indeterminate impact to the Professional Sports Development Trust Fund.

Revenues from the sale of the Purple Heart Motorcycle plate and Bronze Star plate will be deposited into the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund within the Department of Veterans Affairs; to the extent that eligible individuals choose to purchase these license plates, there may be an indeterminate, positive fiscal impact on these trust funds.

Depending on the number of distributions tied to the plates, the amount of programming may vary as will the resources needed to complete the changes. The average specialty/special license plate requires approximately 200-250 hours of programming, at a rate of \$35 to \$40 per hour. This results in programming costs of between \$7,000 and \$10,000 per plate.¹³⁰ Therefore, the potential programming costs for 34 SLPs and 2 special use plates, may range from \$252,000 to \$360,000. The DHSMV is authorized to retain revenues from the first proceeds of SLP sales to defray departmental expenditures related to the SLP program.¹³¹

Additionally, DHSMV states the cost to perform an audit every three years of each SLP may result in an insignificant workload impact that can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 320.06, 320.0657, 320.08, 320.08053, 320.08056, 320.08058, 320.08062, 320.08068, 320.0875, and 320.089 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:

- Incorporates the linked bill number of SB 1106.

¹³⁰ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: SLP Price for Tim, (February 5, 2019).

¹³¹ Section 320.08056(7), F.S.

- Provides that the 125 plate threshold does not apply to collegiate license plates established under s. 320.08058(3).
- Adds 18 additional SLPs.
- Removes language creating electronic credentials.

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (3) of section
320.06, Florida Statutes, is amended to read:

320.06 Registration certificates, license plates, and
validation stickers generally.—

(3) (a) Registration license plates must be made of metal
specially treated with a retroreflection material, as specified



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by the department. The registration license plate is designed to increase nighttime visibility and legibility and must be at least 6 inches wide and not less than 12 inches in length, unless a plate with reduced dimensions is deemed necessary by the department to accommodate motorcycles, mopeds, or similar smaller vehicles. Validation stickers must also be treated with a retroreflection material, must be of such size as specified by the department, and must adhere to the license plate. The registration license plate must be imprinted with a combination of bold letters and numerals or numerals, not to exceed seven digits, to identify the registration license plate number. The license plate must be imprinted with the word "Florida" at the top and the name of the county in which it is sold, the state motto, or the words "Sunshine State" at the bottom. Apportioned license plates must have the word "Apportioned" at the bottom and license plates issued for vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) must have the word "Restricted" at the bottom. License plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word "Florida" at the top and the word "Dealer" at the bottom unless the license plate is a specialty license plate as authorized in s. 320.08056. Manufacturer license plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word "Florida" at the top and the word "Manufacturer" at the bottom. License plates issued for vehicles taxed under s. 320.08(5)(d) or (e) must be imprinted with the word "Wrecker" at the bottom. Any county may, upon majority vote of the county commission, elect to have the county name removed from the license plates sold in that county. The state motto or the words



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"Sunshine State" shall be printed in lieu thereof. A license plate issued for a vehicle taxed under s. 320.08(6) may not be assigned a registration license number, or be issued with any other distinctive character or designation, that distinguishes the motor vehicle as a for-hire motor vehicle.

Section 2. Paragraph (b) of subsection (2) of section 320.0657, Florida Statutes, is amended to read:

320.0657 Permanent registration; fleet license plates.—

(2)

(b) The plates, which shall be of a distinctive color, shall have the word "Fleet" appearing at the bottom and the word "Florida" appearing at the top unless the license plate is a specialty license plate as authorized in s. 320.08056. The plates shall conform in all respects to the provisions of this chapter, except as specified herein. For additional fees as set forth in s. 320.08056, fleet companies may purchase specialty license plates in lieu of the standard fleet license plates. Fleet companies shall be responsible for all costs associated with the specialty license plate, including all annual use fees, processing fees, fees associated with switching license plate types, and any other applicable fees.

Section 3. Subsection (12) of section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(4), tri-vehicles as defined in s. 316.003, and mobile homes as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the



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registration or renewal of registration of the following:

(12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer license plate: \$17 flat, of which \$4.50 shall be deposited into the General Revenue Fund. For additional fees as set forth in s. 320.08056, fleet companies may purchase specialty license plates in lieu of the standard fleet license plates. Fleet companies shall be responsible for all costs associated with the specialty license plate, including all annual use fees, processing fees, fees associated with switching license plate types, and any other applicable fees.

Section 4. Section 320.08053, Florida Statutes, is amended to read:

320.08053 Establishment of ~~Requirements for requests to establish~~ specialty license plates.—

(1) If a specialty license plate requested by an organization is approved by law, the organization must submit the proposed art design for the specialty license plate to the department, in a medium prescribed by the department, as soon as practicable, but no later than 60 days after the act approving the specialty license plate becomes a law.

(2)(a) Within 120 days after ~~following~~ the specialty license plate becomes ~~becoming~~ law, the department shall establish a method to issue a specialty license plate voucher to allow for the presale of the specialty license plate. The processing fee as prescribed in s. 320.08056, the service charge and branch fee as prescribed in s. 320.04, and the annual use fee as prescribed in s. 320.08056 shall be charged for the



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voucher. All other applicable fees shall be charged at the time of issuance of the license plates.

(b) Within 24 months after the presale specialty license plate voucher is established, the approved specialty license plate organization must record with the department a minimum of 3,000 ~~1,000~~ voucher sales, or, in the case of an out-of-state college or university license plate, 4,000 voucher sales, before manufacture of the license plate may commence. If, at the conclusion of the 24-month presale period, the minimum sales requirement has ~~requirements have~~ not been met, the specialty plate is deauthorized and the department shall discontinue development of the plate and discontinue issuance of the presale vouchers. Upon deauthorization of the license plate, a purchaser of the license plate voucher may use the annual use fee collected as a credit towards any other specialty license plate or apply for a refund on a form prescribed by the department.

(3) (a) New specialty license plates that have been approved by law but are awaiting issuance under paragraph (b) must be issued in the order they appear in s. 320.08058 provided that they have met the presale requirement. All other provisions of this section must also be met before a plate is issued. If the next awaiting specialty license plate has not met the presale requirement, the department shall proceed in the order provided in s. 320.08058 to identify the next qualified specialty license plate that has met the presale requirement. The department shall cycle through the list in statutory order.

(b) If the Legislature has approved 125 or more specialty license plates, the department may not make any new specialty license plates available for design or issuance until a



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sufficient number of plates are discontinued pursuant to s. 320.08056(8) such that the number of plates being issued does not exceed 125. This paragraph does not apply to collegiate license plates established under s. 320.08058(3).

Section 5. Present subsection (12) of section 320.08056, Florida Statutes, is redesignated as subsection (13), paragraphs (c) through (f) of subsection (8) and a new subsection (12) are added to that section, and subsections (2) and (4), paragraph (a) of subsection (10), and subsection (11) of that section are amended, to read:

320.08056 Specialty license plates.—

(2)(a) The department shall issue a specialty license plate to the owner or lessee of any motor vehicle, except a vehicle registered under the International Registration Plan, a commercial truck required to display two license plates pursuant to s. 320.0706, or a truck tractor, upon request and payment of the appropriate license tax and fees.

(b) The department may authorize dealer and fleet specialty license plates. With the permission of the sponsoring specialty license plate organization, a dealer or fleet company may purchase specialty license plates to be used on dealer and fleet vehicles.

(c) Notwithstanding s. 320.08058, a dealer or fleet specialty license plate must include the letters "DLR" or "FLT" on the right side of the license plate. Dealer and fleet specialty license plates must be ordered directly through the department.

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:



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156 (a) ~~Manatee license plate, \$25.~~
157 **(b)** ~~Challenger/Columbia license plate, \$25, except that a~~
158 person who ~~that~~ purchases 1,000 or more of such license plates
159 shall pay an annual use fee of \$15 per plate.
160 (c) ~~Collegiate license plate, \$25.~~
161 **(b)** ~~(d)~~ Florida Salutes Veterans license plate, \$15.
162 (c) ~~Florida panther license plate, \$25.~~
163 **(c)** ~~(f)~~ Florida United States Olympic Committee license
164 plate, \$15.
165 **(d)** ~~(g)~~ Florida Special Olympics license plate, \$15.
166 **(e)** ~~(h)~~ Florida educational license plate, \$20.
167 (i) ~~Florida Professional Sports Team license plate, \$25.~~
168 **(f)** ~~(j)~~ Florida Indian River Lagoon license plate, \$15.
169 **(g)** ~~(k)~~ Invest in Children license plate, \$20.
170 **(h)** ~~(l)~~ Florida arts license plate, \$20.
171 (m) ~~Bethune-Cookman University license plate, \$25.~~
172 **(i)** ~~(n)~~ Florida Agricultural license plate, \$20.
173 **(j)** ~~(o)~~ Police Athletic League license plate, \$20.
174 **(k)** ~~(p)~~ Boy Scouts of America license plate, \$20.
175 (q) ~~Largemouth Bass license plate, \$25.~~
176 **(l)** ~~(r)~~ Sea Turtle license plate, \$23.
177 **(m)** ~~(s)~~ Protect Wild Dolphins license plate, \$20.
178 (t) ~~Barry University license plate, \$25.~~
179 **(n)** ~~(u)~~ Everglades River of Grass license plate, \$20.
180 (v) ~~Keep Kids Drug-Free license plate, \$25.~~
181 (w) ~~Florida Sheriffs Youth Ranches license plate, \$25.~~
182 (x) ~~Conserve Wildlife license plate, \$25.~~
183 (y) ~~Florida Memorial University license plate, \$25.~~
184 **(o)** ~~(z)~~ Tampa Bay Estuary license plate, \$15.



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185 (p)~~(aa)~~ Florida Wildflower license plate, \$15.
186 (q)~~(bb)~~ United States Marine Corps license plate, \$15.
187 (r)~~(cc)~~ Choose Life license plate, \$20.
188 (s)~~(dd)~~ Share the Road license plate, \$15.
189 ~~(ee) American Red Cross license plate, \$25.~~
190 ~~(ff) United We Stand license plate, \$25.~~
191 ~~(gg) Breast Cancer Research license plate, \$25.~~
192 ~~(hh) Protect Florida Whales license plate, \$25.~~
193 ~~(ii) Florida Golf license plate, \$25.~~
194 (t)~~(jj)~~ Florida Firefighters license plate, \$20.
195 (u)~~(kk)~~ Police Benevolent Association license plate, \$20.
196 (v)~~(ll)~~ Military Services license plate, \$15.
197 ~~(mm) Protect Our Reefs license plate, \$25.~~
198 (w)~~(nn)~~ Fish Florida license plate, \$22.
199 ~~(oo) Child Abuse Prevention and Intervention license plate,~~
200 ~~\$25.~~
201 ~~(pp) Hospice license plate, \$25.~~
202 ~~(qq) Stop Heart Disease license plate, \$25.~~
203 (x)~~(rr)~~ Save Our Seas license plate, \$25, except that for
204 an owner purchasing the specialty license plate for more than 10
205 vehicles registered to that owner, the annual use fee shall be
206 \$10 per plate.
207 (y)~~(ss)~~ Aquaculture license plate, \$25, except that for an
208 owner purchasing the specialty license plate for more than 10
209 vehicles registered to that owner, the annual use fee shall be
210 \$10 per plate.
211 ~~(tt) Family First license plate, \$25.~~
212 ~~(uu) Wildlife Foundation of Florida license plate, \$25.~~
213 ~~(vv) Live the Dream license plate, \$25.~~



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214 ~~(ww) Florida Food Banks license plate, \$25.~~
215 ~~(xx) Discover Florida's Oceans license plate, \$25.~~
216 ~~(yy) Family Values license plate, \$25.~~
217 ~~(zz) Parents Make A Difference license plate, \$25.~~
218 ~~(aaa) Support Soccer license plate, \$25.~~
219 ~~(bbb) Kids Deserve Justice license plate, \$25.~~
220 ~~(ccc) Animal Friend license plate, \$25.~~
221 ~~(ddd) Future Farmers of America license plate, \$25.~~
222 ~~(eee) Donate Organs-Pass It On license plate, \$25.~~
223 ~~(fff) A State of Vision license plate, \$25.~~
224 ~~(ggg) Homeownership For All license plate, \$25.~~
225 ~~(hhh) Florida NASCAR license plate, \$25.~~
226 ~~(iii) Protect Florida Springs license plate, \$25.~~
227 ~~(jjj) Trees Are Cool license plate, \$25.~~
228 ~~(kkk) Support Our Troops license plate, \$25.~~
229 ~~(lll) Florida Tennis license plate, \$25.~~
230 ~~(mmm) Lighthouse Association license plate, \$25.~~
231 ~~(nnn) In God We Trust license plate, \$25.~~
232 ~~(ooo) Horse Country license plate, \$25.~~
233 ~~(ppp) Autism license plate, \$25.~~
234 ~~(qqq) St. Johns River license plate, \$25.~~
235 ~~(rrr) Hispanic Achievers license plate, \$25.~~
236 ~~(sss) Endless Summer license plate, \$25.~~
237 ~~(ttt) Fraternal Order of Police license plate, \$25.~~
238 ~~(uuu) Protect Our Oceans license plate, \$25.~~
239 ~~(vvv) Florida Horse Park license plate, \$25.~~
240 ~~(www) Florida Biodiversity Foundation license plate, \$25.~~
241 ~~(xxx) Freemasonry license plate, \$25.~~
242 ~~(yyy) American Legion license plate, \$25.~~



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~~(zzz) Lauren's Kids license plate, \$25.~~

~~(aaaa) Big Brothers Big Sisters license plate, \$25.~~

~~(bbbb) Fallen Law Enforcement Officers license plate, \$25.~~

~~(cccc) Florida Sheriffs Association license plate, \$25.~~

~~(dddd) Keiser University license plate, \$25.~~

~~(eeee) Moffitt Cancer Center license plate, \$25.~~

(8)

(c) A vehicle owner or lessee issued a specialty license plate that has been discontinued by the department may keep the discontinued specialty license plate for the remainder of the 10-year license plate replacement period and shall pay all other applicable registration fees. However, such owner or lessee is exempt from paying the applicable specialty license plate fee under paragraph (3) (d) or subsection (4) for the remainder of the 10-year license plate replacement period.

(d) If the department discontinues issuance of a specialty license plate, all annual use fees held or collected by the department must be distributed within 180 days after the date on which the specialty license plate is discontinued. Of those fees, the department shall retain an amount sufficient to defray the applicable administrative and inventory closeout costs associated with discontinuance of the plate. The remaining funds must be distributed to the appropriate organization or organizations pursuant to s. 320.08058.

(e) If an organization that is the intended recipient of the funds pursuant to s. 320.08058 no longer exists, the department shall deposit any undisbursed funds into the Highway Safety Operating Trust Fund.

(f) Notwithstanding paragraph (a), on January 1 of each



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year, the department shall discontinue the specialty license plate with the fewest number of plates in circulation, including license plates exempt from a statutory sales requirement. A warning letter must be mailed to the sponsoring organizations of the 10 percent of the total number of specialty license plates with the fewest valid, active registrations as of December 1 of each year.

(10)(a) A specialty license plate annual use fee collected and distributed under this chapter, or any interest earned from those fees, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by s. 320.08058 or to pay the cost of the audit or report required by s. 320.08062(1). The fees and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of United States Armed Forces and veterans-related specialty license plates pursuant to paragraph (3)(d) for the Support Our Troops and American Legion license plates; paragraphs (4)(b), (q), and (v) for the Florida Salutes Veterans, United States Marine Corps, and Military Services license plates, respectively; ~~paragraphs (4)(d), (bb), (ll), (kkk), and (yyy)~~ and s. 320.0891 for the U.S. Paratroopers license plate.

(11) The annual use fee from the sale of specialty license plates, the interest earned from those fees, or any fees received by any entity ~~an agency~~ as a result of the sale of specialty license plates may not be used for the purpose of marketing to, or lobbying, entertaining, or rewarding, an employee of a governmental agency that is responsible for the sale and distribution of specialty license plates, or an elected



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member or employee of the Legislature.

(12) For out-of-state college or university license plates created pursuant to this section, the recipient organization shall meet both of the following requirements:

(a) Have an established endowment, based in this state, for the purpose of providing scholarships to Florida residents meeting the requirements of this chapter.

(b) Provide documentation to the department that the organization and the department have the college's or university's consent to use an appropriate image on a license plate.

Section 6. Effective July 1, 2022, paragraph (a) of subsection (8) of section 320.08056, Florida Statutes, is amended to read:

320.08056 Specialty license plates.—

(8) (a) The department must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 3,000, or, in the case of an out-of-state college or university license plate, below 4,000, ~~1,000~~ plates for at least 12 consecutive months. A warning letter shall be mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 3,000, or, in the case of an out-of-state college or university license plate, below 4,000 ~~1,000~~ plates. This paragraph does not apply to in-state collegiate license plates established under s. 320.08058(3), license plates of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, specialty license plates



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for which annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, or Florida Professional Sports Team license plates established under s. 320.08058(9).

Section 7. Subsections (7) and (31), present subsections (48), (57), and (65), paragraph (b) of present subsection (66), present subsections (69) and (70), and paragraph (b) of present subsection (80) of section 320.08058, Florida Statutes, are amended, present subsections (32) through (56) of that section are redesignated as subsections (31) through (55), respectively, present subsections (58) through (68) of that section are redesignated as subsections (56) through (66), respectively, present subsections (71) through (83) of that section are redesignated as subsections (67) through (79), respectively, and new subsections (80) through (83) and subsections (84) through (113) are added to that section, to read:

320.08058 Specialty license plates.—

(7) SPECIAL OLYMPICS FLORIDA LICENSE PLATES.—

(a) Special Olympics Florida license plates must contain the official Special Olympics Florida logo and must bear the colors and ~~a design and colors that are~~ approved by the department. The word "Florida" must be centered at the top ~~bottom~~ of the plate, and the words "Be a Fan" ~~"Everyone Wins"~~ must be centered at the bottom ~~top~~ of the plate.

(b) The license plate annual use fees must ~~are to~~ be annually distributed as follows:

1. The first \$5 million collected annually must be forwarded to the private nonprofit corporation as described in s. 393.002 and must be used solely for Special Olympics purposes



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as approved by the private nonprofit corporation.

2. Any additional fees must be deposited into the General Revenue Fund.

~~(31) AMERICAN RED CROSS LICENSE PLATES.—~~

~~(a) Notwithstanding the provisions of s. 320.08053, the department shall develop an American Red Cross license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "American Red Cross" must appear at the bottom of the plate.~~

~~(b) The department shall retain all revenues from the sale of such plates until all startup costs for developing and issuing the plates have been recovered. Thereafter, 50 percent of the annual use fees shall be distributed to the American Red Cross Chapter of Central Florida, with statistics on sales of license plates, which are tabulated by county. The American Red Cross Chapter of Central Florida must distribute to each of the chapters in this state the moneys received from sales in the counties covered by the respective chapters, which moneys must be used for education and disaster relief in Florida. Fifty percent of the annual use fees shall be distributed proportionately to the three statewide approved poison control centers for purposes of combating bioterrorism and other poison-related purposes.~~

~~(47)~~ (48) LIVE THE DREAM LICENSE PLATES.—

(a) The department shall develop a Live the Dream license plate as provided in this section. Live the Dream license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Live the Dream" must appear at the bottom of the plate.



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(b) The proceeds of the annual use fee shall be distributed to the Dream Foundation, Inc., ~~to The Dream Foundation, Inc.,~~ shall retain the first \$60,000 in proceeds from the annual use fees as reimbursement for administrative costs, startup costs, and costs incurred in the approval process. Thereafter, up to 25 percent shall be used for continuing promotion and marketing of the license plate and concept. The remaining funds shall be used in the following manner:

1. Up to 5 percent may be used to administer, promote, and market the license plate.

2.1. At least 60 ~~Twenty-five~~ percent shall be distributed equally among the sickle cell organizations that are Florida members of the Sickle Cell Disease Association of America, Inc., for programs that provide research, care, and treatment for sickle cell disease.

~~2. Twenty-five percent shall be distributed to the Florida chapter of the March of Dimes for programs and services that improve the health of babies through the prevention of birth defects and infant mortality.~~

~~3. Ten percent shall be distributed to the Florida Association of Healthy Start Coalitions to decrease racial disparity in infant mortality and to increase healthy birth outcomes. Funding will be used by local Healthy Start Coalitions to provide services and increase screening rates for high-risk pregnant women, children under 4 years of age, and women of childbearing age.~~

3.4. At least 30 ~~Ten~~ percent shall be distributed to Chapman ~~the Community Partnership for Homeless, Inc.,~~ for programs that provide relief from poverty, hunger, and



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homelessness.

4. Up to 5 percent may be distributed by the department on behalf of the Dream Foundation, Inc., to the Martin Luther King, Jr., Center for Nonviolent Social Change, Inc., as a royalty for the use of the image of Dr. Martin Luther King, Jr.

~~5. Five percent of the proceeds shall be used by the foundation for administrative costs directly associated with operations as they relate to the management and distribution of the proceeds.~~

~~(57) DONATE ORGANS-PASS IT ON LICENSE PLATES.—~~

~~(a) The department shall develop a Donate Organs-Pass It On license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "Donate Organs-Pass It On" must appear at the bottom of the plate.~~

~~(b) The annual use fees shall be distributed to Transplant Foundation, Inc., and shall use up to 10 percent of the proceeds from the annual use fee for marketing and administrative costs that are directly associated with the management and distribution of the proceeds. The remaining proceeds shall be used to provide statewide grants for patient services, including preoperative, rehabilitative, and housing assistance; organ donor education and awareness programs; and statewide medical research.~~

(63) ~~(65)~~ LIGHTHOUSE ASSOCIATION LICENSE PLATES.—

(a) The department shall develop a Lighthouse Association license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "SaveOurLighthouses.org ~~Visit Our Lights~~" must appear at the bottom of the plate.



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(b) The annual use fees must ~~shall~~ be distributed to the Florida Lighthouse Association, Inc., which may use a maximum of 10 percent of the proceeds to promote and market the plates. The remaining proceeds must ~~shall~~ be used by the association to fund the preservation, restoration, and protection of the 29 historic lighthouses remaining in the state.

