

Tab 1		SB 164 by Grimsley (CO-INTRODUCERS) Baxley; (Identical to H 0097) Certificates of Title for Motor Vehicles					
283316	A	S	RCS	TR, Grimsley	Delete L.16 - 18:	02/07 04:51 PM	

Tab 2		SB 178 by Artiles (CO-INTRODUCERS) Brandes, Mayfield; (Similar to H 6007) Traffic Infraction Detectors					
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Tab 3		SB 302 by Brandes (CO-INTRODUCERS) Rouson, Young; Penalties and Fees					
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Gainer, Chair
Senator Rouson, Vice Chair

MEETING DATE: Tuesday, February 7, 2017**TIME:** 2:00—4:00 p.m.**PLACE:** James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building**MEMBERS:** Senator Gainer, Chair; Senator Rouson, Vice Chair; Senators Baxley, Hukill, and Rader

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 164 Grimsley (Identical H 97)	Certificates of Title for Motor Vehicles; Prohibiting the Department of Highway Safety and Motor Vehicles from charging a fee for a certificate of title issued for a motor vehicle solely to remove a deceased joint owner if the other joint owner is the surviving spouse, etc. TR 02/07/2017 Fav/CS ATD AP	Fav/CS Yeas 4 Nays 0
2	SB 178 Artiles (Similar H 6007, Identical S 630)	Traffic Infraction Detectors; Repealing provisions relating to the definitions of "local hearing officer" and "traffic infraction detector" and 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, etc. TR 02/07/2017 Unfavorable CA ATD AP	Unfavorable Yeas 2 Nays 2
3	SB 302 Brandes	Penalties and Fees; Revising requirements relating to the payment of court-related fines or other monetary penalties, fees, charges, and costs; prohibiting the suspension of a person's driver license solely for failure to pay a penalty if the person demonstrates to the court, when specified, that he or she is unable to pay such penalty; revising penalties relating to suspending, revoking, or withholding issuance of driver licenses or driving privileges for minors under a specified age who possess firearms under certain circumstances, etc. TR 02/07/2017 Fav/CS ACJ AP	Fav/CS Yeas 4 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 164

INTRODUCER: Transportation Committee and Senators Grimsley and Baxley

SUBJECT: Certificates of Title for Motor Vehicles

DATE: February 8, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 164 prohibits the Department of Highway Safety and Motor Vehicles (DHSMV) and tax collectors from charging a surviving spouse any fee or service charge, excluding an expedited title fee, if applicable, for a motor vehicle certificate of title when the title is being issued solely to remove the deceased co-owner from the title.

The bill is estimated to have a negative fiscal impact to the General Revenue Fund, Highway Safety Operating Trust Fund, and local trust funds. See the Fiscal Impact Statement below for details.

II. Present Situation:

Most vehicles in Florida are required to have a certificate of title, with exceptions for mopeds, motorized bicycles, and trailers weighing less than 2,000 pounds.¹ A person must apply for a title in his or her name after purchasing a new vehicle, bringing a vehicle into the state, or at any time the ownership of a vehicle changes.² A certificate of title is a record that proves ownership of a vehicle, which can be a certificate in either paper or electronic form, and authorized or stored by

¹ DHSMV, *FAQs on Getting a Hassle Free Title*, <http://www.flhsmv.gov/dmv/faqtitle.html> (last visited Jan. 30, 2017).

² *Id.*

the DHSMV.³ The application for a certificate of title requires, if applicable, information including, but not limited to, the⁴:

- Owner's, co-owner's, or lessee's names, mailing addresses, dates of birth, and driver license numbers;
- Vehicle identification number;
- Make, manufacturer, year, body, and color of the vehicle;
- Lienholder information; and
- Odometer declaration.

Certificate of Title Fees

Section 319.32, F.S., provides the fees, service charges, and disposition of funds for certificates of title. The DHSMV charges a \$70 fee for each original and duplicate certificate of title, except for motor vehicles for hire⁵, which are \$49, and \$2 for each salvage certificate of title. The DHSMV also charges \$2 to note a lien on the certificate, \$1 to cover the cost of materials, and \$2.50 for shipping and handling. Additionally, there is a \$4.25 service charge for each certificate of title application.

The \$70 fee is distributed between the State Transportation Trust Fund and the General Revenue Fund, excluding \$1 that is deposited into the Highway Safety Operating Trust Fund to prevent and detect odometer fraud.⁶ The DHSMV or tax collector who processes the application retains the \$4.25 service charge.⁷

Additionally, expedited service for title transfers, issuances, duplicates, and recordation of liens is an option available for a \$10 fee. If requested, expedited service ensures the title is issued within five working days after receipt of the application.⁸

Co-owning a Vehicle⁹

Motor vehicles can be registered in the names of two or more persons as co-owners of the vehicle. Names conjoined with the word "or" are held in joint tenancy. Co-owners are deemed to have granted one another absolute right to dispose of the title and interest in a motor vehicle, or place a lien or encumbrance on the motor vehicle. As part of joint tenancy, the signature of any co-owner constitutes proper endorsement. Upon the death of any co-owner under this title, interest of the vehicle passes to the surviving co-owner. Names conjoined with the word "and" require the signature of each co-owner to transfer a title, or place a lien or encumbrance on the vehicle.

³ Section 319.001(1), F.S.

⁴ DHSMV, *Application for Certificate of Title With/Without Registration*, <http://www.flhsmv.gov/dmv/forms/BTR/82040.pdf> (last visited Jan. 30, 2017).

⁵ Vehicles registered under s. 320.08(6), F.S.

⁶ Sections 319.32(5) and 319.324, F.S.; Section 319.32(5), F.S., provides that \$47 of each fee collected for an original or duplicate certificate of title is deposited into the State Transportation Trust Fund, which may receive up to \$200 million in any fiscal year. The remainder of the fee and any fees in excess of the \$200 million are deposited into the General Revenue Fund.

⁷ Section 319.32(2)(b), F.S.

⁸ Section 319.323, F.S.

⁹ Sections 319.22(2) and 319.235, F.S.

The DHSMV indicated 22.63 percent of Florida vehicles are co-owned, but the number of these vehicles co-owned by spouses is unknown.¹⁰

Transfer of Ownership- Death of Spouse

A surviving spouse who inherits the deceased spouse's motor vehicle may dispose of the vehicle without being required to obtain a certificate of title in his or her name.¹¹ If the married couple are co-owners of the vehicle with names appearing conjoined by an "or" on the title, it is not necessary for the surviving spouse to apply for a new title, as he or she already has absolute rights to the vehicle. However, if the names are conjoined by "and" and the surviving spouse wishes to maintain ownership of the vehicle, the surviving spouse will be required to apply for a certificate of title in order to remove the name of the deceased spouse.

III. Effect of Proposed Changes:

The bill prohibits the DHSMV and tax collectors from charging a surviving spouse any fee or service charge (excluding an expedited title fee, if applicable) for issuance of a motor vehicle certificate of title when the title is being issued solely to remove the deceased spouse as a co-owner. The fee waiver is only applicable if the vehicle is co-owned by the surviving and deceased spouse with both names on the certificate of title.

The bill takes effect July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

SB 164 waives the certificate of title fee for a surviving spouse who is issued a certificate of title solely to remove his or her deceased spouse from the co-owned title.

¹⁰ Office of Economic and Demographic Research, The Florida Legislature, *Revenue Estimating Conference: SB164/HB 97* (Jan. 20, 2017), http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2017/_pdf/page14-16.pdf (Jan. 31, 2017).

¹¹ Section 319.28(1)(c), F.S.

B. Private Sector Impact:

A surviving spouse will no longer be required to pay a motor vehicle title fee or service charge for a title being issued solely to remove the deceased spouse from the title registered in the names of both spouses.

C. Government Sector Impact:

The number of married couples who co-own vehicles within the state is unknown. The DHSMV estimates the bill will have a negative, but likely insignificant, impact to the General Revenue Fund, Highway Safety Operating Trust Fund, and local trust funds.¹²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 319.32 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 Transportation on February 7, 2017:

The CS clarifies that the fee waiver is only applicable if the vehicle is co-owned by the surviving and deceased spouse with both names on the certificate of title. Additionally, the CS prohibits *tax collectors* and DHSMV from charging any fee or *service charge*, with an exception for expedited title fees, if applicable.

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 E-mail from the DHSMV (Feb. 3, 2017) (on file with the Senate Committee on Transportation).



283316

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/07/2017	.	
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	.	
	.	

The Committee on Transportation (Grimsley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 16 - 18
and insert:
the department and tax collector may not charge any fee or
service charge, except for the expedited title fee, if
applicable, for a certificate of title issued for a motor
vehicle solely to remove a deceased coowner from a title
registered in the names of two persons if the other coowner is
the surviving spouse.



283316

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

And the title is amended as follows:

Delete lines 4 - 7

and insert:

Department of Highway Safety and Motor Vehicles and
tax collector from charging any fee or service charge,
except for the expedited title fee, if applicable, for
a certificate of title issued for a motor vehicle
solely to remove a deceased coowner from a title
registered in the name of two persons if the other
coowner is the surviving spouse;

By Senator Grimsley

26-00309-17

2017164__

A bill to be entitled

An act relating to certificates of title for motor vehicles; amending s. 319.32, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from charging a fee for a certificate of title issued for a motor vehicle solely to remove a deceased joint owner if the other joint owner is the surviving spouse; providing an effective date.

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

Section 1. Subsection (7) is added to section 319.32, Florida Statutes, to read:

319.32 Fees; service charges; disposition.—

(7) Notwithstanding any other provision of this section, the department may not charge a fee for a certificate of title issued for a motor vehicle solely to remove a deceased joint owner if the other joint owner is the surviving spouse.

Section 2. This act shall take effect July 1, 2017.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/7/2017

Meeting Date

SB 164

Bill Number (if applicable)

Topic Certificates of Title for Motor Vehicles

Amendment Barcode (if applicable)

Name (Ms) Zayne Smith

Job Title Associate State Director

Address 200 W. College Ave

Street

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing AARP Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 178

INTRODUCER: Senator Artiles and others

SUBJECT: Traffic Infraction Detectors

DATE: February 7, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	Unfavorable
2.			CA	
3.			ATD	
4.			AP	

I. Summary:

SB 178 repeals and amends various provisions of law effective July 1, 2020, 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 2017-2018, the estimated reductions will be \$4.5 million, increasing to \$156.3 million in Fiscal Year 2021-2022.¹

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.

¹ See the “Fiscal Impact Statement” section below for further details.

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.² 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.³

Municipalities may install or authorize installation of traffic infraction detectors on streets and highways in accordance with Department of Transportation (DOT) standards, and on state roads within the incorporated area when permitted by DOT.⁴ Counties may install or authorize installation of traffic infraction detectors on streets and highways in unincorporated areas of the county in accordance with DOT standards, and on state roads in unincorporated areas of the county when permitted by DOT.⁵ DHSMV may install or authorize installation of traffic infraction detectors on any state road under the original jurisdiction of DOT, when permitted by DOT.⁶

If 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.⁷ Such signage must meet the specifications for uniform signals and devices adopted by DOT pursuant to s. 316.0745, F.S.⁸

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,⁹ 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.¹⁰

A notification must be issued to the registered owner of a vehicle within 30 days of an alleged violation,¹¹ notifying the alleged violator that he or she must pay the required penalty to the county or municipality,¹² furnish an affidavit setting forth an authorized defense (see below), or

² Section 316.0076, F.S.

³ See generally s. 316.0083, F.S.

⁴ Section 316.008(8), F.S. and s. 316.0776(1), F.S.

⁵ *Id.*

⁶ Section 321.50, F.S. DHSMV has not undertaken any effort to install or authorize traffic infraction detectors.

⁷ Section 316.0776(2), F.S.

⁸ *Id.*

⁹ Section 316.0083(1)(a) and (2), F.S.

¹⁰ Section 316.0083(1)(a), F.S.

¹¹ Notifications of violation must be sent by first-class mail, and mailing of the notifications of violation constitutes notice.

¹² 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.¹³ 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.¹⁴

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 citation¹⁵ to the registered owner (first name on registration in cases of joint registration).¹⁶ The citation must also include the statements described above regarding review of the photographic or video evidence.¹⁷ 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.¹⁸ 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.¹⁹

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.²⁰

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.²¹ If the owner submits an affidavit that another driver was

¹³Section 316.0083(1)(b)1.b., F.S.

¹⁴ Section 316.0083(1)(b)1.c., F.S.

¹⁵ Citations must be sent by certified mail, and delivery constitutes notification. Section. 316.0083(1)(c)1.a. and b., F.S.

¹⁶ Section 316.0083(1)(c)1.c., F.S.

¹⁷ Section 316.0083(1)(c)2., F.S.

¹⁸ Section 316.0083(1)(e), F.S.

¹⁹ Section 316.650(3)(c), F.S.

²⁰ Section 316.0083(1)(d), F.S.

²¹ 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.²² 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.²³ 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.²⁴ Submission of a false affidavit is a second degree misdemeanor.²⁵

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.²⁶ 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.²⁷

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).²⁸ 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.²⁹

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.³⁰

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.³¹ 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

²² Section 316.0083(1)(d)2.a., F.S.

²³ Section 316.0083(1)(d)2., F.S.

²⁴ Section 316.0083(1)(d)3., F.S.

²⁵ Section 316.0083(1)(d)5., F.S.

²⁶ Section 316.0083(1)(d)3., F.S.

²⁷ Section 318.18(15)(c), F.S.

²⁸ Section 318.18(15)(a)3., F.S., s. 316.0083(1)(b)3.b., F.S.

²⁹ *Id.*

³⁰ Section 318.18(15)(a)1., F.S.

³¹ 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.³²

Actual State Revenues

According to the DOR website, from July 2014 through June 2015, 83 jurisdictions operated red light camera programs throughout the state; from July 2015 through June 2016, 68 jurisdictions; and from July 2016 through October 2016, 59 jurisdictions. DOR reports the *state* portion of the fines collected, and their distribution, for the time periods indicated is as follows:³³

Time Period	Total	General Revenue	Health Admin. TF	Brain & Spinal CI TF
7/2014 – 6/2015	\$54,114,033	\$45,644,880	\$6,514,765	\$1,954,389
7/2015 – 6/2016	\$59,986,371	\$50,535,262	\$7,287,991	\$2,163,118
7/2016 – 10/2016	\$18,752,037	\$15,871,848	\$2,198,834	\$681,355

Use of Proceeds Retained by Local Government

The Office of Program Policy Analysis & Governmental Accountability (OPPAGA) conducted a survey of jurisdictions operating a red light camera program for the period from July 1, 2012, through June 30, 2013. OPPAGA concluded that, of the jurisdictions responding, almost 50% of the fines collected were spent on payments to red light camera vendors with whom the jurisdictions contract. Excess revenue after payments to vendors and other program expenses were reported by a majority (78%) of the survey respondents. Seventy-six percent of the respondents allocate these funds to a general revenue fund. Respondents allocated 14% to other uses, including public safety and police, and 5% was allocated to road repair and maintenance and other municipal services.³⁴

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. 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.”³⁵

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,

³² Section 318.15(3), F.S.

³³ 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).

³⁴ See OPPAGA’s research memorandum, *Florida Red Light Camera Programs*, February 7, 2014, at p. 6. (Copy on file in the Senate Transportation Committee.)

³⁵ *Id.*

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 most appropriate measure given the individual characteristics at a particular intersection.³⁶ However, OPPAGA noted that most of its survey respondents cited traffic crash data as the most important factor in camera placement decisions, followed by law enforcement observations.³⁷ Based on OPPAGA's survey results indicating that most (56%) of the responding jurisdictions did not implement countermeasures prior to installing red light cameras,³⁸ placement decisions in Florida do not appear to be based on engineering studies that identify the most appropriate solution to reducing crashes and fatalities caused by red light violations.

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

³⁶ See the Federal Highway Administration *Red Light Camera Systems Operational Guidelines* (2005) at p. 8, available at: <http://safety.fhwa.dot.gov/intersection/conventional/signalized/rlr/fhwasa05002/fhwasa05002.pdf>. (Last visited January 31, 2017.)

³⁷ *Supra* note 34 at 3.

³⁸ *Supra* note 34 at 6.

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).

