

**Tab 1 SB 284 by Baxley;** (Similar to H 00323) Specialty License Plates

**Tab 2 SB 372 by Stargel;** (Similar to H 00671) Reemployment Assistance Fraud

**Tab 3 SB 386 by Mayfield (CO-INTRODUCERS) Gainer;** (Similar to H 00269) High-speed Passenger Rail

688612	D	S	L	RCS	TR, Mayfield	Delete everything after	03/15 12:50 PM
<del>712666</del>	AA	S		WD	TR, Mayfield	Delete L.22:	03/14 11:35 AM
678792	AA	S		RCS	TR, Mayfield	Delete L.22:	03/15 12:50 PM

**Tab 4 SB 444 by Baxley;** (Similar to CS/H 00179) Veteran Identification

186252	A	S			TR, Baxley	Delete L.35 - 39:	03/13 01:42 PM
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**Tab 5 SB 460 by Brandes;** (Compare to CS/H 00601) Personal Delivery Devices

724448	D	S		UNFAV	TR, Brandes	Delete everything after	03/15 12:50 PM
<del>581362</del>	SD	S		WD	TR, Brandes	Delete everything after	03/15 12:50 PM

**Tab 6 SB 466 by Hutson (CO-INTRODUCERS) Gainer, Broxson;** (Identical to H 00775) Motor Vehicle Warranty Repairs and Recall Repairs

122736	A	S		RCS	TR, Hutson	Delete L.51 - 99:	03/15 12:50 PM
<del>957306</del>	AA	S		WD	TR, Rouson	Delete L.53:	03/15 12:50 PM

**Tab 7 SB 654 by Latvala;** (Identical to H 01095) Transportation

**Tab 8 SB 718 by Powell;** (Similar to CS/H 00711) Vessel Registrations

227844	A	S		RCS	TR, Powell	Delete L.80 - 86.	03/15 12:50 PM
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**Tab 9 SB 720 by Mayfield;** (Identical to H 00299) Central Florida Expressway Authority

**Tab 10 SB 994 by Rouson (CO-INTRODUCERS) Thurston;** (Similar to CS/H 00029) Specialty License Plates

566696	D	S			TR, Rouson	Delete everything after	03/13 09:52 AM
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**Tab 11 SB 1010 by Farmer;** (Similar to CS/H 00839) Specialty License Plates

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**TRANSPORTATION**  
**Senator Gainer, Chair**  
**Senator Rouson, Vice Chair**

**MEETING DATE:** Tuesday, March 14, 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	<b>SB 284</b> Baxley (Similar H 323)	Specialty License Plates; Directing the Department of Highway Safety and Motor Vehicles to develop a Ronald Reagan license plate; establishing an annual use fee for the plate; providing for distribution and use of fees collected from the sale of the plates, etc.  TR     03/14/2017 Not Considered ATD AP	Not Considered
2	<b>SB 372</b> Stargel (Similar H 671)	Reemployment Assistance Fraud; Authorizing reproductions from certain files or digital records maintained by the Department of Highway Safety and Motor Vehicles to be made and issued to the Department of Economic Opportunity pursuant to an interagency agreement for specified purposes, etc.  CM     02/21/2017 Favorable TR     03/14/2017 Favorable RC	Favorable Yeas 4 Nays 0
3	<b>SB 386</b> Mayfield (Similar H 269)	High-speed Passenger Rail; Citing this act as the "Florida High-Speed Passenger Rail Safety Act"; providing minimum safety standards for high-speed passenger rail; providing certain requirements for railroad companies before operating a high-speed passenger rail system; requiring a railroad company operating a high-speed passenger rail system to be solely responsible for all rail corridor improvements or upgrades relating to its operation and safety, etc.  TR     03/14/2017 Fav/CS CA AP	Fav/CS Yeas 4 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Tuesday, March 14, 2017, 2:00—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 444</b> Baxley (Similar CS/H 179)	Veteran Identification; Requiring the Department of Highway Safety and Motor Vehicles to create a veteran identification card for certain purposes; authorizing use of the card as proof of veteran status for obtaining waivers of license or registration fees relating to land surveying and mapping, private investigation, security, and repossession services, health studios, telephone salespersons, movers and moving brokers, the sale of liquefied petroleum gas, pawnbrokers, motor vehicle repair shops, sellers of travel, insurance representatives, and the carrying of concealed weapons or firearms, etc.  TR 03/14/2017 Not Considered MS ATD AP	Not Considered
5	<b>SB 460</b> Brandes (Compare CS/H 601)	Personal Delivery Devices; Authorizing the operation of personal delivery devices within county or municipal jurisdictions under certain circumstances; prohibiting the operation of personal delivery devices on the Florida Shared-Use Nonmotorized Trail Network; requiring a personal delivery device operator to maintain an insurance policy that provides general liability coverage of at least a specified amount for damages arising from the operation of a personal delivery device; exempting personal delivery devices from certain registration and insurance requirements, etc.  TR 03/14/2017 Favorable BI RC	Favorable Yeas 4 Nays 0
6	<b>SB 466</b> Hutson (Identical H 775)	Motor Vehicle Warranty Repairs and Recall Repairs; Prohibiting a manufacturer, factory branch, distributor, or importer from denying a claim of a motor vehicle dealer, reducing compensation to a motor vehicle dealer, or processing a chargeback to a motor vehicle dealer because of specified circumstances; requiring a manufacturer, factory branch, distributor, or importer to compensate a motor vehicle dealer for a used motor vehicle under specified circumstances, etc.  TR 03/14/2017 Fav/CS CM RC	Fav/CS Yeas 4 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Tuesday, March 14, 2017, 2:00—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	<b>SB 654</b> Latvala (Identical H 1095)	Transportation; Providing for a future reduction in specified fees from annual license taxes which must be deposited into the General Revenue Fund; providing for the subsequent deletion of the requirement that specified fees from annual license taxes be deposited into the General Revenue Fund, etc.  TR 03/14/2017 Favorable AFT AP	Favorable Yeas 4 Nays 0
8	<b>SB 718</b> Powell (Identical H 711)	Vessel Registrations; Revising a reduction of vessel registration fees for recreational vessels equipped with certain position indicating and locating beacons, etc.  TR 03/14/2017 Fav/CS AFT AP	Fav/CS Yeas 4 Nays 0
9	<b>SB 720</b> Mayfield (Identical H 299)	Central Florida Expressway Authority; Increasing the number of members making up the governing body of the Central Florida Expressway Authority; adding the geographical boundary of Brevard County to the area served by the authority, etc.  TR 03/14/2017 Favorable EE RC	Favorable Yeas 4 Nays 0
10	<b>SB 994</b> Rouson (Similar CS/H 29)	Specialty License Plates; Establishing an annual use fee for National Pan-Hellenic Council Sorority or Fraternity license plates; directing the Department of Highway Safety and Motor Vehicles to develop the license plates, etc.  TR 03/14/2017 Fav/CS ATD AP	Fav/CS Yeas 4 Nays 0
11	<b>SB 1010</b> Farmer (Similar CS/H 839)	Specialty License Plates; Establishing an annual use fee for the Dan Marino Foundation license plate; requiring the Department of Highway Safety and Motor Vehicles to create a Dan Marino Foundation license plate, etc.  TR 03/14/2017 Favorable ATD AP	Favorable 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.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 284

INTRODUCER: Senator Baxley

SUBJECT: Specialty License Plates

DATE: March 13, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	<b>Pre-meeting</b>
2.			ATD	
3.			AP	

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**I. Summary:**

SB 284 directs the Department of Highway Safety and Motor Vehicles (DHSMV) to develop a Ronald Reagan specialty license plate, establishes a \$25 annual use fee for the plate, and provides the distribution and use of fees collected from sale of the plate.

The DHSMV estimates programming and implementation will cost \$7,245. The DHSMV is authorized to retain revenues from the first proceeds of sales to defray departmental costs.

**II. Present Situation:**

**Specialty License Plates**

Presently, there are over 120 specialty license plates available for purchase in Florida.<sup>1</sup> Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.<sup>2</sup> The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute.<sup>3</sup>

In order to establish a specialty license plate, s. 320.08053, F.S., requires the plate must first be adopted into statute. Upon becoming law:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue pre-sale vouchers for the approved specialty license plate; and

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<sup>1</sup> A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited Feb. 24, 2017).

<sup>2</sup> Section 320.08056, F.S.

<sup>3</sup> Section 320.08058, F.S.

- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing may begin.

If, at the end of the 24-month pre-sale period, the minimum sales requirement has not been met, the DHSMV will discontinue the plate and issuance of the pre-sale voucher. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.<sup>4</sup>

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.<sup>5</sup> Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.<sup>6</sup>

### ***DHSMV Costs Defrayed***

The DHSMV retains sufficient annual use fees, from the sale of the specialty plates, to defray its costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.<sup>7</sup>

### ***Discontinuance of Specialty Plates***

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000 plates. Collegiate plates are exempt from the minimum plate requirement.<sup>8</sup> The specialty license plate must also be discontinued if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.<sup>9</sup>

### ***Florida Ronald Reagan Centennial, Inc.***<sup>10</sup>

According to corporate filings with the Department of State, the Florida Ronald Reagan Centennial, Inc., is a not-for-profit organization created to support, promote, and fund activities, programs, and projects educating individuals about the contributions of President Reagan; supporting Alzheimer disease research; supporting the Florida National Guard Foundation; and establishing, operating, maintaining, and funding related programs.

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<sup>4</sup> Section 320.08053(2)(b), F.S.

<sup>5</sup> Section 320.08056(10)(a), F.S.

<sup>6</sup> Section 320.08062, F.S.

<sup>7</sup> Section 320.08056(7), F.S.

<sup>8</sup> Section 320.08056(8)(a), F.S.

<sup>9</sup> Section 320.08056(8)(b), F.S.

<sup>10</sup> See Florida Department of State – Division of Corporations, *Florida Ronald Reagan Centennial, Inc.*, (Jan. 14, 2016), <http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2016%5C0119%5C00011637.Tif&documentNumber=N16000000398> (last visited Feb. 24, 2017).

**III. Effect of Proposed Changes:**

The bill directs the DHSMV to create a Ronald Reagan specialty license plate, with an annual fee of \$25 to be distributed to Florida Ronald Reagan Centennial, Inc. The organization may use proceeds earned from the sale of the plate as follows:

- Up to 15 percent for administrative costs of the organization;
- Up to 10 percent for promotion and marketing of the plate;
- Up to 10 percent to be donated to the Florida National Guard Foundation; and
- The remaining proceeds must be used to fund activities, programs, and projects that educate Florida students and residents about the contributions of President Reagan, and to support Alzheimer's research.

The plate must bear the colors and design approved by the department, with the word "Florida" at the top of the plate, and the words "President Ronald Reagan" at the bottom of the plate.

The bill takes effect October 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:**

None.

**B. Private Sector Impact:**

Individuals who choose to purchase a Ronald Reagan specialty license plate will pay a \$25 annual use fee in addition to appropriate license taxes and fees. Florida Ronald Reagan Centennial, Inc. will receive revenue from each Ronald Reagan plate purchase.

**C. Government Sector Impact:**

The DHSMV estimates \$7,245 in programming and implementation costs.<sup>11</sup> The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.<sup>12</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 320.08056 and 320.08058.

**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.

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

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<sup>11</sup> DHSMV, *2017 Agency Legislative Bill Analysis: SB 284* (Feb. 17, 2017) (on file with the Senate Committee on Transportation).

<sup>12</sup> Section 320.08056(7), F.S.

By Senator Baxley

12-00274-17

2017284\_\_

1 A bill to be entitled  
 2 An act relating to specialty license plates; amending  
 3 ss. 320.08056 and 320.08058, F.S.; directing the  
 4 Department of Highway Safety and Motor Vehicles to  
 5 develop a Ronald Reagan license plate; establishing an  
 6 annual use fee for the plate; providing for  
 7 distribution and use of fees collected from the sale  
 8 of the plates; providing an effective date.  
 9  
 10 Be It Enacted by the Legislature of the State of Florida:  
 11  
 12 Section 1. Paragraph (ffff) is added to subsection (4) of  
 13 section 320.08056, Florida Statutes, to read:  
 14 320.08056 Specialty license plates.—  
 15 (4) The following license plate annual use fees shall be  
 16 collected for the appropriate specialty license plates:  
 17 (ffff) Ronald Reagan license plate, \$25.  
 18 Section 2. Subsection (84) is added to section 320.08058,  
 19 Florida Statutes, to read:  
 20 320.08058 Specialty license plates.—  
 21 (84) RONALD REAGAN LICENSE PLATES.—  
 22 (a) The department shall develop a Ronald Reagan license  
 23 plate as provided in this section and s. 320.08053. The plate  
 24 must bear the colors and design approved by the department. The  
 25 word "Florida" must appear at the top of the plate, and the  
 26 words "President Ronald Reagan" must appear at the bottom of the  
 27 plate.  
 28 (b) The annual use fees from the sale of the plate shall be  
 29 distributed to Florida Ronald Reagan Centennial, Inc., to be  
 30 used as follows:  
 31 1. Up to 15 percent of the proceeds may be used for  
 32 administrative costs of the organization.

Page 1 of 2

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

12-00274-17

2017284\_\_

33 2. Up to 10 percent of the proceeds may be used for  
 34 promotion and marketing of the plate.  
 35 3. Up to 10 percent of the proceeds shall be donated to the  
 36 Florida National Guard Foundation.  
 37 4. The remainder of the proceeds shall be used to fund  
 38 activities, programs, and projects that educate Florida's  
 39 students and residents about the contributions of the nation's  
 40 40th President to the state and the United States and to support  
 41 ongoing research of Alzheimer's disease for the benefit of  
 42 Florida residents and their families who suffer from the  
 43 disease.  
 44 Section 3. This act shall take effect October 1, 2017.

Page 2 of 2

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 372

INTRODUCER: Senator Stargel

SUBJECT: Reemployment Assistance Fraud

DATE: March 13, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Little</u>	<u>McKay</u>	<u>CM</u>	<b>Favorable</b>
2.	<u>Jones</u>	<u>Miller</u>	<u>TR</u>	<b>Favorable</b>
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 372 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to provide certain driver license images to the Department of Economic Opportunity (DEO) in order to facilitate in the detection of fraudulent reemployment assistance claims.

The DHSMV estimates programing and implementation of the bill will cost approximately \$20,025. The bill may have an indeterminate positive fiscal impact on DEO's Reemployment Assistance Program.

The bill is effective upon becoming law.

**II. Present Situation:**

**Reemployment Assistance Program**

The Federal-State Unemployment Insurance Program provides unemployment benefits to eligible workers who are unemployed through no fault of their own (as determined under state law) and who meet eligibility requirements of state law.<sup>1</sup> The program is administered as a partnership of the federal government and the states.<sup>2</sup>

Florida's unemployment insurance program was created by the Legislature in 1937.<sup>3</sup> The program was rebranded as the "Reemployment Assistance Program" in 2012.<sup>4</sup> The DEO is

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<sup>1</sup> United States Department of Labor, Employment and Training Administration, *State Unemployment Insurance Benefits*, available at <http://workforcesecurity.doleta.gov/unemploy/uifactsheet.asp> (last visited Mar. 7, 2017).

<sup>2</sup> There are 53 programs, including the 50 states, Puerto Rico, the Virgin Islands, and the District of Columbia.

<sup>3</sup> Chapter 18402, Laws of Fla.

<sup>4</sup> Chapter 2012-30, Laws of Fla.

responsible for administering Florida's reemployment assistance laws, primarily through its Division for Workforce Services.<sup>5</sup>

An unemployed individual must apply to the DEO for benefits using Florida's Online Reemployment Assistance System.<sup>6</sup> The DEO application process requires the claimant to provide their social security number and a secondary form of identification. Acceptable secondary forms of identification include any of the following:

- A driver's license containing a photograph or identifying information such as name, date of birth, sex, height, and address;
- Documentation issued by a federal, state, or local government agency containing a photograph or identifying information such as name, date of birth, sex, height, and address;
- A school identification card with photograph;
- A United States (U.S.) military ID, dependent's ID card, or U.S. Coast Guard Merchant Mariner card;
- Native American tribal document;
- U.S. passport (expired or unexpired); or
- Certificate of U.S. Citizenship or Certificate of Naturalization.<sup>7</sup>

In order to receive benefits, an applicant must also meet certain monetary and nonmonetary eligibility requirements.<sup>8</sup> Key eligibility requirements involve a claimant's earnings during a certain period of time, the manner in which the claimant became unemployed, and the claimant's efforts to find new employment. A notice of claim is sent to a claimant's most recent employer and all employers whose employment records are liable for benefits.<sup>9</sup>

### **Fraudulent Claims**

In 2014, the DEO implemented the Fraud Initiative and Rules Rating Engine (FIRRE) program in order to detect fraud and identity theft within public-assistance programs. In the first year of implementation, the FIRRE program detected over 70,000 fraudulent claims for reemployment assistance benefits.<sup>10</sup>

In order to identify falsely filed claims, the FIRRE program cross matches identification information with external entities, including the claimant's social security and driver license information.<sup>11</sup> To cross match driver license information, the DEO has been provided limited access to the information database used by the DHSMV.<sup>12</sup> The DEO's current access does not include digital images contained in DHSMV's Driver and Vehicle Information Database

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<sup>5</sup> Section 20.60(5)(c), F.S. and s. 443.171, F.S.

<sup>6</sup> Rule 73B-11.013(1), F.A.C.

<sup>7</sup> Rule 73B-11.013(6), F.A.C.

<sup>8</sup> See s. 443.091, F.S. and Rule 73B-11.013, F.A.C.

<sup>9</sup> Section 443.151(3)(a), F.S.

<sup>10</sup> Letter to Thomas Perez, US Secretary of Labor, from Jesse Panuccio, Exe. Dir. DEO, RE: Identify Theft and Fraud in Public Benefit Systems (March 13, 2015), available at <http://floridajobs.org/docs/default-source/communicationsfiles/3-13-15-deo-letter.pdf> (last visited Mar. 7, 2017).

<sup>11</sup> Department of Economic Opportunity, *Senate Bill 1216 Agency Legislative Bill Analysis*, (Jan. 7, 2016) (on file with the Senate Committee on Commerce and Tourism).

<sup>12</sup> *Id.*

(DAVID). Under s. 322.142, F.S., other state agencies have been given access to reproductions of the digital images for similar purposes.<sup>13</sup> Federal law allows states to make such information available for a government agency to carry out its functions.<sup>14</sup>

### **Penalties and Disqualification**

Under current law, any person who establishes a fictitious employing unit<sup>15</sup> by submitting fraudulent documents through a computer system, by alteration or destruction of computer files, or by theft of financial instruments, data, and other assets for the purpose of enabling any person to receive benefits under the reemployment program commits a felony of the third degree.<sup>16</sup> Establishment of a fictitious employing unit in violation of the reemployment assistance program is considered racketeering activity under Florida law.<sup>17</sup>

Any person who makes false or fraudulent representations for the purpose of obtaining benefits contrary to the reemployment assistance program commits a felony of the third degree. Each false or fraudulent representation constitutes a separate offense.<sup>18</sup> A person who makes such representation is subject to a disqualification of benefits, beginning with the week in which the false or fraudulent representation is made. The disqualification may be imposed for a period of up to one year following the date the DEO discovers the false or fraudulent representation and until any overpayment of benefits resulting from such representation is repaid in full.<sup>19</sup> The duration of disqualification for false or fraudulent representations in other states is comparable to Florida's current penalty, as the disqualification time period in most states is 52 weeks.<sup>20</sup>

### **Recovery for Overpayment**

Any person who receives benefits by fraud, to which he or she is not entitled, is liable for repaying those benefits to the DEO. Florida law also allows the DEO to impose a penalty equal to 15 percent of the amount overpaid.<sup>21</sup>

Upon discovery of an overpayment, the DEO makes a determination of the amount of overpayment and attempts to make recovery of the payment. To enforce this provision, the DEO must find the existence of fraud through a redetermination or a decision within two years after the fraud was committed. Any recovery or recoupment of benefits must be commenced within

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<sup>13</sup> Section 322.142(4), F.S., provides access to digital license images, through interagency agreement, to the Department of Business and Professional Regulation, the Department of Health, the Department of State, the Department of Children and Family Services, the Agency for Health Care Administration, and the Department of Financial Services.

<sup>14</sup> 18 U.S.C. s. 2721(b)(1)

<sup>15</sup> An employing unit means "an individual or type of organization, including a partnership, limited liability company, association, trust, estate, joint-stock company, insurance company, or corporation, whether domestic or foreign; the receiver, trustee in bankruptcy, trustee or successor of any of the foregoing; or the legal representative of a deceased person; which has or had in its employ one or more individuals performing services for it within this state." Section 443.036(20), F.S.

<sup>16</sup> Section 443.071(4), F.S.

<sup>17</sup> Section 895.02(8)(a)7., F.S.

<sup>18</sup> Section 443.071(1), F.S.

<sup>19</sup> Section 443.101(6), F.S.

<sup>20</sup> For a review of other state laws, see US Dept. of Labor, *2016 Comparison of State Unemployment Laws*, available at <https://workforcesecurity.doleta.gov/unemploy/pdf/uilawcompar/2016/complete.pdf> (last visited Mar. 7, 2017).

<sup>21</sup> Section 443.151(6)(a), F.S.

seven years after the redetermination or decision.<sup>22</sup> The DEO is required to collect the repayment of benefits without interest by the deduction of benefits through a redetermination or by a civil action.<sup>23</sup>

### III. Effect of Proposed Changes:

The bill amends s. 322.142, F.S., relating to color photographic or digital imaged licenses, to authorize the DHSMV to make and issue reproductions of color photographic or digital imaged licenses and signatures of licensees to the DEO. The DEO will be able to use such reproductions to facilitate in the validation of reemployment assistance claims and to identify fraudulent or false reemployment assistance claims.

Allowing the DEO access to the DHSMV database will likely increase the number of fraudulent and false claims detected by the DEO.<sup>24</sup>

The bill provides an effective date of upon becoming law.

### 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:

None.

#### Private Sector Impact:

None.

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<sup>22</sup> *Id.*

<sup>23</sup> Section 443.151(6)(e), F.S.

<sup>24</sup> Department of Economic Opportunity, *Senate Bill 1216 Agency Legislative Bill Analysis*, (Jan. 7, 2016) (on file with the Senate Committee on Commerce and Tourism).

**B. Government Sector Impact:**

The DHSMV estimates programing and implementation of the bill will cost approximately \$20,025.<sup>25</sup>

To the extent that the bill increases the number of fraudulent or false reemployment assistance claims detected by the DEO, there may be a positive fiscal impact to the Unemployment Compensation Benefit Trust Fund<sup>26</sup>.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 322.142 of the Florida Statutes

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

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

None.

**B. Amendments:**

None.

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

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<sup>25</sup> Department of Highway Safety and Motor Vehicles, *Senate Bill 372 Agency Legislative Bill Analysis*, (Feb. 6, 2017) (on file with the Senate Committee on Commerce and Tourism).

<sup>26</sup> Section 443.191, F.S.

By Senator Stargel

22-00467-17

2017372\_\_

1 A bill to be entitled  
 2 An act relating to reemployment assistance fraud;  
 3 amending s. 322.142, F.S.; authorizing reproductions  
 4 from certain files or digital records maintained by  
 5 the Department of Highway Safety and Motor Vehicles to  
 6 be made and issued to the Department of Economic  
 7 Opportunity pursuant to an interagency agreement for  
 8 specified purposes; providing an effective date.

9  
 10 WHEREAS, the incidence of identity theft and the resulting  
 11 fraud has reached a crisis level, and

12 WHEREAS, identity theft is especially problematic in this  
 13 state, and the Federal Trade Commission reports that Florida has  
 14 the highest per capita rate of reported fraud in the nation, and

15 WHEREAS, stolen identities are used to commit an ever-  
 16 expanding range of fraud, including public assistance fraud, and

17 WHEREAS, identity theft and related fraud harm those whose  
 18 identities are stolen, rob the social safety net of precious  
 19 resources, impose unwarranted costs on taxpayers, and undermine  
 20 public confidence in government, and

21 WHEREAS, the Department of Economic Opportunity's efforts  
 22 to detect, prevent, and prosecute fraud have revealed that  
 23 thousands of fraudulent claims for reemployment assistance are  
 24 being filed, and

25 WHEREAS, the Department of Economic Opportunity has made  
 26 prevention, detection, and prosecution of reemployment  
 27 assistance fraud a top priority and has identified additional  
 28 resources and tools necessary to effectively combat fraud, NOW,  
 29 THEREFORE,

30  
 31 Be It Enacted by the Legislature of the State of Florida:  
 32

22-00467-17

2017372\_\_

33 Section 1. Present paragraphs (k), (l), and (m) of  
 34 subsection (4) of section 322.142, Florida Statutes, are  
 35 redesignated as paragraphs (l), (m), and (n), respectively, and  
 36 a new paragraph (k) is added to that subsection, to read:

37 322.142 Color photographic or digital imaged licenses.—

38 (4) The department may maintain a film negative or print  
 39 file. The department shall maintain a record of the digital  
 40 image and signature of the licensees, together with other data  
 41 required by the department for identification and retrieval.  
 42 Reproductions from the file or digital record are exempt from  
 43 the provisions of s. 119.07(1) and may be made and issued only:

44 (k) To the Department of Economic Opportunity pursuant to  
 45 an interagency agreement to facilitate the validation of  
 46 reemployment assistance claims and the identification of  
 47 fraudulent or false reemployment assistance claims.

48 Section 2. This act shall take effect upon becoming a law.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/14/17  
Meeting Date

372  
Bill Number (if applicable)

Topic Senate Bill 372

Amendment Barcode (if applicable)

Name Cissy Proctor

Job Title Executive Director - Dept. of Economic Opportunity

Address 107 E Madison St Phone (800) 245-7298  
Street

Tallahassee FL 32399 Email \_\_\_\_\_  
City State Zip

Speaking:  For  Against  Information

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

Representing Department of Economic Opportunity

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

372  
Bill Number (if applicable)

Meeting Date \_\_\_\_\_

Topic Reemployment Assistance Fraud

Amendment Barcode (if applicable) \_\_\_\_\_

Name Chris Emmanuel

Job Title Policy Director

Address 136 S. Bronough

Phone \_\_\_\_\_

Street

TLH  
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 CHAMBER OF COMMERCE

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 386

INTRODUCER: Transportation Committee and Senator Mayfield and others

SUBJECT: High-speed Passenger Rail

DATE: March 15, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	<b>Fav/CS</b>
2.			CA	
3.			AP	

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**I. Summary:**

CS/SB 386 creates the Florida High-Speed Passenger Rail Safety Act. Specifically, the bill provides a short title, definitions relating to the act, Legislative intent, and applicability; assigns various duties to the Florida Department of Transportation (FDOT); and imposes certain reporting requirements on railroad companies and the FDOT. The bill specifies that the reporting requirements are for informational purposes only and may not be used to economically regulate a railroad company.

The bill also requires railroad companies to install certain technology and equipment; allocates responsibility for certain maintenance, repair, improvement and upgrade costs to railroad companies; and provides that with respect to its requirements related to maintenance and repair of railroad-highway crossings it does not impair existing contracts. The bill authorizes the FDOT to bring actions for assessment and collection of civil penalties or for injunctive relief pursuant to certain federal law. The bill also provides for enforcement jurisdiction and requires any penalty for a violation of the bill's provisions to be imposed upon the railroad company that commits such violation.

The bill raises a number of federal preemption issues as discussed in more detail throughout the remainder of this analysis.

The bill may have an indeterminate negative fiscal impact on the private sector and on state governments, and an indeterminate positive fiscal impact on local governments. See Section V. Fiscal Impact Statement for details.

## II. Present Situation:

Following general discussion of current and relevant federal and state provisions of law, the present situation for each section of the bill is discussed below in conjunction with the Effect of Proposed Changes.

### **The Federal Regulatory Framework for Railroad Activities**

The reach of federal law and regulations relating to various aspects of rail activities is extensive. Recognition of the need to regulate railroad operations at the federal level to provide uniformity, and Congress' authority under the Commerce Clause<sup>1</sup> to regulate the railroads, is well established.<sup>2</sup> The U.S. Supreme Court has on numerous occasions recognized the preemptive effect of federal regulation of railroads, a scheme that is "among the most pervasive and comprehensive."<sup>3</sup> State and local regulation is often, but not always, preempted. A number of federal laws apply, but the following relevant federal provisions often involve questions of preemption of state and local efforts to regulate railroad activities.

#### ***The Interstate Commerce Commission Termination Act of 1995***

The Interstate Commerce Commission Termination Act of 1995 (ICCTA)<sup>4</sup> granted to the Surface Transportation Board (STB) exclusive jurisdiction, previously exercised by the Interstate Commerce Commission,<sup>5</sup> over:

- Transportation by rail carriers<sup>6</sup> and the remedies provided with respect to rates, classifications, rules (including car service, interchange, and other operating rules), practices, routes, services, and facilities of such carriers; and
- The construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or side tracks, or facilities, even if the tracks are located, or intended to be located, entirely in one state.

Except as otherwise provided, the remedies "with respect to regulation of rail transportation are exclusive and preempt the remedies provided under Federal or State law."<sup>7</sup>

State or local attempts to intrude into matters directly regulated by the STB; e.g., railroad rates, services, construction, or abandonment, are categorically preempted. ICCTA also prevents state or local imposition of requirements that could be used to deny a railroad the right to conduct rail operations or proceed with activities authorized by the STB. Even if a state or local requirement is not categorically preempted, state and local attempts to impose requirements on railroads may

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<sup>1</sup> U.S. Const. art. VI.

<sup>2</sup> See *City of Auburn v. United States*, 154 F.3d 1025 (9<sup>th</sup> Circuit 1998).

<sup>3</sup> See, e.g., *Chicago & N.W. Transp. Co v. Kalo Brick & Tile Co.*, 450 U.S. 311, 318 (1981).

<sup>4</sup> 49 U.S.C. 10101 *et seq.*

<sup>5</sup> ICCTA abolished the Interstate Commerce Commission.

<sup>6</sup> Defined to mean a person providing common carrier railroad transportation for compensation, but does not include street, suburban, or interurban electric railways not operated as part of the general system of rail transportation. 49 U.S.C. 10102(5).

<sup>7</sup> 49 U.S.C. 10501(b).

be preempted as applied; i.e., if the requirements unreasonably burden or interfere with rail transportation.<sup>8</sup>

Thus, ICCTA preempts regulations that unreasonably interfere with railroad operations that come within the STB's jurisdiction, regardless of whether the STB actively regulates the particular activity involved. ICCTA is broad and far-reaching, but "state and local actions taken under their retained police powers" are not preempted "as long as they do not unreasonably interfere with railroad operations or the Board's regulatory programs."<sup>9</sup>

"States and towns may exercise traditional police powers over the development of railroad property, at least to the extent that the regulations protect the public health and safety, are settled and defined, can be obeyed with reasonable certainty, entail no extended or open-ended delays, and can be approved (or rejected) without the exercise of discretion on subjective questions."<sup>10</sup>

A conclusion as to whether a state or local regulation is preempted "requires a factual assessment of whether that action would have the effect of preventing or unreasonably interfering with railroad transportation."<sup>11</sup>

### ***The Federal Railroad Safety Act***

The purpose of the federal rail safety program is to promote safety in every area of railroad operations and reduce railroad-related accidents and incidents.<sup>12</sup> The program is implemented through mandatory federal safety requirements and through joint efforts of FRA and state inspections to determine compliance of railroads, shippers, and manufacturers with the federal requirements.<sup>13</sup>

The general rule with respect to railroad safety and security calls for national uniformity to the extent practicable. Like the ICCTA, the Federal Railroad Safety Act (FRSA) may also preempt state and local actions. The FRSA in 49 U.S.C. s. 20106 contains an express preemption provision authorizing a state to adopt or continue in force a law, regulation, or order related to rail safety or security until the Secretary of Transportation (as to railroad safety) or the Secretary of Homeland Security (as to railroad security) issues a regulation or order covering the subject matter of the state requirement.

<sup>8</sup> Surface Transportation Board Decision, Docket No. FD 35792, Decided October 29, 2014 (citations omitted), available at: <https://www.stb.gov/decisions/readingroom.nsf/cac42df635267da4852572b80041558c/2c4e7a01a148e0a385257d8200477be9?OpenDocument> (last visited February 17, 2017).

<sup>9</sup> ICCTA preempts more than explicit economic regulation. While "Congress was particularly concerned about state economic regulation of railroads when it enacted the ICCTA[.]" "[w]hat matters is the degree to which the challenged regulation burdens rail transportation..." not the label placed on the regulation, economic or otherwise. "The ICCTA 'completely preempts state laws (and remedies based on such laws) that directly attempt to manage or govern a railroad's decisions in the economic realm.'" See *Town of Atherton v. California High-Speed Rail Authority*, 228 Ca.App.4th 314, 331 (July 24, 2014) (citations omitted).

<sup>10</sup> *Emerson v. Kansas City S. Ry. Co.*, 503 F.3d 1126, 1133 (10<sup>th</sup> Cir. 2007), citing *Green Mountain R.R. Corp. v. Vermont*, 404 F.3d 638, 643 (2d Cir. 2005) (internal quotation marks omitted). *Emerson* collects, with citations, a number of examples of circumstances under which ICCTA preemption did and did not apply.

<sup>11</sup> *Id.*

<sup>12</sup> 49 U.S.C. 20101.

<sup>13</sup> See 49 C.F.R. 212.101.

Additionally, a state may adopt or continue a more stringent law, regulation or order relating to railroad safety or security if the law, regulation, or order:

- Is necessary to eliminate or reduce an essentially local safety hazard;
- Is not incompatible with a law, regulation, or order of the United States Government; and
- Does not unreasonably burden interstate commerce.<sup>14</sup>

### ***The Federal Hazardous Material Transportation Law***

The purpose of the Federal Hazardous Materials Transportation Law (HMTL)<sup>15</sup> “is to protect against the risks to life, property, and the environment that are inherent in the transportation of hazardous material in intrastate, interstate, and foreign commerce.<sup>16</sup> The United State Department of Transportation (U.S.D.O.T.) Secretary is charged with prescribing regulations for the safe transportation, including security, of hazardous material in intrastate, interstate, and foreign commerce.<sup>17</sup> A number of federal agencies share enforcement. The FRA’s primary emphasis is on the transportation or shipment of hazardous material by rail.<sup>18</sup>

The HMTL also contains express preemption provisions. Except as otherwise provided, a state or local requirement relating to rail safety or security is preempted if:

- Complying with the state or local requirement and a federal requirements is not possible;<sup>19</sup>
- A state or local requirement, as applied or enforced, is an obstacle to carrying out a federal safety requirement or regulation or security regulation or directive;<sup>20</sup>
- A state or local requirement relating to any of the following is not substantively the same as a federal requirement:
  - The designation, description, and classification of hazardous material;
  - The packing, repacking, handling, labeling, marking, and placarding of hazardous material;
  - The preparation, execution, and use of shipping documents related to hazardous material and requirement related to the number, contents, and placement of those documents;
  - The written notification, recording, and reporting of the unintentional release in transportation of hazardous material and other written hazardous materials transportation incident reporting involving State or local emergency responders in the initial response to the incident; and

<sup>14</sup> The FRSA was amended in 2007 to clarify that the preemption provision does not preempt an action under state law seeking damages for personal injury, death, or property damage alleging a party failed to comply with the Federal standard of care established by the Transportation or Homeland Security secretaries covering the subject matter; failed to comply with its own plan, rule, or standard that it created pursuant to a regulation or order issued by either of the secretaries; or has failed to comply with a state law, regulation, or order not incompatible with 49 U.S.C. s. 20106(a)(2)..

<sup>15</sup> 49 U.S.C. 5101-5128.

<sup>16</sup> 49 U.S.C. 5101.

<sup>17</sup> 49 U.S.C. 5103

<sup>18</sup> See the Pipeline and Hazardous Materials Safety Administration’s overview available at:

<http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/Hazmat%20Law%20Overview.pdf>. (Last visited March 10, 2017.)

<sup>19</sup> Labeled the “dual compliance” test. See *Index to Preemption of State and Local Laws and Regulations Under the Federal Hazardous Material Transportation Law*, available on the federal Pipeline and Hazardous Materials Safety Administration website at:

[http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/Preemption\\_Index\\_January\\_2014\\_February\\_2017.pdf](http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/Preemption_Index_January_2014_February_2017.pdf). (Last visited March 8, 2017.)

<sup>20</sup> Labeled the “obstacle” test. *Id.*

- The designing, manufacturing, fabricating, inspecting, marking, maintaining, reconditioning, repairing, or testing a package, container, or packaging component that is represented, marked, certified, or sold as qualified for use in transportation hazardous material in commerce.<sup>21</sup>

Section 5125(d) of 49 U.S.C. authorizes a person (including a state, political subdivision of a state, or Indian tribe) directly affected by a requirement of the state, political subdivision or Indian tribe to apply to the U.S. Department of Transportation secretary for a determination of whether such a requirement is preempted.

A state, political subdivision, or Indian tribe may also in some cases apply to the secretary for a waiver of preemption, and the secretary may waive preemption if the given requirement provides the public at least as much protection as do the federal HMTL provisions and regulations and is not an unreasonable burden on commerce.<sup>22</sup>

### **Rail Programs and Activity in Florida**

Section 341.302, F.S., prescribes the duties and responsibilities of the FDOT in relation to Florida's rail program. The FDOT, in conjunction with other governmental units and the private sector, is directed to develop and implement a statewide rail program ensuring "the proper maintenance, safety, revitalization, and expansion of the rail system" necessary to respond to statewide mobility needs.<sup>23</sup> The rail system plan must identify the priorities, programs, and funding levels required to meet statewide needs and assure the maximum use of existing facilities along with the integration and coordination of the various modes of transportation in the most cost-effective manner possible.<sup>24</sup> The FDOT is required to update the rail system plan every two years and to include plans for both passenger and freight rail service.<sup>25</sup> The FDOT is also directed to promote and facilitate the implementation of advanced rail systems, including high-speed rail.<sup>26</sup>

#### ***Commuter Rail***

In 1988, the FDOT and CSX Transportation, Inc., (CSX) entered into an agreement under which the department bought approximately 81 miles of CSX track and right-of-way in order to operate commuter rail in South Florida. Today, the commuter rail system (Tri-Rail) is operated by the South Florida Regional Transportation Authority and continues to serve Miami-Dade, Broward, and Palm Beach counties.<sup>27</sup>

In addition, in 2007, the FDOT entered into an agreement with CSX to purchase 61.5 miles of track or right-of-way in Central Florida to provide commuter rail service. Known as SunRail, the first phase of the project opened in 2014, connecting DeBary in Volusia County to Sand Lake

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<sup>21</sup> Labeled the "substantively the same as" test. *Supra* note 19.

<sup>22</sup> 49 U.S.C. 5125.

<sup>23</sup> Section 341.302, F.S.

<sup>24</sup> Section 341.302(3), F.S.

<sup>25</sup> *Id.*

<sup>26</sup> Section 341.302(2), F.S.

<sup>27</sup> See Tri-Rail, *Destinations*, <http://www.tri-rail.com/destinations/> (last visited February 14, 2017).

Road in Orange County and featuring 12 Central Florida stations.<sup>28</sup> The FDOT operates the SunRail system, and CSX continues to operate freight trains in the corridor.

SunRail recently began its southern expansion into Osceola County, with construction underway to link Sand Lake Road to Poinciana in Osceola County. The project is a 17.2-mile segment featuring four additional stations expected to be up and running by early 2018.<sup>29</sup> Northern expansion plans are expected to link DeBary to DeLand in Volusia County. This project is a 12-mile segment, adding one station to the existing system.<sup>30</sup>

### ***High-Speed Rail/Florida Rail Enterprise***

In November of 2000, the Florida voters approved a constitutional amendment<sup>31</sup> mandating the construction of a high-speed transportation system for the state. The amendment required the use of train technologies that operate at speeds in excess of 120 miles per hour. The high-speed rail system was to link the five largest urban areas in Florida, and construction was mandated to begin by November 1, 2003. To implement the constitutional amendment, the Florida Legislature enacted the Florida High-Speed Rail Authority Act<sup>32</sup> and created the Florida High-Speed Rail Authority in 2002. In November 2004, the high-speed rail constitutional amendment was repealed.

In 2009, the Legislature repealed the Florida High-Speed Rail Authority and re-named the Florida High-Speed Rail Act as the Florida Rail Enterprise Act.<sup>33</sup> In place of the Authority, the Legislature established the Florida Rail Enterprise as part of the FDOT<sup>34</sup> and directed the Enterprise to locate, plan, design, finance, construct, maintain, own, operate, administer, and manage the high-speed rail system in the state.<sup>35</sup> The Legislature also created the Florida Statewide Passenger Rail Commission to advise the FDOT on policies and strategies for a coordinated statewide system of passenger rail services, and evaluating passenger rail policies and provided advice and recommendations. The Commission was abolished in 2014.<sup>36</sup>

Section 341.822, F.S., authorizes the Rail enterprise to plan, construct, maintain, repair, and operate a high-speed rail system, to acquire corridors, and to coordinate the development and operation of publicly funded passenger rail systems in the state. The FDOT is the only

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<sup>28</sup> See the SunRail website available at: <http://corporate.sunrail.com/stations-trains/phase-1-stations/> (last visited February 14, 2017).

<sup>29</sup> See the SunRail website available at: <http://corporate.sunrail.com/stations-trains/phase-2-south-stations/> (last visited February 14, 2017).

<sup>30</sup> See the SunRail website available at: <http://corporate.sunrail.com/stations-trains/phase-2-north-stations/> (last visited February 14, 2017).

<sup>31</sup> Section 19, Article X of the State Constitution.

<sup>32</sup> Sections 341.8201 through 341.842, F.S. (2002).

<sup>33</sup> Chapter 2009-271, L.O.F.

<sup>34</sup> See s. 20.23(4)(a), F.S.

<sup>35</sup> Section 341.822, F.S.

<sup>36</sup> Chapter 2014-223, L.O.F.

governmental entity authorized to acquire, construct, maintain, or operate the high-speed rail system.<sup>37</sup>

### ***The All Aboard Florida Project***

Florida East Coast Industries (FECI) was incorporated in 1983 and became the holding company for the Florida East Coast Railway (FECR).<sup>38</sup> In 2007, Fortress Investment Group acquired FECI.<sup>39</sup> All Aboard Florida (AAF) is a wholly owned subsidiary of FECI.<sup>40</sup>

AAF is currently developing an express train service, called “Brightline,” using the existing FECR corridor between Miami and Cocoa. AAF will build new track along State Road 528 between Cocoa and Orlando. Service between Miami and West Palm Beach is expected to be launched this year, with service from Miami to Orlando following. Improving the route between Miami and Cocoa, building out the route between Cocoa and Orlando, and constructing train stations in Miami, Fort Lauderdale, and West Palm Beach is to occur in the meantime. Station construction projects are at various stages.<sup>41</sup>

According to AAF, Brightline will travel at speeds between 79 and 125 miles per hour. Between Miami and West Palm, the trains will travel up to 79 mph; between West Palm to Cocoa, up to 110 mph; and from Cocoa to Orlando, up to 125 mph, with actual speed varying depending on corridor conditions and configurations.<sup>42</sup> New signal systems, upgraded crossings, double tracking and other improvements for the existing rail corridor between Cocoa and Miami are included in the construction plans.<sup>43</sup>

Cities and counties along Florida’s east coast reportedly have existing crossing agreements with Florida East Coast Railway. Under those agreements, the local governments usually have financial responsibility for crossing signal installations, capital improvements for track beds and roadway surfaces, crossing maintenance costs, and pedestrian gates and sidewalks.<sup>44</sup> AAF reportedly wishes to be named a third-party beneficiary in those agreements already in place.<sup>45</sup>

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<sup>37</sup> Defined in s. 341.8203(4), F.S., to mean any high-speed fixed guideway system for transporting people or goods, which system is, by definition of the United States Department of Transportation, reasonably expected to reach speeds of at least 110 miles per hour, including but not limited to, a monorail system, dual track rail system, suspended rail system, magnetic levitation system, pneumatic repulsion system, or other system approved by the enterprise. The term is broadly defined and includes a long list of additional items in the definition.

<sup>38</sup> See the Florida East Coast Railway website available at: <http://www.fecrwy.com/about/history>. (Last visited March 8, 2017.)

<sup>39</sup> See article *Fortress Buying Florida’s Flagler Development in \$3.5B Deal*, available at: [http://www.costar.com/News/Article/Fortress-Buying-Floridas-Flagler-Development-in-\\$35B-Deal/89781](http://www.costar.com/News/Article/Fortress-Buying-Floridas-Flagler-Development-in-$35B-Deal/89781). (Last visited March 8, 2017.)

<sup>40</sup> See the AAF website available at: <http://www.allaboardflorida.com/>. (Last visited March 8, 2017.)

<sup>41</sup> *Id.*

<sup>42</sup> See video of the House Transportation & Infrastructure Subcommittee workshop on high-speed passenger rail, February 22, 2017, available at:

[http://www.myfloridahouse.gov/VideoPlayer.aspx?eventID=2443575804\\_2017021306&committeeID=2914](http://www.myfloridahouse.gov/VideoPlayer.aspx?eventID=2443575804_2017021306&committeeID=2914). (Last visited March 12, 2017.)