~~(64)-(66)~~ IN GOD WE TRUST LICENSE PLATES.—

(b) The license plate annual use fees shall be distributed to the In God We Trust Foundation, Inc., which may use a maximum of 10 percent of the proceeds to offset marketing, administration, and promotion, and the balance of the fees to address the needs of the military community and the needs of the public safety community, to provide educational grants and scholarships to foster self-reliance and stability in Florida's children, and to provide education in public and private schools regarding the historical significance of religion in American and Florida history ~~to fund educational scholarships for the children of Florida residents who are members of the United States Armed Forces, the National Guard, and the United States Armed Forces Reserve and for the children of public safety employees who have died in the line of duty who are not covered by existing state law. Funds shall also be distributed to other s. 501(c)(3) organizations that may apply for grants and scholarships and to provide educational grants to public and private schools to promote the historical and religious significance of American and Florida history. The In God We Trust Foundation, Inc., shall distribute the license plate annual use fees in the following manner:~~

~~1. The In God We Trust Foundation, Inc., shall retain all~~



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~~revenues from the sale of such plates until all startup costs for developing and establishing the plate have been recovered.~~

~~2. Ten percent of the funds received by the In God We Trust Foundation, Inc., shall be expended for administrative costs, promotion, and marketing of the license plate directly associated with the operations of the In God We Trust Foundation, Inc.~~

~~3. All remaining funds shall be expended by the In God We Trust Foundation, Inc., for programs.~~

~~(69) ST. JOHNS RIVER LICENSE PLATES.—~~

~~(a) The department shall develop a St. Johns River license plate as provided in this section. The St. Johns River license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "St. Johns River" must appear at the bottom of the plate.~~

~~(b) The requirements of s. 320.08053 must be met prior to the issuance of the plate. Thereafter, the license plate annual use fees shall be distributed to the St. Johns River Alliance, Inc., a s. 501(c)(3) nonprofit organization, which shall administer the fees as follows:~~

~~1. The St. Johns River Alliance, Inc., shall retain the first \$60,000 of the annual use fees as direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process. Thereafter, up to 10 percent of the annual use fee revenue may be used for administrative costs directly associated with education programs, conservation, research, and grant administration of the organization, and up to 10 percent may be used for promotion and marketing of the~~



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~~specialty license plate.~~

~~2. At least 30 percent of the fees shall be available for competitive grants for targeted community-based or county-based research or projects for which state funding is limited or not currently available. The remaining 50 percent shall be directed toward community outreach and access programs. The competitive grants shall be administered and approved by the board of directors of the St. Johns River Alliance, Inc. A grant advisory committee shall be composed of six members chosen by the St. Johns River Alliance board members.~~

~~3. Any remaining funds shall be distributed with the approval of and accountability to the board of directors of the St. Johns River Alliance, Inc., and shall be used to support activities contributing to education, outreach, and springs conservation.~~

~~(70) HISPANIC ACHIEVERS LICENSE PLATES.—~~

~~(a) Notwithstanding the requirements of s. 320.08053, the department shall develop a Hispanic Achievers license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Hispanic Achievers" must appear at the bottom of the plate.~~

~~(b) The proceeds from the license plate annual use fee shall be distributed to National Hispanic Corporate Achievers, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to fund grants to nonprofit organizations to operate programs and provide scholarships and for marketing the Hispanic Achievers license plate. National Hispanic Corporate Achievers, Inc., shall establish a Hispanic Achievers Grant~~



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~~Council that shall provide recommendations for statewide grants from available Hispanic Achievers license plate proceeds to nonprofit organizations for programs and scholarships for Hispanic and minority Floridians. National Hispanic Corporate Achievers, Inc., shall also establish a Hispanic Achievers License Plate Fund. Moneys in the fund shall be used by the grant council as provided in this paragraph. All funds received under this subsection must be used in this state.~~

~~(c) National Hispanic Corporate Achievers, Inc., may retain all proceeds from the annual use fee until documented startup costs for developing and establishing the plate have been recovered. Thereafter, the proceeds from the annual use fee shall be used as follows:~~

~~1. Up to 5 percent of the proceeds may be used for the cost of administration of the Hispanic Achievers License Plate Fund, the Hispanic Achievers Grant Council, and related matters.~~

~~2. Funds may be used as necessary for annual audit or compliance affidavit costs.~~

~~3. Up to 20 percent of the proceeds may be used to market and promote the Hispanic Achievers license plate.~~

~~4. Twenty-five percent of the proceeds shall be used by the Hispanic Corporate Achievers, Inc., located in Seminole County, for grants.~~

~~5. The remaining proceeds shall be available to the Hispanic Achievers Grant Council to award grants for services, programs, or scholarships for Hispanic and minority individuals and organizations throughout Florida. All grant recipients must provide to the Hispanic Achievers Grant Council an annual program and financial report regarding the use of grant funds.~~



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~~Such reports must be available to the public.~~

~~(d) Effective July 1, 2014, the Hispanic Achievers license plate will shift into the presale voucher phase, as provided in s. 320.08053(2) (b). National Hispanic Corporate Achievers, Inc., shall have 24 months to record a minimum of 1,000 sales. Sales include existing active plates and vouchers sold subsequent to July 1, 2014. During the voucher period, new plates may not be issued, but existing plates may be renewed. If, at the conclusion of the 24-month presale period, the requirement of a minimum of 1,000 sales has been met, the department shall resume normal distribution of the Hispanic Achievers license plate. If, after 24 months, the minimum of 1,000 sales has not been met, the department shall discontinue the Hispanic Achievers license plate. This subsection is repealed June 30, 2016.~~

(76)(80) FALLEN LAW ENFORCEMENT OFFICERS LICENSE PLATES.-

~~(b) The annual use fees must shall be distributed to the Police and Kids Foundation, Inc., which may use up to a maximum of 10 percent of the proceeds for marketing to promote and market the plate. All remaining proceeds must be distributed to and used by the Police and Kids Foundation, Inc., for its operations, activities, programs, and projects The remainder of the proceeds shall be used by the Police and Kids Foundation, Inc., to invest and reinvest, and the interest earnings shall be used for the operation of the Police and Kids Foundation, Inc.~~

(80) DUCKS UNLIMITED LICENSE PLATES.-

~~(a) The department shall develop a Ducks Unlimited license plate as provided in this section and s. 320.08053. Ducks Unlimited license plates must bear the colors and design approved by the department. The word "Florida" must appear at~~



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the top of the plate, and the words "Conserving Florida Wetlands" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to Ducks Unlimited, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to be used as follows:

1. Up to 5 percent may be used for administrative costs and the marketing of the plate.

2. At least 95 percent must be used in this state to support the mission and efforts of Ducks Unlimited, Inc., to conserve, restore, and manage Florida wetlands and associated habitats for the benefit of waterfowl, other wildlife, and people.

(81) DAN MARINO CAMPUS LICENSE PLATES.—

(a) The department shall develop a Dan Marino Campus license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Marino Campus" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to the Dan Marino Foundation, a Florida nonprofit corporation, which may use up to 10 percent of such fees for administrative costs and the marketing of the plate. The balance of the fees must be used by the Dan Marino Foundation to assist Floridians with developmental disabilities in becoming employed, independent, and productive and to promote and fund education scholarships and awareness of these services.

(82) DONATE LIFE FLORIDA LICENSE PLATES.—



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(a) The department shall develop a Donate Life Florida license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Donors Save Lives" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to Donate Life Florida, which may use up to 10 percent of the proceeds for marketing and administrative costs. The remaining proceeds must be used by Donate Life Florida to educate Florida residents on the importance of organ, tissue, and eye donation and for the continued maintenance of the Joshua Abbott Organ and Tissue Donor Registry.

(83) FLORIDA STATE BEEKEEPERS ASSOCIATION LICENSE PLATES.—

(a) The department shall develop a Florida State Beekeepers Association license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Save the Bees" must appear at the bottom of the plate.

(b) The annual use fees must be distributed to the Florida State Beekeepers Association, a Florida nonprofit corporation. The Florida State Beekeepers Association may use up to 18 percent of the annual use fees for:

1. Direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process of the license plate. All vendors associated with the administrative costs must be selected by competitive bid.

2. Promotion and marketing costs of the license plate.



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(c) The remaining funds must be distributed to the Florida State Beekeepers Association and used to raise awareness of the importance of beekeeping to Florida agriculture by funding honeybee research, education, outreach, and husbandry. The Florida State Beekeepers Association board of managers shall approve, and is accountable for, all such expenditures.

(84) AMERICA THE BEAUTIFUL LICENSE PLATES.—

(a) The department shall develop an America the Beautiful license plate as provided in this section and s. 320.08053. The word "Florida" must appear at the top of the plate, and the words "America the Beautiful" must appear on the plate.

(b) The annual use fees from the plate must be distributed to the America the Beautiful Fund as follows: 15 percent to offset administrative, marketing, and promotion costs, and the remaining 85 percent for projects and programs teaching character, leadership, and service to Florida youth; the provision of supportive services and assistance to members of the military community; outdoor education advancing the ideal of self-sufficiency; wildlife conservation, including imperiled and managed species; the maintenance of historic or culturally important sites, buildings, structures, or objects; and the development and modification of playgrounds, recreational areas, or other outdoor amenities, including disability access.

(85) BEAT CHILDHOOD CANCER LICENSE PLATES.—

(a) The department shall develop a Beat Childhood Cancer license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Beat Childhood Cancer" must appear at the



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bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed as follows:

1. Eighty percent shall be distributed to Beat Nb, Inc., which may use up to 10 percent of the proceeds for administrative costs directly associated with the operation of the corporation and for marketing and promoting the plate. The remaining proceeds shall be used by the corporation to fund pediatric cancer treatment and research.

2. Twenty percent shall be distributed to No Kid Should Know Cancer, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, which may use up to 5 percent of the proceeds for administrative costs and for the marketing of the plate. The balance of the fees shall be used by No Kid Should Know Cancer, Inc., to:

a. Support families who have a child recently diagnosed with cancer;

b. Hold events that raise awareness about childhood cancer; and

c. Support clinical trials that work to provide better treatment plans for children diagnosed with cancer and, ultimately, a better prognosis.

(86) UNIVERSITY OF ALABAMA LICENSE PLATES.—

(a) The department shall develop a University of Alabama license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Roll Tide" must appear at the bottom of the plate.



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(b) The annual use fees from the sale of the plate shall be distributed to the Pensacola Bama Club, which must use the moneys for the purpose of awarding scholarships to Florida residents attending the University of Alabama. Students receiving these scholarships must be eligible for the Florida Bright Futures Scholarship Program pursuant to s. 1009.531 and shall use the scholarship funds for tuition and other expenses related to attending the University of Alabama.

(87) ROTARY LICENSE PLATES.—

(a) The department shall develop a Rotary license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the word "Rotary" must appear on the bottom of the plate. The license plate must bear the Rotary International wheel emblem.

(b) The annual use fees shall be distributed to the Community Foundation of Tampa Bay, Inc., to be used as follows:

1. Up to 10 percent may be used for administrative costs and for marketing of the plate.

2. Ten percent shall be distributed to Rotary's Camp Florida for direct support to all programs and services provided to children with special needs who attend the camp.

3. The remainder shall be distributed, proportionally based on sales, to each Rotary district in the state in support of Rotary youth programs in Florida.

(88) FLORIDA BAY FOREVER LICENSE PLATES.—

(a) The department shall develop a Florida Bay Forever license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the



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department. The word "Florida" must appear at the top of the plate, and the words "Florida Bay Forever" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Florida National Park Association, Inc., which may use up to 10 percent of the proceeds for administrative costs and marketing of the plate. The remainder of the funds shall be used to supplement the Everglades National Park's budgets and to support educational, interpretive, historical, and scientific research relating to the Everglades National Park.

(89) BONEFISH AND TARPON TRUST LICENSE PLATES.—

(a) The department shall develop a Bonefish and Tarpon Trust license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Bonefish and Tarpon Trust" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Bonefish and Tarpon Trust, which may use up to 10 percent of the proceeds to promote and market the license plate. The remainder of the proceeds shall be used to conserve and enhance Florida bonefish and tarpon fisheries and their respective environments through stewardship, research, education, and advocacy.

(90) MEDICAL PROFESSIONALS WHO CARE LICENSE PLATES.—

(a) The department shall develop a Medical Professionals Who Care license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by



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the department. The word "Florida" must appear at the top of the plate, and the words "Medical Professionals Who Care" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to Florida Benevolent Group, Inc., a Florida nonprofit corporation, which may use up to 10 percent of such fees for administrative costs, marketing, and promotion of the plate. The remainder of the revenues shall be used by Florida Benevolent Group, Inc., to assist low-income individuals in obtaining a medical education and career through scholarships, support, and guidance.

(91) UNIVERSITY OF GEORGIA LICENSE PLATES.—

(a) The department shall develop a University of Georgia license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "The University of Georgia" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Georgia Bulldog Club of Jacksonville, which must use the moneys for the purpose of awarding scholarships to Florida residents attending the University of Georgia. Students receiving these scholarships must be eligible for the Florida Bright Futures Scholarship Program pursuant to s. 1009.531 and shall use the scholarship funds for tuition and other expenses related to attending the University of Georgia.

(92) HIGHWAYMEN LICENSE PLATES.—

(a) The department shall develop a Highwaymen license plate as provided in this section and s. 320.08053. The plate must



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bear the colors and design approved by the department. The word
"Florida" must appear at the top of the plate, and the word
"Highwaymen" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the City of
Fort Pierce, subject to a city resolution designating the city
as the fiscal agent of the license plate. The city may use up to
10 percent of the fees for administrative costs and marketing of
the plate and shall use the remainder of the fees as follows:

1. Before completion of construction of the Highwaymen
Museum and African-American Cultural Center, the city shall
distribute at least 15 percent to the St. Lucie Education
Foundation, Inc., to fund art education and art projects in
public schools within St. Lucie County. The remainder of the
fees shall be used by the city to fund the construction of the
Highwaymen Museum and African-American Cultural Center.

2. Upon completion of construction of the Highwaymen Museum
and African-American Cultural Center, the city shall distribute
at least 10 percent to the St. Lucie Education Foundation, Inc.,
to fund art education and art projects in public schools within
St. Lucie County. The remainder of the fees shall be used by the
city to fund the day-to-day operations of the Highwaymen Museum
and African-American Cultural Center.

(93) ORLANDO CITY SOCCER CLUB LICENSE PLATES.—

(a) The department shall develop an Orlando City Soccer
Club license plate as provided in paragraph (9) (a).

(b) The annual use fees from the sale of the plate shall be
distributed and used as provided in paragraph (9) (b).

(94) COASTAL CONSERVATION ASSOCIATION LICENSE PLATES.—

(a) The department shall develop a Coastal Conservation



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Association license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Conserve Florida's Fisheries" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to Coastal Conservation Association Florida, a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to be used as follows:

1. Up to 10 percent of the proceeds may be used for administrative costs.

2. Up to 10 percent of the proceeds may be used to promote and market the plate.

3. The remainder of the proceeds shall be used to support the mission and efforts of Coastal Conservation Association Florida for habitat enhancement and restoration, saltwater fisheries conservation, and education; to advise the public on the conservation of marine resources; and to promote and enhance the present and future availability of those coastal resources for the benefit and enjoyment of the general public.

(95) BLUE ANGELS LICENSE PLATES.—

(a) The department shall develop a Blue Angels license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Home of the Blue Angels" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Naval Aviation Museum Foundation, a nonprofit



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Florida corporation under s. 501(c)(3) of the Internal Revenue Code, to fund the maintenance, programs, marketing, and projects of the foundation, including the National Naval Aviation Museum and the National Flight Academy in Pensacola. Up to 15 percent of the funds received by the Naval Aviation Museum Foundation may be used for marketing of the plate and costs directly associated with the administration of the foundation. The Naval Aviation Museum Foundation shall distribute 50 percent of the funds to eligible programs and projects associated with the National Flight Academy and the remainder of the funds to eligible programs and projects associated with the National Naval Aviation Museum.

(96) PALM BEACH ZOO AND CONSERVATION SOCIETY LICENSE PLATES.—

(a) The department shall develop a Palm Beach Zoo and Conservation Society license plate as provided in this section and s. 320.08053. Palm Beach Zoo and Conservation Society license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Palm Beach Zoo and Conservation Society" must appear at the bottom of the plate.

(b) The license plate annual use fees shall be distributed to the Palm Beach Zoo and Conservation Society to fund educational programs for students in pre-K through grade 12, conservation projects to protect endangered or threatened species, and services for the health and welfare of animals in the zoo's care. The Palm Beach Zoo and Conservation Society may retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been



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recovered. Thereafter, up to 10 percent of the annual use fee revenue may be used for promotion and marketing of the specialty license plate and administrative costs directly associated with the programs of the society and the specialty license plate.

(97) ETHICAL ECOTOURISM LICENSE PLATES.—

(a) The department shall develop an Ethical Ecotourism license plate as provided in this section and s. 320.08053. The word "Florida" must appear at the top of the plate, and words that are approved by the department must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed equally between the Florida Society for Ethical Ecotourism and Paddle Florida, Inc., each of which may use up to 10 percent of such proceeds for administrative costs and the marketing of the plate. The remaining proceeds must be used by the Florida Society for Ethical Ecotourism to provide environmental education and awareness that encourage behaviors that contribute to the sustainability of Florida's natural ecosystems and resources, and by Paddle Florida, Inc., to raise awareness about water conservation, wildlife preservation, restoration of springs, and protection of waterways in this state.

(98) KNIGHTS OF COLUMBUS LICENSE PLATES.—

(a) The department shall develop a Knights of Columbus license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "In God We Trust" must appear at the bottom of the plate.



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(b) The license plate annual use fees shall be distributed to Florida KofC Charities, Inc., which may use a maximum of 10 percent of the proceeds to promote and market the plate. The remainder of the proceeds shall be used by Florida KofC Charities, Inc., a Knights of Columbus organization under s. 501(c)(3) of the Internal Revenue Code, to fund its charitable activities, including, but not limited to, the Christian Refugee Relief Fund, disaster relief, Ultrasound Initiative, Food for Families, and Coats for Kids.

(99) DAUGHTERS OF THE AMERICAN REVOLUTION LICENSE PLATES.—

(a) The department shall develop a Daughters of the American Revolution license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the word "Daughters of the American Revolution" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Daughters of the American Revolution, a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the proceeds may be used for the promotion and marketing of the plate. The remainder of the proceeds shall be used within this state by the Daughters of the American Revolution, a nonpolitical volunteer women's service organization, to promote patriotism, preserve American history, and secure America's future through educational programs for local public and private K-12 students and scholarships and other educational funding for underprivileged children.

(100) GUARDIAN AD LITEM LICENSE PLATES.—

(a) The department shall develop a Guardian Ad Litem



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license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Heartfelt Child Advocacy" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Florida Guardian Ad Litem Foundation, Inc., a direct-support organization and a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the proceeds may be used for administrative costs and the marketing of the plate. The remainder of the proceeds must be used in this state to support the mission and efforts of the statewide Guardian Ad Litem Program to recruit and retain volunteer child advocates, meet the unique needs of dependent children, and promote awareness of the mission.

(101) JUMBO SHRIMP LICENSE PLATES.—

(a) The department shall develop a Jumbo Shrimp license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the word "Jumbo Shrimp" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to St. Johns Riverkeeper, a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the proceeds may be used for the promotion and marketing of the plate. The remainder of the proceeds shall be used by St. Johns Riverkeeper for programs and activities related to fulfilling its mission to protect and restore the health of the St. Johns River.



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(102) OMEGA PSI PHI FRATERNITY LICENSE PLATES.—

(a) The department shall develop an Omega Psi Phi Fraternity license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Omega Psi Phi" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the State of Florida Omega Friendship Foundation, Inc., to be used as follows:

1. Five percent shall be used solely for marketing of the Omega Psi Phi Fraternity license plate.

2. Ninety-five percent shall be used for college scholarships for Florida residents attending historically black colleges and universities in this state.

(103) DELTA SIGMA THETA SORORITY LICENSE PLATES.—

(a) The department shall develop a Delta Sigma Theta Sorority license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Delta Sigma Theta" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Delta Research and Educational Foundation, Inc., to be used as follows:

1. Five percent shall be used solely for marketing of the Delta Sigma Theta Sorority license plate.

2. Ninety-five percent shall be used for college scholarships for Florida residents attending historically black



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colleges and universities in this state.

(104) SIGMA GAMMA RHO SORORITY LICENSE PLATES.—

(a) The department shall develop a Sigma Gamma Rho Sorority license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Sigma Gamma Rho" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73.

(105) KAPPA ALPHA PSI FRATERNITY LICENSE PLATES.—

(a) The department shall develop a Kappa Alpha Psi Fraternity license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Kappa Alpha Psi" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Southern Province of Kappa Alpha Psi Foundation, Inc., to be used as follows:

1. Five percent shall be used solely for marketing of the Kappa Alpha Psi Fraternity license plate.

2. Ninety-five percent shall be used for college scholarships for Florida residents attending historically black colleges and universities in this state.

(106) ALPHA KAPPA ALPHA SORORITY LICENSE PLATES.—

(a) The department shall develop an Alpha Kappa Alpha



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Sorority license plate as provided in this section and s.
320.08053. The plate must bear the colors and design approved by
the department. The word "Florida" must appear at the top of the
plate, and the words "Alpha Kappa Alpha" must appear at the
bottom of the plate.

(b) The annual use fees from the sale of the plate shall be
distributed to the Alpha Kappa Alpha Educational Advancement
Foundation, Inc., to be used as follows:

1. Five percent shall be used solely for marketing of the
Alpha Kappa Alpha Sorority license plate.

2. Ninety-five percent shall be used for college
scholarships for Florida residents attending historically black
colleges and universities in this state.

(107) ALPHA PHI ALPHA FRATERNITY LICENSE PLATES.—

(a) The department shall develop an Alpha Phi Alpha
Fraternity license plate as provided in this section and s.
320.08053. The plate must bear the colors and design approved by
the department. The word "Florida" must appear at the top of the
plate, and the words "Alpha Phi Alpha" must appear at the bottom
of the plate.

(b) The annual use fees from the sale of the plate shall be
distributed to the Department of Education to be used for the JC
Rawls-FFAC Foundation, Inc.

(108) ZETA PHI BETA SORORITY LICENSE PLATES.—

(a) The department shall develop a Zeta Phi Beta Sorority
license plate as provided in this section and s. 320.08053. The
plate must bear the colors and design approved by the
department. The word "Florida" must appear at the top of the
plate, and the words "Zeta Phi Beta" must appear at the bottom



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of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73.

(109) PHI BETA SIGMA FRATERNITY LICENSE PLATES.—

(a) The department shall develop a Phi Beta Sigma Fraternity license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Phi Beta Sigma" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73.

(110) IOTA PHI THETA FRATERNITY LICENSE PLATES.—

(a) The department shall develop an Iota Phi Theta Fraternity license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Iota Phi Theta" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73.

(111) GOPHER TORTOISE LICENSE PLATES.—

(a) The department shall develop a Gopher Tortoise license



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plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Protect the Gopher Tortoise" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to Wildlands Conservation, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to fund gopher tortoise and commensal species research, education, and conservation, as well as upland habitat protection, restoration, and management in this state. Up to 15 percent of the funds received by Wildlands Conservation, Inc., may be used for marketing of the plate and costs directly associated with the administration of the gopher tortoise protection program. Wildlands Conservation, Inc., shall use and distribute the funds to eligible Florida-based scientific, conservation, and educational organizations for gopher tortoise and upland habitat research, conservation, and management.

(112) PROTECT FLORIDA BLACK BEARS LICENSE PLATES.—

(a) The department shall develop a Protect Florida Black Bears license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Protect Florida Black Bears" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to Bear Warriors United, a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the proceeds may be used for the promotion and marketing of the plate. The



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remainder of the proceeds shall be used by Bear Warriors United exclusively for non-lethal bear management or for distribution to organizations for the specific use of non-lethal bear management.

(113) TREAD LIGHTLY OFF ROAD FLORIDA LICENSE PLATES.—

(a) The department shall develop a Tread Lightly Off Road Florida license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The words "Tread Lightly" must appear at the top of the plate, and the word "Florida" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Florida Off Road Foundation, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the funds may be used for marketing of the plate, costs directly associated with creation of the plate, and administrative costs related to distribution of proceeds, including annual audit services and compliance affidavit costs. The remainder of the funds shall be used by the Florida Off Road Foundation, Inc., to fund qualified nonprofit organizations that protect and preserve Florida's natural off-road habitat; educate Floridians about responsible use of the off-road environment; support civilian volunteer programs to promote the use of off-road vehicles to assist law enforcement in situations such as search and rescue; support organized cleanups, trail maintenance, and restoration; or preserve Florida's off-road culture.

Section 8. Subsection (1) of section 320.08062, Florida Statutes, is amended to read:



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320.08062 Audits and attestations required; annual use fees of specialty license plates.—

(1)(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with ss. 320.08056 and 320.08058.

(b) Any organization not subject to audit pursuant to s. 215.97 shall annually attest, under penalties of perjury, that such proceeds were used in compliance with ss. 320.08056 and 320.08058. The attestation shall be made annually in a form and format determined by the department. In addition, the department shall audit any such organization every 3 years to ensure that proceeds have been used in compliance with ss. 320.08056 and 320.08058.

(c) Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General. The annual attestation shall be submitted to the department for review within 9 months after the end of the organization's fiscal year.

Section 9. Paragraph (b) of subsection (4) of section 320.08068, Florida Statutes, is amended to read:

320.08068 Motorcycle specialty license plates.—

(4) A license plate annual use fee of \$20 shall be collected for each motorcycle specialty license plate. Annual use fees shall be distributed as follows:

(b) Twenty percent to Preserve Vision ~~Prevent Blindness~~ Florida.

Section 10. Section 320.0875, Florida Statutes, is created to read:



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320.0875 Purple Heart special motorcycle license plate.—

(1) Upon application to the department and payment of the license tax for the motorcycle as provided in s. 320.08, a resident of this state who owns or leases a motorcycle that is not used for hire or commercial use shall be issued a Purple Heart special motorcycle license plate if he or she provides documentation acceptable to the department that he or she is a recipient of the Purple Heart medal.

(2) The Purple Heart special motorcycle license plate must be stamped with the term "Combat-wounded Veteran" followed by the serial number of the license plate. The Purple Heart special motorcycle license plate may have the term "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

Section 11. Paragraph (a) of subsection (1) of section 320.089, Florida Statutes, is amended to read:

320.089 Veterans of the United States Armed Forces; members of National Guard; survivors of Pearl Harbor; Purple Heart medal recipients; Bronze Star recipients; active or retired United States Armed Forces reservists; Combat Infantry Badge, Combat Medical Badge, or Combat Action Badge recipients; Combat Action Ribbon recipients; Air Force Combat Action Medal recipients; Distinguished Flying Cross recipients; former prisoners of war; Korean War Veterans; Vietnam War Veterans; Operation Desert Shield Veterans; Operation Desert Storm Veterans; Operation Enduring Freedom Veterans; Operation Iraqi Freedom Veterans; Women Veterans; World War II Veterans; and Navy Submariners; special license plates; fee.—

(1) (a) Each owner or lessee of an automobile or truck for



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1200 private use or recreational vehicle as specified in s.
1201 320.08(9)(c) or (d), which is not used for hire or commercial
1202 use, who is a resident of the state and a veteran of the United
1203 States Armed Forces, a Woman Veteran, a World War II Veteran, a
1204 Navy Submariner, an active or retired member of the Florida
1205 National Guard, a survivor of the attack on Pearl Harbor, a
1206 recipient of the Purple Heart medal, a recipient of the Bronze
1207 Star, an active or retired member of any branch of the United
1208 States Armed Forces Reserve, or a recipient of the Combat
1209 Infantry Badge, Combat Medical Badge, Combat Action Badge,
1210 Combat Action Ribbon, Air Force Combat Action Medal, or
1211 Distinguished Flying Cross, upon application to the department,
1212 accompanied by proof of release or discharge from any branch of
1213 the United States Armed Forces, proof of active membership or
1214 retired status in the Florida National Guard, proof of
1215 membership in the Pearl Harbor Survivors Association or proof of
1216 active military duty in Pearl Harbor on December 7, 1941, proof
1217 of being a Purple Heart medal recipient, proof of being a Bronze
1218 Star recipient, proof of active or retired membership in any
1219 branch of the United States Armed Forces Reserve, or proof of
1220 membership in the Combat Infantrymen's Association, Inc., proof
1221 of being a recipient of the Combat Infantry Badge, Combat
1222 Medical Badge, Combat Action Badge, Combat Action Ribbon, Air
1223 Force Combat Action Medal, or Distinguished Flying Cross, and
1224 upon payment of the license tax for the vehicle as provided in
1225 s. 320.08, shall be issued a license plate as provided by s.
1226 320.06 which, in lieu of the serial numbers prescribed by s.
1227 320.06, is stamped with the words "Veteran," "Woman Veteran,"
1228 "WWII Veteran," "Navy Submariner," "National Guard," "Pearl



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Harbor Survivor," "Combat-wounded veteran," "Bronze Star," "U.S. Reserve," "Combat Infantry Badge," "Combat Medical Badge," "Combat Action Badge," "Combat Action Ribbon," "Air Force Combat Action Medal," or "Distinguished Flying Cross," as appropriate, and a likeness of the related campaign medal or badge, followed by the serial number of the license plate. Additionally, the Purple Heart plate may have the words "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

Section 12. By November 1, 2019, the annual use fees withheld by the Department of Highway Safety and Motor Vehicles from the sale of the Live the Dream specialty license plate shall be used first to satisfy all outstanding royalty payments due to the Martin Luther King, Jr., Center for Nonviolent Social Change, Inc., for the use of the image of Dr. Martin Luther King, Jr. All remaining funds shall be distributed to the subrecipients on a pro rata basis according to the percentages specified in s. 320.08058(47), Florida Statutes.

