

Tab 1	CS/SB 144 by CU, Garcia (CO-INTRODUCERS) Campbell, Perry; (Compare to H 00047) Use of Wireless Communications Devices While Driving					
Tab 2	SB 250 by Artiles; (Similar to H 00777) High-occupancy Toll Lanes and Express Lanes					
613366	A	S	RCS	TR, Artiles	Delete L.27 - 54:	03/23 09:24 AM
Tab 3	SB 284 by Baxley; (Similar to H 00323) Specialty License Plates					
Tab 4	SB 444 by Baxley; (Similar to CS/H 00179) Veteran Identification					
186252	A	S	RCS	TR, Baxley	Delete L.35 - 39:	03/23 09:24 AM
Tab 5	SB 488 by Stargel; (Identical to H 00547) Noncriminal Traffic Infractions					
Tab 6	SB 752 by Flores; (Identical to H 00315) Financing of Fixed-guideway Public Transit Projects					
Tab 7	SB 784 by Gainer (CO-INTRODUCERS) Rouson; (Compare to CS/CS/H 00545) Department of Highway Safety and Motor Vehicles					
137954	D	S	RCS	TR, Gainer	Delete everything after	03/23 09:24 AM
554286	AA	S	RCS	TR, Gainer	Delete L.342:	03/23 09:24 AM
Tab 8	SB 842 by Artiles (CO-INTRODUCERS) Galvano; (Similar to CS/H 00695) South Florida Regional Transportation Authority					
409994	A	S	RCS	TR, Artiles	Delete L.446 - 449.	03/23 09:25 AM
Tab 9	SB 1022 by Stewart (CO-INTRODUCERS) Torres; (Compare to CS/H 00309) License Plates					
521016	D	S	RCS	TR, Stewart	Delete everything after	03/23 09:25 AM
Tab 10	SB 1060 by Rader (CO-INTRODUCERS) Baxley; (Compare to CS/H 01375) Specialty License Plates					
Tab 11	SB 1232 by Stewart; Specialty License Plates					
721098	A	S	RCS	TR, Stewart	Delete L.27 - 30:	03/23 09:25 AM
Tab 12	SB 1390 by Latvala; (Identical to H 01169) Transportation Facility Designations					
Tab 13	SB 1562 by Garcia; (Similar to H 01049) Expressway Authorities					
364330	A	S	L RCS	TR, Garcia	Delete L.64 - 65:	03/23 09:25 AM
172250	A	S	L RCS	TR, Garcia	Delete L.85 - 99:	03/23 09:25 AM
Tab 14	SB 1570 by Garcia; (Identical to H 01387) Express Lanes					
788556	A	S	RCS	TR, Garcia	Delete L.30 - 47:	03/23 09:25 AM
Tab 15	SB 1672 by Latvala (CO-INTRODUCERS) Galvano, Rouson; (Similar to CS/H 01243) Tampa Bay Area Regional Transit Authority					
436012	A	S	RCS	TR, Latvala	Delete L.164 - 238:	03/23 09:25 AM
Tab 16	SB 1678 by Garcia; (Similar to H 01175) Motor Vehicle Dealers					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Gainer, Chair
Senator Rouson, Vice Chair

MEETING DATE: Wednesday, March 22, 2017**TIME:** 4:00—6:00 p.m.**PLACE:** James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building**MEMBERS:** Senator Gainer, Chair; Senator Rouson, Vice Chair; Senators Baxley, Galvano, Hukill, and Rader

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 144 Communications, Energy, and Public Utilities / Garcia (Compare H 47, H 69, S 1742)	Use of Wireless Communications Devices While Driving; Revising the legislative intent relating to the authorization of law enforcement officers to stop motor vehicles and issue citations to persons who are texting while driving; deleting a provision requiring that enforcement of the Florida Ban on Texting While Driving Law be accomplished only as a secondary action; requiring deposit of fines into the Emergency Medical Services Trust Fund, etc. CU 02/07/2017 Temporarily Postponed CU 03/07/2017 Fav/CS TR 03/22/2017 Favorable ATD AP	Favorable Yeas 5 Nays 0
2	SB 250 Artiles (Similar H 777)	High-occupancy Toll Lanes and Express Lanes; Specifying that the Department of Transportation may only collect tolls on high-occupancy toll lanes or express lanes for the discharge of certain bond indebtedness on a project existing before a specified date; requiring that the tolls be eliminated after discharge of the project's bond indebtedness, etc. TR 03/22/2017 Fav/CS ATD AP	Fav/CS Yeas 5 Nays 0
3	SB 284 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 TR 03/22/2017 Favorable ATD AP	Favorable Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Wednesday, March 22, 2017, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 444 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 TR 03/22/2017 Fav/CS MS ATD AP	Fav/CS Yeas 5 Nays 0
5	SB 488 Stargel (Identical H 547)	Noncriminal Traffic Infractions; Requiring a specified reduction for a civil penalty under certain circumstances; requiring a person to pay the clerk of the court the specified percentage previously deducted under certain circumstances, etc. TR 03/22/2017 Favorable ACJ AP	Favorable Yeas 5 Nays 0
6	SB 752 Flores (Identical H 315)	Financing of Fixed-guideway Public Transit Projects; Revising the amount of funding the Department of Transportation may provide for certain phases of fixed-guideway projects not approved for federal funding, etc. TR 03/22/2017 Temporarily Postponed ATD AP	Temporarily Postponed
7	SB 784 Gainer (Compare CS/CS/H 545)	Department of Highway Safety and Motor Vehicles; Revising provisions relating to federal regulations to which owners and drivers of commercial motor vehicles are subject; providing an exemption, beginning on a specified date, of a certain fee for vehicles registered under the International Registration Plan; providing for reimbursement to the department of tuition and other course expenses for certain training under certain circumstances; requiring the department to make available, upon request, a report to each school district of certain information of each student whose driving privileges have been suspended under this section, etc. TR 03/22/2017 Fav/CS ATD AP	Fav/CS Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Wednesday, March 22, 2017, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 842 Artiles (Similar CS/H 695)	South Florida Regional Transportation Authority; Authorizing the South Florida Regional Transportation Authority, in conjunction with the operation of a certain commuter rail service, to have the power to assume specified indemnification and insurance obligations, subject to certain requirements; requiring the Department of Transportation to transfer specified amounts annually from the State Transportation Trust Fund to the authority, etc. TR 03/22/2017 Fav/CS ATD AP	Fav/CS Yeas 5 Nays 0
9	SB 1022 Stewart (Compare CS/H 309, CS/CS/H 545, S 1734)	License Plates; Requiring moneys received from the sale of Woman Veteran license plates to be used for certain purposes; directing the Department of Highway Safety and Motor Vehicles to develop an American Eagle license plate; providing for a special license plate to be issued to a recipient of the Bronze Star; revising disposition of moneys received from the sale of Woman Veteran license plates; requiring the likeness of the Prisoner of War Medal to appear on the Ex-POW license plate, etc. TR 03/22/2017 Fav/CS MS AP	Fav/CS Yeas 5 Nays 0
10	SB 1060 Rader (Compare CS/H 1375)	Specialty License Plates; Establishing an annual use fee for the Florida State Beekeepers Association license plate; directing the Department of Highway Safety and Motor Vehicles to develop a Florida State Beekeepers Association license plate, etc. TR 03/22/2017 Favorable ATD AP	Favorable Yeas 5 Nays 0
11	SB 1232 Stewart	Specialty License Plates; Directing the Department of Highway Safety and Motor Vehicles to develop an Orlando United license plate, etc. TR 03/22/2017 Fav/CS ATD AP	Fav/CS Yeas 5 Nays 0
12	SB 1390 Latvala (Identical H 1169)	Transportation Facility Designations; Providing an honorary designation of a certain transportation facility in a specified county, etc. TR 03/22/2017 Favorable ATD AP	Favorable Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Wednesday, March 22, 2017, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
13	SB 1562 Garcia (Similar H 1049)	Expressway Authorities; Citing this act as the "Toll Reform Act"; requiring toll increases by authorities in certain counties to be justified by an independent study; providing that such authorities may only increase tolls to the extent necessary to adjust for inflation pursuant to a certain procedure for toll rate adjustments; requiring authorities in certain counties to establish a toll rebate program having specified parameters, etc. TR 03/22/2017 Fav/CS ATD AP	Fav/CS Yeas 5 Nays 0
14	SB 1570 Garcia (Identical H 1387)	Express Lanes; Requiring the Department of Transportation to ensure reasonable and practicably feasible entry and exit points on its express lanes and to undertake efforts to expand reasonable and practicably feasible entry and exit points for certain purposes; requiring a toll charged to be the same for the use of express and general toll lanes under certain circumstances, etc. TR 03/22/2017 Fav/CS ATD AP	Fav/CS Yeas 5 Nays 0
15	SB 1672 Latvala (Similar CS/H 1243)	Tampa Bay Area Regional Transit Authority; Creating the Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee to replace the Tampa Bay Area Regional Transportation Authority Metropolitan Planning Organization Chairs Coordinating Committee; revising the definition of the term "authority" to mean the Tampa Bay Area Regional Transit Authority and to include only Hillsborough, Manatee, Pasco, and Pinellas Counties and any other contiguous county that is party to an agreement of participation; creating the Tampa Bay Area Regional Transit Authority, instead of the Tampa Bay Area Regional Transportation Authority, etc. TR 03/22/2017 Fav/CS CA AP	Fav/CS Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Wednesday, March 22, 2017, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
16	SB 1678 Garcia (Similar H 1175, Compare H 1047)	Motor Vehicle Dealers; Providing an exception to the requirement that a specified provision does not affect certain contracts between a licensee and any of its dealers; providing that a motor vehicle dealer who completes certain approved construction or changes to or installation on the dealer's facility in reliance upon a certain program, standard, or policy, or bonus, incentive, rebate, or other benefit is deemed to be in full compliance with all of an applicant's or licensee's requirements related to the facility, sign, and image for a specified period, etc. TR CM RC	Temporarily Postponed 03/22/2017 Temporarily Postponed

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 144

INTRODUCER: Communications, Energy, and Public Utilities Committee and Senator Garcia and others

SUBJECT: Use of Wireless Communications Devices While Driving

DATE: March 21, 2017 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Caldwell	CU	Fav/CS
2.	Jones	Miller	TR	Favorable
3.			ATD	
4.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 144 amends s. 316.305, F.S., to authorize enforcement of the ban on texting while driving as a primary offense. It also requires that all penalties collected for a violation of the ban be remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health.

Due to the redistribution of texting while driving penalty revenues, the bill will have an indeterminate fiscal impact to the General Revenue Fund, a number of state trust funds, the clerks of court, and municipalities. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2017.

II. Present Situation:

Florida Ban on Texting While Driving Law

Section 316.305, F.S., is the “Florida Ban on Texting While Driving Law.” It bans a person from operating a motor vehicle while using a wireless communications device¹ in specified ways.

¹ The statute defines the term “wireless communications device” to mean any handheld device used or capable of being used in a handheld manner, that is designed or intended to receive or transmit text or character-based messages, access or store

Enforcement is permitted only as a secondary action when an operator of a motor vehicle has been detained for a suspected violation of another provision of chapter 316, F.S., the “Florida Uniform Traffic Control Law,” chapter 320, F.S., relating to motor vehicle licenses, or chapter 322, F.S., relating to driver licenses.

More specifically, the statute bans operation of a motor vehicle either while manually typing or entering multiple letters, numbers, symbols, or other characters into a wireless communications device or while sending or reading data on such a device for the purpose of non-voice interpersonal communication.² The ban does not apply to a stationary motor vehicle or to a motor vehicle operator who is:

- Performing official duties as an operator of an authorized emergency vehicle,³ a law enforcement or fire service professional, or an emergency medical services professional.
- Reporting an emergency or criminal or suspicious activity to law enforcement authorities.
- Receiving messages that are: related to the operation or navigation of the motor vehicle; safety-related information, including emergency, traffic, or weather alerts; data used primarily by the motor vehicle; or radio broadcasts.
- Using a device or system for navigation purposes.
- Conducting wireless interpersonal communication that does not require manual entry of multiple letters, numbers, or symbols, except to activate, deactivate, or initiate a feature or function.
- Conducting wireless interpersonal communication that does not require reading text messages, except to activate, deactivate, or initiate a feature or function.
- Operating an autonomous vehicle in autonomous mode.

Any person who violates the ban commits a noncriminal traffic infraction. A first violation is punishable as a nonmoving violation, and a second or subsequent violation within 5 years after the date of a prior conviction is punishable as a moving violation.

Drivers convicted of unlawful use of a wireless communications device that results in a crash will have six points assessed against their driver license, and drivers convicted of unlawful use of a wireless communications device within a school safety zone is assessed two points.⁴

A user’s billing records for a wireless communications device or the testimony of or written statements from appropriate authorities receiving such messages are admissible as evidence in any proceeding to determine whether a violation of the ban has been committed only in the event of a crash resulting in death or personal injury.

data, or connect to the Internet or any communications service as defined in s. 812.15, F.S., and that allows text communications.

² This includes but is not limited to texting, e-mailing, and instant messaging.

³ The term “authorized emergency vehicle” is defined in s. 322.01(4), F.S., to mean a vehicle that is equipped with extraordinary audible and visual warning devices, that is authorized to display red or blue lights, and that is on call to respond to emergencies. The term includes, but is not limited to, ambulances, law enforcement vehicles, fire trucks, and other rescue vehicles; it does not include wreckers, utility trucks, or other vehicles that are used only incidentally for emergency purposes.

⁴ Section 322.27(3), F.S.

Texting While Driving Bans in Other States

As of January 2017, texting while driving violations are enforced as primary offenses in 41 states.⁵

Traffic Infraction Civil Penalties

Section 318.18, F.S., provides for penalties for traffic infractions and establishes a penalty of \$30 for a nonmoving traffic violation and \$60 for a moving violation.⁶

Section 318.21, F.S., requires that all traffic infraction civil penalties be paid monthly as follows:

- One dollar from every civil penalty shall be remitted to the Department of Revenue for deposit into the Child Welfare Training Trust Fund for child welfare training purposes.
- One dollar from every civil penalty shall be remitted to the Department of Revenue for deposit into the Juvenile Justice Training Trust Fund for juvenile justice purposes.
- Of the remainder:
 - Fifty-six and four-tenths percent: shall be divided if the violation occurred within a municipality, with 50.8 percent paid to that municipality and 5.6 percent deposited into the fine and forfeiture trust fund for use by the clerk of the circuit court in performing court-related functions; shall be deposited into the fine and forfeiture fund for use by the clerk of the circuit court in performing court-related functions if the violation occurred within the unincorporated area of a county; or shall be paid to a special improvement district of the Seminole Indian Tribe or Miccosukee Indian Tribe if the violation occurred there.
 - Twenty and six-tenths percent shall be remitted to the Department of Revenue for deposit into the General Revenue Fund of the state, except that the first \$300,000 shall be deposited into the Grants and Donations Trust Fund in the Justice Administrative Commission for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels in a constitutional charter county.
 - Seven and two-tenths percent shall be remitted to the Department of Revenue for deposit in the Emergency Medical Services Trust Fund.
 - Five and one-tenth percent shall be remitted to the Department of Revenue for deposit in the Additional Court Cost Clearing Trust Fund for criminal justice purposes.
 - Eight and two-tenths percent shall be remitted to the Department of Revenue for deposit in the Brain and Spinal Cord Injury Program Trust Fund.
 - Two percent shall be remitted to the Department of Revenue and transmitted monthly to the Florida Endowment Foundation for Vocational Rehabilitation.
 - Five-tenths percent shall be paid to the clerk of the court for administrative costs.

⁵ Governors Highway Safety Association, *Distracted Driving Laws by State* (January 2017), available at http://www.ghsa.org/sites/default/files/2017-01/DistractedDrivingLawChart_Jan17.pdf (last visited Mar. 16, 2017).

⁶ After court costs, the final amount paid could be up to \$108 for a nonmoving traffic violation and up to \$158 for a moving violation. See The Florida Court Clerks and Comptrollers, *Distribution Schedule* (July 2015), available at http://c.ymcdn.com/sites/www.flclerks.com/resource/resmgr/Public_Documents_/2015_Distribution_Schedule_w.pdf (last visited Mar. 16, 2017).

III. Effect of Proposed Changes:

The bill authorizes enforcement of the texting ban as a primary offense.

It also requires that all penalties collected for a violation of the ban on texting while driving be remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health. Currently, only seven and two-tenths percent of the penalties is deposited in this fund pursuant to s. 318.21, F.S.

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:

Operators of motor vehicles who are texting while driving will have an increased likelihood of being cited for a violation of the ban, with an increased likelihood of resulting penalties.

C. Government Sector Impact:

The Emergency Medical Services Trust Fund of the Department of Health will receive 100 percent of the texting while driving civil penalty amount instead of the current 7.2 percent, and will have an indeterminate positive fiscal impact. The other current recipients will no longer receive any of these penalty revenues, resulting in an indeterminate negative fiscal impact to the following:

- Child Welfare Training Trust Fund;
- Juvenile Justice Training Trust Fund;
- Municipalities;
- Circuit Court Clerks/Fine and Forfeiture Trust Fund;
- General Revenue Fund;

- Additional Court Cost Clearing Trust Fund;
- Brain and Spinal Cord Injury Program Trust Fund; and
- Florida Endowment Foundation for Vocational Rehabilitation.

In 2016, there were 1,433 texting while driving citations issued.⁷ It is likely that the authorization to enforce violations as a primary offense will result in increased penalties.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 316.305 of the Florida Statutes.

IX. Additional Information:

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

CS by Communications, Energy, and Public Utilities on March 7, 2017:

- Deletes the proposed language on enforcement as a primary offense when an operator of a motor vehicle is 18 years of age or younger, and
- Deletes from the existing statute the restriction that enforcement be only as a secondary offense, thus making the texting ban enforceable as a primary offense against all operators of motor vehicles.

- B. Amendments:

None.

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

⁷ DHSMV website, *Annual Uniform Traffic Citation Report* (as generated on Mar. 16, 2017)
<https://services.flhsmv.gov/SpecialtyPlates/UniformTrafficCitationReport>

By the Committee on Communications, Energy, and Public
Utilities; and Senators Garcia, Campbell, and Perry

579-02185-17

2017144c1

A bill to be entitled

An act relating to the use of wireless communications
devices while driving; amending s. 316.305, F.S.;
revising the legislative intent relating to the
authorization of law enforcement officers to stop
motor vehicles and issue citations to persons who are
texting while driving; deleting a provision requiring
that enforcement of the Florida Ban on Texting While
Driving Law be accomplished only as a secondary
action; requiring deposit of fines into the Emergency
Medical Services Trust Fund; providing an effective
date.

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

Section 1. Paragraph (d) of subsection (2) and subsection
(5) of section 316.305, Florida Statutes, are amended to read:

316.305 Wireless communications devices; prohibition.—

(2) It is the intent of the Legislature to:

(d) Authorize law enforcement officers to stop motor
vehicles and issue citations ~~as a secondary offense~~ to persons
who are texting while driving.

(5) Notwithstanding s. 318.21, all proceeds collected
pursuant to s. 318.18 for a violation of this section shall be
remitted to the Department of Revenue for deposit into the
Emergency Medical Services Trust Fund of the Department of
Health ~~Enforcement of this section by state or local law~~
~~enforcement agencies must be accomplished only as a secondary~~
~~action when an operator of a motor vehicle has been detained for~~

Page 1 of 2

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

579-02185-17

2017144c1

~~a suspected violation of another provision of this chapter,~~
~~chapter 320, or chapter 322.~~

Section 2. 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)

March 22, 2017
Meeting Date

SB 144
Bill Number (if applicable)

Topic Use of wireless communication devices while driving

Amendment Barcode (if applicable)

Name Chief Argatha Gilmore

Job Title Chief of Police

Address 2634 Mitcham Drive
Street
Tallahassee FL 32308
City State Zip

Phone 850-219-3631

Email bhoward@fpca.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing The Florida Police Chiefs Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/22/17
Meeting Date

144
Bill Number (if applicable)

Topic Use of Wireless Communications Devices

Amendment Barcode (if applicable)

Name Lee Moffitt

Job Title Lobbyist

Address 101 E. Kennedy Blvd., Suite 4000 Phone 813-407-0703
Street
Tampa FL 33602 Email Lee.moffitt@arlaw.com
City State Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing AAA (The Auto Club Group)

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3/22/17
Meeting Date

SB 144
Bill Number (if applicable)

Topic TEXTING WHILE DRIVING

Amendment Barcode (if applicable)

Name CHARLIE LATHAM

Job Title FLORIDA CHAIR, NATIONAL WASTE & RECYCLING ASSOC.

Address 6501 GREENLAND ROAD Phone _____
Street

JACKSONVILLE FL 32258 Email _____
City State Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing NATIONAL WASTE & RECYCLING ASSOCIATION

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/22/17

Meeting Date

SB 144

Bill Number (if applicable)

Topic TEXTING WHILE DRIVING

Amendment Barcode (if applicable)

Name KEYN A CORY

Job Title LOBBYIST

Address 730 E. PARK AVENUE

Phone 850 681 1065

Street

TALLAHASSEE

City

FL

State

32301

Zip

Email kynacory@pacconsultants.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FL DNT TXT N DRV COMMISSION

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3/22/17

Meeting Date

144

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Chris Nuland

Job Title _____

Address 1000 Riverside Ave

Street

Jacksonville, FL 32209

City

State

Zip

Phone 904-233-3051

Email nulandlaw@aol.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Public Health 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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/22/17

Meeting Date

144

Bill Number (if applicable)

Topic Texting while Driving

Amendment Barcode (if applicable)

Name H Lee Moffitt

Job Title Attorney

Address 3327 NW Perimeter Road

Phone 813 760-5712

Street

Palm City

FL

34990

Email MrSpeaker@aol.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing AAA Auto Clubs

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.

Signature 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)

3/22/17

Meeting Date

CS/SB 144

Bill Number (if applicable)

Topic CS/SB 144 - Use of Wireless Communication Devices while driving

Amendment Barcode (if applicable)

Name Jeffery Peaten

Job Title _____

Address 2722 Newmarket circle

Phone (850) 321-9667

Street

Tallahassee

FL

32309

Email Jeffery.peaten@gmail.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/22/17

Meeting Date

144

Bill Number (if applicable)

Topic Use of Wireless Comm.

Amendment Barcode (if applicable)

Name Angela Gailis

Job Title Florida PTA

Address 1747 Central R PKWY

Phone 407-718-9925

Street

Orl

City

FL

State

33825

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.

En 401

THE FLORIDA SENATE

APPEARANCE RECORD

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

3-22-17
Meeting Date

144
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Richard Pinsky

Job Title _____

Address 106 E. College Ave. #1200

Phone _____

Street

Tallahassee

FL

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Miami-Dade County

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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.

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/22/17
Meeting Date

SB 144
Bill Number (if applicable)

Topic Texting & Driving Ban

Amendment Barcode (if applicable)

Name Sarah Niewold

Job Title Attorney

Address 325 W. College Ave.

Phone 850-425-4000

Street

Tallahassee

FL

32301

City

State

Zip

Email SarahN@mcenlawfirm.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Nationwide Insurance

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.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 250

INTRODUCER: Transportation Committee and Senator Artiles

SUBJECT: High-occupancy Toll Lanes and Express Lanes

DATE: March 23, 2017

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 250 specifies that the Florida Department of Transportation (FDOT) may only collect tolls on high-occupancy toll (HOT) lanes or express lanes for the discharge of certain bond indebtedness on a project existing before July 1, 2017. The bill eliminates tolls on HOT lanes or express lanes after the discharge of any bond indebtedness related to such project and prohibits creating HOT lanes or express lanes after July 1, 2017. Upon elimination of such tolls, the bill authorizes such lanes to continue in existence, but not as HOT lanes or express lanes.

The bill also specifies the FDOT may collect tolls on express lanes that exist or are under construction on any part of the Florida Turnpike System before July 1, 2017, but such collection may be only for the discharge of any bond indebtedness that relates to the expense of constructing the express lanes. After the discharge, the toll must be eliminated. Except for express lanes that exist or are under construction on any part of the Turnpike System before July 1, 2017, such lanes may continue to exist, but not as express lanes.

The bill takes effect July 1, 2017.

The bill has an indeterminate but potentially significant negative fiscal impact on state government. See section V., "Fiscal Impact Statement," for details.

II. Present Situation:

A high-occupancy-vehicle (HOV) lane is a lane of a public roadway designated for use by vehicles in which there is more than one occupant.¹ A high-occupancy toll lane is an HOV lane, the use of which requires payment of a toll. Tolloed HOV lanes are referred to as high-occupancy toll lanes, or HOT lanes.²

Current law does not define the terms “HOT lane” or “express lane.” However, the FDOT’s Topic No. 525-030-020-a, *Tolling for New and Existing Facilities on the State Highway System*,³ provides the following definitions:

- “Managed Lanes” - Highway facilities or sets of lanes within a highway facility where operational strategies are proactively implemented and managed in response to changing conditions with a combination of tools. These tools may include accessibility, vehicle eligibility, pricing, or a combination thereof. Types of managed lanes include high occupancy vehicle (HOV) lanes, high occupancy toll (HOT) lanes, truck only lanes, truck only toll lanes, bus rapid transit lanes, reversible lanes, and express lanes.
- “Express Lanes” - A type of managed lane where dynamic pricing through electronic tolling is applied to lanes with through traffic, having fewer access points. Express lanes can co-locate within an existing non tolled facility to manage congestion and provide a more reliable trip time.

Section 338.166, F.S., authorizes the FDOT to request the Division of Bond Finance to issue bonds secured by toll revenues collected on HOT lanes or express lanes established on FDOT-owned facilities. The FDOT is authorized to continue to collect the tolls on HOT lanes or express lanes after any bond debt is discharged. Such tolls must first be used to pay the annual cost of operation, maintenance, and improvement of the HOT lanes or express lanes project or associated transportation system.

The FDOT must use any remaining toll revenue from HOT lanes or express lanes for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the toll revenues were collected or to support express bus service on the facility where the toll revenues were collected.⁴

The FDOT advises that no bonds have been issued for which HOT lane or express lane toll revenues have been pledged. However, such revenues have been planned for “availability payments” for the FDOT’s I-595 and I-4 Ultimate projects.⁵ The FDOT advises the debt on the I-

¹ Section 316.0741(1)(a), F.S.

² Except that vehicles in HOT lanes must have three or more occupants. See the FDOT’s SB 250 (2012) Agency Bill Analysis at 2. (On file in the Senate Transportation Committee.)

³ On file in the Senate Transportation Committee. The directive expressly does not apply to Florida Turnpike facilities.

⁴ Section 338.166, F.S., expressly does not apply to the turnpike system. The Florida Turnpike Enterprise is not currently operating any express lanes. See the FDOT’s SB 1570 (2012) Agency Bill Analysis, at 8. (On file in the Senate Transportation Committee.)

⁵ The Federal Highway Administration (FHWA) describes availability payments as a form of public-private partnership that involves risk transfer without necessarily involving tolls. The private sector (developer) receives availability payments over the concession agreement term in exchange for constructing, operating, and maintaining a facility at a certain performance level. Payments can be reduced or eliminated if standards are not met. The private sector takes on most of the risks of design, construction, financing, operation, and maintenance, and the public sector takes on the long-term obligation of making the

595 project will be paid off in Fiscal Year 2044. The debt on the I-4 Ultimate project will be paid off in Fiscal Year 2055.⁶ Availability payments must be included in the FDOT's debt and debt-like contractual obligations load report under s. 339.139, F.S.

III. Effect of Proposed Changes:

The bill amends s. 338.166, F.S., relating to "termination of" HOT lanes or express lanes. The bill restricts the FDOT's authority to collect a toll on HOT lanes or express lanes only to tolls collected for the discharge of any bond indebtedness related to a HOT lane or express lane project that exists before July 1, 2017. The bill eliminates the toll on the HOT lanes or express lanes after the discharge of any bond indebtedness relating to such projects. Upon elimination of tolls on existing HOT lanes or express lanes once bond indebtedness is discharged, the lanes may continue to exist but not as HOT lanes or express lanes. Additionally, the bill prohibits creating HOT lanes or express lanes on or after July 1, 2017.

Additionally, the bill creates s.338.2225, F.S., with the stated purpose of eliminating all express lanes that exist or are under construction on any part of the Florida Turnpike System,⁷ and prohibiting the creation of such express lanes. The bill authorizes the FDOT to collect tolls on express lanes that exist or are under construction on any part of the Turnpike System before July 1, 2017. However, such collection may be only for the discharge of any bond indebtedness that relates to the expense of constructing the express lanes. After such discharge, the toll on the express lanes must be eliminated. Once the tolls are eliminated, the lanes may continue to exist as part of the Turnpike System, but not as express lanes. Except for express lanes that exist or are under construction on any part of the Turnpike System before July 1, 2017, the bill prohibits express lanes on any part of the Turnpike System.

These changes appear to benefit customers using HOT lanes or express lanes by eventually eliminating tolls on those facilities, but according to the FDOT, the bill may result in a number of potentially negative impacts including the following:

- Overall reduction in corridor performance, leading to increased congestion.
- Elimination from the FDOT's work program of planned HOT or express lane projects intended to relieve current congestion.
- Elimination of revenues for maintenance, repair, and rehabilitation of lanes once tolls are eliminated.
- Renegotiation of existing agreements to remove HOT or express lanes.⁸

payments. Availability payments, in lieu of toll revenues, can be used by State DOTs to attract private financing for long-term projects. See the FHWA website available at:

https://www.fhwa.dot.gov/ipd/pdfs/fact_sheets/tifa_availability_payments.pdf. (Last visited March 20, 2017.)

⁶ See the FDOT's email to Senate Transportation Committee Staff, March 17, 2017. (On file in the Senate Transportation Committee.)

⁷ Section 338.221(6), F.S., defines "turnpike system" to mean those limited access toll highways and associated feeder roads and other structures, appurtenances, or rights previously designated, acquired, or constructed pursuant to the Florida Turnpike Enterprise Law and such other additional turnpike projects as may be acquired or constructed as approved by the Legislature.

⁸ See the FDOT's SB 250 (2012) Agency Bill Analysis at 2-6. (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:**

The bill ultimately eliminates tolls on existing HOT or express lanes and prevents any future tolls on such lanes. The FDOT will collect less toll revenue on express lane facilities where tolls are eliminated and according to FDOT, this reduction will be \$53.8 million in the 2017-2018 Fiscal Year.⁹ The amount of this reduction is expected to grow significantly in future years.

B. Private Sector Impact:

The bill ultimately eliminates tolls on existing HOT or express lanes and prevents any future tolls on such lanes. Users of these lanes would no longer pay a toll, but according to the FDOT, users may experience increased costs associated with congestion. HOT or express lane projects currently planned to alleviate congestion may be deleted from the FDOT's work program.¹⁰ To the extent that such projects are deleted, private sector companies that provide design, construction, operation and maintenance of express lane projects will have less business.

C. Government Sector Impact:

The bill ultimately eliminates tolls on existing HOT or express lanes and prevents any future tolls on such lanes. The FDOT will collect less toll revenue, resulting in less revenue for construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the toll revenues would have been collected, or less for supporting express bus service on the facility where the toll revenues would have been collected. According to FDOT, this reduction in toll revenues will be \$53.8 million in the 2017-2018 Fiscal Year, with the amount of this reduction growing significantly in future years.¹¹

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

According to the FDOT, annual and periodic maintenance, repair, and rehabilitation costs previously funded by HOT or express lane revenues will have to be funded with other funding sources. Additionally, the FDOT anticipates potential costs associated with renegotiating existing agreements to remove from the agreements any HOT or express lanes. The FDOT also advises that costs to reconfigure current express lane facilities is significant.¹²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 338.166

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 22, 2017:

The CS adds the following provisions to the bill:

- Authorizes the FDOT to collect tolls on express lanes that exist or are under construction on any part of the Florida Turnpike System before July 1, 2017, but only for the discharge of any bond indebtedness relating to the express lanes;
- Eliminates the toll after the discharge of bonds and, once eliminated, authorizes the lanes to continue to exist as part of the Turnpike System, but not as express lanes.
- Prohibits express lanes on any part of the Turnpike System, except for express lanes that exist or are under construction before July 1, 2017.

- B. Amendments:

None.

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

¹² *Id.*



613366

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2017	.	
	.	
	.	
	.	

The Committee on Transportation (Articles) recommended the following:

Senate Amendment (with title amendment)

Delete lines 27 - 54

and insert:

~~(2)~~ the department may ~~continue to~~ collect a the toll on the high-occupancy toll lanes or express lanes only for after the discharge of any bond indebtedness related to a such project that exists before July 1, 2017. After the discharge of any bond indebtedness related to such project, the toll on the high-occupancy toll lanes or express lanes must be eliminated ~~All~~



613366

~~tolls so collected shall first be used to pay the annual cost of the operation, maintenance, and improvement of the high-occupancy toll lanes or express lanes project or associated transportation system.~~

(2)(3) High-occupancy toll lanes or express lanes may not be created on or after July 1, 2017. Upon elimination of the tolls on existing high-occupancy toll lanes or express lanes pursuant to subsection (1), such lanes may continue to exist but not as high-occupancy toll lanes or express lanes ~~Any remaining toll revenue from the high-occupancy toll lanes or express lanes shall be used by the department for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the toll revenues were collected or to support express bus service on the facility where the toll revenues were collected.~~

(3)(4) The department may implement variable rate tolls on high-occupancy toll lanes or express lanes.