<sup>43</sup> *Supra* note 40.

<sup>44</sup> See Martin County document, *Direct Costs to Treasure Coast from High-Speed Rail* (On file in the Senate Transportation Committee).

<sup>45</sup> See article, *Two votes today could clear way for All Aboard Florida*, available at: <http://realtime.blog.palmbeachpost.com/2014/10/21/does-all-aboard-floridas-fate-hinge-on-brevard-county-vote/>. (Last

### III. Effect of Proposed Changes:

The bill creates the Florida High-Speed Passenger Rail Safety Act, assigning various duties to the FDOT related to certain privately owned HSPR operations. The bill imposes certain reporting requirements on railroad companies, requires installation of certain technology and equipment, and allocates costs and responsibility for certain rail corridor improvements and upgrades. The bill provides for enforcement jurisdiction and authorizes the FDOT to bring actions for assessment and collection of penalties or for injunctive relief pursuant to federal law.

#### Short Title, Definitions, Legislative Intent, and Applicability (Sections 1-4)

##### *Present Situation*

While Florida law does contain definitions relating to a publicly funded passenger rail system and a number of provisions relating to high-speed rail, Florida law currently does not specifically contain a “High-Speed Passenger Rail Safety Act” nor any definitions, Legislative intent, or applicability provisions specific to such an act.

##### *Effect of Proposed Changes*

**Section 1** of the bill creates s. 341.601, F.S., providing a short title for the act, the “Florida High-Speed Passenger Rail Safety Act,” including ss. 341.601 through 341.615, F.S.

**Section 2** of the bill creates s. 341.602, F.S., providing the following definitions as used in the act:

- “Department” means the Florida Department of Transportation;
- “Freight railroad carrier” means any person, railroad corporation, or other legal entity in the business of providing freight rail transportation;
- “Governmental entity” means the state, any of its agencies, or any of its political subdivisions;
- “High-speed passenger rail system” (HSPR system) means any new intrastate passenger rail system that operates or proposes to operate its passenger trains at a maximum speed in excess of 80 miles per hour on or after July 1, 2017.
- “Pedestrian grade crossing” means a separate sidewalk or pathway where pedestrians, but not vehicles, cross railroad tracks.
- “Public railroad-highway grade crossing” means a location at which a railroad track is crossed at grade by a public road.
- “Rail corridor” means a linear, continuous strip of real property that is used for rail service. The term includes the corridor and structures essential to railroad operations, including the land, buildings, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, switches, yards, parking facilities, power relays, switching houses, rail stations, any ancillary development, and any other facilities or equipment used for the purposes of construction, operation, or maintenance of a railroad that provides rail service.

- “Railroad company” means any individual, partnership, association, corporation, or company and its respective lessees, or court-appointed trustees or receivers, that develops or provides ground transportation that runs on rails, including, but not limited to any of the following:
  - A HSPR system;
  - A freight railroad carrier; or
  - A company that owns a rail corridor.

**Section 3** of the bill creates s. 341.603, F.S., expressing the Legislature’s intent to encourage the creation of safe and cost-effective transportation options for this state’s residents and visitors, including HSPR systems; and to promote and enhance the safety of HSPR systems operating within the state to protect the health, safety, and welfare of the public.

**Section 4** of the bill creates s. 341.604, F.S., applying the act to any railroad company operating a HSPR system, or any railroad company that allows a HSPR system to operate on or within its rail corridor.

### **FDOT Powers, Duties, and Rulemaking (Section 5)**

#### *Present Situation*

FDOT Authority to Regulate Railroad Companies/Obtain Information/Keep Records: Except for specific areas referred to in state law (such as rail crossings and federally delegated safety inspections), the FDOT’s regulatory authority over railroad companies is limited in scope. Under the federal regulatory scheme, state or local attempts to regulate railroad companies, including obligating a railroad to provide information and requiring a state to keep records, may or may not be preempted under one or more federal laws.

Hazardous Material Training: Hazardous material employers are required to train their hazardous material employees and to keep certain records related to that training.<sup>46</sup> Research reveals that federal law allows company employees, outside training firms, federal and state agencies, colleges and universities, and any other organization that can meet the objectives of the training requirements to provide hazardous material training. Computer-based training programs are also available.<sup>47</sup> Florida law does not currently require the FDOT to offer hazardous material or emergency response training related to rail operations. However, the Florida Division of Emergency Management (FDEM) is charged with coordinating federal, state, and local emergency management activities to ensure the availability of adequately trained and equipped forces of emergency management personnel before, during, and after emergencies and disasters. Additionally, the FDEM is responsible for implementing training programs to improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs.<sup>48</sup>

#### *Effect of Proposed Changes*

**Section 5** of the bill creates s. 341.605, F.S., providing the FDOT may:

<sup>46</sup> See 49 C.F.R. 172, Subpart H (10-1-2016).

<sup>47</sup> See the U.S.D.O.T. presentation, p. 23, available at:

[http://phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/FRA\\_Rail\\_HAZMAT.pdf](http://phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/FRA_Rail_HAZMAT.pdf). (Last visited March 9, 2017.)

<sup>48</sup> Section 252.35(2)(l) and (n), F.S.

- Regulate railroad companies in this state insofar as such authority is not preempted by federal laws or regulations; and
- Obtain from any party all information necessary to enable it to perform its duties and carry out the act's requirements.

In addition, the bill requires the FDOT to:

- Keep a record of all its findings, decisions, determinations, and investigations carried out under the act;
- Offer, in coordination with the FDEM, local communities and local emergency services located along the rail corridor training specifically designed to help them respond to an accident involving rail passengers or hazardous materials, if a HSPR system operates within the same rail corridor or on the same set of tracks as another railroad company that transports hazardous materials.
- Adopt rules to administer the new statutory section.

Whether federal preemption applies to these provisions is dependent upon the particular regulation, the information sought, and the record-keeping requirement. For example, if the regulation or requirement is already addressed in one or more federal provisions, an analysis under those provisions must be conducted to determine whether preemption, or any exception to preemption, applies. Research reveals numerous examples of litigation involving such questions, with results turning on the specific words of, and sometimes their placement in, any given regulation. To the extent that any state regulation or record-keeping requirement is not preempted, and the FDOT has state-granted legal authority, the FDOT may exercise such authority. The same analysis would apply to any FDOT rule adopted pursuant to the bill's rulemaking authority.

The FDOT advises it does not currently have employees who would be qualified to provide the bill's required hazardous material training.<sup>49</sup> A review of the FDEM's website suggests that similar training may already be available.

## **Reporting Requirements**

### ***Present Situation***

Florida law does not currently address railroad company reporting requirements related to accident reports, liquefied natural gas (LNG) shipments, insurance and financial disclosure, or worst-case LNG release impacts.

Accident Reports: With certain exceptions, each railroad is required to submit to the FRA a monthly report of all railroad accidents or incidents that are:

- Highway-rail grade crossing accidents;
- Rail equipment accidents (collisions, derailments, fires, explosions, acts of God, and other events involving the operation of on-track equipment resulting in specified damages); and
- Death, injury, or occupational illness.<sup>50</sup>

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<sup>49</sup> See the email from FDOT staff dated February 24, 2017. (On file in the Senate Transportation Committee.)

<sup>50</sup> 49 C.F.R. 225.11 and 225.19 (10-1-2016).

Federal regulations prescribe the forms to be used, which must be completed in accordance with the current FRA Guide and submitted within 30 days after expiration of the month during which the accidents occur.<sup>51</sup> The FRA Office of Safety Analysis makes available railroad safety information, including accidents and incidents, inventory, and highway-rail crossing data, on a website that allows queries for accident, casualty, and crossing accident data by state.<sup>52</sup> Federal law authorizes any state to require railroads, for occurrences within that state, to submit to the state copies of accident/incident and injury/illness reports filed with the FRA.<sup>53</sup>

LNG Shipment by Rail: LNG is classified as a hazardous material.<sup>54</sup> Research reveals little federal guidance on LNG rail shipments and suggests that LNG rail shipments currently require approval from the FRA on a case-by-case basis.<sup>55</sup> Alaska has received such approval.<sup>56</sup> The FEC reportedly has an application pending before the FRA to transport LNG by rail in South Florida.<sup>57</sup>

Insurance and Financial Disclosure: The State of Washington imposes financial disclosure requirements on any railroad company that transports crude oil.<sup>58</sup> Washington requires any railroad company that transports crude oil in Washington to submit an annual statement containing:

- All insurance that covers losses resulting from a reasonable worst-case spill;
- Coverage amounts, limitations, and other conditions of the insurance;
- Average and largest crude oil train operated in Washington by the railroad company in the previous calendar year;
- Information sufficient to demonstrate the railroad company's ability to pay the costs to clean up a reasonable worst-case spill of oil, including insurance, reserve accounts, letters of credit, or other financial instruments or resources on which the company can rely.
- The railroad's calculation of the total cleanup costs for a reasonable worst-case spill based on a statutory formula involving cleanup cost per barrel, crude oil volumes carried, and operating speed.<sup>59</sup>

<sup>51</sup> 49 C.F.R. 225.11 (10-1-2016).

<sup>52</sup> See the FRA website available at: <http://safetydata.fra.dot.gov/OfficeofSafety/default.aspx>. (Last visited March 9, 2017.)

<sup>53</sup> 49 C.F.R. 225.1.

<sup>54</sup> See the Table Of Hazardous Materials, 49 C.F.R. 172.101 (10-1-16) available at: <https://www.gpo.gov/fdsys/pkg/CFR-2016-title49-vol2/pdf/CFR-2016-title49-vol2-sec172-101.pdf>.

<sup>55</sup> See the Pipeline and Hazardous Materials Safety Administration's presentation, *LNG Rail Transportation Initiatives*, April 16, 2015, page 3, available at: [http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/LNG\\_Transportation\\_Initiatives\\_Leonard\\_Majors.pdf](http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/LNG_Transportation_Initiatives_Leonard_Majors.pdf). (Last visited March 9, 2017.)

<sup>56</sup> See [https://www.alaskarailroad.com/sites/default/files/communications/2016\\_LNG\\_Transport\\_Demo\\_Project.pdf](https://www.alaskarailroad.com/sites/default/files/communications/2016_LNG_Transport_Demo_Project.pdf). (Last visited March 9, 2017.)

<sup>57</sup> See article Mayo: *Still Awaiting Word (And More Info) on Rail Shipments of Liquefied Natural Gas*, June 8, 2016, available at: <http://www.sun-sentinel.com/news/fl-rail-liquid-gas-mayocol-b060916-20160608-column.html>. (Last visited March 9, 2017.)

<sup>58</sup> W.A.C. 480-62-300 (2016) available at: <http://apps.leg.wa.gov/WAC/default.aspx?cite=480-62-300>. (Last visited March 9, 2017.)

<sup>59</sup> Alaska also has financial disclosure requirements relating to claims resulting from an oil discharge that apply to oil terminals, pipelines, offshore facilities, exploration or production facilities, refineries, tank vessels, oil barges, and railroad tank cars, but not expressly to "railroads" or "railroad companies." See the State of Alaska website available at: <https://dec.alaska.gov/spar/ppr/fr.htm>. (Last visited March 9, 2017.) Additionally, the State of California in 2014 passed

Research reveals no legal challenge to the Washington law. It is therefore unknown whether the statute would withstand a challenge on grounds it is preempted by federal law.

Worst-Case Release Calculation: The State of Washington reportedly looked to federal rule making by the Pipeline and Hazardous Materials Safety Administration and the FRA, and to the tank-car derailment and leakage of some 1.6 million gallons of oil in Lac-Megantic, Quebec, in arriving at its regulations.<sup>60</sup> With respect to onshore oil pipelines, 49 C.F.R part 194 requires such pipeline operators to submit a response plan. Each operator is required to determine the worst-case discharge, providing the methodology and calculations used to arrive at the discharge volume.

Research suggests the Pipeline and Hazardous Materials Safety Administration is moving toward development of specific LNG rail transportation regulations, including development of an “LNG rail transportation risk assessment/profile.”<sup>61</sup>

### *Effect of Proposed Changes*

**Section 6** of the bill creates s. 341.606, F.S., requiring the following:

- The FDOT must annually publish on its official website a report disclosing all fatalities, injuries, and accidents occurring within the reporting period and within a rail corridor where a HSPR system operates.
- A railroad company operating a HSPR system must provide to the FDOT copies of accident reports filed with the FRA for each train accident that occurs within the rail corridor.
- A railroad company that transports LNG on the same tracks or within the same rail corridor as a HSPR system must annually submit a report to the FDOT containing:
  - All insurance carried by the railroad company that covers any losses resulting from a reasonable worst-case unplanned release of LNG;
  - Coverage amounts, limitations, and other conditions of the insurance.
  - The average and largest LNG train, as measured in metric tons, operated in the state by the railroad company in the previous calendar year.
  - Information sufficient to demonstrate the railroad company’s ability to pay the costs of remediating a reasonable worst-case unplanned release of LNG, including but not limited to insurance, reserve accounts, letters of credit, or other financial instruments or resources on which the company can rely to pay all such costs.

This section of the bill also requires the FDOT, in coordination with the FRA and other public and private entities as necessary, to develop rules for determining applicable criteria for a reasonable worst-case unplanned release of LNG.

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regulations for the transportation of oil on or near the waters of the state requiring owners or operators of facilities where an oil spill could impact waters to apply for and obtain a certificate of financial responsibility issued by the State. However, a complaint filed collectively by certain railroad companies for injunctive and declaratory relief was dismissed on ripeness grounds, and the court never reached the question of preemption. The case may be distinguishable on other grounds, however.

<sup>60</sup> See article, *Washington Asks if Railroads Could Afford \$700M Oil Train Spill*, available at: <http://www.bellinghamherald.com/news/local/article60156446.html>. (Last visited March 13, 2017.)

<sup>61</sup> *Supra* note 54 at p. 5.

Additionally, the bill provides that the reporting requirements are for informational purposes only and may not be used to economically regulate the railroad company.

Accident Reports: Requiring a railroad company to furnish to the FDOT copies of accident reports filed with the FRA for each accident occurring within this state is authorized by federal law.<sup>62</sup> Whether it is permissible under federal law to require the FDOT to take the additional step of *preparing* a report on fatalities, injuries, and accidents during the specified reporting period for publication on the FDOT's website, especially if such report is intended to be in addition to simply publishing the FRA-required accident/incident reports on the FDOT website, is unclear.

Insurance and Financial Disclosure: Whether the bill's provisions that the reporting requirements are for information purposes only and may not be used to economically regulate the railroad company would enable it to withstand a challenge based on preemption is likewise unclear given the absence of any challenge to the Washington statute. However, the bill appears to impose no monetary fine and no preclearance requirement; that is, no prohibition against a railroad company's continued operation if, for example, a railroad reported that it had no ability to pay the costs of remediating a reasonable worst-case unplanned release of LNG, or even if a railroad made no report at all.

## **Minimum Safety Standards for HSPR (Section 7)**

### ***Present Situation***

Compliance with Federal Law and Regulation: Railroad companies are currently required to comply with any applicable federal law or regulation.

Positive Train Control (PTC): The Rail Safety Improvement Act of 2008 required all Class I railroad main lines (lines over which five million or more gross tons are transported annually) handling any poisonous-inhalation-hazardous materials, and any railroad main lines over which regularly scheduled intercity passenger or commuter rail services are provided, to install PTC by December 31, 2015. PTC is defined to mean "a system designed to prevent train-to-train collisions, over-speed derailments, incursions into established work zone limits, and the movement of a train through a switch left in the wrong position."<sup>63</sup> PTC systems use digital radio communications, global positioning, and fixed wayside signal systems to send and receive in real time a continuous stream of data about the location, direction, and speed of trains. The FRA concluded in August of 2015 that most railroads had not made sufficient progress to meet the December 2015 implementation deadline, despite the FRA's actions to assist railroads, the statutory deadline, and the threat of aggressive enforcement actions, including the imposition of significant civil penalties.<sup>64, 65</sup>

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<sup>62</sup> *Supra* note 52.

<sup>63</sup> 49 U.S.C. 20157(i)(5).

<sup>64</sup> See the FRA's *Status Report to House and Senate Committees on Appropriations*, August 2015, available at: <https://www.fra.dot.gov/eLib/details/L16962>. (Last visited March 10, 2017.)

<sup>65</sup> The FRA's latest data, November 28, 2016: "Freight railroads now have PTC active on 12 percent of their tracks, up from 9 percent last quarter. Passenger railroads increased their percentage to 23 percent this quarter compared to 22 percent last quarter. The measurable progress made by passenger railroads has been predominately on the West Coast, while East Coast railroads, other than SEPTA and Amtrak, have remained relatively stagnant." See the FRA website available at: [https://www.fra.dot.gov/eLib/details/L18436#p1\\_z5\\_gD](https://www.fra.dot.gov/eLib/details/L18436#p1_z5_gD). (Last visited March 10, 2017.)

### *Effect of Proposed Changes*

**Section 7** of the bill creates s. 341.607, F.S., setting out minimum safety standards for a HSPR system.

Compliance with Federal Law and Regulation: This section of the bill requires a railroad company operating a HSPR system to comply with all federal laws and regulations administered by the FRA. This provision in state law would mirror current federal law.

Positive Train Control (PTC): This section of the bill also requires a railroad company operating a HSPR system to install safety technology approved by the FRA, which at a minimum must include PTC. As the FRA has issued a final rule on PTC, it appears that this provision of the bill may be preempted.

### **Additional Minimum Safety Standards for HSPR and Maintenance/Repair of Roadbeds, Tracks, Culverts, and Certain Streets and Sidewalks (Sections 7 and 8)**

#### *Present Situation*

Railroad-Highway Grade Crossing Responsibility: The FDOT is granted regulatory authority over all public railroad-highway grade crossings<sup>66</sup> in the state, including issuance of permits required to open and close any such crossing. The FDOT is directed, in cooperation with railroads operating in the state, to develop and adopt a program for the expenditure of funds available for the construction of projects to reduce hazards at public railroad-highway grade crossings. Section 335.141(2)(b), F.S., requires every railroad company maintaining a public railroad-highway grade crossing, upon reasonable notice from the FDOT, to install, maintain, and operate at such crossing traffic control devices to provide motorists with warning of the approach of trains. The FDOT's notice must be based on its adopted hazard reduction program and on construction efficiency considerations relating to the geographical proximity of crossings included in the program. The FDOT must approve the design of the traffic control devices, and the costs of purchase and installation must be paid from the funds in the adopted program.

A railroad company must maintain at its own expense any public railroad crossing opened prior to July 1, 1972, unless the maintenance has been provided for through a contractual agreement entered into prior to October 1, 1982. If the railroad fails to maintain a crossing, the governmental entity with jurisdiction, after notice to the railroad of needed repairs and 30 days after the railroad's receipt of the notice, is required to make the repairs. The repair cost becomes a lien on the railroad and its rolling sock, enforceable by filing suit, and any judgment includes a reasonable attorney's fee.<sup>67</sup>

Pursuant to 23 U.S.C. 130, federal funds are available to states for projects that eliminate rail-highway crossing hazards to both vehicles and pedestrians. State laws requiring railroads to share in the cost of work for the elimination of hazards at rail-highway crossings do not apply to projects using federal funds.<sup>68</sup> The applicable regulation sets out a railroad's required share of

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<sup>66</sup> Defined to mean a location at which a railroad track is crossed at grade by a public road. Section 335.141(1)(b), F.S.

<sup>67</sup> Section 335.141(2)(c), F.S.

<sup>68</sup> 23 C.F.R. 646.210 (4-1-16).

costs in such projects and, in many cases, the railroad has no required share. If a project is not funded through the federal hazard reduction program, it appears state laws requiring a railroad's participation in the cost of rail-highway grade crossing improvements may be permissible, in the absence of any applicable contractual agreement otherwise providing for such costs.

Chapter 351, F.S., contains additional relevant provisions:

- Every railroad company is responsible for erecting and maintaining crossbuck warning signs at all public or private crossings in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).<sup>69, 70</sup>
- The governmental entity with jurisdiction or maintenance responsibility must install and maintain advance railroad warning signs and pavement markings at public crossings in accordance with the MUTCD.<sup>71</sup>

Prior to the work on the grade or the highway approaches at a public railroad-highway crossing, the railroad or the governmental entity initiating the work must notify the other party to promote coordination and ensure a safe crossing with smooth pavement transitions from the grade of the railroad to the highway approaches.<sup>72</sup>

Remote Health Monitoring (RHM): RHM systems provide a variety of uses and are designed to monitor various functions of railroad operations. They generate data related to fuel consumption; engineer compliance with train operation protocols; train speeds, locations, and direction; control system fault detection; and more. These systems can be customized to fit specific requirements.<sup>73</sup> In its diagnostic safety review of the FECR grade crossings for the All Aboard Florida project in Brevard and Indian River Counties, the FRA recommended that “four-quadrant gate systems *should* include remote health (status) monitoring capable of automatically notifying railroad or signal maintenance personnel when anomalies have occurred within the system.”<sup>74</sup> The MUTCD similarly provides that four-quadrant gate systems *should* include RHM but it does not *mandate* RHM inclusion.<sup>75</sup>

Crossing Gate Installation, Maintenance of Railroad Roadbed/Track/Culverts/Streets/Sidewalks: Cities and counties along Florida's east coast reportedly have existing crossing agreements with Florida East Coast Railway. Under those agreements, the local governments usually have

<sup>69</sup> Section 351.03(1), F.S.

<sup>70</sup> The MUTCD is the national standard for all traffic control devices installed on any street, highway, bikeway, or private road open to travel and are intended to obtain basic uniformity of traffic control devices. The FDOT has adopted the MUTCD as directed by s. 316.0745, F.S. Per guidance in the manual, “The appropriate traffic control system to be used at a highway-rail grade crossing should be determined by an engineering study involving both the highway agency and the railroad company.” See the MUTCD introduction, p. 748, available at: <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part8.pdf>. (Last visited March 12, 2017.)

<sup>71</sup> Section 351.03(2), F.S.

<sup>72</sup> Section 351.141(2)(d), F.S.

<sup>73</sup> See article *Multi-Purpose Monitoring Technology*, October 6, 2014, available at: <http://www.railwayage.com/index.php/communications/multi-purpose-monitoring-technology.html>. (Last visited March 10, 2017.)

<sup>74</sup> See the FRA *On-Site Engineering Field Report – Part 2*. (On file in the Senate Transportation Committee.)

<sup>75</sup> See the MUTCD, Part 8, s. 8C.06, available at: <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part8.pdf>. (Last visited March 10, 2017.)

financial responsibility for crossing signal installations, capital improvements for track beds and roadway surfaces, crossing maintenance costs, and pedestrian gates and sidewalks.<sup>76</sup>

### ***Effect of Proposed Changes***

**Section 7**, in the newly created s. 341.607, F.S., the bill requires a railroad company, before operating a HSPR system, to equip all automatic public railroad-highway grade crossing warning systems with RHM technology approved by the FRA. The technology must be capable of detecting false activations and other crossing signal malfunctions and notifying the train dispatcher and crossing signal maintenance personnel when a malfunction occurs.

In addition, before operating a HSPR system, the railroad company is required to:

- Install or realign crossing gates, including those at severely skewed acute-angled locations as identified by the FDOT or the FRA, such that the gates are parallel to the tracks and in accordance with the most recent edition of the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration and adopted by the state pursuant to s. 316.0745, F.S., and
- Construct and maintain fencing in accordance with newly created s. 341.611, F.S., discussed below under the heading, “Fencing Requirements.”

**Section 8** of the bill creates s. 341.608, F.S., to impose the following requirements on a railroad company that constructs or operates a HSPR system:

- If a HSPR system is on tracks that intersect with a public street or highway at grade, the railroad company must, at its sole cost and expense, construct, maintain, renew, and repair all railroad roadbed, track, and railroad culverts within the confines of the public street or highway, and the streets or pedestrian grade crossings lying between the rails and for a distance outside the rails of one foot beyond the end of the railroad ties.
- If the railroad company is required to install safety improvements that modify the width of a roadbed, the railroad is responsible for ensuring the impacted roadbed meets the FDOT’s transition requirements as set forth in the most recent edition of the FDOT’s Design Standards and the Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways.<sup>77</sup>

The bill provides that this newly created s. 341.608, F.S., does not impair any existing contractual agreements between the railroad company operating the HSPR system and a governmental entity within the state.

**Remote Health Monitoring:** While the FRA has recommended RHM for grade crossings that will have four-quadrant gates in Brevard and Indian River Counties, research reveals no federal *requirement* for such monitoring systems as part of warning systems at grade crossings. On the one hand, preemption may not apply under the theory that federal law and regulations have not

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<sup>76</sup> *Supra*, note 44.

<sup>77</sup> The purpose of the manual, adopted by the FDOT as directed in s. 336.045, F.S., “is to provide uniform minimum standards and criteria for the design, construction, and maintenance of public streets, roads, highways, bridges, sidewalks, curbs and curb ramps, cross walks, bicycle facilities, underpasses, and overpasses used by the public for vehicular and pedestrian traffic.” See the FDOT’s website available at: <http://www.fdot.gov/roadway/FloridaGreenbook/FGB.shtm>. (Last visited March 11, 2017.)

“covered the subject matter,” thus, allowing a state to enact such a requirement. Additionally, the effect may also turn on whether such installation is funded through the federal hazard reduction program. If not, such a state law requirement may be valid for HSPR systems that are not already covered by a contractual agreement that imposes responsibility for such costs.

Crossing Gate Installation/Realignment, Maintenance of Railroad Roadbed/Track/Culverts/ Streets/Sidewalks: To the extent that existing contractual agreements place financial responsibility for crossing signal installations, capital improvements for track beds and roadway surfaces, crossing maintenance costs, and pedestrian gates and sidewalks on cities and counties (and to the extent that no such work is a part of the FDOT’s federally-funded grade crossing hazard reduction program), the bill likely has no effect. Those existing contracts remain in place and, as provided in the bill, are not impaired.

To the extent that no agreements are in place covering a HSPR system, the bill may make railroad companies responsible for these costs (unless funded by the federal hazard reduction program, which provides in many cases that railroads do not share in costs). As an example, see *Adrian & Blissfield R. Co. v. Village of Blissfield*, 550 F.3d 533 (2008), holding that a virtually identical Michigan statute was not preempted by the ICCTA.<sup>78</sup>

## **Safety Inspections and Inspectors (Section 9)**

### ***Present Situation***

Section 341.302(8), F.S., authorizes the FDOT to conduct inspections of track and rolling stock, train signals and related equipment, hazardous materials transportation, and train operating practices.

The federal State Rail Safety Participation program uses state safety inspectors in rail safety inspection disciplines. The program emphasizes routine compliance inspections but authorizes states to undertake additional investigative and surveillance activities under certain circumstances. Each state agency is required to enter into an agreement with the FRA that delegates to the state investigative and surveillance authority for federal railroad safety laws. The program includes federal funding to reimburse states for costs of related rail safety inspector technical training.<sup>79</sup>

The FDOT has a long-standing agreement with the FRA for participation in the federal program, which is periodically renewed. The agreement lists the FDOT’s five certified railroad safety inspectors and their areas of responsibility. The agreement calls for the FRA and the FDOT certified inspectors to singly and jointly conduct investigative, surveillance, and enforcement activities within Florida under the FRSA and sets out the following safety areas or disciplines for surveillance: track, motive power and equipment, signals and train control, operations, and hazardous materials. These inspectors must be capable of composing narrative reports and recording data on standard report forms for submission to the FRA.

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<sup>78</sup> The court specifically did not address FRSA preemption.

<sup>79</sup> See the FRA website available at: <https://www.fra.dot.gov/Page/P0014>. (Last visited March 12, 2017.) See also 49 C.F.R. part 212.

### *Effect of Proposed Changes*

**Section 9** of the bill creates s. 341.609, F.S., requiring the FDOT's railroad inspectors to be certified by the FRA in accordance with the State Rail Safety Participation Program. The inspectors must coordinate their activities with those of federal rail inspectors in compliance with 49 C.F.R. part 212 and any other federal regulations governing state safety participation. Unless otherwise confidential under state or federal law, the FDOT inspectors must report in writing the results of their inspections in the manner and on forms prescribed by the FDOT. The reports must be made available on the FDOT's website for public access.

Research reveals no provisions of federal or state law that expressly address the confidentiality of rail inspection reports. Under Florida law, these reports appear to fall within the definition in s. 119.07(12), F.S., of "public records."<sup>80</sup> Such reports may be available from the FRA if requested under the Freedom of Information Act (FOIA).<sup>81</sup> The FOIA expressly exempts, for example, trade secrets and commercial or financial information from its application.<sup>82</sup>

The FDOT appears to be in compliance with the requirements of this section of the bill, except that it currently does not publish the reports on its website.<sup>83</sup> To the extent that federal law prescribes the forms that the FDOT's inspectors must use in completing their inspection reports, any FDOT rule relating to forms may be preempted. Whether publication of the reports on the FDOT's website is permissible under federal law is unclear. See discussion above under the heading, "Accident Reports."

### **Fencing Requirements (Sections 7 and 10)**

#### *Present Situation*

Research reveals that while the federal government has studied the use of fencing to restrict access to railroad right-of-way by pedestrians, federal law apparently does not require railroads to install such fencing. A 2014 U.S.D.O.T. technical report expresses the view that fencing along an entire railroad right-of-way would not be reasonable due to the size of the U.S. rail system and necessary access points. The report notes that targeting high-risk areas for fencing may be possible and acknowledges an ongoing debate as to the effectiveness of fencing as a method for increasing rail safety.<sup>84</sup>

Other state jurisdictions do have laws relating to fencing of railroad right-of-way and making railroads liable for damages resulting from the failure to do so. For example, Minnesota requires every railroad company to build and maintain fences on each side of all lines of its railroad, with

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<sup>80</sup> "All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency."

<sup>81</sup> 5 U.S.C. 552.

<sup>82</sup> 5 U.S.C. 552

<sup>83</sup> See the FDOT's email to committee staff, February 22, 2017. (On file in the Senate Transportation Committee.

<sup>84</sup> See the report, *Countermeasures to Mitigate Intentional Deaths on Railroad Rights-of-Way: Lessons Learned and Next Steps*, available at:

[https://www.researchgate.net/publication/299545240\\_Countermeasures\\_to\\_Mitigate\\_Intentional\\_Deaths\\_on\\_Railroad\\_Rights-of-Way\\_Lessons\\_Learned\\_and\\_Next\\_Steps](https://www.researchgate.net/publication/299545240_Countermeasures_to_Mitigate_Intentional_Deaths_on_Railroad_Rights-of-Way_Lessons_Learned_and_Next_Steps). (Last visited March 12, 2017.)

certain exceptions.<sup>85</sup> New York requires every railroad to erect and maintain a fence along the boundary line of its right-of-way if, after a hearing, a determination is made that fencing is necessary. The New York transportation commissioner is authorized to prescribe by order the height, length, materials and design of the fencing.<sup>86</sup> Research reveals no challenge to these state requirements.

### *Effect of Proposed Changes*

**Section 7** of the bill, in newly created s. 341.607, F.S., requires a railroad company, before operating a high-speed passenger rail system, to construct and maintain fencing in accordance with new s. 341.611, F.S.

**Section 10** of the bill creates s. 341.611, F.S., requiring the FDOT to adopt rules identifying standards for conducting field surveys of the rail corridor being used by a HSPR system. The field surveys must indicate areas where fencing is necessary for the public's health, safety, and welfare. The field surveys should, at a minimum, identify nearby pedestrian traffic generators and signs of current pedestrian traffic that crosses the railroad tracks. The FDOT must hold at least one public meeting in each community where new or substantially modified fencing is proposed before designs and plans for such fencing are finalized.

If a determination is made that fence is necessary to protect the surrounding community, the railroad company operating a HSPR system must construct and maintain the fence on both sides of its railroad tracks sufficient to prevent intrusion. The fencing (at least 4 ½ feet high) must be placed one foot inside the edge of the railroad company's right-of-way, except in locations where the railroad intersects with a highway or road. Ornamental fencing must be used within urban areas; chain link fencing may be used outside of urban areas. The railroad company must maintain the fencing, and is liable for all damages arising from the railroad's failure to construct or maintain a required fence, unless a separate contract with a property owner or local government specifically addresses maintenance.

Whether these provisions would withstand a challenge on grounds of preemption by federal law is unclear.

### **Operation over the Tracks of Another Railroad Company (Section 11)**

#### *Present Situation*

Existing agreements between cities and counties place financial responsibility for crossing signal installations, capital improvements for track beds and roadway surfaces, crossing maintenance costs, and pedestrian gates and sidewalks on the cities and counties.

#### *Effect of Proposed Changes*

**Section 11** of the bill creates s. 341.612, F.S., deeming a railroad company operating a HSPR system solely responsible for all rail corridor improvements or upgrades relating to the system's operation and safety. The bill provides that neither a local government nor the state is responsible

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<sup>85</sup> Section 219.31, Minnesota Statutes.

<sup>86</sup> RRD, Article 3, s. 52-B, Laws of New York.

for any costs associated with the construction and maintenance of the improvements necessary to operate a HSPR system, unless it expressly consents in writing. To the extent that existing agreements place responsibility for any portion of the cost of such improvements or upgrades on the cities and counties, such responsibility appears to remain with the cities and counties under the contracts. In the absence of any such agreement or unless the state or local government consents in writing to responsibility, the bill would place the responsibility for such costs with the railroad company.

## **Administrative Fines (Section 12)**

### ***Present Situation***

Section 341.302(7) and (8), F.S., respectively, require the FDOT to develop and administer state standards relating to the safety and performance of rail systems and, in accordance with the applicable federal regulations, assess penalties for failure to adhere to the standards. The agreement between the FRA and the FDOT covering the State Safety Participation program appears to provide the FDOT with authority to assess penalties under s. 341.302, F.S. However, 49 C.F.R. part 212, subpart B, 212.113 expressly reserves to the FRA the authority to assess penalties, issue emergency and compliance orders, institute actions for collection of civil penalties or for injunctive relief, and to initiate all other enforcement actions under the federal railroad safety laws. States may bring an action for assessment and collection of a civil penalty in a federal district court of proper venue if the FRA has not timely acted on a state's request to initiate an action.

### ***Effect of Proposed Changes***

**Section 12** of the bill creates s. 341.613, F.S., authorizing the FDOT to bring actions for the assessment and collection of civil penalties or for injunctive relief pursuant to 49 C.F.R. part 212, subpart B. This provision mirrors federal law.

## **Jurisdiction (Section 13)**

### ***Present Situation***

Section 316.640 provides for enforcement of the traffic laws of this state and assigns authority to various state, county, and municipal entities for that purpose. Generally, the Florida Highway Patrol, county sheriff offices, and municipal police departments are authorized to enforce all of the traffic laws of this state on all streets and highways. The FDOT is granted authority to enforce on all the streets and highways of this state all laws applicable within its authority.<sup>87</sup>

Section 335.141(4), F.S., grants the FDOT authority to regulate the speed limits of railroad traffic on a municipal, county, regional, or statewide basis as established by an FDOT order; *i.e.*,; agency action under the provisions of chapter 120. Any penalty for a violation of s. 316.640, F.S., must be imposed on the railroad company guilty of a violation. The FDOT's jurisdiction to enforce speed limits of railroad traffic is as provided in s. 316.640, F.S. The FDOT advises it

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<sup>87</sup> Section 316.640(1)(b)1., F.S.

does not have a rule regulating train speed limits and does not regulate train speeds in any fashion given case law holding that such state regulations are preempted.<sup>88</sup>

***Effect of Proposed Changes***

**Section 13** of the bill creates s. 341.614, F.S., providing that jurisdiction to enforce the bill's provisions shall be as provided by s. 316.640, and any penalty for violation of those provisions shall be imposed on the railroad company that commits such violation.

The validity of this provision appears to turn on whether the specific requirement being enforced is preempted.

**Section 14** of the bill provides the act take effect on 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:

None.

B. Private Sector Impact:

The fiscal impact to railroads is largely indeterminate, depending on whether given provisions in the bill are federally preempted. Railroads may incur costs associated with the following:

- Reporting requirements (section 6);
- PTC safety technology installation and use (section 7);
- Railroad-highway grade crossing responsibilities (sections 7 and 8);
- Fencing requirements (section 10);
- Rail corridor improvements or upgrades (section 11); and

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<sup>88</sup> FDOT email to committee staff, March 13, 2017. *See CSX Transportation, Inc. v. Easterwood*, 507 U.S. 658 (1993), holding: "Although, on their face, § 213.9(a)'s provisions address only the maximum speeds at which trains are permitted to travel given the nature of the track on which they operate, the overall structure of the Secretary's regulations demonstrates that these speed limits were adopted with safety concerns in mind and should be understood as "covering the subject matter" in question."

- Penalties for any violations (section 12).

To the extent the bill's authorizations in section 13 for the FDOT to assess penalties is not preempted, railroads may incur costs for penalties if violations occur. Railroads may experience increased litigation costs related to preemption, regulatory compliance, and impairment of contract issues.

**C. Government Sector Impact:**

To the extent that sections 7, 8, 10, and 11 allow a local government to reduce costs that would be incurred for railroad-highway grade crossing construction, maintenance and repairs, the local government would have an indeterminate positive fiscal impact.

An indeterminate negative fiscal impact to the FDOT is expected for expenses associated with:

- Adopting rules (sections 5, 6, and 9);
- Providing the required hazardous material training (section 5);
- Publishing accident and inspection reports (sections 6 and 9);
- Holding public meetings (section 10).

To the extent that there is litigation involving any of the regulatory provisions of this bill, governmental entities may experience increased litigation costs.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates the following sections of the Florida Statutes: 341.601, 341.602, 341.603, 341.604, 341.605, 341.606, 341.607, 341.608, 341.609, 341.611, 341.612, 341.613, 341.614, and 341.615.

**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.

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

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688612

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2017	.	
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The Committee on Transportation (Mayfield) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 341.601, Florida Statutes, is created to  
read:

341.601 Short title.—Sections 341.601–341.614 shall be  
known as the “Florida High-Speed Passenger Rail Safety Act.”

Section 2. Section 341.602, Florida Statutes, is created to  
read:



688612

11 341.602 Definitions.—As used in this act, the term:

12 (1) "Department" means the Florida Department of  
13 Transportation.

14 (2) "Freight railroad carrier" means any person, railroad  
15 corporation, or other legal entity in the business of providing  
16 freight rail transportation.

17 (3) "Governmental entity" means the state, any of its  
18 agencies, or any of its political subdivisions.

19 (4) "High-speed passenger rail system" means any new  
20 intrastate passenger rail system that operates or proposes to  
21 operate its passenger trains at a maximum speed in excess of 80  
22 miles per

23 (5) "Pedestrian grade crossing" means a separate sidewalk  
24 or pathway where pedestrians, but not vehicles, cross railroad  
25 tracks.

26 (6) "Public railroad-highway grade crossing" means a  
27 location at which a railroad track is crossed at grade by a  
28 public road.

29 (7) "Rail corridor" means a linear, continuous strip of  
30 real property that is used for rail service. The term includes  
31 the corridor and structures essential to railroad operations,  
32 including the land, buildings, improvements, rights-of-way,  
33 easements, rail lines, rail beds, guideway structures, switches,  
34 yards, parking facilities, power relays, switching houses, rail  
35 stations, any ancillary development, and any other facilities or  
36 equipment used for the purposes of construction, operation, or  
37 maintenance of a railroad that provides rail service.

38 (8) "Railroad company" means any individual, partnership,  
39 association, corporation, or company and its respective lessees,



688612

40 trustees, or receivers, appointed by a court, which develops or  
41 provides ground transportation that runs on rails, including,  
42 but not limited to any of the following:

43 (a) A high-speed passenger rail system.

44 (b) A freight railroad carrier.

45 (c) A company that owns a rail corridor.

46 Section 3. Section 341.603, Florida Statutes, is created to  
47 read:

48 341.603 Legislative intent.—It is the intent of the  
49 Legislature to:

50 (1) Encourage the creation of safe and cost-effective  
51 transportation options for this state's residents and visitors,  
52 including high-speed passenger rail systems.

53 (2) Promote and enhance the safety of high-speed passenger  
54 rail systems operating within the state to protect the health,  
55 safety, and welfare of the public.

56 Section 4. Section 341.604, Florida Statutes, is created to  
57 read:

58 341.604 Applicability.—This act applies to any railroad  
59 company operating a high-speed passenger rail system, or any  
60 railroad company that allows a high-speed passenger rail system  
61 to operate on or within its rail corridor.

62 Section 5. Section 341.605, Florida Statutes, is created to  
63 read:

64 341.605 Powers and duties of the department; rules.—

65 (1) The department may regulate railroad companies in this  
66 state insofar as such authority is not preempted by federal laws  
67 or regulations.

68 (2) The department may obtain from any party all necessary



688612

69 information to enable it to perform its duties and carry out the  
70 requirements set forth in this act.

71 (3) The department shall keep a record of all of its  
72 findings, decisions, determinations, and investigations carried  
73 out under this act.

74 (4) If a high-speed passenger rail system operates within  
75 the same rail corridor or on the same set of tracks as another  
76 railroad company that transports hazardous materials, the  
77 department, in coordination with the Florida Division of  
78 Emergency Management, shall offer the local communities and  
79 local emergency services located along the rail corridor  
80 training specifically designed to help them respond to an  
81 accident involving rail passengers or hazardous materials.

82 (5) The department shall adopt rules, pursuant to the  
83 requirements of chapter 120, to administer this section.

84 Section 6. Section 341.606, Florida Statutes, is created to  
85 read:

86 341.606 Reporting requirements.-

87 (1) A railroad company operating a high-speed passenger  
88 rail system shall furnish to the department a copy of the  
89 accident reports filed with the Federal Railroad Administration  
90 for each train accident that occurs within the rail corridor.

91 (2) The department shall annually publish on its official  
92 website a report that discloses all of the fatalities, injuries,  
93 and accidents during the reporting timeframe which have occurred  
94 within a rail corridor where a high-speed passenger rail system  
95 operates.

96 (3) A railroad company that transports liquefied natural  
97 gas on the same tracks or within the same rail corridor as a



688612

98 high-speed passenger rail system within the state must submit an  
99 annual report to the department containing:

100 (a) All insurance carried by the railroad company which  
101 covers any losses resulting from a reasonable worst-case  
102 unplanned release of liquefied natural gas.

103 (b) Coverage amounts and limitations, and other conditions  
104 of the insurance identified in paragraph (a).

105 (c) The average and largest liquefied natural gas train,  
106 measured in metric tons, operated in the state by the railroad  
107 company in the previous calendar year.

108 (d) Information sufficient to demonstrate the railroad  
109 company's ability to pay the costs of remediating a reasonable  
110 worst-case unplanned release of liquefied natural gas,  
111 including, but not limited to, insurance, reserve accounts,  
112 letters of credit, or other financial instruments or resources  
113 on which the company can rely to pay all such costs. The  
114 department, in coordination with the Federal Railroad  
115 Administration and other public and private entities, as  
116 necessary, shall develop rules to determine applicable criteria  
117 for a reasonable worst-case unplanned release of liquefied  
118 natural gas.

119 (4) All reporting requirements are for informational  
120 purposes only and may not be used to economically regulate the  
121 railroad company.

122 Section 7. Section 341.607, Florida Statutes, is created to  
123 read:

124 341.607 Minimum safety standards for high-speed passenger  
125 rail.—

126 (1) A railroad company operating a high-speed passenger



688612

127 rail system shall comply with all of the federal laws and  
128 regulations administered by the Federal Railroad Administration.

129 (2) A railroad company operating a high-speed passenger  
130 rail system must install safety technology that has been  
131 approved by the Federal Railroad Administration. Safety  
132 technology at a minimum shall include positive train control and  
133 remote health monitoring.

134 (3) Before operating a high-speed passenger rail system, a  
135 railroad company shall also:

136 (a) Install or realign crossing gates, including those at  
137 severely skewed, acute-angled locations identified by either the  
138 department or the Federal Railroad Administration, so the gates  
139 are parallel to the tracks and in accordance with the most  
140 recent edition of the Manual on Uniform Traffic Control Devices  
141 published by the Federal Highway Administration and adopted by  
142 the state pursuant to s. 316.0745.

143 (b) Equip all automatic public railroad-highway grade  
144 crossing warning systems with remote health monitoring  
145 technology capable of:

146 1. Detecting false activations;  
147 2. Detecting other crossing signal malfunctions; and  
148 3. Notifying the train dispatcher and crossing signal  
149 maintenance personnel whenever such a malfunction is detected.

150 (c) Construct and maintain fencing in accordance with s.  
151 341.611.

152 Section 8. Section 341.608, Florida Statutes, is created to  
153 read:

154 341.608 Maintenance and repair of roadbeds, tracks,  
155 culverts, and certain streets and sidewalks.-



688612

156       (1) A railroad company that constructs or operates a high-  
157 speed passenger rail system on tracks that intersect with a  
158 public street or highway at grade shall, at its sole cost and  
159 expense, construct and thereafter maintain, renew, and repair  
160 all railroad roadbed, track, and railroad culverts within the  
161 confines of the public street or highway, and the streets or  
162 pedestrian grade crossings lying between the rails and for a  
163 distance outside the rails of 1 foot beyond the end of the  
164 railroad ties.