Section 13. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2019, but only if SB 1106 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



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1258 An act relating to license plates; amending s. 320.06,
1259 F.S.; providing an exception to a design requirement
1260 for dealer license plates; amending s. 320.0657, F.S.;
1261 providing an exception to a design requirement for
1262 fleet license plates; authorizing fleet companies to
1263 purchase specialty license plates in lieu of standard
1264 fleet license plates; requiring fleet companies to be
1265 responsible for certain costs; amending s. 320.08,
1266 F.S.; authorizing dealers to purchase specialty
1267 license plates in lieu of standard graphic dealer
1268 license plates; requiring dealers to be responsible
1269 for certain costs; amending s. 320.08053, F.S.;
1270 revising requirements for presale and issuance of
1271 specialty license plates; amending s. 320.08056, F.S.;
1272 allowing the Department of Highway Safety and Motor
1273 Vehicles to authorize dealer and fleet specialty
1274 license plates; providing requirements for such
1275 plates; making technical changes; deleting fees
1276 relating to the American Red Cross, Donate Organs-Pass
1277 It On, St. Johns River, and Hispanic Achievers license
1278 plates to conform to changes made by the act; revising
1279 provisions for discontinuing issuance of a specialty
1280 license plate; conforming cross-references;
1281 prohibiting use fees received by any entity from being
1282 used for certain purposes; requiring certain
1283 organizations to establish endowments based in this
1284 state for providing scholarships to Florida residents
1285 and to provide documentation of consent to use certain
1286 images; revising, as of a specified date, the



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1287 criteria, procedures, and exceptions under which the
1288 department discontinues the issuance of an approved
1289 specialty license plate; revising applicability;
1290 amending s. 320.08058, F.S.; revising the design of
1291 the Special Olympics Florida license plate; deleting
1292 provisions requiring the department to develop the
1293 American Red Cross license plate; revising the
1294 authorized use of proceeds from the sale of the Live
1295 the Dream license plate; deleting provisions requiring
1296 the department to develop the Donate Organs-Pass It On
1297 license plate; revising the design of the Lighthouse
1298 Association license plate; revising the authorized use
1299 of proceeds from the sale of the In God We Trust
1300 license plate; deleting provisions requiring the
1301 department to develop the St. Johns River and Hispanic
1302 Achievers license plate; revising the distribution of
1303 proceeds from the sale of the Fallen Law Enforcement
1304 Officers license plate; requiring the department to
1305 develop certain specialty license plates; providing
1306 for distribution and use of fees collected from the
1307 sale of such plates; amending s. 320.08062, F.S.;
1308 directing the department to audit certain
1309 organizations that receive funds from the sale of
1310 specialty license plates; amending s. 320.08068, F.S.;
1311 requiring distribution of a specified percentage of
1312 motorcycle specialty license plate annual use fees to
1313 Preserve Vision Florida; creating s. 320.0875, F.S.;
1314 providing for a special motorcycle license plate to be
1315 issued to a recipient of the Purple Heart; providing



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1316 requirements for the plate; amending s. 320.089, F.S.;
1317 providing for a special license plate to be issued to
1318 a recipient of the Bronze Star; providing for
1319 distribution of certain annual use fees withheld by
1320 the department; providing contingent effective dates.



759926

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2019	.	
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	.	
	.	

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

Senate Amendment to Amendment (460906) (with directory amendment)

Delete lines 1102 - 1117
and insert:

(112) TREAD LIGHTLY OFF ROAD FLORIDA LICENSE PLATES.-

=====**DIRECTORY CLAUSE AMENDMENT**=====

And the directory clause is amended as follows:

Delete line 345



759926

11 and insert:
12 (112) are added to that section, to read:



273748

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2019	.	
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	.	

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

**Senate Amendment to Amendment (460906) (with directory
amendment)**

Between lines 1139 and 1140
insert:

(114) ORLANDO UNITED LICENSE PLATES.—

(a) The department shall develop an Orlando United license
plate as provided in this section and s. 320.08053. The plate
must bear the colors and design approved by the department. The
word "Florida" must appear at the top of the plate, and the



273748

words "Orlando United" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed as follows:

1. Five percent shall be distributed to the Mental Health Association of Central Florida, Inc., to be used for marketing of the license plate.

2. Thirty-one percent shall be distributed to the Mental Health Association of Central Florida, Inc. Of this amount, up to 5 percent may be used for administrative expenses, and the remainder shall be used to offer free personalized counseling to any person affected by the shooting at the Pulse nightclub in Orlando on June 12, 2016.

3. Two percent shall be distributed to onePULSE Foundation, a charitable, nonprofit organization under s. 501(c)(3) of the Internal Revenue Code, to be used for marketing of the license plate.

4. Thirty-one percent shall be distributed to onePULSE Foundation. Of this amount, up to 5 percent may be used for administrative expenses, and the remainder shall be used to support the construction and maintenance of the onePULSE Foundation Memorial.

5. Thirty-one percent shall be distributed to Two Spirit Health Services, Inc. Of this amount, up to 5 percent may be used for administrative expenses, and the remainder shall be used to offer free personalized counseling to any person affected by the shooting at the Pulse nightclub in Orlando on June 12, 2016.

===== DIRECTORY CLAUSE AMENDMENT =====



273748

40 And the directory clause is amended as follows:
41 Delete line 345
42 and insert:
43 (114) are added to that section, to read:



573432

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/03/2019	.	
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The Committee on Infrastructure and Security (Hutson)
recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 457 - 476
and insert:

(19) PROTECT WILD DOLPHINS LICENSE PLATES.—

(a) The department shall develop a Protect Wild Dolphins
license plate as provided in this section. The word "Florida"
must appear at the top of the plate, and the words "Protect Wild
Dolphins" may appear at the bottom of the plate.

(b) The annual use fees shall be distributed to, and



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administered by, the One Ocean One Health Research and Conservation Institute ~~the Harbor Branch Oceanographic Institution, Inc.,~~ to fund wild dolphins related research. The One Ocean One Health Research and Conservation Institute ~~Harbor Branch Oceanographic Institution, Inc.,~~ shall distribute available resources for statewide research on ~~of the~~ wild Florida bottlenose ~~Dolphin~~ dolphins. Up to 10 ~~15~~ percent of the funds received by the One Ocean One Health Research and Conservation Institute ~~Harbor Branch Oceanographic Institution, Inc.,~~ may be expended for administrative costs directly associated with the management of specialty license plate funds and operations of the institute ~~institution~~. Up to 10 percent of the funds distributed may be used by the One Ocean One Health Research and Conservation Institute ~~Harbor Branch Oceanographic Institution, Inc.,~~ for continuing promotion and marketing of the license plate. The One Ocean One Health Research and Conservation Institute shall distribute a minimum of 35 percent of the funds to organizations in this state which are authorized to respond to marine mammal events and to conduct population studies of Florida dolphins. The remainder of the funds must be used by the One Ocean One Health Research and Conservation Institute to collect, analyze, and archive scientific data regarding the wild dolphin population in Florida waters; provide care and assistance to stranded wild dolphins; distribute information to the scientific community, federal, state, and local government agencies, educational institutions, and the public for the purpose of protecting and preserving wild dolphins; individually identify wild dolphins through a photographic identification program; and advance the research



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technology associated with tracking and categorizing wild dolphins including support for the Gulf of Mexico Dolphin Identification System.

(c) The Auditor General may examine any records of the One Ocean One Health Research and Conservation Institute ~~Harbor Branch Oceanographic Institution, Inc.,~~ and any other organization that receives funds from the sale of this plate, to determine compliance with law.

~~(31) AMERICAN RED CROSS LICENSE PLATES.—~~

~~(a) Notwithstanding the provisions of s. 320.08053, the department shall develop an American Red Cross license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "American Red Cross" must appear at the bottom of the plate.~~

~~(b) The department shall retain all revenues from the sale of such plates until all startup costs for developing and issuing the plates have been recovered. Thereafter, 50 percent of the annual use fees shall be distributed to the American Red Cross Chapter of Central Florida, with statistics on sales of license plates, which are tabulated by county. The American Red Cross Chapter of Central Florida must distribute to each of the chapters in this state the moneys received from sales in the counties covered by the respective chapters, which moneys must be used for education and disaster relief in Florida. Fifty percent of the annual use fees shall be distributed proportionately to the three statewide approved poison control centers for purposes of combating bioterrorism and other poison-related purposes.~~

(33) ~~(34)~~ PROTECT FLORIDA WHALES LICENSE PLATES.—



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(a) The department shall develop a Protect Florida Whales license plate as provided in this section. The word "Florida" shall appear at the top of the plate, and the words "Protect Florida Whales" shall appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the One Ocean One Health Research and Conservation Institute ~~Harbor Branch Oceanographic Institution, Inc.,~~ to fund statewide whale research, rehabilitation, conservation, and education programs. Up to 10 ~~15~~ percent of the funds received by the institute ~~institution~~ may be used for administrative costs directly associated with the Harbor Branch Oceanographic Institution's Marine Mammal Research and Conservation program and operation of the institute and the management of this specialty license plate funds ~~funding~~. Up to 10 percent of the funds may be used for continuing promotion and marketing of the license plate. The One Ocean One Health Research and Conservation Institute shall distribute 35 percent of the funds to organizations in this state which are authorized to respond to marine mammal stranding events and conduct population and acoustic studies of Florida's critically endangered North Atlantic Right whales. Ten percent of the funds shall be distributed to the Wyland Foundation, Inc., and used specifically to conduct educational programs in this state which promote conservation of Florida marine mammals. The remainder of the funds shall be used by the One Ocean One Health Research and Conservation Institute to collect, analyze, and archive scientific data regarding whale populations that inhabit, utilize, or migrate in state waters; provide care and assistance to stranded whales; construct and maintain a Harbor-Branch-based teaching marine mammal hospital; train veterinary



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students in the rescue, medical and rehabilitation treatment,
and release and postrelease monitoring of stranded whales;
distribute information for the purpose of protecting and
preserving whales; identify whale populations; conduct
scientific research through genetic, telemetry, bioacoustical,
and photographic identification research programs; advance the
research technology associated with tracking, monitoring, and
categorizing whales; develop methods of monitoring whale
movements; or ~~and~~ provide for methods of early-warning detection
systems and advance notification that will help prevent
accidental boat strikes in state waters.

===== 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 lines 429 - 430

and insert:

Section 7. Subsections (7), (19), and (31), present
subsections (34), (48), (57), and (65), paragraph (b) of present
subsection (66),

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

And the title is amended as follows:

Delete lines 35 - 37

and insert:

the Special Olympics Florida license plate; revising
requirements for the distribution and use of proceeds
from the sale of the Protect Wild Dolphins license
plate; deleting provisions requiring the department to
develop the American Red Cross license plate; revising



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127 requirements for the distribution and use of proceeds
128 from the sale of the Protect Florida Whales license
129 plate; revising the

By Senator Bean

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1 A bill to be entitled
 2 An act relating to transportation credentials;
 3 amending s. 320.06, F.S.; providing an exception to a
 4 design requirement for dealer license plates; amending
 5 s. 320.0657, F.S.; providing an exception to a design
 6 requirement for fleet license plates; authorizing
 7 fleet companies to purchase specialty license plates
 8 in lieu of standard fleet license plates; requiring
 9 fleet companies to be responsible for certain costs;
 10 amending s. 320.08, F.S.; authorizing dealers to
 11 purchase specialty license plates in lieu of standard
 12 graphic dealer license plates; requiring dealers to be
 13 responsible for certain costs; amending s. 320.08053,
 14 F.S.; revising requirements for presale and issuance
 15 of specialty license plates; amending s. 320.08056,
 16 F.S.; allowing the Department of Highway Safety and
 17 Motor Vehicles to authorize dealer and fleet specialty
 18 license plates; providing requirements for such
 19 plates; making technical changes; deleting fees
 20 relating to the American Red Cross, Donate Organs-Pass
 21 It On, St. Johns River, and Hispanic Achievers license
 22 plates to conform to changes made by the act; revising
 23 provisions for discontinuing issuance of a specialty
 24 license plate; conforming cross-references;
 25 prohibiting use fees received by any entity from being
 26 used for certain purposes; requiring certain
 27 organizations to establish endowments based in this
 28 state for providing scholarships to Florida residents
 29 and to provide documentation of consent to use certain

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30 images; revising, as of a specified date, the
 31 criteria, procedures, and exceptions under which the
 32 department discontinues the issuance of an approved
 33 specialty license plate; revising applicability;
 34 amending s. 320.08058, F.S.; revising the design of
 35 the Special Olympics Florida license plate; deleting
 36 provisions requiring the department to develop the
 37 American Red Cross license plate; revising the
 38 authorized use of proceeds from the sale of the Live
 39 the Dream license plate; deleting provisions requiring
 40 the department to develop the Donate Organs-Pass It On
 41 license plate; revising the design of the Lighthouse
 42 Association license plate; revising the authorized use
 43 of proceeds from the sale of the In God We Trust
 44 license plate; deleting provisions requiring the
 45 department to develop the St. Johns River and Hispanic
 46 Achievers license plate; revising the distribution of
 47 proceeds from the sale of the Fallen Law Enforcement
 48 Officers license plate; requiring the department to
 49 develop certain specialty license plates; providing
 50 for distribution and use of fees collected from the
 51 sale of such plates; amending s. 320.08062, F.S.;
 52 directing the department to audit certain
 53 organizations that receive funds from the sale of
 54 specialty license plates; amending s. 320.08068, F.S.;
 55 requiring distribution of a specified percentage of
 56 motorcycle specialty license plate annual use fees to
 57 Preserve Vision Florida; creating s. 320.0875, F.S.;
 58 providing for a special motorcycle license plate to be

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59 issued to a recipient of the Purple Heart; providing
 60 requirements for the plate; amending s. 320.089, F.S.;
 61 providing for a special license plate to be issued to
 62 a recipient of the Bronze Star; amending s. 322.01,
 63 F.S.; providing definitions; amending s. 322.032,
 64 F.S.; directing the department to implement protocols
 65 for issuing an optional electronic credential and
 66 procure a related technology solution, subject to
 67 certain requirements; providing requirements for
 68 qualified entities; requiring the department to
 69 maintain certain protocols and national standards;
 70 requiring the department to timely review and approve
 71 all electronic credential provider requests for
 72 authorized access to certain interfaces that meet the
 73 department's requirements; providing requirements for
 74 an electronic credential provider and the electronic
 75 credential and verification solution; requiring the
 76 department to procure electronic credential providers
 77 and a credential service provider; requiring the
 78 department to enter into specified agreements with
 79 electronic credential providers; requiring a report to
 80 the Legislature and the Governor; requiring that an
 81 electronic credential be in a format that allows
 82 certain entities to verify the authenticity of such
 83 electronic credential and to validate certain
 84 privileges; providing that presenting an electronic
 85 device displaying an electronic credential does not
 86 constitute consent for a law enforcement officer to
 87 access any other information on such device; providing

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88 for the assumption of liability; amending s. 322.059,
 89 F.S.; conforming a provision to changes made by the
 90 act; amending s. 322.143, F.S.; revising a definition;
 91 amending s. 322.15, F.S.; conforming a provision to
 92 changes made by the act; amending s. 322.61, F.S.;
 93 conforming a cross-reference; providing for
 94 distribution of certain annual use fees withheld by
 95 the department; providing contingent effective dates.
 96

97 Be It Enacted by the Legislature of the State of Florida:
 98

99 Section 1. Paragraph (a) of subsection (3) of section
 100 320.06, Florida Statutes, is amended to read:

101 320.06 Registration certificates, license plates, and
 102 validation stickers generally.—

103 (3) (a) Registration license plates must be made of metal
 104 specially treated with a retroreflection material, as specified
 105 by the department. The registration license plate is designed to
 106 increase nighttime visibility and legibility and must be at
 107 least 6 inches wide and not less than 12 inches in length,
 108 unless a plate with reduced dimensions is deemed necessary by
 109 the department to accommodate motorcycles, mopeds, or similar
 110 smaller vehicles. Validation stickers must also be treated with
 111 a retroreflection material, must be of such size as specified by
 112 the department, and must adhere to the license plate. The
 113 registration license plate must be imprinted with a combination
 114 of bold letters and numerals or numerals, not to exceed seven
 115 digits, to identify the registration license plate number. The
 116 license plate must be imprinted with the word "Florida" at the

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top and the name of the county in which it is sold, the state motto, or the words "Sunshine State" at the bottom. Apportioned license plates must have the word "Apportioned" at the bottom and license plates issued for vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) must have the word "Restricted" at the bottom. License plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word "Florida" at the top and the word "Dealer" at the bottom unless the license plate is a specialty license plate as authorized in s. 320.08056. Manufacturer license plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word "Florida" at the top and the word "Manufacturer" at the bottom. License plates issued for vehicles taxed under s. 320.08(5)(d) or (e) must be imprinted with the word "Wrecker" at the bottom. Any county may, upon majority vote of the county commission, elect to have the county name removed from the license plates sold in that county. The state motto or the words "Sunshine State" shall be printed in lieu thereof. A license plate issued for a vehicle taxed under s. 320.08(6) may not be assigned a registration license number, or be issued with any other distinctive character or designation, that distinguishes the motor vehicle as a for-hire motor vehicle.

Section 2. Paragraph (b) of subsection (2) of section 320.0657, Florida Statutes, is amended to read:

320.0657 Permanent registration; fleet license plates.—

(2)

(b) The plates, which shall be of a distinctive color, shall have the word "Fleet" appearing at the bottom and the word "Florida" appearing at the top unless the license plate is a

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specialty license plate as authorized in s. 320.08056. The plates shall conform in all respects to the provisions of this chapter, except as specified herein. For additional fees as set forth in s. 320.08056, fleet companies may purchase specialty license plates in lieu of the standard fleet license plates. Fleet companies shall be responsible for all costs associated with the specialty license plate, including all annual use fees, processing fees, fees associated with switching license plate types, and any other applicable fees.

Section 3. Subsection (12) of section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(4), tri-vehicles as defined in s. 316.003, and mobile homes as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer license plate: \$17 flat, of which \$4.50 shall be deposited into the General Revenue Fund. For additional fees as set forth in s. 320.08056, fleet companies may purchase specialty license plates in lieu of the standard fleet license plates. Fleet companies shall be responsible for all costs associated with the specialty license plate, including all annual use fees, processing fees, fees associated with switching license plate types, and any other applicable fees.

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Section 4. Section 320.08053, Florida Statutes, is amended to read:

320.08053 ~~Establishment of Requirements for requests to establish~~ specialty license plates.—

(1) If a specialty license plate requested by an organization is approved by law, the organization must submit the proposed art design for the specialty license plate to the department, in a medium prescribed by the department, as soon as practicable, but no later than 60 days after the act approving the specialty license plate becomes a law.

(2) (a) Within 120 days after ~~following~~ the specialty license plate ~~becomes~~ becoming law, the department shall establish a method to issue a specialty license plate voucher to allow for the presale of the specialty license plate. The processing fee as prescribed in s. 320.08056, the service charge and branch fee as prescribed in s. 320.04, and the annual use fee as prescribed in s. 320.08056 shall be charged for the voucher. All other applicable fees shall be charged at the time of issuance of the license plates.

(b) Within 24 months after the presale specialty license plate voucher is established, the approved specialty license plate organization must record with the department a minimum of 3,000 ~~1,000~~ voucher sales, or in the case of an out-of-state college or university license plate, 4,000 voucher sales, before manufacture of the license plate may commence. If, at the conclusion of the 24-month presale period, the minimum sales requirement has ~~requirements have~~ not been met, the specialty plate is deauthorized and the department shall discontinue development of the plate and discontinue issuance of the presale

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vouchers. Upon deauthorization of the license plate, a purchaser of the license plate voucher may use the annual use fee collected as a credit towards any other specialty license plate or apply for a refund on a form prescribed by the department.

(3) (a) New specialty license plates that have been approved by law but are awaiting issuance under paragraph (b) must be issued in the order they appear in s. 320.08058 provided that they have met the presale requirement. All other provisions of this section must also be met before a plate is issued. If the next awaiting specialty license plate has not met the presale requirement, the department shall proceed in the order provided in s. 320.08058 to identify the next qualified specialty license plate that has met the presale requirement. The department shall cycle through the list in statutory order.

(b) If the Legislature has approved 125 or more specialty license plates, the department may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued pursuant to s. 320.08056(8) such that the number of plates being issued does not exceed 125. Notwithstanding s. 320.08056(8) (a), the 125-license-plate limit includes license plates above the minimum sales threshold and those exempt from that threshold.

Section 5. Subsections (2) and (4) of section 320.08056, Florida Statutes, are amended, paragraphs (c) through (f) are added to subsection (8), paragraph (a) of subsection (10) and subsection (11) are amended, present subsection (12) is redesignated as subsection (13), and a new subsection (12) is added to that section, to read:

320.08056 Specialty license plates.—

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(2) (a) The department shall issue a specialty license plate to the owner or lessee of any motor vehicle, except a vehicle registered under the International Registration Plan, a commercial truck required to display two license plates pursuant to s. 320.0706, or a truck tractor, upon request and payment of the appropriate license tax and fees.

(b) The department may authorize dealer and fleet specialty license plates. With the permission of the sponsoring specialty license plate organization, a dealer or fleet company may purchase specialty license plates to be used on dealer and fleet vehicles.

(c) Notwithstanding s. 320.08058, a dealer or fleet specialty license plate must include the letters "DLR" or "FLT" on the right side of the license plate. Dealer and fleet specialty license plates must be ordered directly through the department.

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(a) ~~Manatee license plate, \$25.~~

~~(b)~~ Challenger/Columbia license plate, \$25, except that a person who ~~that~~ purchases 1,000 or more of such license plates shall pay an annual use fee of \$15 per plate.

~~(c) Collegiate license plate, \$25.~~

(b)(d) Florida Salutes Veterans license plate, \$15.

~~(e) Florida panther license plate, \$25.~~

(c)(f) Florida United States Olympic Committee license plate, \$15.

(d)(g) Florida Special Olympics license plate, \$15.

(e)(h) Florida educational license plate, \$20.

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~~(i) Florida Professional Sports Team license plate, \$25.~~

~~(f)(j)~~ Florida Indian River Lagoon license plate, \$15.

~~(g)(k)~~ Invest in Children license plate, \$20.

~~(h)(l)~~ Florida arts license plate, \$20.

~~(m) Bethune Cookman University license plate, \$25.~~

~~(i)(n)~~ Florida Agricultural license plate, \$20.

~~(j)(o)~~ Police Athletic League license plate, \$20.

~~(k)(p)~~ Boy Scouts of America license plate, \$20.

~~(q) Largemouth Bass license plate, \$25.~~

~~(l)(r)~~ Sea Turtle license plate, \$23.

~~(m)(s)~~ Protect Wild Dolphins license plate, \$20.

~~(t) Barry University license plate, \$25.~~

~~(n)(u)~~ Everglades River of Grass license plate, \$20.

~~(v) Keep Kids Drug-Free license plate, \$25.~~

~~(w) Florida Sheriffs Youth Ranches license plate, \$25.~~

~~(x) Conserve Wildlife license plate, \$25.~~

~~(y) Florida Memorial University license plate, \$25.~~

~~(o)(z)~~ Tampa Bay Estuary license plate, \$15.

~~(p)(aa)~~ Florida Wildflower license plate, \$15.

~~(q)(bb)~~ United States Marine Corps license plate, \$15.

~~(r)(cc)~~ Choose Life license plate, \$20.

~~(s)(dd)~~ Share the Road license plate, \$15.

~~(ee) American Red Cross license plate, \$25.~~

~~(ff) United We Stand license plate, \$25.~~

~~(gg) Breast Cancer Research license plate, \$25.~~

~~(hh) Protect Florida Whales license plate, \$25.~~

~~(ii) Florida Golf license plate, \$25.~~

~~(t)(jjj)~~ Florida Firefighters license plate, \$20.

~~(u)(kk)~~ Police Benevolent Association license plate, \$20.