(4)(5) Except for high-occupancy toll lanes or express lanes, tolls may not be charged for use of an interstate highway where tolls were not charged as of July 1, 1997.

(5)(6) This section does not apply to the turnpike system as defined under the Florida Turnpike Enterprise Law.

Section 1. Section 338.2225, Florida Statutes, is created to read:

338.2225 Express lanes on any part of the turnpike system; prohibition.—

(1) The purpose of this section is to eliminate all express lanes that exist, or are under construction, on any part of the Florida Turnpike System and to prohibit the creation of such



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express lanes.

(2) The department may collect a toll on express lanes that, before July 1, 2017, exist, or are under construction, on any part of the turnpike system, but such collection may be only for the discharge of any bond indebtedness that relates to the expense of constructing the express lanes. After the discharge of such bond indebtedness, the toll on the express lanes must be eliminated.

(3) Except for express lanes that, before July 1, 2017, exist, or are under construction, on any part of the turnpike system, no express lanes shall be on any part of the turnpike system. Upon elimination of the tolls on express lanes pursuant to subsection (2), such lanes may continue to exist but not as express lanes.

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

And the title is amended as follows:

Delete lines 4 - 13

and insert:

that the Department of Transportation may collect tolls on high-occupancy toll lanes or express lanes only for the discharge of certain bond indebtedness on a project existing before a specified date; requiring that the tolls be eliminated after discharge of the project's bond indebtedness; prohibiting the creation of high-occupancy toll lanes or express lanes on or after a specified date; requiring existing lanes to no longer be high-occupancy toll lanes or express lanes upon elimination of their tolls; creating s. 338.2225,



613366

F.S.; providing a legislative purpose; authorizing the department to collect a toll on express lanes that, before a specified date, exist, or are under construction, on any part of the turnpike system for the discharge of certain bond indebtedness; requiring the elimination of the toll after discharge of the bond indebtedness; prohibiting express lanes from being on any part of the turnpike system; authorizing express lanes that, before a specified date, exist, or are under construction, on any part of the turnpike system to continue to exist but not as express lanes; providing an

By Senator Artiles

40-00329-17

2017250__

A bill to be entitled

An act relating to high-occupancy toll lanes and express lanes; amending s. 338.166, F.S.; specifying that the Department of Transportation may only collect tolls on high-occupancy toll lanes or express lanes for the discharge of certain bond indebtedness on a project existing before a specified date; requiring that the tolls be eliminated after discharge of the project's bond indebtedness; prohibiting the creation of high-occupancy toll lanes or express lanes on or after a specified date; requiring existing lanes to no longer be high-occupancy toll lanes or express lanes upon elimination of their tolls; providing an effective date.

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

Section 1. Section 338.166, Florida Statutes, is amended to read:

338.166 Termination of high-occupancy toll lanes or express lanes.—

(1) Under s. 11, Art. VII of the State Constitution, the department may request the Division of Bond Finance to issue bonds secured by toll revenues collected on high-occupancy toll lanes or express lanes established on facilities owned by the department. However,

~~(2) the department may only continue to collect a toll on the high-occupancy toll lanes or express lanes for after the discharge of any bond indebtedness related to a such project that exists before July 1, 2017. After the discharge of any bond indebtedness related to such project, the toll on the high-occupancy toll lanes or express lanes must be eliminated All~~

40-00329-17

2017250__

~~tolls so collected shall first be used to pay the annual cost of the operation, maintenance, and improvement of the high-occupancy toll lanes or express lanes project or associated transportation system.~~

(2)(3) High-occupancy toll lanes or express lanes may not be created on or after July 1, 2017. Upon elimination of the tolls on existing high-occupancy toll lanes or express lanes pursuant to subsection (1), such lanes may continue to exist but not as high-occupancy toll lanes or express lanes Any remaining toll revenue from the high-occupancy toll lanes or express lanes shall be used by the department for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the toll revenues were collected or to support express bus service on the facility where the toll revenues were collected.

(3)(4) The department may implement variable rate tolls on high-occupancy toll lanes or express lanes.

(4)(5) Except for high-occupancy toll lanes or express lanes, tolls may not be charged for use of an interstate highway where tolls were not charged as of July 1, 1997.

(5)(6) This section does not apply to the turnpike system as defined under the Florida Turnpike Enterprise Law.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/22/2017
Meeting Date

SB 250
Bill Number (if applicable)

Topic High occupancy toll lanes & express lanes
Name Thomas Hawkins

Amendment Barcode (if applicable)

Job Title Policy & Planning Director

Address 308 N Monroe St
Street

Tallahassee, FL 32301
City State Zip

Phone (352) 377-3141

Email thawkins@1000fof.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

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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)

3/22/17
Meeting Date

250
Bill Number (if applicable)

Topic HOV Lanes

Amendment Barcode (if applicable)

Name Lisa Henning

Job Title Legislative Director

Address 242 Office Plaza Dr

Phone 850-766-8808

Tallahassee FL 32301
City State Zip

Email lplegislative@aol.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

This form is part of the public record for this meeting

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 284

INTRODUCER: Senator Baxley

SUBJECT: Specialty License Plates

DATE: March 13, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Favorable
2.			ATD	
3.			AP	

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

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

¹ 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).

² Section 320.08056, F.S.

³ 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.⁴

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

DHSMV Costs Defrayed

The DHSMV 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.⁷

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.⁸ 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.⁹

Florida Ronald Reagan Centennial, Inc.¹⁰

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.

⁴ Section 320.08053(2)(b), F.S.

⁵ Section 320.08056(10)(a), F.S.

⁶ Section 320.08062, F.S.

⁷ Section 320.08056(7), F.S.

⁸ Section 320.08056(8)(a), F.S.

⁹ Section 320.08056(8)(b), F.S.

¹⁰ 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.¹¹ The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.¹²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends 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.

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

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

¹² Section 320.08056(7), F.S.

By Senator Baxley

12-00274-17

2017284__

A bill to be entitled

An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; 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; 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) Ronald Reagan license plate, \$25.

Section 2. Subsection (84) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(84) RONALD REAGAN LICENSE PLATES.—

(a) The department shall develop a Ronald Reagan license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "President Ronald Reagan" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to Florida Ronald Reagan Centennial, Inc., to be used as follows:

1. Up to 15 percent of the proceeds may be used for administrative costs of the organization.

12-00274-17

2017284__

2. Up to 10 percent of the proceeds may be used for promotion and marketing of the plate.

3. Up to 10 percent of the proceeds shall be donated to the Florida National Guard Foundation.

4. The remainder of the proceeds shall be used to fund activities, programs, and projects that educate Florida's students and residents about the contributions of the nation's 40th President to the state and the United States and to support ongoing research of Alzheimer's disease for the benefit of Florida residents and their families who suffer from the disease.

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.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 444

INTRODUCER: Transportation Committee and Senator Baxley

SUBJECT: Veteran Identification

DATE: March 23, 2017

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/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 veterans¹ do not have one uniform veteran identification card available to them that proves military service. In 2015, Congress enacted the “Veterans Identification Card Act 2015.”² 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-214³ 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).⁴ The identification card will display the photograph and name of the veteran, and contain an identification number that is not a social security number.⁵ 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.⁶

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 2017.⁷

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.⁸
- DD Form 2 (Retired) U.S. Uniformed Services⁹ Identification Card:

¹ 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 conditions, notwithstanding any action by the United States Department of Veteran Affairs on individuals discharged or released with other than honorable discharges.”

² 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).

³ 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).

⁴ See 38 U.S.C. s. 5706

⁵ *Id.*

⁶ *Id.*

⁷ 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).

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

⁹ 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.

- 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.¹⁰
- 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.¹¹
- Paper Identification Card or Letter displaying military service that is issued free through the joint VA/DoD web portal.¹²
- 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.¹³

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).¹⁴ 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.¹⁵

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.¹⁶

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

¹¹ *Id.*

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

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

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

¹⁵ *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.

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

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.¹⁷

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 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.¹⁸ 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 agent manager, or recovery agent instructor within 24 months after being discharged from a branch of the U.S. Armed Forces.¹⁹
- 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;²⁰
 - Private investigator, private investigator intern, or private investigative agency manager;²¹
 - Security officer, security officer instructor, or a security manager;²² and
 - Recovery agent, recovery agent intern, recovery agent manager, or recovery agent instructor.²³

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

¹⁷ 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 (last visited Mar. 8, 2017).

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

¹⁹ Section 493.6105(1)(c), F.S.

²⁰ Section 493.6107(6), F.S.

²¹ Section 493.6202(4), F.S.

²² Section 493.6302(4), F.S.

²³ Section 493.6402(4), F.S.

representative, adjuster, service representative, managing general agent, or reinsurance intermediary upon proof of qualifying veteran status.²⁴

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;²⁵
- Health studios;²⁶
- Commercial telephone seller;²⁷
- Telemarketing salesperson;²⁸
- Movers and moving brokers;²⁹
- Liquefied petroleum gas related license;³⁰
- Pawnbroker;³¹
- Motor vehicle repair shop;³² and
- Sellers of travel.³³

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.³⁴

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 "Proof of veteran status only. Not for official government use or identification" at the bottom of the card;

²⁴ 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.

²⁵ Section 472.015(3), F.S.

²⁶ Section 501.015(2), F.S.

²⁷ Section 501.605(5), F.S.

²⁸ Section 501.607(2)(b), F.S.

²⁹ Section 507.03(3)(b), F.S.

³⁰ Section 527.02(3)(b), F.S.

³¹ Section 539.001(3)(c), F.S.

³² Section 559.904(3)(b), F.S.

³³ Section 559.928(2)(c), F.S.

³⁴ Section 790.06(5)(f)2., F.S.

- A background image of a military identification “dog” tag; and
- The veteran’s:
 - Full name;
 - Branch of service; and
 - Signature.

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.³⁵

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.³⁶

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.³⁷ 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.

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

³⁶ *Id.*

³⁷ See s. 322.135, F.S.

VII. Related Issues:

An amendment to the bill removed the veteran's date of discharge as information required to be on the card; however, the card is authorized to be used as proof of qualifying veteran status for numerous fee waivers that require the veteran to have been discharged within the previous 24 or 60 months. It seems the card does not provide enough information to determine the veteran qualifies for these waivers.

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.)

CS by Transportation on March 22, 2017:

The CS removes that the Veteran identification card must include:

- The Veteran's date of discharge;
- The Veteran's DoD identification number; and
- The words "U.S. Armed Forces Veteran – Honorably discharged."

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2017	.	
	.	
	.	
	.	

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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A bill to be entitled

An act relating to veteran identification; creating s. 322.0511, F.S.; requiring the Department of Highway Safety and Motor Vehicles to create a veteran identification card for certain purposes; providing for the design of the card; providing veteran eligibility requirements; prohibiting use of the card for certain purposes; amending ss. 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, F.S.; 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; providing an effective date.

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

Section 1. Section 322.0511, Florida Statutes, is created to read:

322.0511 Veteran identification cards.—

(1) The department shall create a veteran identification card to be used as proof of veteran status for the purpose of obtaining discounts or waivers offered to veterans for the exchange of goods and services and for other purposes authorized by law, except as provided in subsection (3). The veteran identification card must bear the colors and design approved by

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the department, including, but not limited to:

(a) In the foreground, a full-face photograph of the veteran and his or her full name, branch of service, date of discharge, United States Department of Defense identification number, and signature. The words "U.S. Armed Forces Veteran – Honorably Discharged" must appear at the top of the card, and the words "Proof of veteran status only. Not for official government use or identification" must appear at the bottom of the card.

(b) In the background, an image of a military identification "dog" tag.

(2) The department shall issue a veteran identification card to a veteran of any branch of the United States Armed Forces who has been honorably discharged and who provides to the department:

(a) A copy of the veteran's DD Form 214 as issued by the United States Department of Defense.

(b) A copy of the veteran's valid, unexpired driver license or identification card as issued under this chapter or another form of photographic identification acceptable to the department.

(c) Payment of a \$10 fee.

(3) A veteran identification card issued pursuant to this section is not considered an identification card for the purposes of s. 295.17 or s. 322.051 and may not be used for the determination of any federal benefit.

Section 2. Paragraph (b) of subsection (3) of section 472.015, Florida Statutes, is amended to read:

472.015 Licensure.—

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(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

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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

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

493.6202 Fees.—

(4) The initial license fee for a veteran, as defined in s. 1.01, shall be waived if he or she applies for a Class "C," Class "CC," or Class "MA" license within 24 months after being discharged from any 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 6. Subsection (4) of section 493.6302, Florida Statutes, is amended to read:

493.6302 Fees.—

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

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

493.6402 Fees.—

(4) The initial license fee for a veteran, as defined in s. 1.01, shall be waived if he or she applies for a Class "E," Class "EE," Class "MR," or Class "RI" license within 24 months after being discharged from any 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 8. Subsection (2) of section 501.015, Florida Statutes, is amended to read:

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

(2) Remit an annual registration fee of \$300 to the department at the time of registration for each of the health studio's business locations. The department shall waive the initial registration 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

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

(a) 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;

(b) 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

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

501.605 Licensure of commercial telephone sellers.—

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

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verified and accompanied by:

(b) A fee for licensing in the amount of \$1,500. The fee shall be deposited into the General Inspection Trust Fund. 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.

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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

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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

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

527.02 License; penalty; fees.—

(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

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

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539.001, Florida Statutes, is amended to read:

539.001 The Florida Pawnbroking Act.—

(3) LICENSE REQUIRED.—

(c) Each license is valid for a period of 1 year unless it is earlier relinquished, suspended, or revoked. Each license shall be renewed annually, and each licensee shall, initially and annually thereafter, pay to the agency a license fee of \$300 for each license held. The agency 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 agency receives an application, in a format prescribed by the agency, 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 agency 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 agency 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 agency proof that

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

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

(3)

(b) The department shall waive the initial registration 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

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

559.928 Registration.—

(2)

(c) The department shall waive the initial registration 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

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

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

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

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

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

790.06 License to carry concealed weapon or firearm.—

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

(f) For expedited processing of an application:

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

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

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.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 488

INTRODUCER: Senator Stargel

SUBJECT: Noncriminal Traffic Infractions

DATE: March 21, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Favorable
2.			ACJ	
3.			AP	

I. Summary:

SB 488 provides that a person who elects and attends a driver improvement course approved by the Department of Highway Safety and Motor Vehicles (DHSMV) after receiving a noncriminal traffic infraction citation will have the penalty assessed reduced by 18 percent. The bill removes language indicating that the 18 percent is deposited in the State Courts Revenue Trust Fund.

Due to the loss of fees deposited in the State Courts Revenue Trust Fund, the bill is estimated to have a negative impact of \$3.6 million in Fiscal Year 2017-2018, and will continue to have a negative recurring impact of \$3.5 million.

The bill takes effect July 1, 2017.

II. Present Situation:

A person who commits a noncriminal traffic infraction and is issued a citation, must elect to appear before a designated official, pay the citation, or enter into a payment plan with the clerk of court within 30 days after the citation is issued to avoid having his or her driver license suspended.¹ However, s. 318.14(9), F.S., provides that any person who does not hold a commercial driver license or commercial learner's permit and who is cited while driving a noncommercial vehicle for a noncriminal traffic infraction may, in lieu of a court appearance, elect to attend a basic driver improvement course approved by the DHSMV.

If the individual completes the course, adjudication is withheld and no points may be assessed against the individual's license. Additionally, 18 percent of the civil penalty imposed is deposited into the State Courts Revenue Trust Fund². Prior to a law change in 2009, the

¹ Section 318.14, F.S.

² The State Courts Revenue Trust Fund was established in 2009, to be used for funding the activities of the state courts system. See chs. 2009-7 and 2011-19, Laws of Florida

individual who was assessed the penalty received an 18 percent discount on the penalty if he or she completed a driver improvement course.³

The option to elect to attend a driver improvement program is not available for violations of:

- Sections 316.183(2), 316.187, or 316.189, F.S., violating the posted speed limit when the driver exceeds the posted speed limit by 30 miles per hour or more;
- Section 320.0605, F.S., not carrying the vehicle's certificate of registration while the vehicle is in use;
- Section 320.07(3)(a) or (b), F.S., operating a motor vehicle with an expired registration;
- Section 322.065, F.S., operating a motor vehicle with a driver license expired for six months or less; and
- Section 322.15(1), F.S., operating a motor vehicle without carrying a driver license.

The option to elect driver improvement school is only available if the person has not made this election in the preceding 12 months, and individuals are limited to no more than five such elections in their lifetime.

According to the DHSMV, in 2016, approximately 253,000 people elected to attend a driver improvement course (of which, 17,279 did not attend).⁴ The cost of driver improvement courses range from \$15 to \$40, depending on the provider.⁵

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 318.14(9), F.S., providing that if a person elects a driver improvement course, the civil penalty assessed will be reduced by 18 percent. The bill removes a provision that the 18 percent is deposited in the State Courts Revenue Trust Fund.

Section 2 requires an individual who elects but does not attend a driver improvement course within the time specified by the court to pay the clerk of the court the reduced portion of the penalty.

Section 3 provides the bill takes effect July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

³ See ch. 2009-6, Laws of Florida

⁴ DHSMV, *2017 Agency Legislative Bill Analysis: SB 488* (Mar. 13, 2017) (on file with the Senate Committee on Transportation).

⁵ *Id.*

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Committee (REC) reviewed the bill on February 17, 2017.⁶ The REC estimates the bill will have a negative impact of \$3.6 million beginning Fiscal Year 2017-2018, and a recurring loss of \$3.5 million in Fiscal Years 2018 through 2022. Of those fees, the General Revenue Fund will be negatively impacted by \$300,000 each year, and the remainder of the impact is on the State Courts Revenue Trust Fund.

B. Private Sector Impact:

The bill may have a positive fiscal impact on individuals who elect to attend a driver improvement course to receive an 18 percent discount off the assessed penalty. The bill may also positively impact providers of the driver improvement courses, as the bill further incentivizes electing to take a driver improvement course.

C. Government Sector Impact:

The bill is estimated to create a negative ending balance of over \$1.2 million in the State Courts Revenue Trust Fund on June 30, 2018.⁷ Without alternative revenue sources, clerks of court may be forced to reduce local expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 318.14 and 318.15.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

⁶ Office of Economic and Demographic Research, REC, *Article V Fees – HB 547 and SB 488* (Feb. 17, 2017), available at <http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2017/pdf/page121-122.pdf> (last visited Mar. 16, 2017).

⁷ Office of the State Courts Administrator, *2017 Judicial Impact Statement – SB 488* (Mar. 8, 2017) (on file with the Senate Committee on Transportation).

B. Amendments:

None.

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

By Senator Stargel

22-00307-17

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1 A bill to be entitled
 2 An act relating to noncriminal traffic infractions;
 3 amending s. 318.14, F.S.; requiring a specified
 4 reduction for a civil penalty under certain
 5 circumstances; deleting the requirement that a
 6 specified percentage of the civil penalty be deposited
 7 in the State Courts Revenue Trust Fund; amending s.
 8 318.15, F.S.; requiring a person to pay the clerk of
 9 the court the specified percentage previously deducted
 10 under certain circumstances; providing an effective
 11 date.
 12
 13 Be It Enacted by the Legislature of the State of Florida:
 14
 15 Section 1. Subsection (9) of section 318.14, Florida
 16 Statutes, is amended to read:
 17 318.14 Noncriminal traffic infractions; exception;
 18 procedures.—
 19 (9) Any person who does not hold a commercial driver
 20 license or commercial learner's permit and who is cited while
 21 driving a noncommercial motor vehicle for an infraction under
 22 this section other than a violation of s. 316.183(2), s.
 23 316.187, or s. 316.189 when the driver exceeds the posted limit
 24 by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or
 25 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in
 26 lieu of a court appearance, elect to attend in the location of
 27 his or her choice within this state a basic driver improvement
 28 course approved by the Department of Highway Safety and Motor
 29 Vehicles. In such a case, adjudication must be withheld; ~~and~~
 30 points, as provided by s. 322.27, may not be assessed; and any
 31 civil penalty that is imposed under s. 318.18(3) must be reduced
 32 by 18 percent. However, a person may not make an election under

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33 this subsection if the person has made an election under this
 34 subsection in the preceding 12 months. A person may not make
 35 more than five elections within his or her lifetime under this
 36 subsection. The requirement for community service under s.
 37 318.18(8) is not waived by a plea of nolo contendere or by the
 38 withholding of adjudication of guilt by a court. ~~If a person~~
 39 ~~makes an election to attend a basic driver improvement course~~
 40 ~~under this subsection, 18 percent of the civil penalty imposed~~
 41 ~~under s. 318.18(3) shall be deposited in the State Courts~~
 42 ~~Revenue Trust Fund; however, that portion is not revenue for~~
 43 ~~purposes of s. 28.36 and may not be used in establishing the~~
 44 ~~budget of the clerk of the court under that section or s. 28.35.~~
 45 Section 2. Paragraph (b) of subsection (1) of section
 46 318.15, Florida Statutes, is amended to read:
 47 318.15 Failure to comply with civil penalty or to appear;
 48 penalty.—
 49 (1)
 50 (b) However, a person who elects to attend driver
 51 improvement school and has paid the civil penalty as provided in
 52 s. 318.14(9), but who subsequently fails to attend the driver
 53 improvement school within the time specified by the court shall
 54 be deemed to have admitted the infraction and shall be
 55 adjudicated guilty. In such a case in which there is ~~was~~ an 18-
 56 percent reduction pursuant to s. 318.14(9) ~~as it existed before~~
 57 ~~February 1, 2009~~, the person must pay the clerk of the court
 58 that amount and a processing fee of up to \$18, after which ~~no~~
 59 additional penalties, court costs, or surcharges may not ~~shall~~
 60 be imposed for the violation. In all other such cases, the
 61 person must pay the clerk a processing fee of up to \$18, after

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62 which ~~be~~ additional penalties, court costs, or surcharges may
63 not shall be imposed for the violation. The clerk of the court
64 shall notify the department of the person's failure to attend
65 driver improvement school and points shall be assessed pursuant
66 to s. 322.27.

67 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)

3/22/17
Meeting Date

488
Bill Number (if applicable)

Topic Noncriminal Traffic Infractions

Amendment Barcode (if applicable)

Name Judge Robert Roundtree

Job Title Circuit Judge, 8th Judicial Circuit

Address 201 E. University Ave. - Rm 417
Street

Phone 352-374-3644

Gainesville FL 32601
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing State Courts System

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/22/17
Meeting Date

488
Bill Number (if applicable)

Topic NON-CRIMINAL TRAFFIC INFRACTIONS

Amendment Barcode (if applicable)

Name DIANA PADGETT

Job Title GOVERNMENTAL CONSULTANT

Address 1371 MILLSTREAM RD.
Street

Phone 850-212-4204

TALLAHASSEE FL 32312
City State Zip

DHPCONSULTING @
Email EARTH LINK . NET

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FLORIDA PROVIDERS FOR TRAFFIC SAFETY

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

This form is part of the public record for this meeting

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

03/22/2017

Meeting Date

488

Bill Number (if applicable)

Topic Non criminal Traffic Infractions

Amendment Barcode (if applicable)

Name Jeff Parain

Job Title President / CEO

Address 225 East Robinson Street

Phone (407) 645-5110

Street

Orlando

FL

32801

City

State

Zip

Email jett.parain@amersec.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing American Safety 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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

SB 488
Bill Number (if applicable) _____

Topic Traffic Safety

Amendment Barcode (if applicable) _____

Name Lisa Henning

Job Title Legislative Director

Address 242 Office Plaza Dr
Street

Phone 850-766-8808

Email lphlegislative@aol.com

City _____

State _____

Zip _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Fraternal Order of Police

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

This form is part of the public record for this meeting

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 752

INTRODUCER: Senator Flores

SUBJECT: Financing of Fixed-guideway Public Transit Projects

DATE: March 21, 2017

REVISED: _____

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

I. Summary:

SB 752 revises the maximum percentage of funding the Florida Department of Transportation (FDOT) may provide for certain phases of fixed-guideway projects that are not approved for federal funding.

The fiscal impact on state and local governments is indeterminate. See Section V., "Fiscal Impact Statement," for details.

The bill takes effect July 1, 2017.

II. Present Situation:

Section 341.041(1), F.S., charges the FDOT with developing a statewide plan that provides for public transit needs at least five years in advance and sets out a number of program objectives related to the FDOT's transit responsibilities.

Section 341.051, F.S., requires the FDOT to prepare a public transit¹ plan, which must be included in the FDOT's tentative work program.² The FDOT's annual appropriation request for

¹ "Public transit" is defined to mean "the transporting of people by conveyances, or systems of conveyance, traveling on land or water, local or regional in nature, and available for use by the public. Public transit systems may be either governmentally owned or privately owned. Public transit specifically includes those forms of transportation commonly known as 'paratransit.'" "Paratransit" is defined to mean "those elements of public transit which provide service between specific origins and destinations selected by the individual user with such service being provided at a time that is agreed upon by the user and the provider of the service. Paratransit service is provided by taxis, limousines, 'dial-a-ride' buses, and other demand-responsive operations that are characterized by their nonscheduled, nonfixed route nature." Section 341.051(5) and (6), F.S.

² The FDOT is responsible for developing a five-year plan of transportation projects. Each of the FDOT's districts develops a "district work program," which is a five-year listing of transportation projects planned for each fiscal year, and submits it to the FDOT's central office for review. The central office then develops a "tentative work program" (TWP) based on the

public transit funds must be based on the funding required for the plan and must identify each project calling for a state expenditure of \$500,000 or more. Certain projects must be individually identified in the appropriation request, with a breakdown of funds showing capital and operating expense. Unless otherwise authorized, the FDOT is prohibited from entering into any agreement for a public transit project resulting in the ultimate expenditure or commitment of state funds in excess of \$5 million.³

Any project necessary to meet the program objectives identified in s. 341.041, F.S., that conforms to s. 341.051, F.S., and that is contained in the local transportation improvement program and the FDOT's adopted work program is eligible for state funding.⁴ However, the project must be one of the types of projects identified in s. 341.051(4)(a)1, F.S. The level of the FDOT's authority to participate in project funding varies by project type.⁵

Section 341.051(5)(a), F.S., authorizes the FDOT to fund up to 50% of the nonfederal share of the costs, not to exceed the local share, of any eligible public transit capital project⁶ or commuter assistance project⁷ that is local in scope. Typically, for federally funded projects, the Federal Transit Administration participates in 50% of these capital costs, with FDOT and local funding participation at 25%. However, the FDOT's participation in the final design, right-of-way acquisition, and construction phases of an individual fixed-guideway project *not* approved for federal funding may not exceed 12.5% of the total cost of each phase.⁸

With limited exception, the FDOT administers these fixed-guideway projects in accordance with federal requirements for funding. Even if a project does not initially receive federal funding, advancing a project in accordance with federal requirements keeps open the potential for federal funds at later stages of the project. Due to limited resources, however, not all projects receive federal funding, even if the project was implemented from its beginning in a fashion consistent with federal requirements.

Some local entities are involved in ongoing efforts to develop transit alternatives. For example, the Strategic Miami Area Rapid Transit Plan, developed by Miami-Dade County and adopted by the Miami-Dade Metropolitan Planning Organization, is a plan to advance six rapid transit corridors to the project development and environmental study phase to determine the costs and

district work programs. The TWP is a future five-year listing of all projects planned for each fiscal year, setting forth all projects by phase to be undertaken during the ensuing fiscal year and planned for the successive four fiscal years. On July 1 of each year, the FDOT adopts the "adopted work program," which is the five-year listing of all projects planned for each fiscal year, including the current fiscal year. *See* s. 339.135, F.S.

³ Section 341.051(3), F.S.

⁴ Section 341.051(4), F.S.

⁵ The project types are service or transportation facilities provided by the FDOT, a public transit capital project, a commuter assistance project, a public transit service development project, an intercity bus service capital project, an intercity bus service project, or a transit corridor project. Section 341.051(4)(a)1., F.S.

⁶ A "public transit capital project" is "a project undertaken by a public agency to provide public transit to its constituency, and is limited to acquisition, design, construction, reconstruction, or improvement of a governmentally owned or operated transit system." Section 341.031(7), F.S.

⁷ The "commuter assistance *program*" is "financial and technical assistance by the department to promote alternatives to the use of automobiles by a single commuter." Program areas include ridesharing, transportation demand management, and transportation management association. Section 341.031(9), F.S.

⁸ Section 341.051(5)(a), F.S.

potential sources of funding for the project.⁹ The FDOT advises it is not reasonable to expect federal participation on more than one or two of these corridors, and, “The local position is that FDOT should still be authorized to provide the same amount to the project as if there was federal money included in the project.” Otherwise, the differing participation levels, depending on whether a project is federally funded, penalize local efforts to advance projects with local funds, instead of supporting the commitment of local funds.¹⁰

III. Effect of Proposed Changes:

The bill amends s. 341.051(5)(a), F.S., to revise the level of FDOT funding participation in the final design, right-of-way acquisition, and construction phases of an individual fixed-guideway project not approved for federal funding from an amount not exceeding 12.5% of the total cost of each phase, to an amount not exceeding 25% of such cost. If enacted, the FDOT’s authorized funding participation of up to 25% would be the same as the FDOT might contribute on a federally funded project. Local funding would replace the typical federal share.

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 the bill’s provisions result in more public transit projects, users of public transit and users of roadways may experience increased mobility, reduced roadway congestion and vehicle emissions, and associated benefits.

⁹ See the Miami-Dade County website available at: <http://www.miamidade.gov/citt/smart-plan.asp/> (Last visited March 15, 2017.)

¹⁰ See the FDOT’s analysis of SB 752. (On file in the Senate Transportation Committee.)

C. Government Sector Impact:

The FDOT advises an indeterminate increase in expenditures is expected if the FDOT increases funding participation from the current level.¹¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 341.051.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

¹¹ *Id.*

By Senator Flores

39-00615A-17

2017752__

A bill to be entitled

An act relating to financing of fixed-guideway public transit projects; amending s. 341.051, F.S.; revising the amount of funding the Department of Transportation may provide for certain phases of fixed-guideway projects not approved for federal funding; providing an effective date.

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

Section 1. Paragraph (a) of subsection (5) of section 341.051, Florida Statutes, is amended to read:

341.051 Administration and financing of public transit and intercity bus service programs and projects.—

(5) FUND PARTICIPATION; CAPITAL ASSISTANCE.—

(a) The department may fund up to 50 percent of the nonfederal share of the costs, not to exceed the local share, of any eligible public transit capital project or commuter assistance project that is local in scope, ~~except~~. However, such funding and ~~that~~ departmental participation in the final design, right-of-way acquisition, and construction phases of an individual fixed-guideway project that ~~which~~ is not approved for federal funding shall not exceed 25 ~~an amount equal to 12.5~~ percent of the total cost of each phase.

For purposes of this section, the term "net operating costs" means all operating costs of a project less any federal funds, fares, or other sources of income to the project.

Section 2. 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.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 784

INTRODUCER: Transportation Committee and Senators Gainer and Rouson

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: March 23, 2017

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 784 makes numerous changes relating to the Department of Highway Safety and Motor Vehicles (DHSMV). Specifically, the bill:

- Creates a definition of an autocycle, requires occupants of autocycles to wear safety belts, and exempts drivers of autocycles from being required to have a motorcycle endorsement or motorcycles license, or from completing motorcycle knowledge and skills testing in order to operate the autocycle;
- Allows volunteers firefighters to use red and white, in addition to red, warning signals;
- Updates various commercial motor vehicle (CMV) regulations to address compatibility issues with federal law;
- Requires interstate charter buses to register as apportionable vehicles;
- Changes references to the organization “Prevent Blindness Florida” to “Preserve Vision Florida”;
- Increases the time-frame apportionable vehicles must replace their license plates from annually to every five years;
- Allows a person driving a rental vehicle who is stopped by a law enforcement officer or agent of the DHSMV to show an electronic copy of a rental agreement;
- Removes specialty license plates from statute that have been discontinued by the DHSMV;
- Creates a Purple Heart motorcycle license plate and a Bronze Star license plate;
- Makes numerous changes to transporter license plates, including requiring more information from applicants for transporter plates and adding penalties for the misuse of such plates;

- Allows a person diagnosed with posttraumatic stress disorder (PTSD) or traumatic brain injury (TBI) to be eligible to receive a “D” designation on his or her identification (ID) card;
- Increases the amount of time a Florida Highway Patrol (FHP) trooper must stay employed with the FHP to avoid having to reimburse training costs from two years to three years;
- Revises DHSMV reporting requirements relating to driver license suspensions for persons who do not meet school attendance requirements;
- Authorizes tax collectors to retain fees or a portion of fees when they administer subsequent driver license examinations or reinstate licenses;
- Allows the DHSMV to issue a no-fee replacement identification card upon proof to the DHSMV that the card was stolen;
- Provides the option for expedited shipping of a driver license or identification card;
- Removes an obsolete provision relating to specialty driver licenses; and
- Amends numerous cross-references to reflect changes made by the bill.