165       (2) If the railroad company that constructs or operates a  
166 high-speed passenger rail system is required to install safety  
167 improvements that modify the width of a roadbed, it is  
168 responsible for ensuring that the impacted roadbed meets the  
169 department's transition requirements as set forth in the most  
170 recent edition of the department's Design Standards and the  
171 Manual of Uniform Minimum Standards for Design, Construction,  
172 and Maintenance for Streets and Highways.

173       (3) This section does not impair any existing contractual  
174 agreements between the railroad company operating the high-speed  
175 passenger rail system and a governmental entity within the  
176 state.

177       Section 9. Section 341.609, Florida Statutes, is created to  
178 read:

179       341.609 Safety inspections and inspectors.-

180       (1) In accordance with the State Rail Safety Participation  
181 Program, which is designed to promote safety in all areas of  
182 railroad operations to reduce deaths, injuries, and damage to  
183 railroad property, the department's railroad inspectors must be  
184 certified by the Federal Railroad Administration and shall



688612

185 coordinate their activities with those of federal inspectors in  
186 the state in compliance with 49 C.F.R. part 212 and any other  
187 federal regulations governing state safety participation.

188 (2) Unless otherwise confidential under state or federal  
189 law, the department's railroad inspectors shall report in  
190 writing the results of their inspections in the manner and on  
191 forms prescribed by the department. These reports shall be made  
192 available to the public on the department's website.

193 Section 10. Section 341.611, Florida Statutes, is created  
194 to read:

195 341.611 Fencing and separation requirements to protect the  
196 public.-

197 (1) The department shall adopt rules that identify  
198 standards for conducting field surveys of the rail corridor  
199 being used by a high-speed passenger rail system. The field  
200 surveys must indicate areas where fencing is necessary for the  
201 health, safety, and welfare of the public.

202 (2) At a minimum, the field survey should identify  
203 pedestrian traffic generators, such as nearby schools and parks,  
204 and signs of current pedestrian traffic that crosses the  
205 railroad tracks. The department must hold at least one public  
206 meeting in each community where new or substantially modified  
207 fencing is proposed before designs and plans for such fencing  
208 are finalized.

209 (3) Once it has been determined that a fence is necessary  
210 to protect the health, safety, and welfare of the surrounding  
211 community, the railroad company operating a high-speed passenger  
212 rail system shall construct and maintain the fence on both sides  
213 of its railroad tracks sufficient to prevent intrusion.



688612

214       (4) The fencing must be placed 1 foot inside the edge of  
215 the railroad company's right-of-way.

216       (5) The fencing must be maintained by the railroad company  
217 operating a high-speed passenger rail system, unless maintenance  
218 is specifically addressed in a separate contract with a property  
219 owner or local government.

220       (6) The fence must be at least 4 1/2 feet in height.  
221 Ornamental fencing must be used within urban areas. Chain-link  
222 fencing may be used in locations outside of urban areas.

223       (7) If a railroad company neglects to construct or maintain  
224 a required fence, the railroad company is liable for all damages  
225 arising from its failure to construct or maintain such fence  
226 unless another entity is responsible for maintenance under  
227 subsection (5).

228       Section 11. Section 341.612, Florida Statutes, is created  
229 to read:

230       341.612 Operation of a high-speed passenger rail system  
231 over the tracks of another railroad company.—A railroad company  
232 operating a high-speed passenger rail system is solely  
233 responsible for all rail corridor improvements or upgrades  
234 relating to the system's operation and safety. A local  
235 government or the state is not responsible for any costs  
236 associated with the construction and maintenance of the  
237 improvements necessary to operate a high-speed passenger rail  
238 system unless it expressly consents in writing.

239       Section 12. Section 341.613, Florida Statutes, is created  
240 to read:

241       341.613 Enforcement actions.—In addition to any  
242 administrative action authorized by chapter 120 or by other law,



243 the department may bring an action for the assessment and  
244 collection of civil penalties or an action for injunctive relief  
245 pursuant to 49 C.F.R. part 212, subpart B.

246 Section 13. Section 341.614, Florida Statutes, is created  
247 to read:

248 341.614 Jurisdiction.—Jurisdiction to enforce this act  
249 shall be as provided by s. 316.640, and any penalty for  
250 violation of this act shall be imposed upon the railroad company  
251 that commits such violation.

252 Section 14. This act shall take effect July 1, 2017.

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

254 And the title is amended as follows:

255 Delete everything before the enacting clause  
256 and insert:

257 A bill to be entitled  
258 An act relating to high-speed passenger rail; creating  
259 s. 341.601, F.S.; providing a short title; creating s.  
260 341.602, F.S.; providing definitions; creating s.  
261 341.603, F.S.; providing legislative intent; creating  
262 s. 341.604, F.S.; providing applicability; creating s.  
263 341.605, F.S.; providing powers and duties of the  
264 Florida Department of Transportation; authorizing the  
265 department to regulate railroads where not federally  
266 preempted; authorizing the department to collect  
267 information from relevant parties; requiring the  
268 department to keep certain records; requiring the  
269 department, in coordination with the Florida Division  
270 of Emergency Management, to offer certain response  
271 training for accidents involving passengers or



688612

272 hazardous materials under certain circumstances;  
273 requiring the department to adopt rules; creating s.  
274 341.606, F.S.; providing reporting requirements for  
275 certain railroad companies; requiring the department  
276 to publish certain information on its website;  
277 requiring the department, in coordination with the  
278 Federal Railroad Administration and other necessary  
279 entities, to adopt certain rules; specifying that  
280 reporting requirements are for informational purposes  
281 only and not to be used to economically regulate a  
282 railroad company; creating s. 341.607, F.S.; providing  
283 minimum safety standards for a high-speed passenger  
284 rail system; requiring certain railroad companies to  
285 comply with certain federal laws and regulations;  
286 providing safety technology requirements for certain  
287 railroad companies; providing certain requirements for  
288 railroad companies before operating a high-speed  
289 passenger rail system; creating s. 341.608, F.S.;  
290 requiring construction, maintenance, and repair of  
291 certain infrastructure by certain railroad companies;  
292 specifying requirements for certain roadbed  
293 modifications; providing for construction; creating s.  
294 341.609, F.S.; requiring the department's railroad  
295 inspectors, in accordance with a specified program, to  
296 meet certain certification requirements and to  
297 coordinate their activities with those of federal  
298 inspectors in the state in compliance with certain  
299 federal regulations; requiring the inspectors to  
300 report the results of their inspections, subject to



688612

301 certain requirements; requiring the reports to be made  
302 available on the department's website unless they are  
303 deemed confidential; creating s. 341.611, F.S.;  
304 requiring the department to adopt rules that identify  
305 standards for conducting field surveys of certain rail  
306 corridors; providing requirements for the field  
307 survey; requiring the department to hold certain  
308 public meetings; requiring certain railroad companies  
309 to construct and maintain fences under certain  
310 circumstances; providing fencing requirements;  
311 providing that a railroad company is liable for all  
312 damages arising from its failure to construct or  
313 maintain the fence, under certain circumstances;  
314 creating s. 341.612, F.S.; providing that a railroad  
315 company operating a high-speed passenger rail system  
316 is solely responsible for all rail corridor  
317 improvements or upgrades relating to its operation and  
318 safety; providing that a local government or the state  
319 is not responsible for certain costs unless it  
320 expressly assumes responsibility in writing; creating  
321 s. 341.613, F.S.; authorizing the department to bring  
322 certain actions for the assessment and collection of  
323 civil penalties or for injunctive relief, in addition  
324 to any administrative action; creating s. 341.614,  
325 F.S.; establishing jurisdiction to enforce specified  
326 provisions; requiring penalties for violations of  
327 specified provisions to be imposed upon the railroad  
328 company that commits such violations; providing an  
329 effective date.



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/14/2017	.	
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The Committee on Transportation (Mayfield) recommended the following:

- 1       **Senate Amendment to Amendment (688612)**
- 2
- 3       Delete line 22
- 4       and insert:
- 5       miles per hour.



678792

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2017	.	
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The Committee on Transportation (Mayfield) recommended the following:

1           **Senate Amendment to Amendment (688612)**

2

3           Delete line 22

4           and insert:

5           miles per hour on or after July 1, 2017.

By Senator Mayfield

17-00350B-17

2017386\_\_

1 A bill to be entitled  
 2 An act relating to high-speed passenger rail; creating  
 3 s. 341.601, F.S.; providing a short title; creating s.  
 4 341.602, F.S.; providing definitions; creating s.  
 5 341.603, F.S.; providing legislative intent; creating  
 6 s. 341.604, F.S.; providing applicability; creating s.  
 7 341.605, F.S.; providing powers and duties of the  
 8 Florida Department of Transportation; authorizing the  
 9 department to regulate railroads where not federally  
 10 preempted; authorizing the department to collect  
 11 information from relevant parties; requiring the  
 12 department to keep certain records; requiring the  
 13 department to offer certain response training for  
 14 accidents involving passengers or hazardous materials  
 15 under certain circumstances; requiring the department  
 16 to adopt rules; creating s. 341.606, F.S.; providing  
 17 reporting requirements for certain railroad companies;  
 18 requiring the department to publish certain  
 19 information on its website; requiring the department,  
 20 in coordination with the Federal Railroad  
 21 Administration and other entities as necessary, to  
 22 develop certain rules; specifying that reporting  
 23 requirements are for informational purposes only and  
 24 not to be used to economically regulate the railroad  
 25 company; creating s. 341.607, F.S.; providing minimum  
 26 safety standards for high-speed passenger rail;  
 27 requiring certain railroad companies to comply with  
 28 certain federal laws and regulations; providing safety  
 29 technology requirements for certain railroad  
 30 companies; specifying that such railroad companies may  
 31 be subject to civil or criminal penalties for an  
 32 incident caused by the use of an unapproved safety

Page 1 of 13

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

17-00350B-17

2017386\_\_

33 technology; providing certain requirements for  
 34 railroad companies before operating a high-speed  
 35 passenger rail system; creating s. 341.608, F.S.;  
 36 requiring construction, maintenance, and repair of  
 37 certain infrastructure by certain railroad companies;  
 38 specifying requirements for certain roadbed  
 39 modifications; requiring certain contractual  
 40 agreements to adhere to the department's requisition  
 41 and procurement procedures; providing for  
 42 construction; creating s. 341.609, F.S.; requiring the  
 43 department's railroad inspectors, in accordance with a  
 44 specified program, to meet certain certification  
 45 requirements and to coordinate their activities with  
 46 those of federal inspectors in the state in compliance  
 47 with certain federal regulations; requiring the  
 48 inspectors to report the results of their inspections,  
 49 subject to certain requirements; requiring the reports  
 50 to be made available on the department's website;  
 51 creating s. 341.611, F.S.; requiring the department to  
 52 adopt rules that identify standards for conducting  
 53 field surveys of certain rail corridors; providing  
 54 requirements for the field survey; requiring the  
 55 department to hold certain public meetings; requiring  
 56 certain railroad companies to construct and maintain  
 57 fences under certain circumstances; providing fencing  
 58 requirements; requiring a railroad company to be  
 59 liable for all damages arising from its failure to  
 60 construct or maintain the fence under certain  
 61 circumstances; creating s. 341.612, F.S.; requiring a

Page 2 of 13

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

17-00350B-17

2017386\_\_

62 railroad company operating a high-speed passenger rail  
 63 system to be solely responsible for all rail corridor  
 64 improvements or upgrades relating to its operation and  
 65 safety; prohibiting a local government or the state  
 66 from being responsible for certain costs unless it  
 67 expressly consents in writing; creating s. 341.613,  
 68 F.S.; providing administrative fines for certain  
 69 violations, subject to certain requirements; providing  
 70 certain factors to consider in determining the amount  
 71 of the fine to be imposed; requiring all fines  
 72 collected to be deposited into the State  
 73 Transportation Trust Fund; creating s. 341.614, F.S.;  
 74 authorizing certain suits to be brought in any court  
 75 of this state having jurisdiction; providing for  
 76 attorney fees and costs; creating s. 341.615, F.S.;  
 77 authorizing local governments to enact ordinances  
 78 regulating the speed limits of railroad traffic under  
 79 certain circumstances; providing an effective date.

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

82  
 83 Section 1. Section 341.601, Florida Statutes, is created to  
 84 read:

85 341.601 Short title.—Sections 341.601-341.615 shall be  
 86 known as the "Florida High-Speed Passenger Rail Safety Act."

87 Section 2. Section 341.602, Florida Statutes, is created to  
 88 read:

89 341.602 Definitions.—As used in ss. 341.601-341.615, the  
 90 term:

17-00350B-17

2017386\_\_

91 (1) "Department" means the Florida Department of  
 92 Transportation.

93 (2) "Freight railroad carrier" means any person, railroad  
 94 corporation, or other legal entity in the business of providing  
 95 freight rail transportation.

96 (3) "Governmental entity" means the state, any of its  
 97 agencies, or any of its political subdivisions.

98 (4) "High-speed passenger rail system" means any new  
 99 intrastate passenger rail system that operates or proposes to  
 100 operate its passenger trains at a maximum speed in excess of 80  
 101 miles per hour on or after July 1, 2017.

102 (5) "Pedestrian grade crossing" means a separate sidewalk  
 103 or pathway where pedestrians, but not vehicles, cross railroad  
 104 tracks.

105 (6) "Public railroad-highway grade crossing" means a  
 106 location at which a railroad track is crossed at grade by a  
 107 public road.

108 (7) "Rail corridor" means a linear, continuous strip of  
 109 real property that is used for rail service. The term includes  
 110 the corridor and structures essential to railroad operations,  
 111 including the land, buildings, improvements, rights-of-way,  
 112 easements, rail lines, rail beds, guideway structures, switches,  
 113 yards, parking facilities, power relays, switching houses, rail  
 114 stations, any ancillary development, and any other facilities or  
 115 equipment used for the purposes of construction, operation, or  
 116 maintenance of a railroad that provides rail service.

117 (8) "Railroad company" means any individual, partnership,  
 118 association, corporation, or company and its respective lessees,  
 119 trustees, or receivers, appointed by a court, that develops or

17-00350B-17 2017386\_\_

120 provides ground transportation that runs on rails, including,  
 121 but not limited to:  
 122 (a) A high-speed passenger rail system;  
 123 (b) A freight railroad carrier; or  
 124 (c) A company that owns a rail corridor.  
 125 Section 3. Section 341.603, Florida Statutes, is created to  
 126 read:  
 127 341.603 Public purpose and intent.—It is the intent of the  
 128 Legislature to:  
 129 (1) Encourage the creation of safe and cost-effective  
 130 transportation options for this state’s residents and visitors,  
 131 including high-speed passenger rail systems.  
 132 (2) Promote and enhance the safety of high-speed passenger  
 133 rail systems operating within the state to protect the health,  
 134 safety, and welfare of the public.  
 135 Section 4. Section 341.604, Florida Statutes, is created to  
 136 read:  
 137 341.604 Applicability.—This act applies to any railroad  
 138 company operating a high-speed passenger rail system, or any  
 139 railroad company that allows a high-speed passenger rail system  
 140 to operate on or within its rail corridor.  
 141 Section 5. Section 341.605, Florida Statutes, is created to  
 142 read:  
 143 341.605 Powers and duties of the department; rules.—  
 144 (1) The department shall have the authority to regulate  
 145 railroad companies in this state insofar as such authority is  
 146 not preempted by federal laws or regulations.  
 147 (2) The department may obtain from any party all necessary  
 148 information to enable it to perform its duties and carry out the

Page 5 of 13

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

17-00350B-17 2017386\_\_

149 requirements set forth in this act.  
 150 (3) The department shall keep a record of all its findings,  
 151 decisions, determinations, and investigations carried out under  
 152 this act.  
 153 (4) If a high-speed passenger rail system operates within  
 154 the same rail corridor or on the same set of tracks as another  
 155 railroad company that transports hazardous materials, the  
 156 department shall offer the local communities and local emergency  
 157 services located along the rail corridor training specifically  
 158 designed to help them respond to an accident involving rail  
 159 passengers or hazardous materials.  
 160 (5) The department shall adopt rules, pursuant to the  
 161 requirements of chapter 120, relating to this act.  
 162 Section 6. Section 341.606, Florida Statutes, is created to  
 163 read:  
 164 341.606 Reporting requirements.—  
 165 (1) A railroad company operating a high-speed passenger  
 166 rail system shall furnish to the department a copy of the  
 167 accident reports filed with the Federal Railroad Administration  
 168 for each train accident that occurs within the rail corridor.  
 169 (2) The department shall annually publish on its official  
 170 website a report that discloses all of the fatalities, injuries,  
 171 and accidents during the reporting timeframe which have occurred  
 172 within a rail corridor where a high-speed passenger rail system  
 173 operates.  
 174 (3) A railroad company that transports liquefied natural  
 175 gas on the same tracks or within the same rail corridor as a  
 176 high-speed passenger rail system within the state must submit an  
 177 annual report to the department containing:

Page 6 of 13

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

17-00350B-17

2017386\_\_

178 (a) All insurance carried by the railroad company that  
 179 covers any losses resulting from a reasonable worst-case  
 180 unplanned release of liquefied natural gas.  
 181 (b) Coverage amounts, limitations, and other conditions of  
 182 the insurance identified in paragraph (a).  
 183 (c) The average and largest liquefied natural gas train, as  
 184 measured in metric tons, operated in the state by the railroad  
 185 company in the previous calendar year.  
 186 (d) Information sufficient to demonstrate the railroad  
 187 company's ability to pay the costs of remediating a reasonable  
 188 worst-case unplanned release of liquefied natural gas,  
 189 including, but not limited to, insurance, reserve accounts,  
 190 letters of credit, or other financial instruments or resources  
 191 on which the company can rely to pay all such costs. The  
 192 department, in coordination with the Federal Railroad  
 193 Administration and other public and private entities as  
 194 necessary, shall develop rules to determine applicable criteria  
 195 for a reasonable worst-case unplanned release of liquefied  
 196 natural gas.  
 197 (4) All reporting requirements are for informational  
 198 purposes only and may not be used to economically regulate the  
 199 railroad company.  
 200 Section 7. Section 341.607, Florida Statutes, is created to  
 201 read:  
 202 341.607 Minimum safety standards for high-speed passenger  
 203 rail.-  
 204 (1) A railroad company operating a high-speed passenger  
 205 rail system shall comply with all of the federal laws and  
 206 regulations administered by the Federal Railroad Administration.

Page 7 of 13

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

17-00350B-17

2017386\_\_

207 (2) A railroad company operating a high-speed passenger  
 208 rail system must install safety technology that has been  
 209 approved by the Federal Railroad Administration or the  
 210 department as applicable. Safety technology at a minimum shall  
 211 include positive train control and remote health monitoring. The  
 212 railroad company may be subject to civil or criminal penalties  
 213 for an incident caused by the use of an unapproved safety  
 214 technology.  
 215 (3) Before operating a high-speed passenger rail system, a  
 216 railroad company shall also:  
 217 (a) Install or realign crossing gates, including those at  
 218 severely skewed acute-angled locations as identified by either  
 219 the department or the Federal Railroad Administration, so the  
 220 gates are parallel to the tracks and in accordance with the most  
 221 recent edition of the Manual on Uniform Traffic Control Devices  
 222 published by the Federal Highway Administration and adopted by  
 223 the state pursuant to s. 316.0745.  
 224 (b) Equip all automatic public railroad-highway grade  
 225 crossing warning systems with remote health monitoring  
 226 technology capable of:  
 227 1. Detecting false activations;  
 228 2. Detecting other crossing signal malfunctions; and  
 229 3. Notifying the train dispatcher and crossing signal  
 230 maintenance personnel whenever such a malfunction is detected.  
 231 (c) Construct and maintain fencing in accordance with s.  
 232 341.611.  
 233 Section 8. Section 341.608, Florida Statutes, is created to  
 234 read:  
 235 341.608 Maintenance and repair of roadbeds, tracks,

Page 8 of 13

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17-00350B-17

2017386\_\_

236 culverts, and certain streets and sidewalks.-

237 (1) A railroad company that constructs or operates a high-  
 238 speed passenger rail system on tracks that intersect with a  
 239 public street or highway at grade shall, at its sole cost and  
 240 expense, construct and thereafter maintain, renew, and repair  
 241 all railroad roadbed, track, and railroad culverts within the  
 242 confines of the public street or highway, and the streets or  
 243 pedestrian grade crossings lying between the rails and for a  
 244 distance outside the rails of 1 foot beyond the end of the  
 245 railroad ties.

246 (2) If the railroad company that constructs or operates a  
 247 high-speed passenger rail system is required to install safety  
 248 improvements that modify the width of a roadbed, it shall be  
 249 responsible for ensuring that the impacted roadbed meets the  
 250 department's transition requirements as set forth in the most  
 251 recent edition of the department's Design Standards and the  
 252 Manual of Uniform Minimum Standards for Design, Construction and  
 253 Maintenance for Streets and Highways.

254 (3) If a railroad company that constructs or operates a  
 255 high-speed passenger rail system enters into a contractual  
 256 agreement with a governmental entity that requires the  
 257 governmental entity to reimburse a private entity for the  
 258 installation or maintenance of the track improvements or  
 259 crossing safety improvements necessary to operate a high-speed  
 260 passenger rail system, the work to be performed must adhere to  
 261 the department's applicable requisition and procurement  
 262 procedures.

263 (4) This section does not impair any existing contractual  
 264 agreements between the railroad company operating the high-speed

17-00350B-17

2017386\_\_

265 passenger rail system and a governmental entity within the  
 266 state.

267 Section 9. Section 341.609, Florida Statutes, is created to  
 268 read:

269 341.609 Safety inspections and inspectors.-

270 (1) In accordance with the State Rail Safety Participation  
 271 Program, which is designed to promote safety in all areas of  
 272 railroad operations to reduce deaths, injuries, and damage to  
 273 railroad property, the department's railroad inspectors shall be  
 274 certified by the Federal Railroad Administration and shall  
 275 coordinate their activities with those of federal inspectors in  
 276 the state in compliance with 49 C.F.R. part 212 and any other  
 277 federal regulations governing state safety participation.

278 (2) The department's railroad inspectors shall report in  
 279 writing the results of their inspections in the manner and on  
 280 forms prescribed by the department. These reports shall be made  
 281 available on the department's website for the public to access.

282 Section 10. Section 341.611, Florida Statutes, is created  
 283 to read:

284 341.611 Fencing and separation requirements to protect the  
 285 public.-

286 (1) The department shall adopt rules that identify  
 287 standards for conducting field surveys of the rail corridor  
 288 being used by a high-speed passenger rail system. The field  
 289 surveys must indicate areas where fencing is necessary for the  
 290 health, safety, and welfare of the public.

291 (2) At a minimum, the field survey should identify  
 292 pedestrian traffic generators, such as nearby schools and parks,  
 293 and signs of current pedestrian traffic that crosses the

17-00350B-17 2017386\_\_

294 railroad tracks. The department must hold at least one public  
 295 meeting in each community where new or substantially modified  
 296 fencing is proposed before designs and plans for such fencing  
 297 are finalized.

298 (3) Once it has been determined that a fence is necessary  
 299 to protect the health, safety, and welfare of the surrounding  
 300 community, the railroad company operating a high-speed passenger  
 301 rail system shall construct and maintain the fence on both sides  
 302 of its railroad tracks sufficient to prevent intrusion.

303 (4) The fencing must be placed 1 foot inside the edge of  
 304 the railroad company's right-of-way, except in locations where  
 305 the railroad intersects with a highway or road.

306 (5) The fencing must be maintained by the railroad company  
 307 operating a high-speed passenger rail system, unless maintenance  
 308 is specifically addressed in a separate contract with a property  
 309 owner or local government.

310 (6) The fence must be at least 4 1/2 feet in height.  
 311 Ornamental fencing must be used within urban areas. Chain-link  
 312 fencing may be used in locations outside of urban areas.

313 (7) If a railroad company neglects to construct or maintain  
 314 a required fence, the railroad company is liable for all damages  
 315 arising from its failure to construct or maintain such fence  
 316 unless another entity is responsible for maintenance under  
 317 subsection (5).

318 Section 11. Section 341.612, Florida Statutes, is created  
 319 to read:

320 341.612 Operation of a high-speed passenger rail system  
 321 over the tracks of another railroad company.-A railroad company  
 322 operating a high-speed passenger rail system shall be solely

17-00350B-17 2017386\_\_

323 responsible for all rail corridor improvements or upgrades  
 324 relating to the system's operation and safety. A local  
 325 government or the state shall not be responsible for any costs  
 326 associated with the construction and maintenance of the  
 327 improvements necessary to operate a high-speed passenger rail  
 328 system unless it expressly consents in writing.

329 Section 12. Section 341.613, Florida Statutes, is created  
 330 to read:

331 341.613 Administrative fines.-

332 (1) In addition to any administrative action authorized by  
 333 chapter 120 or by other law, the department may impose a fine,  
 334 which may not exceed \$10,000 for each violation, for a violation  
 335 of this act or for a violation of any rule adopted pursuant to  
 336 this act. Notice of intent to impose such fine shall be given by  
 337 the department to the alleged violator. Each day that a  
 338 violation continues constitutes a separate violation.

339 (2) In determining the amount of the fine, if any, to be  
 340 imposed for a violation, the following factors shall be  
 341 considered:

342 (a) The gravity of the violation, including the probability  
 343 that death or serious physical or emotional harm to any person  
 344 will result or has resulted, the severity of the actual or  
 345 potential harm, and the extent to which this act or department  
 346 rules were violated;

347 (b) Actions taken by the owner or operator to correct  
 348 violations; and

349 (c) Any previous violations.

350 (3) All fines collected under this section shall be  
 351 deposited into the State Transportation Trust Fund.

17-00350B-17

2017386\_\_

352 Section 13. Section 341.614, Florida Statutes, is created  
353 to read:

354 341.614 Action to enforce penalties; attorney fees.—A suit  
355 to collect any of the damages, penalties, forfeitures,  
356 demurrage, or storage charges provided for in this act may be  
357 brought in any court of this state having jurisdiction of the  
358 subject matter and parties. If a suit is adjudicated in favor of  
359 a plaintiff, the plaintiff shall be permitted to recover  
360 reasonable attorney fees and costs.

361 Section 14. Section 341.615, Florida Statutes, is created  
362 to read:

363 341.615 Ordinances; speed limits.—This act does not prevent  
364 a local government from enacting ordinances regulating the speed  
365 limits of railroad traffic due to local safety hazards not  
366 statewide in nature and not capable of being adequately  
367 encompassed within the national uniform standards.

368 Section 15. 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)

March 14, 2017

*Meeting Date*

3B 386

*Bill Number (if applicable)*

688612

*Amendment Barcode (if applicable)*

Topic High Speed Rail Passenger Safety

Name Russell Roberts

Job Title Vice President

Address 8529 South Park Circle, Suite 190

*Street*

Orlando

*City*

FL

*State*

32819

*Zip*

Phone 202-604-5952

Email Rusty.Roberts@allaboardflorida.com

Speaking:  For  Against  Information

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

Representing Florida East Coast Industries / All Aboard Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/14/17  
Meeting Date

386  
Bill Number (if applicable)

Topic Transportation Bill

680612,71266678  
Amendment Barcode (if applicable)  
792

Name Bob Solari

Job Title County Commissioner

Address 1801 27<sup>th</sup> St  
Street

Phone 772-226-1438

Vero Beach 77 32960  
City State Zip

Email B.Solari@JRC900.com

Speaking:  For  Against  Information

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

Representing Indian River County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3-14-17

Meeting Date

386

Bill Number (if applicable)

Topic High Speed Passenger Rail Act

688612 717666 678792

Amendment Barcode (if applicable)

Name Kate P Cotner

Job Title Asst County Attorney

Address 1801 27th Street

Phone \_\_\_\_\_

Street

Vero Beach, FL

32360

Email \_\_\_\_\_

City

State

Zip

Speaking:  For  Against  Information

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

Representing Indian River County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

386

Bill Number (if applicable)

Amendment Barcode (if applicable)

Meeting Date

Topic High Speed Rail

Name Christopher Emmanuel

Job Title Policy Director

Address 136 S. Bronough St

Phone

Street

JLH  
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 Chamber of Commerce

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/14/17  
Meeting Date

386  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Nicole Fogarty

Job Title Legislative Affairs for St. Lucie County

Address 2300 Virginia Ave  
Street

Phone 772-462-6406

Ft. Pierce FL 34982  
City State Zip

Email fogartyn@stluciaco

Speaking:  For  Against  Information

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

Representing St. Lucie County Board of County Commissioners

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3/14/17  
Meeting Date

SB 386  
Bill Number (if applicable)

Topic FL HIGH SPEED Passenger Rail Safety Act

Amendment Barcode (if applicable)

Name SALLY PATRENOS

Job Title PRESIDENT

Address 136 S. Bronough St.  
Street

Phone 850-933-1386

Tallahassee, FL 32312  
City State Zip

Email spatrenos@bettertransportation.org

Speaking:  For  Against  Information

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

Representing FLORIDIANS FOR Better Transportation

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

386

Meeting Date \_\_\_\_\_

Bill Number (if applicable) \_\_\_\_\_

Topic Light Rail

Amendment Barcode (if applicable) \_\_\_\_\_

Name Carel Henderson

Job Title Director Industry Relations

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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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3-14-17

Meeting Date

386

Bill Number (if applicable)

Topic High Speed Passenger Rail

Amendment Barcode (if applicable)

Name Bob O'Malley

Job Title CSX Transportation

Address 283 Cranes Roast Blvd. Suite 111

Phone 407-803-3969

Street

Altamonte Springs FL 32701

City

State

Zip

Email Bob-O'Malley@csx.com

Speaking:  For  Against  Information

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

Representing CSX Transportation

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

386

Meeting Date \_\_\_\_\_

Bill Number (if applicable) \_\_\_\_\_

Topic Bright Line

Amendment Barcode (if applicable) \_\_\_\_\_

Name Lois Croft

Job Title FL Restaurant & Lodging Assoc -

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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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

386

Bill Number (if applicable)

Amendment Barcode (if applicable)

Meeting Date

Topic

Light Rail / High Speed R

Name

Lorah Steiner

Job Title

Director Tourism

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)

3/15/17  
Meeting Date

386  
Bill Number (if applicable)

Topic High Speed Rail

Amendment Barcode (if applicable)

Name Devon West

Job Title Legislative Affairs Dir.

Address 2401 SE Monterey  
Street

Phone

Stuart FL 33496  
City State Zip

Email

Speaking:  For  Against  Information

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

Representing Martin County Board of County Commissioners

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

3/14/2017  
Meeting Date

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

SB 386  
Bill Number (if applicable)

Topic HIGH SPEED PASSENGER RAIL

Amendment Barcode (if applicable)

Name Thomas Hawkins

Job Title Policy and Planning Director @ 1000 Friends of Florida

Address 308 N Monroe St

Phone 352.377.3141

Tallahassee FL 32301  
City State Zip

Email thawkins@1000fol.org

Speaking:  For  Against  Information

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

Representing 1000 Friends 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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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/14/17

Meeting Date

386

Bill Number (if applicable)

Topic Brightline Light Rail

Amendment Barcode (if applicable)

Name Stephanie M. Jones

Job Title President

Address 990 Biscayne Blvd. Ste 503

Phone 786 507 8500

Street

Miami FL 33132

City

State

Zip

Email Stephanie@Chatsouth  
florida.com

Speaking:  For  Against  Information

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

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3/14/17  
Meeting Date

386  
Bill Number (if applicable)

Topic Brightline Rail <sup>Light</sup>

Amendment Barcode (if applicable)

Name Diane Connolly Graham

Job Title President - ROI Media

Address 6515 SW 26 St  
Street

Phone 954-559-1758

Miramar FL  
City State Zip

Email dlee@ROImediaconsultants  
inc.com

Speaking:  For  Against  Information

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

Representing FRLA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3/14/17

Meeting Date

386

Bill Number (if applicable)

Topic Light Rail

Amendment Barcode (if applicable)

Name Leslie Batista

Job Title Regional Training Manager

Address 320 S. Adams St

Phone (786) 975-3348

Street

Tallahassee, FL

32301

City

State

Zip

Email lbatista@frla.org

Speaking: For Against Information

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

Representing

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

386

Bill Number (if applicable)

Meeting Date

Light Rail

Topic

Brightline Rail

Amendment Barcode (if applicable)

Name

Lorena Moreno

Job Title

Regional Sales Manager

Address

230 S Adams St

Phone

850-846-9928

Street

Tallahassee

FL

32301

Email

LMoreno@FRLA.org

City

State

Zip

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

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

Representing

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3/14/17

Meeting Date

SB 386

Bill Number (if applicable)

Topic HIGH SPEED RAIL

Amendment Barcode (if applicable)

Name KEYNA CORY

Job Title LOBBYIST

Address 730 E. PARK AVE

Phone 850 681-1065

Street

TALLAHASSEE FL 32301

City

State

Zip

Email Keynacory@pacaconsultants.com

Speaking:  For  Against  Information

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

Representing VILLAGE OF TEQUESTA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 444

INTRODUCER: Senator Baxley

SUBJECT: Veteran Identification

DATE: March 13, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	<b>Pre-meeting</b>
2.			MS	
3.			ATD	
4.			AP	

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**I. Summary:**

SB 444 directs the Department of Highway Safety and Motor Vehicles (DHSMV) to create a veteran identification card to be used by veterans as proof of veteran status for obtaining discounts or fee waivers. The DHSMV shall issue the card to a veteran who has been honorably discharged and who provides to the DHSMV:

- A copy of the veteran’s DD Form 214;
- A copy of the veteran’s valid driver license or identification card or another form of photographic identification acceptable to the DHSMV; and
- Payment of a \$10 fee.

Additionally, the bill provides specifications for information that will appear on the veteran identification card, and provides that the veteran identification card may be used as proof of veteran status in numerous sections of the Florida Statutes.

According to the DHSMV, the bill will have a negative fiscal impact as a result of implementation costs of the bill, and a positive impact to state and local government revenues from fees and service charges.

**II. Present Situation:**

**Veteran Identification Cards**

Currently, United States (U.S.) military veterans<sup>1</sup> do not have one uniform veteran identification card available to them that proves military service. In 2015, Congress enacted the “Veterans

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<sup>1</sup> Section 1.01(14), F.S., defines a “veteran” as “a person who served in the active military, naval, or air service who was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable

Identification Card Act 2015.”<sup>2</sup> The Act directs the Secretary of Veterans Affairs (VA) to issue a veteran identification card to each veteran who requests one, presents a copy of his or her Department of Defense (DoD) form DD-214<sup>3</sup> or other official document from the official military personnel file of the veteran that describes his or her service, and pays a fee (which is yet to be determined).<sup>4</sup> The identification card will display the photograph and name of the veteran, and contain an identification number that is not a social security number.<sup>5</sup> The card is not proof of any benefits to which the veteran is entitled to, but does serve as proof that such veteran:

- Served in the Armed Forces; and
- Has a DoD form DD-214 or other official document in the official military personnel file of the veteran that describes the service of the veteran.<sup>6</sup>

In 2016, the VA stated that it was working on implementation of the Act to ensure it is efficient and cost-effective while also protecting Veterans’ personal information, and estimates the VA will be able to implement the program in 2017.<sup>7</sup>

Currently, certain veterans may be eligible for other methods of identification that may prove veteran status, including a:

- Veteran Health Identification Card (VHIC):
  - The VHIC is issued to veterans enrolled in the VA health care system, and is used for identification and check-in at VA appointments and access to U.S. military bases.<sup>8</sup>
- DD Form 2 (Retired) U.S. Uniformed Services<sup>9</sup> Identification Card:
  - This card is available to retired members entitled to retired pay, members on the Temporary Disability Retired List, and members on the Permanent Disability Retired List.<sup>10</sup>
- DD Form 2765 DoD/Uniformed Services Identification and Privilege Card:
  - This card is available to Medal of Honor recipients, 100 percent disabled veterans, former members in receipt of retired pay, and other benefits-eligible categories described in DoD policy.<sup>11</sup>

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conditions, notwithstanding any action by the United States Department of Veteran Affairs on individuals discharged or released with other than honorable discharges.”

<sup>2</sup> H.R.91, *Veterans Identification Card Act 2015* (Became public law July 20, 2015), available at <https://www.congress.gov/bill/114th-congress/house-bill/91> (last visited Mar. 8, 2017).

<sup>3</sup> The DoD issues each veteran a DD-214. This form identifies the veteran’s condition of discharge, and contains information commonly needed to verify military service for benefits, retirement, employment, and membership in veterans’ organizations. See DD214 website, <http://www.dd214.us/> (last visited Mar. 8, 2017).

<sup>4</sup> See 38 U.S.C. s. 5706

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> VAntage Point- Official Blog of the U.S. Department of Veterans Affairs, *Veteran ID Cards: What your options are now and in the future* (Mar. 2016), <http://www.blogs.va.gov/VAntage/26568/veteran-id-cards-options/> (last visited Mar. 8, 2017).

<sup>8</sup> U.S. Department of Veteran Affairs website, *Veterans Health Identification Card*, <https://www.va.gov/healthbenefits/vhic/> (last visited Mar. 8, 2017).

<sup>9</sup> 10 U.S.C. s. 101(a) defines uniformed services as the Army, Navy, Air Force, Marine Corps, Coast Guard, and the commissioned corps of the National Oceanic and Atmospheric Administration and the Public Health Service.

<sup>10</sup> DoD Common Access Card, *Uniformed Services ID Card*, available at <http://www.cac.mil/uniformed-services-id-card/> (last visited Mar. 8, 2017).

<sup>11</sup> *Id.*

- Paper Identification Card or Letter displaying military service that is issued free through the joint VA/DoD web portal.<sup>12</sup>
- State driver license or identification cards with a Veteran designation, or a State-issued Veteran Identification Card.

### ***State Driver License or Identification Card Veteran Designations***

According to the VA, 49 states as well as Puerto Rico and the District of Columbia provide the option for veterans to add a Veteran designation to a state driver license or identification card.<sup>13</sup>

Florida provides the option for a veteran designation to be placed on a veteran's driver license or identification card upon request from the veteran, payment of a fee, and the presentation of a copy of the veteran's DD Form 214 or other acceptable form specified by the Florida Department of Veterans' Affairs (FDVA).<sup>14</sup> The designation is added onto a driver license or identification card for a \$1 fee when the license or card is being issued or renewed, or a \$2 fee solely to replace a license or card in order to add on the designation.<sup>15</sup>

### ***State-Issued Veteran Identification Cards***

Virginia and Delaware both offer veteran identification cards issued by the state's Division of Motor Vehicles.

To be eligible for a Virginia-issued veteran identification card, the veteran must:

- Present documentation indicating that he or she served in the U.S. Armed Forces, received an honorable discharge, and holds an unexpired Virginia driver license or identification card;
- Present documentation that displays the veteran's branch of service, discharge date and discharge status; and
- Pay a \$10 application fee.<sup>16</sup>

Delaware-issued veteran identification cards are available free of charge to any Delaware veteran that served in the U.S. military, was honorably discharged, has a valid Delaware driver license or identification card, and provides accepted proof of military service.<sup>17</sup>

Florida does not issue a veteran identification card for all veterans, but does issue veteran identification cards for veterans with specified 100 percent service-connected disabilities. Section 295.17, F.S., provides that the FDVA may issue an identification card to any veteran who is a permanent resident of Florida and has been determined by the VA to have a 100 percent service-connected permanent and total disability rating, or has a service-connected total and

<sup>12</sup> Available at eBenefits.va.gov, <https://www.ebenefits.va.gov/ebenefits/homepage> (last visited Mar. 8, 2017).

<sup>13</sup> Vantage Point, *supra* note 7. The VA expects the state of Washington to offer this service in August 2017.

<sup>14</sup> See ss. 322.051(8)(b) and 322.14(1)(d), F.S.

<sup>15</sup> *Id.*; The current veteran designation is a "V" printed on the license or card; however, the designation will be changed to read "Veteran" upon implementation of new designs for the license and card by the DHSMV.

<sup>16</sup> Virginia Department of Veterans Services website, *Veterans ID Card*, <https://www.dvs.virginia.gov/benefits/veterans-id-card/> (last visited Mar. 8, 2017).

<sup>17</sup> State of Delaware- Division of Motor Vehicles, *Veteran Identification (ID) Cards*, [https://www.dmv.de.gov/services/driver\\_services/drivers\\_license/dr\\_lic\\_vet\\_idcard.shtml](https://www.dmv.de.gov/services/driver_services/drivers_license/dr_lic_vet_idcard.shtml) (last visited Mar. 8, 2017).

permanent disability rating of 100 percent and is receiving disability retirement pay from any branch of the U.S. Armed Forces.

### **Licensing and Registration Fee Waivers**

Florida has the third largest veteran population in the nation, with over 1.5 million veterans in the state.<sup>18</sup> Florida offers numerous benefits available to veterans, including fee waivers for veterans, spouses of veterans, and business entities with majority ownership held by a veteran or spouse of a veteran.

Currently, Florida waives initial licensing or registration fees for a veteran who provides a copy of his or her DD Form 214 or another acceptable form of identification as specified by the FDVA, for the following:

- The initial *application fee* for a veteran who applies to be licensed as a private investigator, private investigator intern, private investigative agency manager, private investigative/security agency manager, firearms instructor, security officer manager, security officer instructor, recovery agent, recovery agent intern, recovery agency manager, or recovery agent instructor within 24 months after being discharged from a branch of the U.S. Armed Forces.<sup>19</sup>
- The initial *license fee* for a veteran who applies within 24 months of being discharged from a branch of the U.S. Armed Forces to be licensed as a:
  - Private investigative/security agency manager or a firearms instructor;<sup>20</sup>
  - Private investigator, private investigator intern, or private investigative agency manager;<sup>21</sup>
  - Security officer, security officer instructor, or a security manager;<sup>22</sup> and
  - Recovery agent, recovery agent intern, recovery agent manager, or recovery agent instructor.<sup>23</sup>

Veterans of the U.S. Armed Forces who retired within 24 months before application for licensure are exempt from the application filing fee to be licensed as an insurance agent, customer representative, adjuster, service representative, managing general agent, or reinsurance intermediary upon proof of qualifying veteran status.<sup>24</sup>

Initial license or registration fees are waived for veterans, spouses of veterans, and business entities with a veteran majority owner who submit an application within 60 months after the date of the veteran's discharge from the U.S. Armed Forces for the following classes of licenses:

- Land surveyor and mapper;<sup>25</sup>

<sup>18</sup> FDVA website, *Fast Facts*, <http://floridavets.org/our-veterans/profilefast-facts/> (last visited Mar. 8, 2017).

<sup>19</sup> Section 493.6105(1)(c), F.S.

<sup>20</sup> Section 493.6107(6), F.S.

<sup>21</sup> Section 493.6202(4), F.S.

<sup>22</sup> Section 493.6302(4), F.S.

<sup>23</sup> Section 493.6402(4), F.S.

<sup>24</sup> Section 626.171(6), F.S., Qualified individuals must provide a copy of a military identification card, service record, personnel file, veteran record, discharge paper, or separation document.

<sup>25</sup> Section 472.015(3), F.S.

- Health studios;<sup>26</sup>
- Commercial telephone seller;<sup>27</sup>
- Telemarketing salesperson;<sup>28</sup>
- Movers and moving brokers;<sup>29</sup>
- Liquefied petroleum gas related license;<sup>30</sup>
- Pawnbroker;<sup>31</sup>
- Motor vehicle repair shop;<sup>32</sup> and
- Sellers of travel.<sup>33</sup>

To be eligible for the fee waiver above, the applicant must provide a copy of the veteran's DD Form 214 or another acceptable form of identification as specified by the FDVA, and a valid marriage license or proof of ownership interest, where applicable.

Finally, a veteran is eligible to receive expedited processing of an application for a license to carry concealed weapons or firearms. A veteran must submit a copy of the DD Form 214 or another acceptable form of identification as specified by the FDVA.<sup>34</sup>

### III. Effect of Proposed Changes:

The bill directs the DHSMV to create a veteran identification card to be used as proof of veteran status for obtaining discounts or waivers offered to veterans. The card may not be used for the determination of any federal benefits, as a veteran disability identification card issued under s. 295.17, F.S., or as a state identification card issued under s. 322.051, F.S.

The card must bear the colors and design approved by the DHSMV, including:

- A full-face photograph of the veteran;
- The words "U.S. Armed Forces Veteran – Honorably Discharged" at the top of the card;
- The words "Proof of veteran status only. Not for official government use or identification" at the bottom of the card;
- A background image of a military identification "dog" tag; and
- The veteran's:
  - Full name;
  - Branch of service;
  - Date of discharge;
  - United States Department of Defense identification number; and
  - Signature.

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<sup>26</sup> Section 501.015(2), F.S.

<sup>27</sup> Section 501.605(5), F.S.

<sup>28</sup> Section 501.607(2)(b), F.S.

<sup>29</sup> Section 507.03(3)(b), F.S.

<sup>30</sup> Section 527.02(3)(b), F.S.

<sup>31</sup> Section 539.001(3)(c), F.S.

<sup>32</sup> Section 559.904(3)(b), F.S.