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291 (v)(ll) Military Services license plate, \$15.
 292 ~~(mm)~~ Protect Our Reefs license plate, \$25.
 293 (w)(nn) Fish Florida license plate, \$22.
 294 ~~(oo)~~ Child Abuse Prevention and Intervention license plate,
 295 ~~\$25.~~
 296 ~~(pp)~~ Hospice license plate, \$25.
 297 ~~(qq)~~ Stop Heart Disease license plate, \$25.
 298 (x)(rr) Save Our Seas license plate, \$25, except that for
 299 an owner purchasing the specialty license plate for more than 10
 300 vehicles registered to that owner, the annual use fee shall be
 301 \$10 per plate.
 302 (y)(ss) Aquaculture license plate, \$25, except that for an
 303 owner purchasing the specialty license plate for more than 10
 304 vehicles registered to that owner, the annual use fee shall be
 305 \$10 per plate.
 306 ~~(tt)~~ Family First license plate, \$25.
 307 ~~(uu)~~ Wildlife Foundation of Florida license plate, \$25.
 308 ~~(vv)~~ Live the Dream license plate, \$25.
 309 ~~(ww)~~ Florida Food Banks license plate, \$25.
 310 ~~(xx)~~ Discover Florida's Oceans license plate, \$25.
 311 ~~(yy)~~ Family Values license plate, \$25.
 312 ~~(zz)~~ Parents Make A Difference license plate, \$25.
 313 ~~(aaa)~~ Support Soccer license plate, \$25.
 314 ~~(bbb)~~ Kids Deserve Justice license plate, \$25.
 315 ~~(ccc)~~ Animal Friend license plate, \$25.
 316 ~~(ddd)~~ Future Farmers of America license plate, \$25.
 317 ~~(eee)~~ Donate Organs Pass It On license plate, \$25.
 318 ~~(fff)~~ A State of Vision license plate, \$25.
 319 ~~(ggg)~~ Homeownership For All license plate, \$25.

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320 ~~(hhh)~~ Florida NASCAR license plate, \$25.
 321 ~~(iii)~~ Protect Florida Springs license plate, \$25.
 322 ~~(jjj)~~ Trees Are Cool license plate, \$25.
 323 ~~(kkk)~~ Support Our Troops license plate, \$25.
 324 ~~(lll)~~ Florida Tennis license plate, \$25.
 325 ~~(mmm)~~ Lighthouse Association license plate, \$25.
 326 ~~(nnn)~~ In God We Trust license plate, \$25.
 327 ~~(ooo)~~ Horse Country license plate, \$25.
 328 ~~(ppp)~~ Autism license plate, \$25.
 329 ~~(qqq)~~ St. Johns River license plate, \$25.
 330 ~~(rrr)~~ Hispanic Achievers license plate, \$25.
 331 ~~(sss)~~ Endless Summer license plate, \$25.
 332 ~~(ttt)~~ Fraternal Order of Police license plate, \$25.
 333 ~~(uuu)~~ Protect Our Oceans license plate, \$25.
 334 ~~(vvv)~~ Florida Horse Park license plate, \$25.
 335 ~~(www)~~ Florida Biodiversity Foundation license plate, \$25.
 336 ~~(xxx)~~ Freemasonry license plate, \$25.
 337 ~~(yyy)~~ American Legion license plate, \$25.
 338 ~~(zzz)~~ Lauren's Kids license plate, \$25.
 339 ~~(aaaa)~~ Big Brothers Big Sisters license plate, \$25.
 340 ~~(bbbb)~~ Fallen Law Enforcement Officers license plate, \$25.
 341 ~~(eeee)~~ Florida Sheriffs Association license plate, \$25.
 342 ~~(ddd)~~ Keiser University license plate, \$25.
 343 ~~(eeee)~~ Moffitt Cancer Center license plate, \$25.
 344 (8)
 345 (c) A vehicle owner or lessee issued a specialty license
 346 plate that has been discontinued by the department may keep the
 347 discontinued specialty license plate for the remainder of the
 348 10-year license plate replacement period and shall pay all other

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applicable registration fees. However, such owner or lessee is exempt from paying the applicable specialty license plate fee under paragraph (3)(d) or subsection (4) for the remainder of the 10-year license plate replacement period.

(d) If the department discontinues issuance of a specialty license plate, all annual use fees held or collected by the department must be distributed within 180 days after the date the specialty license plate is discontinued. Of those fees, the department shall retain an amount sufficient to defray the applicable administrative and inventory closeout costs associated with discontinuance of the plate. The remaining funds must be distributed to the appropriate organization or organizations pursuant to s. 320.08058.

(e) If an organization that is the intended recipient of the funds pursuant to s. 320.08058 no longer exists, the department shall deposit any undisbursed funds into the Highway Safety Operating Trust Fund.

(f) Notwithstanding paragraph (a), on January 1 of each year, the department shall discontinue the specialty license plate with the fewest number of plates in circulation, including license plates exempt from a statutory sales requirement. A warning letter must be mailed to the sponsoring organizations of the 10 percent of the total number of specialty license plates with the fewest valid, active registrations as of December 1 of each year.

(10)(a) A specialty license plate annual use fee collected and distributed under this chapter, or any interest earned from those fees, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as

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authorized by s. 320.08058 or to pay the cost of the audit or report required by s. 320.08062(1). The fees and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of United States Armed Forces and veterans-related specialty license plates pursuant to paragraph (3)(d) for the Support Our Troops and American Legion license plates; paragraphs (4)(b), (q), and (v) for the Florida Salutes Veterans, United States Marine Corps, and Military Services license plates, respectively; paragraphs (4)(d), (bb), (ll), (kkk), and (yyy) and s. 320.0891 for the U.S. Paratroopers license plate.

(11) The annual use fee from the sale of specialty license plates, the interest earned from those fees, or any fees received by any entity ~~an agency~~ as a result of the sale of specialty license plates may not be used for the purpose of marketing to, or lobbying, entertaining, or rewarding, an employee of a governmental agency that is responsible for the sale and distribution of specialty license plates, or an elected member or employee of the Legislature.

(12) For out-of-state college or university license plates created pursuant to this section, the recipient organization shall do all of the following:

(a) Have established an endowment, based in this state, for the purpose of providing scholarships to Florida residents meeting the requirements of this chapter.

(b) Provide documentation to the department that the organization and the department have the college's or university's consent to use an appropriate image on a license plate.

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Section 6. Effective July 1, 2022, paragraph (a) of subsection (8) of section 320.08056, Florida Statutes, is amended to read:

320.08056 Specialty license plates.—

(8) (a) The department must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 3,000, or in the case of an out-of-state college or university license plate, 4,000, ~~1,000 plates~~ for at least 12 consecutive months. A warning letter shall be mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 3,000, or in the case of an out-of-state college or university license plate, 4,000 ~~1,000 plates~~. This paragraph does not apply to in-state collegiate license plates established under s. 320.08058(3), license plates of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, specialty license plates for which annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, or Florida Professional Sports Team license plates established under s. 320.08058(9).

Section 7. Subsections (7) and (31), present subsections (48), (57), and (65), paragraph (b) of present subsection (66), present subsections (69) and (70), and paragraph (b) of present subsection (80) of section 320.08058, Florida Statutes, are amended, present subsections (32) through (56) of that section are redesignated as subsections (31) through (55), respectively, present subsections (58) through (68) of that section are

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redesignated as subsections (56) through (66), respectively, present subsections (71) through (83) of that section are redesignated as subsections (67) through (79), respectively, and new subsections (80) through (83) and subsections (84) through (95) are added to that section, to read:

320.08058 Specialty license plates.—

(7) SPECIAL OLYMPICS FLORIDA LICENSE PLATES.—

(a) Special Olympics Florida license plates must contain the official Special Olympics Florida logo and must bear the colors and a design ~~and colors that are~~ approved by the department. The word "Florida" must be centered at the top ~~bottom~~ of the plate, and the words "Be a Fan" "Everyone Wins" must be centered at the bottom ~~top~~ of the plate.

(b) The license plate annual use fees must ~~are to~~ be annually distributed as follows:

1. The first \$5 million collected annually must be forwarded to the private nonprofit corporation as described in s. 393.002 and must be used solely for Special Olympics purposes as approved by the private nonprofit corporation.

2. Any additional fees must be deposited into the General Revenue Fund.

~~(31) AMERICAN RED CROSS LICENSE PLATES.—~~

~~(a) Notwithstanding the provisions of s. 320.08053, the department shall develop an American Red Cross license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "American Red Cross" must appear at the bottom of the plate.~~

~~(b) The department shall retain all revenues from the sale of such plates until all startup costs for developing and~~

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issuing the plates have been recovered. Thereafter, 50 percent of the annual use fees shall be distributed to the American Red Cross Chapter of Central Florida, with statistics on sales of license plates, which are tabulated by county. The American Red Cross Chapter of Central Florida must distribute to each of the chapters in this state the moneys received from sales in the counties covered by the respective chapters, which moneys must be used for education and disaster relief in Florida. Fifty percent of the annual use fees shall be distributed proportionately to the three statewide approved poison control centers for purposes of combating bioterrorism and other poison-related purposes.

~~(47)-(48)~~ LIVE THE DREAM LICENSE PLATES.-

(a) The department shall develop a Live the Dream license plate as provided in this section. Live the Dream license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Live the Dream" must appear at the bottom of the plate.

(b) The proceeds of the annual use fee shall be distributed to the Dream Foundation, Inc., to The Dream Foundation, Inc., shall retain the first \$60,000 in proceeds from the annual use fees as reimbursement for administrative costs, startup costs, and costs incurred in the approval process. Thereafter, up to 25 percent shall be used for continuing promotion and marketing of the license plate and concept. The remaining funds shall be used in the following manner:

1. Up to 5 percent may be used to administer, promote, and market the license plate.

2.1. At least 60 Twenty-five percent shall be distributed

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equally among the sickle cell organizations that are Florida members of the Sickle Cell Disease Association of America, Inc., for programs that provide research, care, and treatment for sickle cell disease.

~~2. Twenty five percent shall be distributed to the Florida chapter of the March of Dimes for programs and services that improve the health of babies through the prevention of birth defects and infant mortality.~~

~~3. Ten percent shall be distributed to the Florida Association of Healthy Start Coalitions to decrease racial disparity in infant mortality and to increase healthy birth outcomes. Funding will be used by local Healthy Start Coalitions to provide services and increase screening rates for high risk pregnant women, children under 4 years of age, and women of childbearing age.~~

3.4. At least 30 ~~Ten~~ percent shall be distributed to Chapman the Community Partnership for Homeless, Inc., for programs that provide relief from poverty, hunger, and homelessness.

4. Up to 5 percent may be distributed by the department on behalf of the Dream Foundation, Inc., to the Martin Luther King, Jr., Center for Nonviolent Social Change, Inc., as a royalty for the use of the image of Dr. Martin Luther King, Jr.

~~5. Five percent of the proceeds shall be used by the foundation for administrative costs directly associated with operations as they relate to the management and distribution of the proceeds.~~

~~(57) DONATE ORGANS PASS IT ON LICENSE PLATES.-~~

~~(a) The department shall develop a Donate Organs Pass It On~~

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license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "Donate Organs-Pass It On" must appear at the bottom of the plate.

~~(b) The annual use fees shall be distributed to Transplant Foundation, Inc., and shall use up to 10 percent of the proceeds from the annual use fee for marketing and administrative costs that are directly associated with the management and distribution of the proceeds. The remaining proceeds shall be used to provide statewide grants for patient services, including preoperative, rehabilitative, and housing assistance; organ donor education and awareness programs; and statewide medical research.~~

(63)(65) LIGHTHOUSE ASSOCIATION LICENSE PLATES.-

(a) The department shall develop a Lighthouse Association license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "SaveOurLighthouses.org Visit Our Lights" must appear at the bottom of the plate.

(b) The annual use fees must ~~shall~~ be distributed to the Florida Lighthouse Association, Inc., which may use a maximum of 10 percent of the proceeds to promote and market the plates. The remaining proceeds must ~~shall~~ be used by the association to fund the preservation, restoration, and protection of the 29 historic lighthouses remaining in the state.

(64)(66) IN GOD WE TRUST LICENSE PLATES.-

(b) The license plate annual use fees shall be distributed to the In God We Trust Foundation, Inc., which may use a maximum of 10 percent of the proceeds to offset marketing, administration, and promotion, and the balance of the fees to

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address the needs of the military community and the needs of the public safety community, to provide educational grants and scholarships to foster self-reliance and stability in Florida's children, and to provide education in public and private schools regarding the historical significance of religion in American and Florida history to fund educational scholarships for the children of Florida residents who are members of the United States Armed Forces, the National Guard, and the United States Armed Forces Reserve and for the children of public safety employees who have died in the line of duty who are not covered by existing state law. Funds shall also be distributed to other s. 501(c)(3) organizations that may apply for grants and scholarships and to provide educational grants to public and private schools to promote the historical and religious significance of American and Florida history. The In God We Trust Foundation, Inc., shall distribute the license plate annual use fees in the following manner:

1. The In God We Trust Foundation, Inc., shall retain all revenues from the sale of such plates until all startup costs for developing and establishing the plate have been recovered.

2. Ten percent of the funds received by the In God We Trust Foundation, Inc., shall be expended for administrative costs, promotion, and marketing of the license plate directly associated with the operations of the In God We Trust Foundation, Inc.

3. All remaining funds shall be expended by the In God We Trust Foundation, Inc., for programs.

(69) ST. JOHNS RIVER LICENSE PLATES.-

(a) The department shall develop a St. Johns River license

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plate as provided in this section. The St. Johns River license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "St. Johns River" must appear at the bottom of the plate.

(b) The requirements of s. 320.08053 must be met prior to the issuance of the plate. Thereafter, the license plate annual use fees shall be distributed to the St. Johns River Alliance, Inc., a s. 501(c)(3) nonprofit organization, which shall administer the fees as follows:

1. The St. Johns River Alliance, Inc., shall retain the first \$60,000 of the annual use fees as direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process. Thereafter, up to 10 percent of the annual use fee revenue may be used for administrative costs directly associated with education programs, conservation, research, and grant administration of the organization, and up to 10 percent may be used for promotion and marketing of the specialty license plate.

2. At least 30 percent of the fees shall be available for competitive grants for targeted community-based or county-based research or projects for which state funding is limited or not currently available. The remaining 50 percent shall be directed toward community outreach and access programs. The competitive grants shall be administered and approved by the board of directors of the St. Johns River Alliance, Inc. A grant advisory committee shall be composed of six members chosen by the St. Johns River Alliance board members.

3. Any remaining funds shall be distributed with the

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approval of and accountability to the board of directors of the St. Johns River Alliance, Inc., and shall be used to support activities contributing to education, outreach, and springs conservation.

~~(70) HISPANIC ACHIEVERS LICENSE PLATES.~~

(a) Notwithstanding the requirements of s. 320.08053, the department shall develop a Hispanic Achievers license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Hispanic Achievers" must appear at the bottom of the plate.

(b) The proceeds from the license plate annual use fee shall be distributed to National Hispanic Corporate Achievers, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to fund grants to nonprofit organizations to operate programs and provide scholarships and for marketing the Hispanic Achievers license plate. National Hispanic Corporate Achievers, Inc., shall establish a Hispanic Achievers Grant Council that shall provide recommendations for statewide grants from available Hispanic Achievers license plate proceeds to nonprofit organizations for programs and scholarships for Hispanic and minority Floridians. National Hispanic Corporate Achievers, Inc., shall also establish a Hispanic Achievers License Plate Fund. Moneys in the fund shall be used by the grant council as provided in this paragraph. All funds received under this subsection must be used in this state.

(c) National Hispanic Corporate Achievers, Inc., may retain all proceeds from the annual use fee until documented startup costs for developing and establishing the plate have been

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recovered. Thereafter, the proceeds from the annual use fee shall be used as follows:

1. Up to 5 percent of the proceeds may be used for the cost of administration of the Hispanic Achievers License Plate Fund, the Hispanic Achievers Grant Council, and related matters.

2. Funds may be used as necessary for annual audit or compliance affidavit costs.

3. Up to 20 percent of the proceeds may be used to market and promote the Hispanic Achievers license plate.

4. Twenty-five percent of the proceeds shall be used by the Hispanic Corporate Achievers, Inc., located in Seminole County, for grants.

5. The remaining proceeds shall be available to the Hispanic Achievers Grant Council to award grants for services, programs, or scholarships for Hispanic and minority individuals and organizations throughout Florida. All grant recipients must provide to the Hispanic Achievers Grant Council an annual program and financial report regarding the use of grant funds. Such reports must be available to the public.

(d) Effective July 1, 2014, the Hispanic Achievers license plate will shift into the presale voucher phase, as provided in s. 320.08053(2)(b). National Hispanic Corporate Achievers, Inc., shall have 24 months to record a minimum of 1,000 sales. Sales include existing active plates and vouchers sold subsequent to July 1, 2014. During the voucher period, new plates may not be issued, but existing plates may be renewed. If, at the conclusion of the 24-month presale period, the requirement of a minimum of 1,000 sales has been met, the department shall resume normal distribution of the Hispanic Achievers license plate. If,

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after 24 months, the minimum of 1,000 sales has not been met, the department shall discontinue the Hispanic Achievers license plate. This subsection is repealed June 30, 2016.

~~(76)-(80)~~ FALLEN LAW ENFORCEMENT OFFICERS LICENSE PLATES.-

(b) The annual use fees must ~~shall~~ be distributed to the Police and Kids Foundation, Inc., which may use up to a maximum of 10 percent of the proceeds for marketing to promote and market the plate. All remaining proceeds must be distributed to and used by the Police and Kids Foundation, Inc., for its operations, activities, programs, and projects The remainder of the proceeds shall be used by the Police and Kids Foundation, Inc., to invest and reinvest, and the interest earnings shall be used for the operation of the Police and Kids Foundation, Inc.

(80) DUCKS UNLIMITED LICENSE PLATES.-

(a) The department shall develop a Ducks Unlimited license plate as provided in this section and s. 320.08053. Ducks Unlimited license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Conserving Florida Wetlands" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to Ducks Unlimited, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to be used as follows:

1. Up to 5 percent may be used for administrative costs and the marketing of the plate.

2. At least 95 percent must be used in this state to support the mission and efforts of Ducks Unlimited, Inc., to conserve, restore, and manage Florida wetlands and associated

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697 habitats for the benefit of waterfowl, other wildlife, and
698 people.

699 (81) DAN MARINO CAMPUS LICENSE PLATES.—

700 (a) The department shall develop a Dan Marino Campus
701 license plate as provided in this section and s. 320.08053. The
702 plate must bear the colors and design approved by the
703 department. The word "Florida" must appear at the top of the
704 plate, and the words "Marino Campus" must appear at the bottom
705 of the plate.

706 (b) The annual use fees from the sale of the plate must be
707 distributed to the Dan Marino Foundation, a Florida nonprofit
708 corporation, which may use up to 10 percent of such fees for
709 administrative costs and the marketing of the plate. The balance
710 of the fees must be used by the Dan Marino Foundation to assist
711 Floridians with developmental disabilities in becoming employed,
712 independent, and productive and to promote and fund education
713 scholarships and awareness of these services.

714 (82) DONATE LIFE FLORIDA LICENSE PLATES.—

715 (a) The department shall develop a Donate Life Florida
716 license plate as provided in this section and s. 320.08053. The
717 plate must bear the colors and design approved by the
718 department. The word "Florida" must appear at the top of the
719 plate, and the words "Donors Save Lives" must appear at the
720 bottom of the plate.

721 (b) The annual use fees from the sale of the plate must be
722 distributed to Donate Life Florida, which may use up to 10
723 percent of the proceeds for marketing and administrative costs.
724 The remaining proceeds must be used by Donate Life Florida to
725 educate Florida residents on the importance of organ, tissue,

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726 and eye donation and for the continued maintenance of the Joshua
727 Abbott Organ and Tissue Donor Registry.

728 (83) FLORIDA STATE BEEKEEPERS ASSOCIATION LICENSE PLATES.—

729 (a) The department shall develop a Florida State Beekeepers
730 Association license plate as provided in this section and s.
731 320.08053. The plate must bear the colors and design approved by
732 the department. The word "Florida" must appear at the top of the
733 plate, and the words "Save the Bees" must appear at the bottom
734 of the plate.

735 (b) The annual use fees must be distributed to the Florida
736 State Beekeepers Association, a Florida nonprofit corporation.
737 The Florida State Beekeepers Association may use up to 18
738 percent of the annual use fees for:

739 1. Direct reimbursement for administrative costs, startup
740 costs, and costs incurred in the development and approval
741 process of the license plate. All vendors associated with the
742 administrative costs must be selected by competitive bid.

743 2. Promotion and marketing costs of the license plate.

744 (c) The remaining funds must be distributed to the Florida
745 State Beekeepers Association and used to raise awareness of the
746 importance of beekeeping to Florida agriculture by funding
747 honeybee research, education, outreach, and husbandry. The
748 Florida State Beekeepers Association board of managers shall
749 approve and is accountable for all such expenditures.

750 (84) AMERICA THE BEAUTIFUL LICENSE PLATES.—

751 (a) The department shall develop an America the Beautiful
752 license plate as provided in this section and s. 320.08053. The
753 word "Florida" must appear at the top of the plate, and the
754 words "America the Beautiful" must appear on the plate.

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(b) The annual use fees from the plate must be distributed to the America the Beautiful Fund as follows: 15 percent to offset administrative, marketing, and promotion costs, and the remaining 85 percent for projects and programs teaching character, leadership, and service to Florida youth; the provision of supportive services and assistance to members of the military community; outdoor education advancing the ideal of self-sufficiency; wildlife conservation, including imperiled and managed species; the maintenance of historic or culturally important sites, buildings, structures, or objects; and the development and modification of playgrounds, recreational areas, or other outdoor amenities, including disability access.

(85) BEAT CHILDHOOD CANCER LICENSE PLATES.—

(a) The department shall develop a Beat Childhood Cancer license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Beat Childhood Cancer" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed as follows:

1. Eighty percent shall be distributed to Beat Nb, Inc., which may use up to 10 percent of the proceeds for administrative costs directly associated with the operation of the corporation and for marketing and promoting the plate. The remaining proceeds shall be used by the corporation to fund pediatric cancer treatment and research.

2. Twenty percent shall be distributed to No Kid Should Know Cancer, Inc., a nonprofit corporation under s. 501(c)(3) of

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the Internal Revenue Code, which may use up to 5 percent of the proceeds for administrative costs and for the marketing of the plate. The balance of the fees shall be used by No Kid Should Know Cancer, Inc., to:

a. Support families who have a child recently diagnosed with cancer;

b. Hold events that raise awareness about childhood cancer; and

c. Support clinical trials that work to provide better treatment plans for children diagnosed with cancer and, ultimately, a better prognosis.

(86) UNIVERSITY OF ALABAMA LICENSE PLATES.—

(a) The department shall develop a University of Alabama license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Roll Tide" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Pensacola Bama Club, which must use the moneys for the purpose of awarding scholarships to Florida residents attending the University of Alabama. Students receiving these scholarships must be eligible for the Florida Bright Futures Scholarship Program pursuant to s. 1009.531 and shall use the scholarship funds for tuition and other expenses related to attending the University of Alabama.

(87) ROTARY LICENSE PLATES.—

(a) The department shall develop a Rotary license plate as provided in this section and s. 320.08053. The plate must bear

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the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the word "Rotary" must appear on the bottom of the plate. The license plate must bear the Rotary International wheel emblem.

(b) The annual use fees shall be distributed to the Community Foundation of Tampa Bay, Inc., to be used as follows:

1. Up to 10 percent may be used for administrative costs and for marketing of the plate.

2. Ten percent shall be distributed to Rotary's Camp Florida for direct support to all programs and services provided to children with special needs who attend the camp.

3. The remainder shall be distributed, proportionally based on sales, to each Rotary district in the state in support of Rotary youth programs in Florida.

(88) FLORIDA BAY FOREVER LICENSE PLATES.—

(a) The department shall develop a Florida Bay Forever license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Florida Bay Forever" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Florida National Park Association, Inc., which may use up to 10 percent of the proceeds for administrative costs and marketing of the plate. The remainder of the funds shall be used to supplement the Everglades National Park's budgets and to support educational, interpretive, historical, and scientific research relating to the Everglades National Park.

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(89) BONEFISH AND TARPON TRUST LICENSE PLATES.—

(a) The department shall develop a Bonefish and Tarpon Trust license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Bonefish and Tarpon Trust" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Bonefish and Tarpon Trust, which may use up to 10 percent of the proceeds to promote and market the license plate. The remainder of the proceeds shall be used to conserve and enhance Florida bonefish and tarpon fisheries and their respective environments through stewardship, research, education, and advocacy.

(90) MEDICAL PROFESSIONALS WHO CARE LICENSE PLATES.—

(a) The department shall develop a Medical Professionals Who Care license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Medical Professionals Who Care" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to Florida Benevolent Group, Inc., a Florida nonprofit corporation, which may use up to 10 percent of such fees for administrative costs, marketing, and promotion of the plate. The remainder of the revenues shall be used by Florida Benevolent Group, Inc., to assist low-income individuals in obtaining a medical education and career through scholarships, support, and guidance.

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871 (91) UNIVERSITY OF GEORGIA LICENSE PLATES.—

872 (a) The department shall develop a University of Georgia
 873 license plate as provided in this section and s. 320.08053. The
 874 plate must bear the colors and design approved by the
 875 department. The word "Florida" must appear at the top of the
 876 plate, and the words "The University of Georgia" must appear at
 877 the bottom of the plate.