The bill is intended to address a broad range of federal compliance, customer service and administrative efficiency issues; however, these changes have various indeterminate positive and negative fiscal impacts and the total fiscal impact of the bill is unknown. See V. Fiscal Impact Statement for additional information.

The bill takes effect October 1, 2017.

II. Present Situation:

Due to the disparate issues in the bill, the present situation for each section is discussed below in conjunction with the Effect of the Proposed Changes.

III. Effect of Proposed Changes:

Autocycles (Sections 1, 6, 7, 20, and 24)

Present Situation

An autocycle is commonly defined as a three-wheel motorcycle that has a steering wheel and seating that does not require the operator to straddle or sit astride it.¹ The term “autocycle” is not defined in federal law; however, as of February 2016, at least 22 states have created statutory definitions for an autocycle.² Currently, the DHSMV registers autocycles as motorcycles.³ This

¹ American Association of Motor Vehicle Administrators (AAMVA), *Best Practices for the Regulation of Three-Wheel Vehicles* (October 2013), available at <http://www.aamva.org/3wheelvehiclebp/> at p. 4 (last visited Mar. 22, 2017).

² National Conference of State Legislatures (NCSL), *Traffic Safety Trends – State Legislative Action 2015* (Feb. 2016), available at http://www.ncsl.org/Documents/transportation/2015_Traffic_Safety_Trends.pdf at p. 23 (last visited Mar. 22, 2017).

³ DHSMV Technical Advisory RS/TL16-015, *Registering the Slingshot* (June 20, 2016), available at https://www.flhsmv.gov/dmv/bulletins/2016/ta_rstl16-015.pdf

means operators of autocycles, generally, are not required to maintain insurance⁴ or wear safety belts⁵, but are required to:

- Maintain a motorcycle endorsement or motorcycle license;⁶
- Wear a helmet, unless over 21 years of age with at least \$10,000 of medical insurance or riding in an enclosed cab;⁷ and
- Wear eye protection⁸;

Since autocycles share more characteristics with passenger motor vehicles than motorcycles, some of the motorcycle requirements, or lack of requirements, may or may not be necessary for autocycles. For example, studies suggest a motorcycle endorsement or motorcycle license should not be required for operating an autocycle.⁹ Motorcycle rider courses primarily focus on operating a motorcycle in which the operator sits astride the saddle and uses handlebars, while using his or her body weight, balance, and position on the motorcycle to corner or stop; however, operating an autocycle requires mechanics similar to a passenger motor vehicle. At least 21 states do not require a motorcycle endorsement or motorcycle license to operate an autocycle.¹⁰

There is little research or crash data available concerning the safety of autocycles. Since autocycles fall under the definition of a motorcycle they are only required to meet the federal safety standards required for motorcycles; thus, autocycles are not required to meet the crash safety standards or occupant safety criteria that a regular passenger motor vehicle is required to meet. The National Highway Traffic Safety Administration (NHTSA) has concerns that the overall appearance of autocycles, being closer to the appearance of a car than a motorcycle, may cause people to think autocycles are as safe as passenger motor vehicles.¹¹

Effect of Proposed Changes

Section 1 amends s. 316.003, F.S., defining an autocycle as a three-wheel motorcycle that has two wheels in the front and one wheel in the back, is equipped with a roll cage or roll hoops, safety belts for each occupant, antilock brakes, a steering wheel, and seating that does not require the operator to straddle or sit astride it and is manufactured by a National Highway Traffic Safety Administration (NHTSA) registered manufacturer in accordance with the applicable federal motorcycle safety standards.

Sections 1 and 7 include an autocycle in the definition of a motorcycle. Also, the definition of motorcycle is amended to exempt a vehicle in which the operator is enclosed by a cabin unless the vehicle meets the requirements set forth by the NHTSA for a motorcycle.

Section 6 requires that the operator, front seat passenger, and any passenger under the age of 18 years old in an autocycle wear a safety belt.

⁴ See ch. 324, F.S., on Motor Vehicle Financial Responsibility.

⁵ See s. 316.614(3)(a)5., F.S.

⁶ Section 322.03(4), F.S.

⁷ Section 316.211, F.S.

⁸ Section 316.211(2), F.S.

⁹ AAMVA, *supra* note 1 at p. 5 and 9

¹⁰ NCSL, *supra* note 2

¹¹ AAMVA, *supra* note 2 at p. 2

Sections 20 and 24 exempt operators of an autocycle from needing a motorcycle endorsement or motorcycle license, and from needing to complete motorcycle skills and motorcycle knowledge testing to operate an autocycle.

Volunteer Firefighters – Red and White Warning Signals (Sections 2, 3, and 19)

Present Situation

Section 316.2397, F.S., authorizes vehicles of the fire department and fire patrol, including vehicles of permitted volunteer firefighters, to show or display red warning signals. Specifically, active volunteer firefighters are authorized to display such red lights or warning signals if the volunteer firefighter has secured a written permit from the chief executive officers of the firefighting organization allowing the use of such signals. This permit is required to be carried at all times while the firefighter displays the red warning signals. The active firefighter may display red lights on their privately owned vehicle while en route to a fire or other emergency in the line of duty, or while en route to the fire station for the purpose of proceeding to a fire or other emergency.¹²

Section 316.2398, F.S., requires that the warning signals must be visible from the front and rear of the vehicle, and requires:

- No more than two red warning signals may be displayed; and
- No inscription of any kind may appear across the face of the lens of the warning signal.

A violation of these requirements is a nonmoving violation, punishable as provided in ch. 318¹³, and any volunteer firefighter who violates these requirements shall be dismissed from membership in the firefighting organization.¹⁴

Effect of Proposed Changes

The bill adds that volunteer firefighters may use red or *red and white* warning signals where provided by law. All of the conditions and restrictions in current law for the use of red warning signals will remain applicable to the use of red and white warning signals.

Federal Motor Carrier Safety Administration Compatibility (Section 4)

Present Situation

The Federal Motor Carrier Safety Administration (FMCSA) was established within the United State Department of Transportation on January 1, 2000. Its primary mission is to prevent commercial motor vehicle (CMV)-related fatalities and injuries.¹⁵

¹² Section 316.2398(1), F.S.

¹³ Chapter 318.18, F.S., provides that a nonmoving traffic violation is a \$30 penalty plus court costs. This could result in a penalty and costs totaling up to \$108.

¹⁴ Section 316.2398(5), F.S.

¹⁵ FMCSA website, *About Us*, available at <https://www.fmcsa.dot.gov/mission/about-us> (last visited Feb. 23, 2017).

Section 316.302, F.S., provides that all owners and drivers of CMVs¹⁶ operated on the public highways of this state while engaged in *interstate* commerce are subject to the rules and regulations contained in the following parts of the Federal Motor Carrier Safety Regulations¹⁷:

- Part 382, Controlled Substance and Alcohol Use and Testing;
- Part 385, Safety Fitness Procedures;
- Part 390, General Federal Motor Carrier Safety Regulations;
- Part 391, Qualifications of Drivers;
- Part 392, Driving of Commercial Motor Vehicles;
- Part 393, Parts and Accessories Necessary for Safe Operation;
- Part 395, Hours of Service of Drivers;
- Part 396, Inspection, Repair, and Maintenance; and
- Part 397, Transportation of Hazardous Materials; Driving and Parking Rules.

Owners and drivers of CMVs engaged in *intrastate* commerce are subject to the same rules and regulations, unless otherwise provided in s. 316.302, F.S., as such rules and regulations existed on December 31, 2012.¹⁸ To remain compatible with the Federal Motor Carrier Safety Regulations, states generally have up to three years from the effective date of new federal requirements to adopt and enforce such requirements.¹⁹ States that remain incompatible risk losing federal funding. A 2007 Florida State Motor Carrier Safety Assistance Program (MCSAP) review found that the Florida Statutes contain multiple compatibility issues.²⁰

2007 Florida State MCSAP Review Findings

Section 316.302(1)(b), F.S., provides an exception from 49 C.F.R. s. 390.5 as it relates to the definition of a bus, which is defined as “any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs.” Florida law excludes taxicabs from the definition of a bus.²¹ The MCSAP Review noted that Florida Statutes “exempting, from the definition of a bus, taxicabs as it applies to the intrastate private transportation of passengers, is not compatible” with Federal law.²²

Federal law prohibits certain lamps and reflective devices from being obscured on CMVs.²³ However, s. 316.215(5), F.S., provides an exception from this requirement for front-end loading collection vehicles that are engaged in collecting solid waste or recyclable or recovered materials, and are being operated at less than 20 miles per hour with hazard-warning lights activated. According to the MCSAP review, federal law provides no such exemption.²⁴

¹⁶ Section 316.003(12), F.S., defines “commercial motor vehicle” as “any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle: (a) Has a gross vehicle weight rating of 10,000 pounds or more; (b) Is designed to transport more than 15 passengers, including the driver; or (c) Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 U.S.C. ss. 1801 et seq.).”

¹⁷ 49 C.F.R. ch. III, subchapter B.

¹⁸ Section 316.302(1)(b), F.S.

¹⁹ 49 C.F.R. Appendix A to Part 355 – Guidelines for the Regulatory Review – State Determinations (2016)

²⁰ 2007 Florida State MCSAP Review, *Summary Findings, Recommendations, and Noteworthy Practices* (June 2007) (on file with the Senate Committee on Transportation).

²¹ Section 316.003(6), F.S.

²² 2007 Florida State MCSAP Review, *supra* note 20 at p. 2, FL/FI-1.

²³ 49 C.F.R. s. 393.9(b)

²⁴ 2007 Florida State MCSAP Review, *supra* note 20 at p. 4, FL/FI-7.

Section 316.302(2)(d), F.S., provides an exemption from compliance with 49 C.F.R. s. 395.8, requiring driver's record of duty status, for drivers of CMVs if the driver:

- Is operating solely in intrastate commerce;
- Is not transporting any hazardous materials in amounts that require placarding²⁵;
- Is within 150-air miles of the vehicle's base location; and
- Complies with specific federal requirements relating to hours of service.²⁶

Additionally, state law provides that if a driver is not released from duty within 12 hours of arriving on duty, the motor carrier must maintain documentation of the driver's driving times throughout the duty period. The MCSAP review found that the exemption and alternate records requirement contained in s. 316.302(2)(d), F.S., does not comply with federal regulations because the federal exemption also requires that the driver return to the work reporting location and is released from work within 12 consecutive hours.²⁷

Federal law allows a state to exempt a CMV from all or part of its laws or regulations relating to intrastate commerce if the vehicle's gross vehicle weight, gross vehicle weight rating, gross combined weight, or gross combined weight rating is less than 26,001, and the vehicle is not:

- Transporting hazardous materials requiring a placard; or
- Designed or used to transport 16 or more people, including the driver.²⁸

However, s. 316.302(2)(f), F.S., provides exemptions from federal laws or regulations for a person who operates a CMV solely in intrastate commerce, having a *declared* gross vehicle weight of less than 26,001 pounds, and who is not transporting hazardous materials in an amount that requires placarding, or who is transporting petroleum products. According to the MCSAP Review, the State interprets this statute as exempting such vehicles transporting petroleum products even if a hazardous materials placard is required, which is not in compliance with federal regulations.²⁹

Maximum Driving Time

Section 316.302(2), F.S., provides prohibitions to length of time CMV drivers may drive, as well as exemptions from federal requirements for specified vehicles. Section 316.302(2)(b), F.S., provides that a person who operates a CMV solely in intrastate commerce without any hazardous materials in amounts requiring placarding may not drive:

- More than 12 hours following 10 consecutive hours off duty; or
- For any period after the end of the 16th hour after coming on duty following 10 consecutive hours off duty.

Except as provided in the federal hours of service rules³⁰, a person operating a CMV solely in intrastate commerce not transporting any hazardous material may not drive after having been on

²⁵ Pursuant to 49 C.F.R. part 172

²⁶ As provided in 49 C.F.R. s. 395.1(e)(1)(iii) and (v).

²⁷ 2007 Florida State MCSAP Review, *supra* note 20 at p. 5, *FL/FI-8*.

²⁸ 49 C.F.R. s. 350.341(a)

²⁹ 2007 Florida State MCSAP Review, *supra* note 20 at p. 5, *FL/FI-3*.

³⁰ 49 C.F.R. s. 395.1

duty more than 70 hours in any period of seven consecutive days or more than 80 hours in any period of eight consecutive days if the motor carrier operates every day of the week.³¹ Upon request of DHSMV, motor carriers are required to furnish time records or other written verification so that DHSMV can determine compliance with the hours of service requirements. Falsification of time records is subject to a civil penalty not to exceed \$100.³²

Effect of Proposed Changes

The bill amends multiple provisions in s. 316.302, F.S., addressing Federal compatibility issues.

The bill amends s. 316.302(1), F.S., clarifying that the section applies to all CMVs except as provided in s. 316.302(3), F.S., relating to covered farm vehicles.

The bill amends s. 316.302(1)(b), F.S., removing an exception to federal law, as it relates to the definition of a bus.

The bill adopts federal laws that intrastate CMV owners and drivers are required to comply with as such federal rules and regulations existed on December 31, 2016.³³ Examples of some of the regulations adopted that directly affect intrastate CMVs include:

- Requiring use of electronic logging devices by drivers required to prepare hours-of-service records of duty status;³⁴
- Amending the definition of *gross combination weight rating* to provide clarification;³⁵ and
- Requiring the use of a Unified Registration System to submit required registration and biennial update information to the FMCSA.³⁶

The bill amends s. 316.302(1)(d), F.S., removing an exemption from Federal law allowing specified CMVs to obscure certain lighting or reflective devices.

Due to changes in federal law, the bill amends s. 316.302(2)(a), F.S., to provide clarity that drivers of intrastate CMVs that are not transporting hazardous materials requiring placarding are exempt from 49 C.F.R. s. 395.3, which provides maximum driving times for property-carrying

³¹ Section 316.302(2)(c), F.S.

³² This penalty is found in 316.302(2)(c), F.S.; However, s. 316.3025, F.S., relating to CMV penalties, provides that a penalty of \$100 may be assessed for a violation of s. 316.302(2)(b) or (c), F.S.

³³ A list of Final Rules adopted as of December 31, 2016, that affect FMCSA rules and regulations are available on the FMCSA website, *Rulemaking Documents*, available at <https://www.fmcsa.dot.gov/regulations/search/rulemaking?keyword=&dt=final&topic=> (last visited Mar. 13, 2017).

³⁴ Electronic Logging Devices and Hours of Service Supporting Documents, 80 Fed. Reg. 78291 (Dec. 16, 2015), available at <https://www.federalregister.gov/documents/2015/12/16/2015-31336/electronic-logging-devices-and-hours-of-service-supporting-documents> (last visited Mar. 6, 2017).

³⁵ Gross Combination Weight Rating; Definition, 79 Fed. Reg. 15245 (Mar. 19, 2014), available at <https://www.federalregister.gov/documents/2014/03/19/2014-05502/gross-combination-weight-rating-definition> (last visited Mar. 13, 2017).

³⁶ Unified Registration System, 78 Fed. Reg. 52607 (Aug. 23, 2013), available at <https://www.federalregister.gov/documents/2013/08/23/2013-20446/unified-registration-system> (last visited Mar. 13, 2017). However, the system is currently delayed until all necessary data is transferred to the new database and that is compatible with State partners. See 82 Fed. Reg. 5292.

vehicles. These drivers continue to be subject to the maximum driving times required by state law.

The bill removes a duplicate penalty for falsifying hours of service records from s. 316.302(2)(c), F.S.

Section 316.302(2)(d), F.S., is amended to provide that to be exempt from being required to maintain records of duty status for short-haul drivers the driver must also return to the work reporting location and be released from work within 12 consecutive hours.

Lastly, the bill amends s. 316.302(2)(f), F.S., removing specified exemptions for drivers transporting petroleum products. The bill also removes that these exemptions apply when a CMV has a *declared* gross vehicle weight of less than 26,001 pounds. This criterion is changed to CMVs having a *gross vehicle weight, gross vehicle weight rating, and gross combined weight rating* of less than 26,001 pounds.

Commercial Motor Vehicle Operator Disqualifications (Sections 5 and 27)

Present Situation

Federal and state law prohibit drivers of commercial motor vehicles from texting while driving a commercial motor vehicle (CMV) and from using a hand-held mobile telephone while driving a CMV.³⁷ Section 316.3025, F.S., provides that a driver who violates these laws may be assessed a civil penalty of:

- \$500 for the first violation;
- \$1,000 and a 60-day CDL disqualification for a second violation; and
- \$2,750 and a 120-day CDL disqualification for a third and subsequent violation.

However, federal law requires the 60 and 120-day CDL disqualification for these offenses to be assessed for any combination of certain serious traffic violations during a 3-year period. Specifically, federal law requires, for offenses occurring within a 3-year period while operating a CMV, a 60-day CDL disqualification for a second conviction and a 120-day CDL disqualification for a third or subsequent conviction of any combination of the following offenses³⁸:

- Excessive speeding (15 mph or more over the posted speed limit);
- Reckless driving;
- Improper lane changes;
- Following too closely;
- A violation of any state or local law relating to motor vehicle traffic control arising in connection with a fatal accident;
- Driving a CMV:
 - Without obtaining a CDL;
 - Without a CDL in the driver's possession;
 - Without the proper class of CDL or endorsements required;

³⁷ See 49 C.F.R. ss. 392.80 and 392.82, and s. 316.3025, F.S.

³⁸ 49 C.F.R. s. 383.51 (2015), Table 2, available at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-subtitleB-chapIII-subchapB.pdf> at p. 206-207 (last visited Feb 9, 2017).

- Violating a state or local law or ordinance on motor vehicle traffic control prohibiting:
 - Texting while driving a CMV; or
 - Use of a hand-held mobile telephone while driving a CMV.

With the exception of texting while driving a CMV and the use of a hand-held mobile phone while driving a CMV, the above penalties and offenses are in state law.³⁹ To align with federal law, these two offenses need to be added to the list of disqualifying offenses in s. 316.3025, F.S. According to the DHSMV, non-compliance could result in a loss of federal highway funds.⁴⁰

Effect of Proposed Changes

The bill removes the commercial driver license disqualification penalty for texting while driving a CMV and using a hand-held mobile telephone while driving a CMV from s. 316.3025, and adds those offenses to the list of serious disqualifying offenses while operating a commercial motor vehicle listed in s. 322.61, F.S. This change aligns Florida law with federal regulations.

International Registration Plan – Charter Buses (Section 7)

Present Situation

The International Registration Plan (IRP) is a registration reciprocity agreement among all states in the contiguous United States, the District of Columbia, and several Canadian provinces. It provides for the payment of license fees based on fleet operation in various member jurisdictions.⁴¹ This allows carriers to operate inter-jurisdictionally while only needing to register its vehicles in its base jurisdiction, which is the state or province where the registrant has an established place of business⁴².

All apportionable vehicles domiciled in the state are required to be registered in accordance with the IRP and display “Apportioned” license plates.⁴³ Motor carriers registered under the IRP are also required to maintain specified records for the DHSMV, and may have their registrations and license plates withheld if:⁴⁴

- An identifying number issued by the federal agency responsible for motor carrier safety is not provided for the motor carrier and entity responsible for motor carrier safety for each motor vehicle; or
- A motor carrier or vehicle owner has been prohibited from operating by a federal or state agency responsible for motor carrier safety.

Additionally, the DHSMV has authority to suspend, with notice, any commercial motor vehicle or license plate issued to a motor carrier or vehicle owner who has been prohibited from

³⁹ See s. 322.61(1), F.S.

⁴⁰ Meeting with the DHSMV and Senate Transportation Committee Staff (Jan. 23, 2017).

⁴¹ International Registration Plan, Inc., *About IRP*, <http://www.irponline.org/?page=AboutIRP> (last visited Feb. 1, 2017).

⁴² As defined by the IRP, (January 2017) available at http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/publications/IRP_agreement_eff_january_1_.pdf at p. 16 (last visited Feb. 1, 2017).

⁴³ Section 320.0715(1), F.S.

⁴⁴ Section 320.0715(4), F.S.

operating by a federal or state agency responsible for motor carrier safety.⁴⁵ Apportionable vehicles that do not regularly operate in a particular jurisdiction also have the option to register for trip permits in order to operate in IRP member jurisdictions for limited periods where they do not pay license taxes.⁴⁶

The IRP defines an apportionable vehicle as:⁴⁷

[A]ny Power Unit that is used or intended for use in two or more Member Jurisdictions and that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and:

- (i) Has two Axles and a gross Vehicle weight or registered gross Vehicle weight in excess of 26,000 pounds, or
- (ii) Has three or more Axles, regardless of weight, or
- (iii) Is used in combination, when the gross Vehicle weight of such combination exceeds 26,000 pounds.

The definition excludes a recreational vehicle, a vehicle displaying restricted plates, or a government-owned vehicle. However, those excluded vehicles may choose to register under the IRP.

Prior to January 1, 2016, charter buses were also excluded from having to register under the IRP, but retained the option to do so. The IRP was amended to remove charter buses from the exemption, requiring charter bus operations to register under the IRP. This registration ensures that charter bus operations will pay license fees to each jurisdiction it operates in, and prevents or suspends the registration of unsafe carriers.⁴⁸ As of January 1, 2016, the DHSMV estimates that less than 200 charter bus carriers or companies within the state were required to register under the IRP in order for the state to remain compliant with the reciprocity agreement.⁴⁹

Effect of Proposed Changes

Section 320.01, F.S., is amended to remove charter buses from the apportionable vehicle exclusion. This change is necessary to align with the requirements of the IRP. All charter buses operating interstate are now required to obtain an IRP registration or purchase trip permits.

⁴⁵ Section 320.0715(4)(c), F.S.

⁴⁶ See IRP, Inc., *Trip Permits- Cost/Duration* (May 2016), available at http://www.irponline.org/resource/resmgr/Jurisdiction_Info_2/Trip_Permits_5.19.2016.xlsx (last visited Feb. 6, 2017).

⁴⁷ International Registration Plan (Jan. 2017), available at http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/publications/IRP_agreement_eff_january_1_.pdf at p. 12-13 (last visited Feb. 2, 2017).

⁴⁸ See IRP, Inc., *Official Amendment to the International Registration Plan* (June 2014) http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/irp_ballots/ballot_391.pdf (last visited Feb. 3, 2017).

⁴⁹ Email from the DHSMV (Feb. 17, 2017) (on file with the Senate Committee on Transportation).

Prevent Blindness Florida Organization Name Change (Sections 8, 14 and 22)***Present Situation***

In May of 2016, the organization Prevent Blindness Florida changed their name to Preserve Vision Florida.⁵⁰

Effect of Proposed Changes

The bill amends sections of the Florida Statutes pertaining to the DHSMV to recognize the organization's name change.

Issuance of Apportionable Vehicle Plates (Sections 9 and 11)***Present Situation***

Registration license plates, which bear a graphic symbol and alphanumeric system of identification, are issued for a 10-year period. However, "Apportioned" license plates issued to vehicles registered under the International Registration Plan (IRP), are issued annually.⁵¹ Each original plate costs \$28, which is deposited into the Highway Safety Operating Trust Fund (HSOTF). Apportioned vehicles are also issued an annual cab card that denotes the declared gross vehicle weight for each apportioned jurisdiction where the vehicle is authorized to operate.⁵²

Effect of Proposed Changes

The bill provides that beginning October 1, 2018, apportioned vehicles will be issued license plates valid for a 5-year period, instead of annually. If the license plate is damaged or worn prior to the end of the 5-year period, the DHSMV will replace it, upon application and surrender of the current plate, at no charge. Cab cards and validation stickers will continue to be issued annually, and the \$28 annual fee will apply to the issuance of an original or renewal validation sticker, instead of for the cost of the plate.

Electronic Rental Agreements (Section 10)***Present Situation***

Section 320.0605, F.S., provides that a person who rents or leases a vehicle is required to possess a true copy of rental or lease documentation for the motor vehicle at all times while the vehicle is being operated.⁵³ The documentation must include the following:

- Date of rental and time of exit from rental facility;
- Rental station identification;

⁵⁰ Department of State, Division of Corporations – Sunbiz.org, *Preserve Vision Florida, Inc.* (May 4, 2016), <http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2016%5C0509%5C84865905.Tif&documentNumber=706503> (last visited Mar. 22, 2017).

⁵¹ Section 320.06(1)(b)1., F.S.

⁵² See IRP, Inc., *State of Florida Apportioned Cab Card Sample*, http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/cab_cards/fl_cc_sample.pdf (last visited Feb. 8, 2017).

⁵³ A person who cannot display such documentation upon request from an officer or agent of the DHSMV is guilty of a noncriminal traffic infraction, punishable as a nonmoving violation.

- Rental agreement number;
- Rental vehicle identification number;
- Rental vehicle license plate number and state of registration;
- Vehicle's make, model, and color;
- Vehicle's mileage; and
- Authorized renter's name.

Effect of Proposed Changes

The bill authorizes a person to possess an *electronic copy* of the rental or lease documentation to be displayed upon the request of a law enforcement officer or an agent of the DHSMV. The bill provides that displaying the electronic copy does not constitute consent for the officer or agent to access any information on the device other than the displayed rental or lease documentation. The person who presents the device to the officer assumes liability for any resulting damage to the device.

The bill also removes that the rental or lease documentation must include the time of exit from the rental facility.

Discontinued Specialty License Plates (Sections 12 and 13)

Present Situation

The DHSMV must discontinue the issuance of any approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months, or discontinue the sale of presale vouchers if the approved plate does not sell at least 1,000 vouchers in 24 months.⁵⁴ 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.⁵⁵

The following specialty license plates have been discontinued by the DHSMV:

- The American Red Cross plate for failing to meet sales requirements,⁵⁶
- The Donate Organs Pass It On plate because the organization has closed,⁵⁷ and
- The St. Johns River plate and Hispanic Achievers plate for not meeting presale requirements.⁵⁸

Effect of Proposed Changes

The bill removes the American Red Cross plate, the Donate Organs Pass It On plate, the St. Johns River plate, and the Hispanic Achievers plate from law.

⁵⁴ Sections 320.08056(8)(a) and 320.08053(1)(b), F.S.; Florida collegiate plates are exempt from these requirements.

⁵⁵ Section 320.08056(8)(b), F.S.

⁵⁶ DHSMV Technical Advisory RS/TL16-009, *American Red Cross Specialty License Plate* (April 6, 2016), available at https://www.flhsmv.gov/dmv/bulletins/2016/ta_rstl16-009.pdf (last visited Mar. 22, 2017).

⁵⁷ DHSMV Technical Advisory RS/TL16-019, *Deauthorization of Donate Organs Pass It On Specialty License Plate* (July 15, 2016), available at https://www.flhsmv.gov/dmv/bulletins/2016/ta_rstl16-019.pdf (last visited Mar. 22, 2017).

⁵⁸ After 24 months in the presale process, the Hispanic Achievers plate had 26 registrations and the St. Johns River plate had 45 registrations. See DHSMV website, *Pre-Sale Specialty License Plate Vouchers* (June 30, 2016), <http://www.flhsmv.gov/specialtytags/PreSaleData.html> (last visited Mar. 22, 2017).

Purple Heart Motorcycle Plate (Section 15)

Present Situation

DHSMV currently offers multiple military special license plates available to certain military service members or veterans, but only offers two military motorcycle special plates: the Disabled Veteran motorcycle plate and the Paralyzed Vets of America motorcycle plate.⁵⁹

Purple Heart Medal

The Purple Heart is one of the oldest and most recognized American military medals, awarded to service members who were killed or wounded by enemy action. The Purple Heart differs from all other decorations in that an individual is not “recommended” for the decoration; rather he or she is entitled to it upon meeting specific criteria.⁶⁰ The Purple Heart is ranked immediately behind the Bronze Star Medal and ahead of the Defense Meritorious Service Medal⁶¹ in order of precedence.

Effect of Proposed Changes

The bill creates s. 320.0875, F.S., establishing a Purple Heart motorcycle special license plate. A Florida resident who owns or leases a motorcycle that is not used for hire or commercial use, and who was awarded a Purple Heart may receive a Purple Heart motorcycle license plate upon:

- Application to the DHSMV;
- Payment of the motorcycle license tax⁶²; and
- Documentation acceptable to the DHSMV that he or she is a recipient of the Purple Heart medal.

The Purple Heart motorcycle plate shall be stamped with the words “Combat-wounded Veteran” followed by the serial number, the term “Purple Heart,” and the likeness of the Purple Heart medal.

Bronze Star License Plate (Section 16)

Present Situation

Currently, there are 21 special military plates authorized in s. 320.089, F.S., available to military service members or veterans.⁶³ Special military plates authorized under this section are stamped

⁵⁹ For plate samples, see DHSMV, *Military License Plates*, available at <http://www.flhsmv.gov/specialtytags/miltags.html> (last visited Mar. 22, 2017).

⁶⁰ Paragraph 1-14(c), Army Regulation 600-8-22.

⁶¹ The Defense Meritorious Service Medal is awarded in the name of the Secretary of Defense to members of the Armed Forces of the United States who, after 3 November 1977, distinguished themselves by noncombat meritorious achievement or service.

⁶² Section 320.08(1)(a) and (c), F.S., provide the motorcycles have a flat license tax of \$10 plus a \$2.50 nonrefundable motorcycle education safety fee.

⁶³ The 21 military special plates currently offered in s. 320.089, F.S., include plates available for the following types of service: Veteran or Woman Veteran of the U.S. Armed Forces, World War II, Korean War, or Vietnam War Veteran, Navy Submariner, Active or retired National Guard member or U.S. Reservists, Pearl Harbor survivor, recipient of the Combat Infantry Badge, Combat Medical Badge, Combat Action Badge, Combat Action Ribbon, Air Force Combat Action Medal,

with words consistent with the type of special plate issued, and include a likeness of the related campaign medal or badge, if applicable. Applicants for special military license plates authorized under this section are required to pay the annual license tax in s. 320.08, F.S., with the exception of certain disabled veterans who qualify for the Pearl Harbor, Purple Heart, or Prisoner of War plate, to whom such plates are issued at no cost.⁶⁴ With the exception of Woman Veteran plates, the first \$100,000 of revenue generated annually from the sale of special use military plates is deposited into the Grants and Donations Trust Fund under the Veterans' Nursing Homes of Florida Act, as described in s. 296.38(2), F.S. Additional revenue is deposited into the State Homes for Veterans Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans.⁶⁵

Bronze Star Medal

The Bronze Star Medal was established on February 4, 1944, to recognize those who served after December 6, 1941, in any capacity in or with the Armed Forces of the United States or a friendly foreign nation. The Bronze Star Medal is awarded to a person who distinguished himself or herself by heroic or meritorious service, not involving participation in aerial flight, in connection with military operations against an armed enemy; or while engaged in military operations involving conflict with an opposing armed force in which the United States is not a belligerent party. Recipients of the Bronze Star Medal must be receiving imminent danger pay while serving in a geographic area authorized for special pay.⁶⁶ In order of precedence, the Department of Defense (DoD) places the Bronze Star Medal seventh amongst DoD wide military decorations and awards following the Distinguished Flying Cross and preceding the Purple Heart.⁶⁷

Effect of Proposed Changes

The bill creates a special military license plate for recipients of the Bronze Star Medal. The plate will be stamped with the words "Bronze Star" and a likeness of the Bronze Star Medal. To receive a Bronze Star special military license plate, the individual must submit an application for the plate to the DHSMV, provide proof that he or she is a Bronze Star Medal recipient, and pay the appropriate license tax as provided in s. 320.08, F.S. Revenue generated from the sale of the Bronze Star plate is deposited in the Grants and Donations Trust Fund and the State Home for Veterans Trust Fund, both of which are administered by the FDVA.

The bill also makes technical changes to s. 320.089, F.S., to provide clarity.

Distinguished Flying Cross, or Purple Heart, former Prisoner of War, and service members or veterans of Operation Desert Shield, Desert Storm, Enduring Freedom, and Iraqi Freedom.

⁶⁴ Section 320.089(1)(c) and (2)(a), F.S.

⁶⁵ Section 320.089(1)(b), F.S.

⁶⁶ Department of the Army, *Military Awards*, Army Regulation 600-8-22 (June 25, 2015).

⁶⁷ Department of Defense, *Manual of Military Decorations and Awards: DoD Service Awards – Campaign, Expeditionary, and Service Medals*, Manual No. 1348.33, Vol. 2 (May 15, 2015). The order of precedence for military awards varies by branch of service.