<sup>33</sup> Section 559.928(2)(c), F.S.

<sup>34</sup> Section 790.06(5)(f)2., F.S.

The DHSMV shall issue the card to a veteran of any branch of the U.S. Armed Forces who has been honorably discharged and who provides the DHSMV:

- A copy of the veteran's DD Form 214;
- A copy of the veteran's valid driver license or identification card, or other form of photographic identification acceptable to the DHSMV; and
- Payment of a \$10 fee.

The bill authorizes the veteran identification card to be used as proof of veteran status in numerous sections of the Florida Statutes. Specifically, the bill authorizes the veteran identification card to be used as proof of veteran status to receive fee waivers when applying for the following licensures:

- **Section 2** for a land surveyor and mapper;
- **Section 3** for a private investigator, private investigator intern, private investigative agency manager, private investigative/security agency manager, firearms instructor, security officer manager, security officer instructor, recovery agent, recovery agent intern, recovery agency manager, or recovery agent instructor;
- **Section 4** for a private investigative/security agency manager or a firearms instructor;
- **Section 5** for a private investigator, private investigator intern, or private investigative agency manager;
- **Section 6** for a security officer, security officer instructor, or a security manager;
- **Section 7** for a recovery agent, recovery agent intern, recovery agent manager, or recovery agent instructor;
- **Section 8** for a health studio;
- **Section 9** for a commercial telephone seller;
- **Section 10** for a telemarketing salesperson;
- **Section 11** for a mover and moving broker;
- **Section 12** for a liquefied petroleum gas related license;
- **Section 13** for a pawnbroker;
- **Section 14** for a motor vehicle repair shop;
- **Section 15** for a seller of travel; and
- **Section 16** for an insurance agent, customer representative, adjuster, service representative, managing general agent, or reinsurance intermediary

Lastly, **section 17** provides that the veteran identification card may be used as proof of veteran status for expedited processing of an application to carry concealed weapons or firearms.

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:

None.

B. Private Sector Impact:

A veteran will pay a \$10 fee if he or she chooses to receive a veteran identification card.

C. Government Sector Impact:

DHSMV estimates 65,000 veterans would seek the veteran identification card in the first year, which generates a positive impact of \$650,000; however, the bill does not specify where those fees are deposited.<sup>35</sup>

To implement the bill, the DHSMV will incur programming, card stock, and printer costs to make the cards available at all 320 issuance offices throughout Florida. DHSMV estimates implementation will cost approximately \$2.8 million.<sup>36</sup>

Additionally, the bill may have a positive impact on local tax collector offices who work as driver license agents, as they are authorized to charge a service fee of \$6.25 when providing services under ch. 322, F.S.<sup>37</sup> If local tax collectors issue 65,000 veteran identification cards, the service charge will generate \$406,250.

**VI. Technical Deficiencies:**

The bill does not specify where the \$10 fee for the veteran identification card is deposited.

**VII. Related Issues:**

None.

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<sup>35</sup> Email from the DHSMV (Mar. 9, 2017) (on file with the Senate Committee on Transportation).

<sup>36</sup> *Id.*

<sup>37</sup> *See* s. 322.135, F.S.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 472.015, 493.6105, 493.6107, 493.6202, 493.6302, 493.6402, 501.015, 501.605, 501.607, 507.03, 527.02, 539.001, 559.904, 559.928, 626.171, and 790.06.

This bill creates section 322.0511 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

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

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186252

LEGISLATIVE ACTION

Senate

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House

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The Committee on Transportation (Baxley) recommended the following:

**Senate Amendment**

Delete lines 35 - 39  
and insert:  
veteran and his or her full name, branch of service, and  
signature. The words "Proof of veteran status only. Not for  
official

By Senator Baxley

12-00459-17

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1 A bill to be entitled  
 2 An act relating to veteran identification; creating s.  
 3 322.0511, F.S.; requiring the Department of Highway  
 4 Safety and Motor Vehicles to create a veteran  
 5 identification card for certain purposes; providing  
 6 for the design of the card; providing veteran  
 7 eligibility requirements; prohibiting use of the card  
 8 for certain purposes; amending ss. 472.015, 493.6105,  
 9 493.6107, 493.6202, 493.6302, 493.6402, 501.015,  
 10 501.605, 501.607, 507.03, 527.02, 539.001, 559.904,  
 11 559.928, 626.171, and 790.06, F.S.; authorizing use of  
 12 the card as proof of veteran status for obtaining  
 13 waivers of license or registration fees relating to  
 14 land surveying and mapping, private investigation,  
 15 security, and repossession services, health studios,  
 16 telephone salespersons, movers and moving brokers, the  
 17 sale of liquefied petroleum gas, pawnbrokers, motor  
 18 vehicle repair shops, sellers of travel, insurance  
 19 representatives, and the carrying of concealed weapons  
 20 or firearms; providing an effective date.  
 21  
 22 Be It Enacted by the Legislature of the State of Florida:  
 23  
 24 Section 1. Section 322.0511, Florida Statutes, is created  
 25 to read:  
 26 322.0511 Veteran identification cards.—  
 27 (1) The department shall create a veteran identification  
 28 card to be used as proof of veteran status for the purpose of  
 29 obtaining discounts or waivers offered to veterans for the  
 30 exchange of goods and services and for other purposes authorized  
 31 by law, except as provided in subsection (3). The veteran  
 32 identification card must bear the colors and design approved by

Page 1 of 17

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12-00459-17

2017444\_\_

33 the department, including, but not limited to:  
 34 (a) In the foreground, a full-face photograph of the  
 35 veteran and his or her full name, branch of service, date of  
 36 discharge, United States Department of Defense identification  
 37 number, and signature. The words "U.S. Armed Forces Veteran –  
 38 Honorably Discharged" must appear at the top of the card, and  
 39 the words "Proof of veteran status only. Not for official  
 40 government use or identification" must appear at the bottom of  
 41 the card.  
 42 (b) In the background, an image of a military  
 43 identification "dog" tag.  
 44 (2) The department shall issue a veteran identification  
 45 card to a veteran of any branch of the United States Armed  
 46 Forces who has been honorably discharged and who provides to the  
 47 department:  
 48 (a) A copy of the veteran's DD Form 214 as issued by the  
 49 United States Department of Defense.  
 50 (b) A copy of the veteran's valid, unexpired driver license  
 51 or identification card as issued under this chapter or another  
 52 form of photographic identification acceptable to the  
 53 department.  
 54 (c) Payment of a \$10 fee.  
 55 (3) A veteran identification card issued pursuant to this  
 56 section is not considered an identification card for the  
 57 purposes of s. 295.17 or s. 322.051 and may not be used for the  
 58 determination of any federal benefit.  
 59 Section 2. Paragraph (b) of subsection (3) of section  
 60 472.015, Florida Statutes, is amended to read:  
 61 472.015 Licensure.—

Page 2 of 17

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12-00459-17

2017444\_\_

(3)

(b) The department shall waive the initial license fee for an honorably discharged veteran of the United States Armed Forces, the spouse of such a veteran, or a business entity that has a majority ownership held by such a veteran or spouse if the department receives an application, in a format prescribed by the department, within 60 months after the date of the veteran's discharge from any branch of the United States Armed Forces. To qualify for the waiver:

1. A veteran must provide to the department a copy of his or her DD Form 214, as issued by the United States Department of Defense, his or her veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs;

2. The spouse of a veteran must provide to the department a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, the veteran's veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and a copy of a valid marriage license or certificate verifying that he or she was lawfully married to the veteran at the time of discharge; or

3. A business entity must provide to the department proof that a veteran or the spouse of a veteran holds a majority ownership in the business, a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, the veteran's veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and, if

Page 3 of 17

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12-00459-17

2017444\_\_

applicable, a copy of a valid marriage license or certificate verifying that the spouse of the veteran was lawfully married to the veteran at the time of discharge.

Section 3. Paragraph (c) of subsection (1) of section 493.6105, Florida Statutes, is amended to read:

493.6105 Initial application for license.—

(1) Each individual, partner, or principal officer in a corporation, shall file with the department a complete application accompanied by an application fee not to exceed \$60, except that the applicant for a Class "D" or Class "G" license is not required to submit an application fee. The application fee is not refundable.

(c) The initial application fee for a veteran, as defined in s. 1.01, shall be waived if he or she applies for a Class "C," Class "CC," Class "DI," Class "E," Class "EE," Class "K," Class "M," Class "MA," Class "MB," Class "MR," or Class "RI" license within 24 months after being discharged from a branch of the United States Armed Forces. An eligible veteran must include a copy of his or her DD Form 214, as issued by the United States Department of Defense, his or her veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs with his or her application in order to obtain a waiver.

Section 4. Subsection (6) of section 493.6107, Florida Statutes, is amended to read:

493.6107 Fees.—

(6) The initial license fee for a veteran, as defined in s. 1.01, shall be waived if he or she applies for a Class "M" or Class "K" license within 24 months after being discharged from

Page 4 of 17

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12-00459-17

2017444\_\_

120 any branch of the United States Armed Forces. An eligible  
 121 veteran must include a copy of his or her DD Form 214, as issued  
 122 by the United States Department of Defense, his or her veteran  
 123 identification card issued pursuant to s. 322.0511, or another  
 124 acceptable form of identification as specified by the Department  
 125 of Veterans' Affairs with his or her application in order to  
 126 obtain a waiver.

127 Section 5. Subsection (4) of section 493.6202, Florida  
 128 Statutes, is amended to read:

129 493.6202 Fees.—

130 (4) The initial license fee for a veteran, as defined in s.  
 131 1.01, shall be waived if he or she applies for a Class "C,"  
 132 Class "CC," or Class "MA" license within 24 months after being  
 133 discharged from any branch of the United States Armed Forces. An  
 134 eligible veteran must include a copy of his or her DD Form 214,  
 135 as issued by the United States Department of Defense, his or her  
 136 veteran identification card issued pursuant to s. 322.0511, or  
 137 another acceptable form of identification as specified by the  
 138 Department of Veterans' Affairs with his or her application in  
 139 order to obtain a waiver.

140 Section 6. Subsection (4) of section 493.6302, Florida  
 141 Statutes, is amended to read:

142 493.6302 Fees.—

143 (4) The initial license fee for a veteran, as defined in s.  
 144 1.01, shall be waived if he or she applies for a Class "D,"  
 145 Class "DI," or Class "MB" license within 24 months after being  
 146 discharged from any branch of the United States Armed Forces. An  
 147 eligible veteran must include a copy of his or her DD Form 214,  
 148 as issued by the United States Department of Defense, his or her

Page 5 of 17

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12-00459-17

2017444\_\_

149 veteran identification card issued pursuant to s. 322.0511, or  
 150 another acceptable form of identification as specified by the  
 151 Department of Veterans' Affairs with his or her application in  
 152 order to obtain a waiver.

153 Section 7. Subsection (4) of section 493.6402, Florida  
 154 Statutes, is amended to read:

155 493.6402 Fees.—

156 (4) The initial license fee for a veteran, as defined in s.  
 157 1.01, shall be waived if he or she applies for a Class "E,"  
 158 Class "EE," Class "MR," or Class "RI" license within 24 months  
 159 after being discharged from any branch of the United States  
 160 Armed Forces. An eligible veteran must include a copy of his or  
 161 her DD Form 214, as issued by the United States Department of  
 162 Defense, his or her veteran identification card issued pursuant  
 163 to s. 322.0511, or another acceptable form of identification as  
 164 specified by the Department of Veterans' Affairs with his or her  
 165 application in order to obtain a waiver.

166 Section 8. Subsection (2) of section 501.015, Florida  
 167 Statutes, is amended to read:

168 501.015 Health studios; registration requirements and  
 169 fees.—Each health studio shall:

170 (2) Remit an annual registration fee of \$300 to the  
 171 department at the time of registration for each of the health  
 172 studio's business locations. The department shall waive the  
 173 initial registration fee for an honorably discharged veteran of  
 174 the United States Armed Forces, the spouse of such a veteran, or  
 175 a business entity that has a majority ownership held by such a  
 176 veteran or spouse if the department receives an application, in  
 177 a format prescribed by the department, within 60 months after

Page 6 of 17

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178 the date of the veteran's discharge from any branch of the  
179 United States Armed Forces. To qualify for the waiver:

180 (a) A veteran must provide to the department a copy of his  
181 or her DD Form 214, as issued by the United States Department of  
182 Defense, his or her veteran identification card issued pursuant  
183 to s. 322.0511, or another acceptable form of identification as  
184 specified by the Department of Veterans' Affairs;

185 (b) The spouse of a veteran must provide to the department  
186 a copy of the veteran's DD Form 214, as issued by the United  
187 States Department of Defense, the veteran's veteran  
188 identification card issued pursuant to s. 322.0511, or another  
189 acceptable form of identification as specified by the Department  
190 of Veterans' Affairs, and a copy of a valid marriage license or  
191 certificate verifying that he or she was lawfully married to the  
192 veteran at the time of discharge; or

193 (c) A business entity must provide to the department proof  
194 that a veteran or the spouse of a veteran holds a majority  
195 ownership in the business, a copy of the veteran's DD Form 214,  
196 as issued by the United States Department of Defense, the  
197 veteran's veteran identification card issued pursuant to s.  
198 322.0511, or another acceptable form of identification as  
199 specified by the Department of Veterans' Affairs, and, if  
200 applicable, a copy of a valid marriage license or certificate  
201 verifying that the spouse of the veteran was lawfully married to  
202 the veteran at the time of discharge.

203 Section 9. Paragraph (b) of subsection (5) of section  
204 501.605, Florida Statutes, is amended to read:

205 501.605 Licensure of commercial telephone sellers.—

206 (5) An application filed pursuant to this part must be

12-00459-17

2017444\_\_

207 verified and accompanied by:

208 (b) A fee for licensing in the amount of \$1,500. The fee  
209 shall be deposited into the General Inspection Trust Fund. The  
210 department shall waive the initial license fee for an honorably  
211 discharged veteran of the United States Armed Forces, the spouse  
212 of such a veteran, or a business entity that has a majority  
213 ownership held by such a veteran or spouse if the department  
214 receives an application, in a format prescribed by the  
215 department, within 60 months after the date of the veteran's  
216 discharge from any branch of the United States Armed Forces. To  
217 qualify for the waiver:

218 1. A veteran must provide to the department a copy of his  
219 or her DD Form 214, as issued by the United States Department of  
220 Defense, his or her veteran identification card issued pursuant  
221 to s. 322.0511, or another acceptable form of identification as  
222 specified by the Department of Veterans' Affairs;

223 2. The spouse of a veteran must provide to the department a  
224 copy of the veteran's DD Form 214, as issued by the United  
225 States Department of Defense, the veteran's veteran  
226 identification card issued pursuant to s. 322.0511, or another  
227 acceptable form of identification as specified by the Department  
228 of Veterans' Affairs, and a copy of a valid marriage license or  
229 certificate verifying that he or she was lawfully married to the  
230 veteran at the time of discharge; or

231 3. A business entity must provide to the department proof  
232 that a veteran or the spouse of a veteran holds a majority  
233 ownership in the business, a copy of the veteran's DD Form 214,  
234 as issued by the United States Department of Defense, the  
235 veteran's veteran identification card issued pursuant to s.

12-00459-17

2017444\_\_

236 322.0511, or another acceptable form of identification as  
 237 specified by the Department of Veterans' Affairs, and, if  
 238 applicable, a copy of a valid marriage license or certificate  
 239 verifying that the spouse of the veteran was lawfully married to  
 240 the veteran at the time of discharge.

241 Section 10. Paragraph (b) of subsection (2) of section  
 242 501.607, Florida Statutes, is amended to read:

243 501.607 Licensure of salespersons.—

244 (2) An application filed pursuant to this section must be  
 245 verified and be accompanied by:

246 (b) A fee for licensing in the amount of \$50 per  
 247 salesperson. The fee shall be deposited into the General  
 248 Inspection Trust Fund. The fee for licensing may be paid after  
 249 the application is filed, but must be paid within 14 days after  
 250 the applicant begins work as a salesperson. The department shall  
 251 waive the initial license fee for an honorably discharged  
 252 veteran of the United States Armed Forces, the spouse of such a  
 253 veteran, or a business entity that has a majority ownership held  
 254 by such a veteran or spouse if the department receives an  
 255 application, in a format prescribed by the department, within 60  
 256 months after the date of the veteran's discharge from any branch  
 257 of the United States Armed Forces. To qualify for the waiver:7

258 1. A veteran must provide to the department a copy of his  
 259 or her DD Form 214, as issued by the United States Department of  
 260 Defense, his or her veteran identification card issued pursuant  
 261 to s. 322.0511, or another acceptable form of identification as  
 262 specified by the Department of Veterans' Affairs;

263 2. The spouse of a veteran must provide to the department a  
 264 copy of the veteran's DD Form 214, as issued by the United

12-00459-17

2017444\_\_

265 States Department of Defense, the veteran's veteran  
 266 identification card issued pursuant to s. 322.0511, or another  
 267 acceptable form of identification as specified by the Department  
 268 of Veterans' Affairs, and a copy of a valid marriage license or  
 269 certificate verifying that he or she was lawfully married to the  
 270 veteran at the time of discharge; or

271 3. A business entity must provide to the department proof  
 272 that a veteran or the spouse of a veteran holds a majority  
 273 ownership in the business, a copy of the veteran's DD Form 214,  
 274 as issued by the United States Department of Defense, the  
 275 veteran's veteran identification card issued pursuant to s.  
 276 322.0511, or another acceptable form of identification as  
 277 specified by the Department of Veterans' Affairs, and, if  
 278 applicable, a copy of a valid marriage license or certificate  
 279 verifying that the spouse of the veteran was lawfully married to  
 280 the veteran at the time of discharge.

281 Section 11. Paragraph (b) of subsection (3) of section  
 282 507.03, Florida Statutes, is amended to read:

283 507.03 Registration.—

284 (3)

285 (b) The department shall waive the initial registration fee  
 286 for an honorably discharged veteran of the United States Armed  
 287 Forces, the spouse of such a veteran, or a business entity that  
 288 has a majority ownership held by such a veteran or spouse if the  
 289 department receives an application, in a format prescribed by  
 290 the department, within 60 months after the date of the veteran's  
 291 discharge from any branch of the United States Armed Forces. To  
 292 qualify for the waiver:7

293 1. A veteran must provide to the department a copy of his

12-00459-17

2017444\_\_

294 or her DD Form 214, as issued by the United States Department of  
 295 Defense, his or her veteran identification card issued pursuant  
 296 to s. 322.0511, or another acceptable form of identification as  
 297 specified by the Department of Veterans' Affairs;

298 2. The spouse of a veteran must provide to the department a  
 299 copy of the veteran's DD Form 214, as issued by the United  
 300 States Department of Defense, the veteran's veteran  
 301 identification card issued pursuant to s. 322.0511, or another  
 302 acceptable form of identification as specified by the Department  
 303 of Veterans' Affairs, and a copy of a valid marriage license or  
 304 certificate verifying that he or she was lawfully married to the  
 305 veteran at the time of discharge; or

306 3. A business entity must provide to the department proof  
 307 that a veteran or the spouse of a veteran holds a majority  
 308 ownership in the business, a copy of the veteran's DD Form 214,  
 309 as issued by the United States Department of Defense, the  
 310 veteran's veteran identification card issued pursuant to s.  
 311 322.0511, or another acceptable form of identification as  
 312 specified by the Department of Veterans' Affairs, and, if  
 313 applicable, a copy of a valid marriage license or certificate  
 314 verifying that the spouse of the veteran was lawfully married to  
 315 the veteran at the time of discharge.

316 Section 12. Paragraph (b) of subsection (3) of section  
 317 527.02, Florida Statutes, is amended to read:

318 527.02 License; penalty; fees.—

319 (3)

320 (b) The department shall waive the initial license fee for  
 321 an honorably discharged veteran of the United States Armed  
 322 Forces, the spouse of such a veteran, or a business entity that

12-00459-17

2017444\_\_

323 has a majority ownership held by such a veteran or spouse if the  
 324 department receives an application, in a format prescribed by  
 325 the department, within 60 months after the date of the veteran's  
 326 discharge from any branch of the United States Armed Forces. To  
 327 qualify for the waiver;~~7~~

328 1. A veteran must provide to the department a copy of his  
 329 or her DD Form 214, as issued by the United States Department of  
 330 Defense, his or her veteran identification card issued pursuant  
 331 to s. 322.0511, or another acceptable form of identification as  
 332 specified by the Department of Veterans' Affairs;

333 2. The spouse of a veteran must provide to the department a  
 334 copy of the veteran's DD Form 214, as issued by the United  
 335 States Department of Defense, the veteran's veteran  
 336 identification card issued pursuant to s. 322.0511, or another  
 337 acceptable form of identification as specified by the Department  
 338 of Veterans' Affairs, and a copy of a valid marriage license or  
 339 certificate verifying that he or she was lawfully married to the  
 340 veteran at the time of discharge; or

341 3. A business entity must provide to the department proof  
 342 that a veteran or the spouse of a veteran holds a majority  
 343 ownership in the business, a copy of the veteran's DD Form 214,  
 344 as issued by the United States Department of Defense, the  
 345 veteran's veteran identification card issued pursuant to s.  
 346 322.0511, or another acceptable form of identification as  
 347 specified by the Department of Veterans' Affairs, and, if  
 348 applicable, a copy of a valid marriage license or certificate  
 349 verifying that the spouse of the veteran was lawfully married to  
 350 the veteran at the time of discharge.

351 Section 13. Paragraph (c) of subsection (3) of section

12-00459-17

2017444\_\_

352 539.001, Florida Statutes, is amended to read:

353 539.001 The Florida Pawnbroking Act.—

354 (3) LICENSE REQUIRED.—

355 (c) Each license is valid for a period of 1 year unless it  
356 is earlier relinquished, suspended, or revoked. Each license  
357 shall be renewed annually, and each licensee shall, initially  
358 and annually thereafter, pay to the agency a license fee of \$300  
359 for each license held. The agency shall waive the initial  
360 license fee for an honorably discharged veteran of the United  
361 States Armed Forces, the spouse of such a veteran, or a business  
362 entity that has a majority ownership held by such a veteran or  
363 spouse if the agency receives an application, in a format  
364 prescribed by the agency, within 60 months after the date of the  
365 veteran's discharge from any branch of the United States Armed  
366 Forces. To qualify for the waiver:—

367 1. A veteran must provide to the agency a copy of his or  
368 her DD Form 214, as issued by the United States Department of  
369 Defense, his or her veteran identification card issued pursuant  
370 to s. 322.0511, or another acceptable form of identification as  
371 specified by the Department of Veterans' Affairs;

372 2. The spouse of a veteran must provide to the agency a  
373 copy of the veteran's DD Form 214, as issued by the United  
374 States Department of Defense, the veteran's veteran  
375 identification card issued pursuant to s. 322.0511, or another  
376 acceptable form of identification as specified by the Department  
377 of Veterans' Affairs, and a copy of a valid marriage license or  
378 certificate verifying that he or she was lawfully married to the  
379 veteran at the time of discharge; or

380 3. A business entity must provide to the agency proof that

Page 13 of 17

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12-00459-17

2017444\_\_

381 a veteran or the spouse of a veteran holds a majority ownership  
382 in the business, a copy of the veteran's DD Form 214, as issued  
383 by the United States Department of Defense, the veteran's  
384 veteran identification card issued pursuant to s. 322.0511, or  
385 another acceptable form of identification as specified by the  
386 Department of Veterans' Affairs, and, if applicable, a copy of a  
387 valid marriage license or certificate verifying that the spouse  
388 of the veteran was lawfully married to the veteran at the time  
389 of discharge.

390 Section 14. Paragraph (b) of subsection (3) of section  
391 559.904, Florida Statutes, is amended to read:

392 559.904 Motor vehicle repair shop registration;  
393 application; exemption.—

394 (3)

395 (b) The department shall waive the initial registration fee  
396 for an honorably discharged veteran of the United States Armed  
397 Forces, the spouse of such a veteran, or a business entity that  
398 has a majority ownership held by such a veteran or spouse if the  
399 department receives an application, in a format prescribed by  
400 the department, within 60 months after the date of the veteran's  
401 discharge from any branch of the United States Armed Forces. To  
402 qualify for the waiver:—

403 1. A veteran must provide to the department a copy of his  
404 or her DD Form 214, as issued by the United States Department of  
405 Defense, his or her veteran identification card issued pursuant  
406 to s. 322.0511, or another acceptable form of identification as  
407 specified by the Department of Veterans' Affairs;

408 2. The spouse of a veteran must provide to the department a  
409 copy of the veteran's DD Form 214, as issued by the United

Page 14 of 17

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12-00459-17

2017444\_\_

410 States Department of Defense, the veteran's veteran  
 411 identification card issued pursuant to s. 322.0511, or another  
 412 acceptable form of identification as specified by the Department  
 413 of Veterans' Affairs, and a copy of a valid marriage license or  
 414 certificate verifying that he or she was lawfully married to the  
 415 veteran at the time of discharge; or

416 3. A business entity must provide to the department proof  
 417 that a veteran or the spouse of a veteran holds a majority  
 418 ownership in the business, a copy of the veteran's DD Form 214,  
 419 as issued by the United States Department of Defense, the  
 420 veteran's veteran identification card issued pursuant to s.  
 421 322.0511, or another acceptable form of identification as  
 422 specified by the Department of Veterans' Affairs, and, if  
 423 applicable, a copy of a valid marriage license or certificate  
 424 verifying that the spouse of the veteran was lawfully married to  
 425 the veteran at the time of discharge.

426 Section 15. Paragraph (c) of subsection (2) of section  
 427 559.928, Florida Statutes, is amended to read:

428 559.928 Registration.—

429 (2)

430 (c) The department shall waive the initial registration fee  
 431 for an honorably discharged veteran of the United States Armed  
 432 Forces, the spouse of such a veteran, or a business entity that  
 433 has a majority ownership held by such a veteran or spouse if the  
 434 department receives an application, in a format prescribed by  
 435 the department, within 60 months after the date of the veteran's  
 436 discharge from any branch of the United States Armed Forces. To  
 437 qualify for the waiver:7

438 1. A veteran must provide to the department a copy of his

Page 15 of 17

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12-00459-17

2017444\_\_

439 or her DD Form 214, as issued by the United States Department of  
 440 Defense, his or her veteran identification card issued pursuant  
 441 to s. 322.0511, or another acceptable form of identification as  
 442 specified by the Department of Veterans' Affairs;

443 2. The spouse of a veteran must provide to the department a  
 444 copy of the veteran's DD Form 214, as issued by the United  
 445 States Department of Defense, the veteran's veteran  
 446 identification card issued pursuant to s. 322.0511, or another  
 447 acceptable form of identification as specified by the Department  
 448 of Veterans' Affairs, and a copy of a valid marriage license or  
 449 certificate verifying that he or she was lawfully married to the  
 450 veteran at the time of discharge; or

451 3. A business entity must provide to the department proof  
 452 that a veteran or the spouse of a veteran holds a majority  
 453 ownership in the business, a copy of the veteran's DD Form 214,  
 454 as issued by the United States Department of Defense, the  
 455 veteran's veteran identification card issued pursuant to s.  
 456 322.0511, or another acceptable form of identification as  
 457 specified by the Department of Veterans' Affairs, and, if  
 458 applicable, a copy of a valid marriage license or certificate  
 459 verifying that the spouse of the veteran was lawfully married to  
 460 the veteran at the time of discharge.

461 Section 16. Subsection (6) of section 626.171, Florida  
 462 Statutes, is amended to read:

463 626.171 Application for license as an agent, customer  
 464 representative, adjuster, service representative, managing  
 465 general agent, or reinsurance intermediary.—

466 (6) Members of the United States Armed Forces and their  
 467 spouses, and veterans of the United States Armed Forces who have

Page 16 of 17

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12-00459-17

2017444

468 retired within 24 months before application for licensure, are  
469 exempt from the application filing fee prescribed in s. 624.501.  
470 Qualified individuals must provide a copy of a military  
471 identification card, military dependent identification card,  
472 military service record, military personnel file, veteran  
473 identification card, veteran record, discharge paper, or  
474 separation document, or a separation document that indicates  
475 such members of the United States Armed Forces are currently in  
476 good standing or were honorably discharged.

477 Section 17. Paragraph (f) of subsection (5) of section  
478 790.06, Florida Statutes, is amended to read:

479 790.06 License to carry concealed weapon or firearm.-

480 (5) The applicant shall submit to the Department of  
481 Agriculture and Consumer Services or an approved tax collector  
482 pursuant to s. 790.0625:

483 (f) For expedited processing of an application:

484 1. A servicemember shall submit a copy of the Common Access  
485 Card, United States Uniformed Services Identification Card, or  
486 current deployment orders.

487 2. A veteran shall submit a copy of the DD Form 214, issued  
488 by the United States Department of Defense, the veteran  
489 identification card issued pursuant to s. 322.0511, or another  
490 acceptable form of identification as specified by the Department  
491 of Veterans' Affairs.

492 Section 18. This act shall take effect July 1, 2017.

**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.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 460

INTRODUCER: Senator Brandes

SUBJECT: Personal Delivery Devices

DATE: March 14, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	<b>Favorable</b>
2.			BI	
3.			RC	

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## I. Summary:

SB 460 authorizes the operation of personal delivery devices (PDDs) within county or municipal jurisdictions under certain conditions, unless prohibited by local ordinance. The bill allows local governments to adopt regulations for the safe operation of PDDs, prohibits PDD operation on the Florida Shared-Use Nonmotorized Trail Network, and requires a PDD operator to maintain specified insurance coverage. The bill also revises cross-references to conform to changes made in the act.

The fiscal impact to state and local government is indeterminate. See Section V. Fiscal Impact Statement for details.

The bill takes effect July 1, 2017.

## II. Present Situation:

Personal delivery devices are seen as a potential supplement to traditional delivery services, eliminating “the largest inefficiency in the delivery chain, the last mile.”<sup>1</sup> PDDs are devices that typically travel on sidewalks, crossing roadways when necessary, and can carry items within a relatively small radius from stores or other hubs. PDDs are low-weight, low-speed devices that can carry roughly the equivalent of two grocery bags and resemble a box on wheels. PDDs can navigate around objects and people.

Using a combination of mobile technology, the devices operate on integrated navigation and obstacle avoidance software that enable autonomous movement, but human operators may step in to ensure safety.<sup>2</sup> A PDD’s cargo bay is locked when sent to make a delivery; only the

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<sup>1</sup> See Starship Technologies’ press release available at: <https://www.starship.xyz/press-release/>. (Last visited March 7, 2017.)

<sup>2</sup> *Id.*

delivery recipient can unlock the box with a code specific to that recipient. PDD locations are tracked, and delivery recipients can monitor the PDD's progress on a smartphone.<sup>3</sup>

### **Federal Law Relating to Motorized Vehicles on Sidewalks**

Federal law, specifically 23 U.S.C. s. 217(h), prohibits any motorized vehicle on pedestrian walkways funded in whole or in part with federal dollars<sup>4</sup> except for maintenance purposes, snowmobiles when snow conditions and state or local regulations permit, motorized wheelchairs, electric bicycles when state or local regulations permit, and such other circumstances as the U.S. Department of Transportation secretary deems appropriate.

### **Sidewalk<sup>5</sup> and Crosswalk<sup>6</sup> Use in Florida**

Florida law currently does not contain any provisions relating to operation of a PDD but does contain provisions relating to other sidewalk and crosswalk uses. For example:

- Section 316.008(7), F.S., authorizes counties or municipalities to enact an ordinance permitting, controlling, or regulating the operation of vehicles, golf carts, mopeds, motorized scooters, and electric personal assistive mobility devices on sidewalks or sidewalk areas when such use is permissible under federal law;
- Section 316.1945(1)(a), F.S., with certain exceptions, prohibits stopping, standing, or parking a vehicle on a sidewalk, a crosswalk, or a bicycle path; and
- Section 316.1995, F.S., with certain exceptions, prohibits driving any vehicle other than by human power on a bicycle path, sidewalk, or sidewalk area.

### **Florida Registration and Insurance Requirements**

Similarly, Florida law currently does not contain any provisions relating specifically to registration of PDDs or required insurance to cover damages caused by their operation.

## **III. Effect of Proposed Changes:**

The bill establishes a regulatory framework for PDD operation, authorizing such operation in the absence of a local prohibition and authorizing local governmental entities to regulate operation of PDDs within county or municipal jurisdictions under certain conditions.

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<sup>3</sup> See Starship Technologies website available at: <https://www.starship.xyz/for-businesses/>. (Last visited March 7, 2017.)

<sup>4</sup> Surface Transportation and Congestion Mitigation Program Funds and National Highway Performance program funds apportioned to the states may be used, respectively, for construction of pedestrian walkways and bicycle transportation facilities. 23 U.S.C. s. 217(a) and (b).

<sup>5</sup> "Sidewalk" is defined in s. 316.003(70), F.S., to mean that portion of a street between the curblines, or the lateral lines, of a roadway and the adjacent property lines, intended for use by pedestrians.

<sup>6</sup> "Crosswalk" is defined in s. 316.003(15), F.S., to mean that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; and, any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

**Section 1** of the bill amends s. 316.003, F.S., adding new subsections (51) and (52) to define the following terms:

- “Personal delivery device” means a motorized device for use primarily on sidewalks and crosswalks at a maximum speed of 10 miles per hour, which weighs 50 pounds or less excluding cargo, and which is capable of all of the following:
  - Transporting items with or without a PDD operator directly controlling the device;
  - Identifying and yielding to pedestrians, bicyclists, and other lawful user of public space;
  - Identifying and yielding to property;
  - Navigating public thoroughfares;
  - Interpreting traffic signals and signs at crosswalks; and
  - Directing a PDD operator to assume actual physical control over the navigation and control of the device and coming to an off-roadway controlled stop in the event an operator is unable to assume actual physical control. A PDD must have a plate or marker that identifies the name and contact information of the PDD operator.
- “Personal delivery device operator” means an entity or its agent that exercises direct physical control over the navigation system and operation of a PDD. The PDD operator is legally responsible for the navigation and operation of a PDD. The term does not include any person or entity that requests, or contracts for, the service of a PDD for transporting property. The term “agent” means a person charged by the entity with the responsibility of navigating and operating the device.

**Section 2** amends s. 316.008(7), F.S., authorizing PDD operation within county or municipal jurisdictions when such use is permissible under federal law, unless a county or municipality enacts an ordinance to prohibit such operation. The bill expressly does not restrict a county or municipality from otherwise adopting regulations for the safe operation of a PDD. However, the bill prohibits PDD operation on the Florida Shared-Use Nonmotorized Trail Network.<sup>7</sup>

**Section 3** creates s. 316.82, F.S., requiring a PDD operator to maintain an insurance policy that provides general liability coverage of at least \$100,000 for damages arising from operation of a PDD.

**Section 4** amends s. 320.02, F.S., providing that a PDD is not required to satisfy existing registration and insurance requirements in that section, except for the insurance policy required in new s. 316.82, F.S.

**Sections 5 – 8** amend ss. 316.2128(1), 316.545(2)(b), 316.613(2)(a), and 655.960, F.S., respectively, to revise cross-references to conform to changes made in the act.

**Section 6** provides the bill take effect July 1, 2017.

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<sup>7</sup> Known as SUN Trail, the network is a component of the Florida Greenways and Trails System established in ch. 260, F.S. It “consists of multiuse trails or shared-use paths physically separated from motor vehicle traffic and constructed with asphalt, concrete, or another hard surface which, by virtue of design, location, extent of connectivity or potential connectivity, and allowable uses, provides *nonmotorized* transportation opportunities for bicyclists and pedestrians statewide between and within a wide range of points of origin and destinations...” Section 339.81, F.S. For additional details, a map, and a list of projects for Fiscal Year 2016-2017, see the Florida Department of Transportation website available at: <http://fdot.gov/info/CO/news/newsreleases/20161011-suntrailfunding.pdf>. (Last visited March 7, 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:

None.

## B. Private Sector Impact:

Delivery service companies, businesses engaged in the manufacture or sale of PDDs, or engaged in providing PDD services may experience an indeterminate positive fiscal impact.

Personal delivery device operators may incur penalty costs to the extent that the operator violates the bill's provisions or local ordinances adopted as authorized by the bill. The fiscal impact of these costs is indeterminate because the number and type of violations cannot be estimated, and the amount of penalties that may be imposed is unknown.

## C. Government Sector Impact:

A positive fiscal impact may be realized due to the potential imposition of penalties for violations. However, because the number and type of violations and the amount of any such penalties is unknown, the fiscal impact is indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends the following sections of the Florida Statutes: 316.003, 316.008, 316.82,

320.02, 316.2128, 316.545, 316.613, and 655.960.

**IX. Additional Information:**

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

None.

B. **Amendments:**

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/15/2017	.	
	.	
	.	
	.	

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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsections (51) through (97) of section  
316.003, Florida Statutes, are renumbered as subsections (53)  
through (99), respectively, subsection (40) and present  
subsections (55) and (95) are amended, and new subsections (51)  
and (52) are added to that section, to read:

316.003 Definitions.—The following words and phrases, when



724448

11 used in this chapter, shall have the meanings respectively  
12 ascribed to them in this section, except where the context  
13 otherwise requires:

14 (40) MOTOR VEHICLE.—Except when used in s. 316.1001, a  
15 self-propelled vehicle not operated upon rails or guideway, but  
16 not including any bicycle, motorized scooter, electric personal  
17 assistive mobility device, personal delivery device, swamp  
18 buggy, or moped. For purposes of s. 316.1001, “motor vehicle”  
19 has the same meaning as provided in s. 320.01(1)(a).

20 (51) PERSONAL DELIVERY DEVICE.—An electrically powered  
21 device that:

22 (a) Is operated on sidewalks and crosswalks and intended  
23 primarily for transporting property;

24 (b) Weighs less than 80 pounds, excluding cargo;

25 (c) Has a maximum speed of 10 miles per hour; and

26 (d) Is equipped with technology to allow for operation of  
27 the device with or without the active control or monitoring of a  
28 natural person.

29  
30 A personal delivery device is not considered a vehicle unless  
31 expressly defined by law as a vehicle.

32 (52) PERSONAL DELIVERY DEVICE OPERATOR.—An entity or its  
33 agent that exercises direct physical control over or monitoring  
34 of the navigation system and operation of a personal delivery  
35 device. For the purposes of this subsection, the term “agent”  
36 means a person charged by the entity with the responsibility of  
37 navigating and operating the personal delivery device. The term  
38 “personal delivery device operator” does not include an entity  
39 or person who requests the services of a personal delivery



724448

40 device for the purpose of transporting property or an entity or  
41 person who only arranges for and dispatches the requested  
42 services of a personal delivery device.

43 (57)-(55) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
44 provided in paragraph (79) (b) (77)-(b), any privately owned way  
45 or place used for vehicular travel by the owner and those having  
46 express or implied permission from the owner, but not by other  
47 persons.

48 (97)-(95) VEHICLE.—Every device in, upon, or by which any  
49 person or property is or may be transported or drawn upon a  
50 highway, except personal delivery devices and devices used  
51 exclusively upon stationary rails or tracks.

52 Section 2. Subsection (7) of section 316.008, Florida  
53 Statutes, is amended to read:

54 316.008 Powers of local authorities.—

55 (7) (a) A county or municipality may enact an ordinance to  
56 permit, control, or regulate the operation of vehicles, golf  
57 carts, mopeds, motorized scooters, and electric personal  
58 assistive mobility devices on sidewalks or sidewalk areas when  
59 such use is permissible under federal law. The ordinance must  
60 restrict such vehicles or devices to a maximum speed of 15 miles  
61 per hour in such areas.

62 (b)1. Except as provided in subparagraph 2., a personal  
63 delivery device may be operated on sidewalks and crosswalks  
64 within a county or municipality when such use is permissible  
65 under federal law. This paragraph does not restrict a county or  
66 municipality from otherwise adopting regulations for the safe  
67 operation of personal delivery devices.

68 2. A personal delivery device may not be operated on the



724448

69 Florida Shared-Use Nonmotorized Trail Network created under s.  
70 339.81 or components of the Florida Greenways and Trails System  
71 created under chapter 260.

72 Section 3. Section 316.2071, Florida Statutes, is created  
73 to read:

74 316.2071 Personal delivery devices.—

75 (1) Notwithstanding any provision of law to the contrary, a  
76 personal delivery device may operate on sidewalks and  
77 crosswalks, subject to s. 316.008(7)(b). A personal delivery  
78 device operating on a sidewalk or crosswalk has all the rights  
79 and duties applicable to a pedestrian under the same  
80 circumstances, except that the personal delivery device must not  
81 unreasonably interfere with pedestrians or traffic and must  
82 yield the right-of-way to pedestrians on the sidewalk or  
83 crosswalk.

84 (2) A personal delivery device must:

85 (a) Obey all official traffic and pedestrian control  
86 signals and devices.

87 (b) Include a plate or marker that is visible and has a  
88 unique device number and identifies the name and contact  
89 information of the personal delivery device operator.

90 (c) Be equipped with a braking system that, when active or  
91 engaged, enables the personal delivery device to come to a  
92 controlled stop.

93 (3) A personal delivery device may not:

94 (a) Operate on a public highway except to the extent  
95 necessary to cross a crosswalk.

96 (b) Operate on a sidewalk or crosswalk unless the personal  
97 delivery device operator is actively controlling or monitoring



724448

98 the navigation and operation of the personal delivery device.

99 (c) Transport hazardous materials as defined in s. 316.003.

100 (4) A personal delivery device operator must maintain an  
101 insurance policy, on behalf of itself and its agents, that  
102 provides general liability coverage of at least \$100,000 for  
103 damages arising from the combined operations of personal  
104 delivery devices under the entity's or agent's control.

105 Section 4. Paragraph (a) of subsection (1) of section  
106 320.01, Florida Statutes, is amended to read:

107 320.01 Definitions, general.—As used in the Florida  
108 Statutes, except as otherwise provided, the term:

109 (1) "Motor vehicle" means:

110 (a) An automobile, motorcycle, truck, trailer, semitrailer,  
111 truck tractor and semitrailer combination, or any other vehicle  
112 operated on the roads of this state, used to transport persons  
113 or property, and propelled by power other than muscular power,  
114 but the term does not include traction engines, road rollers,  
115 personal delivery devices as defined in s. 316.003, special  
116 mobile equipment as defined in s. 316.003, vehicles that run  
117 only upon a track, bicycles, swamp buggies, or mopeds.

118 Section 5. Subsection (19) is added to section 320.02,  
119 Florida Statutes, to read:

120 320.02 Registration required; application for registration;  
121 forms.—

122 (19) A personal delivery device as defined in s. 316.003 is  
123 not required to satisfy the registration and insurance  
124 requirements of this section.

125 Section 6. Subsection (1) of section 324.021, Florida  
126 Statutes, is amended to read:



724448

127           324.021 Definitions; minimum insurance required.—The  
128 following words and phrases when used in this chapter shall, for  
129 the purpose of this chapter, have the meanings respectively  
130 ascribed to them in this section, except in those instances  
131 where the context clearly indicates a different meaning:

132           (1) MOTOR VEHICLE.—Every self-propelled vehicle that ~~which~~  
133 is designed and required to be licensed for use upon a highway,  
134 including trailers and semitrailers designed for use with such  
135 vehicles, except traction engines, road rollers, farm tractors,  
136 power shovels, and well drillers, and every vehicle that ~~which~~  
137 is propelled by electric power obtained from overhead wires but  
138 not operated upon rails, but not including any personal delivery  
139 device as defined in s. 316.003, bicycle, or moped. However, the  
140 term “motor vehicle” does ~~shall~~ not include a any motor vehicle  
141 as defined in s. 627.732(3) when the owner of such vehicle has  
142 complied with the requirements of ss. 627.730-627.7405,  
143 inclusive, unless the provisions of s. 324.051 apply; and, in  
144 such case, the applicable proof of insurance provisions of s.  
145 320.02 apply.

146           Section 7. Paragraph (a) of subsection (2) of section  
147 324.022, Florida Statutes, is amended to read:

148           324.022 Financial responsibility for property damage.—

149           (2) As used in this section, the term:

150           (a) “Motor vehicle” means any self-propelled vehicle that  
151 has four or more wheels and that is of a type designed and  
152 required to be licensed for use on the highways of this state,  
153 and any trailer or semitrailer designed for use with such  
154 vehicle. The term does not include:

155           1. A mobile home.



724448

156           2. A motor vehicle that is used in mass transit and  
157 designed to transport more than five passengers, exclusive of  
158 the operator of the motor vehicle, and that is owned by a  
159 municipality, transit authority, or political subdivision of the  
160 state.

161           3. A school bus as defined in s. 1006.25.

162           4. A vehicle providing for-hire transportation that is  
163 subject to the provisions of s. 324.031. A taxicab shall  
164 maintain security as required under s. 324.032(1).

165           5. A personal delivery device as defined in s. 316.003.