878 (b) The annual use fees from the sale of the plate shall be
 879 distributed to the Georgia Bulldog Club of Jacksonville, which
 880 must use the moneys for the purpose of awarding scholarships to
 881 Florida residents attending the University of Georgia. Students
 882 receiving these scholarships must be eligible for the Florida
 883 Bright Futures Scholarship Program pursuant to s. 1009.531 and
 884 shall use the scholarship funds for tuition and other expenses
 885 related to attending the University of Georgia.

886 (92) HIGHWAYMEN LICENSE PLATES.—

887 (a) The department shall develop a Highwaymen license plate
 888 as provided in this section and s. 320.08053. The plate must
 889 bear the colors and design approved by the department. The word
 890 "Florida" must appear at the top of the plate, and the word
 891 "Highwaymen" must appear at the bottom of the plate.

892 (b) The annual use fees shall be distributed to the City of
 893 Fort Pierce, subject to a city resolution designating the city
 894 as the fiscal agent of the license plate. The city may use up to
 895 10 percent of the fees for administrative costs and marketing of
 896 the plate and shall use the remainder of the fees as follows:

897 1. Before completion of construction of the Highwaymen
 898 Museum and African-American Cultural Center, the city shall
 899 distribute at least 15 percent to the St. Lucie Education

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900 Foundation, Inc., to fund art education and art projects in
 901 public schools within St. Lucie County. The remainder of the
 902 fees shall be used by the city to fund the construction of the
 903 Highwaymen Museum and African-American Cultural Center.

904 2. Upon completion of construction of the Highwaymen Museum
 905 and African-American Cultural Center, the city shall distribute
 906 at least 10 percent to the St. Lucie Education Foundation, Inc.,
 907 to fund art education and art projects in public schools within
 908 St. Lucie County. The remainder of the fees shall be used by the
 909 city to fund the day-to-day operations of the Highwaymen Museum
 910 and African-American Cultural Center.

911 (93) ORLANDO CITY SOCCER CLUB LICENSE PLATES.—

912 (a) The department shall develop an Orlando City Soccer
 913 Club license plate as provided in paragraph (9) (a).

914 (b) The annual use fees from the sale of the plate shall be
 915 distributed and used as provided in paragraph (9) (b).

916 (94) COASTAL CONSERVATION ASSOCIATION LICENSE PLATES.—

917 (a) The department shall develop a Coastal Conservation
 918 Association license plate as provided in this section and s.
 919 320.08053. The plate must bear the colors and design approved by
 920 the department. The word "Florida" must appear at the top of the
 921 plate, and the words "Conserve Florida's Fisheries" must appear
 922 at the bottom of the plate.

923 (b) The annual use fees from the sale of the plate shall be
 924 distributed to Coastal Conservation Association Florida, a
 925 nonprofit corporation under s. 501(c) (3) of the Internal Revenue
 926 Code, to be used as follows:

927 1. Up to 10 percent of the proceeds may be used for
 928 administrative costs.

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929 2. Up to 10 percent of the proceeds may be used to promote
 930 and market the plate.
 931 3. The remainder of the proceeds shall be used to support
 932 the mission and efforts of Coastal Conservation Association
 933 Florida for habitat enhancement and restoration, saltwater
 934 fisheries conservation, and education; to advise the public on
 935 the conservation of marine resources; and to promote and enhance
 936 the present and future availability of those coastal resources
 937 for the benefit and enjoyment of the general public.
 938 (95) BLUE ANGELS LICENSE PLATE.—
 939 (a) The department shall develop a Blue Angels license
 940 plate as provided in this section and s. 320.08053. The plate
 941 must bear the colors and design approved by the department. The
 942 word "Florida" must appear at the top of the plate, and the
 943 words "Home of the Blue Angels" must appear at the bottom of the
 944 plate.
 945 (b) The annual use fees from the sale of the plate shall be
 946 distributed to the Naval Aviation Museum Foundation, a nonprofit
 947 Florida corporation under s. 501(c)(3) of the Internal Revenue
 948 Code, to fund the maintenance, programs, marketing, and projects
 949 of the foundation, including the National Naval Aviation Museum
 950 and the National Flight Academy in Pensacola. Up to 15 percent
 951 of the funds received by the Naval Aviation Museum Foundation
 952 may be used for marketing of the plate and costs directly
 953 associated with the administration of the foundation. The Naval
 954 Aviation Museum Foundation shall distribute 50 percent of the
 955 funds to eligible programs and projects associated with the
 956 National Flight Academy and the remainder of the funds to
 957 eligible programs and projects associated with the National

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958 Naval Aviation Museum.
 959 Section 8. Subsection (1) of section 320.08062, Florida
 960 Statutes, is amended to read:
 961 320.08062 Audits and attestations required; annual use fees
 962 of specialty license plates.—
 963 (1) (a) All organizations that receive annual use fee
 964 proceeds from the department are responsible for ensuring that
 965 proceeds are used in accordance with ss. 320.08056 and
 966 320.08058.
 967 (b) Any organization not subject to audit pursuant to s.
 968 215.97 shall annually attest, under penalties of perjury, that
 969 such proceeds were used in compliance with ss. 320.08056 and
 970 320.08058. The attestation shall be made annually in a form and
 971 format determined by the department. In addition, the department
 972 shall audit any such organization every 3 years to ensure that
 973 proceeds have been used in compliance with ss. 320.08056 and
 974 320.08058.
 975 (c) Any organization subject to audit pursuant to s. 215.97
 976 shall submit an audit report in accordance with rules
 977 promulgated by the Auditor General. The annual attestation shall
 978 be submitted to the department for review within 9 months after
 979 the end of the organization's fiscal year.
 980 Section 9. Paragraph (b) of subsection (4) of section
 981 320.08068, Florida Statutes, is amended to read:
 982 320.08068 Motorcycle specialty license plates.—
 983 (4) A license plate annual use fee of \$20 shall be
 984 collected for each motorcycle specialty license plate. Annual
 985 use fees shall be distributed as follows:
 986 (b) Twenty percent to Preserve Vision ~~Prevent Blindness~~

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987 Florida.
 988 Section 10. Section 320.0875, Florida Statutes, is created
 989 to read:
 990 320.0875 Purple Heart special motorcycle license plate.—
 991 (1) Upon application to the department and payment of the
 992 license tax for the motorcycle as provided in s. 320.08, a
 993 resident of the state who owns or leases a motorcycle that is
 994 not used for hire or commercial use shall be issued a Purple
 995 Heart special motorcycle license plate if he or she provides
 996 documentation acceptable to the department that he or she is a
 997 recipient of the Purple Heart medal.
 998 (2) The Purple Heart special motorcycle license plate shall
 999 be stamped with the term “Combat-wounded Veteran” followed by
 1000 the serial number of the license plate. The Purple Heart special
 1001 motorcycle license plate may have the term “Purple Heart”
 1002 stamped on the plate and the likeness of the Purple Heart medal
 1003 appearing on the plate.
 1004 Section 11. Paragraph (a) of subsection (1) of section
 1005 320.089, Florida Statutes, is amended to read:
 1006 320.089 Veterans of the United States Armed Forces; members
 1007 of National Guard; survivors of Pearl Harbor; Purple Heart medal
 1008 recipients; Bronze Star recipients; active or retired United
 1009 States Armed Forces reservists; Combat Infantry Badge, Combat
 1010 Medical Badge, or Combat Action Badge recipients; Combat Action
 1011 Ribbon recipients; Air Force Combat Action Medal recipients;
 1012 Distinguished Flying Cross recipients; former prisoners of war;
 1013 Korean War Veterans; Vietnam War Veterans; Operation Desert
 1014 Shield Veterans; Operation Desert Storm Veterans; Operation
 1015 Enduring Freedom Veterans; Operation Iraqi Freedom Veterans;

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1016 Women Veterans; World War II Veterans; and Navy Submariners;
 1017 special license plates; fee.—
 1018 (1) (a) Each owner or lessee of an automobile or truck for
 1019 private use or recreational vehicle as specified in s.
 1020 320.08(9)(c) or (d), which is not used for hire or commercial
 1021 use, who is a resident of the state and a veteran of the United
 1022 States Armed Forces, a Woman Veteran, a World War II Veteran, a
 1023 Navy Submariner, an active or retired member of the Florida
 1024 National Guard, a survivor of the attack on Pearl Harbor, a
 1025 recipient of the Purple Heart medal, a recipient of the Bronze
 1026 Star, an active or retired member of any branch of the United
 1027 States Armed Forces Reserve, or a recipient of the Combat
 1028 Infantry Badge, Combat Medical Badge, Combat Action Badge,
 1029 Combat Action Ribbon, Air Force Combat Action Medal, or
 1030 Distinguished Flying Cross, upon application to the department,
 1031 accompanied by proof of release or discharge from any branch of
 1032 the United States Armed Forces, proof of active membership or
 1033 retired status in the Florida National Guard, proof of
 1034 membership in the Pearl Harbor Survivors Association or proof of
 1035 active military duty in Pearl Harbor on December 7, 1941, proof
 1036 of being a Purple Heart medal recipient, proof of being a Bronze
 1037 Star recipient, proof of active or retired membership in any
 1038 branch of the United States Armed Forces Reserve, or proof of
 1039 membership in the Combat Infantrymen's Association, Inc., proof
 1040 of being a recipient of the Combat Infantry Badge, Combat
 1041 Medical Badge, Combat Action Badge, Combat Action Ribbon, Air
 1042 Force Combat Action Medal, or Distinguished Flying Cross, and
 1043 upon payment of the license tax for the vehicle as provided in
 1044 s. 320.08, shall be issued a license plate as provided by s.

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320.06 which, in lieu of the serial numbers prescribed by s. 320.06, is stamped with the words "Veteran," "Woman Veteran," "WWII Veteran," "Navy Submariner," "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," "Bronze Star," "U.S. Reserve," "Combat Infantry Badge," "Combat Medical Badge," "Combat Action Badge," "Combat Action Ribbon," "Air Force Combat Action Medal," or "Distinguished Flying Cross," as appropriate, and a likeness of the related campaign medal or badge, followed by the serial number of the license plate. Additionally, the Purple Heart plate may have the words "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

Section 12. Effective July 1, 2020, section 322.01, Florida Statutes, is amended to read:

322.01 Definitions.—As used in this chapter:

(1) "Actual weight" means the weight of a motor vehicle or motor vehicle combination plus the weight of the load carried on it, as determined at a fixed scale operated by the state or as determined by use of a portable scale operated by a law enforcement officer.

(2) "Alcohol" means any substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol, and isopropanol.

(3) "Alcohol concentration" means:

(a) The number of grams of alcohol per 100 milliliters of blood;

(b) The number of grams of alcohol per 210 liters of breath; or

(c) The number of grams of alcohol per 67 milliliters of

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urine.

(4) "Authorized emergency vehicle" means a vehicle that is equipped with extraordinary audible and visual warning devices, that is authorized by s. 316.2397 to display red or blue lights, and that is on call to respond to emergencies. The term includes, but is not limited to, ambulances, law enforcement vehicles, fire trucks, and other rescue vehicles. The term does not include wreckers, utility trucks, or other vehicles that are used only incidentally for emergency purposes.

(5) "Cancellation" means the act of declaring a driver license void and terminated.

(6) "Color photographic driver license" means a color photograph of a completed driver license form meeting the requirements prescribed in s. 322.14.

(7) "Commercial driver license" means a Class A, Class B, or Class C driver license issued in accordance with the requirements of this chapter.

(8) "Commercial motor vehicle" means any motor vehicle or motor vehicle combination used on the streets or highways, which:

(a) Has a gross vehicle weight rating of 26,001 pounds or more;

(b) Is designed to transport more than 15 persons, including the driver; or

(c) Is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. part 172, subpart F.

A vehicle that occasionally transports personal property to and from a closed-course motorsport facility, as defined in s.

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549.09(1)(a), is not a commercial motor vehicle if the use is not for profit and corporate sponsorship is not involved. As used in this subsection, the term "corporate sponsorship" means a payment, donation, gratuity, in-kind service, or other benefit provided to or derived by a person in relation to the underlying activity, other than the display of product or corporate names, logos, or other graphic information on the property being transported.

(9) "Controlled substance" means any substance classified as such under 21 U.S.C. s. 802(6), Schedules I-V of 21 C.F.R. part 1308, or chapter 893.

(10) "Convenience service" means any means whereby an individual conducts a transaction with the department other than in person.

(11)(a) "Conviction" means a conviction of an offense relating to the operation of motor vehicles on highways which is a violation of this chapter or any other such law of this state or any other state, including an admission or determination of a noncriminal traffic infraction pursuant to s. 318.14, or a judicial disposition of an offense committed under any federal law substantially conforming to the aforesaid state statutory provisions.

(b) Notwithstanding any other provisions of this chapter, the definition of "conviction" provided in 49 C.F.R. s. 383.5 applies to offenses committed in a commercial motor vehicle or by a person holding a commercial driver license.

(12) "Court" means any tribunal in this state or any other state, or any federal tribunal, which has jurisdiction over any civil, criminal, traffic, or administrative action.

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(13) "Credential service provider" means the electronic credential provider competitively procured by the department which supplies secure credential services based on open standards for identity management and verification to qualified entities.

~~(14)-(13)~~ "Declared weight" means the maximum loaded weight declared for purposes of registration, pursuant to chapter 320.

~~(15)-(14)~~ "Department" means the Department of Highway Safety and Motor Vehicles acting directly or through its duly authorized representatives.

(16) "Digital identity verifier" means a digital system capable of securely authenticating the identity of an external agent, whether a person, organization, application, or device, without physically storing the necessary data to validate a digital identity.

~~(17)-(15)~~ "Disqualification" means a prohibition, other than an out-of-service order, that precludes a person from driving a commercial motor vehicle.

~~(18)-(16)~~ "Drive" means to operate or be in actual physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic.

~~(19)-(17)~~ "Driver license" means a certificate that, subject to all other requirements of law, authorizes an individual to drive a motor vehicle and denotes an operator's license as defined in 49 U.S.C. s. 30301.

(20) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(21) "Electronic credential" means an electronic

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1161 representation of a physical driver license or identification
 1162 card which is viewable on an electronic credential system and
 1163 capable of being verified and authenticated.

1164 (22) "Electronic credential holder" means a person to whom
 1165 an electronic credential has been issued.

1166 (23) "Electronic credential provider" means a qualified
 1167 entity contracted with the department to provide electronic
 1168 credentials to electronic credential holders.

1169 (24) "Electronic credential system" means a computer system
 1170 used to display or transmit electronic credentials to a person
 1171 or verification system and that may be accessed using an
 1172 electronic device.

1173 (25) "Electronic device" means a device or a portion of a
 1174 device that is designed for and capable of communicating across
 1175 a computer network with other computers or devices for the
 1176 purpose of transmitting, receiving, or storing data, including,
 1177 but not limited to, a cellular telephone, tablet, or other
 1178 portable device designed for and capable of communicating with
 1179 or across a computer network, and is used to render an
 1180 electronic credential.

1181 (26) "Electronic ID" means a technology solution by which a
 1182 qualified entity authenticates the identity of an individual
 1183 receiving goods or services.

1184 (27)-(18) "Endorsement" means a special authorization which
 1185 permits a driver to drive certain types of vehicles or to
 1186 transport certain types of property or a certain number of
 1187 passengers.

1188 (28) "Enterprise" means Florida or Florida's government.

1189 (29)-(19) "Farmer" means a person who grows agricultural

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1190 products, including aquacultural, horticultural, and forestry
 1191 products, and, except as provided herein, employees of such
 1192 persons. The term does not include employees whose primary
 1193 purpose of employment is the operation of motor vehicles.

1194 (30)-(20) "Farm tractor" means a motor vehicle that is:

1195 (a) Operated principally on a farm, grove, or orchard in
 1196 agricultural or horticultural pursuits and that is operated on
 1197 the roads of this state only incidentally for transportation
 1198 between the owner's or operator's headquarters and the farm,
 1199 grove, or orchard or between one farm, grove, or orchard and
 1200 another; or

1201 (b) Designed and used primarily as a farm implement for
 1202 drawing plows, mowing machines, and other implements of
 1203 husbandry.

1204 (31)-(21) "Felony" means any offense under state or federal
 1205 law that is punishable by death or by a term of imprisonment
 1206 exceeding 1 year.

1207 (32)-(22) "Foreign jurisdiction" means any jurisdiction
 1208 other than a state of the United States.

1209 (33)-(23) "Gross vehicle weight rating" means the value
 1210 specified by the manufacturer as the maximum loaded weight of a
 1211 single, combination, or articulated vehicle.

1212 (34)-(24) "Hazardous materials" means any material that has
 1213 been designated as hazardous under 49 U.S.C. s. 5103 and is
 1214 required to be placarded under subpart F of 49 C.F.R. part 172
 1215 or any quantity of a material listed as a select agent or toxin
 1216 in 42 C.F.R. part 73.

1217 (35) "Interoperable" or "interoperability" means the
 1218 technical ability for data to permissively be shared across the

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1219 entire enterprise.

1220 ~~(36)-(25)~~ "Medical examiner's certificate" means a document
 1221 substantially in accordance with the requirements of 49 C.F.R.
 1222 s. 391.43.

1223 ~~(37)-(26)~~ "Motorcycle" means a motor vehicle powered by a
 1224 motor with a displacement of more than 50 cubic centimeters,
 1225 having a seat or saddle for the use of the rider, and designed
 1226 to travel on not more than three wheels in contact with the
 1227 ground, but excluding a tractor, tri-vehicle, or moped.

1228 ~~(38)-(27)~~ "Motor vehicle" means any self-propelled vehicle,
 1229 including a motor vehicle combination, not operated upon rails
 1230 or guideway, excluding vehicles moved solely by human power,
 1231 motorized wheelchairs, and motorized bicycles as defined in s.
 1232 316.003.

1233 ~~(39)-(28)~~ "Motor vehicle combination" means a motor vehicle
 1234 operated in conjunction with one or more other vehicles.

1235 ~~(40)-(29)~~ "Narcotic drugs" means coca leaves, opium,
 1236 isonipecaine, cannabis, and every substance neither chemically
 1237 nor physically distinguishable from them, and any and all
 1238 derivatives of same, and any other drug to which the narcotics
 1239 laws of the United States apply, and includes all drugs and
 1240 derivatives thereof known as barbiturates.

1241 ~~(41)-(30)~~ "Out-of-service order" means a prohibition issued
 1242 by an authorized local, state, or Federal Government official
 1243 which precludes a person from driving a commercial motor
 1244 vehicle.

1245 ~~(42)-(31)~~ "Owner" means the person who holds the legal title
 1246 to a vehicle. However, if a vehicle is the subject of an
 1247 agreement for the conditional sale or lease thereof with the

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1248 right of purchase upon performance of the conditions stated in
 1249 the agreement and with an immediate right of possession vested
 1250 in the conditional vendee or lessee, or if a mortgagor of a
 1251 vehicle is entitled to possession, such conditional vendee,
 1252 lessee, or mortgagor is the owner for the purpose of this
 1253 chapter.

1254 ~~(43)-(32)~~ "Passenger vehicle" means a motor vehicle designed
 1255 to transport more than 15 persons, including the driver, or a
 1256 school bus designed to transport more than 15 persons, including
 1257 the driver.

1258 ~~(44)-(33)~~ "Permit" means a document authorizing the
 1259 temporary operation of a motor vehicle within this state subject
 1260 to conditions established in this chapter.

1261 ~~(45)~~ "Qualified entity" means a public or private entity
 1262 that enters into a contract with the department, meets usage
 1263 criteria, agrees to terms and conditions, and is authorized by
 1264 the department to use the credential service provider for
 1265 authentication and identification verification services.

1266 ~~(46)-(34)~~ "Resident" means a person who has his or her
 1267 principal place of domicile in this state for a period of more
 1268 than 6 consecutive months, has registered to vote, has made a
 1269 statement of domicile pursuant to s. 222.17, or has filed for
 1270 homestead tax exemption on property in this state.

1271 ~~(47)-(35)~~ "Restriction" means a prohibition against
 1272 operating certain types of motor vehicles or a requirement that
 1273 a driver comply with certain conditions when driving a motor
 1274 vehicle.

1275 ~~(48)-(36)~~ "Revocation" means the termination of a licensee's
 1276 privilege to drive.

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1277 (49)~~(37)~~ "School bus" means a motor vehicle that is
 1278 designed to transport more than 15 persons, including the
 1279 driver, and that is used to transport students to and from a
 1280 public or private school or in connection with school
 1281 activities, but does not include a bus operated by a common
 1282 carrier in the urban transportation of school children. The term
 1283 "school" includes all preelementary, elementary, secondary, and
 1284 postsecondary schools.

1285 (50)~~(38)~~ "State" means a state or possession of the United
 1286 States, and, for the purposes of this chapter, includes the
 1287 District of Columbia.

1288 (51)~~(39)~~ "Street or highway" means the entire width between
 1289 the boundary lines of a way or place if any part of that way or
 1290 place is open to public use for purposes of vehicular traffic.

1291 (52)~~(40)~~ "Suspension" means the temporary withdrawal of a
 1292 licensee's privilege to drive a motor vehicle.

1293 (53)~~(41)~~ "Tank vehicle" means a vehicle that is designed to
 1294 transport any liquid or gaseous material within a tank either
 1295 permanently or temporarily attached to the vehicle, if such tank
 1296 has a designed capacity of 1,000 gallons or more.

1297 (54)~~(42)~~ "United States" means the 50 states and the
 1298 District of Columbia.

1299 (55)~~(43)~~ "Vehicle" means every device in, upon, or by which
 1300 any person or property is or may be transported or drawn upon a
 1301 public highway or operated upon rails or guideway, except a
 1302 bicycle, motorized wheelchair, or motorized bicycle.

1303 (56)~~(44)~~ "Identification card" means a personal
 1304 identification card issued by the department which conforms to
 1305 the definition in 18 U.S.C. s. 1028(d).

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1306 (57)~~(45)~~ "Temporary driver license" or "temporary
 1307 identification card" means a certificate issued by the
 1308 department which, subject to all other requirements of law,
 1309 authorizes an individual to drive a motor vehicle and denotes an
 1310 operator's license, as defined in 49 U.S.C. s. 30301, or a
 1311 personal identification card issued by the department which
 1312 conforms to the definition in 18 U.S.C. s. 1028(d) and denotes
 1313 that the holder is permitted to stay for a short duration of
 1314 time, as specified on the temporary identification card, and is
 1315 not a permanent resident of the United States.

1316 (58)~~(46)~~ "Tri-vehicle" means an enclosed three-wheeled
 1317 passenger vehicle that:

1318 (a) Is designed to operate with three wheels in contact
 1319 with the ground;

1320 (b) Has a minimum unladen weight of 900 pounds;

1321 (c) Has a single, completely enclosed, occupant
 1322 compartment;

1323 (d) Is produced in a minimum quantity of 300 in any
 1324 calendar year;

1325 (e) Is capable of a speed greater than 60 miles per hour on
 1326 level ground; and

1327 (f) Is equipped with:

1328 1. Seats that are certified by the vehicle manufacturer to
 1329 meet the requirements of Federal Motor Vehicle Safety Standard
 1330 No. 207, "Seating systems" (49 C.F.R. s. 571.207);

1331 2. A steering wheel used to maneuver the vehicle;

1332 3. A propulsion unit located forward or aft of the enclosed
 1333 occupant compartment;

1334 4. A seat belt for each vehicle occupant certified to meet

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the requirements of Federal Motor Vehicle Safety Standard No. 209, "Seat belt assemblies" (49 C.F.R. s. 571.209);

5. A windshield and an appropriate windshield wiper and washer system that are certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 205, "Glazing Materials" (49 C.F.R. s. 571.205) and Federal Motor Vehicle Safety Standard No. 104, "Windshield Wiping and Washing Systems" (49 C.F.R. s. 571.104); and

6. A vehicle structure certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 216, "Rollover crush resistance" (49 C.F.R. s. 571.216).

Section 13. Effective July 1, 2020, section 322.032, Florida Statutes, is amended to read:

322.032 Electronic credential ~~Digital proof of driver license.~~

(1)(a) The department shall develop and implement ~~begin to review and prepare for the development of~~ a secure and uniform protocols that comply with national standards ~~system~~ for issuing an optional electronic credential ~~digital proof of driver license~~. Instead of authorizing the appropriation of tax dollars on a fixed-price basis which risks taxpayer dollars in the event of nonperformance or underperformance by the credential service provider, the department shall procure the related technology solution from the credential service provider that uses a revenue sharing model through a competitive solicitation process pursuant to s. 287.057. Such procurement shall align the incentives of the enterprise with those of the credential service provider such that the terms of the contract pay for

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value on a per-data-call basis, incentivize continuous and agile development, and discourage the delivery of a solution that is considered finished upon delivery to the enterprise. The agreement between the department and the credential service provider shall allow for the parties to enter into subsequently mutually agreed-upon amendments that modify the cost of a data call so long as such modifications are market based to facilitate greater participation in the ecosystem.

(b) The revenue generated from qualified entities and digital identity verifiers shall be accounted for with the credential service provider's portion being remitted on a regular and manageable payment cycle, not to exceed monthly. The enterprise's share of the revenue shall be distributed as follows: 20 percent to the department to manage and scale the electronic credential initiative; 30 percent to fund the operational budget of the Department of Innovation and Technology, should it be created, and if not created, to the Agency for State Technology for the sole purpose of deploying solutions to the state's need for data interoperability across all agencies and functions of government; and 50 percent to fund the interoperability initiatives across the enterprise.