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 the following questions to the Florida Supreme Court as having great public importance:

- Does the review of red light camera images authorized by section 316.0083(1)(a), F.S. (2014), allow a municipality's vendor, as its agent, to sort images to forward to the law enforcement officer, where the controlling contract and city guidelines limit the vendor to deciding whether the images contain certain easy-to-identify characteristics and where only the law enforcement officer makes the determinations whether probable cause exists and whether to issue a notice of violation and citation?
- Is it an illegal delegation of police power for the vendor to print and mail the notices and citation, through a totally automated process without human involvement, after the law enforcement officer makes the determinations that probable cause exists and to issue a notice of violation and citation?
- Does the fact that the citation data is electronically transmitted to the Clerk of the Court from the vendor's server via a totally automated process without human involvement violate s. 316.650(3)(c), F.S. (2014), when it is the law enforcement officer who affirmatively authorizes the transmission process?

To date, the Florida Supreme Court has not issued an opinion in response.

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.

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. Jiminez*, Case Nos. 3D15-2303 & 3D15-2271. Opinion filed July 27, 2016.

Section 1 of the bill amends s. 316.003, F.S., to repeal the current subsection (35) 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 (87) 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;
- 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 DOT and be tested at regular intervals according to DOT specifications; requires DOT 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 the DOT 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 DOT jurisdiction when permitted by DOT.

Sections 9 through 12, 15, 16, 18, and 20 amend ss. 28.37(5), 316.003(55), 316.545(2)(b), 316.613(2)(a), 318.121, 318.14(2), 320.03(8), and 655.960(1), F.S., respectively, to remove and correct cross references to conform to changes made by the act.

Section 13 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 14 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 17 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 19 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 21 provides the act takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Some local governments apparently anticipated the possible repeal of authority to implement red light camera programs and made provision for termination of vendor contracts in the event of repeal, while others did not. Some vendors may raise impairment of contract claims.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The REC has 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, 2020, the REC expects that, due to the 2020 repeal, some local governments will not renew contracts that are due to

expire before July 1, 2020. The “Cash” columns in the table below show each year’s expected reductions.⁴⁴

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
17-18	(1.9)	(62.6)	(0.4)	(12.0)	(2.2)	(72.6)	(4.5)	(147.2)
18-19	(4.5)	(63.6)	(0.9)	(12.2)	(5.2)	(73.8)	(10.6)	(149.6)
19-20	(6.6)	(64.6)	(1.3)	(12.4)	(7.7)	(75.0)	(15.6)	(152.0)
20-21	(55.8)	(65.6)	(10.7)	(12.5)	(64.7)	(76.1)	(131.2)	(154.2)
21-22	(66.5)	(66.5)	(12.7)	(12.7)	(77.1)	(77.1)	(156.3)	(156.3)

B. Private Sector Impact:

The possible imposition of a \$158 fine (and potential court costs) for red light violations detected by red light cameras is eliminated.

C. Government Sector Impact:

According to the DHSMV review of last year’s similar legislation, that agency would no longer be required to conduct the annual red light camera report and the vendor approval process, and would experience a workload reduction related to handling red light camera disputes and vehicle registration stops.⁴⁵

The FDOT reports no fiscal impact, as the general use permit issued for red light cameras on state roads is a no-fee permit.⁴⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 28.37, 316.003, 316.008, 318.121, 318.14, 318.15, 318.18, 316.545, 316.613, 316.640, 316.650, 320.03, 322.27, and 655.960.

⁴⁴ See the January 27, 2017, Revenue Estimating Conference analysis of HB 6007 and SB 178 available at: <http://edr.state.fl.us/content/conferences/revenueimpact/archives/2017/pdf/Impact0127.pdf>. (Last visited January 30, 2017.)

⁴⁵ Copy on file in the Senate Transportation Committee.

⁴⁶ Telephone conversation with the FDOT staff February 1, 2017.

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.

By Senator Artiles

40-00211A-17

2017178__

A bill to be entitled

An act relating to traffic infraction detectors; repealing s. 316.003(35) and (87), F.S., relating to the definitions of "local hearing officer" and "traffic infraction detector"; repealing ss. 316.008(8), 316.0083, and 316.00831, F.S., 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 s. 316.07456, F.S., relating to transitional implementation of such detectors; repealing s. 316.0776, F.S., relating to placement and installation of traffic infraction detectors; repealing s. 318.15(3), F.S., relating to a required notification; repealing s. 321.50, F.S., relating to the authorization to use traffic infraction detectors; amending ss. 28.37, 316.003, 316.545, 316.613, 316.640, 316.650, 318.121, 318.14, 318.18, 320.03, 322.27, and 655.960, F.S., relating to distribution of proceeds, definitions, unlawful weight and loads, child restraint requirements, enforcement by traffic infraction enforcement officers using such detectors, procedures for disposition of citations, preemption of additional fees or surcharges, a procedural exception for certain traffic infractions, amount of penalties, registration and renewal of license plates, points assessed for certain violations, and the definition of the term "access area," to conform provisions to

Page 1 of 14

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

40-00211A-17

2017178__

changes made by the act; providing an effective date.

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

Section 1. Subsections (35) and (87) of section 316.003, Florida Statutes, are repealed.

Section 2. Subsection (8) of section 316.008, Florida Statutes, is repealed.

Section 3. Section 316.0083, Florida Statutes, is repealed.

Section 4. Section 316.00831, Florida Statutes, is repealed.

Section 5. Section 316.07456, Florida Statutes, is repealed.

Section 6. Section 316.0776, Florida Statutes, is repealed.

Section 7. Subsection (3) of section 318.15, Florida Statutes, is repealed.

Section 8. Section 321.50, Florida Statutes, is repealed.

Section 9. Subsection (5) of section 28.37, Florida Statutes, is amended to read:

28.37 Fines, fees, service charges, and costs remitted to the state.—

(5) Ten percent of all court-related fines collected by the clerk, except for penalties or fines distributed to counties or municipalities under ~~s. 316.0083(1)(b)3. or~~ s. 318.18(15)(a), shall be deposited into the clerk's Public Records Modernization Trust Fund to be used exclusively for additional clerk court-related operational needs and program enhancements.

Section 10. Subsection (55) of section 316.003, Florida Statutes, is amended to read:

Page 2 of 14

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40-00211A-17

2017178__

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

~~(54)-(55)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph (76)(b) ~~(77)(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 11. Paragraph (b) of subsection (2) of section 316.545, Florida Statutes, is amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(2)

(b) The officer or inspector shall inspect the license plate or registration certificate of the commercial vehicle to determine whether its gross weight is in compliance with the declared gross vehicle weight. If its gross weight exceeds the declared weight, the penalty shall be 5 cents per pound on the difference between such weights. In those cases when the commercial vehicle is being operated over the highways of the state with an expired registration or with no registration from this or any other jurisdiction or is not registered under the applicable provisions of chapter 320, the penalty herein shall apply on the basis of 5 cents per pound on that scaled weight which exceeds 35,000 pounds on laden truck tractor-semitrailer combinations or tandem trailer truck combinations, 10,000 pounds on laden straight trucks or straight truck-trailer combinations, or 10,000 pounds on any unladen commercial motor vehicle. A

Page 3 of 14

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40-00211A-17

2017178__

driver of a commercial motor vehicle entering the state at a designated port-of-entry location, as defined in s. 316.003~~(54)~~, or operating on designated routes to a port-of-entry location, who obtains a temporary registration permit shall be assessed a penalty limited to the difference between its gross weight and the declared gross vehicle weight at 5 cents per pound. If the license plate or registration has not been expired for more than 90 days, the penalty imposed under this paragraph may not exceed \$1,000. In the case of special mobile equipment, which qualifies for the license tax provided for in s. 320.08(5)(b), being operated on the highways of the state with an expired registration or otherwise not properly registered under the applicable provisions of chapter 320, a penalty of \$75 shall apply in addition to any other penalty which may apply in accordance with this chapter. A vehicle found in violation of this section may be detained until the owner or operator produces evidence that the vehicle has been properly registered. Any costs incurred by the retention of the vehicle shall be the sole responsibility of the owner. A person who has been assessed a penalty pursuant to this paragraph for failure to have a valid vehicle registration certificate pursuant to the provisions of chapter 320 is not subject to the delinquent fee authorized in s. 320.07 if such person obtains a valid registration certificate within 10 working days after such penalty was assessed.

Section 12. Paragraph (a) of subsection (2) of section 316.613, Florida Statutes, is amended to read:

316.613 Child restraint requirements.—

(2) As used in this section, the term "motor vehicle" means

Page 4 of 14

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40-00211A-17

2017178__

120 a motor vehicle as defined in s. 316.003 that is operated on the
 121 roadways, streets, and highways of the state. The term does not
 122 include:

123 (a) A school bus as defined in s. 316.003~~(68)~~.

124 Section 13. Paragraph (b) of subsection (1) and paragraph
 125 (a) of subsection (5) of section 316.640, Florida Statutes, are
 126 amended to read:

127 316.640 Enforcement.—The enforcement of the traffic laws of
 128 this state is vested as follows:

129 (1) STATE.—

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

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

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

146 ~~3. For the purpose of enforcing s. 316.0083, the department~~
 147 ~~may designate employees as traffic infraction enforcement~~
 148 ~~officers. A traffic infraction enforcement officer must~~

40-00211A-17

2017178__

149 ~~successfully complete instruction in traffic enforcement~~
 150 ~~procedures and court presentation through the Selective Traffic~~
 151 ~~Enforcement Program as approved by the Division of Criminal~~
 152 ~~Justice Standards and Training of the Department of Law~~
 153 ~~Enforcement, or through a similar program, but may not~~
 154 ~~necessarily otherwise meet the uniform minimum standards~~
 155 ~~established by the Criminal Justice Standards and Training~~
 156 ~~Commission for law enforcement officers or auxiliary law~~
 157 ~~enforcement officers under s. 943.13. This subparagraph does not~~
 158 ~~authorize the carrying of firearms or other weapons by a traffic~~
 159 ~~infraction enforcement officer and does not authorize a traffic~~
 160 ~~infraction enforcement officer to make arrests. The department's~~
 161 ~~traffic infraction enforcement officers must be physically~~
 162 ~~located in the state.~~

163 (5) (a) Any sheriff's department or police department of a
 164 municipality may employ, as a traffic infraction enforcement
 165 officer, any individual who successfully completes instruction
 166 in traffic enforcement procedures and court presentation through
 167 the Selective Traffic Enforcement Program as approved by the
 168 Division of Criminal Justice Standards and Training of the
 169 Department of Law Enforcement, or through a similar program, but
 170 who does not necessarily otherwise meet the uniform minimum
 171 standards established by the Criminal Justice Standards and
 172 Training Commission for law enforcement officers or auxiliary
 173 law enforcement officers under s. 943.13. Any such traffic
 174 infraction enforcement officer who observes the commission of a
 175 traffic infraction or, in the case of a parking infraction, who
 176 observes an illegally parked vehicle may issue a traffic
 177 citation for the infraction when, based upon personal

40-00211A-17

2017178__

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 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 14. 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~~

40-00211A-17

2017178__

~~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.~~

Section 15. 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 16. 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

40-00211A-17 2017178
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 17. Subsections (15) and (22) of section 318.18,
Florida Statutes, are amended to read:

318.18 Amount of penalties.—The penalties required for a
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~~

40-00211A-17 2017178
~~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
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.

40-00211A-17

2017178

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

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

303 ~~(22) In addition to the penalty prescribed under s.~~
 304 ~~316.0083 for violations enforced under s. 316.0083 which are~~
 305 ~~upheld, the local hearing officer may also order the payment of~~
 306 ~~county or municipal costs, not to exceed \$250.~~

307 Section 18. Subsection (8) of section 320.03, Florida
 308 Statutes, is amended to read:

309 320.03 Registration; duties of tax collectors;
 310 International Registration Plan.—

311 (8) If the applicant's name appears on the list referred to
 312 in s. 316.1001(4), s. 316.1967(6), ~~s. 318.15(3)~~, or s.
 313 713.78(13), a license plate or revalidation sticker may not be
 314 issued until that person's name no longer appears on the list or
 315 until the person presents a receipt from the governmental entity
 316 or the clerk of court that provided the data showing that the
 317 fines outstanding have been paid. This subsection does not apply
 318 to the owner of a leased vehicle if the vehicle is registered in
 319 the name of the lessee of the vehicle. The tax collector and the
 320 clerk of the court are each entitled to receive monthly, as
 321 costs for implementing and administering this subsection, 10
 322 percent of the civil penalties and fines recovered from such

40-00211A-17

2017178

323 persons. As used in this subsection, the term "civil penalties
 324 and fines" does not include a wrecker operator's lien as
 325 described in s. 713.78(13). If the tax collector has private tag
 326 agents, such tag agents are entitled to receive a pro rata share
 327 of the amount paid to the tax collector, based upon the
 328 percentage of license plates and revalidation stickers issued by
 329 the tag agent compared to the total issued within the county.
 330 The authority of any private agent to issue license plates shall
 331 be revoked, after notice and a hearing as provided in chapter
 332 120, if he or she issues any license plate or revalidation
 333 sticker contrary to the provisions of this subsection. This
 334 section applies only to the annual renewal in the owner's birth
 335 month of a motor vehicle registration and does not apply to the
 336 transfer of a registration of a motor vehicle sold by a motor
 337 vehicle dealer licensed under this chapter, except for the
 338 transfer of registrations which includes the annual renewals.
 339 This section does not affect the issuance of the title to a
 340 motor vehicle, notwithstanding s. 319.23(8)(b).

341 Section 19. Paragraph (d) of subsection (3) of section
 342 322.27, Florida Statutes, is amended to read:

343 322.27 Authority of department to suspend or revoke driver
 344 license or identification card.—

345 (3) There is established a point system for evaluation of
 346 convictions of violations of motor vehicle laws or ordinances,
 347 and violations of applicable provisions of s. 403.413(6)(b) when
 348 such violations involve the use of motor vehicles, for the
 349 determination of the continuing qualification of any person to
 350 operate a motor vehicle. The department is authorized to suspend
 351 the license of any person upon showing of its records or other

40-00211A-17

2017178__

good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton-4 points.
2. Leaving the scene of a crash resulting in property damage of more than \$50-6 points.
3. Unlawful speed, or unlawful use of a wireless communications device, resulting in a crash-6 points.
4. Passing a stopped school bus-4 points.
5. Unlawful speed:
 - a. Not in excess of 15 miles per hour of lawful or posted speed-3 points.
 - b. In excess of 15 miles per hour of lawful or posted speed-4 points.
6. A violation of a traffic control signal device as provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.
~~However, no points shall be imposed 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 traffic infraction enforcement officer. In addition, 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 traffic infraction enforcement officer may not be used for purposes of setting motor vehicle insurance rates.~~

Page 13 of 14

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

40-00211A-17

2017178__

7. All other moving violations (including parking on a highway outside the limits of a municipality)-3 points. However, no points shall be imposed for a violation of s. 316.0741 or s. 316.2065(11); and points shall be imposed for a violation of s. 316.1001 only when imposed by the court after a hearing pursuant to s. 318.14(5).

8. Any moving violation covered in this paragraph, excluding unlawful speed and unlawful use of a wireless communications device, resulting in a crash-4 points.

9. Any conviction under s. 403.413(6)(b)-3 points.

10. Any conviction under s. 316.0775(2)-4 points.

11. A moving violation covered in this paragraph which is committed in conjunction with the unlawful use of a wireless communications device within a school safety zone-2 points, in addition to the points assigned for the moving violation.

Section 20. 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(76)(77)(a) or (b), including any adjacent sidewalk, as defined in s. 316.003.

Section 21. This act shall take effect July 1, 2020.