166           Section 8. Subsection (1) of section 316.2128, Florida  
167 Statutes, is amended to read:

168           316.2128 Operation of motorized scooters and miniature  
169 motorcycles; requirements for sales.—

170           (1) A person who engages in the business of, serves in the  
171 capacity of, or acts as a commercial seller of motorized  
172 scooters or miniature motorcycles in this state must prominently  
173 display at his or her place of business a notice that such  
174 vehicles are not legal to operate on public roads, may not be  
175 registered as motor vehicles, and may not be operated on  
176 sidewalks unless authorized by an ordinance enacted pursuant to  
177 s. 316.008(7)(a) ~~316.008(7)~~ or s. 316.212(8). The required  
178 notice must also appear in all forms of advertising offering  
179 motorized scooters or miniature motorcycles for sale. The notice  
180 and a copy of this section must also be provided to a consumer  
181 prior to the consumer's purchasing or becoming obligated to  
182 purchase a motorized scooter or a miniature motorcycle.

183           Section 9. Paragraph (b) of subsection (2) of section  
184 316.545, Florida Statutes, is amended to read:



724448

185           316.545 Weight and load unlawful; special fuel and motor  
186 fuel tax enforcement; inspection; penalty; review.—

187           (2)

188           (b) The officer or inspector shall inspect the license  
189 plate or registration certificate of the commercial vehicle to  
190 determine whether its gross weight is in compliance with the  
191 declared gross vehicle weight. If its gross weight exceeds the  
192 declared weight, the penalty shall be 5 cents per pound on the  
193 difference between such weights. In those cases when the  
194 commercial vehicle is being operated over the highways of the  
195 state with an expired registration or with no registration from  
196 this or any other jurisdiction or is not registered under the  
197 applicable provisions of chapter 320, the penalty herein shall  
198 apply on the basis of 5 cents per pound on that scaled weight  
199 which exceeds 35,000 pounds on laden truck tractor-semitrailer  
200 combinations or tandem trailer truck combinations, 10,000 pounds  
201 on laden straight trucks or straight truck-trailer combinations,  
202 or 10,000 pounds on any unladen commercial motor vehicle. A  
203 driver of a commercial motor vehicle entering the state at a  
204 designated port-of-entry location, as defined in s. 316.003  
205 ~~316.003(54)~~, or operating on designated routes to a port-of-  
206 entry location, who obtains a temporary registration permit  
207 shall be assessed a penalty limited to the difference between  
208 its gross weight and the declared gross vehicle weight at 5  
209 cents per pound. If the license plate or registration has not  
210 been expired for more than 90 days, the penalty imposed under  
211 this paragraph may not exceed \$1,000. In the case of special  
212 mobile equipment, which qualifies for the license tax provided  
213 for in s. 320.08(5)(b), being operated on the highways of the



724448

214 state with an expired registration or otherwise not properly  
215 registered under the applicable provisions of chapter 320, a  
216 penalty of \$75 shall apply in addition to any other penalty  
217 which may apply in accordance with this chapter. A vehicle found  
218 in violation of this section may be detained until the owner or  
219 operator produces evidence that the vehicle has been properly  
220 registered. Any costs incurred by the retention of the vehicle  
221 shall be the sole responsibility of the owner. A person who has  
222 been assessed a penalty pursuant to this paragraph for failure  
223 to have a valid vehicle registration certificate pursuant to the  
224 provisions of chapter 320 is not subject to the delinquent fee  
225 authorized in s. 320.07 if such person obtains a valid  
226 registration certificate within 10 working days after such  
227 penalty was assessed.

228 Section 10. Paragraph (a) of subsection (2) of section  
229 316.613, Florida Statutes, is amended to read:

230 316.613 Child restraint requirements.—

231 (2) As used in this section, the term "motor vehicle" means  
232 a motor vehicle as defined in s. 316.003 that is operated on the  
233 roadways, streets, and highways of the state. The term does not  
234 include:

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

236 Section 11. Subsection (1) of section 655.960, Florida  
237 Statutes, is amended to read:

238 655.960 Definitions; ss. 655.960-655.965.—As used in this  
239 section and ss. 655.961-655.965, unless the context otherwise  
240 requires:

241 (1) "Access area" means any paved walkway or sidewalk which  
242 is within 50 feet of any automated teller machine. The term does



724448

243 not include any street or highway open to the use of the public,  
244 as defined in s. 316.003(79)(a) or (b) ~~316.003(77)(a) or (b)~~,  
245 including any adjacent sidewalk, as defined in s. 316.003.

246 Section 12. Section 316.85, Florida Statutes, is amended to  
247 read:

248 316.85 Autonomous vehicles; operation; compliance with  
249 traffic and motor vehicle laws.-

250 (1) A person ~~who possesses a valid driver license~~ may  
251 operate an autonomous vehicle, or may engage autonomous  
252 technology to operate an autonomous vehicle in autonomous mode,  
253 on roads in this state if the vehicle is equipped with  
254 autonomous technology, ~~as defined in s. 316.003.~~

255 (2) For purposes of this chapter, unless the context  
256 otherwise requires, a person shall be deemed to be the operator  
257 of an autonomous vehicle operating in autonomous mode when the  
258 person causes the vehicle's autonomous technology to engage,  
259 regardless of whether the person is physically present in the  
260 vehicle while the vehicle is operating in autonomous mode.

261 (a) A traffic or motor vehicle law of this state does not  
262 prohibit autonomous technology from being deemed the operator of  
263 an autonomous vehicle operating in autonomous mode and does not  
264 require a licensed human operator to operate an autonomous  
265 vehicle when in autonomous mode, except as provided in s.  
266 319.145(1).

267 (b) The requirements of chapter 322 do not apply if an  
268 autonomous vehicle is operated in autonomous mode without a  
269 human operator physically present in the vehicle.

270 (c) Sections 316.062, 316.063, and 316.065 do not apply to  
271 an autonomous vehicle operating in autonomous mode in the event



724448

272 of a crash involving the vehicle if the vehicle owner, or a  
273 person on behalf of the vehicle owner, promptly contacts a law  
274 enforcement agency to report the crash or if the autonomous  
275 vehicle has the capability of alerting a law enforcement agency  
276 to the crash.

277 (d) Section 316.1975 does not apply to an autonomous  
278 vehicle operating in autonomous mode.

279 (e) Sections 316.613 and 316.614 apply only to a human  
280 person physically present in a motor vehicle.

281 Section 13. Subsection (1) of section 319.145, Florida  
282 Statutes, is amended to read:

283 319.145 Autonomous vehicles.—

284 (1) An autonomous vehicle registered in this state must  
285 ~~continue to~~ meet applicable federal standards and regulations  
286 for such motor vehicle. Regardless of whether a human operator  
287 is physically present in the vehicle, the vehicle must:

288 (a) Have a system to safely alert a human ~~the~~ operator  
289 physically present in the vehicle if an autonomous technology  
290 failure is detected while the autonomous technology is engaged.  
291 When an alert is given, the system must:

292 1. If a human operator is physically present in the  
293 vehicle, require the human operator to take control of the  
294 autonomous vehicle; or

295 2. If a human ~~the~~ operator does not, or is not able to,  
296 take control of the autonomous vehicle or if a human operator is  
297 not physically present in the vehicle, be capable of bringing  
298 the vehicle to a complete stop.

299 (b) Have a means, inside the vehicle, to visually indicate  
300 when the vehicle is operating in autonomous mode.



724448

301 (c) Be capable of being operated in compliance with the  
302 applicable traffic and motor vehicle laws of this state.

303 Section 14. This act shall take effect July 1, 2017.

304

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

306 And the title is amended as follows:

307 Delete everything before the enacting clause  
308 and insert:

309 A bill to be entitled  
310 An act relating to autonomous technology; amending s.  
311 316.003, F.S.; revising and providing definitions;  
312 amending s. 316.008, F.S.; authorizing operation of  
313 personal delivery devices within a county or  
314 municipality under certain circumstances; providing  
315 construction; providing exceptions; creating s.  
316 316.2071, F.S.; providing requirements for the  
317 operation of such devices; requiring specified  
318 insurance coverage; amending ss. 320.01, 324.021, and  
319 324.022, F.S.; excluding such devices from the  
320 definition of the term "motor vehicle"; amending s.  
321 320.02, F.S.; exempting such devices from certain  
322 registration and insurance requirements; amending ss.  
323 316.2128, 316.545, 316.613, and 655.960, F.S.;  
324 conforming cross-references; amending s. 316.85, F.S.;  
325 authorizing a person to engage autonomous technology  
326 to operate an autonomous vehicle in autonomous mode;  
327 providing construction and applicability with respect  
328 to specific statutory provisions; amending s. 319.145,  
329 F.S.; conforming provisions to changes made by the



724448

330

act; providing an effective date.



581362

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/15/2017	.	
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	.	

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The Committee on Transportation (Brandes) recommended the following:

1           **Senate Substitute for Amendment (724448) (with title**  
2 **amendment)**

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

6           Section 1. Present subsections (51) through (97) of section  
7 316.003, Florida Statutes, are renumbered as subsections (53)  
8 through (99), respectively, subsection (40) and present  
9 subsections (55) and (95) of that section are amended, and new  
10 subsections (51) and (52) are added to that section, to read:



581362

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

15           (40) MOTOR VEHICLE.—Except when used in s. 316.1001, a  
16 self-propelled vehicle not operated upon rails or guideway, but  
17 not including any bicycle, motorized scooter, electric personal  
18 assistive mobility device, personal delivery device, swamp  
19 buggy, or moped. For purposes of s. 316.1001, “motor vehicle”  
20 has the same meaning as provided in s. 320.01(1)(a).

21           (51) PERSONAL DELIVERY DEVICE.—An electrically powered  
22 device that:

23           (a) Is operated on sidewalks and crosswalks and intended  
24 primarily for transporting property;

25           (b) Weighs less than 80 pounds, excluding cargo;

26           (c) Has a maximum speed of 10 miles per hour; and

27           (d) Is equipped with technology to allow for operation of  
28 the device with or without the active control or monitoring of a  
29 natural person.

30  
31 A personal delivery device is not considered a vehicle unless  
32 expressly defined by law as a vehicle.

33           (52) PERSONAL DELIVERY DEVICE OPERATOR.—An entity or its  
34 agent that exercises direct physical control over or monitoring  
35 of the navigation system and operation of a personal delivery  
36 device. For the purposes of this subsection, the term “agent”  
37 means a person charged by the entity with the responsibility of  
38 navigating and operating the personal delivery device. The term  
39 “personal delivery device operator” does not include an entity



581362

40 or person who requests the services of a personal delivery  
41 device for the purpose of transporting property or an entity or  
42 person who only arranges for and dispatches the requested  
43 services of a personal delivery device.

44 (57)~~(55)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
45 provided in paragraph (79) (b) ~~(77) (b)~~, any privately owned way  
46 or place used for vehicular travel by the owner and those having  
47 express or implied permission from the owner, but not by other  
48 persons.

49 (97)~~(95)~~ VEHICLE.—Every device in, upon, or by which any  
50 person or property is or may be transported or drawn upon a  
51 highway, except personal delivery devices and devices used  
52 exclusively upon stationary rails or tracks.

53 Section 2. Subsection (7) of section 316.008, Florida  
54 Statutes, is amended to read:

55 316.008 Powers of local authorities.—

56 (7) (a) A county or municipality may enact an ordinance to  
57 permit, control, or regulate the operation of vehicles, golf  
58 carts, mopeds, motorized scooters, and electric personal  
59 assistive mobility devices on sidewalks or sidewalk areas when  
60 such use is permissible under federal law. The ordinance must  
61 restrict such vehicles or devices to a maximum speed of 15 miles  
62 per hour in such areas.

63 (b)1. Except as provided in subparagraph 2., a personal  
64 delivery device may be operated on sidewalks and crosswalks  
65 within a county or municipality when such use is permissible  
66 under federal law. This paragraph does not restrict a county or  
67 municipality from otherwise adopting regulations for the safe  
68 operation of personal delivery devices.



581362

69           2. A personal delivery device may not be operated on the  
70 Florida Shared-Use Nonmotorized Trail Network created under s.  
71 339.81 or components of the Florida Greenways and Trails System  
72 created under chapter 260.

73           Section 3. Section 316.2071, Florida Statutes, is created  
74 to read:

75           316.2071 Personal delivery devices.-

76           (1) Notwithstanding any provision of law to the contrary, a  
77 personal delivery device may operate on sidewalks and  
78 crosswalks, subject to s. 316.008(7)(b). A personal delivery  
79 device operating on a sidewalk or crosswalk has all the rights  
80 and duties applicable to a pedestrian under the same  
81 circumstances, except that the personal delivery device must not  
82 unreasonably interfere with pedestrians or traffic and must  
83 yield the right-of-way to pedestrians on the sidewalk or  
84 crosswalk.

85           (2) A personal delivery device must:

86           (a) Obey all official traffic and pedestrian control  
87 signals and devices.

88           (b) Include a plate or marker that is visible and has a  
89 unique device number and identifies the name and contact  
90 information of the personal delivery device operator.

91           (c) Be equipped with a braking system that, when active or  
92 engaged, enables the personal delivery device to come to a  
93 controlled stop.

94           (3) A personal delivery device may not:

95           (a) Operate on a public highway except to the extent  
96 necessary to cross a crosswalk.

97           (b) Operate on a sidewalk or crosswalk unless the personal



581362

98 delivery device operator is actively controlling or monitoring  
99 the navigation and operation of the personal delivery device.

100 (c) Transport hazardous materials as defined in s. 316.003.

101 Section 4. Paragraph (a) of subsection (1) of section  
102 320.01, Florida Statutes, is amended to read:

103 320.01 Definitions, general.—As used in the Florida  
104 Statutes, except as otherwise provided, the term:

105 (1) "Motor vehicle" means:

106 (a) An automobile, motorcycle, truck, trailer, semitrailer,  
107 truck tractor and semitrailer combination, or any other vehicle  
108 operated on the roads of this state, used to transport persons  
109 or property, and propelled by power other than muscular power,  
110 but the term does not include traction engines, road rollers,  
111 personal delivery devices as defined in s. 316.003, special  
112 mobile equipment as defined in s. 316.003, vehicles that run  
113 only upon a track, bicycles, swamp buggies, or mopeds.

114 Section 5. Subsection (19) is added to section 320.02,  
115 Florida Statutes, to read:

116 320.02 Registration required; application for registration;  
117 forms.—

118 (19) A personal delivery device as defined in s. 316.003 is  
119 not required to satisfy the registration and insurance  
120 requirements of this section.

121 Section 6. Subsection (1) of section 324.021, Florida  
122 Statutes, is amended to read:

123 324.021 Definitions; minimum insurance required.—The  
124 following words and phrases when used in this chapter shall, for  
125 the purpose of this chapter, have the meanings respectively  
126 ascribed to them in this section, except in those instances



581362

127 where the context clearly indicates a different meaning:

128 (1) MOTOR VEHICLE.—Every self-propelled vehicle that ~~which~~  
129 is designed and required to be licensed for use upon a highway,  
130 including trailers and semitrailers designed for use with such  
131 vehicles, except traction engines, road rollers, farm tractors,  
132 power shovels, and well drillers, and every vehicle that ~~which~~  
133 is propelled by electric power obtained from overhead wires but  
134 not operated upon rails, but not including any personal delivery  
135 device as defined in s. 316.003, bicycle, or moped. However, the  
136 term "motor vehicle" does ~~shall~~ not include a ~~any~~ motor vehicle  
137 as defined in s. 627.732(3) when the owner of such vehicle has  
138 complied with the requirements of ss. 627.730-627.7405,  
139 inclusive, unless the provisions of s. 324.051 apply; and, in  
140 such case, the applicable proof of insurance provisions of s.  
141 320.02 apply.

142 Section 7. Paragraph (a) of subsection (2) of section  
143 324.022, Florida Statutes, is amended to read:

144 324.022 Financial responsibility for property damage.—

145 (2) As used in this section, the term:

146 (a) "Motor vehicle" means any self-propelled vehicle that  
147 has four or more wheels and that is of a type designed and  
148 required to be licensed for use on the highways of this state,  
149 and any trailer or semitrailer designed for use with such  
150 vehicle. The term does not include:

151 1. A mobile home.

152 2. A motor vehicle that is used in mass transit and  
153 designed to transport more than five passengers, exclusive of  
154 the operator of the motor vehicle, and that is owned by a  
155 municipality, transit authority, or political subdivision of the



581362

156 state.

157 3. A school bus as defined in s. 1006.25.

158 4. A vehicle providing for-hire transportation that is  
159 subject to the provisions of s. 324.031. A taxicab shall  
160 maintain security as required under s. 324.032(1).

161 5. A personal delivery device as defined in s. 316.003.

162 Section 8. Subsection (1) of section 316.2128, Florida  
163 Statutes, is amended to read:

164 316.2128 Operation of motorized scooters and miniature  
165 motorcycles; requirements for sales.—

166 (1) A person who engages in the business of, serves in the  
167 capacity of, or acts as a commercial seller of motorized  
168 scooters or miniature motorcycles in this state must prominently  
169 display at his or her place of business a notice that such  
170 vehicles are not legal to operate on public roads, may not be  
171 registered as motor vehicles, and may not be operated on  
172 sidewalks unless authorized by an ordinance enacted pursuant to  
173 s. 316.008(7)(a) ~~316.008(7)~~ or s. 316.212(8). The required  
174 notice must also appear in all forms of advertising offering  
175 motorized scooters or miniature motorcycles for sale. The notice  
176 and a copy of this section must also be provided to a consumer  
177 prior to the consumer's purchasing or becoming obligated to  
178 purchase a motorized scooter or a miniature motorcycle.

179 Section 9. Paragraph (b) of subsection (2) of section  
180 316.545, Florida Statutes, is amended to read:

181 316.545 Weight and load unlawful; special fuel and motor  
182 fuel tax enforcement; inspection; penalty; review.—

183 (2)

184 (b) The officer or inspector shall inspect the license



581362

185 plate or registration certificate of the commercial vehicle to  
186 determine whether its gross weight is in compliance with the  
187 declared gross vehicle weight. If its gross weight exceeds the  
188 declared weight, the penalty shall be 5 cents per pound on the  
189 difference between such weights. In those cases when the  
190 commercial vehicle is being operated over the highways of the  
191 state with an expired registration or with no registration from  
192 this or any other jurisdiction or is not registered under the  
193 applicable provisions of chapter 320, the penalty herein shall  
194 apply on the basis of 5 cents per pound on that scaled weight  
195 which exceeds 35,000 pounds on laden truck tractor-semitrailer  
196 combinations or tandem trailer truck combinations, 10,000 pounds  
197 on laden straight trucks or straight truck-trailer combinations,  
198 or 10,000 pounds on any unladen commercial motor vehicle. A  
199 driver of a commercial motor vehicle entering the state at a  
200 designated port-of-entry location, as defined in s. 316.003  
201 ~~316.003(54)~~, or operating on designated routes to a port-of-  
202 entry location, who obtains a temporary registration permit  
203 shall be assessed a penalty limited to the difference between  
204 its gross weight and the declared gross vehicle weight at 5  
205 cents per pound. If the license plate or registration has not  
206 been expired for more than 90 days, the penalty imposed under  
207 this paragraph may not exceed \$1,000. In the case of special  
208 mobile equipment, which qualifies for the license tax provided  
209 for in s. 320.08(5)(b), being operated on the highways of the  
210 state with an expired registration or otherwise not properly  
211 registered under the applicable provisions of chapter 320, a  
212 penalty of \$75 shall apply in addition to any other penalty  
213 which may apply in accordance with this chapter. A vehicle found



581362

214 in violation of this section may be detained until the owner or  
215 operator produces evidence that the vehicle has been properly  
216 registered. Any costs incurred by the retention of the vehicle  
217 shall be the sole responsibility of the owner. A person who has  
218 been assessed a penalty pursuant to this paragraph for failure  
219 to have a valid vehicle registration certificate pursuant to the  
220 provisions of chapter 320 is not subject to the delinquent fee  
221 authorized in s. 320.07 if such person obtains a valid  
222 registration certificate within 10 working days after such  
223 penalty was assessed.

224 Section 10. Paragraph (a) of subsection (2) of section  
225 316.613, Florida Statutes, is amended to read:

226 316.613 Child restraint requirements.—

227 (2) As used in this section, the term “motor vehicle” means  
228 a motor vehicle as defined in s. 316.003 that is operated on the  
229 roadways, streets, and highways of the state. The term does not  
230 include:

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

232 Section 11. Subsection (1) of section 655.960, Florida  
233 Statutes, is amended to read:

234 655.960 Definitions; ss. 655.960-655.965.—As used in this  
235 section and ss. 655.961-655.965, unless the context otherwise  
236 requires:

237 (1) “Access area” means any paved walkway or sidewalk which  
238 is within 50 feet of any automated teller machine. The term does  
239 not include any street or highway open to the use of the public,  
240 as defined in s. 316.003(79)(a) or (b) ~~316.003(77)(a) or (b)~~,  
241 including any adjacent sidewalk, as defined in s. 316.003.

242 Section 12. Section 316.85, Florida Statutes, is amended to



581362

243 read:

244 316.85 Autonomous vehicles; operation; compliance with  
245 traffic and motor vehicle laws.-

246 (1) A person ~~who possesses a valid driver license~~ may  
247 operate an autonomous vehicle, or may engage autonomous  
248 technology to operate an autonomous vehicle, in autonomous mode  
249 on roads in this state if the vehicle is equipped with  
250 autonomous technology, as defined in s. 316.003.

251 (2) For purposes of this chapter, unless the context  
252 otherwise requires, a person shall be deemed to be the operator  
253 of an autonomous vehicle operating in autonomous mode when the  
254 person causes the vehicle's autonomous technology to engage,  
255 regardless of whether the person is physically present in the  
256 vehicle while the vehicle is operating in autonomous mode.

257 (a) A traffic or motor vehicle law of this state does not  
258 prohibit autonomous technology from being deemed the operator of  
259 an autonomous vehicle operating in autonomous mode and does not  
260 require a licensed human operator to operate an autonomous  
261 vehicle when in autonomous mode, except as provided in s.  
262 319.145(1).

263 (b) The requirements of chapter 322 do not apply if an  
264 autonomous vehicle is operated in autonomous mode without a  
265 human operator physically present in the vehicle.

266 (c) Sections 316.062, 316.063, and 316.065 do not apply to  
267 an autonomous vehicle operating in autonomous mode in the event  
268 of a crash involving the vehicle if the vehicle owner, or a  
269 person on behalf of the vehicle owner, promptly contacts a law  
270 enforcement agency to report the crash or if the autonomous  
271 vehicle has the capability of alerting a law enforcement agency



581362

272 to the crash.

273 (d) Section 316.1975 does not apply to an autonomous  
274 vehicle operating in autonomous mode.

275 (e) Sections 316.613 and 316.614 apply only to a human  
276 person physically present in a motor vehicle.

277 Section 13. Subsection (1) of section 319.145, Florida  
278 Statutes, is amended to read:

279 319.145 Autonomous vehicles.—

280 (1) An autonomous vehicle registered in this state must  
281 ~~continue to~~ meet applicable federal standards and regulations  
282 for such motor vehicle. Regardless of whether a human operator  
283 is physically present in the vehicle, the vehicle must:

284 (a) Have a system to safely alert a human ~~the~~ operator  
285 physically present in the vehicle if an autonomous technology  
286 failure is detected while the autonomous technology is engaged.  
287 When an alert is given, the system must:

288 1. If a human operator is physically present in the  
289 vehicle, require the human operator to take control of the  
290 autonomous vehicle; or

291 2. If a human ~~the~~ operator does not, or is not able to,  
292 take control of the autonomous vehicle or if a human operator is  
293 not physically present in the vehicle, be capable of bringing  
294 the vehicle to a complete stop.

295 (b) Have a means, inside the vehicle, to visually indicate  
296 when the vehicle is operating in autonomous mode.

297 (c) Be capable of being operated in compliance with the  
298 applicable traffic and motor vehicle laws of this state.

299 Section 14. This act shall take effect July 1, 2017.

300



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

302 And the title is amended as follows:

303 Delete everything before the enacting clause

304 and insert:

305 A bill to be entitled

306 An act relating to autonomous technology; amending s.  
307 316.003, F.S.; revising and providing definitions;  
308 amending s. 316.008, F.S.; authorizing operation of  
309 personal delivery devices within a county or  
310 municipality under certain circumstances; providing  
311 construction; providing exceptions; creating s.  
312 316.2071, F.S.; providing requirements for the  
313 operation of such devices; amending ss. 320.01,  
314 324.021, and 324.022, F.S.; excluding such devices  
315 from the definition of the term "motor vehicle";  
316 amending s. 320.02, F.S.; exempting such devices from  
317 certain registration and insurance requirements;  
318 amending ss. 316.2128, 316.545, 316.613, and 655.960,  
319 F.S.; conforming cross-references; amending s. 316.85,  
320 F.S.; authorizing a person to engage autonomous  
321 technology to operate an autonomous vehicle in  
322 autonomous mode; providing construction and  
323 applicability with respect to specific statutory  
324 provisions; amending s. 319.145, F.S.; conforming  
325 provisions to changes made by the act; providing an  
326 effective date.

By Senator Brandes

24-00306B-17

2017460\_\_

A bill to be entitled

An act relating to personal delivery devices; amending s. 316.003, F.S.; defining the terms "personal delivery device," "personal delivery device operator," and "agent"; conforming a cross-reference; amending s. 316.008, F.S.; authorizing the operation of personal delivery devices within county or municipal jurisdictions under certain circumstances; providing for construction; prohibiting the operation of personal delivery devices on the Florida Shared-Use Nonmotorized Trail Network; creating s. 316.82, F.S.; requiring a personal delivery device operator to maintain an insurance policy that provides general liability coverage of at least a specified amount for damages arising from the operation of a personal delivery device; amending s. 320.02, F.S.; exempting personal delivery devices from certain registration and insurance requirements; requiring a personal delivery device operator to maintain a specified insurance policy; amending ss. 316.2128, 316.545, 316.613, and 655.960, F.S.; conforming provisions to changes made by the act; conforming cross-references; providing an effective date.

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

Section 1. Present subsections (51) through (97) of section 316.003, Florida Statutes, are renumbered as subsections (53) through (99), respectively, present subsection (55) of that section is amended, and new subsections (51) and (52) are added to that section, to read:

316.003 Definitions.—The following words and phrases, when

Page 1 of 7

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

24-00306B-17

2017460\_\_

used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(51) PERSONAL DELIVERY DEVICE.—A motorized device for use primarily on sidewalks and crosswalks at a maximum speed of 10 miles per hour, which weighs 50 pounds or less excluding cargo, and which is capable of all of the following:

(a) Transporting items with or without a personal delivery device operator directly controlling the device.

(b) Identifying and yielding to pedestrians, bicyclists, and other lawful users of public space.

(c) Identifying and yielding to property.

(d) Navigating public thoroughfares.

(e) Interpreting traffic signals and signs at crosswalks.

(f) Directing a personal delivery device operator to assume actual physical control over the navigation and control of the device, and coming to an off-roadway controlled stop in the event an operator is unable to assume actual physical control of the device. A personal delivery device must include a plate or marker that identifies the name and contact information of the personal delivery device operator.

(52) PERSONAL DELIVERY DEVICE OPERATOR.—An entity or its agent that exercises direct physical control over the navigation system and operation of a personal delivery device. The personal delivery device operator is legally responsible for the navigation and operation of a personal delivery device. For the purposes of this subsection, the term "agent" means a person charged by the entity with the responsibility of navigating and operating the device. The term "personal delivery device

Page 2 of 7

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24-00306B-17

2017460\_\_

62 operator” does not include any person or entity that requests,  
 63 or contracts for, the services of a personal delivery device for  
 64 the purpose of transporting property.

65 ~~(57)(55)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
 66 provided in paragraph (79)(b) ~~(77)(b)~~, any privately owned way  
 67 or place used for vehicular travel by the owner and those having  
 68 express or implied permission from the owner, but not by other  
 69 persons.

70 Section 2. Subsection (7) of section 316.008, Florida  
 71 Statutes, is amended to read:

72 316.008 Powers of local authorities.—

73 (7)(a) A county or municipality may enact an ordinance to  
 74 permit, control, or regulate the operation of vehicles, golf  
 75 carts, mopeds, motorized scooters, and electric personal  
 76 assistive mobility devices on sidewalks or sidewalk areas when  
 77 such use is permissible under federal law. The ordinance must  
 78 restrict such vehicles or devices to a maximum speed of 15 miles  
 79 per hour in such areas.

80 (b)1. Except as provided in subparagraph 2., the operation  
 81 of personal delivery devices within county or municipal  
 82 jurisdictions is authorized when such use is permissible under  
 83 federal law, unless a county or municipality enacts an ordinance  
 84 to prohibit such operation. This paragraph does not restrict a  
 85 county or municipality from otherwise adopting regulations for  
 86 the safe operation of personal delivery devices.

87 2. The operation of personal delivery devices on the  
 88 Florida Shared-Use Nonmotorized Trail Network created under s.  
 89 339.81 is prohibited.

90 Section 3. Section 316.82, Florida Statutes, is created to

Page 3 of 7

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24-00306B-17

2017460\_\_

91 read:

92 316.82 Personal delivery device operators; insurance  
 93 requirement.—A personal delivery device operator as defined in  
 94 s. 316.003 shall maintain an insurance policy that provides  
 95 general liability coverage of at least \$100,000 for damages  
 96 arising from the operation of a personal delivery device.

97 Section 4. Subsection (19) is added to section 320.02,  
 98 Florida Statutes, to read:

99 320.02 Registration required; application for registration;  
 100 forms.—

101 (19) A personal delivery device as defined in s. 316.003 is  
 102 not required to satisfy the registration and insurance  
 103 requirements of this section, except that a personal delivery  
 104 device operator must maintain an insurance policy as provided in  
 105 s. 316.82.

106 Section 5. Subsection (1) of section 316.2128, Florida  
 107 Statutes, is amended to read:

108 316.2128 Operation of motorized scooters and miniature  
 109 motorcycles; requirements for sales.—

110 (1) A person who engages in the business of, serves in the  
 111 capacity of, or acts as a commercial seller of motorized  
 112 scooters or miniature motorcycles in this state must prominently  
 113 display at his or her place of business a notice that such  
 114 vehicles are not legal to operate on public roads, may not be  
 115 registered as motor vehicles, and may not be operated on  
 116 sidewalks unless authorized by an ordinance enacted pursuant to  
 117 s. 316.008(7)(a) or s. 316.212(8). The required notice must also  
 118 appear in all forms of advertising offering motorized scooters  
 119 or miniature motorcycles for sale. The notice and a copy of this

Page 4 of 7

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24-00306B-17

2017460\_\_

120 section must also be provided to a consumer prior to the  
 121 consumer's purchasing or becoming obligated to purchase a  
 122 motorized scooter or a miniature motorcycle.

123 Section 6. Paragraph (b) of subsection (2) of section  
 124 316.545, Florida Statutes, is amended to read:

125 316.545 Weight and load unlawful; special fuel and motor  
 126 fuel tax enforcement; inspection; penalty; review.—

127 (2)

128 (b) The officer or inspector shall inspect the license  
 129 plate or registration certificate of the commercial vehicle to  
 130 determine whether its gross weight is in compliance with the  
 131 declared gross vehicle weight. If its gross weight exceeds the  
 132 declared weight, the penalty shall be 5 cents per pound on the  
 133 difference between such weights. In those cases when the  
 134 commercial vehicle is being operated over the highways of the  
 135 state with an expired registration or with no registration from  
 136 this or any other jurisdiction or is not registered under the  
 137 applicable provisions of chapter 320, the penalty herein shall  
 138 apply on the basis of 5 cents per pound on that scaled weight  
 139 which exceeds 35,000 pounds on laden truck tractor-semitrailer  
 140 combinations or tandem trailer truck combinations, 10,000 pounds  
 141 on laden straight trucks or straight truck-trailer combinations,  
 142 or 10,000 pounds on any unladen commercial motor vehicle. A  
 143 driver of a commercial motor vehicle entering the state at a  
 144 designated port-of-entry location, as defined in s. 316.003 ~~s.~~  
 145 ~~316.003(54)~~, or operating on designated routes to a port-of-  
 146 entry location, who obtains a temporary registration permit  
 147 shall be assessed a penalty limited to the difference between  
 148 its gross weight and the declared gross vehicle weight at 5

Page 5 of 7

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24-00306B-17

2017460\_\_

149 cents per pound. If the license plate or registration has not  
 150 been expired for more than 90 days, the penalty imposed under  
 151 this paragraph may not exceed \$1,000. In the case of special  
 152 mobile equipment, which qualifies for the license tax provided  
 153 for in s. 320.08(5)(b), being operated on the highways of the  
 154 state with an expired registration or otherwise not properly  
 155 registered under the applicable provisions of chapter 320, a  
 156 penalty of \$75 shall apply in addition to any other penalty  
 157 which may apply in accordance with this chapter. A vehicle found  
 158 in violation of this section may be detained until the owner or  
 159 operator produces evidence that the vehicle has been properly  
 160 registered. Any costs incurred by the retention of the vehicle  
 161 shall be the sole responsibility of the owner. A person who has  
 162 been assessed a penalty pursuant to this paragraph for failure  
 163 to have a valid vehicle registration certificate pursuant to the  
 164 provisions of chapter 320 is not subject to the delinquent fee  
 165 authorized in s. 320.07 if such person obtains a valid  
 166 registration certificate within 10 working days after such  
 167 penalty was assessed.

168 Section 7. Paragraph (a) of subsection (2) of section  
 169 316.613, Florida Statutes, is amended to read:

170 316.613 Child restraint requirements.—

171 (2) As used in this section, the term "motor vehicle" means  
 172 a motor vehicle as defined in s. 316.003 that is operated on the  
 173 roadways, streets, and highways of the state. The term does not  
 174 include:

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

176 Section 8. Subsection (1) of section 655.960, Florida  
 177 Statutes, is amended to read:

Page 6 of 7

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24-00306B-17

2017460\_\_

178 655.960 Definitions; ss. 655.960-655.965.-As used in this  
179 section and ss. 655.961-655.965, unless the context otherwise  
180 requires:

181 (1) "Access area" means any paved walkway or sidewalk which  
182 is within 50 feet of any automated teller machine. The term does  
183 not include any street or highway open to the use of the public,  
184 as defined in s. 316.003(79)(a) ~~s. 316.003(77)(a)~~ or (b),  
185 including any adjacent sidewalk, as defined in s. 316.003.

186 Section 9. This act shall take effect July 1, 2017.

THE FLORIDA SENATE

APPEARANCE RECORD

3-14-2017

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

SB 460

Meeting Date

Bill Number (if applicable)

Topic Personal Delivery Devices - Insurance

N/D

581362

Amendment Barcode (if applicable)

Name Brenda Fulmer Public Safety

Job Title Attorney

Address 2139 Palm Beach Lakes Blvd

Phone 561-686-6380

Street W. Palm Beach, FL 33409

Email BSFD@searaylaw.com

City State Zip

Speaking: For Against Information

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

Representing Florida Justice Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/14/17

Meeting Date

460

Bill Number (if applicable)

724448

Amendment Barcode (if applicable)

Topic Autonomous Vehicles

Name Dele Swope

Job Title \_\_\_\_\_

Address 1234 5<sup>th</sup> Ave

Street

Phone \_\_\_\_\_

Tampa

City

FL 33665

State

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing Florida Justice Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3.14.17

Meeting Date

SB 400

Bill Number (if applicable)

Topic PERSONAL DELIVERY DEVICES

Amendment Barcode (if applicable)

Name MEGAN SIMONE-SAMPLES

Job Title LEGISLATIVE ADVOCATE

Address P.O. BOX 1757

Phone 850.701.3455

Street

TALLAHASSEE

FL

32302

Zip

Email \_\_\_\_\_

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.

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3-14-17

Meeting Date

460

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Andrew Hosek

Job Title Policy Analyst

Address 200 W College

Phone \_\_\_\_\_

Street

Tallahassee FL

Email ahosek@afphg.org

City

State

Zip

Speaking:  For  Against  Information

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

Representing Americans for Prosperity

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/14/17

Meeting Date

460

Bill Number (if applicable)

Topic Personal Delivery devices

Amendment Barcode (if applicable)

Name JAMES TAYLOR

Job Title Executive Director

Address 115 E PARK  
Street

Phone 850 803-8224

TALLAH FL  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing FLORIDA TECHNOLOGY COUNCIL

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4600  
Bill Number (if applicable)

\_\_\_\_\_  
Meeting Date

\_\_\_\_\_  
Amendment Barcode (if applicable)

Topic \_\_\_\_\_

Name Leslie Dughi

Job Title \_\_\_\_\_

Address 101 E College Avenue

Phone \_\_\_\_\_

Street

Tallah FL 32301

Email dughi1@gtlaw.com

City

State

Zip

Speaking:  For  Against  Information

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

Representing Starship Technologies

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Transportation

---

BILL: CS/SB 466

INTRODUCER: Transportation Committee and Senator Hutson and others

SUBJECT: Motor Vehicle Warranty Repairs and Recall Repairs

DATE: March 15, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Fav/CS
2.			CM	
3.			RC	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 466 prohibits a licensee, except as authorized by law, from denying a dealer's claim, reducing the dealer's compensation, or processing a chargeback to a dealer for performing covered warranty or recall repairs on a used motor vehicle under specified circumstances.

The bill also requires that a licensee, which has a franchise agreement with a motor vehicle dealer, must compensate the dealer for a used vehicle that:

- Was originally manufactured, imported, or distributed by the licensee;
- Is subject to a recall notice;
- Is held in the dealer's inventory at the time the recall notice was issued, or taken into the dealer's inventory after the recall notice;
- Cannot be repaired due to unavailability of a remedy within 30 days of the recall; and
- For which the licensee has not issued a written statement to the dealer indicating the vehicle may be sold or delivered to a retail customer before completion of the recall repair.

The bill requires such compensation to be the greater of:

- Payment of at least two percent of the motor vehicle value for each month or portion of a month that the dealer does not receive a remedy for the vehicle; or
- Payment under a national program applicable to motor vehicle dealers holding a franchise agreement with the licensee for the dealer's costs associated with holding the used vehicle.

The bill does not appear to have a significant fiscal impact on state or local governments.

The bill takes effect upon becoming law.

## II. Present Situation:

Florida has substantially regulated motor vehicle manufacturers and motor vehicle dealers since before 1950.<sup>1</sup> Initially, the Florida Legislature approached the issue by implementing only consumer protections aimed at preventing consumer abuse by dealers.<sup>2</sup> In 1970, the Legislature passed more comprehensive legislation, embodied in ch. 320, F.S.,<sup>3</sup> which regulates the contractual relationship between manufacturers and dealers,<sup>4</sup> requires the licensing of manufacturers, and regulates numerous aspects of the contracts between manufacturers and dealers.

### Florida Automobile Dealers Act

A manufacturer, factory branch, distributor, or importer (licensee) must be licensed under s. 320.61(1), F.S., to engage in business in Florida. Sections 320.60-320.70, F.S., the “Florida Automobile Dealers Act”<sup>5</sup> (act), primarily regulate the contractual business relationship between dealers and licensees, and provide for the licensure of manufacturers, factory branches, distributors, or importers. The act specifies, in part:

- The conditions and situations under which the Department of Highway Safety and Motor Vehicles (DHSMV) may deny, suspend, or revoke a regulated license;
- The process, timing, and notice requirements for licensees who wish to discontinue, cancel, modify, or otherwise replace a franchise agreement with a dealer, and the conditions under which the DHSMV may deny such a request;
- The procedures a licensee must follow to add a dealership in an area already served by a franchised dealer, the protest process, and the DHSMV’s role in these circumstances;
- The damages that can be assessed against a licensee who is in violation of Florida Statutes; and
- The DHSMV’s authority to adopt rules to implement these sections of law.

Section 320.64, F.S., currently lists 40 different criteria that may cause the DHSMV to deny, suspend, or revoke the licensee’s license. A motor vehicle dealer who can demonstrate that a violation of, or failure to comply with any of these provisions by an applicant or licensee will or can adversely and pecuniarily affect the dealer, is entitled to pursue an injunction against the licensee, treble damages, and attorney’s fees.<sup>6</sup> The licensee has the burden to prove that such violation did not occur upon a prima facie showing by the person bringing the action.<sup>7</sup>

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<sup>1</sup> Chapter 9157, L.O.F. (1923); Chapter 20236, L.O.F. (1941).

<sup>2</sup> Walter E. Forehand and John W. Forehand, *Motor Vehicle Dealer and Motor Vehicle Manufacturers: Florida Reacts to Pressures in the Marketplace*, 29 Fla. St. Univ. Law Rev. 1058, 1064 (2002), <http://ir.law.fsu.edu/cgi/viewcontent.cgi?article=1632&context=lr> (last visited Mar. 9, 2017).

<sup>3</sup> See ch. 70-424, L.O.F.

<sup>4</sup> See s. 320.60(11), F.S.

<sup>5</sup> Walter E. Forehand, *supra* note 2 at 1065.

<sup>6</sup> See ss. 320.64, 320.694, and 320.697, F.S.

<sup>7</sup> Section 320.697, F.S.

### ***Applicability***

Section 320.6992, F.S., provides that the act shall apply to all presently existing or future systems of distribution of motor vehicles in Florida, except to the extent that such application would impair valid contractual agreements in violation of the State Constitution or Federal Constitution. Generally, all agreements that are renewed, amended, or entered into subsequent to October 1, 1988, are governed by the act, including amendments to the act, unless specifically providing otherwise.

In 2009, the DHSMV held in an administrative proceeding that amendments to the act do not apply to dealers whose franchise agreements were signed prior to the effective date of various amendments to the act.<sup>8</sup> The DHSMV has indicated that it will apply the *Motorsports* holding to every amendment to the act. This may result in different protections accruing to dealers, depending on when they signed their franchise agreements.

### **Motor Vehicle Warranties**

A motor vehicle warranty is any written warranty, or affirmation of fact or promise issued or made by the motor vehicle manufacturer in connection with the sale of a motor vehicle to a consumer which relates to the nature of the material or workmanship and affirms or promises that such material or workmanship is free of defects or will meet a specified level of performance.<sup>9</sup>

Chapter 681 of the Florida Statutes, the “Motor Vehicle Warranty Enforcement Act,” provides a regulatory framework for consumers and motor vehicle manufacturers when dealing with motor vehicle sales warranties.

### ***Motor Vehicle Warranty Repairs***

A licensee is required to timely compensate a motor vehicle dealer who performs work to maintain or repair a licensee’s product under a warranty.<sup>10</sup> For this purpose, “timely” means within 30 days of receipt of the claim, and “compensate” includes payment for all labor (employee time spent for diagnosis and repair) and parts (replacement parts and accessories) included in the work.<sup>11</sup>

### **Motor Vehicle Recalls**

Upon finding that a motor vehicle or its equipment contains a defect related to motor vehicle safety or does not comply with applicable federal motor vehicle safety standards, a manufacturer can decide to issue a recall notice, or may be required to issue a recall notice if ordered by the

---

<sup>8</sup> See *Motorsports of Delray, LLC v. Yamaha Motor Corp., U.S.A.*, Case No. 09-0935 (Fla. DOAH Dec. 9, 2009). The DHSMV ruled that a 2006 amendment to the Florida Automobile Dealers Act does not apply to a dealer terminated in 2008 because the dealer’s franchise agreement was entered into prior to the effective date of the amendment. This Final Order was initially appealed but was later voluntarily dismissed. See also, *In re Am. Suzuki Motor Corp.*, 494 B.R. 466, 480 (Bankr. C.D. Cal. 2013).

<sup>9</sup> Section 681.102(22), F.S.

<sup>10</sup> Section 320.696(1), F.S.

<sup>11</sup> *Id.*

National Highway Traffic Safety Administration (NHTSA).<sup>12</sup> A manufacturer is required to submit a report to NHTSA not more than five working days after a defect in its vehicle or its equipment is determined to be safety related or noncompliant with motor vehicle safety standards; however, a manufacturer may choose to petition for exemption from recall notification and remedy requirements if the defect or noncompliance is inconsequential to motor vehicle safety.<sup>13</sup> If it is determined the defect or noncompliance does pose a risk to safety, the manufacturer is required to:

- Notify owners, purchasers, and dealers of the vehicle or equipment; and
- Remedy the defect or noncompliance (either by repairing or replacing it, offering a refund, or repurchasing the vehicle.)<sup>14</sup>

The recall notice must be issued no later than 60 days from the date the manufacturer filed its report with NHTSA.<sup>15</sup> Recall notifications sent to motor vehicle dealers and distributors must contain a clear statement identifying the notification as being a safety recall notice, and include:

- An identification of the motor vehicles or equipment included in the recall;
- A description of the defect or noncompliance;
- A brief evaluation of the risk to motor vehicle safety related to the defect or noncompliance;
- A complete description on the recall remedy;
- The estimated date on which the remedy will be available; and
- An advisory stating that it is a Federal violation for a dealer to deliver a new motor vehicle or any new or used item of motor vehicle equipment covered by the notification under a sale or lease until the defect or noncompliance is remedied.<sup>16</sup>

A 2015 NHTSA annual report of recalls by year shows a steady increase in the number of recalls issued from 1995 to 2005.<sup>17</sup> In 2015, 973 recalls were issued affecting over 87.5 million vehicles or equipment.<sup>18</sup>

### ***Recalls on New Vehicles***

Federal law prohibits the sale of new motor vehicles determined to have a safety defect or noncompliance with motor vehicle safety standards<sup>19</sup>, and requires a manufacturer, after selling the motor vehicle or equipment to the dealer and before it is sold by the dealer, to:

- Immediately repurchase the vehicle or equipment from the motor vehicle dealer at the same price paid, plus transportation charges and at least one percent a month of the price paid prorated from the date of notice to the date of repurchase; or
- Immediately give the dealer, at the manufacturer's expense, the part or equipment needed to remedy the defect or noncompliance, plus cost of installation and one percent a month of the

<sup>12</sup> 49 C.F.R. ss. 577.5 and 577.6

<sup>13</sup> 49 C.F.R. s. 573.6

<sup>14</sup> NHTSA's Safercar.gov website, *Vehicle Recalls: Frequently Asked Questions*, <https://vinrcl.safercar.gov/vin/faq.jsp> (last visited Mar. 9, 2017).