(c) The department's procurement shall consider and prioritize the most secure, functional, and cost-efficient technology to deploy a scalable and interoperable credential service provider and a credential service provider that does not physically store data in the process of performing the validation of a digital identity. The procurement shall consider the use of a decentralized ledger immutable record to achieve the objectives stated herein.

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(d) The department may issue electronic credentials to persons who hold a Florida driver license or identification card.

(e) Qualified entities must have the technological capabilities necessary to integrate with the credential service provider. The department shall maintain the protocols and national standards necessary for a digital verifier or an electronic credential provider to request authorized access to an application programming interface, or appropriate technological tool of at least the same capabilities, necessary for such qualified entity to consume an electronic ID. The department shall timely review requests for authorized access and approve all requests by digital verifiers that meet the department's requirements.

(f) The electronic credential provider must have the necessary technological capabilities to execute the authentication of an electronic credential across all states, jurisdictions, federal and state agencies, and municipalities. The electronic credential and verification solution must provide the standardized system integration necessary:

1. For qualified entities to securely consume an electronic credential.

2. For the production of a fully compliant electronic credential by electronic credential providers.

3. To successfully ensure secure authentication and validation of data from disparate sources.

(g) The department shall competitively procure at least five electronic credential providers ~~contract with one or more private entities~~ to develop and implement an initial phase to

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provide a secure electronic credential ~~a digital proof of driver license system. The procurement of electronic credential providers shall focus on functionality and ability to execute in context with the enterprise's needs. The department shall enter into agreements with electronic credential providers that provide the permitted uses, terms and conditions, privacy policy, and uniform remittance terms relating to the consumption of an electronic credential and include clear, enforceable, and significant penalties for violations of the agreements. The department must competitively procure the credential service provider before the initial phase may begin. Upon completion of the initial phase, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the continued implementation and tools necessary to scale future phases.~~

(2) (a) The electronic credential ~~digital proof of driver license~~ developed by the department or by an electronic credential provider ~~an entity~~ contracted by the department must be in such a format as to allow law enforcement or an authorized consumer to verify the authenticity of the electronic credential and the identity of the credential holder and to validate the status of any driving privileges associated with the electronic credential ~~digital proof of driver license. The department shall adhere to protocols and national standards may adopt rules to ensure valid authentication of electronic credentials~~ digital driver licenses ~~by law enforcement.~~

(b) The act of presenting to a law enforcement officer an electronic device displaying an electronic credential does not constitute consent for the officer to access any information on

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the device other than the electronic credential.

(c) The person who presents the device to the officer assumes liability, absent a showing of reckless disregard by the officer, for any resulting damage to the device.

(3) A person may not be issued an electronic credential ~~a digital proof of driver license~~ until he or she has satisfied all of the requirements of this chapter for issuance of a physical driver license or identification card as provided in this chapter.

(4) A person who:

(a) Manufactures a false electronic credential ~~digital proof of driver license~~ commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Possesses a false electronic credential ~~digital proof of driver license~~ commits a misdemeanor of the second degree, punishable as provided in s. 775.082.

Section 14. Effective July 1, 2020, section 322.059, Florida Statutes, is amended to read:

322.059 Mandatory surrender of suspended driver license and registration.—A person whose driver license or registration has been suspended as provided in s. 322.058 must immediately return his or her driver license and registration to the Department of Highway Safety and Motor Vehicles. The department shall invalidate the electronic credential ~~digital proof of driver license~~ issued pursuant to s. 322.032 for such person. If such person fails to return his or her driver license or registration, a law enforcement agent may seize the license or registration while the driver license or registration is suspended.

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Section 15. Effective July 1, 2020, paragraph (c) of subsection (1) of section 322.143, Florida Statutes, is amended to read:

322.143 Use of a driver license or identification card.—

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

(c) "Swipe" means the act of passing a driver license or identification card through a device that is capable of deciphering, in an electronically readable format, the information electronically encoded in a magnetic strip or bar code on the driver license or identification card or consuming an electronic credential.

Section 16. Effective July 1, 2020, subsection (1) of section 322.15, Florida Statutes, is amended to read:

322.15 License to be carried and exhibited on demand; fingerprint to be imprinted upon a citation.—

(1) Every licensee shall have his or her driver license, which must be fully legible with no portion of such license faded, altered, mutilated, or defaced, in his or her immediate possession at all times when operating a motor vehicle and shall present or submit the same upon the demand of a law enforcement officer or an authorized representative of the department. A licensee may present or submit an electronic credential ~~a digital proof of driver license~~ as provided in s. 322.032 in lieu of a physical driver license.

Section 17. Effective July 1, 2020, subsection (4) of section 322.61, Florida Statutes, is amended to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(4) Any person who is transporting hazardous materials as

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defined in s. 322.01(34) ~~s. 322.01(24)~~ shall, upon conviction of an offense specified in subsection (3), be disqualified from operating a commercial motor vehicle for a period of 3 years. The penalty provided in this subsection shall be in addition to any other applicable penalty.

Section 18. By November 1, 2019, the annual use fees withheld by the Department of Highway Safety and Motor Vehicles from the sale of the Live the Dream specialty license plate shall be used first to satisfy all outstanding royalty payments due to the Martin Luther King, Jr. Center for Nonviolent Social Change, Inc., for the use of the image of Dr. Martin Luther King, Jr. All remaining funds shall be distributed to the subrecipients on a pro rata basis according to the percentages specified in s. 320.08058(47), Florida Statutes.

Section 19. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2019, but only if 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

APPEARANCE RECORD

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

4/2/17

Meeting Date

SB1104

Bill Number (if applicable)

460906

Amendment Barcode (if applicable)

Topic Specialty License Plates

Name Erin Ballas

Job Title

Address 730 East Park Ave

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850 728 6387

Email erinballas@paconsultants.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Palm Beach Zoo

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)

4-2-19

Meeting Date

SB 1104

Bill Number (if applicable)

460906

Amendment Barcode (if applicable)

→ DELETE-ALL

Topic LICENSE PLATES

Name BOB BOYD

Job Title ICUF GENERAL COUNSEL

Address 660 EAST JEFFERSON ST.

Street

TALL, FL (SUITE 102) 32301

City

State

Zip

Phone 850-412-0306

Email bboyd@ssclawfirm.com

Speaking: ☒ For ☐ Against ☐ Information

THE STRIKE-ALL

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

Representing INDEPENDENT COLLEGES + UNIVERSITIES OF FLORIDA (ICUF)

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)

4-2-19

Meeting Date

1104

Bill Number (if applicable)

460906

Amendment Barcode (if applicable)

Topic OFF Road Tread lightly Plate

Name Jon Costello

Job Title

Address 119 S. Monroe

Street

Phone 681-6788

Tallahassee

City

State

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Off Road Foundation

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

4/2/19
Meeting Date

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

SB 1104
Bill Number (if applicable)
460906 DE
Amendment Barcode (if applicable)

Topic Transportation Credentials

Name Rachel Falknor

Job Title Guardian ad Litem

Address _____
Street

Phone _____

City

State

Zip

Email rachel.falknor@galfla.gov

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Guardian ad Litem Program

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)

4-2-19

Meeting Date

1104

Bill Number (if applicable)

Amend 759926 to 460906
Amendment Barcode (if applicable)

Topic Black Bear Camp Plate

Name Lane Stephens

Job Title Lobbyist

Address 111 N Calhoun St. Ste 6

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850-933-3583

Email lane@scg800.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Fla. Airboat Association ; Southeastern Dog Hunters Assoc.

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)

April 2, 2019

Meeting Date

SB 1104

Bill Number (if applicable)

Topic License Plates

Amendment Barcode (if applicable)

Name Alli Liby-Schoonover

Job Title Metz, Husband and Daughton

Address 119 S Monroe Street, Suite 200

Phone 850-205-9000

Street

Tallahassee

FL

32309

City

State

Zip

Email allison.libyschoonover@metzlaw.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Donate Life 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)

April 2, 2019
Meeting Date

1104
Bill Number (if applicable)

Topic License plates / Live the Dream

Amendment Barcode (if applicable)

Name Michael Dobson

Job Title President/CEO

Address 4005 Brandon Hill Dr
Street

Phone (850) 241-5896

Tallahassee FL 32309
City State Zip

Email Michael@live.thedreamfoundation.org

Speaking: ☐ For ☒ Against ☐ Information

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

Representing The Dream Foundation

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)

4-2-19

Meeting Date

1104

Bill Number (if applicable)

Topic license plate

Amendment Barcode (if applicable)

Name Trip Aukeman

Job Title Director of Advocacy

Address 3278 Salinger Way
Street

Phone 850-559-0060

City

State

Zip

Email taukeman@ccaflorida.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Coastal Conservation 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

4.2.19

Meeting Date

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

1104

Bill Number (if applicable)

Topic Transportation Credentials

Amendment Barcode (if applicable)

Name Rana Brown

Job Title consultant

Address 104 W Jefferson St.

Street

Tallahassee FL 32301

City

State

Zip

Phone 850 224 3427

Email Rana@RIBOOKPA.COM

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Lumen's Kids

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)

4-2-19

Meeting Date

SB 1104

Bill Number (if applicable)

Topic Transportation - License Plates

Amendment Barcode (if applicable)

Name Anna Higgins

Job Title Lobbyist for NAME

Address 3375 Rommitch Ct

Phone 202-384-6657

Street

Pensacola

FL

32504

City

State

Zip

Email ahiggins@walkerfl.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Naval Aviation Museum Foundation

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 1106

INTRODUCER: Infrastructure and Security and Senator Bean

SUBJECT: Fees/Specialty License Plates Uniform Annual Use Fee

DATE: April 3, 2019

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1106 provides that unless the amount of an annual use fee is otherwise specified for a particular specialty license plate, then an annual use fee of \$25 will be charged for any specialty license plate that is required to be developed. The bill also established an annual use fee of \$50 for the University of Alabama and the University of Georgia specialty license plates.

CS/SB 1104 (2019), which this bill is linked to, authorizes the creation of numerous specialty license plates, including the Alabama and Georgia collegiate plates; and provides for the design of the plates and the use of the annual fees associated with the specialty license plates.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the bill will have a negative, but insignificant fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The bill has an effective date on the same date that CS/SB 1104 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:

Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida.¹ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.² The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.³

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.⁴ Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.⁵

DHSMV Costs Defrayed

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of specialty plates to defray its costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.⁶

University of Georgia

Founded in 1946 as the Georgia Alumni Association of Jacksonville, the Georgia Bulldog Club of Jacksonville is America's largest bulldog club.⁷ In 1988, the club established the Vince Dooley Scholarship Fund to award scholarships to attend the University of Georgia for students from Duval, Nassau, St. Johns, Clay, or Baker Counties based on academic and economic need.⁸

University of Alabama

The Pensacola Bama Club is a Chapter of the University of Alabama National Alumni Association. They are a 501(c)(3) non-profit, fan-based organization representing the University of Alabama National Alumni Association in Pensacola, Florida, open to alumni, friends and fans of the university. The organization's primary mission is to provide scholarships to deserving local high school students as well as play host to an annual kick-off event and game watching parties.⁹

¹ A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited February 4, 2019).

² Section 320.08056, F.S.

³ Section 320.08058, F.S.

⁴ Section 320.08056(10)(a), F.S.

⁵ Section 320.08062, F.S.

⁶ Section 320.08056(7), F.S.

⁷ Georgia Bulldog Club of Jacksonville, *Welcome to the Home of the Georgia Bulldog Club of Jacksonville*, <https://jaxbulldogs.com/> (last visited March 31, 2019).

⁸ Georgia Bulldog Club of Jacksonville, *Scholarship*, <https://jaxbulldogs.com/scholarship-fund/> (last visited March 31, 2019).

⁹ Pensacola Bama Club, *About*, <https://www.pensacolabamaclub.org/about> (last visited March 31, 2019).

III. Effect of Proposed Changes:

The bill amends s. 320.08056, F.S., to provide that unless the amount of an annual use fee is otherwise specified for a particular specialty license plate, then an annual use fee of \$25 for any specialty license plate that is required to be developed under s. 320.08058, F.S., will be charged.

The bill also established an annual use fee of \$50 for the University of Alabama and the University of Georgia specialty license plates.

The bill has an effective date on the same date that CS/SB 1104 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:

Under the 2018 amendment to the Florida Constitution, Article VII, Section 19 requires “a supermajority vote” of 2/3 of the membership of each house to pass legislation which will impose or authorize a new state tax or fee.¹⁰ A “fee” is defined as “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”¹¹

The \$25 annual use fee that will be charged for any specialty license plate that the DHSMV is required to develop and the \$50 annual use fee for the University of Alabama and the University of Georgia specialty license plates may be a new state fees for purposes of requiring a supermajority vote and a separate bill containing no other subject.

E. Other Constitutional Issues:

None.

¹⁰ FLA. CONST. art. VII, s. 19(a).

¹¹ FLA. CONST. art. VII, s. 19(d)(1).

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

Individuals who choose to purchase a specialty license plate created in CS/SB 1104 will pay an additional use fee of \$25 in addition to required vehicle license taxes and fees.

Individuals who choose to purchase a University of Alabama or University of Georgia specialty license plate will pay an additional use fee of \$50 in addition to required vehicle license taxes and fees.

B. Private Sector Impact:

Revenue from the sale of the specialty license plates created in CS/SB 1104 will benefit numerous organizations listed in that bill.

Revenue from the sale of the University of Alabama specialty license plate will benefit the Pensacola Bama Club, which must use the moneys for the purpose of awarding scholarships to Florida residents attending the University of Alabama.

Revenue from the sale of the University of Georgia specialty license plate will benefit the Georgia Bulldog Club of Jacksonville, which must distribute the moneys received for the purpose of awarding scholarships to Florida residents attending the University of Georgia.

C. Government Sector Impact:

The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.¹²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 320.08056 of the Florida Statutes.

¹² Section 320.08056(7), F.S.

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 incorporates the linked bill number of SB 1104.

- B. **Amendments:**

None.

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



750416

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2019	.	
	.	
	.	
	.	

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

Senate Amendment

Delete line 37
and insert:
SB 1104 or similar legislation takes effect, if such legislation

By Senator Bean

4-00910B-19

20191106__

A bill to be entitled

An act relating to fees; amending s. 320.08056, F.S.; creating a uniform annual use fee collected for a specialty license plate unless otherwise specified; adding annual use fees for certain specialty license plates; providing a contingent effective date.

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

Section 1. Paragraph (d) of subsection (3) of section 320.08056, Florida Statutes, is amended, and paragraphs (z) and (aa) are added to subsection (4) of that section, as amended by SB __, 2019 Regular Session, to read:

320.08056 Specialty license plates.—

(3) Each request must be made annually to the department or an authorized agent serving on behalf of the department, accompanied by the following tax and fees:

(d) Unless the amount of an annual use fee is otherwise specified ~~A license plate annual use fee as required~~ in subsection (4) for a particular specialty license plate, an annual use fee of \$25 for any specialty license plate that is required to be developed under s. 320.08058.

A request may be made any time during a registration period. If a request is made for a specialty license plate to replace a current valid license plate, the specialty license plate must be issued with appropriate decals attached at no tax for the plate, but all fees and service charges must be paid. If a request is made for a specialty license plate at the beginning of the

Page 1 of 2

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

4-00910B-19

20191106__

registration period, the tax, together with all applicable fees and service charges, must be paid.

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(z) University of Alabama license plate, \$50.

(aa) University of Georgia license plate, \$50.

Section 2. 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.

Page 2 of 2

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

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 480

INTRODUCER: Senator Rouson

SUBJECT: Specialty License Plates/Highwaymen

DATE: April 3, 2019

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

The committee substitute (CS) to SB 480 creates the Highwaymen specialty license plate and provides for the design of the plate and the use of the annual fees associated with the specialty license plate.

CS/SB 482 (2019), which this bill is linked to, provides for an annual use fee of \$25 for the Highwaymen specialty license plate.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the bill will have a negative, but insignificant fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The bill has an effective date of October 1, 2019, but only if CS/SB 482 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:

Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida.¹ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.² The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.³

In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue pre-sale vouchers for the specialty license plate; and
- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing of the plate may begin.

If the minimum sales requirement has not been met by the end of the 24-month pre-sale period, then the DHSMV will discontinue the plate and issuance of pre-sale vouchers. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.⁴

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.⁵ Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.⁶

DHSMV Costs Defrayed

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of specialty plates to defray its costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.⁷

Discontinuance of Specialty Plates

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter

¹ A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited February 4, 2019).

² Section 320.08056, F.S.

³ Section 320.08058, F.S.

⁴ Section 320.08053(2)(b), F.S.

⁵ Section 320.08056(10)(a), F.S.

⁶ Section 320.08062, F.S.

⁷ Section 320.08056(7), F.S.

is mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.⁸ In addition, the DHSMV is authorized to discontinue any specialty license plate if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.⁹

Highwaymen

From the early 1950s through the 1980s, a group of 26 African-American artists known as the "Florida Highwaymen" used vivid and bright colors to display the beautiful untouched Florida landscape. The Florida Highwaymen painted wind-bent palm trees, serene sunsets, churning oceans and bright red Poinciana trees. They painted from their garages and back yards on inexpensive Upson board and then on the weekends would travel and sell their Highwaymen paintings to hotels, offices, businesses and individuals who appreciated the artwork for approximately \$25 apiece. Currently, the market for an original work of art by a Florida Highwayman can bring \$5,000 or more. Some of the Highwaymen who are still living have resumed painting to meet the continuing demand for their work.¹⁰

Education Foundation

In 1990, the St. Lucie County Education Foundation¹¹ was organized as a direct support organization of the St. Lucie County School Board to raise private funds for programs to support students, teachers and public schools. The St. Lucie County Education Foundation is a non-profit organization that advances K-12 public education in St. Lucie County by increasing the capacity and resources of the district in partnership with key stakeholders.¹²

III. Effect of Proposed Changes:

The bill directs the DHSMV to develop the Highwaymen specialty license plate bearing the colors and design approved by the DHSMV. The new license plates will display the word "Florida" at the top of the plate and "Highwaymen" at the bottom of the plate.

The bill directs the annual use fees to be distributed as follows:

- Before completion of construction of the Highwaymen Museum and African-American Cultural Center:
 - Up to 10 percent may be used for administrative and marketing costs of the license plate.
 - A minimum of 15 percent shall be distributed to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County.

⁸ Section 320.08056(8)(a), F.S.

⁹ Section 320.08056(8)(b), F.S.

¹⁰ Florida Highwaymen Paintings, available at <http://www.floridahighwaymenpaintings.com/> (last visited March 28, 2019).

¹¹ Florida Department of State, Division of Corporations, Sunbiz, St. Lucie County Education Foundation, Inc., <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited March 28, 2019).

¹² Education Foundation, *About Us*, available at <https://www.educationfoundationstlucie.org/p/3/about-us#.WjFxDGhSyUk> (last visited March 28, 2019).

- The remainder of the fees shall be used to fund the construction of the Highwaymen Museum and African-American Cultural Center.
- Upon completion of construction of the Highwaymen Museum and African-American Cultural Center:
 - Up to 10 percent may be used for administrative and marketing costs of the license plate.
 - A minimum of 10 percent shall be distributed to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County.
 - The remainder of the fees shall be used to fund the day-to-day operations of the Highwaymen Museum and African-American Cultural Center.

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:

Revenue from the sale of the Highwaymen specialty license plate will benefit the St. Lucie Education Foundation, Inc., and the construction and operation of the Highwaymen Museum and African American Cultural Center.

C. Government Sector Impact:

Depending on the number of distributions tied to the plate, the amount of programming may vary as will the resources needed to complete the changes. The average specialty/special license plate requires approximately 200-250 hours of programming, at a rate of \$35 to \$40 per hour. This results in programming costs of between \$7,000 and \$10,000.¹³ The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.¹⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not specify an entity to receive any distribution of fees for the construction of the Highway Museum and African-American Cultural Center.

VIII. Statutes Affected:

This bill substantially amends section 320.08058 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 incorporates the linked bill number of SB 482.

B. Amendments:

None.

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

¹³ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: SLP Price for Tim, (February 5, 2019).

¹⁴ Section 320.08056(7), F.S.



177288

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2019	.	
	.	
	.	
	.	

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

Senate Amendment

Delete line 39
and insert:
only if SB 482 or similar legislation takes effect, if such

By Senator Rouson

19-00991-19

2019480__

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop a Highwaymen license plate; providing for distribution and use of fees collected from the sale of the plates; providing a contingent effective date.

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

Section 1. Subsection (84) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(84) HIGHWAYMEN LICENSE PLATES.—

(a) The department shall develop a Highwaymen license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the word "Highwaymen" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed as follows:

1. Before completion of construction of the Highwaymen Museum and African-American Cultural Center, up to 10 percent may be used for administrative and marketing costs of the license plate. A minimum of 15 percent shall be distributed to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County. The remainder of the fees shall be used to fund the construction of the Highwaymen Museum and African-American Cultural Center.

2. Upon completion of construction of the Highwaymen Museum

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19-00991-19

2019480__

and African-American Cultural Center, up to 10 percent may be used for administrative and marketing costs of the license plate. A minimum of 10 percent shall be distributed to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County. The remainder of the fees shall be used to fund the day-to-day operations of the Highwaymen Museum and African-American Cultural Center.

Section 2. This act shall take effect October 1, 2019, but only if SB ___ or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Page 2 of 2

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

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 482

INTRODUCER: Infrastructure and Security Committee and Senator Rouson

SUBJECT: Fees/Highwaymen License Plate

DATE: April 3, 2019

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 482 provides for an annual use fee of \$25 for the Highwaymen specialty license plate.

CS/SB 480 (2019), which this bill is linked to, creates the Highwaymen specialty license plate and provides for the design of the plate and the use of the annual fees associated with the specialty license plate.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the bill will have a negative, but insignificant fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The bill has an effective date on the same date that CS/SB 480 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:

Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida.¹ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.² The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.³

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.⁴ Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.⁵

DHSMV Costs Defrayed

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of specialty plates to defray its costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.⁶

Highwaymen

From the early 1950s through the 1980s, a group of 26 African-American artists known as the "Florida Highwaymen" used vivid and bright colors to display the beautiful untouched Florida landscape. The Florida Highwaymen painted wind-bent palm trees, serene sunsets, churning oceans and bright red Poinciana trees. They painted from their garages and back yards on inexpensive Upson board and then on the weekends would travel and sell their Highwaymen paintings to hotels, offices, businesses and individuals who appreciated the artwork for approximately \$25 apiece. Currently, the market for an original work of art by a Florida Highwayman can bring \$5,000 or more. Some of the Highwaymen who are still living have resumed painting to meet the continuing demand for their work.⁷

Education Foundation

In 1990, the St. Lucie County Education Foundation⁸ was organized as a direct support organization of the St. Lucie County School Board to raise private funds for programs to support students, teachers and public schools. The St. Lucie County Education Foundation is a non-profit

¹ A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited February 4, 2019).

² Section 320.08056, F.S.

³ Section 320.08058, F.S.

⁴ Section 320.08056(10)(a), F.S.

⁵ Section 320.08062, F.S.

⁶ Section 320.08056(7), F.S.

⁷ Florida Highwaymen Paintings, available at <http://www.floridahighwaymenpaintings.com/> (last visited March 28, 2019).

⁸ Florida Department of State, Division of Corporations, Sunbiz, St. Lucie County Education Foundation, Inc., <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited March 28, 2019).

organization that advances K-12 public education in St. Lucie County by increasing the capacity and resources of the district in partnership with key stakeholders.⁹

III. Effect of Proposed Changes:

The bill provides for an annual use fee of \$25 for the Highwaymen specialty license plate.

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:

Under the 2018 amendment to the Florida Constitution, Article VII, Section 19 requires “a supermajority vote” of 2/3 of the membership of each house to pass legislation which will impose or authorize a new state tax or fee.¹⁰ A “fee” is defined as “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”¹¹

The \$25 annual use fee for the Highwaymen specialty license plate may be a new state fee for purposes of requiring a supermajority vote and a separate bill containing no other subject.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Individuals who choose to purchase a Highwayman specialty license plate will pay an additional use fee of \$25 in addition to required vehicle license taxes and fees.

⁹ Education Foundation, *About Us*, available at <https://www.educationfoundationstlucie.org/p/3/about-us#.WjFxDGhSyUk> (last visited March 28, 2019).

¹⁰ FLA. CONST. art. VII, s. 19(a).

¹¹ FLA. CONST. art. VII, s. 19(d)(1).

B. Private Sector Impact:

Revenue from the sale of the Highwaymen specialty license plate will benefit the St. Lucie Education Foundation, Inc., and the construction and operation of the Highwaymen Museum and African American Cultural Center.

C. Government Sector Impact:

The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.¹²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 320.08056 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 incorporates the linked bill number of SB 480.

B. Amendments:

None.

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

¹² Section 320.08056(7), F.S.



473194

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2019	.	
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	.	