Transporter License Plates (Section 17)

Present Situation

Section 320.133, F.S., allows the DHSMV to issue transporter license plates. Transporter plates are available for an applicant who, incidental to the conduct of the applicant's business, engages in the transporting of unregistered motor vehicles, and who pays a license tax and provides proof of liability insurance coverage of at least \$100,000. A transporter plate is valid for 1 year, beginning January 1 to December 31, for a flat license tax of \$101.25.⁶⁸ To apply for a transporter plate, the business applicant certifies he understands the plate may only be used for motor vehicles in possession of the business that are being transported in the course of the business.⁶⁹

Types of businesses that may require the use of transporter plates include:

- Motor vehicle detail shops;
- Van conversion shops or other shops installing specialized equipment on vehicles;
- Businesses that transport mobile homes and recreational vehicles;
- Licensed repossessors; and
- Businesses that deliver unregistered vehicles (Drive away services).

Currently, there are 8,332 transporter license plates issued by the state, and approximately 4,618 businesses and individuals who have these plates issued to them.⁷⁰ There is no requirement for the business applying for the plate to prove it is engaged in transporting unregistered vehicles. The DHSMV has discovered businesses are using transporter license plates on company vehicles rather than on vehicles being transported for the business. According to DHSMV, it has little authority under current law to inquire as to whether the license plates are being used appropriately by applicants.⁷¹

Effect of Proposed Changes

The bill makes numerous changes to s. 320.133, F.S., concerning transporter license plates, including defining a "transporter license plate eligible business," requiring additional business information from applicants for transporter licenses, and adding penalties for improper use of transporter license plates.

The bill requires applicants for transporter license plates to provide proof satisfactory to the DHSMV that the business is a "transporter license plate eligible business," which is defined as a business engaged in the limited operation of unregistered motor vehicles or a reposessor who contracts with lending institutions to repossess or recover motor vehicles or mobile homes. Additionally, the application for a transporter license plate must include:

- The legal name of the person or persons applying for the license plate;
- The name of the business, and principal or principals of the business;

⁶⁸ Sections 320.08(15) and 320.133(3), F.S.

⁶⁹ See DHSMV, *Application for Transporter License Plates* (May 2011), available at <https://www.flhsmv.gov/pdf/forms/83065.pdf> (last visited Feb. 10, 2017).

⁷⁰ DHSMV, *Legislative Package Talking Points* (Jan. 24, 2017) (on file with the Senate Committee on Transportation).

⁷¹ *Id.*

- A description of the exact physical location of the place of business within the state;
- Proof of a garage liability insurance policy or a business automobile policy in the amount of \$100,000;
- Proof that the business is registered with the Division of Corporations of the Department of State to conduct business in the state; and
- A description of the business processes the business conducts that requires a need for a transporter license plate.

The business certificate of insurance must also indicate the number of transporter license plates reported to the insurance company, which will be the maximum number the DHSMV will issue to the applicant. The applicant is required to maintain such coverage for the entire transporter license plate registration period. The applicant is also required to maintain for two years records of use for each transporter license plate. Such records must be at the business's location and open to inspection by the DHSMV or any law enforcement agency during reasonable business hours.

The bill clarifies that the transporter license plate is only valid for use on an unregistered motor vehicle being transported in the course of the transporter's business and cannot be used on any motor vehicle that would require registration by the business. The DHSMV has authority to cancel any transporter license plate.

Finally, the bill adds penalties for the improper use of transporter license plates. Specifically:

- A person who sells or unlawfully possesses, distributes, or brokers a transporter license plate to be attached to any vehicle commits a second-degree misdemeanor⁷², and the plate is subject to removal;
- A person who fails to maintain true and accurate records of transporter license plate usage commits a second-degree misdemeanor⁷³, all transporter plates issued to the person may be subject to cancellation, and the person is disqualified from future transporter license plate issuance;
- A person who operates a motor vehicle with a transporter license plate attached who fails to provide the registration issued for the transporter license plate and proof of required insurance commits a second-degree misdemeanor⁷⁴, and the plate is subject to removal. This penalty does not apply to a person who contracts with dealers and auctions to transport motor vehicles; and
- A person who *knowingly and willfully* sells or unlawfully possesses, distributes, or brokers a transporter plate to avoid registering a vehicle that requires registration commits a first-degree misdemeanor⁷⁵, and all transporter plates issued to the person's business are canceled and must be returned to the DHSMV;

⁷² The second-degree misdemeanor is punishable as provided in ss. 775.082 or 775.083, F.S., which is a definite term of imprisonment not exceeding 60 days or a fine of no more than \$500.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ The first-degree misdemeanor is punishable as provided in ss. 775.82 or 775.083, which is a definite term of imprisonment not exceeding one year or a fine of no more than \$1,000.

FHP Law Enforcement Training Reimbursement (Section 18)

Present Situation

Section 321.25, F.S., authorizes the DHSMV “to provide for the training of law enforcement officials and individuals in matters relating to the duties, functions, and powers of the Florida Highway Patrol...” The DHSMV is authorized to charge a fee for providing authorized training, as well as tuition, lodging, and meals. New FHP troopers receive 28 to 29 weeks of paid Law Enforcement Training at the FHP Training Academy. During this paid training, meals, lodging, equipment, and study materials are provided to FHP Academy trainees at no cost to the trainee.⁷⁶ The DHSMV estimates that the cost of training and other course expenses to the DHSMV is approximately \$12,386 per trooper trainee.⁷⁷

In Florida, if an officer trainee who attends an approved training program at the expense of an employing agency terminates employment with such agency within two years after graduation from the basic recruit training program, he or she may be required to reimburse the employing agency for the full cost of tuition and other expenses.⁷⁸ Section 943.16, F.S., allows an employing agency to institute a civil action to collect these expenses if it is not reimbursed, provided that the trainee signed acknowledgement of this requirement. Trainees are not required to reimburse the employing agency if they resign their law enforcement certification upon terminating employment. Additionally, an employing agency may waive the reimbursement requirement in part or in full for a trainee who terminates employment due to hardship or extenuating circumstances.⁷⁹

Since 2012, 86 FHP members terminated employment with the FHP within two years of completing training. According to the DHSMV, the FHP only pursues reimbursement if a trooper leaves within the two years to secure employment with another law enforcement agency.⁸⁰ An additional 37 FHP members terminated employment within the third year of completing FHP training.

Effect of Proposed Changes

Section 321.21, F.S., relating specifically to FHP training provided at patrol schools, is amended to increase the employment period length to which the reimbursement requirement applies from two years to three years. If an FHP trainee terminates employment with FHP prior to completing three years of service, the DHSMV may require the trainee to reimburse the cost of the FHP training tuition and other course expenses.

The amended section retains that the DHSMV may institute a civil action to collect tuition and other related expenses if it is not reimbursed, provided the trainee signed written acknowledgement of the (3-year) requirement. Additionally, the DHSMV retains authority to waive the reimbursement requirement in part or in full if the trainee terminates employment due to hardship or extenuating circumstances. However, the amendment removes the ability of FHP

⁷⁶ FHP, *Be A Trooper- Requirements- Benefits*, available at <http://beatrooper.com/requirements/> (last visited Feb. 10, 2017).

⁷⁷ Email from the DHSMV (Feb. 17, 2017) (on file with the Senate Committee on Transportation).

⁷⁸ Section 943.16, F.S.

⁷⁹ *Id.*

⁸⁰ DHSMV, *Legislative Package Talking Points* (Jan. 24, 2017) (on file with the Senate Committee on Transportation).

trainees to resign their law enforcement certification upon termination in order to avoid having to reimburse the DHSMV for the cost of tuition and other course expenses.

“D” Designation on ID card for Persons with PTSD or TBI (Section 21)

Present Situation

DHSMV may issue an identification card to any person who is 5 years of age or older, or any person who has a disability, regardless of age, who applies for a disabled parking permit⁸¹ upon completion of an application and payment of a \$25 fee.⁸²

Section 320.051(8)(e), F.S., provides that upon request by a person who has a developmental disability, or by a parent or guardian of a child or ward who has a developmental disability, DHSMV issue an identification card exhibiting a capital “D” for the person, child, or ward if the person or the parent or guardian of the child or ward submits:

- Payment of an additional \$1 fee; and
- Proof acceptable to DHSMV of a diagnosis by a licensed physician of a developmental disability.⁸³

The above provision applies upon implementation of new designs for the driver license and identification card by the DHSMV.⁸⁴

Effect of Proposed Changes

The bill amends s. 322.051(8)(e)1., F.S., adding persons with post-traumatic stress disorder (PTSD)⁸⁵ or traumatic brain injury (TBI)⁸⁶ to those individuals who may receive the “D” designation on his or her identification card. This also applies to a parent or guardian’s request for a child or ward.

⁸¹ Disabled parking permits are provided under s. 320.0848, F.S.

⁸² Section 322.051, F.S.

⁸³ Section 393.063(12), F.S., defines “developmental disability” as a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, Down syndrome, Phelan-McDermid syndrome, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.

⁸⁴ Section 3 of Ch. 2016-175, L.O.F.

⁸⁵ PTSD is defined as a mental health condition that is triggered by a terrifying event. Symptoms include flashbacks, nightmares and severe anxiety, as well as uncontrollable thoughts about the event. See Mayo Clinic website, <http://www.mayoclinic.org/diseases-conditions/post-traumatic-stress-disorder/home/ovc-20308548> (last visited Mar. 23, 2017).

⁸⁶ TBI occurs when an external mechanical force causes brain dysfunction; usually from a violent blow or jolt to the head or body. See Mayo Clinic website, <http://www.mayoclinic.org/diseases-conditions/traumatic-brain-injury/basics/definition/con-20029302> (last visited Mar. 23, 2017).

Truancy Reporting (Section 23)

Present Situation

A minor is not eligible for driving privileges unless he or she⁸⁷:

- Is enrolled in a public school, nonpublic school, or home education and satisfies relevant attendance requirements;
- Has received a high school diploma, a high school equivalency diploma, a special diploma, or a certificate of high school completion;
- Is enrolled in a study course in preparation for the high school equivalency examination and satisfies relevant attendance requirements; or
- Has been issued a certificate of exemption or hardship waiver under.

Subsection 322.091(5), F.S., requires the DHSMV to submit a report quarterly to each school district containing the legal name, sex, date of birth, and social security number of each student whose driving privileges have been suspended under this section.

Effect of Proposed Changes

Subsection 322.091(5), F.S. is amended to remove obsolete language. According to the DHSMV, access to this report is available to school boards electronically on an accessible website.⁸⁸ The report via the website is updated in real-time whenever a new student is added.

Tax Collector Fee Distribution (Sections 24 and 26)

Present Situation

In 2010, the Florida Legislature required all driver license issuance services be transferred to tax collectors who are constitutional officers under s. 1(d), Art. VIII of the State Constitution by June 30, 2015.⁸⁹ As part of that transfer, tax collectors retain portions of specified fees when processing certain driver license services. Additionally, tax collectors charge a \$6.25 service fee for completing driver license services.⁹⁰

Tax collectors are not currently able to retain portions of fees for some services that the tax collectors are regularly performing. For example, an applicant who fails an initial driving knowledge or skills test is required to pay a \$10 or \$20 fee, respectively, to be issued a subsequent test. These fees are deposited into the Highway Safety Operating Trust Fund (HSOTF), regardless of whether the DHSMV or the tax collectors administered the exam.⁹¹

Similarly, service fees for license reinstatements collected pursuant to s. 322.21(8), F.S., are deposited into the General Revenue Fund and HSOTF, regardless of whether the reinstatement was conducted by the DHSMV or tax collectors. Of the \$45 service fee to reinstate a driver license suspension, \$15 is deposited in the General Revenue Fund and \$30 in the HSOTF. Of the

⁸⁷ Section 322.091, F.S.

⁸⁸ Meeting with the DHSMV and Senate Transportation Committee Staff (Jan. 23, 2017).

⁸⁹ Chapter 2010-163, Laws of Florida and s. 322.02(1), F.S.

⁹⁰ Section 322.135(1)(c), F.S.

⁹¹ Section 322.12(1), F.S.

\$75 service fee to reinstate a driver license revocation or CDL disqualification, \$35 is deposited in the General Revenue Fund and \$40 in the HSOTF.

Effect of Proposed Changes

The bill requires, for subsequent driver license initial knowledge and skills tests, that the tax collector retain the \$10 or \$20 fee for administering tests to applicants. The bill also requires the tax collectors to retain a portion of service fees when processing driver license reinstatements. If the reinstatement is processed by the tax collector:

- Of the \$45 fee for suspension reinstatement, \$15 shall be retained by the tax collector and \$15 shall be deposited into the HSOTF; and
- Of the \$75 fee for revocation or disqualification reinstatement, \$20 shall be retained by the tax collector, \$20 shall be deposited into the HSOTF, and \$35 shall be deposited into the General Revenue Fund.

Stolen Identification Cards (Section 25)

Present Situation

Section 322.17, F.S., provides that in the event that an instruction permit or driver license is stolen from an individual, upon proof of identity and proof satisfactory to the DHSMV that such permit or license was stolen (generally, with copy of a police report), a replacement permit or license will be issued at no cost to the individual.

Replacement driver licenses and identification cards cost \$25. According to the DHSMV, in Fiscal Year 2015-2016, individuals reported approximately 7,123 stolen identification cards to the DHSMV.⁹²

Effect of Proposed Changes

Section 322.17, F.S., is amended to include that identification cards shall be replaced at no cost to an individual who provides proof of identity and proof satisfactory to the DHSMV that the card was stolen.

Specialty Driver License or Identification Cards (Section 26)

Present Situation

Section 322.1415, F.S., provided authority for DHSMV to issue specialty driver licenses and identification cards recognizing, at a minimum, Florida universities, Florida professional sports teams, and all branches of the United States Armed Forces. Additionally, s. 322.1415(5), F.S. provided that the section was repealed effective August 31, 2016.

Effect of Proposed Changes

The bill removes an obsolete reference to specialty driver license and identification card costs from s. 322.21, F.S.

⁹² DHSMV, *Legislative Package Talking Points* (Jan. 24, 2017) (on file with the Senate Committee on Transportation).

Expedited Shipping Service (Section 26)

Present Situation

The DHSMV is not currently authorized to offer expedited shipping services for renewal or replacement driver licenses or identification cards. The fastest way to receive a renewal or replacement driver license or identification card is to go in-person to a Florida driver license office. However, for individuals out-of-state or who cannot get to a driver license office, renewals and replacement driver licenses or identification cards may be requested using a convenience service⁹³, including the DHSMV's virtual office⁹⁴.

According to the DHSMV, it can take seven to fourteen days to receive a renewal or replacement driver license or identification card after it is ordered from the DHSMV's virtual office.

Effect of Proposed Changes

The bill provides that an applicant for a renewal or replacement driver license or identification card, when using a convenience service, will have the option to request expedited shipping. If the applicant chooses expedited shipping, the DHSMV shall issue the license or identification card within five working days of receiving the application and will ship the license or card using an expedited mail service. The DHSMV may charge a fee for the expedited shipping that does not exceed the cost of the expedited mail service. This shipping fee is in addition to any fee that would have been charged for the license or card, excluding the expedited shipping. The DHSMV shall deposit expedited shipping fees into the Highway Safety Operating Trust Fund.

Amending Cross-References (Sections 28-33)

The bill amends numerous cross-references to reflect changes made by the bill.

Effective Date (Section 34)

This 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.

⁹³ Section 322.01(10), F.S., defines "convenience service" as "any means whereby an individual conducts a transaction with the department other than in person."

⁹⁴ Available at <https://services.flhsmv.gov/virtualoffice/Lobby.aspx> (last visited Feb. 13, 2017).

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference (REC) reviewed identical sections of the bill on March 10, 2017.⁹⁵ The REC estimates that replacing stolen identification cards at no charge to a customer (section 10 of the bill) will have an insignificant negative impact to the General Revenue Fund until Fiscal Years 2020 through 2022, when it will have a negative impact of \$100,000 annually.

The REC estimates that allowing local tax collectors to retain fees or portions of fees for administering subsequent driver license examinations or reinstating licenses (sections 9 and 11) will shift approximately \$5 million from the HSOTF and \$400,000 from the General Revenue Fund each year to the local tax collectors.

Additionally, the REC estimates, authorizing expedited shipping fees for driver licenses and identification cards (section 11) will have a positive indeterminate impact to the extent that expedited shipping is requested.

B. Private Sector Impact:

The bill may have a positive impact on individuals who are issued a free replacement identification card to replace a stolen card (section 25), as well as CMV operators who may replace a damaged apportioned license plate at no charge (sections 9 and 11). In addition, operators of autocycles (sections 20 and 24) will not be required to obtain a motorcycle license or endorsement license, or to complete a motorcycle safety course and a motorcycle knowledge and skills test currently required to obtain such a license or endorsement.

However, the bill may have a negative impact on individuals or businesses who misuse transporter license plates due to the added penalties for their misuse (section 17)).

The bill will have an indeterminate impact on the CMV industry as a result of changes made to CMV requirements within the bill (sections 1, 5, and 27).

C. Government Sector Impact:

The bill makes changes to address compliance issues with federal laws relating to commercial motor vehicles (sections 1, 5, and 27). According to the DHSMV, Florida failing to comply with FMCSA compatibility requirements could result in a reduction of up to four percent of Federal-aid highway funds following the first year of noncompliance and up to eight percent for subsequent years.⁹⁶ Noncompliance could also affect the potential awarding of future grants.

⁹⁵ Office of Economic and Demographic Research, Revenue Estimating Conference, *Highway Safety Fees – HB 545* (Mar. 10, 2017), available at http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2017/_pdf/Impact0310.pdf at p. 22-30 (last visited Mar. 15, 2017).

⁹⁶ Email from the DHSMV (Feb. 17, 2017) (on file with the Senate Committee on Transportation).

To the extent that FHP troopers leave the FHP for another agency between their second and third year of service, the DHSMV may receive reimbursement for training costs from the individual (section 18). The DHSMV estimates that the cost of training and other course expenses to the DHSMV is approximately \$12,386 per trooper trainee.⁹⁷

The DHSMV will likely incur programming costs associated with changes made by the bill, as well as production costs to create Bronze Star license plates (section 16) and Purple Heart motorcycle plates (section 15).

The bill is intended to address a broad range of federal compliance, customer service and administrative efficiency issues; however, these changes have various indeterminate positive and negative fiscal impacts and the total fiscal impact of the bill on the government sector is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.2397, 316.2398, 316.302, 316.3025, 316.614, 320.01, 320.02, 320.06, 320.0605, 320.0607, 320.08056, 320.08058, 320.08068, 320.089, 320.133, 321.25, 322.01, 322.03, 322.051, 322.08, 322.091, 322.12, 322.17, 322.21, and 322.61.

This bill creates section 320.0875 of the Florida Statutes.

This bill amends the following sections of the Florida Statutes to conform cross-references: 212.05, 316.303, 316.545, 316.613, 320.08, and 655.960.

IX. Additional Information:

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

CS by Transportation on March 22, 2017:

The CS adds several issues to the bill. Specifically, the CS:

- Creates a definition for an autocycle, requires occupants of autocycles to wear safety belts, and exempts drivers of autocycles from being required to have a motorcycle endorsement or motorcycle license, or from completing motorcycle knowledge and skills testing;

⁹⁷ *Id.*

- Allows volunteers firefighters to use red and white, in addition to red, warning signals;
- Allows a person driving a rental vehicle who is stopped by a law enforcement officer or agent of the DHSMV to show an electronic copy of a rental agreement;
- Changes references to the organization “Prevent Blindness” to “Preserve Vision”;
- Creates a Purple Heart motorcycle special license plate;
- Creates a Bronze Star license plate;
- Removes specialty license plates from statute that have been discontinued by the DHSMV; and
- Allows a person diagnosed with PTSD or TBI to be eligible to receive a “D” designation on his or her ID card.

The CS modifies changes to the bill sections on the Issuance of Apportionable Vehicle Plates. The CS removes language from current law indicating that the cab card denotes the declared gross vehicle weight *for each jurisdiction in which the vehicle is authorized to operate*. The CS also changes that a \$28 annual fee is for an original and a renewed validation sticker, instead of for the annual cab card.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2017	.	
	.	
	.	
	.	

The Committee on Transportation (Gainer) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (2) through (97) of section 316.003, Florida Statutes, are redesignated as subsections (3) through (98), respectively, a new subsection (2) is added to that section, and present subsections (41) and (55) of that section are amended, to read:

316.003 Definitions.—The following words and phrases, when



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

(2) AUTOCYCLE.—A three-wheel motorcycle that has two wheels in the front and one wheel in the back, is equipped with a roll cage or roll hoops, safety belts for each occupant, antilock brakes, a steering wheel, and seating that does not require the operator to straddle or sit astride it and is manufactured by a National Highway Traffic Safety Administration registered manufacturer in accordance with the applicable federal motorcycle safety standards under 49 C.F.R. part 571.

(42) ~~(41)~~ MOTORCYCLE.—Any motor vehicle that has ~~having~~ a seat or saddle for the use of the rider which is ~~and~~ designed to travel on not more than three wheels in contact with the ground, including an autocycle. The term does not include a tractor, a moped, or a vehicle in which the operator is enclosed by a cabin unless the vehicle meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle but ~~excluding a tractor or a moped.~~

(56) ~~(55)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph (78) (b) ~~(77) (b)~~, any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Section 2. Subsections (1) and (3) of section 316.2397, Florida Statutes, are amended to read:

316.2397 Certain lights prohibited; exceptions.—

(1) A ~~No~~ person may not ~~shall~~ drive or move or cause to be moved any vehicle or equipment upon any highway within this



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state with a ~~any~~ lamp or device thereon showing or displaying a red, red and white, or blue light visible from directly in front thereof except for certain vehicles ~~hereinafter~~ provided in this section.

(3) Vehicles of the fire department and fire patrol, including vehicles of volunteer firefighters as permitted under s. 316.2398, may show or display red, or red and white, lights. Vehicles of medical staff physicians or technicians of medical facilities licensed by the state as authorized under s. 316.2398, ambulances as authorized under this chapter, and buses and taxicabs as authorized under s. 316.2399 may show or display red lights. Vehicles of the fire department, fire patrol, police vehicles, and such ambulances and emergency vehicles of municipal and county departments, public service corporations operated by private corporations, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the Department of Transportation, the Department of Agriculture and Consumer Services, and the Department of Corrections as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any county may operate emergency lights and sirens in an emergency. Wreckers, mosquito control fog and spray vehicles, and emergency vehicles of governmental departments or public service corporations may show or display amber lights when in actual operation or when a hazard exists provided they are not used going to and from the scene of operation or hazard without specific authorization of a law enforcement officer or law enforcement agency. Wreckers must use amber rotating or flashing lights while performing recoveries and loading on the roadside



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day or night, and may use such lights while towing a vehicle on wheel lifts, slings, or under reach if the operator of the wrecker deems such lights necessary. A flatbed, car carrier, or rollback may not use amber rotating or flashing lights when hauling a vehicle on the bed unless it creates a hazard to other motorists because of protruding objects. Further, escort vehicles may show or display amber lights when in the actual process of escorting overdimensioned equipment, material, or buildings as authorized by law. Vehicles owned or leased by private security agencies may show or display green and amber lights, with either color being no greater than 50 percent of the lights displayed, while the security personnel are engaged in security duties on private or public property.

Section 3. Section 316.2398, Florida Statutes, is amended to read:

316.2398 Display or use of red, or red and white, warning signals; motor vehicles of volunteer firefighters or medical staff.—

(1) A privately owned vehicle belonging to an active firefighter member of a regularly organized volunteer firefighting company or association, while en route to the fire station for the purpose of proceeding to the scene of a fire or other emergency or while en route to the scene of a fire or other emergency in the line of duty as an active firefighter member of a regularly organized firefighting company or association, may display or use red, or red and white, warning signals. ~~or~~ A privately owned vehicle belonging to a medical staff physician or technician of a medical facility licensed by the state, while responding to an emergency in the line of duty,



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may display or use red warning signals. Warning signals must be visible from the front and from the rear of such vehicle, subject to the following restrictions and conditions:

(a) No more than two red, or red and white, warning signals may be displayed.

(b) No inscription of any kind may appear across the face of the lens of the red, or red and white, warning signal.

(c) In order for an active volunteer firefighter to display such red, or red and white, warning signals on his or her vehicle, the volunteer firefighter must first secure a written permit from the chief executive officers of the firefighting organization to use the red, or red and white, warning signals, and this permit must be carried by the volunteer firefighter at all times while the red, or red and white, warning signals are displayed.

(2) ~~A It is unlawful for any~~ person who is not an active firefighter member of a regularly organized volunteer firefighting company or association or a physician or technician of the medical staff of a medical facility licensed by the state may not ~~to~~ display on any motor vehicle owned by him or her, at any time, any red, or red and white, warning signals as described in subsection (1).

(3) ~~It is unlawful for~~ An active volunteer firefighter may not ~~to~~ operate any red, or red and white, warning signals as authorized in subsection (1), except while en route to the fire station for the purpose of proceeding to the scene of a fire or other emergency, or while at or en route to the scene of a fire or other emergency, in the line of duty.

(4) ~~It is unlawful for~~ A physician or technician of the



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medical staff of a medical facility may not ~~to~~ operate any red warning signals as authorized in subsection (1), except when responding to an emergency in the line of duty.

(5) A violation of this section is a nonmoving violation, punishable as provided in chapter 318. In addition, a any volunteer firefighter who violates this section shall be dismissed from membership in the firefighting organization by the chief executive officers thereof.

Section 4. Subsection (1) and paragraphs (a), (c), (d), and (f) of subsection (2) of section 316.302, Florida Statutes, are amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1) Except as otherwise provided in subsection (3):

(a) All owners and drivers of commercial motor vehicles that are operated on the public highways of this state while engaged in interstate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 385, and 390-397.

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 383, 385, and 390-397, ~~with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus,~~ as such rules and regulations existed on December 31, 2016 ~~2012~~.

(c) The emergency exceptions provided by 49 C.F.R. s. 392.82 also apply to communications by utility drivers and utility contractor drivers during a Level 1 activation of the State Emergency Operations Center, as provided in the Florida



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Comprehensive Emergency Management plan, or during a state of emergency declared by executive order or proclamation of the Governor.

(d) Except as provided in ~~s. 316.215(5)~~, and except as ~~provided in~~ s. 316.228 for rear overhang lighting and flagging requirements for intrastate operations, the requirements of this section supersede all other safety requirements of this chapter for commercial motor vehicles.

(2)(a) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b)(1) and 395.3 ~~395.3(a) and (b)~~.

(c) Except as provided in 49 C.F.R. s. 395.1, a person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 may not drive after having been on duty more than 70 hours in any period of 7 consecutive days or more than 80 hours in any period of 8 consecutive days if the motor carrier operates every day of the week. Thirty-four consecutive hours off duty shall constitute the end of any such period of 7 or 8 consecutive days. This weekly limit does not apply to a person who operates a commercial motor vehicle solely within this state while transporting, during harvest periods, any unprocessed agricultural products or unprocessed food or fiber that is subject to seasonal harvesting from place of harvest to the first place of processing or storage or from place of harvest directly to market or while transporting livestock, livestock



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185 feed, or farm supplies directly related to growing or harvesting
186 agricultural products. Upon request of the Department of Highway
187 Safety and Motor Vehicles, motor carriers shall furnish time
188 records or other written verification to that department so that
189 the Department of Highway Safety and Motor Vehicles can
190 determine compliance with this subsection. These time records
191 must be furnished to the Department of Highway Safety and Motor
192 Vehicles within 2 days after receipt of that department's
193 request. Falsification of such information is subject to a civil
194 penalty ~~not to exceed \$100. The provisions of This paragraph~~
195 does ~~de~~ not apply to operators of farm labor vehicles operated
196 during a state of emergency declared by the Governor or operated
197 pursuant to s. 570.07(21)~~7~~ and does ~~de~~ not apply to drivers of
198 utility service vehicles as defined in 49 C.F.R. s. 395.2.

199 (d) A person who operates a commercial motor vehicle solely
200 in intrastate commerce not transporting any hazardous material
201 in amounts that require placarding pursuant to 49 C.F.R. part
202 172 within a 150 air-mile radius of the location where the
203 vehicle is based need not comply with 49 C.F.R. s. 395.8~~7~~ if the
204 requirements of 49 C.F.R. s. 395.1(e)(1)(ii), (e)(1)(iii)(A) and
205 (C), 395.1(e)(1)(iii) and (e)(1)(v) are met. ~~If a driver is not~~
206 ~~released from duty within 12 hours after the driver arrives for~~
207 ~~duty, the motor carrier must maintain documentation of the~~
208 ~~driver's driving times throughout the duty period.~~

209 (f) A person who operates a commercial motor vehicle having
210 a ~~declared~~ gross vehicle weight, gross vehicle weight rating,
211 and gross combined weight rating of less than 26,001 pounds
212 solely in intrastate commerce and who is not transporting
213 hazardous materials in amounts that require placarding pursuant



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to 49 C.F.R. part 172, ~~or who is transporting petroleum products as defined in s. 376.301,~~ is exempt from subsection (1).

However, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

Section 5. Paragraph (a) of subsection (6) of section 316.3025, Florida Statutes, is amended to read:

316.3025 Penalties.—

(6)(a) A driver who violates 49 C.F.R. s. 392.80, which prohibits texting while operating a commercial motor vehicle, or 49 C.F.R. s. 392.82, which prohibits using a handheld mobile telephone while operating a commercial motor vehicle, may be assessed a civil penalty ~~and commercial driver license disqualification~~ as follows:

1. First violation: \$500.

2. Second violation: \$1,000 ~~and a 60-day commercial driver license disqualification pursuant to 49 C.F.R. part 383.~~

3. Third and subsequent violations: \$2,750 ~~and a 120-day commercial driver license disqualification pursuant to 49 C.F.R. part 383.~~

Section 6. Paragraph (a) of subsection (3) and subsections (4) and (5) of section 316.614, Florida Statutes, are amended to read:

316.614 Safety belt usage.—

(3) As used in this section:

(a) "Motor vehicle" means a motor vehicle as defined in s. 316.003 which is operated on the roadways, streets, and highways of this state. The term does not include:

1. A school bus.

2. A bus used for the transportation of persons for



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compensation.

3. A farm tractor or implement of husbandry.

4. A truck having a gross vehicle weight rating of more than 26,000 pounds.

5. A motorcycle, excluding an autocycle for purposes of subsections (4) and (5), moped, or bicycle.

(4) It is unlawful for any person:

(a) To operate a motor vehicle or an autocycle in this state unless each passenger and the operator of the vehicle under the age of 18 years are restrained by a safety belt or by a child restraint device pursuant to s. 316.613, if applicable; or

(b) To operate a motor vehicle or an autocycle in this state unless the person is restrained by a safety belt.

(5) It is unlawful for any person 18 years of age or older to be a passenger in the front seat of a motor vehicle or an autocycle unless such person is restrained by a safety belt when the vehicle is in motion.

Section 7. Subsections (24) and (26) of section 320.01, Florida Statutes, are amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(24) "Apportionable vehicle" means any vehicle, except recreational vehicles, vehicles displaying restricted plates, city pickup and delivery vehicles, ~~buses used in transportation of chartered parties~~, and government-owned vehicles, which is used or intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and which is used for the transportation of persons for hire or is designed,



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used, or maintained primarily for the transportation of property and:

(a) Is a power unit having a gross vehicle weight in excess of 26,000 pounds;

(b) Is a power unit having three or more axles, regardless of weight; or

(c) Is used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight.

Vehicles, or combinations thereof, having a gross vehicle weight of 26,000 pounds or less and two-axle vehicles may be proportionally registered.

(26) "Motorcycle" means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including an autocycle. The term does not include a tractor, a moped, or ~~excluding~~ a vehicle in which the operator is enclosed by a cabin unless the vehicle ~~it~~ meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle. ~~The term "motorcycle" does not include a tractor or a moped.~~

Section 8. Paragraph (a) of subsection (15) of section 320.02, Florida Statutes, is amended to read:

320.02 Registration required; application for registration; forms.—

(15) (a) The application form for motor vehicle registration must ~~shall~~ include language permitting the voluntary contribution of \$1 per applicant, to be quarterly distributed by the department to Preserve Vision ~~Prevent Blindness~~ Florida, a not-for-profit organization, to prevent blindness and preserve



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the sight of the residents of this state. A statement providing an explanation of the purpose of the funds shall be included with the application form. Prior to the department distributing the funds collected pursuant to this paragraph, Preserve Vision ~~Prevent Blindness~~ Florida must submit a report to the department that identifies how such funds were used during the preceding year.

For the purpose of applying the service charge provided in s. 215.20, contributions received under this subsection are not income of a revenue nature.

Section 9. Paragraph (b) of subsection (1) of section 320.06, Florida Statutes, is amended to read:

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

(1)

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



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the department to replace a license plate under s.
320.08056(8)(a). With each license plate, a validation sticker shall be issued showing the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker shall be placed on the upper right corner of the license plate. The license plate and validation sticker shall be issued based on the applicant's appropriate renewal period. The registration period is 12 months, the extended registration period is 24 months, and all expirations occur based on the applicant's appropriate registration period.