<sup>15</sup> 49 C.F.R. s. 577.7

<sup>16</sup> 49 C.F.R. s. 577.13

<sup>17</sup> NHTSA's Safercar.gov website, *2015 Annual Recalls Report*, <https://www.safercar.gov/staticfiles/safercar/pdf/2015-annual-recalls-report.pdf> (last visited Mar. 9, 2017).

<sup>18</sup> *Id.*

<sup>19</sup> Commonly referred to as "stop sale" notices.

price paid prorated from the date of notice to the date the defect or noncompliance is remedied.<sup>20</sup>

### ***Recalls on Used Vehicles***

Federal law, generally, does not prohibit the resale of used vehicles subject to a safety recall. However, manufacturers may choose to direct their dealers to stop selling such vehicles. Additionally, such vehicles may be required to be held in the dealer's inventory without an available remedy.

In 2016, Virginia and Maryland passed laws to require licensees to compensate their franchise dealers if the dealer is instructed or coerced by the licensee not to sell used vehicles within its inventory that have a recall with no remedy available. Specifically, Maryland law requires if a licensee issues a stop sale directive to its franchise dealer on a used vehicle held in inventory by that dealer without a remedy for the recall available, the licensee must compensate the dealer by:

- Providing payment to the dealer at a rate of at least one percent per month or portion of a month of the value of the vehicle; or
- Compensating the dealer under a national program that is applicable to all dealers holding a franchise from the licensee for the dealer's costs associated with the stop sale directive.<sup>21</sup>

Virginia prohibits a licensee from coercing or requiring any dealer, whether by agreement program, incentive provision, or for loss of incentive payments or other benefits, to refrain from selling any used motor vehicle subject to a recall, stop sale directive, technical service bulletin<sup>22</sup>, or other licensee notification unless the licensee has a remedy available. If no remedy is available, the licensee must compensate the dealer for any affected used motor vehicle in its inventory that the dealer is instructed not to sell by the licensee at at least one percent a month or any part of a month of the cost of such used vehicle, including repairs and re-conditioning expenses.<sup>23</sup>

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 320.64, F.S., to prohibit a licensee, notwithstanding the terms of any franchise agreement, and except as authorized by law upon detection of fraudulent payments, from denying a dealer's claim, reducing the dealer's compensation, or processing a chargeback to a dealer for performing covered warranty or recall repairs on a used motor vehicle due to:

- Discovery of the need for such repairs by the dealer during the course of a separate repair requested by the consumer.
- Notification by the dealer to the consumer of the need for such repairs after issuance of an outstanding recall for a safety-related defect.

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<sup>20</sup> 49 U.S.C. s. 30116

<sup>21</sup> Maryland General Assembly, *House Bill 525 – Enrolled*, (Enacted May 28, 2016), available at <http://mgaleg.maryland.gov/2016RS/bills/hb/hb0525E.pdf> (last visited Mar. 10, 2017).

<sup>22</sup> Technical service bulletins, not to be confused with recalls, are notices issued to dealers from manufacturers for nonsafety-related defects. These bulletins usually include recommended procedures for repairing vehicles if certain issues arise.

<sup>23</sup> Virginia Acts of Assembly – 2016 Session, *Chapter 534* (Mar. 29, 2016), available at <https://lis.virginia.gov/cgi-bin/legp604.exe?161+ful+CHAP0534+pdf> (last visited Mar. 10, 2017).

**Section 2** creates s. 320.6407, F.S., relating to recall notices under franchise agreements. The bill requires that a licensee, which has a franchise agreement with a motor vehicle dealer, must compensate the dealer for a used vehicle that:

- Was originally manufactured, imported, or distributed by the licensee;
- Is subject to a recall notice;
- Is held in the dealer's inventory at the time the recall notice was issued, or taken into the dealer's inventory after the recall notice due to a trade-in, lease return, or other transaction;
- Cannot be repaired due to unavailability of a remedy for the vehicle within 30 days after issuance of the recall notice; and
- For which the licensee has not issued a written statement to the dealer indicating the vehicle may be sold or delivered to a retail customer before completion of the recall repair.

The bill requires such compensation to be the greater of:

- Payment of at least two percent of the motor vehicle value (as determined by the average Black Book value for that vehicle's model year and condition) for each month or portion of a month that the dealer does not receive a remedy for the vehicle, calculated from the later of either the date the recall was issued or when the vehicle was acquired by the dealer; or
- Payment under a national program applicable to motor vehicle dealers holding a franchise agreement with the licensee for the dealer's costs associated with holding the used vehicle.

**Section 3** reenacts s. 320.6992, F.S., providing that amendments made to the act shall apply to all presently existing or future systems of distribution of motor vehicles in Florida, except to the extent that such application would impair valid contractual agreements in violation of the State Constitution or Federal Constitution.

**Section 4** provides that the bill takes effect upon becoming law.

#### **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:**

None.

**B. Private Sector Impact:**

The fiscal impact to the private sector is indeterminate. To the extent that agreements between dealers and licensees change, the parties could be impacted positively or negatively. Dealers with vehicles in their inventory impacted by a recall that cannot be repaired or sold will likely experience a positive fiscal impact.

**C. Government Sector Impact:**

The fiscal impact to the government sector is indeterminate, but appears insignificant. The DHSMV may experience an increase in the number of administrative hearings as a result of the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 320.64 of the Florida Statutes.

This bill creates section 320.6407 of the Florida Statutes.

This bill reenacts section 320.6992 of the Florida Statutes.

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

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

**CS by Transportation on March 14, 2017:**

The CS extends the length of time that the licensee must make a recall remedy available to a dealer to avoid compensating that dealer for the used vehicle, from 15 to 30 days, and reduces the amount required to be paid to the dealer, from 2.43 percent to 2 percent.

The CS also adds that such compensation is not required for used vehicles for which the licensee has issued a written statement to the dealer indicating the used vehicle may be sold or delivered to a retail customer prior to completion of the recall repair.

**B. Amendments:**

None.



122736

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2017	.	
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The Committee on Transportation (Hutson) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 51 - 99  
and insert:  
warranty or recall repairs during the course of a separate  
repair requested by the consumer.

(b) Notification by the motor vehicle dealer to the  
consumer of the need for recall repairs after the licensee or an  
authorized governmental agency issues a notice of an outstanding  
recall for a safety-related defect.



122736

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A motor vehicle dealer who can demonstrate that a violation of, or failure to comply with, any of the preceding provisions by an applicant or licensee will or can adversely and pecuniarily affect the complaining dealer, shall be entitled to pursue all of the remedies, procedures, and rights of recovery available under ss. 320.695 and 320.697.

Section 2. Section 320.6407, Florida Statutes, is created to read:

320.6407 Recall notices under franchise agreements; compensation.-

(1) As provided in subsection (3), a licensee that has entered into a franchise agreement with a motor vehicle dealer must compensate the motor vehicle dealer for a used motor vehicle:

(a) That was originally manufactured, imported, or distributed by the licensee;

(b) That is subject to a recall notice issued by the licensee or an authorized governmental agency, regardless of whether the vehicle is identified by its vehicle identification number;

(c) That is held by the motor vehicle dealer in the dealer's inventory at the time the recall notice is issued or that is taken by the motor vehicle dealer into the dealer's inventory after the recall notice as a result of a trade-in, lease return, or otherwise;

(d) That cannot be repaired due to the unavailability, within 30 days after issuance of the recall notice, of remedy or parts necessary for the motor vehicle dealer to make the recall



122736

40 repair; and

41 (e) For which the licensee has not issued a written  
42 statement to the motor vehicle dealer indicating that the used  
43 motor vehicle may be sold or delivered to a retail customer  
44 before completion of the recall repair.

45 (2) The licensee shall pay the required compensation within  
46 30 days after the motor vehicle dealer's application for  
47 payment. Applications for compensation payments must be  
48 submitted monthly, as necessary, through the licensee's existing  
49 warranty application system or another system or process  
50 established by the licensee which is not unduly burdensome or  
51 which does not require information unnecessary for the payment.

52 (3) Compensation under this section must be the greater of:

53 (a) Payment at a rate of at least 2 percent per month of  
54 the motor vehicle value, as determined by the average Black Book  
55 value of corresponding model year vehicle of average condition,  
56 of each eligible used motor vehicle in the motor vehicle  
57 dealer's inventory for each month that the dealer does not  
58 receive a remedy or parts to complete the required repair. Such  
59 payment must be prorated for any period less than a month based  
60 on the number of days during the month each eligible used motor  
61 vehicle is in the motor vehicle dealer's inventory. Payments  
62 shall be calculated from the date the recall was issued or the

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

64 And the title is amended as follows:

65 Delete line 16

66 and insert:

67 requiring such applications to be submitted monthly,  
68 as necessary, through the



957306

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/15/2017	.	
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The Committee on Transportation (Rouson) recommended the following:

- 1       **Senate Amendment to Amendment (122736)**
- 2
- 3       Delete line 53
- 4       and insert:
- 5       (a) Payment at a rate of at least 1 percent per month of

By Senator Hutson

7-00154B-17

2017466\_\_

A bill to be entitled

An act relating to motor vehicle warranty repairs and recall repairs; amending s. 320.64, F.S.; prohibiting a manufacturer, factory branch, distributor, or importer from denying a claim of a motor vehicle dealer, reducing compensation to a motor vehicle dealer, or processing a chargeback to a motor vehicle dealer because of specified circumstances; creating s. 320.6407, F.S.; requiring a manufacturer, factory branch, distributor, or importer to compensate a motor vehicle dealer for a used motor vehicle under specified circumstances; requiring the manufacturer, factory branch, distributor, or importer to pay the compensation within a specified timeframe after the motor vehicle dealer's application for payment; requiring such application to be made through the manufacturer's, factory branch's, distributor's, or importer's warranty application system or certain other system or process; providing for calculation of the amount of compensation; reenacting s. 320.6992, F.S., relating to applicability of specified provisions to systems of distribution of motor vehicles in this state, to incorporate the amendments made to s. 320.64, F.S., and to incorporate s. 320.6407, F.S., as created by the act, in references thereto; providing an effective date.

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

Section 1. Subsection (41) is added to section 320.64, Florida Statutes, to read:  
320.64 Denial, suspension, or revocation of license;

Page 1 of 5

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

7-00154B-17

2017466\_\_

grounds.—A license of a licensee under s. 320.61 may be denied, suspended, or revoked within the entire state or at any specific location or locations within the state at which the applicant or licensee engages or proposes to engage in business, upon proof that the section was violated with sufficient frequency to establish a pattern of wrongdoing, and a licensee or applicant shall be liable for claims and remedies provided in ss. 320.695 and 320.697 for any violation of any of the following provisions. A licensee is prohibited from committing the following acts:

(41) Notwithstanding the terms of any franchise agreement, and except as authorized under subsection (25), a licensee may not deny a claim of a motor vehicle dealer, reduce the amount of compensation to a motor vehicle dealer, or process a chargeback to a motor vehicle dealer for performing covered warranty repairs or required recall repairs on a used motor vehicle due to either of the following circumstances:

(a) Discovery by the motor vehicle dealer of the need for such repairs during the course of a separate repair requested by the consumer.

(b) Notification by the motor vehicle dealer to the consumer of the need for such repairs after the licensee or an authorized government agency issues a notice of an outstanding recall for a safety-related defect.

A motor vehicle dealer who can demonstrate that a violation of, or failure to comply with, any of the preceding provisions by an applicant or licensee will or can adversely and pecuniarily affect the complaining dealer, shall be entitled to pursue all

Page 2 of 5

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

7-00154B-17 2017466\_\_

62 of the remedies, procedures, and rights of recovery available  
63 under ss. 320.695 and 320.697.

64 Section 2. Section 320.6407, Florida Statutes, is created  
65 to read:

66 320.6407 Recall notices under franchise agreements;  
67 compensation.—

68 (1) As provided in subsection (3), a licensee under s.  
69 320.61 which has entered into a franchise agreement with a motor  
70 vehicle dealer must compensate the motor vehicle dealer for a  
71 used motor vehicle that:

72 (a) Was originally manufactured, imported, or distributed  
73 by the licensee;

74 (b) Is subject to a recall notice issued by the licensee or  
75 an authorized government agency, regardless of whether the  
76 vehicle is identified by its vehicle identification number;

77 (c) Is held by the motor vehicle dealer in the dealer's  
78 inventory at the time the recall notice is issued or is taken by  
79 the motor vehicle dealer into the dealer's inventory after the  
80 recall notice as a result of a trade-in, lease return, or other  
81 transaction; and

82 (d) Cannot be repaired due to the unavailability, within 15  
83 days after issuance of the recall notice, of the remedy or parts  
84 necessary for the motor vehicle dealer to make the repair.

85 (2) The licensee shall pay the required compensation within  
86 30 days after the motor vehicle dealer's application for  
87 payment, such application to be made through the licensee's  
88 existing warranty application system or another system or  
89 process established by the licensee which may not be unduly  
90 burdensome or require information unnecessary for the payment.

7-00154B-17 2017466\_\_

91 (3) Compensation under this subsection must be the greater  
92 of:

93 (a) Payment at a rate of at least 2.43 percent of the motor  
94 vehicle value, as determined by the average Black Book value of  
95 the corresponding model year vehicle of average condition, of  
96 each eligible used motor vehicle in the motor vehicle dealer's  
97 inventory for each month or portion of a month that the dealer  
98 does not receive a remedy or parts to complete the required  
99 repair, calculated from the date the recall was issued or the  
100 vehicle was acquired, whichever is later.

101 (b) Payment under a national program applicable to all  
102 motor vehicle dealers holding a franchise agreement with the  
103 licensee for the motor vehicle dealer's costs associated with  
104 holding the eligible used motor vehicles.

105 Section 3. For the purpose of incorporating the amendment  
106 made by this act to section 320.64, Florida Statutes, and  
107 section 320.6407, Florida Statutes, as created by this act, in  
108 references thereto, section 320.6992, Florida Statutes, is  
109 reenacted to read:

110 320.6992 Application.—Sections 320.60-320.70, including  
111 amendments to ss. 320.60-320.70, apply to all presently existing  
112 or hereafter established systems of distribution of motor  
113 vehicles in this state, except to the extent that such  
114 application would impair valid contractual agreements in  
115 violation of the State Constitution or Federal Constitution.  
116 Sections 320.60-320.70 do not apply to any judicial or  
117 administrative proceeding pending as of October 1, 1988. All  
118 agreements renewed, amended, or entered into subsequent to  
119 October 1, 1988, shall be governed by ss. 320.60-320.70,

7-00154B-17

2017466\_\_

120 including any amendments to ss. 320.60-320.70 which have been or  
121 may be from time to time adopted, unless the amendment  
122 specifically provides otherwise, and except to the extent that  
123 such application would impair valid contractual agreements in  
124 violation of the State Constitution or Federal Constitution.

125 Section 4. This act shall take effect upon becoming a law.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/14/17

Meeting Date

466

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Gary Hunter

Job Title Attorney

Address 119 S. Monroe St., Suite 300

Phone 222-7500

Tallahassee FL 32301  
City State Zip

Email garyh@hgsllaw.com

Speaking:  For  Against  Information

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

Representing Alliance of Automobile Mfgs.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3-14-17

Meeting Date

SB 466

Bill Number (if applicable)

957306

Amendment Barcode (if applicable)

Amendment Withdrawn

Topic AUTO RECALLS

Name TED SMITH

Job Title PRESIDENT

Address 400 N. MERIDIAN ST

Phone 4450435

Street

Tallahassee FL 32301

City

State

Zip

Email teds@flada.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against

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

BILL

Amendment 957306

Representing

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/14/17  
Meeting Date

SB 466  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name JEFF PERRY

Job Title DIRECTOR, PUBLIC POLICY

Address 300 RENAISSANCE CENTER

Phone 313 667 0946

DETROIT MI 48265  
City State Zip

Email jeff.perry@gm.com

Speaking:  For  Against  Information

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

Representing General Motors

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/14/17

Meeting Date

466

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Kelly Mallette

Job Title \_\_\_\_\_

Address 104 West Jefferson Street

Phone (850) 224-3427

Street

Tallahassee, FL 32301

Email kelly@vrbodepa.com

City

State

Zip

Speaking:  For  Against  Information

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

Representing Auto Nation

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.)

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Prepared By: The Professional Staff of the Committee on Transportation

---

BILL: SB 654

INTRODUCER: Senator Latvala

SUBJECT: Transportation

DATE: March 14, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	<b>Favorable</b>
2.			AFT	
3.			AP	

---

**I. Summary:**

SB 654 shifts the distribution of the annual license taxes imposed on certain motor vehicle registrations from the General Revenue Fund to the State Transportation Trust Fund.<sup>1</sup> Beginning in Fiscal Year 2019-2020, 50 percent of the portion of the annual license tax that is deposited into the General Revenue Fund is shifted to the State Transportation Trust Fund (STTF); in Fiscal Year 2020-2021, the remaining 50 percent is also shifted.

The Revenue Estimating Conference estimates that in Fiscal Year 2019-2020, this bill reduces General Revenue Fund receipts by \$57.6 million cash and \$123.3 million recurring. Beginning in Fiscal Year 2020-2021, the bill reduces General Revenue Fund receipts by \$121.0 million cash and \$125.2 million recurring. The bill is estimated to increase STTF receipts by \$57.6 million in Fiscal Year 2019-2020, and \$121.0 million in Fiscal Year 2020-2021.

This bill takes effect on July 1, 2019.

**II. Present Situation:**

Section 320.08, F.S., imposes annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles, tri-vehicles, trailers, and mobile homes. Motorcycle and moped registrants pay a flat tax, of which no money is deposited into the General Revenue Fund. The annual license tax to register an ancient or antique motorcycle is \$7.50, of which \$2.50 is deposited into the General Revenue Fund.<sup>2</sup>

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<sup>1</sup> Section 320.20, F.S., outlines the annual license tax disposition of proceeds.

<sup>2</sup> Section 320.08(1), F.S.

Private use vehicle and private use tri-vehicle registrants pay an annual license tax ranging from \$7.50 to \$32.50 based on weight. No portion of the revenues derived from these types of vehicles are deposited into the General Revenue Fund.<sup>3</sup>

Registrants of heavy trucks (vehicles weighing 5,001 pounds or more), semitrailers drawn by means of a fifth-wheel, school buses, wreckers, hearses, and ambulances pay annual license taxes ranging from \$13.50 to \$1,322.00 depending upon different factors, mainly vehicle weight. A portion of the tax in each class is deposited into the General Revenue Fund.<sup>4</sup>

For-hire vehicle registrants pay annual license taxes ranging from \$17.00 plus \$1.50 cwt<sup>5</sup> to \$17.00 plus \$2 per cwt depending upon how many passengers the vehicle is capable of holding, with a portion of each tax deposited into the General Revenue Fund.<sup>6</sup>

Trailers for private use, trailers for hire, and recreational vehicle registrants pay annual license taxes ranging from \$6.75 to \$47.25, with a portion of each tax deposited into the General Revenue Fund.<sup>7</sup>

A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer pays annual taxes of \$17.00, of which \$4.50 is deposited into the General Revenue Fund. Exempt or official license plate registrants pay \$4.00, of which \$1 is deposited into the General Revenue Fund. Registrants of a motor vehicle for hire operated wholly within a city or within 25 miles thereof pay \$17.00, of which \$4.50 is deposited into the General Revenue Fund; plus \$2.00 per cwt, of which 50 cents shall be deposited into the General Revenue Fund.<sup>8</sup>

The first proceeds of the annual license taxes are deposited into the district Capital Outlay and Debt Service School Trust Fund pursuant to Article XII, section 9(d) of the Florida Constitution<sup>9</sup> with the remainder of such revenues going to the State Transportation Trust Fund and the General Revenue Fund.

### **III. Effect of Proposed Changes:**

SB 654 shifts the distribution of the annual license taxes imposed on certain motor vehicle registrations from the General Revenue Fund to the State Transportation Trust Fund. Beginning in Fiscal Year 2019-2020, 50 percent of the portion of the annual license tax that is deposited into the General Revenue Fund is shifted to the State Transportation Trust Fund; in Fiscal Year 2020-2021, the remaining 50 percent is also shifted.

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<sup>3</sup> Section 320.08(2) and (3), F.S.

<sup>4</sup> Section 320.08(4) and (5), F.S.

<sup>5</sup> "Cwt" means the weight per hundred pounds, or major fraction thereof, of a motor vehicle. Section 320.01(8), F.S.

<sup>6</sup> Section 320.08(6), F.S.

<sup>7</sup> Section 320.08(7), (8), (9), and (10), F.S.

<sup>8</sup> Section 320.08(12), (13), and (14), F.S.

<sup>9</sup> Section 320.20, F.S.

The initial and renewal registration license tax amounts for each class and type of motor vehicle remain unchanged.

**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:

None.

B. Private Sector Impact:

To the extent that increased revenue in the STTF results in more contract lettings by the Florida Department of Transportation (FDOT), private sector contractors may experience an indeterminate positive fiscal impact, and the traveling public may experience an indeterminate positive impact due to increased mobility. There would be a corresponding reduction in revenue available for programs that are currently paid for from the General Revenue Fund. To the extent that these programs are reduced, there may be an indeterminate negative fiscal impact to the general public or to the private sector benefiting from the programs.

C. Government Sector Impact:

The Revenue Estimating Conference estimates that in Fiscal Year 2019-2020, this bill reduces General Revenue Fund receipts by \$57.6 million cash and \$123.3 million recurring. Beginning in Fiscal Year 2020-2021, the bill reduces General Revenue Fund receipts by \$121.0 million cash and \$125.2 million recurring. The bill is estimated to increase STTF receipts by \$57.6 million in Fiscal Year 2019-2020, and \$121.0 million in Fiscal Year 2020-2021.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following section of the Florida Statutes: 320.08.

**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.

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

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By Senator Latvala

16-00298D-17

2017654\_\_

1 A bill to be entitled  
 2 An act relating to transportation; amending s. 320.08,  
 3 F.S.; providing for a future reduction in specified  
 4 fees from annual license taxes which must be deposited  
 5 into the General Revenue Fund; providing for the  
 6 subsequent deletion of the requirement that specified  
 7 fees from annual license taxes be deposited into the  
 8 General Revenue Fund; providing effective dates.  
 9  
 10 Be It Enacted by the Legislature of the State of Florida:  
 11  
 12 Section 1. Section 320.08, Florida Statutes, is amended to  
 13 read:  
 14 320.08 License taxes.—Except as otherwise provided herein,  
 15 there are hereby levied and imposed annual license taxes for the  
 16 operation of motor vehicles, mopeds, motorized bicycles as  
 17 defined in s. 316.003(3) ~~s. 316.003(2)~~, tri-vehicles as defined  
 18 in s. 316.003, and mobile homes as defined in s. 320.01, which  
 19 shall be paid to and collected by the department or its agent  
 20 upon the registration or renewal of registration of the  
 21 following:  
 22 (1) MOTORCYCLES AND MOPEDES.—  
 23 (a) Any motorcycle: \$10 flat.  
 24 (b) Any moped: \$5 flat.  
 25 (c) Upon registration of a motorcycle, motor-driven cycle,  
 26 or moped, in addition to the license taxes specified in this  
 27 subsection, a nonrefundable motorcycle safety education fee in  
 28 the amount of \$2.50 shall be paid. The proceeds of such  
 29 additional fee shall be deposited in the Highway Safety  
 30 Operating Trust Fund to fund a motorcycle driver improvement  
 31 program implemented pursuant to s. 322.025, the Florida  
 32 Motorcycle Safety Education Program established in s. 322.0255,

Page 1 of 18

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16-00298D-17

2017654\_\_

33 or the general operations of the department.  
 34 (d) An ancient or antique motorcycle: \$7.50 flat, of which  
 35 \$1.25 ~~\$2.50~~ shall be deposited into the General Revenue Fund.  
 36 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—  
 37 (a) An ancient or antique automobile, as defined in s.  
 38 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.  
 39 (b) Net weight of less than 2,500 pounds: \$14.50 flat.  
 40 (c) Net weight of 2,500 pounds or more, but less than 3,500  
 41 pounds: \$22.50 flat.  
 42 (d) Net weight of 3,500 pounds or more: \$32.50 flat.  
 43 (3) TRUCKS.—  
 44 (a) Net weight of less than 2,000 pounds: \$14.50 flat.  
 45 (b) Net weight of 2,000 pounds or more, but not more than  
 46 3,000 pounds: \$22.50 flat.  
 47 (c) Net weight more than 3,000 pounds, but not more than  
 48 5,000 pounds: \$32.50 flat.  
 49 (d) A truck defined as a "goat," or other vehicle if used  
 50 in the field by a farmer or in the woods for the purpose of  
 51 harvesting a crop, including naval stores, during such  
 52 harvesting operations, and which is not principally operated  
 53 upon the roads of the state: \$7.50 flat. The term "goat" means a  
 54 motor vehicle designed, constructed, and used principally for  
 55 the transportation of citrus fruit within citrus groves or for  
 56 the transportation of crops on farms, and which can also be used  
 57 for hauling associated equipment or supplies, including required  
 58 sanitary equipment, and the towing of farm trailers.  
 59 (e) An ancient or antique truck, as defined in s. 320.086:  
 60 \$7.50 flat.  
 61 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS

Page 2 of 18

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16-00298D-17

2017654\_\_

## 62 VEHICLE WEIGHT.—

63 (a) Gross vehicle weight of 5,001 pounds or more, but less  
64 than 6,000 pounds: \$60.75 flat, of which \$7.88 ~~\$15.75~~ shall be  
65 deposited into the General Revenue Fund.

66 (b) Gross vehicle weight of 6,000 pounds or more, but less  
67 than 8,000 pounds: \$87.75 flat, of which \$11.38 ~~\$22.75~~ shall be  
68 deposited into the General Revenue Fund.

69 (c) Gross vehicle weight of 8,000 pounds or more, but less  
70 than 10,000 pounds: \$103 flat, of which \$13.50 ~~\$27~~ shall be  
71 deposited into the General Revenue Fund.

72 (d) Gross vehicle weight of 10,000 pounds or more, but less  
73 than 15,000 pounds: \$118 flat, of which \$15.50 ~~\$31~~ shall be  
74 deposited into the General Revenue Fund.

75 (e) Gross vehicle weight of 15,000 pounds or more, but less  
76 than 20,000 pounds: \$177 flat, of which \$23 ~~\$46~~ shall be  
77 deposited into the General Revenue Fund.

78 (f) Gross vehicle weight of 20,000 pounds or more, but less  
79 than 26,001 pounds: \$251 flat, of which \$32.50 ~~\$65~~ shall be  
80 deposited into the General Revenue Fund.

81 (g) Gross vehicle weight of 26,001 pounds or more, but less  
82 than 35,000: \$324 flat, of which \$42 ~~\$84~~ shall be deposited into  
83 the General Revenue Fund.

84 (h) Gross vehicle weight of 35,000 pounds or more, but less  
85 than 44,000 pounds: \$405 flat, of which \$52.50 ~~\$105~~ shall be  
86 deposited into the General Revenue Fund.

87 (i) Gross vehicle weight of 44,000 pounds or more, but less  
88 than 55,000 pounds: \$773 flat, of which \$100.50 ~~\$201~~ shall be  
89 deposited into the General Revenue Fund.

90 (j) Gross vehicle weight of 55,000 pounds or more, but less

Page 3 of 18

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16-00298D-17

2017654\_\_

91 than 62,000 pounds: \$916 flat, of which \$119 ~~\$238~~ shall be  
92 deposited into the General Revenue Fund.

93 (k) Gross vehicle weight of 62,000 pounds or more, but less  
94 than 72,000 pounds: \$1,080 flat, of which \$140 ~~\$280~~ shall be  
95 deposited into the General Revenue Fund.

96 (l) Gross vehicle weight of 72,000 pounds or more: \$1,322  
97 flat, of which \$171.50 ~~\$343~~ shall be deposited into the General  
98 Revenue Fund.

99 (m) Notwithstanding the declared gross vehicle weight, a  
100 truck tractor used within a 150-mile radius of its home address  
101 is eligible for a license plate for a fee of \$324 flat if:

102 1. The truck tractor is used exclusively for hauling  
103 forestry products; or

104 2. The truck tractor is used primarily for the hauling of  
105 forestry products, and is also used for the hauling of  
106 associated forestry harvesting equipment used by the owner of  
107 the truck tractor.

108 Of the fee imposed by this paragraph, \$42 ~~\$84~~ shall be deposited  
109 into the General Revenue Fund.

111 (n) A truck tractor or heavy truck, not operated as a for-  
112 hire vehicle, which is engaged exclusively in transporting raw,  
113 unprocessed, and nonmanufactured agricultural or horticultural  
114 products within a 150-mile radius of its home address, is  
115 eligible for a restricted license plate for a fee of:

116 1. If such vehicle's declared gross vehicle weight is less  
117 than 44,000 pounds, \$87.75 flat, of which \$11.38 ~~\$22.75~~ shall be  
118 deposited into the General Revenue Fund.

119 2. If such vehicle's declared gross vehicle weight is

Page 4 of 18

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16-00298D-17 2017654\_\_  
 120 44,000 pounds or more and such vehicle only transports from the  
 121 point of production to the point of primary manufacture; to the  
 122 point of assembling the same; or to a shipping point of a rail,  
 123 water, or motor transportation company, \$324 flat, of which \$42  
 124 ~~\$84~~ shall be deposited into the General Revenue Fund.

125  
 126 Such not-for-hire truck tractors and heavy trucks used  
 127 exclusively in transporting raw, unprocessed, and  
 128 nonmanufactured agricultural or horticultural products may be  
 129 incidentally used to haul farm implements and fertilizers  
 130 delivered direct to the growers. The department may require any  
 131 documentation deemed necessary to determine eligibility prior to  
 132 issuance of this license plate. For the purpose of this  
 133 paragraph, "not-for-hire" means the owner of the motor vehicle  
 134 must also be the owner of the raw, unprocessed, and  
 135 nonmanufactured agricultural or horticultural product, or the  
 136 user of the farm implements and fertilizer being delivered.

137 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;  
 138 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

139 (a)1. A semitrailer drawn by a GVW truck tractor by means  
 140 of a fifth-wheel arrangement: \$13.50 flat per registration year  
 141 or any part thereof, of which \$1.75 ~~\$3.50~~ shall be deposited  
 142 into the General Revenue Fund.

143 2. A semitrailer drawn by a GVW truck tractor by means of a  
 144 fifth-wheel arrangement: \$68 flat per permanent registration, of  
 145 which \$9 ~~\$18~~ shall be deposited into the General Revenue Fund.

146 (b) A motor vehicle equipped with machinery and designed  
 147 for the exclusive purpose of well drilling, excavation,  
 148 construction, spraying, or similar activity, and which is not

16-00298D-17 2017654\_\_  
 149 designed or used to transport loads other than the machinery  
 150 described above over public roads: \$44 flat, of which \$5.75  
 151 ~~\$11.50~~ shall be deposited into the General Revenue Fund.

152 (c) A school bus used exclusively to transport pupils to  
 153 and from school or school or church activities or functions  
 154 within their own county: \$41 flat, of which \$5.50 ~~\$11~~ shall be  
 155 deposited into the General Revenue Fund.

156 (d) A wrecker, as defined in s. 320.01, which is used to  
 157 tow a vessel as defined in s. 327.02, a disabled, abandoned,  
 158 stolen-recovered, or impounded motor vehicle as defined in s.  
 159 320.01, or a replacement motor vehicle as defined in s. 320.01:  
 160 \$41 flat, of which \$5.50 ~~\$11~~ shall be deposited into the General  
 161 Revenue Fund.

162 (e) A wrecker that is used to tow any nondisabled motor  
 163 vehicle, a vessel, or any other cargo unless used as defined in  
 164 paragraph (d), as follows:

165 1. Gross vehicle weight of 10,000 pounds or more, but less  
 166 than 15,000 pounds: \$118 flat, of which \$15.50 ~~\$31~~ shall be  
 167 deposited into the General Revenue Fund.

168 2. Gross vehicle weight of 15,000 pounds or more, but less  
 169 than 20,000 pounds: \$177 flat, of which \$23 ~~\$46~~ shall be  
 170 deposited into the General Revenue Fund.

171 3. Gross vehicle weight of 20,000 pounds or more, but less  
 172 than 26,000 pounds: \$251 flat, of which \$32.50 ~~\$65~~ shall be  
 173 deposited into the General Revenue Fund.

174 4. Gross vehicle weight of 26,000 pounds or more, but less  
 175 than 35,000 pounds: \$324 flat, of which \$42 ~~\$84~~ shall be  
 176 deposited into the General Revenue Fund.

177 5. Gross vehicle weight of 35,000 pounds or more, but less

16-00298D-17 2017654\_\_

178 than 44,000 pounds: \$405 flat, of which \$52.50 ~~\$105~~ shall be  
 179 deposited into the General Revenue Fund.

180 6. Gross vehicle weight of 44,000 pounds or more, but less  
 181 than 55,000 pounds: \$772 flat, of which \$100 ~~\$200~~ shall be  
 182 deposited into the General Revenue Fund.

183 7. Gross vehicle weight of 55,000 pounds or more, but less  
 184 than 62,000 pounds: \$915 flat, of which \$118.50 ~~\$237~~ shall be  
 185 deposited into the General Revenue Fund.

186 8. Gross vehicle weight of 62,000 pounds or more, but less  
 187 than 72,000 pounds: \$1,080 flat, of which \$140 ~~\$280~~ shall be  
 188 deposited into the General Revenue Fund.

189 9. Gross vehicle weight of 72,000 pounds or more: \$1,322  
 190 flat, of which \$171.50 ~~\$343~~ shall be deposited into the General  
 191 Revenue Fund.

192 (f) A hearse or ambulance: \$40.50 flat, of which \$5.25  
 193 ~~\$10.50~~ shall be deposited into the General Revenue Fund.

194 (6) MOTOR VEHICLES FOR HIRE.—

195 (a) Under nine passengers: \$17 flat, of which \$2.25 ~~\$4.50~~  
 196 shall be deposited into the General Revenue Fund; plus \$1.50 per  
 197 cwt, of which 25 ~~50~~ cents shall be deposited into the General  
 198 Revenue Fund.

199 (b) Nine passengers and over: \$17 flat, of which \$2.25  
 200 ~~\$4.50~~ shall be deposited into the General Revenue Fund; plus \$2  
 201 per cwt, of which 25 ~~50~~ cents shall be deposited into the  
 202 General Revenue Fund.

203 (7) TRAILERS FOR PRIVATE USE.—

204 (a) Any trailer weighing 500 pounds or less: \$6.75 flat per  
 205 year or any part thereof, of which 88 cents ~~\$1.75~~ shall be  
 206 deposited into the General Revenue Fund.

16-00298D-17 2017654\_\_

207 (b) Net weight over 500 pounds: \$3.50 flat, of which 50  
 208 cents ~~\$1~~ shall be deposited into the General Revenue Fund; plus  
 209 \$1 per cwt, of which 13 ~~25~~ cents shall be deposited into the  
 210 General Revenue Fund.

211 (8) TRAILERS FOR HIRE.—

212 (a) Net weight under 2,000 pounds: \$3.50 flat, of which 50  
 213 cents ~~\$1~~ shall be deposited into the General Revenue Fund; plus  
 214 \$1.50 per cwt, of which 25 ~~50~~ cents shall be deposited into the  
 215 General Revenue Fund.

216 (b) Net weight 2,000 pounds or more: \$13.50 flat, of which  
 217 \$1.75 ~~\$3.50~~ shall be deposited into the General Revenue Fund;  
 218 plus \$1.50 per cwt, of which 25 ~~50~~ cents shall be deposited into  
 219 the General Revenue Fund.

220 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

221 (a) A travel trailer or fifth-wheel trailer, as defined by  
 222 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27  
 223 flat, of which \$3.50 ~~\$7~~ shall be deposited into the General  
 224 Revenue Fund.

225 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:  
 226 \$13.50 flat, of which \$1.75 ~~\$3.50~~ shall be deposited into the  
 227 General Revenue Fund.

228 (c) A motor home, as defined by s. 320.01(1)(b)4.:  
 229 1. Net weight of less than 4,500 pounds: \$27 flat, of which  
 230 \$3.50 ~~\$7~~ shall be deposited into the General Revenue Fund.  
 231 2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
 232 which \$6.13 ~~\$12.25~~ shall be deposited into the General Revenue  
 233 Fund.

234 (d) A truck camper as defined by s. 320.01(1)(b)3.:  
 235 1. Net weight of less than 4,500 pounds: \$27 flat, of which

16-00298D-17 2017654\_\_

236 \$3.50 ~~\$7~~ shall be deposited into the General Revenue Fund.

237 2. Net weight of 4,500 pounds or more: \$47.25 flat, of

238 which \$6.13 ~~\$12.25~~ shall be deposited into the General Revenue

239 Fund.

240 (e) A private motor coach as defined by s. 320.01(1)(b)5.:

241 1. Net weight of less than 4,500 pounds: \$27 flat, of which

242 \$3.50 ~~\$7~~ shall be deposited into the General Revenue Fund.

243 2. Net weight of 4,500 pounds or more: \$47.25 flat, of

244 which \$6.13 ~~\$12.25~~ shall be deposited into the General Revenue

245 Fund.

246 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;

247 35 FEET TO 40 FEET.—

248 (a) Park trailers.—Any park trailer, as defined in s.

249 320.01(1)(b)7.: \$25 flat.

250 (b) A travel trailer or fifth-wheel trailer, as defined in

251 s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.

252 (11) MOBILE HOMES.—

253 (a) A mobile home not exceeding 35 feet in length: \$20

254 flat.

255 (b) A mobile home over 35 feet in length, but not exceeding

256 40 feet: \$25 flat.

257 (c) A mobile home over 40 feet in length, but not exceeding

258 45 feet: \$30 flat.

259 (d) A mobile home over 45 feet in length, but not exceeding

260 50 feet: \$35 flat.

261 (e) A mobile home over 50 feet in length, but not exceeding

262 55 feet: \$40 flat.

263 (f) A mobile home over 55 feet in length, but not exceeding

264 60 feet: \$45 flat.

16-00298D-17 2017654\_\_

265 (g) A mobile home over 60 feet in length, but not exceeding

266 65 feet: \$50 flat.

267 (h) A mobile home over 65 feet in length: \$80 flat.

268 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised

269 motor vehicle dealer, independent motor vehicle dealer, marine

270 boat trailer dealer, or mobile home dealer and manufacturer

271 license plate: \$17 flat, of which \$2.25 ~~\$4.50~~ shall be deposited

272 into the General Revenue Fund.

273 (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or

274 official license plate: \$4 flat, of which 50 cents ~~\$1~~ shall be

275 deposited into the General Revenue Fund.

276 (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor

277 vehicle for hire operated wholly within a city or within 25

278 miles thereof: \$17 flat, of which \$2.25 ~~\$4.50~~ shall be deposited

279 into the General Revenue Fund; plus \$2 per cwt, of which 25 ~~50~~

280 cents shall be deposited into the General Revenue Fund.

281 (15) TRANSPORTER.—Any transporter license plate issued to a

282 transporter pursuant to s. 320.133: \$101.25 flat, of which

283 \$13.13 ~~\$26.25~~ shall be deposited into the General Revenue Fund.

284 Section 2. Effective July 1, 2020, subsections (1), (4)

285 through (9) and (12) through (15) of section 320.08, Florida

286 Statutes, as amended by this act, are amended to read:

287 320.08 License taxes.—Except as otherwise provided herein,

288 there are hereby levied and imposed annual license taxes for the

289 operation of motor vehicles, mopeds, motorized bicycles as

290 defined in s. 316.003(3), tri-vehicles as defined in s. 316.003,

291 and mobile homes as defined in s. 320.01, which shall be paid to

292 and collected by the department or its agent upon the

293 registration or renewal of registration of the following:

16-00298D-17

2017654\_\_

- 294 (1) MOTORCYCLES AND MOPEDS.—  
 295 (a) Any motorcycle: \$10 flat.  
 296 (b) Any moped: \$5 flat.  
 297 (c) Upon registration of a motorcycle, motor-driven cycle,  
 298 or moped, in addition to the license taxes specified in this  
 299 subsection, a nonrefundable motorcycle safety education fee in  
 300 the amount of \$2.50 shall be paid. The proceeds of such  
 301 additional fee shall be deposited in the Highway Safety  
 302 Operating Trust Fund to fund a motorcycle driver improvement  
 303 program implemented pursuant to s. 322.025, the Florida  
 304 Motorcycle Safety Education Program established in s. 322.0255,  
 305 or the general operations of the department.  
 306 (d) An ancient or antique motorcycle: \$7.50 flat, ~~of which~~  
 307 ~~\$1.25 shall be deposited into the General Revenue Fund.~~  
 308 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS  
 309 VEHICLE WEIGHT.—  
 310 (a) Gross vehicle weight of 5,001 pounds or more, but less  
 311 than 6,000 pounds: \$60.75 flat, ~~of which \$7.88 shall be~~  
 312 ~~deposited into the General Revenue Fund.~~  
 313 (b) Gross vehicle weight of 6,000 pounds or more, but less  
 314 than 8,000 pounds: \$87.75 flat, ~~of which \$11.38 shall be~~  
 315 ~~deposited into the General Revenue Fund.~~  
 316 (c) Gross vehicle weight of 8,000 pounds or more, but less  
 317 than 10,000 pounds: \$103 flat, ~~of which \$13.50 shall be~~  
 318 ~~deposited into the General Revenue Fund.~~  
 319 (d) Gross vehicle weight of 10,000 pounds or more, but less  
 320 than 15,000 pounds: \$118 flat, ~~of which \$15.50 shall be~~  
 321 ~~deposited into the General Revenue Fund.~~  
 322 (e) Gross vehicle weight of 15,000 pounds or more, but less

Page 11 of 18

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16-00298D-17

2017654\_\_

- 323 than 20,000 pounds: \$177 flat, ~~of which \$23 shall be deposited~~  
 324 ~~into the General Revenue Fund.~~  
 325 (f) Gross vehicle weight of 20,000 pounds or more, but less  
 326 than 26,001 pounds: \$251 flat, ~~of which \$32.50 shall be~~  
 327 ~~deposited into the General Revenue Fund.~~  
 328 (g) Gross vehicle weight of 26,001 pounds or more, but less  
 329 than 35,000: \$324 flat, ~~of which \$42 shall be deposited into the~~  
 330 ~~General Revenue Fund.~~  
 331 (h) Gross vehicle weight of 35,000 pounds or more, but less  
 332 than 44,000 pounds: \$405 flat, ~~of which \$52.50 shall be~~  
 333 ~~deposited into the General Revenue Fund.~~  
 334 (i) Gross vehicle weight of 44,000 pounds or more, but less  
 335 than 55,000 pounds: \$773 flat, ~~of which \$100.50 shall be~~  
 336 ~~deposited into the General Revenue Fund.~~  
 337 (j) Gross vehicle weight of 55,000 pounds or more, but less  
 338 than 62,000 pounds: \$916 flat, ~~of which \$119 shall be deposited~~  
 339 ~~into the General Revenue Fund.~~  
 340 (k) Gross vehicle weight of 62,000 pounds or more, but less  
 341 than 72,000 pounds: \$1,080 flat, ~~of which \$140 shall be~~  
 342 ~~deposited into the General Revenue Fund.~~  
 343 (l) Gross vehicle weight of 72,000 pounds or more: \$1,322  
 344 flat, ~~of which \$171.50 shall be deposited into the General~~  
 345 ~~Revenue Fund.~~  
 346 (m) Notwithstanding the declared gross vehicle weight, a  
 347 truck tractor used within a 150-mile radius of its home address  
 348 is eligible for a license plate for a fee of \$324 flat if:  
 349 1. The truck tractor is used exclusively for hauling  
 350 forestry products; or  
 351 2. The truck tractor is used primarily for the hauling of

Page 12 of 18

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16-00298D-17

2017654\_\_

352 forestry products, and is also used for the hauling of  
 353 associated forestry harvesting equipment used by the owner of  
 354 the truck tractor.