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

Senate Amendment

Delete line 15
and insert:
SB 480 or similar legislation takes effect, if such legislation

By Senator Rouson

19-00993-19

2019482__

1 A bill to be entitled
2 An act relating to fees; amending s. 320.08056, F.S.;
3 establishing a fee for a certain specialty license
4 plate; providing a contingent effective date.
5
6 Be It Enacted by the Legislature of the State of Florida:
7
8 Section 1. Paragraph (ffff) is added to subsection (4) of
9 section 320.08056, Florida Statutes, to read:
10 320.08056 Specialty license plates.—
11 (4) The following license plate annual use fees shall be
12 collected for the appropriate specialty license plates:
13 (ffff) Highwaymen license plate, \$25.
14 Section 2. This act shall take effect on the same date that
15 SB ____ or similar legislation takes effect, if such legislation
16 is adopted in the same legislative session or an extension
17 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: CS/SB 484

INTRODUCER: Infrastructure and Security Committee and Senator Rader

SUBJECT: Specialty License Plates/Florida State Beekeepers Association

DATE: April 3, 2019

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 484 creates the Florida State Beekeepers Association specialty license plate and provides for its design and the use of the annual use fees associated with this license plate.

CS/SB 486 (2019), which this bill is linked to, provides an annual use fee of \$25 for the Florida State Beekeepers Association specialty license plate.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the bill will have a negative, but insignificant fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The bill has an effective date of October 1, 2019, but only if CS/SB 486 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:

Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida.¹ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.² The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.³

In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue pre-sale vouchers for the specialty license plate; and
- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing of the plate may begin.

If the minimum sales requirement has not been met by the end of the 24-month pre-sale period, then the DHSMV will discontinue the plate and issuance of pre-sale vouchers. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.⁴

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.⁵ Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.⁶

DHSMV Costs Defrayed

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of specialty plates to defray its costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.⁷

Discontinuance of Specialty Plates

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter

¹ A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited February 4, 2019).

² Section 320.08056, F.S.

³ Section 320.08058, F.S.

⁴ Section 320.08053(2)(b), F.S.

⁵ Section 320.08056(10)(a), F.S.

⁶ Section 320.08062, F.S.

⁷ Section 320.08056(7), F.S.

is mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.⁸ In addition, the DHSMV is authorized to discontinue any specialty license plate if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.⁹

Florida State Beekeepers Association

The Florida State Beekeepers Association is dedicated to providing resources for the improvement of Beekeeping using proven techniques and procedures in the management of Honeybees and to share this knowledge with everyone interested in the Art of Beekeeping.¹⁰ Its purpose and function is to:

- The development and promotion of practical beekeeping methods in the state of Florida.
- To act in the interest of the beekeepers of Florida in protecting and carrying on statewide beekeeping affairs.
- To act as a medium for, and an aid in cooperative and mutual beekeeping methods.
- To act as the representative of the Florida beekeepers in State and National beekeeping and legislative matters.¹¹

III. Effect of Proposed Changes:

The bill amends s. 320.08058, F.S., creating the Florida State Beekeepers Association specialty license plate. The plate must bear DHSMV approved colors and design with "Florida" at the top of the plate and "Save the Bees" at the bottom of the plate.

The annual use fees will be distributed to the Florida State Beekeepers Association, a Florida nonprofit corporation.¹²

The Florida State Beekeepers Association may use up to 18 percent of the annual use fees for:

- Direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process of the license plate.
- Promotion and marketing costs of the license plate.

The bill requires that all vendors associated with the administrative costs be selected by competitive bid.

The remaining 82 percent of the annual use fee distributed to the Florida State Beekeepers Association will be used to raise awareness of the importance of beekeeping to Florida agriculture by funding honeybee research, education, outreach, and husbandry. The Florida State

⁸ Section 320.08056(8)(a), F.S.

⁹ Section 320.08056(8)(b), F.S.

¹⁰ Florida State Beekeepers Association, Mission Statement, <http://apisenterprises.com/fsba/fsbamission.htm> (last visited on March 29, 2019).

¹¹ Florida State Beekeepers Association, By-Laws/Constitution, <http://apisenterprises.com/fsba/fsbabylaws.htm> (last visited on March 29, 2019).

¹² Florida Department of State, Division of Corporations, Sunbiz, Florida State Beekeepers Association, Incorporated, <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited March 29, 2019).

Beekeepers Association board of managers must approve and is accountable for all such expenditures.

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:

Revenue from the sale of the specialty license plate may increase revenues to the Florida State Beekeepers Association.

C. Government Sector Impact:

Depending on the number of distributions tied to the plate, the amount of programming may vary as will the resources needed to complete the changes. The average specialty/special license plate requires approximately 200-250 hours of programming, at a rate of \$35 to \$40 per hour. This results in programming costs of between \$7,000 and \$10,000.¹³ The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.¹⁴

¹³ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: SLP Price for Tim, (February 5, 2019).

¹⁴ Section 320.08056(7), F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 320.08058 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 incorporates the linked bill number of SB 486.

B. Amendments:

None.



414190

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2019	.	
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The Committee on Infrastructure and Security (Lee) recommended the following:

Senate Amendment

Delete line 39
and insert:
only if SB 486 or similar legislation takes effect, if such

By Senator Rader

29-00588-19

2019484__

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop a Florida State Beekeepers Association license plate; providing for distribution and use of fees collected from the sale of such plates; providing a contingent effective date.

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

Section 1. Subsection (84) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(84) FLORIDA STATE BEEKEEPERS ASSOCIATION LICENSE PLATES.—

(a) The department shall develop a Florida State Beekeepers Association license plate as provided in s. 320.08053 and this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Save the Bees" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Florida State Beekeepers Association, a Florida nonprofit corporation. The Florida State Beekeepers Association may use up to 18 percent of the annual use fees for:

1. Direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process of the license plate. All vendors associated with the administrative costs shall be selected by competitive bid.

Page 1 of 2

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

29-00588-19

2019484__

2. Promotion and marketing costs of the license plate.

(c) The remaining funds shall be distributed to the Florida State Beekeepers Association and shall be used to raise awareness of the importance of beekeeping to Florida agriculture by funding honeybee research, education, outreach, and husbandry. The Florida State Beekeepers Association board of managers must approve and is accountable for all such expenditures.

Section 2. This act shall take effect October 1, 2019, but only if SB ___ or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

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)

Apr 2 2019

Meeting Date

JB 484

Bill Number (if applicable)

Topic Licence plates

Amendment Barcode (if applicable)

Name Al Salopek

Job Title vice Pres. FSBA

Address 14720 128th Ave W

Phone 561 346-1739

Street

WPB FL 33418

City

State

Zip

Email alsalopek@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida State Bee Keepers Assoc.

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 486

INTRODUCER: Infrastructure and Security Committee and Senator Rader

SUBJECT: Fees/Florida State Beekeepers Association License Plate

DATE: April 2, 2019

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 486 provides for an annual use fee of \$25 for the Florida State Beekeepers Association specialty license plate.

CS/SB 484 (2019), which this bill is linked to, creates the Florida State Beekeepers Association specialty license plate and provides for the design of the plate and the use of the annual fees associated with the specialty license plate.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the bill will have a negative, but insignificant fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The bill has an effective date on the same date that CS/SB 484 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:

Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida.¹ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.² The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.³

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.⁴ Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.⁵

DHSMV Costs Defrayed

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of specialty plates to defray its costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.⁶

Florida State Beekeepers Association

The Florida State Beekeepers Association is dedicated to providing resources for the improvement of Beekeeping using proven techniques and procedures in the management of Honeybees and to share this knowledge with everyone interested in the Art of Beekeeping.⁷ Its purpose and function is to:

- The development and promotion of practical beekeeping methods in the state of Florida.
- To act in the interest of the beekeepers of Florida in protecting and carrying on statewide beekeeping affairs.
- To act as a medium for, and an aid in cooperative and mutual beekeeping methods.

To act as the representative of the Florida beekeepers in State and National beekeeping and legislative matters.⁸

¹ A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited February 4, 2019).

² Section 320.08056, F.S.

³ Section 320.08058, F.S.

⁴ Section 320.08056(10)(a), F.S.

⁵ Section 320.08062, F.S.

⁶ Section 320.08056(7), F.S.

⁷ Florida State Beekeepers Association, Mission Statement, <http://apisenterprises.com/fsba/fsbamission.htm> (last visited on March 29, 2019).

⁸ Florida State Beekeepers Association, By-Laws/Constitution, <http://apisenterprises.com/fsba/fsbabylaws.htm> (last visited on March 29, 2019).

III. Effect of Proposed Changes:

The bill provides for an annual use fee of \$25 for the Florida State Beekeepers Association specialty license plate.

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:

Under the 2018 amendment to the Florida Constitution, Article VII, Section 19 requires “a supermajority vote” of two-thirds of the membership of each house to pass legislation which will impose or authorize a new state tax or fee.⁹ A “fee” is defined as “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”¹⁰

The \$25 annual use fee for the Florida State Beekeepers Association specialty license plate may be a new state fee for purposes of requiring a supermajority vote and a separate bill.

E. Other Constitutional Issues:

None.

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

Individuals who choose to purchase a Florida State Beekeepers Association specialty license plate will pay an additional use fee of \$25 in addition to required vehicle license taxes and fees.

⁹ FLA. CONST. art. VII, s. 19(a).

¹⁰ FLA. CONST. art. VII, s. 19(d)(1).

B. Private Sector Impact:

Revenue from the sale of the Florida State Beekeepers Association specialty license plate will benefit the Florida State Beekeepers Association, as well as any honeybee research, education, outreach, and husbandry activities they undertake.

C. Government Sector Impact:

The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.¹¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 320.08058 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 incorporates the linked bill number of SB 484.

B. Amendments:

None.

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

¹¹ Section 320.08056(7), F.S.



251046

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2019	.	
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The Committee on Infrastructure and Security (Lee) recommended the following:

Senate Amendment

Delete line 16
and insert:
SB 484 or similar legislation takes effect, if such legislation

By Senator Rader

29-00921-19

2019486__

1 A bill to be entitled
2 An act relating to fees; amending s. 320.08056, F.S.;
3 creating a fee for a certain specialty license plate;
4 providing a contingent effective date.
5
6 Be It Enacted by the Legislature of the State of Florida:
7
8 Section 1. Paragraph (ffff) is added to subsection (4) of
9 section 320.08056, Florida Statutes, to read:
10 320.08056 Specialty license plates.—
11 (4) The following license plate annual use fees shall be
12 collected for the appropriate specialty license plates:
13 (ffff) Florida State Beekeepers Association license plate,
14 \$25.
15 Section 2. This act shall take effect on the same date that
16 SB ____ or similar legislation takes effect, if such legislation
17 is adopted in the same legislative session or an extension
18 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: SB 1654

INTRODUCER: Senator Braynon

SUBJECT: Specialty License Plates

DATE: April 1, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	Pre-meeting
2.			ATD	
3.			AP	

I. Summary:

SB 1654 creates the Omega Psi Phi Fraternity, Delta Sigma Theta Sorority, Sigma Gamma Rho Sorority, Kappa Alpha Psi Fraternity, Alpha Kappa Alpha Sorority, Alpha Phi Alpha Fraternity, Zeta Phi Beta Sorority, Phi Beta Sigma Fraternity, and Iota Phi Theta Fraternity specialty license plates and provides for their design and the use of the annual use fees associated with the specialty license plates.

The bill also provides for an annual use fee of \$25 for each specialty license plate.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the bill will have a negative, but insignificant fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The bill has an effective date of October 1, 2019.

II. Present Situation:

Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida.¹ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service

¹ A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited February 4, 2019).

fees.² The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.³

In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue pre-sale vouchers for the specialty license plate; and
- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing of the plate may begin.

If the minimum sales requirement has not been met by the end of the 24-month pre-sale period, then the DHSMV will discontinue the plate and issuance of pre-sale vouchers. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.⁴

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.⁵ Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.⁶

DHSMV Costs Defrayed

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of specialty plates to defray its costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.⁷

Discontinuance of Specialty Plates

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.⁸ In addition, the DHSMV is authorized to discontinue any specialty license plate if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.⁹

² Section 320.08056, F.S.

³ Section 320.08058, F.S.

⁴ Section 320.08053(2)(b), F.S.

⁵ Section 320.08056(10)(a), F.S.

⁶ Section 320.08062, F.S.

⁷ Section 320.08056(7), F.S.

⁸ Section 320.08056(8)(a), F.S.

⁹ Section 320.08056(8)(b), F.S.

Omega Psi Phi Fraternity

Omega Psi Phi is the first international fraternal organization founded on the campus of a historically black college. On the evening of November 17, 1911, Omega Psi Phi was founded inside the Science Building (later renamed Thirkield Hall) at Howard University.¹⁰

State of Florida Omega Friendship Foundation, Inc.

State of Florida Omega Friendship Foundation, Inc., is an active not for profit corporation within the Department of State's (DOS) Division of Corporations incorporated in 2008.¹¹ According to corporate filings with the Department of State, the corporation was organized to work and uplift humanity, mentor youth, sponsor blood drives, raise money for scholarships and charitable causes, and encourage members to make a difference in the lives of Black people.¹²

Delta Sigma Theta Sorority

Delta Sigma Theta Sorority, Inc. was founded on January 13, 1913 by 22 collegiate women at Howard University to promote academic excellence and provide assistance to those in need. Their purpose is to provide assistance and support through established programs in local communities throughout the world. Since its founding more than 200,000 women have joined the organization, which is a sisterhood of predominantly Black, college educated women. The sorority currently has 1,000 collegiate and alumnae chapters located in the United States, Japan (Tokyo and Okinawa), Germany, the Virgin Islands, Bermuda, the Bahamas, Jamaica and the Republic of Korea.¹³

Delta Research and Educational Foundation, Inc.

Delta Sigma Theta Sorority, Inc. established the Delta Research and Educational Foundation as a public charity supporting scholastic achievement, public service programs, and research initiatives focused upon African American women.¹⁴

Sigma Gamma Rho Sorority

Sigma Gamma Rho Sorority, Inc. was organized on November 12, 1922, in Indianapolis, Indiana. The group became an incorporated national collegiate sorority on December 30, 1929, when a charter was granted to Alpha chapter at Butler University.¹⁵

¹⁰ Omega Psi Phi, *History of Omega*, <https://www.oppf.org/about-omega/> (last visited March 29, 2019).

¹¹ Florida Department of State, Division of Corporations, Sunbiz, State of Florida Omega Friendship Foundation, Incorporated, <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited March 29, 2019).

¹² *Id.*

¹³ Delta Sigma Theta Sorority, Inc., *Mission & Purpose*, <https://www.deltasigmatheta.org/mission-purpose.html> (last visited March 29, 2019).

¹⁴ Delta Research and Educational Foundation, *About Us*, <http://www.deltafoundation.net/about-us> (last visited March 29, 2019).

¹⁵ Sigma Gamma Rho Sorority, Inc., *About Sigma*, https://www.sgrho1922.org/SGRho/About_Us/SGRho/SGRho_About/About.aspx?hkey=205007b1-ea63-4a8e-9187-6d046505ee95 (last visited March 29, 2019).

Mary McLeod Bethune Scholarship Program

Section 1009.73, F.S., establishes the Mary McLeod Bethune Scholarship Program, to be administered by the Department of Education according to statute, and rules of the State Board of Education. The program provides matching grants for private sources that raise money for scholarships to be awarded to students who attend Florida Agricultural and Mechanical University, Bethune-Cookman University, Edward Waters College, or Florida Memorial University.

In order to be eligible to receive a Mary McLeod Bethune Scholarship, an applicant must:

- Meet the general eligibility requirements set forth in s. 1009.40, F.S., for state financial aid awards and tuition assistance grants;
- Be accepted at Florida Agricultural and Mechanical University, Bethune-Cookman University, Edward Waters College, or Florida Memorial University;
- Enroll as a full-time undergraduate student; and
- Earn a 3.0 grade point average on a 4.0 scale, or the equivalent, for high school subjects creditable toward a diploma.¹⁶

In order to renew a scholarship awarded, a student must earn a minimum cumulative grade point average of 3.0 on a 4.0 scale and complete 12 credits each term for which the student received the scholarship. The amount of the scholarship to each recipient is \$3,000 annually, with priority in awarding the scholarships given to students having financial need.¹⁷

Kappa Alpha Psi Fraternity

Kappa Alpha Psi Fraternity is a college fraternity chartered and incorporated originally under the laws of the State of Indiana as Kappa Alpha Nu on May 15, 1911. Its name changed to Kappa Alpha Psi effective April 15, 1915.¹⁸

Southern Province of Kappa Alpha Psi Foundation, Inc.

The Southern Province of Kappa Alpha Psi Foundation, Inc., is an active corporation with the Department of State's Division of Corporations¹⁹, with the objectives to:

- Unite men of culture, patriotism, and honor in a bond of Fraternity;
- Encourage honorable achievement in every field of human endeavor;
- Promote the spiritual, social, intellectual, and moral welfare of members;
- Assist the aims and purposes of Colleges and Universities; and
- Inspire service in the public interest.²⁰

¹⁶ Section 1009.73(5), F.S.

¹⁷ Section 1009.73(6), F.S.

¹⁸ Kappa Alpha Psi, *A Brief History*, <https://kappaalphapsi.org/a-brief-history/> (last visited March 29, 2019)

¹⁹ Florida Department of State, Division of Corporations, Sunbiz, Southern Province of Kappa Alpha Psi Foundation, Inc., <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited March 29, 2019).

²⁰ Southern Province of Kappa Alpha Psi Foundation, Inc., *Objectives*, <http://southernprovince.org/fraternity/objectives/> (last visited March 29, 2019).

Alpha Kappa Alpha Sorority

Alpha Kappa Alpha Sorority, Incorporated (AKA) is an international service organization that was founded on the campus of Howard University in Washington, D.C. in 1908.²¹ It is the oldest Greek-letter organization established by African-American college-educated women. Alpha Kappa Alpha is comprised of nearly 300,000 members in approximately 1,018 graduate and undergraduate chapters in the United States, the U.S. Virgin Islands, Liberia, the Bahamas, Bermuda, Canada, Dubai, Germany, Japan, Liberia, and South Korea.²² Alpha Kappa Alpha's mission is to cultivate and encourage high scholastic and ethical standards, to promote unity and friendship among college women, to study and help alleviate problems concerning girls and women in order to improve their social stature, to maintain a progressive interest in college life, and to be of "Service to All Mankind".²³

Alpha Kappa Alpha Educational Advancement Foundation, Inc.

Founded in 1981, the mission of the Alpha Kappa Alpha Educational Advancement Foundation is to promote lifelong learning. This is accomplished by securing charitable contributions, gifts and endowed funds to awards scholarships, fellowships and grants.²⁴

In 1989, Alpha Kappa Alpha Sorority, Inc., founded the Alpha Kappa Alpha Educational Advancement Foundation, Inc., to promote lifelong learning. This mission is accomplished by securing charitable contributions, gifts and endowed funds to award scholarships, fellowships, and grants.²⁵

Alpha Phi Alpha Fraternity

Alpha Phi Alpha, the first intercollegiate Greek-letter fraternity established for African American Men, was founded at Cornell University in Ithaca, New York on December 4, 1906. The fraternity initially served as a study and support group for minority students who faced racial prejudice, both educationally and socially, at Cornell. The founders and early leaders of the fraternity succeeded in laying a firm foundation for Alpha Phi Alpha's principles of scholarship, fellowship, good character, and the uplifting of humanity. Alpha Phi Alpha chapters were established at other colleges and universities, many of them historically black institutions, soon after the founding at Cornell. The first alumni chapter was established in 1911.²⁶

JC Rawls-FFAC Foundation, Inc.

According to corporate filings with the Department of State, JC Rawls-FFAC Foundation, Inc. was incorporated in Florida in 2013, and is organized as a not-for-profit corporation exclusively for educational and charitable purposes.²⁷

²¹ Alpha Kappa Alpha Sorority, Inc., *About*, <http://www.aka1908.com/about> (last visited March 29, 2019)

²² Alpha Kappa Alpha Sorority, Inc., *Quick Facts*, <http://aka1908.com/about/quick-facts> (last visited April 1, 2019).

²³ Alpha Kappa Alpha Sorority, Inc., *Mission*, <http://www.aka1908.com/about/mission> (last visited March 29, 2019)

²⁴ Alpha Kappa Alpha Educational Advancement Foundation, *Mission*, <https://akaeaf.org/> (last visited March 29, 2019).

²⁵ Alpha Kappa Alpha Educational Advancement Foundation, Inc. <https://akaeaf.org/> (last visited March 29, 2019).

²⁶ Alpha Phi Alpha Fraternity, Inc., *Our History*, <https://apa1906.net/our-history/> (last visited March 29, 2019).

²⁷ Florida Department of State, Division of Corporations, Sunbiz, *JC Rawls-FFAC Foundation, Inc.*, <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited March 29, 2019).

Zeta Phi Beta Sorority

Zeta Phi Beta Sorority, Inc. was founded January 16, 1920, at Howard University, Washington, D.C.²⁸ Since its inception, Zeta has continued its steady climb into the national spotlight with programs designed to demonstrate concern for the human condition both nationally and internationally. The organization has chronicled a number of firsts. It was the first National Pan-Hellenic Council organization to centralize its operations in a national headquarters, first to charter a chapter in Africa, first to form auxiliary groups, and first to be constitutionally bound to a fraternity, Phi Beta Sigma Fraternity, Inc. The sorority takes pride in its continued participation in transforming communities through volunteer services from members and its auxiliaries. Zeta Phi Beta has chartered hundreds of chapters worldwide and has a membership of 100,000+.²⁹

Zeta's national and local programs include the endowment of its National Educational Foundation community outreach services and support of multiple affiliate organizations. Zeta chapters and auxiliaries have given untold hours of voluntary service to educate the public, assist youth, provide scholarships, support organized charities, and promote legislation for social and civic change.³⁰

Phi Beta Sigma Fraternity

Phi Beta Sigma Fraternity was founded at Howard University in Washington, D.C., January 9, 1914.³¹ The Founders deeply wished to create an organization that viewed itself as “a part of” the general community rather than “apart from” the general community. They believed that each potential member should be judged by his own merits, rather than his family background or affluence, without regard to race, nationality, skin tone or texture of hair. They desired for their fraternity to exist as part of an even greater brotherhood which would be devoted to the “inclusive we” rather than the “exclusive we”.³²

From its inception, the Founders also conceived Phi Beta Sigma as a mechanism to deliver services to the general community. Rather than gaining skills to be utilized exclusively for themselves and their immediate families, they held a deep conviction that they should return their newly acquired skills to the communities from which they had come. This deep conviction was mirrored in the Fraternity's motto, “Culture For Service and Service For Humanity”.³³

Today, Phi Beta Sigma is an international organization of leaders. No longer a single entity, members of the Fraternity have been instrumental in the establishment of the Phi Beta Sigma National Foundation, the Phi Beta Sigma Federal Credit Union and The Sigma Beta Club Foundation. Zeta Phi Beta Sorority, founded in 1920 with the assistance of Phi Beta Sigma, is the sister organization of the Fraternity.³⁴

²⁸ Zeta Phi Beta Sorority, Inc., *Our History*, <http://zphib1920.org/our-history/> (last visited March 29, 2019).

²⁹ *Id.*

³⁰ *Id.*

³¹ Phi Beta Sigma Fraternity, Inc., *History & Mission*, <http://phibetasigma1914.org/index.php/about/history/> (last visited March 29, 2019).

³² *Id.*

³³ *Id.*

³⁴ *Id.*

Iota Phi Theta Fraternity

On September 19, 1963, at Morgan State College (now Morgan State University), 12 students founded what is now the nation's fifth largest, predominately African-American social service fraternity: The Iota Phi Theta Fraternity, Incorporated.³⁵

The Fraternity functioned as a local entity until the first interest groups were established in 1967 at Hampton Institute (Beta Chapter) and Delaware State College (Gamma Chapter). Further expansion took place in 1968 with chapters being formed at Norfolk State College (Delta Chapter) and Jersey City State College (Epsilon Chapter). The Fraternity was officially and legally incorporated on November 1, 1968 as a National Fraternity under the laws of the State of Maryland. Today, Iota Phi Theta consists of 249 chapters located in 40 States as well Japan, Korea and the Bahamas.³⁶

III. Effect of Proposed Changes:

The bill amends s. 320.08058, F.S., creating the Omega Psi Phi Fraternity, Delta Sigma Theta Sorority, Sigma Gamma Rho Sorority, Kappa Alpha Psi Fraternity, Alpha Kappa Alpha Sorority, Alpha Phi Alpha Fraternity, Zeta Phi Beta Sorority, Phi Beta Sigma Fraternity, and Iota Phi Theta Fraternity specialty license plates and provides for their design and the use of the annual use fees associated with the license plates.

The plates must bear the colors and design approved by the DHSMV, with the “Florida” at the top of the plate, and the name of the respective sorority or fraternity at the bottom of the plate.

Omega Psi Phi Fraternity License Plate

The annual use fees from the sale of the plate shall be distributed to the State of Florida Omega Friendship Foundation, Inc., to be used as follows:

- Five percent shall be used solely for marketing of the Omega Psi Phi Fraternity license plate.
- Ninety-five percent shall be used for college scholarships for Florida residents attending historically black colleges and universities in this state.

Delta Sigma Theta Sorority License Plate

The annual use fees from the sale of the plate shall be distributed to the Delta Research and Educational Foundation, Inc., to be used as follows:

- Five percent shall be used solely for marketing of the Delta Sigma Theta Sorority license plate.
- Ninety-five percent shall be used for college scholarships for Florida residents attending historically black colleges and universities in this state.