Page 14 of 14

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)

2/7/17

Meeting Date

SB178

Bill Number (if applicable)

Topic Repeal of red light cameras

Amendment Barcode (if applicable)

Name Paul Henry

Job Title _____

Address PO Box 698

Phone 850-629-9550

Street

Monticello

FL

32345

Email paul@libertyfirstfl.org

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Liberty First Network

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

February 7, 2017

Meeting Date

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

SB 178

Bill Number (if applicable)

Topic Traffic Infraction Detectors

Amendment Barcode (if applicable)

Name F. J. Flynn

Job Title Deputy Director, Transportation

Address 400 S Orange Ave

Phone 407-492-5319

Street

Orlando

FL

32806

Email francis.flynn@cityoforlando.net

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing City Of Orlando

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Feb 7, 2017
Meeting Date

SB-178
Bill Number (if applicable)

Topic Red Light Camera Repeal

Amendment Barcode (if applicable)

Name Luis Valdes

Job Title Law Enforcement

Address 3450 Woodhill Dr

Phone 305-206-9681

Street

Ta/Adassee
City

FL
State

32303
Zip

Email LValdes001@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Private Citizen

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

7 FEB 2017

Meeting Date

SB 178

Bill Number (if applicable)

Topic

SB 178

Amendment Barcode (if applicable)

Name

DAVID COUGHLIN

Job Title

CITIZEN

Address

23 WIDENER WAY

Street

ORANGE PARK

City

FL

State

32073

Zip

Phone

904-677-2559

Email

DCOUGHL@

ATTGLOBAL.NET

Speaking:

☒ For

☐ Against

☐ Information

Waive Speaking:

☐ In Support

☐ Against

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

Representing

DAVID COUGHLIN

Appearing at request of Chair:

☐ Yes

☒ No

Lobbyist registered with Legislature:

☐ Yes

☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/7/17

Meeting Date

SB 178

Bill Number (if applicable)

Topic SB 178

Amendment Barcode (if applicable)

Name Alexander Switker

Job Title President

Address 9851 SR 54

Street

New Port Richey

City

FL

State

34655

Zip

Phone 813 315 0513

Email Alex@LibertyFirstFL.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Liberty First Network

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2.7.14

Meeting Date

SB 178

Bill Number (if applicable)

Topic TRAFFIC INFRACTION DETECTORS

Amendment Barcode (if applicable)

Name MEGAN SIRJANE-SAMPLES

Job Title LEGISLATIVE ADVOCATE

Address P.O. Box 1757

Phone 850.701.3655

Street

TALLAHASSEE FL 32302

City

State

Zip

Email MSIRJANESAMPLES
@FLCITIES.COM

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FLORIDA LEAGUE OF CITIES

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/7/17

Meeting Date

SB 178

Bill Number (if applicable)

Topic Traffic Infraction Detectors

Amendment Barcode (if applicable)

Name David Shaw

Job Title Financial Analyst

Address 2215 Hillcrest St #200

Phone 407-702-3468

Street

Orlando

FL

32803

Email dshaw4568@yahoo.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

02/07/17

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

SB 178

Meeting Date

Bill Number (if applicable)

Topic SB 178

Amendment Barcode (if applicable)

Name Stephen Facella

Job Title Director

Address 11701 Chateaubriand Ave

Phone 407-399-9295

Street

Orlando

FL

32836

Email stephen.facella@gmail.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: Yes ☒ No

Lobbyist registered with Legislature: Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/7/17

Meeting Date

0178

Bill Number (if applicable)

Topic Red light Camera

Amendment Barcode (if applicable)

Name John Lake

Job Title Police Officer

Address 2099 Adams LANE
Street

Phone 941-915-7365

SARASOTA, FL 34237
City State Zip

Email john.lake@sarasotagov.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing SARASOTA Police Dept.

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

Feb 7 2017
Meeting Date

SB 178
Bill Number (if applicable)

Topic Red Light Camera Law

Amendment Barcode (if applicable)

Name Jim PHEND (pron: Fend)

Job Title Director, Melbourne Motorists Association

Address 1625 Marcelle Dr.
Street

Phone 317-590-6488

Melbourne FL 32934
City State Zip

Email jphend@cf1.fl.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Melbourne Motorists Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name

Job Title

Address

Street

Phone

City

State

Zip

Email

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

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

Representing

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/7/17

Meeting Date

SB 178

Bill Number (if applicable)

Topic Red Light Cameras

Amendment Barcode (if applicable)

Name Bob White

Job Title

Address 512 Southern Hills Ct

Street

Phone 321-403-4441

Melbourne

Fl

32940

City

State

Zip

Email rwhite345@hotmail

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Republican Liberty Caucus 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.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

SB 178

Meeting Date

Bill Number (if applicable)

Topic Red Light Cameras

Amendment Barcode (if applicable)

Name Adrian Moore

Job Title Vice President

Address 1132 Coxsack St
Street

Phone 661 477 3107

Sarasota F FL 34242
City State Zip

Email ~~adrian.moore@razor~~ 0/9

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Reason

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/2/17

Meeting Date

SB 178

Bill Number (if applicable)

Topic TRANS PORTATION

Amendment Barcode (if applicable)

Name DAN VUCIC

Job Title Retired

Address 4256 Houston Ln

Street

North Port FL

City

State

Zip

Phone 941-888-2555

Email D.Vucic@Aol.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/7/17
Meeting Date

178
Bill Number (if applicable)

Topic Red Light Cameras

Amendment Barcode (if applicable)

Name Diana Arteaga (Ar-tay-guh)

Job Title Director of Govt Relations

Address 444 SW 2nd Ave 10th floor
Street
Miami FL 33130
City State Zip

Phone 786-469-1644

Email darteaga@miamigov.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing City of Miami

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/7/2017

Meeting Date

178

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN P. H/S

Job Title Trustee

Address 1119 Newton Ave S.
Street

Phone 727/897-9291

St Petersburg FL 33705
City State Zip

Email justice2jesus@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Justice-2-Jesus

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-7-17

Meeting Date

SB0178

Bill Number (if applicable)

Topic

Repeal Red Light - The Mark Wandall
Traffic Safety Act

Amendment Barcode (if applicable)

Name

Melissa Wandall

Job Title

Address

6711 Le3rd Terrace E.

Street

Bradenton

City

FL

State

34203

Zip

Phone

941-545-3359

Email

melissa@melissa
wandall.com

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

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

Representing

The mark Wandall Traffic Safety Act

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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

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S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 302

INTRODUCER: Transportation Committee and Senator Brandes and others

SUBJECT: Penalties and Fees

DATE: February 8, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Fav/CS
2.			ACJ	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 302 makes numerous changes to the Florida Statutes related to driver license (DL) suspensions and revocations, and the penalties and fees associated with them. Specifically, the bill:

- Removes suspension and revocation penalties for a number of specified non-driving-related offenses;
- Reduces the length of mandatory DL suspension for drug convictions from one year to six months;
- Allows individuals whose licenses are suspended for failure to comply with a court order or failure to pay court financial obligations, under ss. 318.15 or 322.245, F.S., to apply for a hardship license issued by the Department of Highway Safety and Motor Vehicles;
- Requires the court to inquire about a person's financial ability to pay a fine at the time a civil penalty is ordered in court;
- Prohibits a DL from being suspended solely for inability to pay a financial penalty or court obligation if the individual demonstrates to the court that he or she cannot pay;
- Adds criteria of what evidence demonstrates to the court that a person is unable to pay;
- Prohibits court-approved payment plans from exceeding two percent of an applicant's income, unless approved by the applicant;
- Requires clerks of the circuit court (clerks of court) to competitively bid for collection agents or private attorneys taking over unpaid accounts, and:
 - Prohibits the clerk of court from adding collection fees to the unpaid accounts for transferring the account to an agent or attorney; and

- Prohibits the collections agent or attorney to add additional fees to the account other than the contractually agreed upon surcharge;
- Requires uniform traffic citations include information regarding the option of a payment plan and community service;
- Requires, in criminal cases, public defender request forms include the option to elect or refuse community service, if it is offered by the court; and
- Allows the court to use the information provided on the public defender request form to determine the person's inability to pay court financial obligations for the purpose of converting financial obligations into court-ordered community service.

The bill has an indeterminate negative fiscal impact on state and local government. See Section V. Fiscal Impact Statement for details.

The bill has an effective date of October 1, 2017.

II. Present Situation:

Driver license (DL) revocations and suspensions, respectively, terminate or temporarily withdraw one's driving privilege.¹ Although initially used to address poor driving behavior, DL sanctions are now commonly used to punish individuals engaged in behavior unrelated to the operation of a motor vehicle. Consequently, a substantial amount of time and resources are expended by state and local entities to deal with and process non-driving-related suspensions and revocations.

According to the American Association of Motor Vehicle Administrators (AAMVA), "Some studies have shown that suspending driving privileges for non-highway safety related reasons is not effective."² Enforcing non-driving-related suspensions is costly and detracts from highway safety priorities. Licenses being suspended for non-driving-related reasons have caused the seriousness of DL suspensions to become lessened in the minds of law enforcement, the courts, and the public, even though data shows drivers with suspensions for traffic-safety-related reasons are three times more likely to be involved in a crash than drivers suspended for other reasons.³

It is estimated that as many as three-fourths of drivers with suspended or revoked licenses continue to drive, indicating DL suspensions may not effectively force compliance.⁴ According to the Transportation Research Board of the National Academies, one out of five traffic fatalities nationally involves a driver who is operating a vehicle without a valid license.⁵

DL suspension and revocation penalties are used to punish individuals who do not pay certain financial penalties and obligations, sometimes whether or not the individual can afford to do so. Furthermore, penalties for driving with a DL that is suspended or revoked increase per offense, causing individuals suffering from financial hardship to become stuck in a self-perpetuating

¹ Sections 322.01(36) and (40), F.S.

² AAMVA, *Best Practices Guide to Reducing Suspended Drivers*, (Feb. 2013), available at <http://www.aamva.org/WorkArea/DownloadAsset.aspx?id=3723> at p. 2 (last visited Jan. 30, 2017).

³ *Id.*

⁴ *Id.*

⁵ See *Id.* at p. 6.

cycle. Drivers who were unable to pay their original fine or court fees may lose their ability to legally get to and from work. If they are caught driving while the DL is suspended or revoked, they will incur additional court costs and penalties. Additionally, these drivers are not allowed to obtain a hardship license, restricted to business or employment purposes only⁶, even though this option is available for numerous driving-related suspensions, including DUIs.⁷ A driver whose DL is suspended for inability to pay penalties or court financial obligations needs to pay reinstatement fees in addition to outstanding obligations to legally drive.

Clerks (clerks of court or clerks) use DL sanctions as a means to improve collections of fines and fees and have indicated that DL sanctions are their most effective tool to increase collections.⁸ However, a 2007 report by the Office of Program Policy Analysis and Government Accountability (OPPAGA) indicated, of the 67 clerks they surveyed, there was no meaningful difference between the average revenue collected overall and clerks' use of any particular collection method.⁹ According to a 2004 OPPAGA *Information Brief*, some clerks and judges both indicated that imposing sanctions against a DL for non-traffic-related offenses would not be appropriate since the punishment did not fit the crime; licenses were already overburdened with penalties; and sanctions would result in more unlicensed drivers on Florida's roadways as well as potentially more court cases.¹⁰

Non-Driving-Related DL Suspensions and Revocations

Generally, the threat of losing one's driving privilege has been used to combat truancy, theft, vandalism, illegal possession of drugs, alcohol, tobacco, and firearms, and a number of other non-driving-related offenses. Relevant non-driving offenses are detailed below.

School Attendance Requirements

A minor is not eligible for driving privileges unless that minor:

- Is enrolled in a public school, nonpublic school, home education program, or other educational activities 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;
- Has been issued a certificate of exemption¹¹ from the district school superintendent; or

⁶ Section 322.271(1)(c), F.S., defines a "business purposes only" restricted driving privilege as limited to driving necessary to maintain livelihood, including driving to and from work, necessary on-the-job driving, driving for educational purposes, and driving for church and medical purposes. An "employment purposes only" restricted driving privilege is limited to driving to and from work and necessary on-the-job driving.

⁷ DHSMV, *Hardship Reinstatement Eligibility Requirements*, (Revised May 12, 2014) (on file with the Senate Committee on Transportation).

⁸ OPPAGA, *Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons*, Report No. 14-07, (Feb. 2014), <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1407rpt.pdf> (last visited Jan. 31, 2017).

⁹ OPPAGA, *Clerks of Court Generally Are Meeting the System's Collections Performance Standards*, Report No. 07-21, (Mar. 2007), <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0721rpt.pdf> at p. 4 (last visited Jan. 31, 2017).

¹⁰ OPPAGA, *Information Brief: Court Fine and Fee Collections Can Increase*, Report No. 04-07, (Jan. 2004), <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0407rpt.pdf> at p. 5 (last visited Jan. 31, 2017).

¹¹ See s. 1003.21(3), F.S.

- Has been issued a hardship waiver.¹²

In Fiscal Year 2015-2016, the Department of Highway Safety and Motor Vehicles (DHSMV) issued approximately 4,050 DL sanctions for non-compliance with school attendance requirements.¹³ Approximately 60 percent of DL suspensions for non-compliance with school attendance requirements are reinstated in less than one year; however, the majority of the reinstatements are for individuals who reached their eighteenth birthday and were thus, no longer subject to the requirements.¹⁴ As of 2013, 29 states linked minors' driving privileges to school enrollment, attendance, academic performance, or behavior.¹⁵

Worthless Check - Failure to Appear

The court may order the suspension or revocation of a DL if the licensee is being prosecuted for giving worthless checks, drafts, or debit card orders under s. 832.05, F.S., and fails to appear before the court after having been previously adjudicated guilty under the same section.¹⁶ The DHSMV issued 66 DL sanctions in Fiscal Year 2015-2016 for failing to appear on a worthless check charge.¹⁷ The driving privilege is suspended until full payment of any court financial obligations incurred as a result of the warrant or capias issued is received, the cancellation of the warrant or capias from the Department of Law Enforcement is recorded, and a payment of a \$10 fee in addition to the suspension or revocation fee is paid to the DHSMV.¹⁸

Misdemeanor Theft

The court has the option to suspend the DL of a person adjudicated guilty of any misdemeanor violation of theft regardless of the value of the property stolen.¹⁹ The first suspension following an adjudication of guilt for theft is for a period of six months, and a second or subsequent suspension is for a period of one year.²⁰ The DHSMV issued 508 DL sanctions in 2014 for theft.²¹

The court may also suspend, revoke, or withhold issuance of a DL of a minor found guilty of a violation of theft²² as an alternative to sentencing the minor to probation, commitment to the Department of Juvenile Justice, community control, or incarceration if the minor has never previously been convicted of or adjudicated delinquent for any criminal offense.²³

¹² Section 322.091, F.S.

¹³ DHSMV, *Sanctions Created/Effective for FY 15/16* (January 9, 2017) (on file with the Senate Committee on Transportation).

¹⁴ OPPAGA 2014 Report *supra* note 8.

¹⁵ National Conference of State Legislatures (NCSL), *State Statutes Linking Driver's Licenses to School Enrollment, Attendance, Academic Performance, or Behavior* (2013), <http://www.ncsl.org/documents/transportation/DLsgradesattend.pdf> (last visited Jan. 30, 2017).

¹⁶ Section 832.09, F.S., provides the individual is also issued a warrant or capias for failure to appear by the court.

¹⁷ *Supra* note 13.

¹⁸ See s. 322.251(7)(a), F.S. and DHSMV website, *Fee Schedule*, <http://www.flhsmv.gov/fees/> (last visited Jan. 30, 2017).

¹⁹ Section 812.0155, F.S., allows the suspension for a misdemeanor violation under ss. 812.014 or 812.015, F.S.

²⁰ *Id.*

²¹ DHSMV, PowerPoint Presentation to the Florida Senate Committee on Transportation (Sept. 16, 2015), *available at* http://www.flsenate.gov/PublishedContent/Committees/2014-2016/TR/MeetingRecords/MeetingPacket_3156_2.pdf at p. 35 (last visited Jan. 30, 2017).

²² Violation of ss. 812.014 or 812.015, F.S.

²³ Section 812.0155(2), F.S.

Providing Alcohol to Persons Under 21

The court has discretion to order the DHSMV to withhold the issuance of, or suspend or revoke the DL of a person found guilty of violating s. 562.11(1), F.S., which prohibits a person from selling, giving, serving, or permitting service of alcoholic beverages to a person under the age of 21 or permitting a person under the age of 21 to consume an alcoholic beverage on a licensed premise.²⁴ Additionally, a person found guilty of violating this prohibition commits a second-degree misdemeanor, and a person who violates this prohibition a second or subsequent time within one year after a prior conviction commits a first-degree misdemeanor.

Minor Guilty of Certain Alcohol, Drug, or Tobacco Offenses

Section 322.056, F.S., requires a mandatory suspension, revocation, or withholding of a DL for persons under age 18 found guilty of certain alcohol, drug, or tobacco offenses. This penalty is in addition to any other penalty imposed by law.