355  
 356 ~~Of the fee imposed by this paragraph, \$42 shall be deposited~~  
 357 ~~into the General Revenue Fund.~~

358 (n) A truck tractor or heavy truck, not operated as a for-  
 359 hire vehicle, which is engaged exclusively in transporting raw,  
 360 unprocessed, and nonmanufactured agricultural or horticultural  
 361 products within a 150-mile radius of its home address, is  
 362 eligible for a restricted license plate for a fee of:

363 1. If such vehicle's declared gross vehicle weight is less  
 364 than 44,000 pounds, \$87.75 flat, ~~of which \$11.38 shall be~~  
 365 ~~deposited into the General Revenue Fund.~~

366 2. If such vehicle's declared gross vehicle weight is  
 367 44,000 pounds or more and such vehicle only transports from the  
 368 point of production to the point of primary manufacture; to the  
 369 point of assembling the same; or to a shipping point of a rail,  
 370 water, or motor transportation company, \$324 flat, ~~of which \$42~~  
 371 ~~shall be deposited into the General Revenue Fund.~~

372  
 373 Such not-for-hire truck tractors and heavy trucks used  
 374 exclusively in transporting raw, unprocessed, and  
 375 nonmanufactured agricultural or horticultural products may be  
 376 incidentally used to haul farm implements and fertilizers  
 377 delivered direct to the growers. The department may require any  
 378 documentation deemed necessary to determine eligibility prior to  
 379 issuance of this license plate. For the purpose of this  
 380 paragraph, "not-for-hire" means the owner of the motor vehicle

16-00298D-17

2017654\_\_

381 must also be the owner of the raw, unprocessed, and  
 382 nonmanufactured agricultural or horticultural product, or the  
 383 user of the farm implements and fertilizer being delivered.

384 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;  
 385 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

386 (a)1. A semitrailer drawn by a GVW truck tractor by means  
 387 of a fifth-wheel arrangement: \$13.50 flat per registration year  
 388 or any part thereof, ~~of which \$1.75 shall be deposited into the~~  
 389 ~~General Revenue Fund.~~

390 2. A semitrailer drawn by a GVW truck tractor by means of a  
 391 fifth-wheel arrangement: \$68 flat per permanent registration, ~~of~~  
 392 ~~which \$9 shall be deposited into the General Revenue Fund.~~

393 (b) A motor vehicle equipped with machinery and designed  
 394 for the exclusive purpose of well drilling, excavation,  
 395 construction, spraying, or similar activity, and which is not  
 396 designed or used to transport loads other than the machinery  
 397 described above over public roads: \$44 flat, ~~of which \$5.75~~  
 398 ~~shall be deposited into the General Revenue Fund.~~

399 (c) A school bus used exclusively to transport pupils to  
 400 and from school or school or church activities or functions  
 401 within their own county: \$41 flat, ~~of which \$5.50 shall be~~  
 402 ~~deposited into the General Revenue Fund.~~

403 (d) A wrecker, as defined in s. 320.01, which is used to  
 404 tow a vessel as defined in s. 327.02, a disabled, abandoned,  
 405 stolen-recovered, or impounded motor vehicle as defined in s.  
 406 320.01, or a replacement motor vehicle as defined in s. 320.01:  
 407 \$41 flat, ~~of which \$5.50 shall be deposited into the General~~  
 408 ~~Revenue Fund.~~

409 (e) A wrecker that is used to tow any nondisabled motor

16-00298D-17 2017654

410 vehicle, a vessel, or any other cargo unless used as defined in  
411 paragraph (d), as follows:

412 1. Gross vehicle weight of 10,000 pounds or more, but less  
413 than 15,000 pounds: \$118 flat, ~~of which \$15.50 shall be~~  
414 ~~deposited into the General Revenue Fund.~~

415 2. Gross vehicle weight of 15,000 pounds or more, but less  
416 than 20,000 pounds: \$177 flat, ~~of which \$23 shall be deposited~~  
417 ~~into the General Revenue Fund.~~

418 3. Gross vehicle weight of 20,000 pounds or more, but less  
419 than 26,000 pounds: \$251 flat, ~~of which \$32.50 shall be~~  
420 ~~deposited into the General Revenue Fund.~~

421 4. Gross vehicle weight of 26,000 pounds or more, but less  
422 than 35,000 pounds: \$324 flat, ~~of which \$42 shall be deposited~~  
423 ~~into the General Revenue Fund.~~

424 5. Gross vehicle weight of 35,000 pounds or more, but less  
425 than 44,000 pounds: \$405 flat, ~~of which \$52.50 shall be~~  
426 ~~deposited into the General Revenue Fund.~~

427 6. Gross vehicle weight of 44,000 pounds or more, but less  
428 than 55,000 pounds: \$772 flat, ~~of which \$100 shall be deposited~~  
429 ~~into the General Revenue Fund.~~

430 7. Gross vehicle weight of 55,000 pounds or more, but less  
431 than 62,000 pounds: \$915 flat, ~~of which \$118.50 shall be~~  
432 ~~deposited into the General Revenue Fund.~~

433 8. Gross vehicle weight of 62,000 pounds or more, but less  
434 than 72,000 pounds: \$1,080 flat, ~~of which \$140 shall be~~  
435 ~~deposited into the General Revenue Fund.~~

436 9. Gross vehicle weight of 72,000 pounds or more: \$1,322  
437 flat, ~~of which \$171.50 shall be deposited into the General~~  
438 ~~Revenue Fund.~~

16-00298D-17 2017654

439 (f) A hearse or ambulance: \$40.50 flat, ~~of which \$5.25~~  
440 ~~shall be deposited into the General Revenue Fund.~~

441 (6) MOTOR VEHICLES FOR HIRE.—

442 (a) Under nine passengers: \$17 flat, ~~of which \$2.25 shall~~  
443 ~~be deposited into the General Revenue Fund; plus \$1.50 per cwt,~~  
444 ~~of which 25 cents shall be deposited into the General Revenue~~  
445 ~~Fund.~~

446 (b) Nine passengers and over: \$17 flat, ~~of which \$2.25~~  
447 ~~shall be deposited into the General Revenue Fund; plus \$2 per~~  
448 ~~cwt, of which 25 cents shall be deposited into the General~~  
449 ~~Revenue Fund.~~

450 (7) TRAILERS FOR PRIVATE USE.—

451 (a) Any trailer weighing 500 pounds or less: \$6.75 flat per  
452 year or any part thereof, ~~of which 88 cents shall be deposited~~  
453 ~~into the General Revenue Fund.~~

454 (b) Net weight over 500 pounds: \$3.50 flat, ~~of which 50~~  
455 ~~cents shall be deposited into the General Revenue Fund; plus \$1~~  
456 ~~per cwt, of which 13 cents shall be deposited into the General~~  
457 ~~Revenue Fund.~~

458 (8) TRAILERS FOR HIRE.—

459 (a) Net weight under 2,000 pounds: \$3.50 flat, ~~of which 50~~  
460 ~~cents shall be deposited into the General Revenue Fund; plus~~  
461 ~~\$1.50 per cwt, of which 25 cents shall be deposited into the~~  
462 ~~General Revenue Fund.~~

463 (b) Net weight 2,000 pounds or more: \$13.50 flat, ~~of which~~  
464 ~~\$1.75 shall be deposited into the General Revenue Fund; plus~~  
465 ~~\$1.50 per cwt, of which 25 cents shall be deposited into the~~  
466 ~~General Revenue Fund.~~

467 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

16-00298D-17

2017654\_\_

468 (a) A travel trailer or fifth-wheel trailer, as defined by  
 469 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27  
 470 flat, ~~of which \$3.50 shall be deposited into the General Revenue~~  
 471 ~~Fund.~~

472 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:  
 473 \$13.50 flat, ~~of which \$1.75 shall be deposited into the General~~  
 474 ~~Revenue Fund.~~

475 (c) A motor home, as defined by s. 320.01(1)(b)4.:  
 476 1. Net weight of less than 4,500 pounds: \$27 flat, ~~of which~~  
 477 ~~\$3.50 shall be deposited into the General Revenue Fund.~~  
 478 2. Net weight of 4,500 pounds or more: \$47.25 flat, ~~of~~  
 479 ~~which \$6.13 shall be deposited into the General Revenue Fund.~~

480 (d) A truck camper as defined by s. 320.01(1)(b)3.:  
 481 1. Net weight of less than 4,500 pounds: \$27 flat, ~~of which~~  
 482 ~~\$3.50 shall be deposited into the General Revenue Fund.~~  
 483 2. Net weight of 4,500 pounds or more: \$47.25 flat, ~~of~~  
 484 ~~which \$6.13 shall be deposited into the General Revenue Fund.~~

485 (e) A private motor coach as defined by s. 320.01(1)(b)5.:  
 486 1. Net weight of less than 4,500 pounds: \$27 flat, ~~of which~~  
 487 ~~\$3.50 shall be deposited into the General Revenue Fund.~~  
 488 2. Net weight of 4,500 pounds or more: \$47.25 flat, ~~of~~  
 489 ~~which \$6.13 shall be deposited into the General Revenue Fund.~~

490 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised  
 491 motor vehicle dealer, independent motor vehicle dealer, marine  
 492 boat trailer dealer, or mobile home dealer and manufacturer  
 493 license plate: \$17 flat, ~~of which \$2.25 shall be deposited into~~  
 494 ~~the General Revenue Fund.~~

495 (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or  
 496 official license plate: \$4 flat, ~~of which 50 cents shall be~~

Page 17 of 18

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

16-00298D-17

2017654\_\_

497 ~~deposited into the General Revenue Fund.~~

498 (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor  
 499 vehicle for hire operated wholly within a city or within 25  
 500 miles thereof: \$17 flat, ~~of which \$2.25 shall be deposited into~~  
 501 ~~the General Revenue Fund; plus \$2 per cwt, of which 25 cents~~  
 502 ~~shall be deposited into the General Revenue Fund.~~

503 (15) TRANSPORTER.—Any transporter license plate issued to a  
 504 transporter pursuant to s. 320.133: \$101.25 flat, ~~of which~~  
 505 ~~\$13.13 shall be deposited into the General Revenue Fund.~~

506 Section 3. Except as otherwise expressly provided in this  
 507 act, this act shall take effect July 1, 2019.

Page 18 of 18

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/14/17  
Meeting Date

654  
Bill Number (if applicable)

Topic Transportation Funding

Amendment Barcode (if applicable)

Name Mike Hill

Job Title Area Manager

Address 6401 W Lighthaupt

Phone 813-310 6721

Street

Tampa  
City

FL  
State

33625  
Zip

Email mhill@glfusa.com

Speaking:  For  Against  Information

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

Representing GLF Const.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/14/17

Meeting Date

SB 654

Bill Number (if applicable)

Topic Transportation Funding

Amendment Barcode (if applicable)

Name Bob Burleson

Job Title President

Address 1007 E De Soto Park Dr.

Phone 850-591-5877

Street

Tallahassee FL 32301

Email bburleson@ftba.com

City

State

Zip

Speaking:  For  Against  Information

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

Representing Florida Transportation Builders' 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.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/14/17  
Meeting Date

654  
Bill Number (if applicable)

Topic Transportation

Amendment Barcode (if applicable)

Name Justin Day

Job Title Director

Address 761 S. Howard Ave, Suite 106-326 Phone 850 222 8900  
Street

Tampa FL 33606  
City State Zip

Email jd@cardenespartners.com

Speaking:  For  Against  Information

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

Representing Associated Industries of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

03/15/17

*Meeting Date*

654

*Bill Number (if applicable)*

Topic Transportation

*Amendment Barcode (if applicable)*

Name Jim Cordero

Job Title Director of Governmental Affairs

Address 1007 E. De Soto Park Drive, Suite 201

Phone 850-222-7300

*Street*

Tallahassee

Florida

32301

Email jcordero@acaf.org

*City*

*State*

*Zip*

Speaking:  For  Against  Information

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

Representing Asphalt Contractors Association of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

**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.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 718

INTRODUCER: Transportation Committee and Senator Powell

SUBJECT: Vessel Registrations

DATE: March 15, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	<b>Fav/CS</b>
2.			AFT	
3.			AP	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 718 reduces state vessel registration fees for recreational vessels equipped with a qualifying emergency position-indicating radio beacon or whose owner owns a qualifying personal locator beacon. The beacon must be registered with the National Oceanic and Atmospheric Administration (NOAA) to receive the reduced vessel registration fee.

The bill removes a provision from law that indicates a reduced vessel registration fee applies only to applicable vessels registered beginning July 1, 2016, and ending June 30, 2017. The bill also removes language that provides that the reduced vessel registration fee provisions expire July 1, 2017. These changes make the registration fee reductions permanent for qualifying vessel owners.

The bill is estimated to have an insignificant fiscal impact to vessel registration revenue.

The bill takes effect July 1, 2017.

**II. Present Situation:**

**Vessel Registration**

The term “vessel” is synonymous with boat and includes every description of watercraft, barge, or airboat, other than a seaplane on the water, used or capable of being used as a means of

transportation on water.<sup>1</sup> Vessels operated, used, or stored on the waters of this state must be registered with the Department of Highway Safety and Motor Vehicles (DHSMV) as a commercial or recreational<sup>2</sup> vessel, unless:

- The vessel is operated, used, and stored exclusively on private lakes and ponds;
- The vessel is owned by the U.S. Government;
- The vessel is used exclusively as a ship's lifeboat; or
- The vessel is non-motor-powered and less than 16 feet in length or a non-motor-powered canoe, kayak, racing shell, or rowing scull, regardless of length.<sup>3</sup>

Section 328.72(12), F.S., provides that vessel registration periods are for 12 or 24 months. An individual who owns a vessel is eligible to register the vessel for a 12 or 24-month period that begins the first day of the birth month of the owner and ends the last day of the month preceding the owner's birth month. The registration period for vessels owned by companies, corporations, governmental entities, and registrations issued to dealers and manufacturers is July 1 to June 30.<sup>4</sup>

The base registration fee for vessels is determined by the length of the vessel. The vessel registration fee for a 12-month period is as follows:

- *Class A-1*: Less than 12 feet in length and all canoes to which propulsion motors have been attached, regardless of length: \$5.50;
- *Class A-2*: 12 feet or more and less than 16 feet in length: \$16.25;
- *Class 1*: 16 feet or more and less than 26 feet in length: \$28.75;
- *Class 2*: 26 feet or more and less than 40 feet in length: \$78.25;
- *Class 3*: 40 feet or more and less than 65 feet in length: \$127.75;
- *Class 4*: 65 feet or more and less than 110 feet in length: \$152.75;
- *Class 5*: 110 feet or more in length: \$189.75; and
- *Dealer Registration Certificate*: \$25.50.

Additionally, any county may impose an annual registration fee on vessels registered, operated, used, or stored on waters within its jurisdiction. This fee is 50 percent of the applicable state registration fee<sup>5</sup>, and the first \$1 of every registration must be remitted to the state for deposit into the Save the Manatee Trust Fund.<sup>6</sup> The Optional County Fee is retained by the county where the vessel is registered and is to be used for patrol, regulation, and maintenance of the lakes, rivers, and waters and for other boating-related activities within the county.<sup>7</sup> According to the DHSMV, the counties of Broward, Charlotte, Collier, Dade, Hillsborough, Lee, Manatee, Monroe, Palm Beach, Pinellas, Polk, Sarasota, and Volusia charge the Optional County Fee.<sup>8</sup>

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<sup>1</sup> Section 327.02(43), F.S.

<sup>2</sup> Section 327.02(37), F.S. defines a "recreational vessel" as a vessel manufactured and used primarily for noncommercial purposes, or a vessel leased, rented, or chartered to a person for his or her noncommercial use.

<sup>3</sup> Section 328.48(2), F.S.

<sup>4</sup> Section 328.72(12)(c)2., F.S.

<sup>5</sup> As listed in s. 328.72(1), F.S.

<sup>6</sup> Section 328.66, F.S.

<sup>7</sup> *Id.*

<sup>8</sup> See Department of Highway Safety and Motor Vehicles, *Vessel Registration Chart* (June 2016), available at: <http://www3.flhsmv.gov/dmv/proc/fees/fees-04.pdf> (last visited Mar. 6, 2017).

### ***Reduced Vessel Registration Fees***

In 2016, the Florida Legislature passed a law to reduce state vessel registration fees for recreational vessels equipped with an emergency position-indicating radio beacon<sup>9</sup>, or for a recreational vessel owner who owns a personal locator beacon<sup>10</sup> for vessels registered beginning July 1, 2016, and ending June 30, 2017.<sup>11</sup> This reduction in fees expires July 1, 2017.

A person who qualifies for the reduced vessel registration must provide sufficient proof to the Department of Highway Safety and Motor Vehicles (DHSMV) to receive such discounted registration. Sufficient proof must contain:

- The name of the beacon owner;
- The expiration date of the beacon's administration;
- The unique identification number of the beacon; and
- For vessels equipped with an emergency position-indicating radio beacon, identification of the vessel equipped with the beacon.

The reduced registration fees for a 12-month period are as follows:

- *Class A-1*: Less than 12 feet in length and all canoes to which propulsion motors have been attached, regardless of length: \$4.24;
- *Class A-2*: 12 feet or more and less than 16 feet in length: \$13.77;
- *Class 1*: 16 feet or more and less than 26 feet in length: \$24.83;
- *Class 2*: 26 feet or more and less than 40 feet in length: \$68.56;
- *Class 3*: 40 feet or more and less than 65 feet in length: \$112.31;
- *Class 4*: 65 feet or more and less than 110 feet in length: \$134.41; and
- *Class 5*: 110 feet or more in length: \$141.15.

Section 328.72(18)(e), F.S., provides that for each qualifying reduced vessel registration, an amount equal to the difference between the discounted amount paid and full registration fee is transferred from the General Revenue Fund to the DHSMV, and is distributed as provided by law.<sup>12</sup>

For the time period July 2016 through January 2017, 407 vessels were registered at the reduced vessel registration rate.<sup>13</sup> As of January 9, 2017, there were 833,561 vessels registered with the DHSMV.<sup>14</sup>

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<sup>9</sup> Section 328.72(18)(a) defines "emergency position-indicating radio beacon" as a device installed on the vessel being registered that transmits distress signals at a frequency between 406.0 and 406.1 MHz, is manufactured by a company approved to manufacture beacons by the International Cospas-Sarsat Programme, and is registered with the NOAA.

<sup>10</sup> Section 328.72(18)(a) defines "personal locator beacon" as a device designed to be carried by an individual that transmits distress signals at a frequency between 406.0 and 406.1 MHz, is manufactured by a company approved to manufacture beacons by the International Cospas-Sarsat Programme, and is registered with the NOAA.

<sup>11</sup> Chapter 2016-126, Laws of Fla.; s. 328.72(18)(c), F.S., provides that a person who owns a personal locator beacon and more than one recreational vessel qualifies for the reduced vessel registration fee for only one such vessel.

<sup>12</sup> See s. 328.76, F.S.

<sup>13</sup> Revenue Estimating Conference, *Analysis of HB 711/SB 718 – Vessel Registrations* (Feb. 24, 2017), available at [http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2017/\\_pdf/page177-178.pdf](http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2017/_pdf/page177-178.pdf) (last visited Mar. 7, 2017).

<sup>14</sup> DHSMV website, *Current Vehicles Registered* (Jan. 9, 2017), [http://www.flhsmv.gov/pdf/vehicle-vesselreports/cvr\\_01\\_2017.pdf](http://www.flhsmv.gov/pdf/vehicle-vesselreports/cvr_01_2017.pdf) (last visited Mar. 9, 2017).

## NOAA Search and Rescue Satellite Aided Tracking

The National Oceanic and Atmospheric Administration (NOAA) operates the nation's Search and Rescue Satellite Aided Tracking (SARSAT) system to detect mariners, aviators, and others all over the globe by using satellites in low-earth and geostationary orbits to detect and locate beacon-users in distress.<sup>15</sup>

The United States and the governments of Canada, France, and Russia have an agreement to provide for long-term operation of the COSPAS-SARSAT<sup>16</sup> Program, which also provides space-based relay of distress signals or alerts from emergency beacons. The program provides alerts to search and rescue authorities internationally.

Ground stations are called Local User Terminals (LUTs), which are satellite-receiving units. LUTs are fully automated and unmanned. When an LUT receives a distress signal detected by satellite, it is transmitted to the mission control center (MCC) that operates that particular LUT. The MCC collects, stores, and sorts alerts from LUTs and other MCCs and distributes the alerts to search and rescue authorities and other MCCs.<sup>17</sup>

## Locator Beacons

The emergency beacons used to detect those in distress operate only in the 406.0 to 406.1 megahertz (MHz) frequency band to transmit digital messages to satellites for transmission to the appropriate LUT. The frequency is restricted to low power satellite emergency position-indicating beacons in the mobile satellite service. According to NOAA, two types of 406 MHz emergency beacons are:

- *Emergency Position-Indicating Radio Beacons*, or EPIRBs:
  - An EPIRB is an emergency position-indicating radio beacon used in maritime watercraft that can be automatically or manually activated to transmit a distress signal to a satellite. EPIRBs that activate automatically typically have a hydrostatic release mechanism that, when immersed, allows the beacon to release from its bracket, float to the surface and start transmitting. The beacon, along with the bracket, has to sink to approximately 3 meters before it will activate automatically; and
- *Personal Locator Beacons*, or PLBs:
  - A PLB is a personal locator beacon designed to be carried by an individual that can only be activated manually. PLBs can be used by people operating in remote areas.<sup>18</sup>

According to NOAA, the average cost of a global positioning system (GPS)-equipped EPIRB is \$800; the average cost of a PLB is \$300.<sup>19</sup>

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<sup>15</sup> See the NOAA SARSAT website, <http://www.sarsat.noaa.gov/index.html> (last visited Mar. 7, 2017).

<sup>16</sup> COSPAS is a Russian acronym for "Space System for Search of Vessels in Distress." See the SARSAT FAQ website, <http://www.sarsat.noaa.gov/faq%202.html> (last visited Mar. 7, 2017).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> NOAA website, *What's New at SARSAT*, <http://www.sarsat.noaa.gov/new.html> (last visited Mar. 7, 2017).

**Registration of Beacons with NOAA**

Registration of a 406 MHz emergency beacon, and subsequent updating of the information, is free and required by Title 47 of the Code of Federal Regulations, part 80 for EPIRBs and part 95 for PLBs. Information provided in a registration is used by search and rescue authorities, along with the distress signal from the beacon, solely to help locate and rescue those in distress. NOAA provides an online system for initial and updated beacon registrations, and registrations must be renewed every two years.<sup>20</sup>

**III. Effect of Proposed Changes:**

The bill reduces state vessel registration fees for recreational vessels equipped with a qualifying EPIRB or whose owner owns a qualifying PLB. The beacon must be registered with the NOAA to receive the reduced vessel registration fee.

The bill removes a provision from law that indicates a reduced vessel registration fee applies only to applicable vessels registered beginning July 1, 2016, and ending June 30, 2017, and removes language that provides that the reduced vessel registration fee provisions expire July 1, 2017. These changes would make the registration fee reductions provided in this bill permanent for qualifying vessel owners.

This reduction in fees may increase the amount of vessels or owners of vessels equipped with locator beacons. The registration fees are reduced as follows:

<b>Recreational Vessel Registration Fees for Each 12-Month Period</b>		
<i>Class of Vessel</i>	<i>Current Base Fee</i>	<i>Reduced Base Fee</i>
Class A-1	\$5.50	\$2.95
Class A-2	\$16.25	\$11.00
Class 1	\$28.75	\$20.40
Class 2	\$78.25	\$57.50
Class 3	\$127.75	\$94.95
Class 4	\$152.75	\$113.40
Class 5	\$189.75	\$141.15

The bill takes effect July 1, 2017.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

<sup>20</sup> See *supra* note 15; NOAA prefers owners register beacons online at [www.beaconregistration.noaa.gov](http://www.beaconregistration.noaa.gov), however individuals may also mail or fax signed registration forms.

C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

The bill reduces recreational vessel registration fees for vehicles equipped with or whose owners own certain registered locator beacons. The Revenue Estimating Conference (REC) reviewed the bill on February 24, 2017, and estimated the bill will reduce the total sum of recreational vessel registration fees collected by the DHSMV by about \$12,600 in Fiscal Year 2017-2018, with the reduction increasing incrementally to nearly \$14,000 by Fiscal Year 2021-2022.<sup>21</sup>

The actual reduction in fees collected will depend on the number of vessel owners and the size of their vessels that qualify for the reduced fee. As currently provided in s. 328.72(18)(e), F.S., for each qualifying reduced vessel registration, an amount equal to the difference between the reduced fee amount paid and the full registration fee is transferred from the General Revenue Fund to the DHSMV, and is distributed in the same manner as other vessel registration fee revenue.<sup>22</sup>

B. Private Sector Impact:

Individuals who have certain locator beacons registered with NOAA will receive a discount in recreational vessel registration fees.

C. Government Sector Impact:

The bill is estimated to have an insignificant negative impact to state government.<sup>23</sup>

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends section 328.72 of the Florida Statutes.

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<sup>21</sup> Revenue Estimating Conference, *Analysis of HB 711/SB 718 – Vessel Registrations* (Feb. 24, 2017), available at [http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2017/\\_pdf/page177-178.pdf](http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2017/_pdf/page177-178.pdf) (last visited Mar. 7, 2017).

<sup>22</sup> See s. 328.76, F.S., for vessel registration fee revenue distributions.

<sup>23</sup> *Id.*

**IX. Additional Information:**

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

**CS by Transportation on March 14, 2017:**

The CS removes from the bill a recurring appropriation of \$500,000 from the General Revenue Fund to the Fish and Wildlife Conservation Commission for deposit in the Marine Resources Conservation Trust Fund.

- B. **Amendments:**

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2017	.	
	.	
	.	
	.	

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The Committee on Transportation (Powell) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 80 - 86.

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

And the title is amended as follows:

Delete line 7

and insert:

expiration date; providing

By Senator Powell

30-01067-17

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1                                   A bill to be entitled  
 2       An act relating to vessel registrations; amending s.  
 3       328.72, F.S.; revising a reduction of vessel  
 4       registration fees for recreational vessels equipped  
 5       with certain position indicating and locating beacons;  
 6       deleting a registration date limitation; deleting an  
 7       expiration date; providing an appropriation; providing  
 8       an effective date.  
 9  
 10   Be It Enacted by the Legislature of the State of Florida:  
 11  
 12       Section 1. Subsection (18) of section 328.72, Florida  
 13   Statutes, is amended to read:  
 14       328.72 Classification; registration; fees and charges;  
 15   surcharge; disposition of fees; fines; marine turtle stickers.—  
 16       (18) REDUCED VESSEL REGISTRATION FEE.—  
 17       (a) As used in this subsection, the term:  
 18       1. "Emergency position-indicating radio beacon" means a  
 19   device installed on the vessel being registered that:  
 20       a. Transmits distress signals at a frequency between 406.0  
 21   and 406.1 MHz;  
 22       b. Is manufactured by a company approved to manufacture  
 23   beacons by the International Cospas-Sarsat Programme; and  
 24       c. Is registered with the United States National Oceanic  
 25   and Atmospheric Administration.  
 26       2. "Full registration fee amount" means the registration  
 27   fee as provided in subsection (1) and not the reduced vessel  
 28   registration fee specified in this subsection.  
 29       3. "Personal locator beacon" means a device designed to be  
 30   carried by an individual that:  
 31       a. Transmits distress signals at a frequency between 406.0  
 32   and 406.1 MHz;

Page 1 of 3

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33                                   b. Is manufactured by a company approved to manufacture  
 34   beacons by the International Cospas-Sarsat Programme; and  
 35                                   c. Is registered with the United States National Oceanic  
 36   and Atmospheric Administration.  
 37                                   (b) The registration certificate fee imposed under  
 38   subsection (1) for a recreational vessel equipped with an  
 39   emergency position-indicating radio beacon, or for a  
 40   recreational vessel the owner of which owns a personal locator  
 41   beacon, shall be reduced to the following amounts for each 12-  
 42   month period registered:  
 43                                   1. Class A-1—~~\$2.95~~ \$4.24.  
 44                                   2. Class A-2—~~\$11.00~~ \$13.77.  
 45                                   3. Class 1—~~\$20.40~~ \$24.83.  
 46                                   4. Class 2—~~\$57.50~~ \$68.56.  
 47                                   5. Class 3—~~\$94.95~~ \$112.31.  
 48                                   6. Class 4—~~\$113.40~~ \$134.41.  
 49                                   7. Class 5—~~\$141.15~~ \$167.11.  
 50                                   (c) A person who owns a personal locator beacon and who  
 51   owns more than one recreational vessel qualifies to pay the  
 52   reduced fee under paragraph (b) for only one such vessel.  
 53                                   (d) In order to qualify for reduced registration fees under  
 54   this subsection, a vessel owner must, at the time of  
 55   registration, demonstrate that the vessel is equipped with an  
 56   emergency position-indicating radio beacon or that the vessel  
 57   owner owns a personal locator beacon. The Department of Highway  
 58   Safety and Motor Vehicles may adopt rules specifying what  
 59   constitutes sufficient proof to qualify for reduced registration  
 60   fees under this subsection, but such proof must contain, at a  
 61   minimum, the following:

Page 2 of 3

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- 62 1. The name of the beacon owner.  
63 2. The expiration date of the beacon's registration.  
64 3. The unique identification number of the beacon.  
65 4. For vessels equipped with an emergency position-  
66 indicating radio beacon, identification of the vessel equipped  
67 with the beacon.

68 (e) For each vessel registration qualifying for reduced  
69 registration fees under this subsection, an amount equal to the  
70 difference between the full registration fee amount and the  
71 actual amount of registration fee paid for such vessel  
72 registration shall be transferred from the General Revenue Fund  
73 to the Department of Highway Safety and Motor Vehicles and shall  
74 be distributed pursuant to s. 328.76.

75 ~~(f) The reduced registration certificate fee amounts~~  
76 ~~provided in this subsection apply only to applicable vessels~~  
77 ~~registered during the period beginning July 1, 2016, and ending~~  
78 ~~June 30, 2017.~~

79 ~~(g) This subsection expires July 1, 2017.~~

80 Section 2. For the 2017-2018 fiscal year, the sum of  
81 \$500,000 in recurring funds is appropriated from the General  
82 Revenue Fund to the Fish and Wildlife Conservation Commission  
83 for deposit in the Marine Resources Conservation Trust Fund.  
84 These funds shall be used for the sole purpose of offsetting the  
85 reduction in the base vessel registration fees as provided by  
86 this act.

87 Section 3. This act shall take effect July 1, 2017.

**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.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 720

INTRODUCER: Senator Mayfield

SUBJECT: Central Florida Expressway Authority

DATE: March 14, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	<b>Favorable</b>
2.			EE	
3.			RC	

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**I. Summary:**

SB 720 adds Brevard County to the Central Florida Expressway Authority (CFX) by:

- Increasing the number of governing body members from nine to ten;
- Adding the Brevard County Commission chair to the list of chairs authorized to appoint a member to the CFX;
- Adding Brevard County to the list of counties the citizens of which may be appointed by the Governor to serve on the authority;
- Adding the geographical boundary of Brevard County to the area served by the CFX;
- Increasing the number of members constituting a quorum from five to six; and
- Adding Brevard County to the list of counties outside the jurisdictional boundaries of which the CFX may undertake the specified activities with the consent of the county within whose jurisdiction the activities occur, to conform to changes made by the act.

The bill has no apparent fiscal impact on state or local governments.

The bill takes effect July 1, 2017.

**II. Present Situation:**

**Central Florida Expressway Authority**

The Legislature created the Orlando-Orange County Expressway Authority in 1963 for the purpose of construction and operation of an expressway road system in Central Florida.<sup>1</sup> The OOCEA was granted the power to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards in Orange County, as well as in any consenting county within whose jurisdiction the activities occurred.

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<sup>1</sup> Chapter 63-573, L.O.F.

In 2014, the Legislature re-named the OOCEA as the Central Florida Expressway Authority (CFX) and transferred governance and control, legal rights and powers, responsibilities, terms, and obligations of the former OOCEA to the CFX, an agency of the state. The area served by the CFX was expanded to include Seminole, Lake, and Osceola Counties, in addition to Orange County.<sup>2</sup> The CFX has the right to acquire, hold, construct, improve, maintain, operate, own, and lease the CFX system.<sup>3</sup>

With the consent of the county within whose jurisdiction the activities occur, the CFX also has the power to construct, operate, and maintain roads, bridges, avenues of access, transportation facilities, thoroughfares, and boulevards outside the jurisdictional boundaries of Orange, Seminole, Lake, and Osceola Counties, together with the right to construct, repair, replace, operate, install, and maintain electronic toll payment systems thereon.<sup>4</sup>

Currently, the CFX governing body consists of the following nine members:

- The chairs of the Seminole, Lake, and Osceola County Commissions appoint one member each from the respective counties, who must be a commission member or chair or the county mayor;
- The Mayor of Orange County appoints one member from the Orange County Commission;
- The Governor appoints three members, each of whom must be a citizen of either Orange, Seminole, Lake, or Osceola County and is subject to Senate confirmation;
- The eighth member must be the Orange County Mayor; and
- The ninth member must be City of Orlando Mayor.<sup>5</sup>

The executive director of the Florida Turnpike Enterprise serves as a non-voting advisor. Members hold office until a successor has been appointed and qualified.<sup>6</sup> Each member appointed by the Governor serves for 4 years, and each county-appointed member serves for 2 years.

### **East Central Florida Corridor Task Force**

In 2013, the Governor by Executive Order<sup>7</sup> created the East Central Florida Corridor Task Force, which developed recommendations on future transportation corridor planning in portions of Brevard, Orange, and Osceola counties. In its final report, the Task Force included in its recommendations:

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<sup>2</sup> Chapter 2014-171, L.O.F.

<sup>3</sup> Section 348.754(1), F.S. According to the CFX, the system serves a region with more than 2.3 million residents and an estimated 60 million annual visitors and includes 109 centerline miles, 741 lane miles (including ramps, 59 interchanges, 285 bridges, and 14 mainline toll plazas. No taxes support the CFX's operations; tolls support the entire system. The system includes State Roads 408, 414, 417, 429, 451, and 528. See the CFX website available at: <https://www.cfxway.com/agency-information/agency-overview/about-cfx/>. (Last visited March 6, 2017.)

<sup>4</sup> Section 348.754(2)(n), F.S.

<sup>5</sup> Section 348.753(3), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> See Executive Order 13-319 available at: [http://ecfcorridortaskforce.org/doc/meeting\\_1/EO%2013-319.pdf](http://ecfcorridortaskforce.org/doc/meeting_1/EO%2013-319.pdf). (Last visited March 6, 2017.)

- Identifying future investment needs to maximize the use of and add capacity to existing east-west corridors between Orange, Osceola, and Brevard Counties;
- Conducting one or more evaluation studies of potential new east-west corridors between Orange, Osceola, and Brevard Counties; and
- Improving north-south connectivity in eastern Orange and Osceola Counties, which could connect to improved or new east-west corridors linking Orange and Osceola Counties to Brevard County.<sup>8</sup>

### Supporting Resolutions

On February 7, 2017, the Brevard County Board of County Commissioners approved a resolution supporting HB 299, which is identical to SB 720.<sup>9</sup> The Space Coast Transportation Planning Organization likewise passed a resolution supporting the inclusion of Brevard County as a member of the CFX on February 9, 2017.<sup>10</sup> The CFX Governing Board approved its supporting resolution on March 9, 2017.<sup>11</sup>

### III. Effect of Proposed Changes:

The bill incorporates Brevard County into the CFX as follows:

**Section 1** of the bill amends s. 348.753(3), F.S., increasing the number of members on the CFX governing board from nine to ten members. The chair of the Brevard County Commission is directed to appoint one member from Brevard County, who must also be a commission member or chair or the county mayor. The Governor's three citizen appointees must now be residents of either Orange County, Seminole County, Lake County, *or* Brevard County.

This section of the bill also amends s. 348.753(4), F.S., increasing from five to six the number of members constituting a quorum and the number of votes required for any action taken by the CFX governing body.

**Section 2** of the bill amends s. 348.754(1)(a) and (2)(n), F.S., respectively:

- Adding the geographical boundary of Brevard County to the area served by the CFX; and
- Adding Brevard County to the list of counties outside the jurisdictional boundaries of which the CFX may undertake the specified activities with the consent of the county within whose jurisdiction the activities occur to conform to changes made by the act.

**Section 3** of the bill provides the bill take effect on July 1, 2017.

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<sup>8</sup> See the Task Force Final Report available at: [http://ecfcorridortaskforce.org/doc/ECFCTF\\_FinalReport\\_signed.pdf](http://ecfcorridortaskforce.org/doc/ECFCTF_FinalReport_signed.pdf). (Last visited March 6, 2017.)

<sup>9</sup> Copy on file in the Senate Transportation Committee.

<sup>10</sup> Copy on file in the Senate Transportation Committee.

<sup>11</sup> Copy on file in the Senate Transportation Committee.

**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:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends the following sections of the Florida Statutes: 348.753 and 348.754.

**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.

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

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By Senator Mayfield

17-00346-17

2017720\_\_

A bill to be entitled

An act related to the Central Florida Expressway Authority; amending s. 348.753, F.S.; increasing the number of members making up the governing body of the Central Florida Expressway Authority; adding the chair of the board of the county commission of Brevard County to the list of chairs authorized to appoint a member to the authority; adding Brevard County to the list of counties the citizens of which may be appointed by the Governor to serve on the authority; requiring six members of the authority to constitute a quorum; requiring the vote of six members for any action taken by the authority; amending s. 348.754, F.S.; adding the geographical boundary of Brevard County to the area served by the authority; conforming a provision to changes made by the act; providing an effective date.

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

Section 1. Subsection (3) and paragraph (a) of subsection (4) of section 348.753, Florida Statutes, are amended to read:

348.753 Central Florida Expressway Authority.—

(3) The governing body of the authority shall consist of 10 ~~nine~~ members. The chairs of the boards of the county commissions of Seminole, Lake, Brevard, and Osceola Counties shall each appoint one member from his or her respective county, who must be a commission member or chair or the county mayor. The Mayor of Orange County shall appoint a member from the Orange County Commission. Subject to confirmation by the Senate during the next regular session of the Legislature, the Governor shall appoint three citizen members, each of whom must be a resident

Page 1 of 3

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

17-00346-17

2017720\_\_

of either Orange County, Seminole County, Lake County, Brevard County, or Osceola County. Refusal or failure of the Senate to confirm an appointment shall create a vacancy. The Mayor of Orange County and the Mayor of the City of Orlando shall also serve as members. The executive director of the Florida Turnpike Enterprise shall serve as a nonvoting advisor to the governing body of the authority. Each member appointed by the Governor shall serve for 4 years, with his or her term ending on December 31 of his or her last year of service. Each county-appointed member shall serve for 2 years. Each appointed member shall hold office until his or her successor has been appointed and has qualified. A vacancy occurring during a term must be filled only for the balance of the unexpired term. Each appointed member of the authority must be a person of outstanding reputation for integrity, responsibility, and business ability, but, except as provided in this subsection, a person who is an officer or employee of a municipality or county may not be an appointed member of the authority. Any member of the authority is eligible for reappointment.

(4) (a) The authority shall elect one of its members as the chair of the authority, one of its members as vice chair, and one of its members as treasurer. The chair, vice chair, and treasurer shall hold such offices at the will of the authority. Six ~~Five~~ members of the authority constitute a quorum, and the vote of six ~~five~~ members is required for any action taken by the authority. A vacancy in the authority does not impair the right of a quorum of the authority to exercise all of the rights and perform all of the duties of the authority.

Section 2. Paragraph (a) of subsection (1) and paragraph

Page 2 of 3

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

17-00346-17

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62 (n) of subsection (2) of section 348.754, Florida Statutes, are  
63 amended to read:

64 348.754 Purposes and powers.—

65 (1) (a) The authority created and established under this  
66 part is granted and has the right to acquire, hold, construct,  
67 improve, maintain, operate, own, and lease in the capacity of  
68 lessor the Central Florida Expressway System, hereinafter  
69 referred to as "system." Except as otherwise specifically  
70 provided by law, including paragraph (2) (n), the area served by  
71 the authority shall be within the geographical boundaries of  
72 Orange, Seminole, Lake, Brevard, and Osceola Counties.

73 (2) The authority may exercise all powers necessary,  
74 appurtenant, convenient, or incidental to the implementation of  
75 the stated purposes, including, but not limited to, the  
76 following rights and powers:

77 (n) With the consent of the county within whose  
78 jurisdiction the following activities occur, the authority shall  
79 have the right to construct, operate, and maintain roads,  
80 bridges, avenues of access, transportation facilities,  
81 thoroughfares, and boulevards outside the jurisdictional  
82 boundaries of Orange, Seminole, Lake, Brevard, and Osceola  
83 Counties, together with the right to construct, repair, replace,  
84 operate, install, and maintain electronic toll payment systems  
85 thereon.

86 Section 3. 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)

3/14/17 Meeting Date

700 Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Gary Hunter

Job Title Attorney

Address 119 S. Monroe St.

Phone 222-7500

Tallahassee FL 32301 City State Zip

Email garyh@hgsllaw.com

Speaking: [X] For [ ] Against [ ] Information

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

Representing Farmland Reserve

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

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

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 994

INTRODUCER: Transportation Committee and Senator Rouson

SUBJECT: Specialty License Plates

DATE: March 15, 2017

REVISED: \_\_\_\_\_

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

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 994 directs the Department of Highway Safety and Motor Vehicles (DHSMV) to develop eight National Pan-Hellenic Council Sorority or Fraternity specialty license plates. The bill establishes a \$25 annual use fee for each plate, and it provides the distribution and use of fees collected from the sale of each plate.

The DHSMV estimates programming and implementation will cost \$53,190. The DHSMV is authorized to retain revenues from the first proceeds of sales to defray departmental costs.

The bill takes effect October 1, 2017.

**II. Present Situation:**

**Specialty License Plates**

Presently, there are over 120 specialty license plates available for purchase in Florida.<sup>1</sup> Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service

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<sup>1</sup> A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited Feb. 14, 2017).

fees.<sup>2</sup> The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute.<sup>3</sup>

In order to establish a specialty license plate, s. 320.08053, F.S., requires the plate must first be adopted into statute. Upon becoming law:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue pre-sale vouchers for the approved specialty license plate; and
- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing may begin.

If, at the end of the 24-month pre-sale period, the minimum sales requirement has not been met, the DHSMV will discontinue the plate and issuance of the pre-sale voucher. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.<sup>4</sup>

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.<sup>5</sup> Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.<sup>6</sup>

### ***DHSMV Costs Defrayed***

The DHSMV retains sufficient annual use fees, from the sale of the specialty plates, to defray its costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.<sup>7</sup>

### ***Discontinuance of Specialty Plates***

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000 plates. Collegiate plates are exempt from the minimum plate requirement.<sup>8</sup> The specialty license plate must also be discontinued if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.<sup>9</sup>

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<sup>2</sup> Section 320.08056, F.S.

<sup>3</sup> Section 320.08058, F.S.

<sup>4</sup> Section 320.08053(2)(b), F.S.

<sup>5</sup> Section 320.08056(10)(a), F.S.

<sup>6</sup> Section 320.08062, F.S.

<sup>7</sup> Section 320.08056(7), F.S.

<sup>8</sup> Section 320.08056(8)(a), F.S.

<sup>9</sup> Section 320.08056(8)(b), F.S.

### **National Pan-Hellenic Council<sup>10</sup>**

The National Pan-Hellenic Council was formed in 1930, and is composed of nine International Greek letter Sororities and Fraternities. The council “promotes interaction through forums, meetings and other mediums for the exchange of information and engages in cooperative programming and initiatives through various activities and functions.”

### **United Negro College Fund (UNCF)<sup>11</sup>**

In 1944, UNCF was founded to help more African American students attend and graduate from college. The UNCF accomplishes this goal by awarding scholarships, providing financial support to 37 historically black colleges and universities, and by advocating for the importance of minority education and community engagement.

Other organizations receiving money from the sale of the proposed sorority or fraternity specialty plate are described in s. III “Effect of Proposed Changes” under their corresponding plate.

### **III. Effect of Proposed Changes:**

The bill directs the DHSMV to create a National Pan-Hellenic Council Sorority or Fraternity plate for each of the following organizations:

- Alpha Phi Alpha Fraternity, Inc.;
- Omega Psi Phi Fraternity, Inc.;
- Kappa Alpha Psi Fraternity, Inc.;
- Phi Beta Sigma Fraternity, Inc.;
- Zeta Phi Beta Sorority, Inc.;
- Delta Sigma Theta Sorority, Inc.;
- Alpha Kappa Alpha, Inc.; and
- Sigma Gamma Rho Sorority, Inc.

The plates must bear the colors and design approved by the DHSMV, with the “Florida” at the top of the plate, and the name of the respective sorority or fraternity at the bottom of the plate.

Each plate will have a \$25 annual use fee. Annual use fees from the sale of each specialty license plate are distributed as follows:

- Five percent to the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- Ten percent to the plate’s corresponding organization to market the plate; and
- Eighty-five percent to the plate’s corresponding organization to promote community awareness and action through educational, economic, and cultural service activities within Florida.

<sup>10</sup> National Pan-Hellenic Council website, *Our History*, available at <http://www.nphcq.org/quantum/our-history/> (last visited Feb. 24, 2017).

<sup>11</sup> See United Negro College Fund website, <https://www.uncf.org/> (last visited Feb. 24, 2017).

### **Alpha Phi Alpha Fraternity License Plate**

Ninety-five percent of the annual use fees from the sale of the plate are distributed to the Florida Federation of Alpha Chapters.