2. A vehicle that has an apportioned registration shall be issued a ~~an annual~~ license plate for a 5-year period and a cab card denoting ~~that denote~~ the declared gross vehicle weight ~~for each apportioned jurisdiction in which the vehicle is authorized to operate~~. This subparagraph expires October 1, 2018.

3. Beginning October 1, 2018, a vehicle registered in accordance with the International Registration Plan which has an apportioned registration shall be issued a license plate for a 5-year period, an annual cab card denoting the declared gross vehicle weight, and an annual validation sticker showing the month and year of expiration. The validation sticker shall be placed in the center of the license plate. The license plate and validation sticker shall be issued based on the applicant's appropriate renewal period. The registration period is 12 months. The fee for an original and a renewed validation sticker is \$28. This fee shall be deposited into the Highway Safety Operating Trust Fund. If the license plate is damaged or worn, it may be replaced at no charge by applying to the department



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and surrendering the current license plate.

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

Section 10. Section 320.0605, Florida Statutes, is amended to read:

320.0605 Certificate of registration; possession required; exception.—

(1)(a) The registration certificate or an official copy thereof, a true copy or electronic copy of rental or lease documentation issued for a motor vehicle or issued for a replacement vehicle in the same registration period, a temporary receipt printed upon self-initiated electronic renewal of a registration via the Internet, or a cab card issued for a vehicle registered under the International Registration Plan shall, at all times while the vehicle is being used or operated on the roads of this state, be in the possession of the operator thereof or be carried in the vehicle for which issued and shall be exhibited upon demand of any authorized law enforcement officer or any agent of the department, except for a vehicle registered under s. 320.0657. ~~The provisions of~~ This section does ~~de~~ not apply during the first 30 days after purchase of a replacement vehicle. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

(b)1. The act of presenting to a law enforcement officer or agent of the department an electronic device displaying an electronic copy of rental or lease documentation does not



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constitute consent for the officer or agent to access any
information on the device other than the displayed rental or
lease documentation.

2. The person who presents the device to the officer or
agent assumes the liability for any resulting damage to the
device.

(2) Rental or lease documentation that is sufficient to
satisfy the requirement in subsection (1) includes the
following:

- (a) ~~Date of rental and time of exit from rental facility;~~
- (b) Rental station identification;
- (c) Rental agreement number;
- (d) Rental vehicle identification number;
- (e) Rental vehicle license plate number and state of
registration;
- (f) Vehicle's make, model, and color;
- (g) Vehicle's mileage; and
- (h) Authorized renter's name.

Section 11. Subsection (5) of section 320.0607, Florida
Statutes, is amended to read:

320.0607 Replacement license plates, validation decal, or
mobile home sticker.—

(5) Upon the issuance of an original license plate, the
applicant shall pay a fee of \$28 to be deposited in the Highway
Safety Operating Trust Fund. Beginning October 1, 2018, this
subsection does not apply to a vehicle registered under the
International Registration Plan.

Section 12. Paragraphs (ee), (eee), (qqq), and (rrr) of
subsection (4) and paragraph (a) of subsection (10) of section



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320.08056, Florida Statutes, are amended to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

~~(cc) American Red Cross license plate, \$25.~~

~~(ccc) Donate Organs—Pass It On license plate, \$25.~~

~~(qqq) St. Johns River license plate, \$25.~~

~~(rrr) Hispanic Achievers license plate, \$25.~~

(10) (a) A specialty license plate annual use fee collected and distributed under this chapter, or any interest earned from those fees, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by s. 320.08058 or to pay the cost of the audit or report required by s. 320.08062(1). The fees and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of United States Armed Forces and veterans-related specialty license plates pursuant to paragraphs (4)(d), (bb), (kk), (iii), and (uuu) ~~(ll), (kkk), and (yyy)~~ and s. 320.0891.

Section 13. Subsections (31), (57), (69), and (70) of section 320.08058, Florida Statutes, are repealed.

Section 14. Paragraph (b) of subsection (4) of section 320.08068, Florida Statutes, is amended to read:

320.08068 Motorcycle specialty license plates.—

(4) A license plate annual use fee of \$20 shall be collected for each motorcycle specialty license plate. Annual use fees shall be distributed to The Able Trust as custodial agent. The Able Trust may retain a maximum of 10 percent of the proceeds from the sale of the license plate for administrative



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costs. The Able Trust shall distribute the remaining funds as follows:

(b) Twenty percent to Preserve Vision ~~Prevent Blindness~~ Florida.

Section 15. Section 320.0875, Florida Statutes, is created to read:

320.0875 Purple Heart motorcycle special license plate.—

(1) Upon application to the department and payment of the license tax for the motorcycle as provided in s. 320.08, a resident of this state who owns or leases a motorcycle that is not used for hire or commercial use shall be issued a Purple Heart motorcycle special license plate if he or she provides documentation acceptable to the department that he or she is a recipient of the Purple Heart medal.

(2) The Purple Heart motorcycle special license plate shall be stamped with the words "Combat-wounded Veteran" followed by the serial number of the license plate. The Purple Heart motorcycle special license plate may have the term "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

Section 16. Paragraph (a) of subsection (1) of section 320.089, Florida Statutes, is amended to read:

~~320.089 Veterans of the United States Armed Forces; members of National Guard; survivors of Pearl Harbor; Purple Heart medal recipients; active or retired United States Armed Forces reservists; Combat Infantry Badge, Combat Medical Badge, or Combat Action Badge recipients; Combat Action Ribbon recipients; Air Force Combat Action Medal recipients; Distinguished Flying Cross recipients; former prisoners of war; Korean War Veterans;~~



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~~Vietnam War Veterans; Operation Desert Shield Veterans;~~
~~Operation Desert Storm Veterans; Operation Enduring Freedom~~
~~Veterans; Operation Iraqi Freedom Veterans; Women Veterans;~~
~~World War II Veterans; and Navy Submariners;~~ Special license
plates for military servicemembers, veterans, and Pearl Harbor
survivors; ~~fee.~~—

(1) (a) Upon application to the department and payment of
the license tax for the vehicle as provided in s. 320.08, a
resident of this state who owns or leases ~~Each owner or lessee~~
~~of~~ an automobile or truck for private use or recreational
vehicle as specified in s. 320.08(9)(c) or (d), which is not
used for hire or commercial use, shall be issued a license plate
pursuant to the following if the applicant provides the
department with proof he or she meets the qualifications listed
in this section for the applicable license plate:

1. A person released or discharged from any branch ~~who is a~~
~~resident of the state and a veteran~~ of the United States Armed
Forces shall be issued a license plate stamped with the words
"Veteran" or "Woman Veteran" followed by the serial number of
the license plate. ~~a Woman Veteran,~~

2. A World War II Veteran shall be issued a license plate
stamped with the words "WWII Veteran" followed by the serial
number of the license plate. ~~—~~

3. A Navy Submariner shall be issued a license plate
stamped with the words "Navy Submariner" followed by the serial
number of the license plate. ~~—~~

4. An active or retired member of the Florida National
Guard shall be issued a license plate stamped with the words
"National Guard" followed by the serial number of the license



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plate.

5. A member of the Pearl Harbor Survivors Association or other person on active military duty in Pearl Harbor on December 7, 1941, shall be issued a license plate stamped with the words "Pearl Harbor Survivor" followed by the serial number of the license plate., a survivor of the attack on Pearl Harbor,

6. A recipient of the Purple Heart medal shall be issued a license plate stamped with the words "Combat-wounded Veteran" followed by the serial number of the license plate. The Purple Heart plate may have the words "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

7. An active or retired member of any branch of the United States Armed Forces Reserve shall be issued a license plate stamped with the words "U.S. Reserve" followed by the serial number of the license plate.

8. A member of the Combat Infantrymen's Association, Inc., or a recipient of the Combat Infantry Badge, Combat Medical Badge, Combat Action Badge, Combat Action Ribbon, or Air Force Combat Action Medal shall be issued a license plate stamped with the words "Combat Infantry Badge," "Combat Medical Badge," "Combat Action Badge," "Combat Action Ribbon," or "Air Force Combat Action Medal," as appropriate, and a likeness of the related campaign badge, ribbon, or medal, followed by the serial number of the license plate.

9. A recipient of the ~~or~~ Distinguished Flying Cross shall be issued a license plate stamped with the words "Distinguished Flying Cross" and a likeness of the Distinguished Flying Cross followed by the serial number of the license plate.



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10. A recipient of the Bronze Star shall be issued a license plate stamped with the words "Bronze Star" and a likeness of the Bronze Star followed by the serial number of the license plate, upon application to the department, accompanied by proof of release or discharge from any branch of the United States Armed Forces, proof of active membership or retired status in the Florida National Guard, proof of membership in the Pearl Harbor Survivors Association or proof of active military duty in Pearl Harbor on December 7, 1941, proof of being a Purple Heart medal recipient, proof of active or retired membership in any branch of the United States Armed Forces Reserve, or proof of membership in the Combat Infantrymen's Association, Inc., proof of being a recipient of the Combat Infantry Badge, Combat Medical Badge, Combat Action Badge, Combat Action Ribbon, Air Force Combat Action Medal, or Distinguished Flying Cross, and upon payment of the license tax for the vehicle as provided in s. 320.08, shall be issued a license plate as provided by s. 320.06 which, in lieu of the serial numbers prescribed by s. 320.06, is stamped with the words "Veteran," "Woman Veteran," "WWII Veteran," "Navy Submariner," "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," "U.S. Reserve," "Combat Infantry Badge," "Combat Medical Badge," "Combat Action Badge," "Combat Action Ribbon," "Air Force Combat Action Medal," or "Distinguished Flying Cross," as appropriate, and a likeness of the related campaign medal or badge, followed by the serial number of the license plate. Additionally, the Purple Heart plate may have the words "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.



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Section 17. Section 320.133, Florida Statutes, is amended to read:

320.133 Transporter license plates.—

(1) As used in this section, the term “transporter license plate eligible business” means a business that is engaged in the limited operation of an unregistered motor vehicle, or a reposessor that contracts with lending institutions to repossess or recover motor vehicles or mobile homes.

(2) A person is not eligible to purchase or renew a transporter license plate unless he or she provides proof satisfactory to the department that his or her business is a transporter license plate eligible business.

(3) The application for qualification as a transporter license plate eligible business must be in such form as is prescribed by the department and must contain the legal name of the person or persons applying for the license plate, the name of the business, and the principal or principals of the business. The application must describe the exact physical location of the place of business within the state. This location must be available at all reasonable hours for inspection of the transporter license plate records by the department or any law enforcement agency. The application must contain proof of a garage liability insurance policy, or a business automobile policy, in the amount of at least \$100,000. The certificate of insurance must indicate the number of transporter license plates reported to the insurance company. Such coverage shall be maintained for the entire registration period. Upon seeking initial qualification, the applicant must provide documentation proving that the business is registered



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with the Division of Corporations of the Department of State to conduct business in this state. The business must indicate how it meets the qualification as a transporter license plate eligible business by describing in detail the business processes that require the use of a transporter license plate.

(4) (a) ~~(1)~~ The department may ~~is authorized to~~ issue a transporter license plate to an ~~any~~ applicant who is not a ~~licensed dealer and who is qualified as a transporter license plate eligible business, incidental to the conduct of his or her business, engages in the transporting of motor vehicles which are not currently registered to any owner and which do not have license plates,~~ upon payment of the license tax imposed by s. 320.08(15) for each transporter ~~such~~ license plate and upon proof of liability ~~insurance~~ as described in subsection (3) ~~coverage in the amount of \$100,000 or more. The proof of insurance must indicate the number of transporter license plates reported to the insurance company, which shall be the maximum number of transporter license plates issued to the applicant.~~ ~~Such~~ A transporter license plate is valid only for use on an ~~unregistered~~ ~~any~~ motor vehicle in the possession of the transporter while the motor vehicle is being transported in the course of the transporter's business and must not be attached to any vehicle owned by the transporter or his or her business for which registration would otherwise be required. A person who sells or unlawfully possesses, distributes, or brokers a transporter license plate to be attached to any vehicle commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any and all transporter license plates issued are subject to cancellation by the department.



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(b) A person who knowingly and willfully sells or unlawfully possesses, distributes, or brokers a transporter license plate to avoid registering a vehicle requiring registration pursuant to this chapter or chapter 319 commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and is disqualified from transporter license plate usage. All transporter license plates issued to the person's business shall be canceled and must be returned to the department immediately upon disqualification. The transporter license plate is subject to removal as provided in subsection (9), and any and all transporter plates issued are subject to cancellation by the department.

(5) A transporter license plate eligible business issued a transporter license plate must maintain for 2 years, at its location, records of each use of each transporter license plate and evidence that the plate was used as required by this chapter. Such records must be open to inspection by the department or its agents or any law enforcement officer during reasonable business hours. A person who fails to maintain true and accurate records of any transporter license plate usage or comply with this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, may be subject to cancellation of any and all transporter license plates issued, and is automatically disqualified from future transporter license plate issuance.

(6) When attached to a motor vehicle, a transporter license plate issued under this section must be accompanied by the registration issued for the transporter license plate by the department and proof of insurance as described in subsection



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(3). A person who operates a motor vehicle with a transporter license plate attached who fails to provide the documentation listed in this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and the transporter license plate is subject to removal as provided in subsection (9). This subsection does not apply to a person who contracts with dealers and auctions to transport motor vehicles.

(7)(2) A transporter license plate issued pursuant to subsection (4) (1) must be in a distinctive color approved by the department, and the word "transporter" must appear on the face of the license plate in place of the county name.

(8)(3) An initial registration or renewal A license plate issued under this section is valid for a period of 12 months, beginning January 1 and ending December 31. A No refund of the license tax imposed may not be provided for any unexpired portion of a license period.

(9) A transporter license plate attached to a motor vehicle in violation of subsection (4) or subsection (6) must be immediately removed by a law enforcement officer from the motor vehicle to which it was attached and surrendered to the department by the law enforcement agency for cancellation.

Section 18. Section 321.25, Florida Statutes, is amended to read:

321.25 Training provided at patrol schools; reimbursement of tuition and other course expenses.—

(1) The Department of Highway Safety and Motor Vehicles may is authorized to provide for the training of law enforcement officials and individuals in matters relating to the duties,



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functions, and powers of the Florida Highway Patrol in the schools established by the department for the training of highway patrol candidates and officers. The Department of Highway Safety and Motor Vehicles may ~~is authorized to~~ charge a fee for providing the training authorized by this section. The fee shall be charged to persons attending the training. The fee shall be based on the Department of Highway Safety and Motor Vehicles' costs for providing the training, and such costs may include, but are not limited to, tuition, lodging, and meals. Revenues from the fees shall be used to offset the Department of Highway Safety and Motor Vehicles' costs for providing the training. The cost of training local enforcement officers shall be paid for by their respective offices, counties, or municipalities, as the case may be. Such cost shall be deemed a proper county or municipal expense or a proper expenditure of the office of sheriff.

(2) Notwithstanding s. 943.16, a person who attends training under subsection (1) at the expense of the Department of Highway Safety and Motor Vehicles must remain in the employment or appointment of the Florida Highway Patrol for at least 3 years. Once employed, if the person fails to remain employed by the Florida Highway Patrol for at least 3 years from the first date of employment, the person must pay the cost of tuition and other course expenses to the Department of Highway Safety and Motor Vehicles. As used in this section, the term "other course expenses" may include the cost of meals and lodging.

(3) The Department of Highway Safety and Motor Vehicles may institute a civil action to collect the cost of tuition and



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other course expenses if it is not reimbursed pursuant to subsection (2), provided that the Florida Highway Patrol gave written notification to the person of the 3-year employment commitment during the employment screening process and the person returned signed acknowledgment of receipt of such notification.

(4) Notwithstanding any other provision of this section, the Department of Highway Safety and Motor Vehicles may waive a person's requirement of reimbursement in part or in full when the person terminates employment due to hardship or extenuating circumstances.

Section 19. Subsection (4) of section 322.01, Florida Statutes, is amended to read:

322.01 Definitions.—As used in this chapter:

(4) "Authorized emergency vehicle" means a vehicle that is equipped with extraordinary audible and visual warning devices, that is authorized by s. 316.2397 to display red, red and white, or blue lights, and that is on call to respond to emergencies. The term includes, but is not limited to, ambulances, law enforcement vehicles, fire trucks, and other rescue vehicles. The term does not include wreckers, utility trucks, or other vehicles that are used only incidentally for emergency purposes.

Section 20. Subsection (4) of section 322.03, Florida Statutes, is amended to read:

322.03 Drivers must be licensed; penalties.—

(4) A person may not operate a motorcycle unless he or she holds a driver license that authorizes such operation, subject to the appropriate restrictions and endorsements. A person may operate an autocycle without a motorcycle endorsement.



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Section 21. Paragraph (e) of subsection (8) of section 322.051, Florida Statutes, is amended to read:

322.051 Identification cards.—

(8)

(e)1. Upon request by a person who has posttraumatic stress disorder, a traumatic brain injury, or a developmental disability, or by a parent or guardian of a child or ward who has posttraumatic stress disorder, a traumatic brain injury, or a developmental disability, the department shall issue an identification card exhibiting a capital "D" for the person, child, or ward if the person or the parent or guardian of the child or ward submits:

a. Payment of an additional \$1 fee; and

b. Proof acceptable to the department of a diagnosis by a licensed physician of a developmental disability as defined in s. 393.063, posttraumatic stress disorder, or traumatic brain injury.

2. The department shall deposit the additional \$1 fee into the Agency for Persons with Disabilities Operations and Maintenance Trust Fund under s. 20.1971(2).

3. A replacement identification card that includes the designation may be issued without payment of the fee required under s. 322.21(1)(f).

4. The department shall develop rules to facilitate the issuance, requirements, and oversight of posttraumatic stress disorder, traumatic brain injury, and developmental disability identification cards under this section.

Section 22. Paragraph (m) of subsection (8) of section 322.08, Florida Statutes, is amended to read:



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322.08 Application for license; requirements for license and identification card forms.—

(8) The application form for an original, renewal, or replacement driver license or identification card must include language permitting the following:

(m) A voluntary contribution of \$1 per applicant, which shall be distributed to Preserve Vision ~~Prevent Blindness~~ Florida, a not-for-profit organization, to prevent blindness and preserve the sight of the residents of this state.

A statement providing an explanation of the purpose of the trust funds shall also be included. For the purpose of applying the service charge provided under s. 215.20, contributions received under paragraphs (b)-(t) are not income of a revenue nature.

Section 23. Subsection (5) of section 322.091, Florida Statutes, is amended to read:

322.091 Attendance requirements.—

(5) REPORTING AND ACCOUNTABILITY.—The department shall make available, upon request, a report ~~quarterly~~ to each school district of the legal name, sex, date of birth, and social security number of each student whose driving privileges have been suspended under this section.

Section 24. Subsections (1) and (5) of section 322.12, Florida Statutes, are amended to read:

322.12 Examination of applicants.—

(1) It is the intent of the Legislature that every applicant for an original driver license in this state be required to pass an examination pursuant to this section. However, the department may waive the knowledge, endorsement,



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and skills tests for an applicant who is otherwise qualified and who surrenders a valid driver license from another state or a province of Canada, or a valid driver license issued by the United States Armed Forces, if the driver applies for a Florida license of an equal or lesser classification. An ~~Any~~ applicant who fails to pass the initial knowledge test incurs a \$10 fee for each subsequent test, to be deposited into the Highway Safety Operating Trust Fund; however, if a subsequent test is administered by the tax collector, the tax collector shall retain the \$10 fee. An ~~Any~~ applicant who fails to pass the initial skills test incurs a \$20 fee for each subsequent test, to be deposited into the Highway Safety Operating Trust Fund; however, if a subsequent test is administered by the tax collector, the tax collector shall retain the \$20 fee. A person who seeks to retain a hazardous-materials endorsement, pursuant to s. 322.57(1)(e), must pass the hazardous-materials test, upon surrendering his or her commercial driver license, if the person has not taken and passed the hazardous-materials test within 2 years before applying for a commercial driver license in this state.

(5)(a) The department shall formulate a separate examination for applicants for licenses to operate motorcycles. Any applicant for a driver license who wishes to operate a motorcycle, and who is otherwise qualified, must successfully complete such an examination, which is in addition to the examination administered under subsection (3). The examination must test the applicant's knowledge of the operation of a motorcycle and of any traffic laws specifically relating thereto and must include an actual demonstration of his or her ability



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to exercise ordinary and reasonable control in the operation of a motorcycle. Any applicant who fails to pass the initial knowledge examination will incur a \$5 fee for each subsequent examination, to be deposited into the Highway Safety Operating Trust Fund. Any applicant who fails to pass the initial skills examination will incur a \$10 fee for each subsequent examination, to be deposited into the Highway Safety Operating Trust Fund. In the formulation of the examination, the department shall consider the use of the Motorcycle Operator Skills Test and the Motorcycle in Traffic Test offered by the Motorcycle Safety Foundation. The department shall indicate on the license of any person who successfully completes the examination that the licensee is authorized to operate a motorcycle. If the applicant wishes to be licensed to operate a motorcycle only, he or she need not take the skill or road test required under subsection (3) for the operation of a motor vehicle, and the department shall indicate such a limitation on his or her license as a restriction. Every first-time applicant for licensure to operate a motorcycle must provide proof of completion of a motorcycle safety course, as provided for in s. 322.0255, before the applicant may be licensed to operate a motorcycle.

(b) The department may exempt any applicant from the examination provided in this subsection if the applicant presents a certificate showing successful completion of a course approved by the department, which course includes a similar examination of the knowledge and skill of the applicant in the operation of a motorcycle.

(c) This subsection does not apply to the operation of an



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autocycle.

Section 25. Paragraph (b) of subsection (1) of section 322.17, Florida Statutes, is amended to read:

322.17 Replacement licenses, identification cards, and permits.—

(1)

(b) In the event that an instruction permit, ~~or~~ driver license, or identification card issued under ~~the provisions of~~ this chapter is stolen, the person to whom the same was issued may, at no charge, obtain a replacement upon furnishing proof satisfactory to the department that such permit, ~~or~~ license, or identification card was stolen and further furnishing the person's full name, date of birth, sex, residence and mailing address, proof of birth satisfactory to the department, and proof of identity satisfactory to the department.

Section 26. Paragraphs (e) and (i) of subsection (1) and subsection (8) of section 322.21, Florida Statutes, are amended, and subsection (10) is added to that section, to read:

322.21 License fees; procedure for handling and collecting fees.—

(1) Except as otherwise provided herein, the fee for:

(e) A replacement driver license issued pursuant to s. 322.17 is \$25. Of this amount, \$7 shall be deposited into the Highway Safety Operating Trust Fund and \$18 shall be deposited into the General Revenue Fund. ~~Beginning July 1, 2015, or upon completion of the transition of driver license issuance services,~~ If the replacement driver license is issued by the tax collector, the tax collector shall retain the \$7 that would otherwise be deposited into the Highway Safety Operating Trust



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Fund and the remaining revenues shall be deposited into the General Revenue Fund.

~~(i) The specialty driver license or identification card issued pursuant to s. 322.1415 is \$25, which is in addition to other fees required in this section. The fee shall be distributed as follows:~~

~~1. Fifty percent shall be distributed as provided in s. 320.08058 to the appropriate state or independent university, professional sports team, or branch of the United States Armed Forces.~~

~~2. Fifty percent shall be distributed to the department for costs directly related to the specialty driver license and identification card program and to defray the costs associated with production enhancements and distribution.~~

(8) A ~~Any~~ person who applies for reinstatement following the suspension or revocation of the person's driver license must pay a service fee of \$45 following a suspension, and \$75 following a revocation, which is in addition to the fee for a license. A ~~Any~~ person who applies for reinstatement of a commercial driver license following the disqualification of the person's privilege to operate a commercial motor vehicle shall pay a service fee of \$75, which is in addition to the fee for a license. The department shall collect all of these fees at the time of reinstatement. The department shall issue proper receipts for such fees and shall promptly transmit all funds received by it as follows:

(a) Of the \$45 fee received from a licensee for reinstatement following a suspension:

1. If the reinstatement is processed by the department, the



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department shall deposit \$15 in the General Revenue Fund and \$30 in the Highway Safety Operating Trust Fund.

2. If the reinstatement is processed by the tax collector, \$15 shall be retained by the tax collector, \$15 shall be deposited into the Highway Safety Operating Trust Fund, and \$15 shall be deposited into the General Revenue Fund.

(b) Of the \$75 fee received from a licensee for reinstatement following a revocation or disqualification:

1. If the reinstatement is processed by the department, the department shall deposit \$35 in the General Revenue Fund and \$40 in the Highway Safety Operating Trust Fund.

2. If the reinstatement is processed by the tax collector, \$20 shall be retained by the tax collector, \$20 shall be deposited into the Highway Safety Operating Trust Fund, and \$35 shall be deposited into the General Revenue Fund.

If the revocation or suspension of the driver license was for a violation of s. 316.193, or for refusal to submit to a lawful breath, blood, or urine test, an additional fee of \$130 must be charged. However, only one \$130 fee may be collected from one person convicted of violations arising out of the same incident. The department shall collect the \$130 fee and deposit the fee into the Highway Safety Operating Trust Fund at the time of reinstatement of the person's driver license, but the fee may not be collected if the suspension or revocation is overturned. If the revocation or suspension of the driver license was for a conviction for a violation of s. 817.234(8) or (9) or s. 817.505, an additional fee of \$180 is imposed for each offense. The department shall collect and deposit the additional fee into



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the Highway Safety Operating Trust Fund at the time of
reinstatement of the person's driver license.

(10) An applicant who submits an application for a renewal
or replacement driver license or identification card to the
department using a convenience service shall be provided with an
option for expedited shipping whereby the department, at the
applicant's request, shall issue the license or identification
card within 5 working days after receipt of the application and
ship the license or card using an expedited mail service. A fee
shall be charged for the expedited shipping option, not to
exceed the cost of the expedited mail service, which is in
addition to fees imposed by s. 322.051, this section, or the
convenience service. Fees collected for the expedited shipping
option shall be deposited into the Highway Safety Operating
Trust Fund.

Section 27. Subsection (1) of section 322.61, Florida
Statutes, is amended, and subsection (2) of that section is
reenacted, to read:

322.61 Disqualification from operating a commercial motor
vehicle.—

(1) A person who, for offenses occurring within a 3-year
period, is convicted of two of the following serious traffic
violations, or any combination thereof, arising in separate
incidents committed in a commercial motor vehicle shall, in
addition to any other applicable penalties, be disqualified from
operating a commercial motor vehicle for a period of 60 days. A
holder of a commercial driver license or commercial learner's
permit who, for offenses occurring within a 3-year period, is
convicted of two of the following serious traffic violations, or



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any combination thereof, arising in separate incidents committed in a noncommercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days if such convictions result in the suspension, revocation, or cancellation of the licenseholder's driving privilege:

(a) A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a crash resulting in death;

(b) Reckless driving, as defined in s. 316.192;

(c) Unlawful speed of 15 miles per hour or more above the posted speed limit;

(d) Improper lane change, as defined in s. 316.085;

(e) Following too closely, as defined in s. 316.0895;

(f) Texting while driving a commercial motor vehicle, as prohibited by 49 C.F.R. 392.80;

(g) Using a handheld mobile telephone while driving a commercial motor vehicle, as prohibited by 49 C.F.R. 392.82;

(h) ~~(f)~~ Driving a commercial vehicle without obtaining a commercial driver license;

(i) ~~(g)~~ Driving a commercial vehicle without the proper class of commercial driver license or commercial learner's permit or without the proper endorsement; or

(j) ~~(h)~~ Driving a commercial vehicle without a commercial driver license or commercial learner's permit in possession, as required by s. 322.03.

(2) (a) Any person who, for offenses occurring within a 3-year period, is convicted of three serious traffic violations specified in subsection (1) or any combination thereof, arising



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in separate incidents committed in a commercial motor vehicle shall, in addition to any other applicable penalties, including but not limited to the penalty provided in subsection (1), be disqualified from operating a commercial motor vehicle for a period of 120 days.

(b) A holder of a commercial driver license or commercial learner's permit who, for offenses occurring within a 3-year period, is convicted of three serious traffic violations specified in subsection (1) or any combination thereof arising in separate incidents committed in a noncommercial motor vehicle shall, in addition to any other applicable penalties, including, but not limited to, the penalty provided in subsection (1), be disqualified from operating a commercial motor vehicle for a period of 120 days if such convictions result in the suspension, revocation, or cancellation of the licenseholder's driving privilege.

Section 28. Paragraph (c) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

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

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and



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payable as follows:

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

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

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

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

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

3. The tax imposed by this chapter does not apply to the lease or rental of a commercial motor vehicle as defined in s. 316.003(13)(a) ~~316.003(12)(a)~~ to one lessee or rentee for a period of not less than 12 months when tax was paid on the purchase price of such vehicle by the lessor. To the extent tax was paid with respect to the purchase of such vehicle in another state, territory of the United States, or the District of Columbia, the Florida tax payable shall be reduced in accordance with the provisions of s. 212.06(7). This subparagraph shall only be available when the lease or rental of such property is



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an established business or part of an established business or the same is incidental or germane to such business.

Section 29. Subsection (1) of section 316.303, Florida Statutes, is amended to read:

316.303 Television receivers.—

(1) No motor vehicle may be operated on the highways of this state if the vehicle is actively displaying moving television broadcast or pre-recorded video entertainment content that is visible from the driver's seat while the vehicle is in motion, unless the vehicle is equipped with autonomous technology, as defined in s. 316.003(3) ~~316.003(2)~~, and is being operated in autonomous mode, as provided in s. 316.85(2).

Section 30. Paragraph (b) of subsection (2) of section 316.545, Florida Statutes, is amended to read:

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

(2)

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



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

Section 31. Paragraph (a) of subsection (2) of section



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316.613, Florida Statutes, is amended to read:

316.613 Child restraint requirements.—

(2) As used in this section, the term “motor vehicle” means a motor vehicle as defined in s. 316.003 that is operated on the roadways, streets, and highways of the state. The term does not include:

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

Section 32. Section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(4) ~~s. 316.003(2)~~, tri-vehicles as defined in s. 316.003, and mobile homes as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(1) MOTORCYCLES AND MOPEDS.—

(a) Any motorcycle: \$10 flat.

(b) Any moped: \$5 flat.

(c) Upon registration of a motorcycle, motor-driven cycle, or moped, in addition to the license taxes specified in this subsection, a nonrefundable motorcycle safety education fee in the amount of \$2.50 shall be paid. The proceeds of such additional fee shall be deposited in the Highway Safety Operating Trust Fund to fund a motorcycle driver improvement program implemented pursuant to s. 322.025, the Florida Motorcycle Safety Education Program established in s. 322.0255, or the general operations of the department.



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(d) An ancient or antique motorcycle: \$7.50 flat, of which \$2.50 shall be deposited into the General Revenue Fund.

(2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

(a) An ancient or antique automobile, as defined in s. 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.

(b) Net weight of less than 2,500 pounds: \$14.50 flat.

(c) Net weight of 2,500 pounds or more, but less than 3,500 pounds: \$22.50 flat.

(d) Net weight of 3,500 pounds or more: \$32.50 flat.

(3) TRUCKS.—

(a) Net weight of less than 2,000 pounds: \$14.50 flat.

(b) Net weight of 2,000 pounds or more, but not more than 3,000 pounds: \$22.50 flat.

(c) Net weight more than 3,000 pounds, but not more than 5,000 pounds: \$32.50 flat.

(d) A truck defined as a "goat," or other vehicle if used in the field by a farmer or in the woods for the purpose of harvesting a crop, including naval stores, during such harvesting operations, and which is not principally operated upon the roads of the state: \$7.50 flat. The term "goat" means a motor vehicle designed, constructed, and used principally for the transportation of citrus fruit within citrus groves or for the transportation of crops on farms, and which can also be used for hauling associated equipment or supplies, including required sanitary equipment, and the towing of farm trailers.

(e) An ancient or antique truck, as defined in s. 320.086: \$7.50 flat.

(4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS VEHICLE WEIGHT.—



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(a) Gross vehicle weight of 5,001 pounds or more, but less than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be deposited into the General Revenue Fund.

(b) Gross vehicle weight of 6,000 pounds or more, but less than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be deposited into the General Revenue Fund.

(c) Gross vehicle weight of 8,000 pounds or more, but less than 10,000 pounds: \$103 flat, of which \$27 shall be deposited into the General Revenue Fund.

(d) Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: \$118 flat, of which \$31 shall be deposited into the General Revenue Fund.

(e) Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: \$177 flat, of which \$46 shall be deposited into the General Revenue Fund.

(f) Gross vehicle weight of 20,000 pounds or more, but less than 26,001 pounds: \$251 flat, of which \$65 shall be deposited into the General Revenue Fund.

(g) Gross vehicle weight of 26,001 pounds or more, but less than 35,000: \$324 flat, of which \$84 shall be deposited into the General Revenue Fund.