Alcohol and Drug Offenses

The court must direct the DHSMV to revoke or withhold the issuance of driving privileges if a minor, who is eligible by reason of age for driving privileges, is guilty of:

- A violation of s. 562.11(2), F.S., misrepresenting his or her age or the age of another for the purpose of obtaining alcoholic beverages;
- A violation of s. 562.111, F.S., possession of alcoholic beverages by a person under age 21; or
- A violation of the Florida Comprehensive Drug Abuse Prevention and Control Act.²⁵

The DL or driving privilege is revoked or withheld for not less than six months or more than one year for a first violation, and two years for a second or subsequent violation. However, the court may direct the DHSMV to issue a hardship license if the person is otherwise qualified for such a license.²⁶

Tobacco and Nicotine Offenses

Section 569.11, F.S., prohibits a minor from knowingly possessing any tobacco product or misrepresenting his or her age to obtain a tobacco product. Additionally, a minor is prohibited from possessing nicotine products, possessing nicotine-dispensing devices, or misrepresenting age to obtain these products or devices.²⁷ A violation of these sections is a noncriminal violation punishable by:

- For a first violation or subsequent violation not within 12 weeks of the first: 16 hours of community service or a \$25 fine, and the minor must attend a school-approved anti-tobacco and nicotine program, if locally available;
- For a second violation within 12 weeks of the first: A \$25 fine, and
- For a third or subsequent violation within 12 weeks of the first violation: Suspension or withholding issuance of a DL or driving privilege for 60 consecutive days.

²⁴ Section 322.057, F.S.

²⁵ Chapter 893, F.S.

²⁶ Section 322.056(1), F.S.

²⁷ Sections 877.112(6) and (7), F.S.

If a minor, eligible by reason of age for driving privileges, fails to comply with the penalty, the court must revoke or withhold issuance of the driving privilege of the minor for a period of:²⁸

- 30 days for the first violation or a subsequent violation not within 12 weeks of the first;
- 45 days for a second violation within 12 weeks of the first; or
- 60 consecutive days for a third violation within 12 weeks of the first.

A Minor Guilty of Unlawful Possession of Firearms

Section 790.22, F.S., prohibits a minor from possessing certain weapons and firearms. A person under the age of 18 may not possess a loaded firearm, unless the minor is at least 16 years of age or being supervised by an adult, and engaged in lawful hunting, marksmanship competitions or practice, or other lawful recreational shooting activities. A minor who violates this prohibition commits a first degree misdemeanor for the first offense and may serve a detention period of up to three days, shall be required to perform community service, and have his or her DL or privilege to drive revoked or withheld for up to one year. A second or subsequent offense is a third degree felony, and up to a 15-day detention period, community service, and DL or privilege to drive is revoked or withheld for up to two years.

A minor who commits any other offense involving the use or possession of a firearm, in addition to the penalties provided by that offense and the penalties in s. 790.22(9), F.S., will also have his or her DL or privilege to drive revoked or withheld for up to one year for a first offense and up to two years for a second or subsequent offense.²⁹

Graffiti

A minor found to have illegally placed graffiti on any public or private property, in addition to any other penalty provided by law, will have his or her DL or privilege to drive revoked or withheld for a period of not more than one year.³⁰

Drug Convictions

Federal Law requires the state to enact and enforce “[A] law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception...” the driver license of any individual convicted of any drug offense be suspended for at least six months.³¹ A percentage of federal highway funding given to the state is contingent upon this law. A state may opt-out of the law if the State Governor submits both written certification stating he is opposed to the enforcement of this law and certification from the State Legislature that it has adopted a resolution expressing opposition to the law. As of December 2016, 38 states either have eliminated automatic driver license suspensions for drug convictions or have passed a resolution to opt-out of this law.³²

²⁸ Sections 322.056(2) and (3), F.S.

²⁹ Section 790.22(10), F.S.

³⁰ Section 806.13(7), F.S.

³¹ 23 U.S.C. s. 159 (2011).

³² Prison Policy Initiative, *Reinstating Common Sense: How driver’s license suspensions for drug offenses unrelated to driving are falling out of favor* (Dec. 2016) available at https://www.prisonpolicy.org/driving/national.html#recent_reforms (last visited Jan. 31, 2017).

Under Florida Law, the court is required to direct the DHSMV to suspend, revoke, or withhold the issuance of the DL of a person 18 years or older who is convicted of a drug offense.³³ The privilege to drive is unavailable for one year or until the person is evaluated for and, if deemed necessary, completes a drug treatment and rehabilitation program approved or regulated by the Department of Children and Families. The court has the discretion to direct the DHSMV to issue a hardship license, which is available after six months of suspension of the driving privilege, or a driver may petition the DHSMV for restoration of restricted or unrestricted driving privileges after six months.

In 2014, the Legislature passed a bill, which was signed into law, reducing the length of suspension of a DL from two years to one year for individuals convicted of drug offenses.³⁴

The DHSMV issued approximately 17,809 DL sanctions for violation of a controlled substance in Fiscal Year 2015-2016.³⁵

Suspensions Initiated by the Clerk of Court

The majority, over 1.5 million in 2014 and 1.35 million in Fiscal Year 2015-2016, of notices of suspension issued by the DHSMV are a result of requests initiated by a clerk of the court.³⁶ Most originate from “failure to comply” or “failure to pay” offenses, actions that are not necessarily indicative of the violator’s ability to operate a motor vehicle safely.

Suspension for Failure to Comply with Civil Penalties or to Appear

An individual who is issued a noncriminal traffic citation, who is not required to appear before the court, has 30 days to comply with the penalty (i.e., pay the fine), enter into a penalty payment plan with the clerk of court, or request a hearing before the court.³⁷

If an individual does not comply with the civil penalty, enter into a payment plan, attend driver improvement school (if ordered), or appear at a scheduled hearing, the clerk of court must issue notice of failure to the DHSMV within 10 days.³⁸ Upon receiving the notice of failure, the DHSMV immediately issues an order suspending the driving privilege of the individual effective 20 days after the order of suspension is mailed to the individual.³⁹ The DL and driving privilege are suspended until the driver meets the court requirements for reinstatement, and pays a \$60 reinstatement fee.⁴⁰

Section 322.245, F.S., provides that the clerk of court shall mail a notice of failure, within five days after the failure, to a person charged with a violation of any criminal offense enumerated in

³³ Section 322.055, F.S.

³⁴ See ch. 2014-216, s. 28, Laws of Fla.

³⁵ DHSMV, *Sanctions Created/Effective for FY 15/16* (January 9, 2017) (on file with the Senate Committee on Transportation).

³⁶ See *Id.* and DHSMV PowerPoint Presentation, *supra* note 21 at p. 33.

³⁷ Section 318.14, F.S.

³⁸ Section 318.15, F.S.

³⁹ Notice of cancellation, suspension, revocation, or disqualification of a driver license must be mailed in accordance with s. 322.251, F.S.

⁴⁰ DHSMV PowerPoint, *supra* note 21 at p. 30.

s. 318.17, F.S., or a misdemeanor offense under chs. 320 or 322, F.S., who fails to comply with all directives of the court within the time allotted. The notice indicates the individual has 30 days from the date of the notice to comply with the court directives and pay a delinquency fee up to \$25, or his or her DL will be suspended. Upon failure to comply with the court directives within the 30-day period, the clerk of court must notify the DHSMV of such failure within 10 days. Upon receiving the notice of failure, the DHSMV immediately issues an order suspending the driving privilege of the individual effective 20 days after the order of suspension is mailed to the individual.

In Fiscal Year 2015-2016, 750,772 DL sanctions were issued for “failure to comply”. As of January 1, 2017, 421,070 of these were reinstated.⁴¹

Suspension for Failure to Pay Court Financial Obligations

When a clerk of court provides notification to the DHSMV that a person has failed to pay financial obligations for *any* criminal offense, in full or in part under a payment plan with the clerk of court, the DHSMV will suspend the DL of the person until:⁴²

- The person has satisfied the financial obligation in full or made all payments currently due under a payment plan;
- The person has entered into a written agreement for payment of the financial obligation if not presently enrolled in a payment plan; or
- A court has entered an order granting relief to the person ordering reinstatement of the DL.

OPPAGA reported that a large percentage of licenses suspended for failure to pay court obligations are not reinstated for at least two years, and some are not reinstated in over five years.⁴³ In Fiscal Year 2015-2016, approximately 91,834 DL sanctions were issued for financial obligations.

Payment Plans

The clerk of court is required to accept partial payment of court-related fees, service charges, costs, or fines in accordance with the terms of an established payment plan.⁴⁴ The court may review the reasonableness of the payment plan. A monthly payment amount is “presumed to correspond to the person’s ability to pay if the amount does not exceed two percent of the person’s annual net income,” divided by 12.⁴⁵ The Brennan Center for Justice has indicated this presumption is often ignored and payment levels are set at fixed amounts.⁴⁶ Payment plan fees are \$5 per transaction or a \$25 one-time set-up fee.⁴⁷

⁴¹ DHSMV, *Sanctions Created/Effective for FY 15/16* (January 9, 2017) (on file with the Senate Committee on Transportation).

⁴² Section 322.245(5), F.S.

⁴³ OPPAGA 2014 report, *supra* note 8 at p. 8.

⁴⁴ Section 28.246(4), F.S.

⁴⁵ *Id.*

⁴⁶ Brennan Center for Justice, *Criminal Justice Debt: A Barrier to Reentry*, (2010), available at <http://www.brennancenter.org/sites/default/files/legacy/Fees%20and%20Fines%20FINAL.pdf> at p. 14 (last visited Jan. 30, 2017).

⁴⁷ Section 28.24(26), F.S.

Collection of Fees, Service Charges, Fines, Courts Costs, and Liens

Section 28.246(6), F.S., provides a clerk of court must pursue the collection of any unpaid financial obligations to the court which remain unpaid after 90 days by referring the account to a private attorney or collection agent.⁴⁸ The clerk of court must have attempted to collect the unpaid obligation through a collection court, collections docket, or any other collections process established by the court prior to referring the account to a private attorney or collections agent, find the referral to be cost-effective, and follow any applicable procurement processes. A collection fee may be added to the balance owed of up to 40 percent of the amount owed at the time the account is referred to the attorney or agent for collection.

Penalties and Fees

Driving While License is Suspended or Revoked (DWLSR) Penalties

Section 322.34, F.S., provides penalties for individuals driving while their DL is suspended, revoked, canceled, or disqualified. A person, excluding a habitual traffic offender⁴⁹, whose DL has been canceled, suspended, or revoked is guilty of a moving violation if driving a motor vehicle while *unaware* of the DL sanction. A person, excluding a “habitual traffic offender,” who *knowingly* drives a motor vehicle while his or her DL is invalid is guilty of:

- A second degree misdemeanor for the first conviction;
- A first degree misdemeanor for a second conviction; and
- A third degree felony for a third or subsequent conviction.

However, if a person does not have a prior forcible felony⁵⁰ conviction, and knowingly drives with a DL that is canceled, suspended, or revoked for failing to:

- Pay child support or certain financial obligations;
- Comply with a civil penalty required in s. 318.15, F.S.;
- Maintain adequate automobile insurance as required in ch. 324, F.S.; or
- Comply with attendance requirements;

then the person may be penalized with a second-degree misdemeanor, which is increased to a first-degree misdemeanor for a second or subsequent conviction.

Driver License Reinstatement Fees

Section 322.21(8), F.S., requires a person who applies for reinstatement following a DL suspension or revocation to pay a service fee of \$45 following a suspension and \$75 following a revocation, in addition to the \$25 fee to replace their license if necessary. “Failure to comply”

⁴⁸ A private attorney must be a member in good standing with The Florida Bar, and the collection agent must be registered and in good standing pursuant to ch. 559, F.S.

⁴⁹ Section 322.264, F.S., defines a “habitual traffic offender” as having at least three convictions arising out of separate acts of: manslaughter resulting from the operation of a motor vehicle; driving under the influence; any felony offense using a motor vehicle; driving while license is suspended or revoked; failing to stop and render aid as required; or driving a commercial motor vehicle while privilege is disqualified; or has accumulated 15 convictions of moving traffic offenses for which points may be assessed within a five-year period.

⁵⁰ Section 776.08, F.S., defines “forcible felony” as “treason; murder; manslaughter; sexual battery; carjacking; home invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.”

suspensions require a \$60 reinstatement fee. Additionally, the county tax collectors are required to charge a service fee of \$6.25, when providing services in ch. 322, F.S., including DL reinstatements.⁵¹

Community Service Option in Lieu of Payment

A person ordered to pay a civil penalty for a noncriminal traffic infraction who is unable to comply with the court's order due to demonstrable financial hardship must be allowed, by the court, to satisfy the civil penalty by participating in community service.⁵² The penalty is reduced based on the hourly rate of community service performed. The specified hourly credit rate is the federal minimum wage⁵³, currently \$7.25, or the average prevailing wage rate for a trade or profession that the community service agency needs.⁵⁴

Similarly, the court may require a person liable for payment of a financial obligation in a criminal case to appear before the court and be examined under oath concerning the person's ability to pay the obligation. The court may convert statutory financial obligations into community service after determining the person's inability to pay.⁵⁵

The Florida Court Clerks and Comptrollers reported in Fiscal Year 2015-2016, that \$5,473,066 of the \$828,941,077 court-related fines, fees, penalties, charges, or costs assessed by the courts statewide had been converted to community service.⁵⁶

III. Effect of Proposed Changes:

The bill makes changes to the Florida Statutes in order to reduce the amount of driver license (DL) suspensions and revocations for non-driving-related offenses, reduce the financial burden of DL suspensions, and reduce the severity of suspension-related penalties.

Non-Driving-Related DL Suspensions and Revocations

The bill removes suspension or revocation of a DL from the potential penalties that may be applied for the following offenses:

- A minor who does not meet school attendance requirements;
- A person who fails to appear in a worthless check case;
- A person found guilty of misdemeanor theft;
- A person who provides alcohol to anyone under 21 years of age;
- A minor possessing alcohol, tobacco, tobacco products, or nicotine products, or misrepresenting age to obtain them;
- A minor illegally possessing a firearm; and

⁵¹ Section 322.135(1)(c), F.S.

⁵² Section 318.18(8)(b), F.S.

⁵³ As specified in 29 U.S.C. s. 206(a)(1) under the Federal Fair Labor Standards Act of 1938.

⁵⁴ Section 318.18(8)(b)2., F.S.

⁵⁵ Section 938.30(2), F.S.

⁵⁶ Florida Court Clerks and Comptrollers, *2016 Annual Assessments and Collections Report*, available at http://www.flclerks.com/resource/resmgr/publicationsanddocuments/2016_Fl_Court_Clerks_and_Com.zip at p. 8 (last visited Jan. 31, 2017).

- A minor found guilty of graffiti.

The bill retains the 30-day and 45-day DL suspension for minors who do not comply with the penalties for tobacco and nicotine offenses, however, this penalty is at the court's discretion rather than mandatory.

Drug Convictions

The bill reduces the length of the suspension period for a drug conviction from one year to six months for persons over the age of 18, and reduces the suspension period to six months for minors convicted of drug offenses.

The bill deletes provisions allowing individuals to petition the DHSMV for a hardship license after six months of their suspension because the bill reduces the suspension period to six months.

Failure to Comply and Failure to Pay Court Financial Obligations Suspensions

Sections 318.15 and 322.245, F.S., are amended to provide that a person's DL may not be suspended solely for failure to pay a penalty or court financial obligation if the person demonstrates to the court that he or she is unable to pay. The person must provide evidence he or she is unable to pay after receiving the penalty, but prior to the suspension taking place in order to avoid suspension. A person is considered unable to pay if the person:

- Receives temporary cash assistance pursuant to ch. 443, F.S.;
- Is disabled and incapable of self-support or receives benefits under the federal Supplemental Security Income or Social Security Disability programs;
- Is making payments in accordance with a confirmed bankruptcy plan under chs. 11, 12, or 13 of the United States Bankruptcy Code;
- Has been placed on a payment plan or plans with the clerk of court which in total exceed what is determined to be a reasonable payment plan pursuant to s. 28.246(4), F.S.; or
- Has been determined indigent after filing an application with the clerk of court in accordance with ss. 27.52 or 57.082, F.S.

The bill excludes failure to pay child support in non-IV-D cases from this change because a similar process already exists for individuals involved in such cases to prove inability to pay using the criteria bulleted above.⁵⁷

The bill also allows a person whose DL or privilege to drive has been suspended under either of these sections, with the exception of suspensions related to non-payment of child support, to apply to the DHSMV to have his or her DL reinstated on a restricted basis. The restricted license is valid until the seven-year suspension period ends for failure to pay or comply penalties under s. 318.15, F.S., or until the debt is paid.