³⁵ Iota Phi Theta Fraternity Incorporated, *Historical Overview*, <https://www.iotaphitheta.org/about/historical-overview> (last visited March 29, 2019).

³⁶ *Id.*

Sigma Gamma Rho Sorority License Plate

The annual use fees from the sale of the plate shall be distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73, F.S.

Kappa Alpha Psi Fraternity License Plate

The annual use fees from the sale of the plate shall be distributed to the Southern Province of Kappa Alpha Psi Foundation, Inc., to be used as follows:

- Five percent shall be used solely for marketing of the Kappa Alpha Psi Fraternity license plate.
- Ninety-five percent shall be used for college scholarships for Florida residents attending historically black colleges and universities in this state.

Alpha Kappa Alpha Sorority License Plate

The annual use fees from the sale of the plate shall be distributed to the Alpha Kappa Alpha Educational Advancement Foundation, Inc., to be used as follows:

- Five percent shall be used solely for marketing of the Alpha Kappa Alpha Sorority license plate.
- Ninety-five percent shall be used for college scholarships for Florida residents attending historically black colleges and universities in this state.

Alpha Phi Alpha Fraternity License Plate

The annual use fees from the sale of the plate shall be distributed to the Department of Education to be used for the JC Rawls-FFAC Foundation, Inc.

Zeta Phi Beta Sorority License Plate

The annual use fees from the sale of the plate shall be distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73, F.S.

Phi Beta Sigma Fraternity License Plate

The annual use fees from the sale of the plate shall be distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73, F.S.

The bill amends s. 320.08056, F.S., to provide for the annual use fee of \$25 for each specialty license plate.

The bill has an effective date of October 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:

Under the 2018 amendment to the Florida Constitution, Article VII, Section 19 requires “a supermajority vote” of 2/3 of the membership of each house to pass legislation which will impose or authorize a new state tax or fee.³⁷ A “fee” is defined as “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”³⁸

The \$25 annual use fee for the specialty license plates may be a new state fee for purposes of requiring a supermajority vote and a separate bill containing no other subject.

E. Other Constitutional Issues:

None.

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

Individuals who choose to purchase a Omega Psi Phi Fraternity, Delta Sigma Theta Sorority, Sigma Gamma Rho Sorority, Kappa Alpha Psi Fraternity, Alpha Kappa Alpha Sorority, Alpha Phi Alpha Fraternity, Zeta Phi Beta Sorority, Phi Beta Sigma Fraternity, or Iota Phi Theta Fraternity specialty license plate will pay an additional use fee of \$25 in addition to required vehicle license taxes and fees.

B. Private Sector Impact:

The annual use fees from the specialty license plates may increase revenues to the Omega Psi Phi Fraternity, Delta Sigma Theta Sorority, Kappa Alpha Psi Fraternity, Alpha Kappa Alpha Sorority, Mary McLeod Bethune Scholarship Program, and the JC Rawls-FFAC Foundation, Inc.

³⁷ FLA. CONST. art. VII, s. 19(a).

³⁸ FLA. CONST. art. VII, s. 19(d)(1).

Florida residents attending historically black colleges and universities in Florida may be eligible to receive a college scholarship through some of the entities receiving revenues from the annual use fees.

C. Government Sector Impact:

Depending on the number of distributions tied to the plate, the amount of programming may vary as will the resources needed to complete the changes. The average specialty/special license plate requires approximately 200-250 hours of programming, at a rate of \$35 to \$40 per hour. This results in programming costs of between \$7,000 and \$10,000.³⁹ The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.⁴⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 320.08056 and 320.08058 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

³⁹ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: SLP Price for Tim, (February 5, 2019).

⁴⁰ Section 320.08056(7), F.S.

By Senator Braynon

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1 A bill to be entitled
 2 An act relating to specialty license plates; amending
 3 ss. 320.08056 and 320.08058, F.S.; directing the
 4 Department of Highway Safety and Motor Vehicles to
 5 develop certain specialty license plates; establishing
 6 annual use fees for the plates; providing for
 7 distribution and use of fees collected from the sale
 8 of the plates; providing an effective date.
 9
 10 Be It Enacted by the Legislature of the State of Florida:
 11
 12 Section 1. Paragraphs (ffff) through (nnnn) are added to
 13 subsection (4) of section 320.08056, Florida Statutes, to read:
 14 320.08056 Specialty license plates.—
 15 (4) The following license plate annual use fees shall be
 16 collected for the appropriate specialty license plates:
 17 (ffff) Omega Psi Phi Fraternity license plate, \$25.
 18 (gggg) Delta Sigma Theta Sorority license plate, \$25.
 19 (hhhh) Sigma Gamma Rho Sorority license plate, \$25.
 20 (iiii) Kappa Alpha Psi Fraternity license plate, \$25.
 21 (jjjj) Alpha Kappa Alpha Sorority license plate, \$25.
 22 (kkkk) Alpha Phi Alpha Fraternity license plate, \$25.
 23 (llll) Zeta Phi Beta Sorority license plate, \$25.
 24 (mmmm) Phi Beta Sigma Fraternity license plate, \$25.
 25 (nnnn) Iota Phi Theta Fraternity license plate, \$25.
 26 Section 2. Subsections (84) through (92) are added to
 27 section 320.08058, Florida Statutes, to read:
 28 320.08058 Specialty license plates.—
 29 (84) OMEGA PSI PHI FRATERNITY LICENSE PLATES.—

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

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30 (a) The department shall develop an Omega Psi Phi
 31 Fraternity license plate as provided in this section and s.
 32 320.08053. The plate must bear the colors and design approved by
 33 the department. The word "Florida" must appear at the top of the
 34 plate, and the words "Omega Psi Phi" must appear at the bottom
 35 of the plate.
 36 (b) The annual use fees from the sale of the plate shall be
 37 distributed to the State of Florida Omega Friendship Foundation,
 38 Inc., to be used as follows:
 39 1. Five percent shall be used solely for marketing of the
 40 Omega Psi Phi Fraternity license plate.
 41 2. Ninety-five percent shall be used for college
 42 scholarships for Florida residents attending historically black
 43 colleges and universities in this state.
 44 (85) DELTA SIGMA THETA SORORITY LICENSE PLATES.—
 45 (a) The department shall develop a Delta Sigma Theta
 46 Sorority license plate as provided in this section and s.
 47 320.08053. The plate must bear the colors and design approved by
 48 the department. The word "Florida" must appear at the top of the
 49 plate, and the words "Delta Sigma Theta" must appear at the
 50 bottom of the plate.
 51 (b) The annual use fees from the sale of the plate shall be
 52 distributed to the Delta Research and Educational Foundation,
 53 Inc., to be used as follows:
 54 1. Five percent shall be used solely for marketing of the
 55 Delta Sigma Theta Sorority license plate.
 56 2. Ninety-five percent shall be used for college
 57 scholarships for Florida residents attending historically black
 58 colleges and universities in this state.

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

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(86) SIGMA GAMMA RHO SORORITY LICENSE PLATES.-

(a) The department shall develop a Sigma Gamma Rho Sorority license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Sigma Gamma Rho" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73.

(87) KAPPA ALPHA PSI FRATERNITY LICENSE PLATES.-

(a) The department shall develop a Kappa Alpha Psi Fraternity license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Kappa Alpha Psi" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Southern Province of Kappa Alpha Psi Foundation, Inc., to be used as follows:

1. Five percent shall be used solely for marketing of the Kappa Alpha Psi Fraternity license plate.

2. Ninety-five percent shall be used for college scholarships for Florida residents attending historically black colleges and universities in this state.

(88) ALPHA KAPPA ALPHA SORORITY LICENSE PLATES.-

(a) The department shall develop an Alpha Kappa Alpha Sorority license plate as provided in this section and s.

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320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Alpha Kappa Alpha" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Alpha Kappa Alpha Educational Advancement Foundation, Inc., to be used as follows:

1. Five percent shall be used solely for marketing of the Alpha Kappa Alpha Sorority license plate.

2. Ninety-five percent shall be used for college scholarships for Florida residents attending historically black colleges and universities in this state.

(89) ALPHA PHI ALPHA FRATERNITY LICENSE PLATES.-

(a) The department shall develop an Alpha Phi Alpha Fraternity license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Alpha Phi Alpha" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Department of Education to be used for the JC Rawls-FFAC Foundation, Inc.

(90) ZETA PHI BETA SORORITY LICENSE PLATES.-

(a) The department shall develop a Zeta Phi Beta Sorority license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Zeta Phi Beta" must appear at the bottom of the plate.

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117 (b) The annual use fees from the sale of the plate shall be
118 distributed to the Department of Education to be used for the
119 Mary McLeod Bethune Scholarship Program in accordance with s.
120 1009.73.

121 (91) PHI BETA SIGMA FRATERNITY LICENSE PLATES.—

122 (a) The department shall develop a Phi Beta Sigma
123 Fraternity license plate as provided in this section and s.
124 320.08053. The plate must bear the colors and design approved by
125 the department. The word "Florida" must appear at the top of the
126 plate, and the words "Phi Beta Sigma" must appear at the bottom
127 of the plate.

128 (b) The annual use fees from the sale of the plate shall be
129 distributed to the Department of Education to be used for the
130 Mary McLeod Bethune Scholarship Program in accordance with s.
131 1009.73.

132 (92) IOTA PHI THETA FRATERNITY LICENSE PLATES.—

133 (a) The department shall develop an Iota Phi Theta
134 Fraternity license plate as provided in this section and s.
135 320.08053. The plate must bear the colors and design approved by
136 the department. The word "Florida" must appear at the top of the
137 plate, and the words "Iota Phi Theta" must appear at the bottom
138 of the plate.

139 (b) The annual use fees from the sale of the plate shall be
140 distributed to the Department of Education to be used for the
141 Mary McLeod Bethune Scholarship Program in accordance with s.
142 1009.73.

143 Section 3. This act shall take effect October 1, 2019.

CourtSmart Tag Report

Room: EL 110

Case No.:

Caption: Senate Infrastructure and Security Committee

Type:

Judge:

Started: 4/2/2019 2:05:38 PM

Ends: 4/2/2019 4:15:13 PM **Length:** 02:09:36

2:05:37 PM Meeting called to order by Chair Lee
2:05:40 PM Roll call by Administrative Assistant Marilyn Hudson
2:05:55 PM Quorum present
2:06:01 PM Tab 19, SB 1654 TP'd
2:06:17 PM Introduction of Tab 8, SB 622 by Chair Lee
2:06:20 PM Explanation of SB 622, Traffic Infraction Detectors by Senator Brandes
2:07:04 PM Speaker Billy Hattaway, Transportation Director, City of Orlando in opposition
2:10:25 PM Question from Senator Perry
2:10:29 PM Response from Mr. Hattaway
2:10:38 PM Additional question from Senator Perry
2:10:44 PM Response from Mr. Hattaway
2:11:00 PM Speaker Jeff Branch, Legislative Advocate, Florida League of Cities in opposition
2:12:39 PM Speaker John Hallman, Legislative Affairs, Liberty First Network in support
2:16:18 PM Speaker Andy Dubois in support
2:18:41 PM Speaker Jim Phend, Director, Melbourne Motorist Association in support
2:22:35 PM Speaker Ron Book, Miami Project to Cure Paralysis in opposition
2:26:31 PM Question from Senator Perry
2:26:36 PM Response from Mr. Book
2:27:29 PM Speaker Bob White, Chairman, Republican Liberty Caucus of Florida
2:29:44 PM Cesar Grajalas, Director of Coalitions, Americans for Prosperity waives in support
2:30:10 PM Senator Stewart in debate
2:32:18 PM Senator Cruz in debate
2:34:37 PM Question from Senator Taddeo
2:35:18 PM Senator Brandes in closure
2:37:43 PM Senator Brandes moves to TP'd SB 622
2:38:25 PM Senate Confirmation of Secretary of Transportation
2:38:45 PM Comments from Secretary Kevin Thibault, Secretary of Transportation
2:40:40 PM Comments/question from Senator Taddeo
2:41:20 PM Response from Secretary Thibault
2:41:45 PM Follow-up question from Senator Taddeo
2:42:29 PM Response from Secretary Thibault
2:44:16 PM Question from Senator Stewart
2:44:22 PM Response from Secretary Thibault
2:46:05 PM Follow-up question from Senator Stewart
2:46:19 PM Response from Secretary Thibault
2:47:30 PM Comments from Senator Perry
2:48:57 PM Comments from Chair Lee
2:51:40 PM Response from Secretary Thibault
2:51:55 PM Question from Senator Bean
2:52:00 PM Response from Secretary Thibault
2:52:29 PM Comments from Secretary Thibault
2:52:45 PM Closing remarks from Secretary Thibault
2:52:55 PM Motion for confirmation by Senator Bean
2:53:06 PM Roll call on Confirmation by Administrative Assistant Marilyn Hudson
2:53:18 PM Confirmation of Secretary Thibault is recommended
2:53:57 PM Introduction of Tab 11, CS/SB 1004 by Chair Lee
2:54:12 PM Explanation of CS/SB 1004, Regional Planning Council Meetings by Senator Rodriguez
2:54:41 PM Rana Brown, Consultant, Florida Regional Council's Association waives in support
2:54:54 PM Closure waived
2:54:58 PM Roll on CS/SB 1004 called by Administrative Assistant Marilyn Hudson
2:55:02 PM CS/SB 1004 reported favorably
2:55:27 PM Introduction of Tab 17, SB 484 by Chair Lee

2:55:33 PM Explanation of SB 484, Specialty License Plates/Florida State Beekeepers Association by Senator Rader
 2:56:19 PM Explanation of Amendment Barcode No. 414290
 2:56:35 PM Amendment adopted
 2:56:45 PM Speaker Al Saladek, Vice President, Florida State Beekeepers Association in support
 3:00:39 PM Barcode correction should be 414910
 3:00:57 PM Senator Rader in closure
 3:01:05 PM Roll call on CS/SB 484 by Administrative Assistant Marilyn Hudson
 3:01:19 PM CS/SB 484 reported favorably
 3:01:34 PM Introduction of Tab 18, SB 486 by Chair Lee
 3:01:38 PM Explanation of SB 486, Fees/Florida State Beekeepers Association License Plate by Senator Rader
 3:01:56 PM Amendment Barcode No. 251046 introduced
 3:02:09 PM Amendment adopted
 3:02:17 PM Closure waived
 3:02:19 PM Roll call on CS/SB 486 by Administrative Assistant Marilyn Hudson
 3:02:31 PM CS/SB 486 reported favorably
 3:02:50 PM Introduction of Tab 10, CS/SB 762 by Chair Lee
 3:03:01 PM Explanation of CS/SB 762, Duties and Obligations of Sheriffs by Senator Gruters
 3:03:18 PM Question from Senator Cruz
 3:03:25 PM Response from Senator Gruters
 3:03:58 PM Lauren Jackson, Florida Association of Counties waives in support
 3:04:03 PM Speaker Edward Labrador, Legislative Counsel, Broward County Board of County Commissioners in support
 3:05:52 PM Angela Drzewiecki, Florida Sheriffs Association waives in support
 3:06:03 PM Speaker Greg Pound
 3:08:10 PM Debate by Senator Hooper
 3:08:50 PM Closure waived by Senator Gruters
 3:08:56 PM Roll call on CS/SB 762 by Administrative Assistant Marilyn Hudson
 3:09:04 PM CS/SB 762 reported favorably
 3:09:12 PM Introduction of Tab 12, CS/SB 1792 by Chair Lee
 3:09:30 PM Introduction of Strike-All Amendment Barcode No. 547770 by Chair Lee
 3:09:39 PM Explanation of Strike-All Amendment by Senator Gruters
 3:10:43 PM Closure waived
 3:10:46 PM Amendment adopted
 3:10:53 PM Speaker Igar Hernandez, Attorney in opposition
 3:17:22 PM Comments from Chair Lee
 3:17:48 PM Speaker David Custin, Tremont Towing, Inc. and Beach Towing, Inc. in support
 3:19:33 PM Question from Senator Cruz
 3:19:48 PM Response from Mr. Custin
 3:21:12 PM Follow-up question from Senator Cruz
 3:21:26 PM Response from Mr. Custin
 3:22:17 PM Jose Dial, Professional Wrecker Operators of Florida waives in support
 3:22:25 PM Speaker Greg Pound
 3:23:28 PM Comments from Chair Lee
 3:24:37 PM Question from Senator Taddeo
 3:24:53 PM Response from Senator Gruters
 3:26:46 PM Comments from Chair Lee
 3:27:14 PM Closure waived
 3:27:16 PM Roll call on CS/CS/SB 1792 by Administrative Assistant Marilyn Hudson
 3:27:27 PM CS/CS/1792 reported favorably
 3:27:35 PM Introduction of Tab 15, SB 480 by Chair Lee
 3:27:47 PM Explanation of SB 480, Specialty License Plates/Highwaymen by Senator Rouson
 3:28:58 PM Technical Amendment Barcode No. 177288 by Senator Perry
 3:29:15 PM Amendment adopted
 3:29:25 PM Closure waived
 3:29:28 PM Roll call on CS/SB 480 by Administrative Assistant Marilyn Hudson
 3:29:39 PM CS/SB 480 reported favorably
 3:29:49 PM Introduction of Tab 16, SB 482 by Chair Lee
 3:29:53 PM Explanation of SB 482, Fees/Highwaymen License Plates by Senator Rouson
 3:30:11 PM Amendment Barcode No. 473194 by Senator Perry
 3:30:22 PM Amendment adopted
 3:30:25 PM Closure waived
 3:30:28 PM Roll call on CS/SB 482 by Administrative Assistant Marilyn Hudson

3:30:34 PM CS/SB 482 reported favorably
3:31:02 PM Explanation of SB 608, Railroad-Highway Grade Crossings by Senator Bean
3:33:18 PM SB 608 TP'd
3:33:44 PM Introduction of Tab 13, SB 1104 by Chair Lee
3:33:49 PM Explanation of SB 1104, Transportation Credentials by Senator Bean
3:34:27 PM Introduction of Amendment Barcode No. 460906 by Chair Lee
3:34:34 PM Explanation of Delete-all Amendment Barcode No. 460906 by Senator Bean
3:39:18 PM Lane Stephens, Florida Airboat Association; Southeastern Dog Hunters Association waives in support
3:39:38 PM Erin Ballass, Palm Beach Zoo waives in support
3:39:43 PM Bob Boyd, General Counsel, Independent Colleges & Universities of Florida waives in support
3:39:59 PM Jon Costello, Florida Off Road Foundation waives in support
3:40:12 PM Rachel Falknor, Guardian Ad Litem Program waives in support
3:40:34 PM Introduction of Amendment Barcode No. 759926 by Chair Lee
3:40:41 PM Explanation of Amendment by Senator Bean
3:41:08 PM Lane Stephens waives in support
3:41:37 PM Amendment to Delete-all adopted
3:41:48 PM Introduction of Amendment Barcode No. 278747 by Chair Lee
3:41:57 PM Explanation of Amendment by Senator Stewart
3:42:41 PM Amendment adopted
3:42:47 PM Introduction of Barcode No. 460906 by Chair Lee
3:42:54 PM Amendment adopted
3:43:04 PM Alli Liby-Schoonover, Donate Life Florida waives in support
3:43:10 PM Michael Dobson, President/CEO, The Dream Foundation waives in opposition
3:43:28 PM Trip Aukeman, Director of Advocacy, Coastal Conservation Association waives in support
3:43:40 PM Rana Brown, Consultant, Lauren's Kids waives in support
3:43:45 PM Anna Higgins, Naval Aviation Museum Foundation waives in support
3:44:00 PM Closure waived
3:44:02 PM Roll call on CS/SB 1104 by Administrative Assistant Marilyn Hudson
3:44:09 PM CS/SB 1104 reported favorably
3:44:26 PM Introduction of Tab 14, SB 1106 by Chair Lee
3:44:40 PM Late-filed Amendment Barcode No. 750416 adopted
3:45:08 PM Explanation of SB 1106 by Senator Bean
3:45:30 PM Closure waived
3:45:32 PM Roll call on CS/SB 1106 by Administrative Assistant Marilyn Hudson
3:45:40 PM CS/SB 1106 reported favorably
3:45:54 PM Chair passed to Senator Perry
3:46:05 PM Introduction of Tab 2, SB 728 by Chair Perry
3:46:08 PM Explanation of SB 728, Growth Management by Senator Lee
3:48:09 PM Introduction of Amendment Barcode No. 717782 by Chair Perry
3:48:18 PM Explanation of Amendment by Senator Lee
3:48:30 PM Closure waived
3:48:45 PM Amendment adopted
3:48:55 PM David Ramba, Neal Communities waives in support
3:48:58 PM Cheryl Stuart, Attorney, Neal Hand & Association of Florida Community Developers waives in support
3:49:09 PM Closure by Senator Lee
3:49:15 PM Roll call on CS/SB 728 by Administrative Assistant Marilyn Hudson
3:49:29 PM CS/SB 728 reported favorably
3:49:48 PM Introduction of Tab 3, SB 1638 by Chair Perry
3:49:55 PM Explanation of SB 1638, Commercial Motor Vehicles by Senator Lee
3:50:52 PM Introduction of Amendment Barcode No. 920906 by Chair Perry
3:51:00 PM Explanation of Amendment by Senator Lee
3:51:18 PM Closure waived
3:51:20 PM Amendment adopted
3:51:30 PM Alix Miller, Vice President, Florida Trucking Association waives in support
3:51:40 PM Closure waived
3:51:45 PM Roll call on CS/SB 1638 by Administrative Assistant Marilyn Hudson
3:51:55 PM CS/SB 1638 reported favorably
3:52:11 PM Introduction of Tab 4, SPB 7090 by Chair Perry
3:52:15 PM Explanation of SPB 7090, Department of Highway and Safety and Motor Vehicles by Senator Lee
3:54:48 PM Amendment Barcode No. 970424 and Strike-All Amendment 841240 introduced by Chair Perry
3:55:48 PM Explanation of Substitute Amendment Barcode No. 841240 by Senator Lee
3:59:44 PM Closure waived

3:59:47 PM Amendment adopted
3:59:59 PM Alix Miller, Vice President, Florida Trucking Association waives in support
4:00:12 PM Senator Cruz moves that SPB 7090 be submitted at Committee Bill
4:00:39 PM Roll call on SPB 7090 by Administrative Assistant Marilyn Hudson
4:00:45 PM SPB 7090 reported favorably
4:00:59 PM Introduction of Tab 5, SPB 7092 by Chair Perry
4:01:04 PM Explanation of SPB 7092, Fees/Department of Highway Safety and Motor Vehicles by Senator Lee
4:01:43 PM Introduction of Amendment Barcode No. 421644 by Chair Perry
4:02:37 PM Explanation of Amendment by Senator Lee
4:02:57 PM Closure waived
4:02:59 PM Amendment adopted
4:03:16 PM Senator Cruz moves that SPB 7092 as amended be submitted as a Committee Bill
4:03:30 PM Roll call on SPB 7092 by Administrative Assistant Marilyn Hudson
4:03:34 PM SPB 7092 reported favorably
4:03:44 PM Introduction of Tab 6, SPB 7094 by Chair Perry
4:03:51 PM Explanation of SPB 7094, Public Records/Department of Highway Safety and Motor Vehicles by Senator Lee
4:05:09 PM Amendment Barcode No. 302550 withdrawn, Late-filed Amendment Barcode No. 471932 introduced by Chair Perry
4:05:46 PM Explanation of Amendment by Senator Lee
4:06:06 PM Closure waived
4:06:11 PM Amendment adopted
4:06:21 PM Senator Cruz moves that SPB 7094 as amended be submitted as a Committee Bill
4:06:35 PM Roll call on SPB 7094 by Administrative Assistant Marilyn Hudson
4:06:42 PM SPB 7094 reported favorably
4:06:51 PM
4:07:21 PM Introduction of Tab 9, CS/SB 722 by Chair Perry
4:07:32 PM Explanation of CS/SB 722, Carrying of Firearms by Tactical Medical Professionals by Senator Hooper
4:08:19 PM Speaker Thomas Noland, Broward Sheriff's Office in support
4:09:18 PM Speaker Captain Gregory Lees, Broward Sheriff's Office in support
4:10:14 PM Question from Senator Cruz
4:10:20 PM Response from Captain Lees
4:10:53 PM Follow-up question from Senator Cruz
4:11:00 PM Response from Captain Lees
4:11:24 PM Additional question from Senator Cruz
4:11:31 PM Response from Captain Lees
4:11:45 PM Follow-up question from Senator Cruz
4:11:55 PM Response from Captain Lees
4:12:30 PM Major Stephen Winn, Gadsden County Sheriff's Office waives in support
4:12:38 PM Chief Gary Hester, Florida Police Chiefs Association waives in support
4:12:45 PM Senator Stewart in debate
4:13:32 PM Senator Hooper in closure
4:14:13 PM Roll call on CS/SB 722 by Administrative Assistant Marilyn Hudson
4:14:21 PM CS/SB 722 reported favorably
4:14:31 PM Senator Hutson would like to be shown voting in the affirmative on CS/SB 762, CS/CS/SB 1792, CS/SB 728, CS/SB 1638
4:14:43 PM Senator Hooper would like to be shown as voting in the affirmative on CS/SB 728, CS/SB 1638, CS/SB 1104, CS/SB 480, CS/SB 482
4:14:57 PM Senator Cruz moves to adjourn