(h) Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: \$405 flat, of which \$105 shall be deposited into the General Revenue Fund.

(i) Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: \$773 flat, of which \$201 shall be deposited into the General Revenue Fund.

(j) Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: \$916 flat, of which \$238 shall be deposited



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into the General Revenue Fund.

(k) Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: \$1,080 flat, of which \$280 shall be deposited into the General Revenue Fund.

(l) Gross vehicle weight of 72,000 pounds or more: \$1,322 flat, of which \$343 shall be deposited into the General Revenue Fund.

(m) Notwithstanding the declared gross vehicle weight, a truck tractor used within a 150-mile radius of its home address is eligible for a license plate for a fee of \$324 flat if:

1. The truck tractor is used exclusively for hauling forestry products; or

2. The truck tractor is used primarily for the hauling of forestry products, and is also used for the hauling of associated forestry harvesting equipment used by the owner of the truck tractor.

Of the fee imposed by this paragraph, \$84 shall be deposited into the General Revenue Fund.

(n) A truck tractor or heavy truck, not operated as a for-hire vehicle, which is engaged exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products within a 150-mile radius of its home address, is eligible for a restricted license plate for a fee of:

1. If such vehicle's declared gross vehicle weight is less than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be deposited into the General Revenue Fund.

2. If such vehicle's declared gross vehicle weight is 44,000 pounds or more and such vehicle only transports from the



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point of production to the point of primary manufacture; to the point of assembling the same; or to a shipping point of a rail, water, or motor transportation company, \$324 flat, of which \$84 shall be deposited into the General Revenue Fund.

Such not-for-hire truck tractors and heavy trucks used exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products may be incidentally used to haul farm implements and fertilizers delivered direct to the growers. The department may require any documentation deemed necessary to determine eligibility prior to issuance of this license plate. For the purpose of this paragraph, "not-for-hire" means the owner of the motor vehicle must also be the owner of the raw, unprocessed, and nonmanufactured agricultural or horticultural product, or the user of the farm implements and fertilizer being delivered.

(5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

(a)1. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: \$13.50 flat per registration year or any part thereof, of which \$3.50 shall be deposited into the General Revenue Fund.

2. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: \$68 flat per permanent registration, of which \$18 shall be deposited into the General Revenue Fund.

(b) A motor vehicle equipped with machinery and designed for the exclusive purpose of well drilling, excavation, construction, spraying, or similar activity, and which is not designed or used to transport loads other than the machinery



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described above over public roads: \$44 flat, of which \$11.50 shall be deposited into the General Revenue Fund.

(c) A school bus used exclusively to transport pupils to and from school or school or church activities or functions within their own county: \$41 flat, of which \$11 shall be deposited into the General Revenue Fund.

(d) A wrecker, as defined in s. 320.01, which is used to tow a vessel as defined in s. 327.02, a disabled, abandoned, stolen-recovered, or impounded motor vehicle as defined in s. 320.01, or a replacement motor vehicle as defined in s. 320.01: \$41 flat, of which \$11 shall be deposited into the General Revenue Fund.

(e) A wrecker that is used to tow any nondisabled motor vehicle, a vessel, or any other cargo unless used as defined in paragraph (d), as follows:

1. Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: \$118 flat, of which \$31 shall be deposited into the General Revenue Fund.

2. Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: \$177 flat, of which \$46 shall be deposited into the General Revenue Fund.

3. Gross vehicle weight of 20,000 pounds or more, but less than 26,000 pounds: \$251 flat, of which \$65 shall be deposited into the General Revenue Fund.

4. Gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds: \$324 flat, of which \$84 shall be deposited into the General Revenue Fund.

5. Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: \$405 flat, of which \$105 shall be deposited



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into the General Revenue Fund.

6. Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: \$772 flat, of which \$200 shall be deposited into the General Revenue Fund.

7. Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: \$915 flat, of which \$237 shall be deposited into the General Revenue Fund.

8. Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: \$1,080 flat, of which \$280 shall be deposited into the General Revenue Fund.

9. Gross vehicle weight of 72,000 pounds or more: \$1,322 flat, of which \$343 shall be deposited into the General Revenue Fund.

(f) A hearse or ambulance: \$40.50 flat, of which \$10.50 shall be deposited into the General Revenue Fund.

(6) MOTOR VEHICLES FOR HIRE.—

(a) Under nine passengers: \$17 flat, of which \$4.50 shall be deposited into the General Revenue Fund; plus \$1.50 per cwt, of which 50 cents shall be deposited into the General Revenue Fund.

(b) Nine passengers and over: \$17 flat, of which \$4.50 shall be deposited into the General Revenue Fund; plus \$2 per cwt, of which 50 cents shall be deposited into the General Revenue Fund.

(7) TRAILERS FOR PRIVATE USE.—

(a) Any trailer weighing 500 pounds or less: \$6.75 flat per year or any part thereof, of which \$1.75 shall be deposited into the General Revenue Fund.

(b) Net weight over 500 pounds: \$3.50 flat, of which \$1



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shall be deposited into the General Revenue Fund; plus \$1 per cwt, of which 25 cents shall be deposited into the General Revenue Fund.

(8) TRAILERS FOR HIRE.—

(a) Net weight under 2,000 pounds: \$3.50 flat, of which \$1 shall be deposited into the General Revenue Fund; plus \$1.50 per cwt, of which 50 cents shall be deposited into the General Revenue Fund.

(b) Net weight 2,000 pounds or more: \$13.50 flat, of which \$3.50 shall be deposited into the General Revenue Fund; plus \$1.50 per cwt, of which 50 cents shall be deposited into the General Revenue Fund.

(9) RECREATIONAL VEHICLE-TYPE UNITS.—

(a) A travel trailer or fifth-wheel trailer, as defined by s. 320.01(1)(b), that does not exceed 35 feet in length: \$27 flat, of which \$7 shall be deposited into the General Revenue Fund.

(b) A camping trailer, as defined by s. 320.01(1)(b)2.: \$13.50 flat, of which \$3.50 shall be deposited into the General Revenue Fund.

(c) A motor home, as defined by s. 320.01(1)(b)4.:

1. Net weight of less than 4,500 pounds: \$27 flat, of which \$7 shall be deposited into the General Revenue Fund.

2. Net weight of 4,500 pounds or more: \$47.25 flat, of which \$12.25 shall be deposited into the General Revenue Fund.

(d) A truck camper as defined by s. 320.01(1)(b)3.:

1. Net weight of less than 4,500 pounds: \$27 flat, of which \$7 shall be deposited into the General Revenue Fund.

2. Net weight of 4,500 pounds or more: \$47.25 flat, of



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which \$12.25 shall be deposited into the General Revenue Fund.

(e) A private motor coach as defined by s. 320.01(1)(b)5.:

1. Net weight of less than 4,500 pounds: \$27 flat, of which \$7 shall be deposited into the General Revenue Fund.

2. Net weight of 4,500 pounds or more: \$47.25 flat, of which \$12.25 shall be deposited into the General Revenue Fund.

(10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS; 35 FEET TO 40 FEET.—

(a) Park trailers.—Any park trailer, as defined in s. 320.01(1)(b)7.: \$25 flat.

(b) A travel trailer or fifth-wheel trailer, as defined in s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.

(11) MOBILE HOMES.—

(a) A mobile home not exceeding 35 feet in length: \$20 flat.

(b) A mobile home over 35 feet in length, but not exceeding 40 feet: \$25 flat.

(c) A mobile home over 40 feet in length, but not exceeding 45 feet: \$30 flat.

(d) A mobile home over 45 feet in length, but not exceeding 50 feet: \$35 flat.

(e) A mobile home over 50 feet in length, but not exceeding 55 feet: \$40 flat.

(f) A mobile home over 55 feet in length, but not exceeding 60 feet: \$45 flat.

(g) A mobile home over 60 feet in length, but not exceeding 65 feet: \$50 flat.

(h) A mobile home over 65 feet in length: \$80 flat.

(12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised



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motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer license plate: \$17 flat, of which \$4.50 shall be deposited into the General Revenue Fund.

(13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or official license plate: \$4 flat, of which \$1 shall be deposited into the General Revenue Fund.

(14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor vehicle for hire operated wholly within a city or within 25 miles thereof: \$17 flat, of which \$4.50 shall be deposited into the General Revenue Fund; plus \$2 per cwt, of which 50 cents shall be deposited into the General Revenue Fund.

(15) TRANSPORTER.—Any transporter license plate issued to a transporter pursuant to s. 320.133: \$101.25 flat, of which \$26.25 shall be deposited into the General Revenue Fund.

Section 33. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

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

(1) "Access area" means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(78)(a) or (b) ~~s. 316.003(77)(a) or (b)~~, including any adjacent sidewalk, as defined in s. 316.003.

Section 34. This act shall take effect October 1, 2017.

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

And the title is amended as follows:



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Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to the Department of Highway Safety
and Motor Vehicles; amending s. 316.003, F.S.;
defining the term "autocycle"; redefining the term
"motorcycle"; conforming a cross-reference; amending
ss. 316.2397 and 316.2398, F.S.; prohibiting vehicles
or equipment from showing or displaying red and white
lights while being driven or moved; authorizing
firefighters to use or display red and white lights
under certain circumstances; authorizing active
volunteer firefighters to display red and white
warning signals under certain circumstances; amending
s. 316.302, F.S.; revising provisions relating to
federal regulations to which owners and drivers of
commercial motor vehicles are subject; terminating the
maximum amount of a civil penalty for falsification of
information on certain time records; deleting the
requirement that a motor carrier maintain
documentation of a driver's driving times throughout a
duty period if the driver is not released from duty
within a specified period; providing an exemption from
specified rules and regulations for a person who
operates a commercial motor vehicle with a declared
gross vehicle weight, gross vehicle weight rating, and
gross combined weight rating of less than a specified
amount under certain circumstances; amending s.
316.3025, F.S.; conforming provisions to changes made



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1432 by the act; amending s. 316.614, F.S.; redefining the
1433 term "motor vehicle"; prohibiting a person from
1434 operating an autocycle unless certain safety belt or
1435 child restraint device requirements are met; amending
1436 s. 320.01, F.S.; redefining the term "apportionable
1437 vehicle"; redefining the term "motorcycle"; amending
1438 s. 320.02, F.S.; requiring an application form for
1439 motor vehicle registration to include language
1440 authorizing a voluntary contribution to be distributed
1441 to Preserve Vision Florida, rather than to Prevent
1442 Blindness Florida; amending s. 320.06, F.S.; providing
1443 for future repeal of issuance of a certain license
1444 plate and cab card to a vehicle that has an
1445 apportioned registration; providing requirements,
1446 beginning on a specified date, for license plates, cab
1447 cards, and validation stickers for vehicles registered
1448 in accordance with the International Registration
1449 Plan; authorizing a worn or damaged license plate to
1450 be replaced at no charge under certain circumstances;
1451 amending s. 320.0605, F.S.; authorizing presentation
1452 of electronic documentation of certain information to
1453 a law enforcement officer or agent of the department;
1454 providing construction; providing liability; revising
1455 information required in such documentation; amending
1456 s. 320.0607, F.S.; providing an exemption, beginning
1457 on a specified date, of a certain fee for vehicles
1458 registered under the International Registration Plan;
1459 amending s. 320.08056, F.S.; deleting the American Red
1460 Cross, Donate Organs-Pass It On, St. Johns River, and



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1461 Hispanic Achievers license plates; conforming cross-
1462 references; repealing s. 320.08058(31), (57), (69),
1463 and (70), F.S., relating to the American Red Cross,
1464 Donate Organs-Pass It On, St. Johns River, and
1465 Hispanic Achievers license plates, respectively;
1466 amending s. 320.08068, F.S.; requiring The Able Trust
1467 to distribute a specified percentage of annual use
1468 fees from motorcycle specialty license plates to
1469 Preserve Vision Florida, rather than to Prevent
1470 Blindness Florida; creating s. 320.0875, F.S.;
1471 providing for a motorcycle special license plate to be
1472 issued to a recipient of the Purple Heart; providing
1473 requirements for the plate; amending s. 320.089, F.S.;
1474 providing for a special license plate to be issued to
1475 a recipient of the Bronze Star; making technical
1476 changes; amending s. 320.133, F.S.; defining the term
1477 "transporter license plate eligible business";
1478 providing that a person is not eligible to purchase or
1479 renew a transporter license plate unless he or she
1480 provides certain proof that his or her business is a
1481 transporter license plate eligible business; providing
1482 application and insurance requirements for
1483 qualification as a transporter license plate eligible
1484 business; authorizing the department to issue a
1485 transporter license plate to an applicant who is not a
1486 licensed dealer and is qualified as a transporter
1487 license plate eligible business, under certain
1488 circumstances; providing that a transporter license
1489 plate is valid only for use on an unregistered motor



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1490 vehicle in the possession of the transporter, subject
1491 to certain requirements; providing a criminal penalty
1492 for a person who sells or unlawfully possesses,
1493 distributes, or brokers a transporter license plate to
1494 be attached to any vehicle; providing that transporter
1495 license plates are subject to cancellation by the
1496 department; providing a criminal penalty and
1497 disqualification from transporter license plate usage
1498 for a person who knowingly and willfully sells or
1499 unlawfully possesses, distributes, or brokers a
1500 transporter license plate to avoid registering a
1501 vehicle requiring registration, subject to certain
1502 requirements; providing recordkeeping requirements for
1503 a transporter license plate eligible business;
1504 providing a criminal penalty, cancellation of
1505 transporter license plates, and disqualification from
1506 future issuance of the plates for a violation of such
1507 recordkeeping requirements; requiring a transporter
1508 license plate issued under this section to be
1509 accompanied by registration and proof of insurance
1510 when attached to a motor vehicle; providing a criminal
1511 penalty and removal of the license plate for a person
1512 who fails to provide such documentation; providing an
1513 exemption to persons who contract with dealers and
1514 auctions to transport motor vehicles; conforming
1515 provisions to changes made by the act; providing that
1516 an initial registration or renewal issued under this
1517 section is valid for a specified period; requiring a
1518 license plate attached to a motor vehicle in violation



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1519 of specified provision to be removed by a law
1520 enforcement officer and surrendered to the department
1521 by the law enforcement agency for cancellation;
1522 amending s. 321.25, F.S.; providing for reimbursement
1523 to the department of tuition and other course expenses
1524 for certain training under certain circumstances;
1525 defining the term "other course expenses"; authorizing
1526 the department to institute a civil action under
1527 certain circumstances; authorizing the department to
1528 waive a person's requirement of reimbursement when the
1529 person terminates employment due to hardship or
1530 extenuating circumstances; amending s. 322.01, F.S.;
1531 conforming provisions to changes made by the act;
1532 amending s. 322.03, F.S.; authorizing a person to
1533 operate an autocycle without a motorcycle endorsement;
1534 amending s. 322.051, F.S.; revising eligibility for a
1535 "D" designation on an identification card to include
1536 posttraumatic stress disorder or traumatic brain
1537 injury; amending s. 322.08, F.S.; requiring an
1538 application form for an original, renewal, or
1539 replacement driver license or identification card to
1540 include language authorizing a voluntary contribution
1541 to Preserve Vision Florida, rather than to Prevent
1542 Blindness Florida; amending s. 322.091, F.S.;
1543 requiring the department to make available, upon
1544 request, a report to each school district of certain
1545 information for each student whose driving privileges
1546 have been suspended under this section; amending s.
1547 322.12, F.S.; requiring the tax collector to retain



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1548 specified fees if a subsequent knowledge or skills
1549 test is administered by the tax collector; exempting
1550 the operation of an autocycle from certain examination
1551 requirements for licenses to operate motorcycles;
1552 amending s. 322.17, F.S.; providing for replacement of
1553 a stolen identification card at no charge, subject to
1554 certain requirements; amending s. 322.21, F.S.;
1555 deleting obsolete provisions; deleting a fee for
1556 certain specialty driver licenses or identification
1557 cards; providing disposition of specified fees for
1558 reinstatement of a driver license following a
1559 suspension, revocation, or disqualification when the
1560 reinstatement is processed by the department or the
1561 tax collector; requiring an applicant who submits an
1562 application for a renewal or replacement driver
1563 license or identification card to the department using
1564 a convenience service to be provided with an option
1565 for expedited shipping, subject to certain
1566 requirements; requiring a fee to be charged for the
1567 expedited shipping option, subject to certain
1568 requirements; providing for disposition of such fee;
1569 amending s. 322.61, F.S.; adding violations for
1570 texting or using a handheld mobile telephone while
1571 driving a commercial motor vehicle as specified
1572 offenses that, in certain circumstances, result in
1573 disqualification from operating a commercial motor
1574 vehicle for a specified period; amending ss. 212.05,
1575 316.303, 316.545, 316.613, 320.08, and 655.960, F.S.;
1576 conforming cross-references; providing an effective



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1577

date.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2017	.	
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The Committee on Transportation (Gainer) recommended the following:

Senate Amendment to Amendment (137954)

Delete line 342
and insert:
issued an annual license plate and a cab

By Senator Gainer

2-00853-17

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1 A bill to be entitled
 2 An act relating to the Department of Highway Safety
 3 and Motor Vehicles; amending s. 316.302, F.S.;
 4 revising provisions relating to federal regulations to
 5 which owners and drivers of commercial motor vehicles
 6 are subject; terminating the maximum amount of a civil
 7 penalty for falsification of information on certain
 8 time records; deleting the requirement that a motor
 9 carrier must maintain documentation of a driver's
 10 driving times throughout a duty period if the driver
 11 is not released from duty within a specified period;
 12 providing an exemption for a person who operates a
 13 commercial motor vehicle having a declared gross
 14 vehicle weight, gross vehicle weight rating, or gross
 15 combined weight rating of less than a specified amount
 16 under certain circumstances; amending s. 316.3025,
 17 F.S.; conforming provisions to changes made by the
 18 act; amending s. 320.01, F.S.; revising the definition
 19 of the term "apportionable vehicle"; amending s.
 20 320.06, F.S.; providing for future repeal of issuance
 21 of a certain annual license plate and cab card to a
 22 vehicle that has an apportioned registration;
 23 providing requirements, beginning on a specified date,
 24 for license plates, cab cards, and validation stickers
 25 for vehicles registered in accordance with the
 26 International Registration Plan; allowing a worn or
 27 damaged license plate to be replaced at no charge
 28 under certain circumstances; amending s. 320.0607,
 29 F.S.; providing an exemption, beginning on a specified
 30 date, of a certain fee for vehicles registered under
 31 the International Registration Plan; amending s.
 32 320.133, F.S.; defining the term "transporter license

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33 plate eligible business"; providing that a person is
 34 not eligible to purchase or renew a transporter
 35 license plate unless he or she provides certain proof
 36 that his or her business is a transporter license
 37 plate eligible business; providing application and
 38 insurance requirements for qualification as a
 39 transporter license plate eligible business;
 40 authorizing the department to issue a transporter
 41 license plate to an applicant who is not a licensed
 42 dealer and is qualified as a transporter license plate
 43 eligible business upon certain requirements being met;
 44 providing that a transporter license plate is only
 45 valid for use on an unregistered motor vehicle in the
 46 possession of the transporter, subject to certain
 47 requirements; providing a criminal penalty for a
 48 person who sells or unlawfully possesses, distributes,
 49 or brokers a transporter license plate to be attached
 50 to any vehicle; providing that transporter license
 51 plates are subject to cancellation by the department;
 52 providing a criminal penalty and disqualification from
 53 transporter license plate usage for a person who
 54 knowingly and willfully sells or unlawfully possesses,
 55 distributes, or brokers a transporter license plate to
 56 avoid registering a vehicle requiring registration,
 57 subject to certain requirements; providing
 58 recordkeeping requirements for a transporter license
 59 plate eligible business; providing a criminal penalty,
 60 cancellation of transporter license plates, and
 61 disqualification from future issuance of the plates

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62 for a violation of such recordkeeping requirements;
 63 requiring a transporter license plate issued under
 64 this section to be accompanied by registration and
 65 proof of insurance when attached to a motor vehicle;
 66 providing a criminal penalty and removal of the
 67 license plate for a person who fails to provide such
 68 documentation; providing an exemption to persons who
 69 contract with dealers and auctions to transport motor
 70 vehicles; conforming provisions to changes made by the
 71 act; providing that an initial registration or renewal
 72 issued under this section is valid for a specified
 73 period; requiring a license plate attached to a motor
 74 vehicle in violation of specified provision to be
 75 removed by law enforcement and surrendered to the
 76 department by the law enforcement agency for
 77 cancellation; amending s. 321.25, F.S.; providing for
 78 reimbursement to the department of tuition and other
 79 course expenses for certain training under certain
 80 circumstances; defining the term "other course
 81 expenses"; authorizing the department to institute a
 82 civil action under certain circumstances; authorizing
 83 the department to waive a person's requirement of
 84 reimbursement when the person terminates employment
 85 due to hardship or extenuating circumstances; amending
 86 s. 322.091, F.S.; requiring the department to make
 87 available, upon request, a report to each school
 88 district of certain information of each student whose
 89 driving privileges have been suspended under this
 90 section; amending s. 322.12, F.S.; requiring the tax

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91 collector to retain specified fees if a subsequent
 92 knowledge or skills test is administered by the tax
 93 collector; amending s. 322.17, F.S.; providing for
 94 replacement of a stolen identification card at no
 95 charge, subject to certain requirements; amending s.
 96 322.21, F.S.; deleting obsolete provisions; deleting a
 97 fee for certain specialty driver licenses or
 98 identification cards; providing disposition of
 99 specified fees for reinstatement of a driver license
 100 following a suspension, revocation, or
 101 disqualification when the reinstatement is processed
 102 by the department or the tax collector; requiring an
 103 applicant who submits an application for a renewal or
 104 replacement driver license or identification card to
 105 the department using a convenience service to be
 106 provided with an option for expedited shipping,
 107 subject to certain requirements; requiring a fee to be
 108 charged for the expedited shipping option, subject to
 109 certain requirements; providing for disposition of
 110 such fee; amending s. 322.61, F.S.; adding violations
 111 for texting or using a handheld mobile telephone while
 112 driving a commercial motor vehicle pursuant to
 113 specified provisions which result in disqualification
 114 from operating a commercial motor vehicle for a
 115 specified period under certain circumstances;
 116 providing an effective date.

117
 118 Be It Enacted by the Legislature of the State of Florida:
 119

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Section 1. Subsection (1) and paragraphs (a), (c), (d), and (f) of subsection (2) of section 316.302, Florida Statutes, are amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1) Except as otherwise provided in subsection (3):

(a) All owners and drivers of commercial motor vehicles that are operated on the public highways of this state while engaged in interstate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 385, and 390-397.

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 383, 385, and 390-397, ~~with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus,~~ as such rules and regulations existed on December 31, 2016 ~~2012~~.

(c) The emergency exceptions provided by 49 C.F.R. s. 392.82 also apply to communications by utility drivers and utility contractor drivers during a Level 1 activation of the State Emergency Operations Center, as provided in the Florida Comprehensive Emergency Management plan, or during a state of emergency declared by executive order or proclamation of the Governor.

(d) Except as provided in ~~s. 316.215(5), and except as provided in~~ s. 316.228 for rear overhang lighting and flagging requirements for intrastate operations, the requirements of this section supersede all other safety requirements of this chapter for commercial motor vehicles.

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(2) (a) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b) (1) and 395.3 ~~395.3(a) and (b)~~.

(c) Except as provided in 49 C.F.R. s. 395.1, a person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 may not drive after having been on duty more than 70 hours in any period of 7 consecutive days or more than 80 hours in any period of 8 consecutive days if the motor carrier operates every day of the week. Thirty-four consecutive hours off duty shall constitute the end of any such period of 7 or 8 consecutive days. This weekly limit does not apply to a person who operates a commercial motor vehicle solely within this state while transporting, during harvest periods, any unprocessed agricultural products or unprocessed food or fiber that is subject to seasonal harvesting from place of harvest to the first place of processing or storage or from place of harvest directly to market or while transporting livestock, livestock feed, or farm supplies directly related to growing or harvesting agricultural products. Upon request of the Department of Highway Safety and Motor Vehicles, motor carriers shall furnish time records or other written verification to that department so that the Department of Highway Safety and Motor Vehicles can determine compliance with this subsection. These time records must be furnished to the Department of Highway Safety and Motor Vehicles within 2 days after receipt of that department's

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request. Falsification of such information is subject to a civil penalty ~~not to exceed \$100. The provisions of~~ This paragraph does ~~de~~ not apply to operators of farm labor vehicles operated during a state of emergency declared by the Governor or operated pursuant to s. 570.07(21), and does ~~de~~ not apply to drivers of utility service vehicles as defined in 49 C.F.R. s. 395.2.

(d) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 within a 150 air-mile radius of the location where the vehicle is based need not comply with 49 C.F.R. s. 395.8, if the requirements of 49 C.F.R. s. 395.1(e)(1)(ii), (iii), ~~395.1(e)(1)(iii) and (v) are met. If a driver is not released from duty within 12 hours after the driver arrives for duty, the motor carrier must maintain documentation of the driver's driving times throughout the duty period.~~

(f) A person who operates a commercial motor vehicle having a ~~declared~~ gross vehicle weight, gross vehicle weight rating, or gross combined weight rating of less than 26,001 pounds solely in intrastate commerce and who is not transporting hazardous materials in amounts that require placarding pursuant to 49 C.F.R. part 172, ~~or who is transporting petroleum products as defined in s. 376.301,~~ is exempt from subsection (1). However, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

Section 2. Paragraph (a) of subsection (6) of section 316.3025, Florida Statutes, is amended to read:

316.3025 Penalties.—

(6)(a) A driver who violates 49 C.F.R. s. 392.80, which

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prohibits texting while operating a commercial motor vehicle, or 49 C.F.R. s. 392.82, which prohibits using a handheld mobile telephone while operating a commercial motor vehicle, may be assessed a civil penalty ~~and commercial driver license disqualification~~ as follows:

1. First violation: \$500.

2. Second violation: \$1,000 ~~and a 60-day commercial driver license disqualification pursuant to 49 C.F.R. part 383.~~

3. Third and subsequent violations: \$2,750 ~~and a 120-day commercial driver license disqualification pursuant to 49 C.F.R. part 383.~~

Section 3. Subsection (24) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(24) "Apportionable vehicle" means any vehicle, except recreational vehicles, vehicles displaying restricted plates, city pickup and delivery vehicles, ~~buses used in transportation of chartered parties,~~ and government-owned vehicles, which is used or intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and which is used for the transportation of persons for hire or is designed, used, or maintained primarily for the transportation of property and:

(a) Is a power unit having a gross vehicle weight in excess of 26,000 pounds;

(b) Is a power unit having three or more axles, regardless of weight; or

(c) Is used in combination, when the weight of such

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combination exceeds 26,000 pounds gross vehicle weight.

Vehicles, or combinations thereof, having a gross vehicle weight of 26,000 pounds or less and two-axle vehicles may be proportionally registered.

Section 4. Paragraph (b) of subsection (1) of section 320.06, Florida Statutes, is amended to read:

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

(1)

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

320.08056(8)(a). With each license plate, a validation sticker shall be issued showing the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker shall be placed on the upper right corner of the license

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plate. The license plate and validation sticker shall be issued based on the applicant's appropriate renewal period. The registration period is 12 months, the extended registration period is 24 months, and all expirations occur based on the applicant's appropriate registration period.

2. A vehicle that has an apportioned registration shall be issued an annual license plate and a cab card that denote the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate. This subparagraph expires October 1, 2018.

3. Beginning October 1, 2018, a vehicle registered in accordance with the International Registration Plan which has an apportioned registration shall be issued a license plate for a 5-year period, an annual cab card denoting the declared gross vehicle weight, and an annual validation sticker showing the month and year of expiration. The validation sticker shall be placed in the center of the license plate. The license plate and validation sticker shall be issued based on the applicant's appropriate renewal period. The registration period is 12 months. The fee for an original and a renewed cab card is \$28. This fee shall be deposited into the Highway Safety Operating Trust Fund. If the license plate is damaged or worn, it may be replaced at no charge by applying to the department and surrendering the current license plate.

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

Section 5. Subsection (5) of section 320.0607, Florida

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Statutes, is amended to read:

320.0607 Replacement license plates, validation decal, or mobile home sticker.—

(5) Upon the issuance of an original license plate, the applicant shall pay a fee of \$28 to be deposited in the Highway Safety Operating Trust Fund. Beginning October 1, 2018, this subsection does not apply to a vehicle registered under the International Registration Plan.

Section 6. Section 320.133, Florida Statutes, is amended to read:

320.133 Transporter license plates.—

(1) As used in this section, the term "transporter license plate eligible business" means a business engaged in the limited operation of an unregistered motor vehicle or a reposessor who contracts with lending institutions to repossess or recover motor vehicles or mobile homes.

(2) A person is not eligible to purchase or renew a transporter license plate unless he or she provides proof satisfactory to the department that his or her business is a transporter license plate eligible business.

(3) The application for qualification as a transporter license plate eligible business must be in such form as is prescribed by the department and must contain the legal name of the person or persons applying for the license plate, the name of the business, and the principal or principals of the business. The application must describe the exact physical location of the place of business within the state. This location must be available at all reasonable hours for transporter license plate records inspection by the department

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or any law enforcement agency. The application must contain proof of a garage liability insurance policy or a business automobile policy in the amount of at least \$100,000, and the certificate of insurance must indicate the number of transporter license plates reported to the insurance company. Such coverage shall be maintained for the entire registration period. Upon seeking initial qualification, the applicant must provide documentation proving that the business is registered with the Division of Corporations of the Department of State to conduct business in the state. The business must indicate how it meets the qualification as a transporter license plate eligible business by describing in detail the business processes that require the use of a transporter license plate.

(4) (a) (1) The department may is authorized to issue a transporter license plate to an any applicant who is not a licensed dealer and is qualified as a transporter license plate eligible business, incidental to the conduct of his or her business, engages in the transporting of motor vehicles which are not currently registered to any owner and which do not have license plates, upon payment of the license tax imposed by s. 320.08(15) for each transporter ~~such~~ license plate and upon proof of liability insurance as described in subsection (3) coverage in the amount of \$100,000 or more. The proof of insurance must indicate the number of transporter license plates reported to the insurance company, which shall be the maximum number of transporter license plates issued to the applicant. Such A transporter license plate is only valid for use on an unregistered any motor vehicle in the possession of the transporter while the motor vehicle is being transported in the

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course of the transporter's business and must not be attached to any vehicle owned by the transporter or his or her business for which registration would otherwise be required. A person who sells or unlawfully possesses, distributes, or brokers a transporter license plate to be attached to any vehicle commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any and all transporter license plates issued are subject to cancellation by the department.

(b) A person who knowingly and willfully sells or unlawfully possesses, distributes, or brokers a transporter license plate to avoid registering a vehicle requiring registration pursuant to this chapter or chapter 319 commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and is disqualified from transporter license plate usage. All transporter license plates issued to the person's business shall be canceled and must be returned to the department immediately upon disqualification. The transporter license plate is subject to removal as provided in subsection (9), and any and all transporter plates issued are subject to cancellation by the department.

(5) A transporter license plate eligible business issued a transporter license plate must maintain for 2 years, at its location, records of each use of each transporter license plate and evidence that the plate was used as required by this chapter. Such records must be open to inspection by the department or its agents or any law enforcement officer during reasonable business hours. A person who fails to maintain true and accurate records of any transporter license plate usage or comply with this subsection commits a misdemeanor of the second

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degree, punishable as provided in s. 775.082 or s. 775.083, may be subject to cancellation of any and all transporter license plates issued, and is automatically disqualified from future transporter license plate issuance.

(6) When attached to a motor vehicle, a transporter license plate issued under this section must be accompanied by the registration issued for the license plate by the department and proof of insurance as described in subsection (3). A person who operates a motor vehicle with a transporter license plate attached who fails to provide the documentation listed in this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and the license plate is subject to removal as provided in subsection (9). This subsection does not apply to a person who contracts with dealers and auctions to transport motor vehicles.

(7)(2) A license plate issued pursuant to subsection (4) ~~(1)~~ must be in a distinctive color approved by the department, and the word "transporter" must appear on the face of the license plate in place of the county name.

(8)(3) An initial registration or renewal ~~A license plate~~ issued under this section is valid for ~~a period of~~ 12 months, beginning January 1 and ending December 31. ~~A~~ ~~No~~ refund of the license tax imposed may not be provided for any unexpired portion of a license period.

(9) A license plate attached to a motor vehicle in violation of subsection (4) or subsection (6) must be immediately removed by law enforcement from the motor vehicle to which it was attached and surrendered to the department by the law enforcement agency for cancellation.