⁵⁷ See s. 61.13016, F.S.

Payment Plans with the Clerk of the Circuit Court (Clerk of Court)

Section. 28.246(4), F.S., is amended to provide that a monthly payment plan with the clerk of court may not exceed two percent of the person's annual net income, divided by 12, without the consent of the applicant.

In addition, the bill requires that uniform traffic citation forms must include language indicating that a person may enter into a payment plan with the clerk of court to pay the penalty.

Collection of Fees, Service Charges, Fines, Courts Costs, and Liens by Clerk of Court

The bill amends s. 28.246(6), F.S., regarding referring accounts to private attorneys or collection agents. The clerk of court must competitively bid a contract to procure a collection agent or private attorney by considering all pertinent criteria, including, but not limited to, performance quality and customer service. The contract with a collection agent or private attorney may be in effect for no longer than three years with the opportunity to make a maximum of two one-year extensions. The clerk of court is prohibited from assessing any collection surcharges to the account, and the collection agent or private attorney may not impose any additional fees or surcharges other than the contractually agreed upon surcharge.

Community Service Option in Lieu of Payment

The bill adds that the uniform traffic citation form must include language indicating that a person ordered to pay a noncriminal traffic infraction penalty who is unable to comply due to demonstrable hardship will be allowed by the court to satisfy payment by participating in community service. Additionally, if a person is ordered to pay a civil penalty for a noncriminal infraction in court, the court shall inquire regarding the person's ability to pay at the time the civil penalty is ordered.

The bill amends s. 27.52, F.S., concerning the application a person claiming indigent status makes to the clerk of court in order to receive a public defender. The bill provides that the person must make an election of or refusal of the option to fulfill any court-ordered financial obligation associated with his or her case by completion of community service if offered by the court. For financial obligations in criminal cases, the judge *may* rely on this information as a factor in determining the person's inability to pay court financial obligations when converting statutory financial obligations into court-ordered community service.

Effective Date

Information regarding payment plans and community service options to be added to the uniform traffic citation form will be added upon the creation of new inventory, which allows the DHSMV to deplete the current stock.

The bill takes effect October 1, 2017.

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

Article VII, s. 18, Florida Constitution, provides that a mandate may exist if a law reduces the authority that counties or municipalities have to raise revenues in the aggregate. Local government tax collectors and clerks of the court do retain a portion of driver license (DL) reinstatement fees for DL suspensions and revocations possibly eliminated or reduced by this bill. However, the bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

The Revenue Estimating Conference (REC) has not yet reviewed this bill; however, the REC reviewed a similar bill on January 14, 2016. The REC estimated that last year's bill would have reduced state revenues in Fiscal Year 2017-2018 by \$0.6 million in recurring general revenue, \$0.8 million in recurring trust funds, and reduced local government revenues by \$0.1 million recurring. The REC adopted this estimate as the minimum impact of the bill, but recognized "behavioral shifts related to the changed incentives may make the impact higher than adopted."⁵⁸

B. Private Sector Impact:

The bill will have a positive impact on individuals who may have otherwise had their driver license (DL) suspended or revoked, or who will be eligible to receive a hardship license if their DL is suspended.

C. Government Sector Impact:

SB 302 will have an indeterminate negative fiscal impact to state and local government.

For a similar 2016 bill, the Revenue Estimating Conference estimated the removal of suspension penalties for non-driving-related offenses would have negatively impact state

⁵⁸ Office of Economic and Demographic Research, The Florida Legislature, *Revenue Estimating Impact Conference*, SPB 7046 (Jan. 14, 2016) <http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2016/pdf/page319-329.pdf> (last visited Jan. 31, 2016).

and local government by a recurring loss of \$1.5 million each year for Fiscal Years 2017-2018 through 2020-2021, which would affect the General Revenue Fund, Highway Safety Operating Trust Fund, and local funds.⁵⁹

It is unknown how much the bill will decrease suspensions for “failure to comply” and “failure to pay court obligations”; however, the Office of Economic and Demographic Research estimates a one percent decrease in state revenues will result in a recurring loss of approximately \$120,000 each year for Fiscal Years 2017-2018 through 2020-2021.⁶⁰

The bill will likely have a negative impact on local tax collectors and clerks of the circuit court (clerks of court) who retain a portion of revenues from certain DL sanctions when issuing reinstatements, in addition to other fees retained by them associated with DL suspensions and revocations. Additionally, it is indeterminate how the bill will impact the clerks of court regarding the competitive bidding process for collection agents or attorneys, and any impact associated with an increased use of clerk of court-approved payment plans.

In 2016, the clerks of court estimated that the cost to comply with the provisions of last year’s bill related to the monitoring and management of the payment plans would be approximately \$7.5 million in additional full time equivalent positions (FTEs) and IT costs. In addition, the clerks of court’s annual loss of revenue, based on County Fiscal Year 2014-2015 revenue figures, would range from \$24.7 million to \$82.4 million, depending on assumptions regarding what percentage of collections fail to be paid (15% to 50% nonpayment). For instance, if 15% of collections are lost because individuals extend payment plans or participate in community service in lieu of paying fees, the clerks of court could lose an estimated \$24.7 million in revenues.⁶¹ Clerks of court were unable to estimate the percentage of nonpayment associated with the bill.

In addition, the costs associated with the process of suspending and revoking licenses, the loss of revenue associated with drivers being unable to drive legally, and the costs of individuals continuing to drive without a valid license is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁵⁹ *Id.*

⁶⁰ Email from the Office of Economic and Demographic Research (Revised Jan. 6, 2016) (on file with the Senate Committee on Transportation).

⁶¹ Letter from the Florida Court Clerks and Comptrollers (January 12, 2016) (on file with the Senate Committee on Transportation).

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 27.52, 28.246, 316.650, 318.15, 318.18, 322.055, 322.056, 322.09, 322.245, 322.251, 322.271, 322.34, 562.11, 562.111, 569.11, 790.22, 806.13, 877.112, 938.30, and 1003.27.

This bill amends the following sections of the Florida Statutes to conform to changes made by this act: 318.14, 322.05, 322.27, and 1003.01.

This bill repeals the following sections of the Florida Statutes: 322.057, 322.091, 812.0155, and 832.09.

IX. Additional Information:

- A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on February 7, 2017:

The CS makes changes to the bill regarding referring unpaid accounts to private attorneys or collection agents. Specifically, the CS:

- Removes from the bill that the clerk of court *may* pursue collections for an account by referring the account to a private attorney or collection agent, only after first attempting to collect the unpaid amount through other collection processes;
- Removes “collection fees” as being one criteria clerks must consider when evaluating competitive bids to procure collection agents or private attorneys; and
- Removes from current law that the collection fee, which may not exceed 40 percent, includes any attorney fees paid to an attorney or collection agent, since the bill adds that the private attorney or collection agent may not impose any additional fees other than the contractually agreed-upon amount.

- B. Amendments:

None.



485268

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/07/2017	.	
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The Committee on Transportation (Rouson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 189 - 224

and insert:

(6) (a) A clerk of court shall pursue the collection of any fees, service charges, fines, court costs, and liens for the payment of attorney fees and costs pursuant to s. 938.29 which remain unpaid after 90 days by referring the account to a private attorney who is a member in good standing of The Florida Bar or collection agent who is registered and in good standing



485268

pursuant to chapter 559. In pursuing the collection of such unpaid financial obligations through a private attorney or collection agent, the clerk of the court must have attempted to collect the unpaid amount through a collection court, collections docket, or other collections process, if any, established by the court, find this to be cost-effective and follow any applicable procurement practices.

(b) In retaining a private attorney or collection agent as provided in this subsection, the clerk shall solicit competitive bids from private attorneys or collection agents. The contract awarded to the successful bidder may be in effect for no longer than 3 years, with a maximum of two 1-year extensions.

(c) The clerk shall consider all pertinent criteria when considering bids, including, but not limited to, performance quality and customer service. The collection fee paid to the private attorney or collection agent,~~including any reasonable attorney's fee, paid to any attorney or collection agent~~ retained by the clerk may be added to the balance owed in an amount not to exceed 40 percent of the amount owed at the time the account is referred to the attorney or agent for collection.

(d) The clerk may not assess any surcharge to refer the account to a private attorney or an agent for collection.

(e) The private attorney or collection agent may not impose any additional fees or surcharges other than the contractually agreed-upon amounts.

(f) The clerk shall give the private attorney or collection

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

And the title is amended as follows:



485268

40 Delete lines 7 - 13
41 and insert:
42 penalties, fees, charges, and costs; requiring a clerk
43 of court to solicit competitive bids from private
44 attorneys or collection agents for collection
45 services, subject to certain requirements; prohibiting
46 the clerk

By Senators Brandes and Rouson

24-00163B-17

2017302__

1 A bill to be entitled
 2 An act relating to penalties and fees; amending s.
 3 27.52, F.S.; adding a financial information
 4 requirement for a certain application form; amending
 5 s. 28.246, F.S.; revising requirements relating to the
 6 payment of court-related fines or other monetary
 7 penalties, fees, charges, and costs; authorizing,
 8 rather than requiring, a clerk of court to pursue
 9 collection of certain fees, charges, fines, costs, or
 10 liens under certain circumstances; requiring a clerk
 11 of court to solicit competitive bids from collection
 12 agencies or private attorneys for certain services,
 13 subject to certain requirements; prohibiting the clerk
 14 from assessing a certain surcharge; prohibiting the
 15 collection agency or private attorney from imposing
 16 certain additional fees or surcharges; amending s.
 17 316.650, F.S.; requiring traffic citation forms to
 18 include certain language relating to payment of a
 19 penalty; amending s. 318.15, F.S.; prohibiting the
 20 suspension of a person's driver license solely for
 21 failure to pay a penalty if the person demonstrates to
 22 the court, when specified, that he or she is unable to
 23 pay such penalty; requiring the person to provide
 24 documentation meeting certain requirements to the
 25 appropriate clerk of court in order to be considered
 26 unable to pay; amending s. 318.18, F.S.; requiring a
 27 court to inquire at the time a certain civil penalty
 28 is ordered whether the person is able to pay it;
 29 amending s. 322.055, F.S.; decreasing the period for
 30 revocation or suspension of, or delay of eligibility
 31 for, driver licenses or driving privileges for certain
 32 persons convicted of certain drug offenses; deleting

Page 1 of 38

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24-00163B-17

2017302__

33 provisions authorizing a driver to petition the
 34 Department of Highway Safety and Motor Vehicles for
 35 restoration of his or her driving privilege; amending
 36 s. 322.056, F.S.; decreasing the period for revocation
 37 or suspension of, or delay of eligibility for, driver
 38 licenses or driving privileges for certain persons
 39 found guilty of certain drug offenses; deleting a
 40 provision authorizing a court to direct the department
 41 to issue a license for certain restricted driving
 42 privileges under certain circumstances; deleting
 43 requirements relating to the revocation or suspension
 44 of, or delay of eligibility for, driver licenses or
 45 driving privileges for certain persons found guilty of
 46 certain alcohol or tobacco offenses; repealing s.
 47 322.057, F.S., relating to discretionary revocation or
 48 suspension of a driver license for certain persons who
 49 provide alcohol to persons under a specified age;
 50 amending s. 322.09, F.S.; deleting a provision
 51 prohibiting the issuance of a driver license or
 52 learner's driver license under certain circumstances;
 53 repealing s. 322.091, F.S., relating to attendance
 54 requirements for driving privileges; amending s.
 55 322.245, F.S.; prohibiting the suspension of a
 56 person's driver license solely for failure to pay a
 57 penalty if the person demonstrates to the court, when
 58 specified, that he or she is unable to pay such
 59 penalty; providing applicability; requiring the person
 60 to provide documentation meeting certain requirements
 61 to the appropriate clerk of court in order to be

Page 2 of 38

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24-00163B-17

2017302__

62 considered unable to pay; repealing s. 322.251(7),
 63 F.S., relating to notice of suspension or revocation
 64 of driving privileges, reasons for reinstatement of
 65 such driving privileges, and certain electronic access
 66 to identify a person who is the subject of an
 67 outstanding warrant or capias for passing worthless
 68 bank checks; amending s. 322.271, F.S.; providing that
 69 a person whose driver license or privilege to drive
 70 has been suspended may have his or her driver license
 71 or driving privilege reinstated on a restricted basis
 72 under certain circumstances; providing the period of
 73 validity of such restricted license; amending s.
 74 322.34, F.S.; revising the underlying violations
 75 resulting in driver license or driving privilege
 76 cancellation, suspension, or revocation for which
 77 specified penalties apply; amending s. 562.11, F.S.;
 78 revising penalties for selling, giving, serving, or
 79 permitting to be served alcoholic beverages to a
 80 person under a specified age or permitting such person
 81 to consume such beverages on licensed premises;
 82 conforming provisions to changes made by the act;
 83 repealing s. 562.111(3), F.S., relating to withholding
 84 issuance of, or suspending or revoking, a driver
 85 license or driving privilege for possession of
 86 alcoholic beverages by persons under a specified age;
 87 amending s. 569.11, F.S.; revising penalties for
 88 persons under a specified age who knowingly possess,
 89 misrepresent their age or military service to
 90 purchase, or purchase or attempt to purchase tobacco

Page 3 of 38

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24-00163B-17

2017302__

91 products; authorizing, rather than requiring, the
 92 court to direct the Department of Highway Safety and
 93 Motor Vehicles to withhold issuance of or suspend a
 94 person's driver license or driving privilege for
 95 certain violations; amending s. 790.22, F.S.; revising
 96 penalties relating to suspending, revoking, or
 97 withholding issuance of driver licenses or driving
 98 privileges for minors under a specified age who
 99 possess firearms under certain circumstances; deleting
 100 provisions relating to penalties for certain offenses
 101 involving the use or possession of a firearm by a
 102 minor under a specified age; amending s. 806.13, F.S.;
 103 deleting provisions relating to certain penalties for
 104 criminal mischief by a minor; repealing s. 812.0155,
 105 F.S., relating to suspension of a driver license
 106 following an adjudication of guilt for theft;
 107 repealing s. 832.09, F.S., relating to suspension of a
 108 driver license after warrant or capias is issued in
 109 worthless check cases; amending s. 877.112, F.S.;
 110 revising penalties for persons under a specified age
 111 who knowingly possess, misrepresent their age or
 112 military service to purchase, or purchase or attempt
 113 to purchase any nicotine product or nicotine
 114 dispensing device; authorizing, rather than requiring,
 115 the court to direct the department to withhold
 116 issuance of or suspend a person's driver license or
 117 driving privilege for certain violations; amending s.
 118 938.30, F.S.; authorizing a judge to convert certain
 119 statutory financial obligations into court-ordered

Page 4 of 38

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24-00163B-17

2017302__

120 obligations to perform community service by reliance
 121 upon specified information under certain
 122 circumstances; amending s. 1003.27, F.S.; deleting
 123 provisions relating to procedures and penalties for
 124 nonenrollment and nonattendance cases; amending ss.
 125 318.14, 322.05, 322.27, and 1003.01, F.S.; conforming
 126 provisions to changes made by the act; providing
 127 applicability; providing an effective date.

128
 129 Be It Enacted by the Legislature of the State of Florida:

130
 131 Section 1. Paragraph (a) of subsection (1) of section
 132 27.52, Florida Statutes, is amended to read:

133 27.52 Determination of indigent status.—

134 (1) APPLICATION TO THE CLERK.—A person seeking appointment
 135 of a public defender under s. 27.51 based upon an inability to
 136 pay must apply to the clerk of the court for a determination of
 137 indigent status using an application form developed by the
 138 Florida Clerks of Court Operations Corporation with final
 139 approval by the Supreme Court.

140 (a) The application must include, at a minimum, the
 141 following financial information:

142 1. Net income, consisting of total salary and wages, minus
 143 deductions required by law, including court-ordered support
 144 payments.

145 2. Other income, including, but not limited to, social
 146 security benefits, union funds, veterans' benefits, workers'
 147 compensation, other regular support from absent family members,
 148 public or private employee pensions, reemployment assistance or

Page 5 of 38

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24-00163B-17

2017302__

149 unemployment compensation, dividends, interest, rent, trusts,
 150 and gifts.