#### ***Florida Federation of Alpha Chapters***<sup>12</sup>

Alpha Phi Alpha “develops leaders, promotes brotherhood and academic excellence, while providing service and advocacy for our communities.” The Fraternity’s programs and projects include community outreach mentoring initiatives.

According to corporate filings with the Department of State, The Florida Federation of Alpha Chapters, Inc. voluntarily dissolved its Florida corporation in 2012.<sup>13</sup>

### **Omega Psi Phi Fraternity License Plate**

Ninety-five percent of the annual use fees from the sale of the plate are distributed to the State of Florida Omega Friendship Foundation, Inc.

#### ***State of Florida Omega Friendship Foundation, Inc.***

Omega Psi Phi Fraternity, Inc. was the first international fraternal organization to be founded on the campus of a historically black college. Founded in 1911, at Howard University, “Manhood, Scholarship, Perseverance and Uplift” were adopted as cardinal principles of the organization.<sup>14</sup>

According to corporate filings with the Department of State, the corporation was organized to work and uplift humanity, mentor youth, sponsor blood drives, raise money for scholarships and charitable causes, and encourage members to make a difference in the lives of Black people.<sup>15</sup>

### **Kappa Alpha Psi Fraternity License Plate**

Ninety-five percent of the annual use fees from the sale of the plate are distributed to the Southern Province of Kappa Alpha Psi Fraternity, Inc.

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<sup>12</sup> See Florida Federation of Alpha Chapters website, <http://flfederation.org/about-us/> (last visited Feb. 24, 2017).

<sup>13</sup> See Department of State – Division of Corporations, *The Florida Federation of Alpha Chapters, Inc.* <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=FLORIDAFEDERATIONALPHACHAPTERS%207667210&aggregateId=domnp-766721-dab6eb78-11a9-47b0-b1ec-1eeea3ac1b98&searchTerm=florida%20federation%20of%20alpha%20chapters&listNameOrder=FLORIDAFEDERATIONALPHACHAPTERS%207667210> (last visited Mar. 7, 2017).

<sup>14</sup> See Omega Friendship Foundation, Inc. website, [http://oppf.org/about\\_omega.asp](http://oppf.org/about_omega.asp) (last visited Jan. 29, 2016).

<sup>15</sup> See Department of State – Division of Corporations, *The State of Florida Omega Friendship Foundation, Inc.* (Dec. 2008) <http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2008%5C1212%5C38662819.Tif&documentNumber=N08000011146> (last visited Feb. 24, 2017).

***Southern Province of Kappa Alpha Psi Fraternity, Inc.***<sup>16</sup>

Kappa Alpha Psi was founded in 1911, on the campus of Indiana University at Bloomington, Indiana. The objectives of this fraternity are to:

- Unite men of culture, patriotism, and honor in a bond of fraternity;
- Encourage honorable achievement in every field of human endeavor;
- Promote the spiritual, social, intellectual, and moral welfare of members;
- Assist the aims and purposes of colleges and universities; and
- Inspire service in the public interest.

According to corporate filings with the Department of State, the Southern Province of Kappa Alpha Psi Foundation, Inc. was organized to support the charitable and educational activities of the Kappa Alpha Psi fraternal organization.<sup>17</sup>

**Phi Beta Sigma Fraternity License Plate**

Ninety-five percent of the annual use fees from the sale of the plate are distributed to the TMB Charitable Foundation, Inc..

***TMB Charitable Foundation, Inc.***<sup>18</sup>

According to corporate filings with the Department of State, the Foundation's principal address is in Tallahassee, Florida. The Foundation is a not-for-profit corporation "operated exclusively for charitable purposes, including, without limitation, acting as an instrument to which youth are encouraged and inspired to achieve academic success through mentoring."

**Zeta Phi Beta Sorority License Plate**

Ninety-five percent of the annual use fees from the sale of the plate are distributed to The Florida Pearls, Inc.

***The Florida Pearls, Inc.***<sup>19</sup>

The Florida Pearls, Inc. is a not-for-profit corporation established to provide Florida communities with scholarships, health initiative programs, cultural and humanities program, youth programs, and feeding the hungry programs.

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<sup>16</sup> See Southern Province Kappa Alpha Psi Fraternity, Inc. website, <http://southernprovince.org/> (last visited Feb. 27, 2017).

<sup>17</sup> See Department of State – Division of Corporations, *Southern Province of Kappa Alpha Psi Foundation, Inc.* (July 2002), <http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2002%5C0723%5C50481755.tif&documentNumber=N02000005456> (last visited Feb. 24, 2017).

<sup>18</sup> See Department of State – Division of Corporations, *TMB Charitable Foundation, Inc.* (April 2014) <http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2014%5C0411%5C5864134.9.Tif&documentNumber=N14000003486> (last visited Feb. 27, 2017).

<sup>19</sup> The Florida Pearls, Incorporated, brochure, available at: <http://www.zphibfl.org/Forms/Brochure-%20The%20Florida%20Pearls,%20Inc..pdf> (last visited Feb. 27, 2017).

According to corporate filings with the Department of State, the corporation was organized “to provide Scholarships, Educational, Cultural, Community Workshops, and Training Programs in the State of Florida.”<sup>20</sup>

### **Delta Sigma Theta Sorority License Plate**

Ninety-five percent of the annual use fees from the sale of the plate are distributed to the Delta Research and Educational Foundation.

#### ***Delta Research and Educational Foundation***<sup>21</sup>

The Delta Research and Educational Foundation is a charitable, not-for-profit organization under s. 501(c)(3) of the Internal Revenue Code. Delta Sigma Theta Sorority established the Foundation in 1967. The Foundation’s mission is to promote “research which identifies and fashions solutions to issues affecting African American women and their families, nationally and globally through funding and support of programs of the sorority and collaborative organizations.”

### **Alpha Kappa Alpha Sorority License Plate**

Ninety-five percent of the annual use fees from the sale of the plate are distributed to the Alpha Kappa Alpha Educational Advancement Foundation, Inc.

#### ***Alpha Kappa Alpha Educational Advancement Foundation, Inc.***

The Alpha Kappa Alpha Educational Advancement Foundation, Inc. is a charitable, not-for-profit organization under s. 501(c)(3) of the Internal Revenue Code. In 1980, the Foundation was created by the Alpha Kappa Alpha Sorority, Inc. The mission of the Foundation “is to promote lifelong learning. This is accomplished by securing charitable contributions, gifts and endowed funds to award scholarships, fellowships and grants.”<sup>22</sup>

### **Sigma Gamma Rho Sorority License Plate**

Ninety-five percent of the annual use fees from the sale of the plate are distributed to the Sigma Gamma Rho Sorority Education Fund, Inc.

#### ***Sigma Gamma Rho Sorority National Education Fund, Inc.***<sup>23</sup>

The Sigma Gamma Rho Sorority National Education Fund, Inc. is a charitable, not-for-profit organization under s. 501(c)(3) of the Internal Revenue Code. The Fund was developed by the Sigma Gamma Rho Sorority. Its mission is to provide scholarship aid to needy students and to

<sup>20</sup> See Department of State – Division of Corporations, *The Florida Pearls, Incorporated* (Dec. 2009), <http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2009%5C1229%5C63408512.Tif&documentNumber=N09000012079> (last visited Feb. 27, 2017).

<sup>21</sup> See Delta Sigma Theta Sorority website, *Delta Research and Education Foundation*, [http://www.deltasigmatheta.org/programs\\_delta\\_foundation.html](http://www.deltasigmatheta.org/programs_delta_foundation.html) (last visited Feb. 27, 2017).

<sup>22</sup> Alpha Kappa Alpha Educational Advancement Foundation website, <http://www.akaef.org/> (last visited Feb. 27, 2017).

<sup>23</sup> See Sigma Gamma Rho Sorority, *National Education Fund*, <http://sgrho1922.celect.org/nef> (last visited Feb. 27, 2017).

conduct educational programs, workshops, symposiums, and forums to enhance the quality of life.

**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:

None.

B. Private Sector Impact:

Individuals who choose to purchase a National Pan-Hellenic Council Sorority or Fraternity specialty license plate will pay a \$25 annual use fee in addition to appropriate license taxes and fees. Organizations will receive revenue from each corresponding specialty license plate purchase.

C. Government Sector Impact:

The DHSMV estimates programming and implementation of the plate will cost \$53,190.<sup>24</sup> The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.<sup>25</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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<sup>24</sup> DHSMV, *2017 Agency Legislative Bill Analysis: HB 29* (Jan. 12, 2017) (on file with the Senate Committee on Transportation).

<sup>25</sup> Section 320.08056(7), F.S.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 320.08056 and 320.08058.

**IX. Additional Information:**

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

**CS by Transportation on March 14, 2017:**

The CS makes technical changes and adds language indicating proceeds from the sale of the specialty license plates are to be used within Florida. The CS also removes language authorizing the DHSMV to retain start-up costs of the plates. This language is unnecessary due to the required specialty license plate presale process and the DHSMV's current authority to defray its specialty license plate program costs.

- B. **Amendments:**

None.



566696

LEGISLATIVE ACTION

Senate

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House

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The Committee on Transportation (Rouson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraphs (ffff) through (mmmm) are added to  
subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be  
collected for the appropriate specialty license plates:

(ffff) Alpha Phi Alpha Fraternity license plate, \$25.



566696

- 11 (gggg) Omega Psi Phi Fraternity license plate, \$25.
- 12 (hhhh) Kappa Alpha Psi Fraternity license plate, \$25.
- 13 (iiii) Phi Beta Sigma Fraternity license plate, \$25.
- 14 (jjjj) Zeta Phi Beta Sorority license plate, \$25.
- 15 (kkkk) Delta Sigma Theta Sorority license plate, \$25.
- 16 (llll) Alpha Kappa Alpha Sorority license plate, \$25.
- 17 (mmmm) Sigma Gamma Rho Sorority license plate, \$25.

18 Section 2. Subsections (84) through (91) are added to  
19 section 320.08058, Florida Statutes, to read:

20 320.08058 Specialty license plates.—

21 (84) ALPHA PHI ALPHA FRATERNITY LICENSE PLATES.—

22 (a) The department shall develop an Alpha Phi Alpha  
23 Fraternity license plate as provided in this section and s.  
24 320.08053. The plate must bear the colors and design approved by  
25 the department. The word "Florida" must appear at the top of the  
26 plate, and the name of the fraternity must appear at the bottom  
27 of the plate.

28 (b) The annual use fees from the sale of the plate shall be  
29 distributed as follows:

30 1. Ten percent shall be distributed to the Florida  
31 Federation of Alpha Chapters, Inc., and used solely for  
32 marketing of the Alpha Phi Alpha Fraternity license plate.

33 2. Eighty-five percent shall be distributed to the Florida  
34 Federation of Alpha Chapters, Inc., and used to promote  
35 community awareness and action through educational, economic,  
36 and cultural service activities within Florida.

37 3. Five percent shall be distributed to the United Negro  
38 College Fund, Inc., to be used for college scholarships for  
39 Florida residents attending Florida's historically black



566696

40 colleges and universities.

41 (85) OMEGA PSI PHI FRATERNITY LICENSE PLATES.—

42 (a) The department shall develop an Omega Psi Phi  
43 Fraternity license plate as provided in this section and s.  
44 320.08053. The plate must bear the colors and design approved by  
45 the department. The word "Florida" must appear at the top of the  
46 plate, and the name of the fraternity must appear at the bottom  
47 of the plate.

48 (b) The annual use fees from the sale of the plate shall be  
49 distributed as follows:

50 1. Ten percent shall be distributed to the State of Florida  
51 Omega Friendship Foundation, Inc., and used solely for marketing  
52 of the Omega Psi Phi Fraternity license plate.

53 2. Eighty-five percent shall be distributed to the State of  
54 Florida Omega Friendship Foundation, Inc., and used to promote  
55 community awareness and action through educational, economic,  
56 and cultural service activities within Florida.

57 3. Five percent shall be distributed to the United Negro  
58 College Fund, Inc., to be used for college scholarships for  
59 Florida residents attending Florida's historically black  
60 colleges and universities.

61 (86) KAPPA ALPHA PSI FRATERNITY LICENSE PLATES.—

62 (a) The department shall develop a Kappa Alpha Psi  
63 Fraternity license plate as provided in this section and s.  
64 320.08053. The plate must bear the colors and design approved by  
65 the department. The word "Florida" must appear at the top of the  
66 plate, and the name of the fraternity must appear at the bottom  
67 of the plate.

68 (b) The annual use fees from the sale of the plate shall be



566696

69 distributed as follows:

70 1. Ten percent shall be distributed to the Southern  
71 Province of Kappa Alpha Psi Foundation, Inc., and used solely  
72 for marketing of the Kappa Alpha Psi Fraternity license plate.

73 2. Eighty-five percent shall be distributed to the Southern  
74 Province of Kappa Alpha Psi Foundation, Inc., and used to  
75 promote community awareness and action through educational,  
76 economic, and cultural service activities within Florida.

77 3. Five percent shall be distributed to the United Negro  
78 College Fund, Inc., to be used for college scholarships for  
79 Florida residents attending Florida's historically black  
80 colleges and universities.

81 (87) PHI BETA SIGMA FRATERNITY LICENSE PLATES.-

82 (a) The department shall develop a Phi Beta Sigma  
83 Fraternity license plate as provided in this section and s.  
84 320.08053. The plate must bear the colors and design approved by  
85 the department. The word "Florida" must appear at the top of the  
86 plate, and the name of the fraternity must appear at the bottom  
87 of the plate.

88 (b) The annual use fees from the sale of the plate shall be  
89 distributed as follows:

90 1. Ten percent shall be distributed to TMB Charitable  
91 Foundation, Inc., and used solely for marketing of the Phi Beta  
92 Sigma Fraternity license plate.

93 2. Eighty-five percent shall be distributed to TMB  
94 Charitable Foundation, Inc., and used to promote community  
95 awareness and action through educational, economic, and cultural  
96 service activities within Florida.

97 3. Five percent shall be distributed to the United Negro



566696

98 College Fund, Inc., to be used for college scholarships for  
99 Florida residents attending Florida's historically black  
100 colleges and universities.

101 (88) ZETA PHI BETA SORORITY LICENSE PLATES.-

102 (a) The department shall develop a Zeta Phi Beta Sorority  
103 license plate as provided in this section and s. 320.08053. The  
104 plate must bear the colors and design approved by the  
105 department. The word "Florida" must appear at the top of the  
106 plate, and the name of the sorority must appear at the bottom of  
107 the plate.

108 (b) The annual use fees from the sale of the plate shall be  
109 distributed as follows:

110 1. Ten percent shall be distributed to Florida Pearls,  
111 Inc., and used solely for marketing of the Zeta Phi Beta  
112 Sorority license plate.

113 2. Eighty-five percent shall be distributed to Florida  
114 Pearls, Inc., and used to promote community awareness and action  
115 through educational, economic, and cultural service activities  
116 within Florida.

117 3. Five percent shall be distributed to the United Negro  
118 College Fund, Inc., to be used for college scholarships for  
119 Florida residents attending Florida's historically black  
120 colleges and universities.

121 (89) DELTA SIGMA THETA SORORITY LICENSE PLATES.-

122 (a) The department shall develop a Delta Sigma Theta  
123 Sorority license plate as provided in this section and s.  
124 320.08053. The plate must bear the colors and design approved by  
125 the department. The word "Florida" must appear at the top of the  
126 plate, and the name of the sorority must appear at the bottom of



566696

127 the plate.

128 (b) The annual use fees from the sale of the plate shall be  
129 distributed as follows:

130 1. Ten percent shall be distributed to the Delta Research  
131 and Educational Foundation, Inc., and used solely for marketing  
132 of the Delta Sigma Theta Sorority license plate.

133 2. Eighty-five percent shall be distributed to the Delta  
134 Research and Educational Foundation, Inc., and used to promote  
135 community awareness and action through educational, economic,  
136 and cultural service activities within Florida.

137 3. Five percent shall be distributed to the United Negro  
138 College Fund, Inc., to be used for college scholarships for  
139 Florida residents attending Florida's historically black  
140 colleges and universities.

141 (90) ALPHA KAPPA ALPHA SORORITY LICENSE PLATES.—

142 (a) The department shall develop an Alpha Kappa Alpha  
143 Sorority license plate as provided in this section and s.  
144 320.08053. The plate must bear the colors and design approved by  
145 the department. The word "Florida" must appear at the top of the  
146 plate, and the name of the sorority must appear at the bottom of  
147 the plate.

148 (b) The annual use fees from the sale of the plate shall be  
149 distributed as follows:

150 1. Ten percent shall be distributed to the Alpha Kappa  
151 Alpha Educational Advancement Foundation, Inc., and used solely  
152 for marketing of the Alpha Kappa Alpha Sorority license plate.

153 2. Eighty-five percent shall be distributed to the Alpha  
154 Kappa Alpha Educational Advancement Foundation, Inc., and used  
155 to promote community awareness and action through educational,



566696

156 economic, and cultural service activities within Florida.  
157 3. Five percent shall be distributed to the United Negro  
158 College Fund, Inc., to be used for college scholarships for  
159 Florida residents attending Florida's historically black  
160 colleges and universities.  
161 (91) SIGMA GAMMA RHO SORORITY LICENSE PLATES.—  
162 (a) The department shall develop a Sigma Gamma Rho Sorority  
163 license plate as provided in this section and s. 320.08053. The  
164 plate must bear the colors and design approved by the  
165 department. The word "Florida" must appear at the top of the  
166 plate, and the name of the sorority must appear at the bottom of  
167 the plate.  
168 (b) The annual use fees from the sale of the plate shall be  
169 distributed as follows:  
170 1. Ten percent shall be distributed to the Sigma Gamma Rho  
171 Sorority National Education Fund, Inc., and used solely for  
172 marketing of the Sigma Gamma Rho Sorority license plate.  
173 2. Eighty-five percent shall be distributed to the Sigma  
174 Gamma Rho Sorority National Education Fund, Inc., and used to  
175 promote community awareness and action through educational,  
176 economic, and cultural service activities within Florida.  
177 3. Five percent shall be distributed to the United Negro  
178 College Fund, Inc., to be used for college scholarships for  
179 Florida residents attending Florida's historically black  
180 colleges and universities.

181 Section 3. This act shall take effect October 1, 2017.

182  
183 ===== T I T L E A M E N D M E N T =====

184 And the title is amended as follows:



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185           Delete everything before the enacting clause  
186 and insert:

187                               A bill to be entitled  
188           An act relating to specialty license plates; amending  
189           ss. 320.08056 and 320.08058, F.S.; directing the  
190           Department of Highway Safety and Motor Vehicles to  
191           develop certain specialty license plates; establishing  
192           an annual use fee for the plates; providing for  
193           distribution and use of fees collected from the sale  
194           of the plates; providing an effective date.

By Senator Rouson

19-00633-17

2017994\_\_

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08056, F.S.; establishing an annual use fee for National Pan-Hellenic Council Sorority or Fraternity license plates; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop the license plates; providing for distribution and use of fees collected from the sale of the plates; providing an effective date.

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

Section 1. Paragraph (ffff) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(ffff) National Pan-Hellenic Council Sorority or Fraternity license plate, \$25.

Section 2. Subsection (84) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(84) NATIONAL PAN-HELLENIC COUNCIL SORORITY OR FRATERNITY LICENSE PLATES.—The department shall develop a National Pan-Hellenic Council Sorority or Fraternity license plate as provided in this section and s. 320.08053 for each of the sororities and fraternities specified in this subsection. National Pan-Hellenic Council Sorority or Fraternity license plates must bear the colors and design approved by the

Page 1 of 7

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

19-00633-17

2017994\_\_

department. The word "Florida" must appear at the top of the plate, and the name of the respective sorority or fraternity must appear at the bottom of the plate.

(a) Alpha Phi Alpha Fraternity, Inc.—The department shall retain all annual use fees from the sale of such plates until all startup costs for developing and issuing the plates have been recovered. Thereafter, the annual use fees from the sale of the plate shall be distributed as follows:

1. Ten percent shall be distributed to the Florida Federation of Alpha Chapters, a charitable, not-for-profit organization under s. 501(c)(3) of the Internal Revenue Code, and used solely for marketing of the Alpha Phi Alpha Fraternity, Inc., license plate.

2. Eighty-five percent shall be distributed to the Florida Federation of Alpha Chapters and used to promote community awareness and action through educational, economic, and cultural service activities.

3. Five percent shall be distributed to the United Negro College Fund to be used for college scholarships for Florida residents attending historically black colleges and universities.

(b) Omega Psi Phi Fraternity, Inc.—The department shall retain all annual use fees from the sale of such plates until all startup costs for developing and issuing the plates have been recovered. Thereafter, the annual use fees from the sale of the plate shall be distributed as follows:

1. Ten percent shall be distributed to the State of Florida Omega Friendship Foundation, Inc., a charitable, not-for-profit organization under s. 501(c)(3) of the Internal Revenue Code,

Page 2 of 7

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

19-00633-17 2017994\_\_

59 and used solely for marketing of the Omega Psi Phi Fraternity,  
60 Inc., license plate.

61 2. Eighty-five percent shall be distributed to the State of  
62 Florida Omega Friendship Foundation, Inc., and used to promote  
63 community awareness and action through educational, economic,  
64 and cultural service activities.

65 3. Five percent shall be distributed to the United Negro  
66 College Fund to be used for college scholarships for Florida  
67 residents attending historically black colleges and  
68 universities.

69 (c) Kappa Alpha Psi Fraternity, Inc.—The department shall  
70 retain all annual use fees from the sale of such plates until  
71 all startup costs for developing and issuing the plates have  
72 been recovered. Thereafter, the annual use fees from the sale of  
73 the plate shall be distributed as follows:

74 1. Ten percent shall be distributed to the Southern  
75 Province of Kappa Alpha Psi Foundation, Inc., a charitable, not-  
76 for-profit organization under s. 501(c)(3) of the Internal  
77 Revenue Code, and used solely for marketing of the Kappa Alpha  
78 Psi Fraternity, Inc., license plate.

79 2. Eighty-five percent shall be distributed to the Southern  
80 Province of Kappa Alpha Psi Foundation, Inc., and used to  
81 promote community awareness and action through educational,  
82 economic, and cultural service activities.

83 3. Five percent shall be distributed to the United Negro  
84 College Fund to be used for college scholarships for Florida  
85 residents attending historically black colleges and  
86 universities.

87 (d) Phi Beta Sigma Fraternity, Inc.—The department shall

19-00633-17 2017994\_\_

88 retain all annual use fees from the sale of such plates until  
89 all startup costs for developing and issuing the plates have  
90 been recovered. Thereafter, the annual use fees from the sale of  
91 the plate shall be distributed as follows:

92 1. Ten percent shall be distributed to TMB Charitable  
93 Foundation, Inc., a charitable, not-for-profit organization  
94 under s. 501(c)(3) of the Internal Revenue Code, and used solely  
95 for marketing of the Phi Beta Sigma Fraternity, Inc., license  
96 plate.

97 2. Eighty-five percent shall be distributed to TMB  
98 Charitable Foundation, Inc., and used to promote community  
99 awareness and action through educational, economic, and cultural  
100 service activities.

101 3. Five percent shall be distributed to the United Negro  
102 College Fund to be used for college scholarships for Florida  
103 residents attending historically black colleges and  
104 universities.

105 (e) Zeta Phi Beta Sorority, Inc.—The department shall  
106 retain all annual use fees from the sale of such plates until  
107 all startup costs for developing and issuing the plates have  
108 been recovered. Thereafter, the annual use fees from the sale of  
109 the plate shall be distributed as follows:

110 1. Ten percent shall be distributed to Florida Pearls,  
111 Inc., a charitable, not-for-profit organization under s.  
112 501(c)(3) of the Internal Revenue Code, and used solely for  
113 marketing of the Zeta Phi Beta Sorority, Inc., license plate.

114 2. Eighty-five percent shall be distributed to Florida  
115 Pearls, Inc., and used to promote community awareness and action  
116 through educational, economic, and cultural service activities.

19-00633-17

2017994

117 3. Five percent shall be distributed to the United Negro  
 118 College Fund to be used for college scholarships for Florida  
 119 residents attending historically black colleges and  
 120 universities.

121 (f) Delta Sigma Theta Sorority, Inc.—The department shall  
 122 retain all annual use fees from the sale of such plates until  
 123 all startup costs for developing and issuing the plates have  
 124 been recovered. Thereafter, the annual use fees from the sale of  
 125 the plate shall be distributed as follows:

126 1. Ten percent shall be distributed to the Delta Research  
 127 and Educational Foundation, a charitable, not-for-profit  
 128 organization under s. 501(c)(3) of the Internal Revenue Code,  
 129 and used solely for marketing of the Delta Sigma Theta Sorority,  
 130 Inc., license plate.

131 2. Eighty-five percent shall be distributed to the Delta  
 132 Research and Educational Foundation and used to promote  
 133 community awareness and action through educational, economic,  
 134 and cultural service activities.

135 3. Five percent shall be distributed to the United Negro  
 136 College Fund to be used for college scholarships for Florida  
 137 residents attending historically black colleges and  
 138 universities.

139 (g) Alpha Kappa Alpha Sorority, Inc.—The department shall  
 140 retain all annual use fees from the sale of such plates until  
 141 all startup costs for developing and issuing the plates have  
 142 been recovered. Thereafter, the annual use fees from the sale of  
 143 the plate shall be distributed as follows:

144 1. Ten percent shall be distributed to the Alpha Kappa  
 145 Alpha Educational Advancement Foundation, Inc., a charitable,

Page 5 of 7

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19-00633-17

2017994

146 not-for-profit organization under s. 501(c)(3) of the Internal  
 147 Revenue Code, and used solely for marketing of the Alpha Kappa  
 148 Alpha Sorority, Inc., license plate.

149 2. Eighty-five percent shall be distributed to Alpha Kappa  
 150 Alpha Educational Advancement Foundation, Inc., and used to  
 151 promote community awareness and action through educational,  
 152 economic, and cultural service activities.

153 3. Five percent shall be distributed to the United Negro  
 154 College Fund to be used for college scholarships for Florida  
 155 residents attending historically black colleges and  
 156 universities.

157 (h) Sigma Gamma Rho Sorority, Inc.—The department shall  
 158 retain all annual use fees from the sale of such plates until  
 159 all startup costs for developing and issuing the plates have  
 160 been recovered. Thereafter, the annual use fees from the sale of  
 161 the plate shall be distributed as follows:

162 1. Ten percent shall be distributed to the Sigma Gamma Rho  
 163 Sorority National Education Fund, Inc., a charitable, not-for-  
 164 profit organization under s. 501(c)(3) of the Internal Revenue  
 165 Code, and used solely for marketing of the Sigma Gamma Rho  
 166 Sorority, Inc., license plate.

167 2. Eighty-five percent shall be distributed to the Sigma  
 168 Gamma Rho Sorority National Education Fund, Inc., and used to  
 169 promote community awareness and action through educational,  
 170 economic, and cultural service activities.

171 3. Five percent shall be distributed to the United Negro  
 172 College Fund to be used for college scholarships for Florida  
 173 residents attending historically black colleges and  
 174 universities.

Page 6 of 7

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19-00633-17

2017994\_\_

175

Section 3. This act shall take effect October 1, 2017.

**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.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 1010

INTRODUCER: Senator Farmer

SUBJECT: Specialty License Plates

DATE: March 13, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	<b>Favorable</b>
2.			ATD	
3.			AP	

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**I. Summary:**

SB 1010 directs the Department of Highway Safety and Motor Vehicles (DHSMV) to develop a Dan Marino Foundation specialty license plate, establishes a \$25 annual use fee for the plate, and provides the distribution and use of fees collected from the sale of the plate.

The DHSMV estimates programming and implementation will cost \$7,245. The DHSMV is authorized to retain revenues from the first proceeds of sales to defray departmental costs.

**II. Present Situation:**

**Specialty License Plates**

Presently, there are over 120 specialty license plates available for purchase in Florida.<sup>1</sup> Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.<sup>2</sup> The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute.<sup>3</sup>

In order to establish a specialty license plate, s. 320.08053, F.S., requires the plate must first be adopted into statute. Upon becoming law:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue pre-sale vouchers for the approved specialty license plate; and

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<sup>1</sup> A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited Feb. 14, 2017).

<sup>2</sup> Section 320.08056, F.S.

<sup>3</sup> Section 320.08058, F.S.

- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing may begin.

If, at the end of the 24-month pre-sale period, the minimum sales requirement has not been met, the DHSMV will discontinue the plate and issuance of the pre-sale voucher. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.<sup>4</sup>

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.<sup>5</sup> Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.<sup>6</sup>

### ***DHSMV Costs Defrayed***

The DHSMV retains sufficient annual use fees, from the sale of the specialty plates, to defray its costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.<sup>7</sup>

### ***Discontinuance of Specialty Plates***

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000 plates. Collegiate plates are exempt from the minimum plate requirement.<sup>8</sup> The specialty license plate must also be discontinued if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.<sup>9</sup>

### **The Dan Marino Foundation<sup>10</sup>**

The Dan Marino Foundation is a nonprofit organization dedicated to improving the lives of persons with autism or other developmental disabilities. The Foundation was founded in 1992, and provides numerous programs and services. These programs and services include:

- Marino Campus, “an intensive 10-month post-secondary educational program to help young adults with autism and other developmental disabilities bridge the gap between high school and employment”;
- ViTA DMF, virtual reality software and curriculum designed to help young adults with autism practice job interviewing skills;

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<sup>4</sup> Section 320.08053(2)(b), F.S.

<sup>5</sup> Section 320.08056(10)(a), F.S.

<sup>6</sup> Section 320.08062, F.S.

<sup>7</sup> Section 320.08056(7), F.S.

<sup>8</sup> Section 320.08056(8)(a), F.S.

<sup>9</sup> Section 320.08056(8)(b), F.S.

<sup>10</sup> See The Dan Marino Foundation website, <https://danmarinofoundation.org/> (last visited Feb. 27, 2017).

- The Marino Autism Research Institute, which funded the science behind the ViTA DMF and funds the Marino Scholars Program at Vanderbilt University; and
- The Nicklaus Children's Dan Marino Outpatient Center.

### **III. Effect of Proposed Changes:**

The bill directs the DHSMV to create a Dan Marino Foundation specialty license plate, with an annual fee of \$25 to be distributed to the Dan Marino Foundation, a Florida nonprofit corporation. The Foundation may use up to ten percent of such fees for administrative costs and marketing of the plate. The remainder of the proceeds shall be used by the Foundation to assist Floridians with developmental disabilities to become employed, independent, and productive, and to promote and fund educational scholarships and awareness of these services.

The plate must bear the colors and design approved by the DHSMV, with the word "Florida" at the top of the plate, and the words "Marino Campus" at the bottom of the plate.

The bill takes effect October 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:**

None.

#### **B. Private Sector Impact:**

Individuals who choose to purchase the Dan Marino Foundation specialty license plate will pay a \$25 annual use fee in addition to appropriate license taxes and fees. The Dan Marino Foundation will receive revenue from each Dan Marino Foundation plate purchase.

**C. Government Sector Impact:**

The DHSMV estimates programming and implementation of a standard specialty license plate will cost \$7,245.<sup>11</sup> The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.<sup>12</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill directs the DHSMV to retain all annual use fees from the sale of the plate until startup costs for developing and issuing the plate have been recovered. This is not necessary due to the presale process required in s. 320.08053, F.S., and the DHSMV's current authority to defray its specialty license plate program costs.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 320.08056 and 320.08058.

**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.

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

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<sup>11</sup> Email from the DHSMV (Feb. 14, 2017) (on file with the Senate Committee on Transportation).

<sup>12</sup> Section 320.08056(7), F.S.

By Senator Farmer

34-00796-17

20171010\_\_

1 A bill to be entitled  
 2 An act relating to specialty license plates; amending  
 3 s. 320.08056, F.S.; establishing an annual use fee for  
 4 the Dan Marino Foundation license plate; amending s.  
 5 320.08058, F.S.; requiring the Department of Highway  
 6 Safety and Motor Vehicles to create a Dan Marino  
 7 Foundation license plate; providing for the  
 8 distribution of use fees received from the sale of  
 9 such plates; providing an effective date.

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

11 Section 1. Paragraph (ffff) is added to subsection (4) of  
 12 section 320.08056, Florida Statutes, to read:

13 320.08056 Specialty license plates.—

14 (4) The following license plate annual use fees shall be  
 15 collected for the appropriate specialty license plates:

16 (ffff) Dan Marino Foundation license plate, \$25.

17 Section 2. Subsection (84) is added to section 320.08058,  
 18 Florida Statutes, to read:

19 320.08058 Specialty license plates.—

20 (84) DAN MARINO FOUNDATION LICENSE PLATES.—

21 (a) The department shall develop a Dan Marino Foundation  
 22 license plate as provided in this section and s. 320.08053. Dan  
 23 Marino Foundation license plates must bear the colors and design  
 24 approved by the department. The word "Florida" must appear at  
 25 the top of the plate, and the words "Marino Campus" must appear  
 26 at the bottom of the plate.

27 (b) The department shall retain all annual use fees from  
 28  
 29

Page 1 of 2

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

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30 the sale of the plate until all startup costs for developing and  
 31 issuing the plate have been recovered. Thereafter, the annual  
 32 use fees from the sale of the plate shall be distributed to the  
 33 Dan Marino Foundation, a Florida nonprofit corporation, which  
 34 may use up to 10 percent of such fees for administrative costs  
 35 and marketing of the plate. The balance of the fees shall be  
 36 used by the Dan Marino Foundation to assist Floridians with  
 37 developmental disabilities to become employed, independent, and  
 38 productive, and to promote and fund educational scholarships and  
 39 awareness of these services.

40 Section 3. This act shall take effect October 1, 2017.

Page 2 of 2

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/14/17  
Meeting Date

1010  
Bill Number (if applicable)

Topic Marino Specialty License Plate

Amendment Barcode (if applicable)

Name Susan Goldstein

Job Title \_\_\_\_\_

Address 3158 Inverness

Phone (954) 830-6300

Weston FL 33332

City State Zip

Email skgoldstein@hotmail.com

Speaking:  For  Against  Information

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

Representing The Dan Marino Foundation

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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



## 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

March 10, 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 March 14, 2017 at 2:00 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](http://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 Transportation Committee

Judge:

Started: 3/14/2017 2:02:15 PM

Ends: 3/14/2017 3:59:55 PM

Length: 01:57:41

2:02:14 PM Meeting called to order by Chair Gainer  
2:02:20 PM Roll call by Administrative Assistant, Marilyn Hudson  
2:02:29 PM Quorum present  
2:02:42 PM Pledge of Allegiance  
2:03:19 PM Introduction of SB 718 by Chair Gainer  
2:03:30 PM Explanation of SB 718 by Senator Powell  
2:04:05 PM Amendment Barcode No. 227844 introduced by Chair Gainer  
2:04:17 PM Explanation of Amendment Barcode No. 227844 by Senator Powell  
2:04:26 PM Comments by Chair Gainer  
2:04:51 PM Closure waived on Amendment Barcode No. 227844 by Senator Powell  
2:05:02 PM Amendment Barcode No. 227844 adopted  
2:05:09 PM Comments by Chair Gainer  
2:05:26 PM Closure waived on CS/SB 718 by Senator Powell  
2:05:56 PM Comments by Chair Gainer  
2:06:01 PM Roll call on CS/SB 718 by Administrative Assistant, Marilyn Hudson  
2:06:10 PM CS/SB 718 reported favorably  
2:06:40 PM Introduction of SB 466 by Chair Gainer  
2:06:59 PM Explanation of SB 466 by Senator Hutson  
2:07:19 PM Comments by Chair Gainer  
2:07:29 PM Question by Senator Rader  
2:07:41 PM Response by Senator Hutson  
2:08:40 PM Question by Senator Rader  
2:08:49 PM Response by Senator Hutson  
2:09:29 PM Introduction to Amendment Barcode No. 122736 by Chair Gainer  
2:09:36 PM Explanation of Amendment Barcode No. 122736 by Senator Hutson  
2:10:00 PM Comments by Chair Gainer  
2:10:08 PM Question by Senator Baxley  
2:10:30 PM Response by Senator Hutson  
2:11:45 PM Question by Senator Baxley  
2:12:04 PM Response by Senator Hutson  
2:12:38 PM Comments by Chair Gainer  
2:14:08 PM Question by Senator Baxley  
2:14:14 PM Response by Senator Hutson  
2:15:02 PM Comments by Chair Gainer  
2:16:07 PM Introduction to Amendment Barcode No. 957306 by Chair Gainer  
2:17:07 PM Explanation of Amendment Barcode No. 957306 by Senator Rouson  
2:17:38 PM Closure waived on Amendment Barcode No. 957306 by Senator Hutson  
2:17:46 PM Comments by Chair Gainer  
2:17:53 PM Amendment Barcode No. 957306 adopted  
2:17:57 PM Comments by Chair Gainer  
2:18:25 PM Gary Hunter, Attorney, Alliance of Automobile Mfgs.  
2:19:58 PM Comments Chair Gainer  
2:20:06 PM Jeff Perry, Director of Public Policy, General Motors  
2:33:05 PM Debate by Chair Gainer  
2:33:17 PM Debate by Jeff Perry  
2:36:09 PM Comments by Chair Gainer  
2:36:55 PM Kelly Mallette, Auto Nation  
2:38:35 PM Comments by Chair Gainer  
2:39:05 PM Closure waived on CS/SB 466 by Senator Hutson  
2:40:05 PM Comments by Chair Gainer  
2:40:17 PM Roll call on CS/SB 466 by Administrative Assistant, Marilyn Hudson  
2:40:26 PM CS/SB reported favorably

2:40:52 PM Introduction of SB 372 by Chair Gainer  
2:41:04 PM Explanation of SB 372 by Senator Stargel  
2:41:19 PM Comments by Chair Gainer  
2:41:27 PM Chris Emmanuel, Policy Director, Florida Chamber of Commerce waives in support  
2:41:37 PM Cissy Procter, Executive Director, Department of Economic Opportunity waives in support  
2:41:52 PM Roll call on SB 372 by Administrative Assistant, Marilyn Hudson  
2:42:02 PM SB 372 reported favorably  
2:42:10 PM Senator Gainer takes up Tab 5, SB 460, Autonomous Vehicles by Senator Brandes  
2:42:26 PM Introduction of Amendment Barcode No. 724448 by Chair Gainer  
2:42:31 PM Explanation of Amendment Barcode No. 724448 by Senator Brandes  
2:44:01 PM Comments by Chair Gainer  
2:44:07 PM Substitute Amendment 581362 is Withdrawn by Senator Brandes  
2:44:28 PM Comments by Chair Gainer  
2:44:55 PM Question by Senator Rader  
2:45:07 PM Response by Senator Brandes  
2:45:25 PM Question by Senator Rader  
2:45:38 PM Response by Senator Brandes  
2:46:53 PM Question by Senator Rader  
2:46:59 PM Response by Senator Brandes  
2:47:15 PM Question by Senator Rader  
2:47:21 PM Response by Senator Brandes  
2:47:31 PM Question by Senator Rader  
2:47:49 PM Response by Senator Brandes  
2:47:55 PM Comments by Chair Gainer  
2:48:09 PM Dale Swope, Florida Justice Association  
2:51:28 PM Comments by Chair Gainer  
2:51:45 PM Question by Senator Rouson  
2:52:04 PM Response by Dale Swope  
2:53:14 PM Comments by Chair Gainer  
2:53:28 PM Comments by Senator Rader  
2:53:33 PM Closure waived on Amendment Barcode No. 724448 by Senator Brandes  
2:55:47 PM Amendment Barcode No. 724448 fails  
2:56:23 PM Comments by Chair Gainer  
2:56:41 PM Leslie Dughi, Starship Technologies waives in support  
2:56:48 PM James Taylor, Executive Director, Florida Technology Council waives in support  
2:56:53 PM Andrew Hosek, Policy Analyst, Americans for Prosperity waives in support  
2:57:02 PM Megan Siyane-Samples, Legislative Advocate, Florida League of Cities waives in support  
2:57:29 PM Roll call on SB 460 by Administrative Assistant, Marilyn Hudson  
2:57:40 PM SB 460 reported favorably  
2:57:51 PM Introduction to SB 654 by Chair Gainer  
2:58:01 PM Sen. Lav\*\* intro  
2:59:10 PM Comments Chair Gainer  
2:59:25 PM Mike Hill, Area Manager, GLF Const. waives in support  
2:59:35 PM Bob Burlison, President, Florida Transportation Builders' Association waives in support  
2:59:38 PM Justin Day, Director, Associated Industries of Florida waives in support  
2:59:41 PM Jim Cordero, Director of Governmental Affairs, Asphalt Contractors Association of Florida waives in support  
2:59:51 PM Closure waived on SB 654 by Senator Latvala  
2:59:57 PM Roll call on SB 645 by Administrative Assistant, Marilyn Hudson  
3:00:06 PM SB 654 reported favorably  
3:00:13 PM Introduction of SB 1010 by Chair Gainer  
3:00:23 PM Explanation of SB 1010 by Senator Farmer  
3:03:25 PM Comments by Chair Gainer  
3:03:40 PM Susan Goldstein, The Dan Marino Foundation waives in support  
3:03:46 PM Comments by Senator Rader  
3:05:15 PM Comments by Senator Rouson  
3:05:40 PM Comments by Chair Gainer  
3:05:49 PM Closure waived on SB 1010 by Senator Farmer  
3:06:03 PM Roll call on SB 1010 by Administrative Assistant, Marilyn Hudson  
3:06:12 PM SB 1010 reported favorably  
3:06:45 PM Introduction to Amendment Barcode No. 566696 by Chair Gainer  
3:06:53 PM Explanation of Amendment Barcode No. 566696 by Senator Rouson

**3:07:03 PM** Comments by Chair Gainer  
**3:07:20 PM** Closure waived on Amendment Barcode No. 566696 by Senator Rouson  
**3:07:34 PM** Amendment Barcode No. 566696 adopted  
**3:07:37 PM** Comments by Chair Gainer  
**3:07:52 PM** Closure waived on CS/SB 994 by Senator Rouson  
**3:08:03 PM** Roll call on CS/SB 994 by Administrative Assistant, Marilyn Hudson  
**3:08:13 PM** CS/SB reported favorably  
**3:08:39 PM** Recording Paused  
**3:42:40 PM** Recording Resumed  
**3:42:48 PM** Meeting called back to order by Chair Gainer  
**3:42:53 PM** Introduction of SB 720 by Chair Gainer  
**3:43:02 PM** Explanation of SB 720 by Senator Mayfield  
**3:44:09 PM** Comments by Chair Gainer  
**3:44:20 PM** Gary Hunter, Attorney, Farmland Reserve waives in support  
**3:44:32 PM** Closure waived on SB 720 by Senator Mayfield  
**3:44:39 PM** Roll call on SB 720 by Administrative Assistant, Marilyn Hudson  
**3:44:50 PM** SB 720 reported favorably  
**3:45:16 PM** Chairman Gainer moves to take up Tab 3, High-Speed Passenger Rail by Senator Mayfield  
**3:45:27 PM** Introduction of Amendment Barcode No. 688612 by Chair Gainer  
**3:46:34 PM** Explanation of Amendment Barcode No. 688612 by Senator Mayfield  
**3:47:21 PM** Introduction to Amendment Barcode No. 678792 by Chair Gainer  
**3:47:24 PM** Explanation of Amendment Barcode No. 678792 by Senator Mayfield  
**3:47:33 PM** Comments by Chair Gainer  
**3:47:43 PM** Kate Cotner, Assistant County Attorney, Indian River County waives in support  
**3:47:47 PM** Bob Solari, County Commissioner, Indian River County waives in support  
**3:48:03 PM** Comments by Chair Gainer  
**3:48:17 PM** Closure on Amendment Barcode No. 678792 by Senator Mayfield  
**3:48:28 PM** Amendment Barcode No. 678792 adopted  
**3:48:43 PM** Question by Senator Rader  
**3:48:54 PM** Response by Senator Mayfield  
**3:50:20 PM** Question by Senator Rouson  
**3:50:40 PM** Response by Senator Mayfield  
**3:51:40 PM** Question by Senator Rouson  
**3:52:02 PM** Response by Senator Mayfield  
**3:52:17 PM** Question by Senator Rouson  
**3:52:46 PM** Comments by Chair Gainer  
**3:53:09 PM** Russell Roberts, Vice President, Florida East Coast Industries/All Aboard Florida  
**3:56:11 PM** Question by Senator Rouson  
**3:56:21 PM** Response by Russell Roberts  
**3:57:05 PM** Comments by Chair Gainer  
**3:57:21 PM** Bob Solari waives in support  
**3:57:24 PM** Kate Cotner waives in support  
**3:57:37 PM** Closure waived on Amendment Barcode No. 688612 by Senator Mayfield  
**3:58:13 PM** Amendment Barcode No. 688612 adopted  
**3:58:17 PM** Comments by Chair Gainer  
**3:58:41 PM** Closure waived on CS/SB 386 by Senator Mayfield  
**3:58:57 PM** Roll call on CS/SB 386 by Administrative Assistant, Marilyn Hudson  
**3:59:11 PM** CS/SB 386 reported favorably  
**3:59:47 PM** Senator Baxley moves to adjourn