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410 Section 7. Section 321.25, Florida Statutes, is amended to
411 read:

412 321.25 Training provided at patrol schools; reimbursement
413 of tuition and other course expenses.-

414 (1) The Department of Highway Safety and Motor Vehicles may
415 ~~is authorized to~~ provide for the training of law enforcement
416 officials and individuals in matters relating to the duties,
417 functions, and powers of the Florida Highway Patrol in the
418 schools established by the department for the training of
419 highway patrol candidates and officers. The Department of
420 Highway Safety and Motor Vehicles may ~~is authorized to~~ charge a
421 fee for providing the training authorized by this section. The
422 fee shall be charged to persons attending the training. The fee
423 shall be based on the Department of Highway Safety and Motor
424 Vehicles' costs for providing the training, and such costs may
425 include, but are not limited to, tuition, lodging, and meals.
426 Revenues from the fees shall be used to offset the Department of
427 Highway Safety and Motor Vehicles' costs for providing the
428 training. The cost of training local enforcement officers shall
429 be paid for by their respective offices, counties, or
430 municipalities, as the case may be. Such cost shall be deemed a
431 proper county or municipal expense or a proper expenditure of
432 the office of sheriff.

433 (2) Notwithstanding s. 943.16, a person who attends
434 training under subsection (1) at the expense of the Department
435 of Highway Safety and Motor Vehicles must remain in the
436 employment or appointment of the Florida Highway Patrol for at
437 least 3 years. Once employed, if the person fails to remain
438 employed by the Florida Highway Patrol for at least 3 years from

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439 the first date of employment, the person must pay the cost of
440 tuition and other course expenses to the Department of Highway
441 Safety and Motor Vehicles. For purposes of this section, the
442 term "other course expenses" may include the cost of meals and
443 lodging.

444 (3) The Department of Highway Safety and Motor Vehicles may
445 institute a civil action to collect the cost of tuition and
446 other course expenses if it is not reimbursed pursuant to
447 subsection (2), provided that the Florida Highway Patrol gave
448 written notification to the person of the 3-year employment
449 commitment during the employment screening process and the
450 person returned signed acknowledgment of receipt of such
451 notification.

452 (4) Notwithstanding any other provision of this section,
453 the Department of Highway Safety and Motor Vehicles may waive a
454 person's requirement of reimbursement in part or in full when
455 the person terminates employment due to hardship or extenuating
456 circumstances.

457 Section 8. Subsection (5) of section 322.091, Florida
458 Statutes, is amended to read:

459 322.091 Attendance requirements.-

460 (5) REPORTING AND ACCOUNTABILITY.-The department shall make
461 available, upon request, a report ~~quarterly~~ to each school
462 district of the legal name, sex, date of birth, and social
463 security number of each student whose driving privileges have
464 been suspended under this section.

465 Section 9. Subsection (1) of section 322.12, Florida
466 Statutes, is amended to read:

467 322.12 Examination of applicants.-

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468 (1) It is the intent of the Legislature that every
 469 applicant for an original driver license in this state be
 470 required to pass an examination pursuant to this section.
 471 However, the department may waive the knowledge, endorsement,
 472 and skills tests for an applicant who is otherwise qualified and
 473 who surrenders a valid driver license from another state or a
 474 province of Canada, or a valid driver license issued by the
 475 United States Armed Forces, if the driver applies for a Florida
 476 license of an equal or lesser classification. An ~~Any~~ applicant
 477 who fails to pass the initial knowledge test incurs a \$10 fee
 478 for each subsequent test, to be deposited into the Highway
 479 Safety Operating Trust Fund, except that if a subsequent test is
 480 administered by the tax collector, the tax collector shall
 481 retain such \$10 fee. An ~~Any~~ applicant who fails to pass the
 482 initial skills test incurs a \$20 fee for each subsequent test,
 483 to be deposited into the Highway Safety Operating Trust Fund,
 484 except that if a subsequent test is administered by the tax
 485 collector, the tax collector shall retain such \$20 fee. A person
 486 who seeks to retain a hazardous-materials endorsement, pursuant
 487 to s. 322.57(1)(e), must pass the hazardous-materials test, upon
 488 surrendering his or her commercial driver license, if the person
 489 has not taken and passed the hazardous-materials test within 2
 490 years before applying for a commercial driver license in this
 491 state.

492 Section 10. Paragraph (b) of subsection (1) of section
 493 322.17, Florida Statutes, is amended to read:

494 322.17 Replacement licenses, identification cards, and
 495 permits.—

496 (1)

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497 (b) In the event that an instruction permit, ~~or~~ driver
 498 license, or identification card issued under ~~the provisions of~~
 499 this chapter is stolen, the person to whom the same was issued
 500 may, at no charge, obtain a replacement upon furnishing proof
 501 satisfactory to the department that such permit, ~~or~~ license, or
 502 identification card was stolen and further furnishing the
 503 person's full name, date of birth, sex, residence and mailing
 504 address, proof of birth satisfactory to the department, and
 505 proof of identity satisfactory to the department.

506 Section 11. Paragraphs (e) and (i) of subsection (1) and
 507 subsection (8) of section 322.21, Florida Statutes, are amended,
 508 and subsection (10) is added to that section, to read:

509 322.21 License fees; procedure for handling and collecting
 510 fees.—

511 (1) Except as otherwise provided herein, the fee for:

512 (e) A replacement driver license issued pursuant to s.
 513 322.17 is \$25. Of this amount, \$7 shall be deposited into the
 514 Highway Safety Operating Trust Fund and \$18 shall be deposited
 515 into the General Revenue Fund. ~~Beginning July 1, 2015, or upon~~
 516 ~~completion of the transition of driver license issuance~~
 517 ~~services,~~ If the replacement driver license is issued by the tax
 518 collector, the tax collector shall retain the \$7 that would
 519 otherwise be deposited into the Highway Safety Operating Trust
 520 Fund and the remaining revenues shall be deposited into the
 521 General Revenue Fund.

522 ~~(i) The specialty driver license or identification card~~
 523 ~~issued pursuant to s. 322.1415 is \$25, which is in addition to~~
 524 ~~other fees required in this section. The fee shall be~~
 525 ~~distributed as follows:~~

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~~1. Fifty percent shall be distributed as provided in s. 320.08058 to the appropriate state or independent university, professional sports team, or branch of the United States Armed Forces.~~

~~2. Fifty percent shall be distributed to the department for costs directly related to the specialty driver license and identification card program and to defray the costs associated with production enhancements and distribution.~~

(8) A ~~Any~~ person who applies for reinstatement following the suspension or revocation of the person's driver license must pay a service fee of \$45 following a suspension, and \$75 following a revocation, which is in addition to the fee for a license. A ~~Any~~ person who applies for reinstatement of a commercial driver license following the disqualification of the person's privilege to operate a commercial motor vehicle shall pay a service fee of \$75, which is in addition to the fee for a license. The department shall collect all of these fees at the time of reinstatement. The department shall issue proper receipts for such fees and shall promptly transmit all funds received by it as follows:

(a) Of the \$45 fee received from a licensee for reinstatement following a suspension:

1. If the reinstatement is processed by the department, the department shall deposit \$15 in the General Revenue Fund and \$30 in the Highway Safety Operating Trust Fund.

2. If the reinstatement is processed by the tax collector, \$15 shall be retained by the tax collector, \$15 shall be deposited into the Highway Safety Operating Trust Fund, and \$15 shall be deposited into the General Revenue Fund.

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(b) Of the \$75 fee received from a licensee for reinstatement following a revocation or disqualification:

1. If the reinstatement is processed by the department, the department shall deposit \$35 in the General Revenue Fund and \$40 in the Highway Safety Operating Trust Fund.

2. If the reinstatement is processed by the tax collector, \$20 shall be retained by the tax collector, \$20 shall be deposited into the Highway Safety Operating Trust Fund, and \$35 shall be deposited into the General Revenue Fund.

If the revocation or suspension of the driver license was for a violation of s. 316.193, or for refusal to submit to a lawful breath, blood, or urine test, an additional fee of \$130 must be charged. However, only one \$130 fee may be collected from one person convicted of violations arising out of the same incident. The department shall collect the \$130 fee and deposit the fee into the Highway Safety Operating Trust Fund at the time of reinstatement of the person's driver license, but the fee may not be collected if the suspension or revocation is overturned. If the revocation or suspension of the driver license was for a conviction for a violation of s. 817.234(8) or (9) or s. 817.505, an additional fee of \$180 is imposed for each offense. The department shall collect and deposit the additional fee into the Highway Safety Operating Trust Fund at the time of reinstatement of the person's driver license.

(10) An applicant who submits an application for a renewal or replacement driver license or identification card to the department using a convenience service shall be provided with an option for expedited shipping whereby the department, at the

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584 applicant's request, shall issue the license or identification
 585 card within 5 working days after receipt of the application and
 586 ship the license or card using an expedited mail service. A fee
 587 shall be charged for the expedited shipping option, not to
 588 exceed the cost of the expedited mail service, which is in
 589 addition to fees imposed by s. 322.051 or this section, or for
 590 the convenience service. Fees collected for the expedited
 591 shipping option shall be deposited into the Highway Safety
 592 Operating Trust Fund.

593 Section 12. Subsection (1) of section 322.61, Florida
 594 Statutes, is amended, and subsection (2) of that section is
 595 reenacted, to read:

596 322.61 Disqualification from operating a commercial motor
 597 vehicle.—

598 (1) A person who, for offenses occurring within a 3-year
 599 period, is convicted of two of the following serious traffic
 600 violations, or any combination thereof, arising in separate
 601 incidents committed in a commercial motor vehicle shall, in
 602 addition to any other applicable penalties, be disqualified from
 603 operating a commercial motor vehicle for a period of 60 days. A
 604 holder of a commercial driver license or commercial learner's
 605 permit who, for offenses occurring within a 3-year period, is
 606 convicted of two of the following serious traffic violations, or
 607 any combination thereof, arising in separate incidents committed
 608 in a noncommercial motor vehicle shall, in addition to any other
 609 applicable penalties, be disqualified from operating a
 610 commercial motor vehicle for a period of 60 days if such
 611 convictions result in the suspension, revocation, or
 612 cancellation of the licenseholder's driving privilege:

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613 (a) A violation of any state or local law relating to motor
 614 vehicle traffic control, other than a parking violation, arising
 615 in connection with a crash resulting in death;

616 (b) Reckless driving, as defined in s. 316.192;

617 (c) Unlawful speed of 15 miles per hour or more above the
 618 posted speed limit;

619 (d) Improper lane change, as defined in s. 316.085;

620 (e) Following too closely, as defined in s. 316.0895;

621 (f) Texting while driving a commercial motor vehicle, as
 622 prohibited by 49 C.F.R. 392.80;

623 (g) Using a handheld mobile telephone while driving a
 624 commercial motor vehicle, as prohibited by 49 C.F.R. 392.82;

625 (h) ~~(f)~~ Driving a commercial vehicle without obtaining a
 626 commercial driver license;

627 (i) ~~(g)~~ Driving a commercial vehicle without the proper
 628 class of commercial driver license or commercial learner's
 629 permit or without the proper endorsement; or

630 (j) ~~(h)~~ Driving a commercial vehicle without a commercial
 631 driver license or commercial learner's permit in possession, as
 632 required by s. 322.03.

633 (2) (a) Any person who, for offenses occurring within a 3-
 634 year period, is convicted of three serious traffic violations
 635 specified in subsection (1) or any combination thereof, arising
 636 in separate incidents committed in a commercial motor vehicle
 637 shall, in addition to any other applicable penalties, including
 638 but not limited to the penalty provided in subsection (1), be
 639 disqualified from operating a commercial motor vehicle for a
 640 period of 120 days.

641 (b) A holder of a commercial driver license or commercial

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642 learner's permit who, for offenses occurring within a 3-year
643 period, is convicted of three serious traffic violations
644 specified in subsection (1) or any combination thereof arising
645 in separate incidents committed in a noncommercial motor vehicle
646 shall, in addition to any other applicable penalties, including,
647 but not limited to, the penalty provided in subsection (1), be
648 disqualified from operating a commercial motor vehicle for a
649 period of 120 days if such convictions result in the suspension,
650 revocation, or cancellation of the licenseholder's driving
651 privilege.

652 Section 13. This act shall take effect October 1, 2017.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/22/17

Meeting Date

SB 784

Bill Number (if applicable)

Topic ~~FS~~ DHSMV

Amendment Barcode (if applicable)

Name Tim Qualls

Job Title Executive Director - Florida Tax Collectors Association

Address 216 S. Monroe St

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FL

State

32301

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Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Tax Collectors Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 842

INTRODUCER: Transportation Committee and Senator Artiles and others

SUBJECT: South Florida Regional Transportation Authority

DATE: March 23, 2017

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 842 authorizes the South Florida Regional Transportation Authority (SFRTA) to enter into contractual indemnification agreements with All Aboard Florida (AAF) and Florida East Coast Railway (FECR) on a rail corridor owned by AAF or FECR and in which all three entities operate rail service. The bill authorizes the Florida Department of Transportation (FDOT or department) to assume the obligations to indemnify and insure under such contractual agreements any freight rail service, intercity passenger service, and commuter rail service on a department-owned rail corridor or on a rail corridor where the FDOT has the right to operate.

The bill also requires the FDOT to make quarterly payments from the State Transportation Trust Fund (STTF) to SFRTA for maintenance and dispatch on the South Florida Rail Corridor (SFRC).

An indeterminate negative fiscal impact on state government and the SFRTA is expected. See Section V., "Fiscal Impact Statement," for details.

The bill takes effect July 1, 2017.

II. Present Situation:

Freight Rail, Commuter Rail, and Intercity Passenger 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. In 2003, the Legislature created the SFRTA, an agency of the state, as the successor to the Tri-County Commuter Rail Authority with all of its rights, privileges, and obligations.¹ The SFRTA is authorized to coordinate, develop, and operate a regional transportation system in the tri-county area of Broward, Miami-Dade, and Palm Beach Counties,² providing commuter rail service (Tri-Rail) for residents and visitors in the area served. The FDOT continues ownership of the SFRC, which runs parallel to I-95, extending south to Miami International Airport and north into Palm Beach County.

Florida East Coast Railway (FECR) owns³ an existing rail corridor between Miami and Cocoa on which it operates freight rail service.⁴ All Aboard Florida (AAF)⁵, a subsidiary of the parent holding company of FECR, is currently developing an intercity 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.⁶

The SFRTA is planning to expand Tri-Rail service using the existing FECR corridor. Known as the “Tri-Rail Coastal Link,” the project would reintroduce commuter service for passengers along an 85-mile stretch of the FECR corridor between downtown Miami and Jupiter, connecting 28 densely populated cities in east Miami-Dade, Broward, and Palm Beach Counties.⁷ SFRTA’s service on this link would share tracks with FECR’s freight trains and AAF’s Brightline, providing intercity passenger service. The SFRTA will have co-located stations with Brightline in Miami, Ft. Lauderdale, and West Palm Beach. AAF construction projects for the stations are at various stages.⁸ AAF is reportedly unwilling to proceed with completion of Tri-Rail’s portion of the Miami Central Station in part due to the absence of a contractual agreement to indemnify and insure FECR and AAF.⁹

¹ Chapter 2003-159, L.O.F.

² Section 343.54, F.S.

³ Florida East Coast Industries (FECI) is the holding company for FECR. Fortress Investment Group acquired FECI in 2007.

⁴ See the FECR website available at: <http://www.fecrwy.com/about>. (Last visited March 17, 2017.)

⁵ AAF is a wholly owned subsidiary of FECI. See the AAF website available at: <http://www.allaboardflorida.com/>. (Last visited March 17, 2017.)

⁶ See the AAF website available at: <http://www.allaboardflorida.com/>. (Last visited March 17, 2017.)

⁷ See the FDOT website available at: <http://tri-railcoastallinkstudy.com/>. (Last visited March 17, 2017.)

⁸ *Supra* note 6.

⁹ See *Legislative inaction, indemnification ruling impact Miami=Orlando rail service future*, May 28, 2016, available at: <http://flarecord.com/stories/510745198-legislative-inaction-indemnification-ruling-impact-miami-orlando-rail-service-future>. (Last visited March 17, 2017.)

Liability on Rail Corridors

Commuter rail operators often seek to use existing track or right-of-way, which is primarily owned by freight rail operators, because of the expense of building new rail infrastructure.¹⁰ Consequently, commuter rail operators must enter into agreements with the freight rail operators regarding how they will access the right-of-way. The most common challenge that occurs during negotiations between the commuter rail operator and the freight rail operator is determining liability.¹¹

The introduction of commuter trains on rail corridors that were previously used exclusively for freight operations inherently raises the freight operators' risk of liability due to the increased number of persons and trains present within the corridor. Accordingly, most freight rail operators want the commuter rail operator to assume all risks associated with the presence of the commuter rail service. Freight rail operators refer to this as the "but for" argument – "but for the presence of the commuter rail service, the freight railroad would not be exposed to certain risks; therefore, the freight railroads should be held harmless."¹² Recognizing the exposure of liability for both parties, Congress passed the Amtrak Reform and Accountability Act of 1997, which limited the aggregate overall damage liability to all passengers from a single accident to \$200 million.¹³

When Congress created Amtrak in 1970,¹⁴ Amtrak contracted with freight railroads to operate passenger rail service within freight corridors. These agreements were predicated on a no-fault allocation of liability. For example, a typical agreement indemnified the freight operators for "any injury, death or property damage to any Amtrak employees, Amtrak property or Amtrak passengers," and the freight operators would also indemnify and hold harmless Amtrak for "any injury, death or property damage" to freight employees and property.¹⁵ According to one report, despite this language, some courts have held that the provisions do not apply in cases of gross negligence.¹⁶

Florida Rail Liability Provisions

In 2007, the FDOT entered into an agreement with CSX Transportation, Inc., (CSX) to purchase 61.5 miles of track or right-of-way in Central Florida to provide commuter rail service, contingent on passage of legislation containing certain indemnification provisions. Known as SunRail, the first phase of the project opened in 2014, connecting DeBary in Volusia County to

¹⁰ U.S. General Accounting Office, *Commuter Rail: Information and Guidance Could Help Facilitate Commuter and Freight Rail Access Negotiations*, Report GAO-04-240, 5 (Jan. 2004), available at <http://www.gao.gov/assets/250/240916.html>. (Last visited March 17, 2017).

¹¹ *Id.* at 17.

¹² *Id.* at 18.

¹³ *Id.*

¹⁴ Congress passed the Rail Passenger Service Act of 1970, creating Amtrak to take over passenger rail service and relieving freight railroads of the responsibility of providing passenger service. U.S. General Accounting Office, *supra* note 10, at 8.

¹⁵ See the Transportation and Economic Development Appropriations staff analysis of HB 1-B, Engrossed 1, at 4., available at: <http://archive.flsenate.gov/data/session/2009B/Senate/bills/analysis/pdf/2009h0001B.ta.pdf>. (Last visited March 17, 2017.)

¹⁶ Center for Transportation Research, The University of Texas at Austin, *Passenger Rail Sharing Freight Infrastructure: Creating Win-Win Agreements*, Project Summary Report 0-5022-S, 3 (March 2006), available at: http://ctr.utexas.edu/wp-content/uploads/pubs/0_5022_S.pdf. (Last visited March 17, 2017.)

Sand Lake Road in Orange County and featuring 12 Central Florida stations.¹⁷ Today, the FDOT operates the SunRail system, and CSX continues to operate freight trains in the corridor.

In 2009,¹⁸ the Legislature authorized the FDOT in s. 341.302, F.S., to contractually indemnify a freight rail operator and the National Railroad Passenger Corporation (Amtrak) for any loss, injury, or damage to commuter rail passengers or rail corridor invitees, regardless of circumstances or cause, including negligence, misconduct, nonfeasance, or misfeasance. The contractual indemnification, however, is subject to the following parameters and exceptions:¹⁹

- If only a freight train is involved in an incident, the freight rail operator is solely responsible (pays 100 percent) for any loss, injury, or damage to its property and people, as well as for losses related to incidents involving trespassers and grade crossings. The department pays for loss, injury, or damage to any commuter rail passengers or invitees.
- If only an FDOT train (or “other train,” as explained below) is involved in an incident, FDOT is solely responsible (pays 100 percent) for any loss, injury, or damage to its property and people, as well as for losses related to commuter rail passengers, rail corridor invitees, trespassers, and grade crossings.
 - Any train that is neither FDOT’s train nor the freight rail operator’s train is considered an “other train.” An “other train” is treated as an FDOT train solely for purposes of allocation of liability between DOT and the freight rail operator, as long as FDOT and the freight rail operator share responsibility equally as to third parties injured outside the rail corridor.
- If both a freight train and an FDOT train, or a freight train and an “other train,” are involved in an accident, the freight rail operator is solely responsible (pays 100 percent) for its property and all of its people. The freight rail operator and FDOT share responsibility one-half each (each pays 50 percent) for any third-party damage resulting outside the corridor or for damage relating to trespassers. The department is solely responsible (pays 100 percent) for its property and all of its people, including commuter rail passengers and invitees, except in certain cases involving willful misconduct or resulting in the award of punitive or exemplary damages, as explained below.
 - When there is a collision between an FDOT train and a freight train only and the freight rail operator’s conduct amounts to willful misconduct or results in the award of punitive or exemplary damages, FDOT pays amounts in excess of its insurance deductible or self-insurance fund only if the freight rail operator pays for the amount of the insurance deductible or self-insurance fund (which is capped at \$10 million).
- If an FDOT train, a freight train, and any “other train” are involved in an incident, the allocation of liability remains one-half each between FDOT and the freight rail operator for any loss, injury, or damage to third parties outside the rail corridor. If the “other train” makes any payment to third parties injured outside the corridor, the allocation of credit shall not reduce the freight rail operator’s allocation to less than one-third of the total third-party liability.

¹⁷ See the SunRail website available at: <http://corporate.sunrail.com/stations-trains/phase-1-stations/> (last visited February 14, 2017).

¹⁸ Chapter 2009-271, L.O.F.

¹⁹ See s. 341.302(17), F.S., relating to the FDOT’s grants of authority with respect to the acquisition, ownership, construction, operation, maintenance, and management of a rail corridor.

Additionally, in a freight-train-only accident, the freight rail operator is solely responsible for all damages relating to incidents with trespassers or at grade crossings. In an FDOT-train-only accident, the department is solely responsible for all damages relating to incidents with trespassers or at grade crossings. In an incident involving an FDOT train (or an “other train”) and a freight train, the department and the freight rail operator share responsibility one-half each as to damages to trespassers and third parties outside the rail corridor; however, the statute does not address liability for damages relating to incidents at grade crossings.

The department’s duty to indemnify a freight rail operator is capped at \$200 million. The department is required to purchase up to \$200 million in liability insurance and establish a self-insurance retention fund to cover any deductible, provided that any parties covered under the insurance must pay a reasonable monetary contribution to cover the cost of the insurance. The self-insurance fund or deductible shall not exceed \$10 million. The insurance and self-insurance retention fund may provide coverage for all damages, including punitive damages.

SFRTA Funding

Statutory provisions require each of the three counties served by the SFRTA to provide no less than \$2.67 million annually, dedicated by each governing body by October 1 of each year, which funds may be used for capital, operations, and maintenance.²⁰ Additionally, current law requires each county to annually fund SFRTA operations in an amount no less than \$1.565 million.²¹

The SFRTA is currently responsible for dispatching, maintenance, and inspection of the South Florida Rail Corridor.²² Having assumed such responsibility, the FDOT is statutorily required to *annually* transfer to the SFRTA a total of \$42.1 million as follows:

- \$15 million for SFRTA operations, maintenance, and dispatch; and
- \$27.1 million for operating assistance, corridor track maintenance, and contract maintenance for the SFRTA.²³

In addition to these statutory amounts, the FDOT has agreed to cover 100 percent of annual maintenance costs up to \$14.4 million, with shared costs in excess of that amount, pursuant to an Operating Agreement between the FDOT and the SFRTA setting out agreed-upon percentages.²⁴ The SFRTA’s 2016 Comprehensive Annual Financial Report indicates that of the \$102.2 million in total revenue for 2016, the FDOT contributed \$55.3 million or 54 percent.²⁵

III. Effect of Proposed Changes:

Section 1 of the bill creates s. 343.545, F.S., providing definitions and authorizing the SFRTA to indemnify FECR and AAF for any loss, injury or damage to SFRTA’s commuter rail passengers

²⁰ Section 348.58(1), F.S.

²¹ Section 348.58(3), F.S.

²² *Transportation Authority Monitoring and Oversight Fiscal Year 2015 Report*, pp. 197-199, available at: <http://www.ftc.state.fl.us/documents/reports/TAMO/FY2015Report.pdf>. (Last visited March 2, 2017.)

²³ Section 348.58(4)(a)1., F.S.

²⁴ *Supra* note 23, p. 197.

²⁵ At p. 25, available at: <http://www.sfrta.fl.gov/docs/overview/Fiscal-Year-2016-Comprehensive-Annual-Financial-Report-FINAL.pdf>. (Last visited March 2, 2017.)

and rail corridor invitees, regardless of cause, including fault, failure, negligence, misconduct, nonfeasance, or misfeasance of FECR or AAF, subject to certain parameters. The bill authorizes the SFRTA to purchase certain railroad liability insurance and limits the SFRTA's obligation to indemnify to the insurance coverage amount. The bill also authorizes the FDOT to assume the SFRTA's obligations to indemnify and insure any freight rail service, intercity passenger rail service, and commuter rail service on an FDOT-owned rail corridor

Definitions

The bill provides various definitions relating to the act:

- “Rail corridor,” means the portion of a linear contiguous strip of real property which is used for rail service and owned by FECR or owned or controlled by AAF. The term applies *only when* the [SFRTA] has, by contract, assumed the obligation to forever protect, defend, indemnify, and hold harmless FECR, AAF, or their successors [in accordance with the bill's provisions] and acquired an easement interest, a lease, a right to operate, or a right of access. The term includes structures essential to railroad operations, including the land, structures, 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.
- “SFRTA rail corridor invitee” means any rail corridor invitee who is SFRTA's commuter rail passenger or is otherwise present on the rail corridor at the request of, pursuant to a contract with, for the purpose of doing business with, or at the behest of SFRTA. The term does not include:
 - Patrons at any station, except those patrons who are also SFRTA's commuter rail passengers;
 - Any person present on the rail corridor who is a patron of the non-SFRTA commuter rail service or is meeting or assisting a person who is a patron of the non-SFRTA commuter rail service;
 - Commercial or residential tenants of the developments in and around the stations or their invitees; or
 - Any third parties performing work at a station or in the rail corridor, such as employees and invitees of “PI”²⁶ or related entities, utilities, and fiber optic companies or others, or invitees or employees of the department or any county or municipality.
- “AAF rail corridor invitee,” means any rail corridor invitee who is an AAF intercity rail passenger or is otherwise present on the rail corridor at the request of, pursuant to a contract with, or otherwise for the purpose of doing business with or at the behest of AAF, including vendors or employees of vendors at the MiamiCentral²⁷ station or any other station that AAF may construct on the rail corridor. The term does not include:
 - Patrons at any station, except those patrons who are also AAF's intercity rail passengers;
 - Commercial or residential tenants of the developments in and around the stations of their invitees; or

²⁶ “PI” means FDG Flagler Station II, LLC, which has an easement on the rail corridor for nonrail uses.

²⁷ “MiamiCentral” means the primary All Aboard Florida station located in downtown Miami, which includes exclusive areas used by the [SFRTA] for commuter rail service.

- Any third parties performing work at a station or in the rail corridor, such as employees and invites of PI or related entities, utilities, and fiber optic companies, or invitees or employees of the FDOT or any county or municipality.
- “FECR rail corridor invitee,” means any rail corridor invitee who is present on the rail corridor at the request of, pursuant to a contract with, or otherwise for the purpose of doing business with or at the behest of FECR. The term does not include patrons at any station, nor the same commercial or residential tenants or third parties referenced in the “AAF rail corridor invitee” definition above.
- “Rail corridor invitee,” means any person who is on or about the rail corridor in which the AAF, SFRTA, or the non-SFRTA commuter rail service operator has an easement interest, a lease, a right to operate, or a right of access, and who is:
 - Present at the behest of an AAF, an SFRTA, a FECR, or the non-SFRTA commuter rail service operator for any purpose;
 - Otherwise entitled to be on or about the rail corridor; or
 - Meeting, assisting, or in the company of any person described above.
- “Non-SFRTA commuter rail service,” means AAF’s operation, or an AAF third-party designee’s operation, of trains in any commuter rail service on the rail corridor which is not SFRTA’s commuter rail service. The term does not include:
 - Any service operated by the [SFRTA] between MiamiCentral station and any stations in Miami-Dade County, Broward County, Palm Beach County, or points north on the FECR rail corridor; and
 - SFRTA’s commuter rail service on the South Florida Rail Corridor owned by the [FDOT].
- “Other train,” means a train that is not SFRTA’s train, FECR’s train, AAF’s train, a train of a non-SFRTA commuter rail service operator, or a train of any other operator of intercity rail passenger service and must be treated as a train of the entity that made the initial request for the train to operate on the rail corridor.
- “Limited covered accident,” means:
 - A collision directly between the trains, locomotives, rail cars, or rail equipment of SFRTA and FECR only, where the collision is caused by or arising from the willful misconduct of FECR or its subsidiaries, agents, licensees, employees, officers, or directors, as adjudicated pursuant to a final and unappealable court order, or if punitive damages or exemplary damages are awarded due to the conduct of FECR or its subsidiaries, agents, licensees, employees, officers, or directors, as adjudicated pursuant to a final and unappealable court order; or
 - A collision directly between the trains, locomotives, rail cars, or rail equipment of SFRTA and AAF only, where the collision is caused by or arising from the willful misconduct of AAF or its subsidiaries, agents, licensees, employees, officers, or directors, as adjudicated pursuant to a final and unappealable court order, or if punitive damages or exemplary damages are awarded due to the conduct of AAF or its subsidiaries, agents, licensees, employees, officers, or directors, as adjudicated pursuant to a final and unappealable court order.

In a limited covered accident, AAF’s or FECR’s willful misconduct must be “adjudicated by a court until all appeals are exhausted.” This requirement is not in the provisions of s. 341.302, F.S., related to FDOT’s liability with respect to the SunRail project.

The bill also defines the following terms: All Aboard Florida or AAF, AAF intercity rail passenger, commuter rail passenger, commuter rail service, existing IRIS crossing, Florida East Coast Railway or FECR, freight rail service, intercity passenger rail service, joint infrastructure, non-SFRTA commuter rail service operator, passenger easement, SFRC, and South Florida Regional Transportation Authority or SFRTA.

Assumption of Indemnity and Insurance Obligations

The bill authorizes the SFRTA to indemnify and protect FECR and AAF²⁸ from any liability, cost, or expense, including without limitation SFRTA's commuter rail passengers and rail corridor invitees in the rail corridor, regardless of whether the loss, damage, destruction, injury, or death is caused by the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of FECR or AAF. The contractual indemnification, however, is subject to the following:

- The SFRTA is solely responsible (pays 100 percent) for any loss, injury, or damage to SFRTA commuter rail passengers, invitees, or trespassers, other than passengers or invitees of the non-SFRTA commuter rail service, regardless of circumstances or cause, subject to the following:
- FECR or AAF, as applicable, and with respect to a limited covered accident, must defend and indemnify the SFRTA for the amount of the self-insurance retention account (discussed below).
- If only an SFRTA train is involved in an incident, including incidents with trespassers or at at-grade crossings, the SFRTA is solely responsible (pays 100 percent).
- If only an FECR train or only an AAF train is involved in an incident, including incidents with trespassers or at at-grade crossings, FECR or AAF, as applicable, is solely responsible (pays 100 percent), except for loss, injury, or damage to SFRTA's commuter rail passengers, employees, and invitees.
- In an incident involving any "other train" that is not an SFRTA train, the other train is treated as an SFRTA train solely for purposes of allocation of liability between the SFRTA and the FECR, or between the SFRTA and AAF, as applicable, who share equal responsibility as to third parties outside the rail corridor who incur loss, injury, or damage as a result of any incident involving both the SFRTA's train and the FECR's train, or both the SFRTA's train and AAF's train, as applicable. The allocation as between the SFRTA and the FECR, or between the SFRTA and AAF, as applicable, remains one-half each as to third parties outside the rail corridor. The involvement of any other train does not alter the sharing of equal responsibility as to third parties outside the rail corridor.
- If only an SFRTA train and an FECR train, or only an "other train" (that is by definition considered an SFRTA train) and an FECR train, are involved in an incident, the SFRTA is responsible (pays 100 percent) for its property, commuter rail passengers, employees, and invitees. The FECR is responsible for its property, employees, and invitees. The SFRTA and the FECR each share one-half responsibility as to joint infrastructure²⁹ and rail corridor invitees who are not SFRTA invitees or FECR invitees, including, but not limited to, trespassers or third parties outside the rail corridor.

²⁸ For as long as AAF and FECR or their successors agree to indemnify the SFRTA in accordance with the bill's provisions.

²⁹ Defined to mean any portion or segment of the rail corridor which does not contain tracks or infrastructure designated for the exclusive use of the SFRTA, AAF, or the FECR and portions of the MiamiCentral station used by both AAF and SFRTA, including, but not limited to, stairs, elevators, and escalators.