151 3. Assets, including, but not limited to, cash, savings
 152 accounts, bank accounts, stocks, bonds, certificates of deposit,
 153 equity in real estate, and equity in a boat or a motor vehicle
 154 or in other tangible property.

155 4. All liabilities and debts.

156 5. If applicable, the amount of any bail paid for the
 157 applicant's release from incarceration and the source of the
 158 funds.

159 6. The election of or refusal of the option to fulfill any
 160 court-ordered financial obligation associated with the case by
 161 the completion of community service as ordered by the court.

162
 163 The application must include a signature by the applicant which
 164 attests to the truthfulness of the information provided. The
 165 application form developed by the corporation must include
 166 notice that the applicant may seek court review of a clerk's
 167 determination that the applicant is not indigent, as provided in
 168 this section.

169 Section 2. Subsections (4) and (6) of section 28.246,
 170 Florida Statutes, are amended to read:

171 28.246 Payment of court-related fines or other monetary
 172 penalties, fees, charges, and costs; partial payments;
 173 distribution of funds.—

174 (4) The clerk of the circuit court shall accept partial
 175 payments for court-related fees, service charges, costs, and
 176 fines in accordance with the terms of an established payment
 177 plan. An individual seeking to defer payment of fees, service

Page 6 of 38

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24-00163B-17

2017302

charges, costs, or fines imposed by operation of law or order of the court under any provision of general law shall apply to the clerk for enrollment in a payment plan. ~~The clerk shall enter into a payment plan with an individual who the court determines is indigent for costs.~~ A monthly payment amount, calculated based upon all fees and all anticipated costs, ~~may is presumed to correspond to the person's ability to pay if the amount does~~ not exceed 2 percent of the person's annual net income, as defined in s. 27.52(1), divided by 12, without the consent of the applicant. The court may review the reasonableness of the payment plan.

(6) A clerk of court ~~may shall~~ pursue the collection of any fees, service charges, fines, court costs, and liens for the payment of attorney fees and costs pursuant to s. 938.29 which remain unpaid after 90 days by referring the account to a private attorney who is a member in good standing of The Florida Bar or collection agent who is registered and in good standing pursuant to chapter 559. In pursuing the collection of such unpaid financial obligations through a private attorney or collection agent, the clerk of the court must first attempt ~~have attempted~~ to collect the unpaid amount through a collection court, collections docket, or other collections process, if any, established by the court. If this attempt is unsuccessful, the clerk may pursue the collection through a private attorney or collection agent. In pursuing the collection through a private attorney or collection agent, the clerk shall comply with, find this to be cost effective and follow any applicable procurement practices and the following conditions:-

(a) In retaining a collection agent or private attorney as

24-00163B-17

2017302

provided in this subsection, the clerk shall solicit competitive bids from collection agents or private attorneys. The contract awarded to the successful bidder may be in effect for no longer than 3 years, with a maximum of two 1-year extensions.

(b) The clerk shall consider all pertinent criteria when considering bids, including, but not limited to, performance quality, customer service, and collection fees. However, the collection fee, including any reasonable attorney attorney's fee, paid to any attorney or collection agent retained by the clerk may be added to the balance owed in an amount not to exceed 40 percent of the amount owed at the time the account is referred to the attorney or agent for collection.

(c) The clerk may not assess any surcharge to refer the account to an attorney or agent for collection.

(d) The collection agent or private attorney may not impose any additional fees or surcharges other than the contractually agreed upon amounts.

(e) The clerk shall give the private attorney or collection agent the application for the appointment of court-appointed counsel regardless of whether the court file is otherwise confidential from disclosure.

Section 3. Present paragraphs (b), (c), and (d) of subsection (1) of section 316.650, Florida Statutes, are redesignated as paragraphs (c), (d), and (e), respectively, a new paragraph (b) is added to that subsection, and present paragraph (c) of that subsection is amended, to read:

316.650 Traffic citations.-

(1)

(b) The traffic citation form must include language

24-00163B-17

2017302

indicating that a person may enter into a payment plan with the clerk of court to pay a penalty. The form must also indicate that a person ordered to pay a penalty for a noncriminal traffic infraction and who is unable to comply due to demonstrable financial hardship will be allowed by the court to satisfy the payment by participating in community service pursuant to s. 318.18(8)(b).

~~(d)(e)~~ Notwithstanding paragraphs (a) and (c) ~~(b)~~, a traffic enforcement agency may produce uniform traffic citations by electronic means. Such citations must be consistent with the state traffic court rules and the procedures established by the department and must be appropriately numbered and inventoried. Affidavit-of-compliance forms may also be produced by electronic means.

Section 4. Subsection (4) is added to section 318.15, Florida Statutes, to read:

318.15 Failure to comply with civil penalty or to appear; penalty.—

(4) Notwithstanding any other law, a person's driver license may not be suspended solely for failure to pay a penalty if the person demonstrates to the court, after notice of the penalty and before the suspension takes place, that he or she is unable to pay the penalty. A person is considered unable to pay if he or she provides documentation to the appropriate clerk of court evidencing that:

(a) The person receives reemployment assistance or unemployment compensation pursuant to chapter 443;

(b) The person is disabled and incapable of self-support or receives benefits under the federal Supplemental Security Income

24-00163B-17

2017302

program or Social Security Disability Insurance program;

(c) The person receives temporary cash assistance pursuant to chapter 414;

(d) The person is making payments in accordance with a confirmed bankruptcy plan under chapter 11, chapter 12, or chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss. 101 et seq.;

(e) The person has been placed on a payment plan or payment plans with the clerk of court which in total exceed what is determined to be a reasonable payment plan pursuant to s. 28.246(4); or

(f) The person has been determined to be indigent after filing an application with the clerk in accordance with s. 27.52 or s. 57.082.

Section 5. Paragraph (b) of subsection (8) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(8)

(b)1.a. If a person has been ordered to pay a civil penalty for a noncriminal traffic infraction and the person is unable to comply with the court's order due to demonstrable financial hardship, the court shall allow the person to satisfy the civil penalty by participating in community service until the civil penalty is paid.

b. The court shall inquire at the time the civil penalty is ordered whether the person is able to pay it.

c. If a court orders a person to perform community service,

24-00163B-17

2017302__

the person shall receive credit for the civil penalty at the specified hourly credit rate per hour of community service performed, and each hour of community service performed shall reduce the civil penalty by that amount.

2.a. As used in this paragraph, the term "specified hourly credit rate" means the wage rate that is specified in 29 U.S.C. s. 206(a)(1) under the federal Fair Labor Standards Act of 1938, that is then in effect, and that an employer subject to such provision must pay per hour to each employee subject to such provision.

b. However, if a person ordered to perform community service has a trade or profession for which there is a community service need, the specified hourly credit rate for each hour of community service performed by that person shall be the average prevailing wage rate for the trade or profession that the community service agency needs.

3.a. The community service agency supervising the person shall record the number of hours of community service completed and the date the community service hours were completed. The community service agency shall submit the data to the clerk of court on the letterhead of the community service agency, which must also bear the notarized signature of the person designated to represent the community service agency.

b. When the number of community service hours completed by the person equals the amount of the civil penalty, the clerk of court shall certify this fact to the court. Thereafter, the clerk of court shall record in the case file that the civil penalty has been paid in full.

4. As used in this paragraph, the term:

Page 11 of 38

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24-00163B-17

2017302__

a. "Community service" means uncompensated labor for a community service agency.

b. "Community service agency" means a not-for-profit corporation, community organization, charitable organization, public officer, the state or any political subdivision of the state, or any other body the purpose of which is to improve the quality of life or social welfare of the community and which agrees to accept community service from persons unable to pay civil penalties for noncriminal traffic infractions.

Section 6. Subsections (1) through (4) of section 322.055, Florida Statutes, are amended to read:

322.055 Revocation or suspension of, or delay of eligibility for, driver license for persons 18 years of age or older convicted of certain drug offenses.—

(1) Notwithstanding s. 322.28, upon the conviction of a person 18 years of age or older for possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance, the court shall direct the department to revoke the driver license or driving privilege of the person. The period of such revocation shall be 6 months ~~1 year~~ or until the person is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Children and Families. However, the court may, in its sound discretion, direct the department to issue a license for driving privilege restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license. ~~A driver whose license or driving privilege has been suspended or revoked under this section or s. 322.056 may, upon~~

Page 12 of 38

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24-00163B-17

2017302__

~~the expiration of 6 months, petition the department for restoration of the driving privilege on a restricted or unrestricted basis depending on length of suspension or revocation. In no case shall~~ A restricted license may not be available until 6 months of the suspension or revocation period has been completed ~~expired~~.

(2) If a person 18 years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person is eligible by reason of age for a driver license or privilege, the court shall direct the department to withhold issuance of such person's driver license or driving privilege for a period of 6 months ~~1 year~~ after the date the person was convicted or until the person is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Children and Families. However, the court may, in its sound discretion, direct the department to issue a license for driving privilege restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license. ~~A driver whose license or driving privilege has been suspended or revoked under this section or s. 322.056 may, upon the expiration of 6 months,~~ petition the department for restoration of the driving privilege on a restricted or unrestricted basis depending on the length of suspension or revocation. In no case shall A restricted license may not be available until 6 months of the suspension or revocation period has been completed ~~expired~~.

(3) If a person 18 years of age or older is convicted for

24-00163B-17

2017302__

the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person's driver license or driving privilege is already under suspension or revocation for any reason, the court shall direct the department to extend the period of such suspension or revocation by an additional period of 6 months ~~1 year~~ or until the person is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Children and Families. However, the court may, in its sound discretion, direct the department to issue a license for driving privilege restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license. ~~A driver whose license or driving privilege has been suspended or revoked under this section or s. 322.056 may, upon the expiration of 6 months, petition the department for restoration of the driving privilege on a restricted or unrestricted basis depending on the length of suspension or revocation. In no case shall~~ A restricted license may not be available until 6 months of the suspension or revocation period has been completed ~~expired~~.

(4) If a person 18 years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person is ineligible by reason of age for a driver license or driving privilege, the court shall direct the department to withhold issuance of such person's driver license or driving privilege for a period of 6 months ~~1 year~~ after the date that he or she would otherwise have become eligible or until he or she

24-00163B-17

2017302

becomes eligible by reason of age for a driver license and is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Children and Families. However, the court may, in its sound discretion, direct the department to issue a license for driving privilege restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license. ~~A driver whose license or driving privilege has been suspended or revoked under this section or s. 322.056 may, upon the expiration of 6 months, petition the department for restoration of the driving privilege on a restricted or unrestricted basis depending on the length of suspension or revocation. In no case shall~~ A restricted license may not be available until 6 months of the suspension or revocation period has been completed ~~expired~~.

Section 7. Section 322.056, Florida Statutes, is amended to read:

322.056 Mandatory revocation or suspension of, or delay of eligibility for, driver license for persons under age 18 found guilty of ~~certain alcohol, drug, or tobacco~~ offenses; prohibition.—

(1) Notwithstanding the provisions of s. 322.055, if a person under 18 years of age is found guilty of or delinquent for a violation of ~~s. 562.11(2), s. 562.111, or~~ chapter 893, and:

(a) The person is eligible by reason of age for a driver license or driving privilege, the court shall direct the department to revoke or to withhold issuance of his or her

24-00163B-17

2017302

driver license or driving privilege for a period of 6 months.+

~~1. Not less than 6 months and not more than 1 year for the first violation.~~

~~2. Two years, for a subsequent violation.~~

(b) The person's driver license or driving privilege is under suspension or revocation for any reason, the court shall direct the department to extend the period of suspension or revocation by an additional period of 6 months.+

~~1. Not less than 6 months and not more than 1 year for the first violation.~~

~~2. Two years, for a subsequent violation.~~

(c) The person is ineligible by reason of age for a driver license or driving privilege, the court shall direct the department to withhold issuance of his or her driver license or driving privilege for a period of+

~~1. Not less than 6 months and not more than 1 year after the date on which he or she would otherwise have become eligible, for the first violation.~~

~~2. Two years after the date on which he or she would otherwise have become eligible, for a subsequent violation.~~

~~However, the court may, in its sound discretion, direct the department to issue a license for driving privileges restricted to business or employment purposes only, as defined in s. 322.271, if the person is otherwise qualified for such a license.~~

~~(2) If a person under 18 years of age is found by the court to have committed a noncriminal violation under s. 569.11 or s. 877.112(6) or (7) and that person has failed to comply with the~~

24-00163B-17

2017302__

procedures established in that section by failing to fulfill community service requirements, failing to pay the applicable fine, or failing to attend a locally available school-approved anti-tobacco program, and:

~~(a) The person is eligible by reason of age for a driver license or driving privilege, the court shall direct the department to revoke or to withhold issuance of his or her driver license or driving privilege as follows:~~

~~1. For the first violation, for 30 days.~~

~~2. For the second violation within 12 weeks of the first violation, for 45 days.~~

~~(b) The person's driver license or driving privilege is under suspension or revocation for any reason, the court shall direct the department to extend the period of suspension or revocation by an additional period as follows:~~

~~1. For the first violation, for 30 days.~~

~~2. For the second violation within 12 weeks of the first violation, for 45 days.~~

~~(c) The person is ineligible by reason of age for a driver license or driving privilege, the court shall direct the department to withhold issuance of his or her driver license or driving privilege as follows:~~

~~1. For the first violation, for 30 days.~~

~~2. For the second violation within 12 weeks of the first violation, for 45 days.~~

~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not within the 12 week period after the first violation will be treated as a first violation and in the same manner as provided~~

24-00163B-17

2017302__

~~in this subsection.~~

~~(3) If a person under 18 years of age is found by the court to have committed a third violation of s. 569.11 or s. 877.112(6) or (7) within 12 weeks of the first violation, the court must direct the Department of Highway Safety and Motor Vehicles to suspend or withhold issuance of his or her driver license or driving privilege for 60 consecutive days. Any third violation of s. 569.11 or s. 877.112(6) or (7) not within the 12-week period after the first violation will be treated as a first violation and in the same manner as provided in subsection (2).~~

~~(2)(4)~~ A penalty imposed under this section shall be in addition to any other penalty imposed by law.

~~(5) The suspension or revocation of a person's driver license imposed pursuant to subsection (2) or subsection (3), shall not result in or be cause for an increase of the convicted person's, or his or her parent's or legal guardian's, automobile insurance rate or premium or result in points assessed against the person's driving record.~~

Section 8. Section 322.057, Florida Statutes, is repealed.

Section 9. Subsection (3) of section 322.09, Florida Statutes, is amended, and present subsections (4) and (5) of that section are redesignated as subsections (3) and (4), respectively, to read:

322.09 Application of minors; responsibility for negligence or misconduct of minor.—

~~(3) The department may not issue a driver license or learner's driver license to any applicant under the age of 18 years who is not in compliance with the requirements of s.~~

24-00163B-17

2017302__

526 ~~322.091.~~527 Section 10. Section 322.091, Florida Statutes, is repealed.528 Section 11. Subsection (6) is added to section 322.245,
529 Florida Statutes, to read:530 322.245 Suspension of license upon failure of person
531 charged with specified offense under chapter 316, chapter 320,
532 or this chapter to comply with directives ordered by traffic
533 court or upon failure to pay child support in non-IV-D cases as
534 provided in chapter 61 or failure to pay any financial
535 obligation in any other criminal case.—536 (6) Notwithstanding any other law, a person's driver
537 license may not be suspended solely for failure to pay a penalty
538 or court obligation if the person demonstrates to the court,
539 after the court orders the penalty or obligation and before the
540 suspension takes place, that he or she is unable to pay the
541 penalty or court obligation. This subsection does not apply to
542 failure to pay child support in non-IV-D cases as provided in
543 chapter 61. A person is considered unable to pay if he or she
544 provides documentation to the appropriate clerk of court
545 evidencing that:546 (a) The person receives reemployment assistance or
547 unemployment compensation pursuant to chapter 443;548 (b) The person is disabled and incapable of self-support or
549 receives benefits under the federal Supplemental Security Income
550 program or Social Security Disability Insurance program;551 (c) The person receives temporary cash assistance pursuant
552 to chapter 414;553 (d) The person is making payments in accordance with a
554 confirmed bankruptcy plan under chapter 11, chapter 12, or

24-00163B-17

2017302__

555 chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss.
556 101 et seq.;557 (e) The person has been placed on a payment plan or payment
558 plans with the clerk of court which in total exceed what is
559 determined to be a reasonable payment plan pursuant to s.
560 28.246(4); or561 (f) The person has been determined to be indigent after
562 filing an application with the clerk in accordance with s. 27.52
563 or s. 57.082.564 Section 12. Subsection (7) of section 322.251, Florida
565 Statutes, is repealed.566 Section 13. Subsection (8) is added to section 322.271,
567 Florida Statutes, to read:568 322.271 Authority to modify revocation, cancellation, or
569 suspension order.—570 (8) A person whose driver license or privilege to drive has
571 been suspended under s. 318.15 or s. 322.245, with the exception
572 of any suspension related to s. 61.13016, may have his or her
573 driver license or driving privilege reinstated on a restricted
574 basis by the department in accordance with this section. The
575 restricted license shall be valid until the 7-year suspension
576 period ends as provided in s. 318.15 or until the debt is paid.577 Section 14. Subsection (10) of section 322.34, Florida
578 Statutes, is amended to read:579 322.34 Driving while license suspended, revoked, canceled,
580 or disqualified.—581 (10)(a) Notwithstanding any other provision of this
582 section, if a person does not have a prior forcible felony
583 conviction as defined in s. 776.08, the penalties provided in

24-00163B-17

2017302

paragraph (b) apply if a person's driver license or driving privilege is canceled, suspended, or revoked for:

1. Failing to pay child support as provided in s. 322.245 or s. 61.13016;

2. Failing to pay any other financial obligation as provided in s. 322.245 ~~other than those specified in s. 322.245(1);~~

3. Failing to comply with a civil penalty required in s. 318.15;

4. Failing to maintain vehicular financial responsibility as required by chapter 324; or

~~5. Failing to comply with attendance or other requirements for minors as set forth in s. 322.091; or~~

~~5.6.~~ Having been designated a habitual traffic offender under s. 322.264(1)(d) as a result of suspensions of his or her driver license or driver privilege for any underlying violation listed in subparagraphs 1.-4. ~~1.-5.~~

(b)1. Upon a first conviction for knowingly driving while his or her license is suspended, revoked, or canceled for any of the underlying violations listed in subparagraphs (a)1.-5.

~~(a)1.-6.~~, a person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. Upon a second or subsequent conviction for the same offense of knowingly driving while his or her license is suspended, revoked, or canceled for any of the underlying violations listed in subparagraphs (a)1.-5. ~~(a)1.-6.~~, a person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 15. Paragraph (a) of subsection (1) and paragraph

24-00163B-17

2017302

(c) of subsection (2) of section 562.11, Florida Statutes, are amended to read:

562.11 Selling, giving, or serving alcoholic beverages to person under age 21; providing a proper name; misrepresenting or misstating age or age of another to induce licensee to serve alcoholic beverages to person under 21; penalties.-

(1)(a)~~1.~~ A person may not sell, give, serve, or permit to be served alcoholic beverages to a person under 21 years of age or permit a person under 21 years of age to consume such beverages on the licensed premises. A person who violates this subparagraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who violates this subparagraph a second or subsequent time within 1 year after a prior conviction commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

~~2. In addition to any other penalty imposed for a violation of subparagraph 1., the court may order the Department of Highway Safety and Motor Vehicles to withhold the issuance of, or suspend or revoke, the driver license or driving privilege, as provided in s. 322.057, of any person who violates subparagraph 1. This subparagraph does not apply to a licensee, as defined in s. 561.01, who violates subparagraph 1. while acting within the scope of his or her license or an employee or agent of a licensee, as defined in s. 561.01, who violates subparagraph 1. while engaged within the scope of his or her employment or agency.~~

~~3. A court that withholds the issuance of, or suspends or revokes, the driver license or driving privilege of a person pursuant to subparagraph 2. may direct the Department of Highway~~

24-00163B-17

2017302__

~~Safety and Motor Vehicles to issue the person a license for driving privilege restricted to business purposes only, as defined in s. 322.271, if he or she is otherwise qualified.~~

(2) It is unlawful for any person to misrepresent or misstate his or her age or the age of any other person for the purpose of inducing any licensee or his or her agents or employees to sell, give, serve, or deliver any alcoholic beverages to a person under 21 years of age, or for any person under 21 years of age to purchase or attempt to purchase alcoholic beverages.

(c) In addition to any other penalty imposed for a violation of this subsection, if a person uses a driver license or identification card issued by the Department of Highway Safety and Motor Vehicles in violation of this subsection, the court:

~~1. may order the person to participate in public service or a community work project for a period not to exceed 40 hours; and~~

~~2. Shall direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend or revoke, the person's driver license or driving privilege, as provided in s. 322.056.~~

Section 16. Subsection (3) of section 562.111, Florida Statutes, is repealed.

Section 17. Subsections (1), (2), and (5) of section 569.11, Florida Statutes, are amended to read:

569.11 Possession, misrepresenting age or military service to purchase, and purchase of tobacco products by persons under 18 years of age prohibited; penalties; jurisdiction; disposition

24-00163B-17

2017302__

of fines.—

(1) It is unlawful for any person under 18 years of age to knowingly possess any tobacco product. Any person under 18 years of age who violates the provisions of this subsection commits a noncriminal violation as provided in s. 775.08(3), punishable by:

(a) For a first violation, 16 hours of community service or, instead of community service, a \$25 fine. In addition, the person must attend a school-approved anti-tobacco program, if locally available; or

(b) For a second or subsequent violation within 12 weeks after ~~of~~ the first violation, a \$25 fine, ~~or~~

~~(c) For a third or subsequent violation within 12 weeks of the first violation, the court must direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend or revoke the person's driver license or driving privilege, as provided in s. 322.056.~~

Any second or subsequent violation not within the 12-week time period after the first violation is punishable as provided for a first violation.

(2) It is unlawful for any person under 18 years of age to misrepresent his or her age or military service for the purpose of inducing a dealer or an agent or employee of the dealer to sell, give, barter, furnish, or deliver any tobacco product, or to purchase, or attempt to purchase, any tobacco product from a person or a vending machine. Any person under 18 years of age who violates a provision of this subsection commits a noncriminal violation as provided in s. 775.08(3), punishable

24-00163B-17

2017302__

by:

(a) For a first violation, 16 hours of community service or, instead of community service, a \$25 fine and, in addition, the person must attend a school-approved anti-tobacco program, if available; or

(b) For a second or subsequent violation within 12 weeks after ~~of~~ the first violation, a \$25 fine, ~~or~~

~~(c) For a third or subsequent violation within 12 weeks of the first violation, the court must direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend or revoke the person's driver license or driving privilege, as provided in s. 322.056.~~

Any second or subsequent violation not within the 12-week time period after the first violation is punishable as provided for a first violation.

(5) (a) If a person under 18 years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to complete community service, pay the fine as required by paragraph (1) (a) or paragraph (2) (a), or attend a school-approved anti-tobacco program, if locally available, the court may ~~must~~ direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege of that person for a period of 30 consecutive days.

(b) If a person under 18 years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to pay the applicable fine as required by paragraph (1) (b) or paragraph (2) (b), the court may ~~must~~ direct

24-00163B-17

2017302__

the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege of that person for a period of 45 consecutive days.

Section 18. Subsections (5) and (10) of section 790.22, Florida Statutes, are amended to read:

790.22 Use of BB guns, air or gas-operated guns, or electric weapons or devices by minor under 16; limitation; possession of firearms by minor under 18 prohibited; penalties.-

(5) (a) A minor who violates subsection (3) commits a misdemeanor of the first degree; for a first offense, may serve a period of detention of up to 3 days in a secure detention facility; and, in addition to any other penalty provided by law, shall be required to perform 100 hours of community service, ~~and:~~

~~1. If the minor is eligible by reason of age for a driver license or driving privilege, the court shall direct the Department of Highway Safety and Motor Vehicles to revoke or to withhold issuance of the minor's driver license or driving privilege for up to 1 year.~~

~~2. If the minor's driver license or driving privilege is under suspension or revocation for any reason, the court shall direct the Department of Highway Safety and Motor Vehicles to extend the period of suspension or revocation by an additional period of up to 1 year.~~

~~3. If the minor is ineligible by reason of age for a driver license or driving privilege, the court shall direct the Department of Highway Safety and Motor Vehicles to withhold issuance of the minor's driver license or driving privilege for up to 1 year after the date on which the minor would otherwise~~

24-00163B-17

2017302__

758 ~~have become eligible.~~

759 (b) For a second or subsequent offense, a minor who
760 violates subsection (3) commits a felony of the third degree and
761 shall serve a period of detention of up to 15 days in a secure
762 detention facility and shall be required to perform not less
763 than 100 or not more than 250 hours of community service, and:

764 ~~1. If the minor is eligible by reason of age for a driver~~
765 ~~license or driving privilege, the court shall direct the~~
766 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
767 ~~withhold issuance of the minor's driver license or driving~~
768 ~~privilege for up to 2 years.~~

769 ~~2. If the minor's driver license or driving privilege is~~
770 ~~under suspension or revocation for any reason, the court shall~~
771 ~~direct the Department of Highway Safety and Motor Vehicles to~~
772 ~~extend the period of suspension or revocation by an additional~~
773 ~~period of up to 2 years.~~

774 ~~3. If the minor is ineligible by reason of age for a driver~~
775 ~~license or driving privilege, the court shall direct the~~
776 ~~Department of Highway Safety and Motor Vehicles to withhold~~
777 ~~issuance of the minor's driver license or driving privilege for~~
778 ~~up to 2 years after the date on which the minor would otherwise~~
779 ~~have become eligible.~~

780
781 For the purposes of this subsection, community service shall be
782 performed, if possible, in a manner involving a hospital
783 emergency room or other medical environment that deals on a
784 regular basis with trauma patients and gunshot wounds.

785 ~~(10) If a minor is found to have committed an offense under~~
786 ~~subsection (9), the court shall impose the following penalties~~

24-00163B-17

2017302__

787 ~~in addition to any penalty imposed under paragraph (9) (a) or~~
788 ~~paragraph (9) (b):~~

789 ~~(a) For a first offense:~~

790 ~~1. If the minor is eligible by reason of age for a driver~~
791 ~~license or driving privilege, the court shall direct the~~
792 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
793 ~~withhold issuance of the minor's driver license or driving~~
794 ~~privilege for up to 1 year.~~

795 ~~2. If the minor's driver license or driving privilege is~~
796 ~~under suspension or revocation for any reason, the court shall~~
797 ~~direct the Department of Highway Safety and Motor Vehicles to~~
798 ~~extend the period of suspension or revocation by an additional~~
799 ~~period for up to 1 year.~~

800 ~~3. If the minor is ineligible by reason of age for a driver~~
801 ~~license or driving privilege, the court shall direct the~~
802 ~~Department of Highway Safety and Motor Vehicles to withhold~~
803 ~~issuance of the minor's driver license or driving privilege for~~
804 ~~up to 1 year after the date on which the minor would otherwise~~
805 ~~have become eligible.~~

806 ~~(b) For a second or subsequent offense:~~

807 ~~1. If the minor is eligible by reason of age for a driver~~
808 ~~license or driving privilege, the court shall direct the~~
809 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
810 ~~withhold issuance of the minor's driver license or driving~~
811 ~~privilege for up to 2 years.~~

812 ~~2. If the minor's driver license or driving privilege is~~
813 ~~under suspension or revocation for any reason, the court shall~~
814 ~~direct the Department of Highway Safety and Motor Vehicles to~~
815 ~~extend the period of suspension or revocation by an additional~~

24-00163B-17

2017302__

816 ~~period for up to 2 years.~~

817 ~~3. If the minor is ineligible by reason of age for a driver~~
 818 ~~license or driving privilege, the court shall direct the~~
 819 ~~Department of Highway Safety and Motor Vehicles to withhold~~
 820 ~~issuance of the minor's driver license or driving privilege for~~
 821 ~~up to 2 years after the date on which the minor would otherwise~~
 822 ~~have become eligible.~~

823 Section 19. Subsections (7) and (8) of section 806.13,
 824 Florida Statutes, are amended, and present subsection (9) of
 825 that section is redesignated as subsection (7), to read:

826 806.13 Criminal mischief; penalties; penalty for minor.—

827 ~~(7) In addition to any other penalty provided by law, if a~~
 828 ~~minor is found to have committed a delinquent act under this~~
 829 ~~section for placing graffiti on any public property or private~~
 830 ~~property, and:~~

831 ~~(a) The minor is eligible by reason of age for a driver~~
 832 ~~license or driving privilege, the court shall direct the~~
 833 ~~Department of Highway Safety and Motor Vehicles to revoke or~~
 834 ~~withhold issuance of the minor's driver license or driving~~
 835 ~~privilege for not more than 1 year.~~

836 ~~(b) The minor's driver license or driving privilege is~~
 837 ~~under suspension or revocation for any reason, the court shall~~
 838 ~~direct the Department of Highway Safety and Motor Vehicles to~~
 839 ~~extend the period of suspension or revocation by an additional~~
 840 ~~period of not more than 1 year.~~

841 ~~(c) The minor is ineligible by reason of age for a driver~~
 842 ~~license or driving privilege, the court shall direct the~~
 843 ~~Department of Highway Safety and Motor Vehicles to withhold~~
 844 ~~issuance of the minor's driver license or driving privilege for~~

24-00163B-17

2017302__

845 ~~not more than 1 year after the date on which he or she would~~
 846 ~~otherwise have become eligible.~~

847 ~~(8) A minor whose driver license or driving privilege is~~
 848 ~~revoked, suspended, or withheld under subsection (7) may elect~~
 849 ~~to reduce the period of revocation, suspension, or withholding~~
 850 ~~by performing community service at the rate of 1 day for each~~
 851 ~~hour of community service performed. In addition, if the court~~
 852 ~~determines that due to a family hardship, the minor's driver~~
 853 ~~license or driving privilege is necessary for employment or~~
 854 ~~medical purposes of the minor or a member of the minor's family,~~
 855 ~~the court shall order the minor to perform community service and~~
 856 ~~reduce the period of revocation, suspension, or withholding at~~
 857 ~~the rate of 1 day for each hour of community service performed.~~
 858 ~~As used in this subsection, the term "community service" means~~
 859 ~~cleaning graffiti from public property.~~

860 Section 20. Section 812.0155, Florida Statutes, is
 861 repealed.

862 Section 21. Section 832.09, Florida Statutes, is repealed.

863 Section 22. Subsections (6) and (7) and paragraphs (c) and
 864 (d) of subsection (8) of section 877.112, Florida Statutes, are
 865 amended to read:

866 877.112 Nicotine products and nicotine dispensing devices;
 867 prohibitions for minors; penalties; civil fines; signage
 868 requirements; preemption.—

869 (6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR
 870 NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any
 871 person under 18 years of age to knowingly possess any nicotine
 872 product or a nicotine dispensing device. Any person under 18
 873 years of age who violates this subsection commits a noncriminal

24-00163B-17

2017302__

violation as defined in s. 775.08(3), punishable by:

(a) For a first violation, 16 hours of community service or, instead of community service, a \$25 fine. In addition, the person must attend a school-approved anti-tobacco and nicotine program, if locally available; or

(b) For a second or subsequent violation within 12 weeks after ~~of~~ the first violation, a \$25 fine, ~~or~~

~~(c) For a third or subsequent violation within 12 weeks of the first violation, the court must direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend or revoke the person's driver license or driving privilege, as provided in s. 322.056.~~

Any second or subsequent violation not within the 12-week time period after the first violation is punishable as provided for a first violation.

(7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for any person under 18 years of age to misrepresent his or her age or military service for the purpose of inducing a retailer of nicotine products or nicotine dispensing devices or an agent or employee of such retailer to sell, give, barter, furnish, or deliver any nicotine product or nicotine dispensing device, or to purchase, or attempt to purchase, any nicotine product or nicotine dispensing device from a person or a vending machine. Any person under 18 years of age who violates this subsection commits a noncriminal violation as defined in s. 775.08(3), punishable by:

(a) For a first violation, 16 hours of community service or, instead of community service, a \$25 fine and, in addition,

24-00163B-17

2017302__

the person must attend a school-approved anti-tobacco and nicotine program, if available; or

(b) For a second or subsequent violation within 12 weeks of the first violation, a \$25 fine, ~~or~~

~~(c) For a third or subsequent violation within 12 weeks of the first violation, the court must direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend or revoke the person's driver license or driving privilege, as provided in s. 322.056.~~

Any second or subsequent violation not within the 12-week time period after the first violation is punishable as provided for a first violation.

(8) PENALTIES FOR MINORS.—

(c) If a person under 18 years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to complete community service, pay the fine as required by paragraph (6)(a) or paragraph (7)(a), or attend a school-approved anti-tobacco and nicotine program, if locally available, the court may ~~must~~ direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege of that person for 30 consecutive days.

(d) If a person under 18 years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to pay the applicable fine as required by paragraph (6)(b) or paragraph (7)(b), the court may ~~must~~ direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege

24-00163B-17

2017302__

932 of that person for 45 consecutive days.

933 Section 23. Subsection (2) of section 938.30, Florida
934 Statutes, is amended to read:

935 938.30 Financial obligations in criminal cases;
936 supplementary proceedings.-

937 (2) The court may require a person liable for payment of an
938 obligation to appear and be examined under oath concerning the
939 person's financial ability to pay the obligation. The judge may
940 convert the statutory financial obligation into a court-ordered
941 obligation to perform community service, subject to the
942 provisions of s. 318.18(8), after examining a person under oath
943 and determining the person's inability to pay, or by reliance
944 upon information provided under s. 27.52(1)(a)6. Any person who
945 fails to attend a hearing may be arrested on warrant or capias
946 issued by the clerk upon order of the court.

947 Section 24. Subsection (2) of section 1003.27, Florida
948 Statutes, is amended to read:

949 1003.27 Court procedure and penalties.-The court procedure
950 and penalties for the enforcement of the provisions of this
951 part, relating to compulsory school attendance, shall be as
952 follows:

953 (2) NONENROLLMENT AND NONATTENDANCE CASES.-

954 ~~(a)~~ In each case of nonenrollment or of nonattendance upon
955 the part of a student who is required to attend some school,
956 when no valid reason for such nonenrollment or nonattendance is
957 found, the district school superintendent shall institute a
958 criminal prosecution against the student's parent.

959 ~~(b) Each public school principal or the principal's~~
960 ~~designee shall notify the district school board of each minor~~

Page 33 of 38

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

24-00163B-17

2017302__

961 ~~student under its jurisdiction who accumulates 15 unexcused~~
962 ~~absences in a period of 90 calendar days. Each designee of the~~
963 ~~governing body of each private school, and each parent whose~~
964 ~~child is enrolled in a home education program, may provide the~~
965 ~~Department of Highway Safety and Motor Vehicles with the legal~~
966 ~~name, sex, date of birth, and social security number of each~~
967 ~~minor student under his or her jurisdiction who fails to satisfy~~
968 ~~relevant attendance requirements and who fails to otherwise~~
969 ~~satisfy the requirements of s. 322.091. The district school~~
970 ~~superintendent must provide the Department of Highway Safety and~~
971 ~~Motor Vehicles the legal name, sex, date of birth, and social~~
972 ~~security number of each minor student who has been reported~~
973 ~~under this paragraph and who fails to otherwise satisfy the~~
974 ~~requirements of s. 322.091. The Department of Highway Safety and~~
975 ~~Motor Vehicles may not issue a driver license or learner's~~
976 ~~driver license to, and shall suspend any previously issued~~
977 ~~driver license or learner's driver license of, any such minor~~
978 ~~student, pursuant to the provisions of s. 322.091.~~

979 Section 25. Paragraph (a) of subsection (10) of section
980 318.14, Florida Statutes, is amended to read:

981 318.14 Noncriminal traffic infractions; exception;
982 procedures.-

983 (10) (a) Any person who does not hold a commercial driver
984 license or commercial learner's permit and who is cited while
985 driving a noncommercial motor vehicle for an offense listed
986 under this subsection may, in lieu of payment of fine or court
987 appearance, elect to enter a plea of nolo contendere and provide
988 proof of compliance to the clerk of the court, designated
989 official, or authorized operator of a traffic violations bureau.

Page 34 of 38

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24-00163B-17

2017302__

In such case, adjudication shall be withheld; however, a person may not make an election under this subsection if the person has made an election under this subsection in the preceding 12 months. A person may not make more than three elections under this subsection. This subsection applies to the following offenses:

1. Operating a motor vehicle without a valid driver license in violation of s. 322.03, s. 322.065, or s. 322.15(1), or operating a motor vehicle with a license that has been suspended for failure to appear, failure to pay civil penalty, or failure to attend a driver improvement course pursuant to s. 322.291.

2. Operating a motor vehicle without a valid registration in violation of s. 320.0605, s. 320.07, or s. 320.131.

3. Operating a motor vehicle in violation of s. 316.646.

4. Operating a motor vehicle with a license that has been suspended under s. 61.13016 or s. 322.245 for failure to pay child support or for failure to pay any other financial obligation as provided in s. 322.245; however, this subparagraph does not apply if the license has been suspended pursuant to s. 322.245(1).

~~5. Operating a motor vehicle with a license that has been suspended under s. 322.091 for failure to meet school attendance requirements.~~

Section 26. Subsections (1) and (2) of section 322.05, Florida Statutes, are amended to read:

322.05 Persons not to be licensed.—The department may not issue a license:

(1) To a person who is under the age of 16 years, except that the department may issue a learner's driver license to a

24-00163B-17

2017302__

person who is at least 15 years of age and who meets the requirements of s. 322.1615 ~~ss. 322.091 and 322.1615~~ and of any other applicable law or rule.

(2) To a person who is at least 16 years of age but is under 18 years of age unless the person ~~meets the requirements of s. 322.091~~ and holds a valid:

(a) Learner's driver license for at least 12 months, with no moving traffic convictions, before applying for a license;

(b) Learner's driver license for at least 12 months and who has a moving traffic conviction but elects to attend a traffic driving school for which adjudication must be withheld pursuant to s. 318.14; or

(c) License that was issued in another state or in a foreign jurisdiction and that would not be subject to suspension or revocation under the laws of this state.

Section 27. Paragraph (b) of subsection (5) of section 322.27, Florida Statutes, is amended to read:

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

(5)

(b) If a person whose driver license has been revoked under paragraph (a) as a result of a third violation of driving a motor vehicle while his or her license is suspended or revoked provides proof of compliance for an offense listed in s. 318.14(10)(a)1.-4. ~~318.14(10)(a)1.-5.~~, the clerk of court shall submit an amended disposition to remove the habitual traffic offender designation.

Section 28. Subsection (9) of section 1003.01, Florida Statutes, is amended to read:

24-00163B-17

2017302__

1048 1003.01 Definitions.—As used in this chapter, the term:

1049 (9) "Dropout" means a student who meets any one or more of
1050 the following criteria:

1051 (a) The student has voluntarily removed himself or herself
1052 from the school system before graduation for reasons that
1053 include, but are not limited to, marriage, or the student has
1054 withdrawn from school because he or she has failed the statewide
1055 student assessment test and thereby does not receive any of the
1056 certificates of completion;

1057 (b) The student has not met the relevant attendance
1058 requirements of the school district pursuant to State Board of
1059 Education rules, or the student was expected to attend a school
1060 but did not enter as expected for unknown reasons, or the
1061 student's whereabouts are unknown;

1062 (c) The student has withdrawn from school, but has not
1063 transferred to another public or private school or enrolled in
1064 any career, adult, home education, or alternative educational
1065 program;

1066 (d) The student has withdrawn from school due to hardship,
1067 unless such withdrawal has been granted because of ~~under the~~
1068 ~~provisions of s. 322.091,~~ court action, expulsion, medical
1069 reasons, or pregnancy; or

1070 (e) The student is not eligible to attend school because of
1071 reaching the maximum age for an exceptional student program in
1072 accordance with the district's policy.

1073

1074 The State Board of Education may adopt rules to implement ~~the~~
1075 ~~provisions of~~ this subsection.

1076 Section 29. The amendment made by this act to s. 316.650,

24-00163B-17

2017302__

1077 Florida Statutes, shall apply upon the creation of a new
1078 inventory of uniform traffic citation forms.

1079 Section 30. This act shall take effect October 1, 2017.

THE FLORIDA SENATE

APPEARANCE RECORD

2/7/2017

Meeting Date

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

SB 302

Bill Number (if applicable)

Topic SB 302 Drivers License

Amendment Barcode (if applicable)

Name DEAN BUNCH

Job Title VETERAN

Address 4583 Highgrove Rd

Street

TALLAHASSEE FL 32309

City

State

Zip

Phone 850 510-6365

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing SELF

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

February 7, 2017

Meeting Date

302

Bill Number (if applicable)

Topic Penalties and Fees

Amendment Barcode (if applicable)

Name Hon. Bob Dillinger

Job Title Public Defender, 6th Circuit

Address 14250 49th Street, North

Phone 727-464-6516

Street

Clearwater

FL

33762

Email bdilling@co.pinellas.fl.us

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Public Defender 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)

2/17/17

Meeting Date

302

Bill Number (if applicable)

Topic Penalties & Fees

Amendment Barcode (if applicable)

Name Ingrid Delgado

Job Title Associate for Social Concerns & Respect Life

Address 201 W Park Ave.

Phone _____

Street

Tallahassee

City

FL

State

32301

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/7/17

Meeting Date

SB 302

Bill Number (if applicable)

Topic Penalties and Fees

Amendment Barcode (if applicable)

Name Scott McCoy

Job Title Senior Policy Counsel

Address P.O. Box 10788

Phone 334-224-4309

Street

Tally

FL

State

32302

Zip

Email scott.mccoy@spkcenter.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Southern Poverty Law Center

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Feb 7, 2017

Meeting Date

302

Bill Number (if applicable)

Topic Drivers' License Suspensions

Amendment Barcode (if applicable)

Name Washington SANCHEZ, JR

Job Title Volunteer

Address 2229 GATES DR

Phone 850/ 322-8455

Street

Tallahassee, FL 32312

FL

32312

City

State

Zip

Email WJSAN4@GMAIL.COM

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Tallahassee Veterans Legal Collaborative

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/7/17

Meeting Date

SB 302

Bill Number (if applicable)

Topic Penalties & Fines - Reform

Amendment Barcode (if applicable)

Name KARA GROSS

Job Title LEGISLATIVE COUNSEL

Address 4500 BISCAYNE BLVD

Street

MIAMI

City

FL

State

Zip

Phone 786-363-4436

Email KGROSS@ACLUFL.ORG

Speaking: ☐ For ☐ Against ☐ Information

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

Representing ACLU OF FLORIDA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

S-001 (10/14/14)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Education, *Chair*
Regulated Industries, *Vice Chair*
Appropriations Subcommittee on the Environment
and Natural Resources
Health Policy
Transportation

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR DOROTHY L. HUKILL

14th District

February 3, 2017

The Honorable George B. Gainer
Transportation Committee, Chair
410 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Re: Request for Excusal from Committee Meeting

Dear Chairman Gainer:

Please excuse me from the Transportation Committee on February 7, 2017 at 2 p.m. as I will not be able to attend due to illness.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Dorothy L. Hukill".

Dorothy L. Hukill
State Senator, District 14

cc: Phillip Miller, Staff Director of the Transportation Committee
Marilyn Hudson, Committee Administrative Assistant of the Transportation Committee

REPLY TO:

□ 209 Dunlawton Avenue, Unit 17, Port Orange, Florida 32127 (386) 304-7630 FAX: (888) 263-3818

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

CourtSmart Tag Report

Room: SB 401

Case No.:

Type:

Caption: Senate Committee on Transportation **Judge:**

Started: 2/7/2017 2:01:58 PM

Ends: 2/7/2017 3:40:33 PM **Length:** 01:38:36

2:01:57 PM Meeting called to order by Chair Gainer
2:02:01 PM Roll call by Administrative Assistant, Marilyn Hudson
2:02:05 PM Quorum Present
2:02:10 PM Comments by Chair Gainer
2:02:37 PM Pledge of Allegiance
2:02:45 PM Comments from Chair Gainer
2:03:21 PM Tab 1 SB 164 introduced by Chair Gainer
2:03:32 PM Explanation of SB 164 by Senator Baxley
2:04:12 PM Comments from Chair Gainer
2:04:21 PM Amendment Barcode No. 283316 introduced by Chair Gainer
2:04:29 PM Explanation of Amendment Barcode No. 283316 by Senator Baxley
2:04:55 PM Comments from Chair Gainer
2:05:15 PM Closure waived on Amendment Barcode No. 283316
2:05:20 PM Amendment Barcode No. 283316 adopted
2:05:31 PM Comments from Chair Gainer
2:05:38 PM Zayne Smith, Associate State Director, AARP waives in support
2:05:47 PM Comments from Chair Gainer
2:05:58 PM Closure on CS/SB 164 waived
2:06:08 PM Roll call on CS/SB 164 by Administrative Assistant, Marilyn Hudson
2:06:29 PM CS/SB 164 reported favorably
2:06:46 PM Tab 3, SB 302 introduced by Chair Gainer
2:06:51 PM Explanation of SB 302 by Senator Rouson
2:07:12 PM Amendment Barcode No. 485268 introduced by Chair Gainer
2:07:23 PM Explanation of Amendment Barcode No. 485268 by Senator Rouson
2:08:11 PM Comments by Chair Gainer
2:08:20 PM Amendment Barcode No. 485268 passes
2:08:29 PM Comments from Chair Gainer
2:09:02 PM Speaker Dean Bunch in support
2:10:23 PM Speaker Honorable Bob Dillinger, Public Defender, 6th Circuit in support
2:13:04 PM Comments from Senator Rouson
2:13:31 PM Ingrid Delgado waives in support, Associate for Social Concerns & Respect Life
2:13:40 PM Scott McCoy waives in support, Senior Policy Council, Southern Poverty Law
2:13:47 PM Washington Sanchez waives in support
2:14:06 PM Khra Gross, Legislative Counsel waives in support
2:14:27 PM Comments from Chair Gainer
2:14:42 PM Closure on CS/SB 302 by Senator Rouson
2:16:11 PM Roll call on CS/SB 302 by Administrative Assistant
2:16:24 PM Bill reported favorably
2:16:45 PM Comments from Chair Gainer regarding 15 minute break
2:18:32 PM Recording Paused
2:30:53 PM Recording Resumed
2:30:58 PM Meeting called back to order by Chair Gainer
2:31:11 PM Tab 2, SB 178 introduced
2:31:20 PM Explanation of SB 178 by Senator Ariles
2:35:33 PM Comments from Chair Gainer
2:36:03 PM Speaker Paul Henry, Liberty First Network in support
2:38:23 PM Speaker F.J. Flynn, Deputy Director, Transportation in opposition
2:41:20 PM Speaker Luis Valdes in support
2:43:34 PM Speaker David Coughlin in support
2:45:56 PM Speaker Alexander Snitker, President, Liberty First Network in support
2:46:45 PM Speaker Megan Sirjane-Samples, Legislative Advocate, Fla. League of Cities in opposition
2:49:45 PM David Shaw waives in support

2:49:54 PM Speaker Stephen Facella, Director in support
2:56:31 PM Speaker John Lake, Police Officer, Sarasota Police Department in opposition
3:02:10 PM Question from Senator Baxley
3:02:31 PM Response from Mr. Lake
3:03:49 PM Question from Chair Gainer
3:03:53 PM Response from Mr. Lake
3:04:22 PM Speaker Jim Phend, Director, Melbourne Motorists Association in support
3:08:54 PM Speaker Eric Poole, Deputy Director Public Policy, Fla. Association of Counties in opposition
3:10:04 PM Bob White waives in support
3:10:19 PM Speaker Adrian Moore, Vice President
3:11:20 PM David Vucic recognized
3:11:56 PM Diana Arteaga recognized
3:12:05 PM Speaker Brian Pitts, Trustee, Justice-2-Jesus
3:17:23 PM Speaker Melissa Wandall, The Mark Wandall Traffic Safety Act in opposition
3:23:52 PM Comments from Chair Gainer
3:24:11 PM Senator Baxley in debate
3:25:53 PM Comments from Mrs. Wandall
3:26:11 PM Additional comments from Senator Baxley
3:31:17 PM Comments from Senator Rader
3:33:48 PM Comments from Chair Gainer
3:35:32 PM Closure on SB 178 by Senator Artiles
3:38:26 PM Roll call on SB 178 by Administrative Assistant, Marilyn Hudson
3:39:26 PM SB 178 reported unfavorably
3:40:16 PM Senator Rouson moves to adjourn