- If only an SFRTA train and an AAF train, or only an “other train” (that is by definition considered an SFRTA train) and an AAF train, are involved in an incident, the SFRTA is responsible (pays 100 percent) for its property, commuter rail passengers, employees, and invitees. AAF is responsible for its property, intercity rail passengers, employees, and invitees. The SFRTA and AAF each share one-half responsibility as to joint infrastructure and non-SFRTA and non-AAF invitees, as well as to trespassers and third parties outside the rail corridor.
- If an FECR train, an SFRTA train, and an AAF train are involved in an incident, the SFRTA is responsible for its property, commuter rail passengers, employees, and invitees. AAF is responsible for its property, employees, intercity rail passengers, and invitees. The FECR is responsible for its property, employees, and invitees, and invitees. The SFRTA, the FECR, and AAF each share one-third responsibility as to joint infrastructure and rail corridor invitees who are not SFRTA invitees, AAF invitees, or FECR invitees, including trespassers or third parties outside the rail corridor.
- If an SFRTA train, an FECR train, and an AAF train are involved in an incident, the bill allocates one-third of any liability each to the SFRTA, the FECR, and AAF as to third parties outside the rail corridor.
- If an SFRTA train, an FECR train, and any other train; or if an SFRTA train, an AAF train and any other train, are involved in an incident, the bill allocates one-third of any liability each to the SFRTA, the FECR, and the other train; or to the SFRTA, AAF, and the other train, as applicable, as to third parties outside the rail corridor.

The bill provides that the SFRTA is not obligated to indemnify the FECR and AAF for any amount in excess of required insurance coverage, but the SFRTA remains responsible for the indemnity obligation up to the insurance coverage limit. If non-SFRTA commuter rail service is provided by an entity under contract with AAF, the SFRTA may elect at its sole discretion to provide the same insurance coverage and indemnity to any non-SFRTA commuter rail service operator.

The bill authorizes the SFRTA to purchase railroad liability insurance of \$295 million per occurrence, adjusted in accordance with applicable law,³⁰ with a \$5 million self-insurance retention account, known as the “SFRTA insurance program.” At the SFRTA’s sole discretion, the insurance program may cover the obligations described in the bill or any other service operated by the SFRTA on a rail corridor. All definitions, terms, conditions, restrictions, exclusions, obligations, and duties included in any of the insurance policies procured by the SFRTA for the insurance program apply to the self-insurance retention account and its application to claims against the applicable insureds.

The SFRTA must name the FECR and AAF as insureds on any policies it procures at no cost to the FECR or AAF and ensure that all policies have a waiver of exclusion for punitive damages

³⁰ See 49 U.S.C. s. 28103. In January of this year, the U.S.D.O.T. Secretary published its Notice of Adjustment to Rail Passenger Transportation Liability Cap under s. 11415 of the Fixing America’s Surface Transportation Act, raising the transportation liability cap from \$200 million to just under \$295 million. See the notice at: <https://www.gpo.gov/fdsys/pkg/FR-2016-01-11/pdf/2016-00301.pdf>. (Last visited March 17, 2017.)

and coverage for claims made pursuant to the Federal Employers Liability Act.³¹ Such policies must include coverage for terrorism and pollution, including, but not limited to, coverage applicable in the event of a railroad accident, a derailment, or an overturn, and evacuation expense.

Section 3 amends s. 341.302(17), F.S., adding a new paragraph (d), to authorize the FDOT to assume the SFRTA's obligations to indemnify and insure freight rail service, intercity passenger rail service, and commuter rail service on an FDOT-owned rail corridor, whether ownership is in fee or by easement, or on a rail corridor where the FDOT has the right to operate. The FDOT notes that this authority would provide a financial advantage to SFRTA that is not offered to other authorities or transit operations.³²

The SFRTA and State Funds Transfer

Section 2 amends s. 343.58(4), F.S., to require the FDOT to transfer the annual \$42.1 million from the STTF to the SFRTA in quarterly payments commencing at the start of each fiscal year.

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 FECR and AAF would benefit as named insureds under the required insurance policy without contributing towards the cost of the insurance.

³¹ 45 U.S.C. 51 *et seq.* This act protects and compensates railroad workers injured on the job, if the worker can prove that the railroad was at least partly legally negligent in causing the injury.

³² See the FDOT's analysis of SB 842. (On file in the Senate Transportation Committee.)

C. Government Sector Impact:

The cost to SFRTA for the purchase of liability insurance and to establish a self-insurance retention fund for the purpose of paying the deductible limit established in the insurance policies is unknown at this time.

The bill expands the FDOT's authority to indemnify intercity passenger rail service and commuter rail service. The expansion overlaps, at least in part, the FDOT's existing authority to indemnify freight rail service in s. 341.302, F.S. To the extent that FDOT assumes the SFRTA's obligations to indemnify and insure freight rail service, intercity passenger rail service, and commuter rail service, there would be an indeterminate cost to the state for insurance premiums and any payments from the self-insurance retention fund.

VI. Technical Deficiencies:

The bill defines the terms, "existing IRIS crossing" and "passenger easement," but the terms are not used elsewhere in the bill.

For purposes of clarity, the conjunctive "or" on line 239 may need to be modified to reflect the relationship between subparagraphs in newly created s. 343.545(2)(a), F.S.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 343.58 and 341.302.
This bill creates the following sections of the Florida Statutes: 343.545.

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 22, 2017:**

The CS removes from the bill provision that the state funds transferred from the STTF to the SFRTA pursuant to s. 343.58, F.S., may not be considered state financial assistance subject to the Florida Single Audit Act, s. 215.97, F.S., or to the requirements for inclusion of specified provisions in agreements funded with federal or state assistance under s. 215.971, F.S.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2017	.	
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The Committee on Transportation (Articles) recommended the following:

Senate Amendment (with title amendment)

Delete lines 446 - 449.

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

And the title is amended as follows:

Delete lines 14 - 17

and insert:

start of each fiscal year; amending s. 341.302, F.S.;

By Senator Artiles

40-00370B-17

2017842__

A bill to be entitled

An act relating to the South Florida Regional Transportation Authority; creating s. 343.545, F.S.; defining terms; authorizing the South Florida Regional Transportation Authority, in conjunction with the operation of a certain commuter rail service, to have the power to assume specified indemnification and insurance obligations, subject to certain requirements; amending s. 343.58, F.S.; requiring the Department of Transportation to transfer specified amounts annually from the State Transportation Trust Fund to the authority; requiring that the transfer be made through quarterly payments commencing at the start of each fiscal year; prohibiting state funds provided to the authority under this section from being considered state financial assistance subject to specified provisions; amending s. 341.302, F.S.; authorizing the department to agree to assume certain indemnification and insurance obligations under certain circumstances; providing an effective date.

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

Section 1. Section 343.545, Florida Statutes, is created to read:

343.545 Power to assume indemnification and insurance obligations; definitions.-

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

(a) "All Aboard Florida" or "AAF" means All Aboard Florida Operations, LLC, or its successors and assigns.

(b) "AAF intercity rail passenger" means any person, ticketed or unticketed, using the AAF intercity passenger rail

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service on the rail corridor:

1. On board trains, locomotives, rail cars, or rail equipment employed in AAF intercity passenger rail service or entraining thereon and detraining therefrom;

2. On or about the rail corridor for any purpose related to the AAF intercity passenger rail service, including parking or purchasing tickets therefor and coming to, waiting for, and leaving from locomotives, rail cars, or rail equipment; or

3. Meeting, assisting, or in the company of any person described in subparagraph 1. or subparagraph 2.

(c) "AAF rail corridor invitee" means any rail corridor invitee who is an AAF intercity rail passenger or is otherwise present on the rail corridor at the request of, pursuant to a contract with, or otherwise for the purpose of doing business with or at the behest of AAF, including persons who are vendors or employees of vendors at the MiamiCentral station or any other station that AAF may construct on the rail corridor. The term does not include patrons at any station, except those patrons who are also AAF's intercity rail passengers; commercial or residential tenants of the developments in and around the stations or their invitees; or any third parties performing work at a station or in the rail corridor, such as employees and invitees of PI or related entities, utilities, and fiber optic companies, or invitees or employees of the department or any county or municipality.

(d) "Commuter rail passenger" means any person, ticketed or unticketed, using the commuter rail service on the rail corridor:

1. On board trains, locomotives, rail cars, or rail

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equipment employed in commuter rail service or entraining thereon and detraining therefrom;

2. On or about the rail corridor for any purpose related to the commuter rail service, including parking or purchasing tickets therefor and coming to, waiting for, and leaving from locomotives, rail cars, or rail equipment; or

3. Meeting, assisting, or in the company of any person described in subparagraph 1. or subparagraph 2.

(e) "Commuter rail service" means the operation of the authority's trains transporting passengers and making frequent stops within urban areas and their immediate suburbs along the rail corridor for the purpose of passengers entraining and detraining, and including the nonrevenue movement of trains for storage or maintenance. The term does not include the operation of trains by AAF transporting passengers in intercity passenger rail service between passenger rail stations established by AAF at Miami-Dade, Fort Lauderdale, West Palm Beach, or future stations, but shall include the provision of non-SFRTA commuter rail service by AAF or a third party designated by AAF, including SFRTA.

(f) "Existing IRIS crossing" means the existing, at-grade railroad crossing between the SFRC and the rail corridor located in Miami-Dade County.

(g) "Florida East Coast Railway" or "FECR" means Florida East Coast Railway, LLC, or its successors and assigns.

(h) "FECR rail corridor invitee" means any rail corridor invitee who is present on the rail corridor at the request of, pursuant to a contract with, or otherwise for the purpose of doing business with or at the behest of FECR. The term does not

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include patrons at any station; commercial or residential tenants of the developments in and around the stations or their invitees; or any third parties performing work at a station or in the rail corridor, such as employees and invitees of PI or related entities, utilities, and fiber optic companies or others, or invitees or employees of the department or any county or municipality.

(i) "Freight rail service" means any and all uses and purposes that are ancillary or related to current and future freight rail operations on, along, over, under, and across the rail corridor, including operating trains, rail cars, business cars, locomotives, hi-rail vehicles, and other rail equipment for the movement of freight in overhead and local service; interchanging rail cars with other freight railroads; providing pickups, setoffs, transloading services, or storage in transit; and any and all other activities that are ancillary or related to the transportation of freight on or along the rail corridor.

(j) "Intercity passenger rail service" means all passenger service on the rail corridor other than commuter rail service and is characterized by trains making less frequent stops along the rail corridor than the commuter rail service does.

(k) "Joint infrastructure" means any portion or segment of the rail corridor which does not contain tracks or infrastructure designated for the exclusive use of the authority, AAF, or FECR and portions of the MiamiCentral station used by both AAF and SFRTA, including, but not limited to, stairs, elevators, and escalators.

(l) "Limited covered accident" means:

1. A collision directly between the trains, locomotives,

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120 rail cars, or rail equipment of SFRTA and FECR only, where the
 121 collision is caused by or arising from the willful misconduct of
 122 FECR or its subsidiaries, agents, licensees, employees,
 123 officers, or directors, as adjudicated pursuant to a final and
 124 unappealable court order, or if punitive damages or exemplary
 125 damages are awarded due to the conduct of FECR or its
 126 subsidiaries, agents, licensees, employees, officers, or
 127 directors, as adjudicated pursuant to a final and unappealable
 128 court order; or

129 2. A collision directly between the trains, locomotives,
 130 rail cars, or rail equipment of SFRTA and AAF only, if the
 131 collision is caused by or arising from the willful misconduct of
 132 AAF or its subsidiaries, agents, licensees, employees, officers,
 133 or directors, as adjudicated pursuant to a final and
 134 unappealable court order, or if punitive damages or exemplary
 135 damages are awarded due to the conduct of AAF or its
 136 subsidiaries, agents, licensees, employees, officers, or
 137 directors, as adjudicated pursuant to a final and unappealable
 138 court order.

139 (m) "MiamiCentral" means the primary All Aboard Florida
 140 station located in downtown Miami, which includes exclusive
 141 areas used by the authority for commuter rail service.

142 (n) "Non-SFRTA commuter rail service" means AAF's
 143 operation, or an AAF third-party designee's operation, of trains
 144 in any commuter rail service on the rail corridor which is not
 145 SFRTA's commuter rail service. The term does not include:

146 1. Any service operated by the authority between the
 147 MiamiCentral station and any stations in Miami-Dade County,
 148 Broward County, Palm Beach County, or points north on the FECR

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149 rail corridor; and

150 2. SFRTA's commuter rail service on the South Florida Rail
 151 Corridor owned by the department.

152 (o) "Non-SFRTA commuter rail service operator" means the
 153 operator of any non-SFRTA commuter rail service.

154 (p) "Other train" means a train that is not SFRTA's train,
 155 FECR's train, AAF's train, a train of a non-SFRTA commuter rail
 156 service operator, or a train of any other operator of intercity
 157 rail passenger service and must be treated as a train of the
 158 entity that made the initial request for the train to operate on
 159 the rail corridor.

160 (q) "Passenger easement" means a permanent, perpetual, and
 161 exclusive easement on, along, over, under, or across the rail
 162 corridor for commuter rail service.

163 (r) "PI" means FDG Flagler Station II, LLC, which has an
 164 easement on the rail corridor for nonrail uses.

165 (s) "Rail corridor" means the portion of a linear
 166 contiguous strip of real property which is used for rail service
 167 and owned by FECR or owned or controlled by AAF. The term
 168 applies only when the authority has, by contract, assumed the
 169 obligation to forever protect, defend, indemnify, and hold
 170 harmless FECR, AAF, or their successors, in accordance with
 171 subsection (2), and acquired an easement interest, a lease, a
 172 right to operate, or a right of access. The term includes
 173 structures essential to railroad operations, including the land,
 174 structures, improvements, rights-of-way, easements, rail lines,
 175 rail beds, guideway structures, switches, yards, parking
 176 facilities, power relays, switching houses, rail stations, any
 177 ancillary development, and any other facilities or equipment

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used for the purposes of construction, operation, or maintenance of a railroad that provides rail service.

(t) "Rail corridor invitee" means any person who is on or about the rail corridor in which the AAF, SFRTA, or the non-SFRTA commuter rail service operator has an easement interest, a lease, a right to operate, or a right of access, and who is:

1. Present at the behest of an AAF, an SFRTA, a FECR, or the non-SFRTA commuter rail service operator for any purpose;

2. Otherwise entitled to be on or about the rail corridor; or

3. Meeting, assisting, or in the company of a person described in subparagraph 1. or subparagraph 2.

(u) "SFRC" means South Florida Rail Corridor.

(v) "South Florida Regional Transportation Authority" or "SFRTA" means the authority.

(w) "SFRTA rail corridor invitee" means any rail corridor invitee who is SFRTA's commuter rail passenger or is otherwise present on the rail corridor at the request of, pursuant to a contract with, for the purpose of doing business with, or at the behest of SFRTA. The term does not include patrons at any station, except those patrons who are also SFRTA's commuter rail passengers; any person present on the rail corridor who is a patron of the non-SFRTA commuter rail service or is meeting or assisting a person who is a patron of the non-SFRTA commuter rail service; commercial or residential tenants of the developments in and around the stations or their invitees; or any third parties performing work at a station or in the rail corridor, such as employees and invitees of PI or related entities, utilities, and fiber optic companies or others, or

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invitees or employees of the department or any county or municipality.

(2) The authority, in conjunction with the operation of a commuter rail service on a rail corridor, has the power to assume the following obligations:

(a) To indemnify AAF and FECR in accordance with the terms specified in this paragraph for so long as AAF and FECR or their successors in interest agree to indemnify the authority in accordance with the terms specified in this paragraph.

1. Except as specifically provided in this paragraph, the authority shall protect, defend, indemnify, and hold harmless FECR, its officers, agents, employees, successors, and assigns from and against any liability, cost, and expense, including, but not limited to, SFRTA's commuter rail passengers and rail corridor invitees in, on, or about the rail corridor, regardless of whether the loss, damage, destruction, injury, or death giving rise to any such liability, cost, or expense is caused in whole or in part, and to whatever nature or degree, by the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of FECR or its officers, agents, employees, successors, and assigns;

2. Except as specifically provided in this paragraph, the authority shall protect, defend, indemnify, and hold harmless AAF and its officers, agents, employees, successors, and assigns from and against any liability, cost, and expense, including, but not limited to, SFRTA commuter rail passengers and SFRTA rail corridor invitees in, on, or about the rail corridor, regardless of whether the loss, damage, destruction, injury, or death giving rise to any such liability, cost, or expense is

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caused in whole or in part, and to whatever nature or degree, by the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of AAF or its officers, agents, employees, successors, and assigns; or

3. The assumption of liability by the authority may not in any instance exceed the following parameters of allocation of risk:

a. The authority shall be solely responsible for any loss, injury, or damage to SFRTA commuter rail passengers, or to SFRTA rail corridor invitees or trespassers, other than passengers or invitees of the non-SFRTA commuter rail service, regardless of circumstances or cause, subject to the terms and provisions of this paragraph.

b. FECR shall, with respect to a limited covered accident, protect, defend, and indemnify SFRTA for the amount of the self-insurance retention account.

c. AAF shall, with respect to a limited covered accident, protect, defend, and indemnify SFRTA for the amount of the self-insurance retention account.

d. When only one train is involved in an incident, including incidents with trespassers or at at-grade crossings, the authority shall be solely responsible for any loss, injury, or damage if the train is an SFRTA train.

e. When an incident occurs with only FECR's train involved, including incidents with trespassers or at at-grade crossings, FECR shall be solely responsible for any loss, injury, or damage, except for SFRTA's commuter rail passengers, SFRTA employees, and SFRTA rail corridor invitees.

f. When an incident occurs with only AAF's train involved,

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including incidents with trespassers or at at-grade crossings, AAF shall be solely responsible for any loss, injury, or damage, except for SFRTA's commuter rail passengers, SFRTA employees, and SFRTA rail corridor invitees.

g. For the purposes of this paragraph:

(I) An "other train" shall be treated as the train of the entity that made the initial request for the train to operate on the rail corridor.

(II) In an incident involving any other train that is not an SFRTA train, the other train shall be treated as an SFRTA train solely for purposes of any allocation of liability between:

(A) SFRTA and FECR. SFRTA and FECR shall share responsibility equally as to third parties outside the rail corridor who incur loss, injury, or damage as a result of any incident involving both SFRTA's train and FECR's train and the allocation as between SFRTA and FECR, regardless of whether the other train is treated as an SFRTA train, shall remain one-half each as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident. The involvement of any other train shall not alter the sharing of equal responsibility as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident.

(B) SFRTA and AAF. SFRTA and AAF shall share responsibility equally as to third parties outside the rail corridor who incur loss, injury, or damage as a result of any incident involving both an SFRTA train and AAF's train and the allocation as between SFRTA and AAF, regardless of whether the other train is

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294 treated as an SFRTA train, shall remain one-half each as to
 295 third parties outside the rail corridor who incur loss, injury,
 296 or damage as a result of the incident. The involvement of any
 297 other train shall not alter the sharing of equal responsibility
 298 as to third parties outside the rail corridor who incur loss,
 299 injury, or damage as a result of the incident.

300 h. When more than one train is involved in an incident:

301 (I) If only an SFRTA train and a FECR train, or only an
 302 other train that is an SFRTA train by definition and a FECR
 303 train, are involved in an incident, SFRTA shall be responsible
 304 for its property, all SFRTA's commuter rail passengers, SFRTA
 305 employees, and SFRTA rail corridor invitees. FECR shall be
 306 responsible for its property and all of its employees and FECR
 307 rail corridor invitees. SFRTA and FECR shall each share one-half
 308 responsibility as to the joint infrastructure and rail corridor
 309 invitees who are not SFRTA rail corridor invitees or FECR rail
 310 corridor invitees, including, but not limited to, trespassers or
 311 third parties outside the rail corridor who incur loss, injury,
 312 or damage as a result of the incident.

313 (II) If only an SFRTA train and an AAF train, or only an
 314 other train that is by definition an SFRTA train and an AAF
 315 train, are involved in an incident, SFRTA shall be responsible
 316 for its property, all SFRTA's commuter rail passengers, SFRTA
 317 employees, and SFRTA rail corridor invitees. AAF shall be
 318 responsible for its property and all of its employees, AAF's
 319 intercity rail passengers, and AAF rail corridor invitees. SFRTA
 320 and AAF shall each share one-half responsibility as to the joint
 321 infrastructure and rail corridor invitees who are not SFRTA rail
 322 corridor invitees or AAF rail corridor invitees, including, but

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323 not limited to, trespassers or third parties outside the rail
 324 corridor who incur loss, injury, or damage as a result of the
 325 incident.

326 (III) If a FECR train, an SFRTA train, and an AAF train are
 327 involved in an incident, SFRTA shall be responsible for its
 328 property, all SFRTA's commuter rail passengers, SFRTA employees,
 329 and SFRTA rail corridor invitees. AAF shall be responsible for
 330 its property and all of its employees, AAF's intercity rail
 331 passengers, and AAF rail corridor invitees. FECR shall be
 332 responsible for its property and all of its employees and FECR
 333 rail corridor invitees. SFRTA, FECR, and AAF shall each share
 334 one-third responsibility as to the joint infrastructure and rail
 335 corridor invitees who are not SFRTA rail corridor invitees, AAF
 336 rail corridor invitees, or FECR rail corridor invitees,
 337 including, but not limited to, trespassers or third parties
 338 outside the rail corridor who incur loss, injury, or damage as a
 339 result of the incident.

340 (IV) If an SFRTA train, a FECR train, and an AAF train are
 341 involved in an incident, the allocation of liability among
 342 SFRTA, FECR, and AAF shall be one-third each as to third parties
 343 outside the rail corridor who incur loss, injury, or damage as a
 344 result of the incident.

345 (V) If an SFRTA train, a FECR train, and any other train
 346 are involved in an incident, the allocation of liability among
 347 SFRTA, FECR, and the other train shall be one-third each as to
 348 third parties outside the rail corridor who incur loss, injury,
 349 or damage as a result of the incident.

350 (VI) If an SFRTA train, an AAF train, and any other train
 351 are involved in an incident, the allocation of liability among

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SFRTA, AAF, and the other train shall be one-third each as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident.

i. Notwithstanding anything to the contrary set forth in this paragraph, SFRTA is not obligated to indemnify FECR and AAF for any amount in excess of the insurance coverage limit. Whether or not SFRTA maintains the insurance coverage required pursuant to paragraph (b) to cover the indemnification obligations of this paragraph, SFRTA shall remain responsible for the indemnification obligations set forth in this paragraph up to the insurance coverage limit.

j. If the non-SFRTA commuter rail service is provided by an entity under contract with AAF, SFRTA may elect, at its sole discretion, to provide the same insurance coverage and to indemnify and hold harmless any non-SFRTA commuter rail service operator to the same extent that it provides such insurance or indemnification to AAF pursuant to this section.

(b) To purchase railroad liability insurance of \$295 million per occurrence, which amount shall be adjusted in accordance with applicable law up to the insurance coverage limit, with a \$5 million self-insurance retention account that shall be composed of and defined as the "SFRTA insurance program." The SFRTA insurance program may, at SFRTA's sole discretion, cover the obligations described in this section or any other service operated by SFRTA on a rail corridor. Because the self-insurance retention account is a part of the SFRTA insurance program, all definitions, terms, conditions, restrictions, exclusions, obligations, and duties included in any and all of the policies of insurance procured by SFRTA for

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the SFRTA insurance program shall apply to the self-insurance retention account and its application to claims against the applicable insureds. SFRTA shall name FECR and AAF as insureds on any policies it procures pursuant to this section at no cost to AAF and FECR and ensure that all policies shall have a waiver of exclusion for punitive damages and coverage for claims made pursuant to the Federal Employers Liability Act, 45 U.S.C. s. 51 et seq. Such policies must also include terrorism coverage, pollution coverage, including, but not limited to, coverage applicable in the event of a railroad accident, a derailment, or an overturn, and evacuation expense coverage.

Section 2. Subsection (4) of section 343.58, Florida Statutes, is amended to read:

343.58 County funding for the South Florida Regional Transportation Authority.—

(4) Notwithstanding any other provision of law to the contrary and effective July 1, 2010, until as provided in paragraph (d), the department shall transfer annually from the State Transportation Trust Fund to the South Florida Regional Transportation Authority, in quarterly payments commencing at the start of each fiscal year, the amounts specified in subparagraph (a)1. or subparagraph (a)2.

(a)1. If the authority becomes responsible for maintaining and dispatching the South Florida Rail Corridor:

a. \$15 million from the State Transportation Trust Fund to the South Florida Regional Transportation Authority for operations, maintenance, and dispatch; and

b. An amount no less than the work program commitments equal to \$27.1 million for fiscal year 2010-2011, as of July 1,

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2009, for operating assistance to the authority and corridor track maintenance and contract maintenance for the South Florida Rail Corridor.

2. If the authority does not become responsible for maintaining and dispatching the South Florida Rail Corridor:

a. \$13.3 million from the State Transportation Trust Fund to the South Florida Regional Transportation Authority for operations; and

b. An amount no less than the work program commitments equal to \$17.3 million for fiscal year 2010-2011, as of July 1, 2009, for operating assistance to the authority.

(b) Funding required by this subsection may not be provided from the funds dedicated to the Florida Rail Enterprise pursuant to s. 201.15(4) (a)4.

(c)1. Funds provided to the authority by the department under this subsection may not be committed by the authority without the approval of the department, which may not be unreasonably withheld. At least 90 days before advertising any procurement or renewing any existing contract that will rely on state funds for payment, the authority shall notify the department of the proposed procurement or renewal and the proposed terms thereof. If the department, within 60 days after receipt of notice, objects in writing to the proposed procurement or renewal, specifying its reasons for objection, the authority may not proceed with the proposed procurement or renewal. Failure of the department to object in writing within 60 days after notice shall be deemed consent. This requirement does not impair or cause the authority to cancel contracts that exist as of June 30, 2012.

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

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2. To enable the department to evaluate the authority's proposed uses of state funds, the authority shall annually provide the department with its proposed budget for the following authority fiscal year and shall provide the department with any additional documentation or information required by the department for its evaluation of the proposed uses of the state funds.

3. State funds provided to the authority pursuant to this subsection beginning July 1, 2010, and thereafter may not be considered state financial assistance subject to s. 215.97 or s. 215.971.

(d) Funding required by this subsection shall cease upon commencement of an alternate dedicated local funding source sufficient for the authority to meet its responsibilities for operating, maintaining, and dispatching the South Florida Rail Corridor. The authority and the department shall cooperate in the effort to identify and implement such an alternate dedicated local funding source before July 1, 2019. Upon commencement of the alternate dedicated local funding source, the department shall convey to the authority a perpetual commuter rail easement in the South Florida Rail Corridor and all of the department's right, title, and interest in rolling stock, equipment, tracks, and other personal property owned and used by the department for the operation and maintenance of the commuter rail operations in the South Florida Rail Corridor.

Section 3. Paragraph (d) is added to subsection (17) of section 341.302, Florida Statutes, to read:

341.302 Rail program; duties and responsibilities of the department.—The department, in conjunction with other

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governmental entities, including the rail enterprise and the private sector, shall develop and implement a rail program of statewide application designed to ensure the proper maintenance, safety, revitalization, and expansion of the rail system to assure its continued and increased availability to respond to statewide mobility needs. Within the resources provided pursuant to chapter 216, and as authorized under federal law, the department shall:

(17) In conjunction with the acquisition, ownership, construction, operation, maintenance, and management of a rail corridor, have the authority to:

(d) Without altering any of the rights granted to the department under this section, agree to assume the obligations to indemnify and insure, pursuant to s. 343.545, freight rail service, intercity passenger rail service, and commuter rail service on a department-owned rail corridor, whether ownership is in fee or by easement, or on a rail corridor where the department has the right to operate.

Neither the assumption by contract to protect, defend, indemnify, and hold harmless; the purchase of insurance; nor the establishment of a self-insurance retention fund shall be deemed to be a waiver of any defense of sovereign immunity for torts nor deemed to increase the limits of the department's or the governmental entity's liability for torts as provided in s. 768.28. The requirements of s. 287.022(1) shall not apply to the purchase of any insurance under this subsection. The provisions of this subsection shall apply and inure fully as to any other governmental entity providing commuter rail service and

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constructing, operating, maintaining, or managing a rail corridor on publicly owned right-of-way under contract by the governmental entity with the department or a governmental entity designated by the department. Notwithstanding any law to the contrary, procurement for the construction, operation, maintenance, and management of any rail corridor described in this subsection, whether by the department, a governmental entity under contract with the department, or a governmental entity designated by the department, shall be pursuant to s. 287.057 and shall include, but not be limited to, criteria for the consideration of qualifications, technical aspects of the proposal, and price. Further, any such contract for design-build shall be procured pursuant to the criteria in s. 337.11(7).

Section 4. 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)

3/22/17
Meeting Date

842
Bill Number (if applicable)

Topic SFRTA

Amendment Barcode (if applicable)

Name Lisa Bacost

Job Title Exec Director

Address PO Box 10168
Street

Phone 850-445-8329

Talley FL 32302
City State Zip

Email lisabacost@floridatransit.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Public Transportation Assoc.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

3-22-17

Meeting Date

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

842

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name JESS McCARTY

Job Title ASST COUNTY ATTORNEY

Address 111 NW 151 ST 2810

Phone

Street
City MIAMI State Zip 33120

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing MIAMI - DADE COUNTY

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

03.22.17

Meeting Date

842

Bill Number (if applicable)

Topic SFRTA

Amendment Barcode (if applicable)

Name VICKI WOOLDRIDGE

Job Title GOV. AFFAIRS MGR.

Address 801 NN 33RD ST.

Street

POMPANO BEACH

City

FL

State

33061

Zip

Phone 954-213-8690

Email wooldridgev@sfra.fl.gov

Speaking: ☒ For ☐ Against ☐ Information

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

Representing SO. FLA. REGIONAL TRANSPORTATION AUTHORITY

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/22/17

Meeting Date

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

842

Bill Number (if applicable)

Topic SFRTA - INSURANCE

Amendment Barcode (if applicable)

Name ANDRES TRUJILLO

Job Title STATE DIRECTOR

Address 11774 SW 137TH PATH

Phone _____

Street

MIAMI FL 33186

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SMART - TRANSPORTATION DIVISION

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)

3/22/17
Meeting Date

SB
842
Bill Number (if applicable)

Topic SFRTA / idem. features + insurance Amendment Barcode (if applicable)

Name Candice Ericks

Job Title _____

Address 205 S. Adams St
Tallahassee FL 32301
Street City State Zip

Phone 954-648-1204

Email Candice.ericks@sfcta.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing South Florida Regional Transportation Authority

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)

3/22/17

Meeting Date

SB 842

Bill Number (if applicable)

Topic South FL Regional Transportation

Amendment Barcode (if applicable)

Name Rebecca Delacruz

Job Title Legislative Director

Address 301 N. Olive Ave

Phone 850.284.7235

Street West Palm Beach, FL 33401

Email rdelacruz@phc.gov.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.

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1022

INTRODUCER: Transportation Committee and Senator Stewart

SUBJECT: License Plates

DATE: March 23, 2017

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1022 provides for the creation of a Bronze Star special license plate. The plate is available to recipients of the Bronze Star Medal upon application, proof of receipt of the medal, and payment of the required license tax.

The bill makes changes to s. 320.089, F.S., to provide clarity, and requires the license plate for former prisoners of war be stamped with the likeness of the Prisoner of War Medal.

Additionally, the bill directs the Department of Highway Safety and Motor Vehicles (DHSMV) to develop an American Eagle 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.

DHSMV will incur programming and production costs to implement the bill.

The bill takes effect October 1, 2017.

II. Present Situation:

Current law provides for several types of license plates. In addition to plates issued for governmental or business purposes, DHSMV offers four basic types of plates to the general public:

- Standard plates;

- Specialty license plates;
- Personalized prestige license plates; and
- Special use license plates.

Special License Plates

Certain members of the general public may be eligible to apply for special use license plates if they are able to document their eligibility pursuant to various sections of ch. 320, F.S. Special use license plates primarily include special military license plates as well as plates for the disabled.

Currently, there are 21 special military license plates authorized in s. 320.089, F.S., available to military service members or veterans.¹

Special military license plates authorized under s. 320.089, F.S., are stamped with words consistent with the type of special plate issued. For example, a special plate issued to a current or former member of the Florida National Guard is stamped with the words “National Guard.” Additionally, a likeness of the related campaign medal or badge appears on the plate.²

Applicants for special military license plates under s. 320.089, F.S., are required to pay the annual license tax in s. 320.08, F.S., with the exception of certain disabled veterans who qualify for the Pearl Harbor, Purple Heart, or Prisoner of War plate, to whom such plates are issued at no cost.³ With the exception of Woman Veteran plates, the first \$100,000 of revenue generated annually from the sale of special use military plates is deposited into the Grants and Donations Trust Fund under the Veterans’ Nursing Homes of Florida Act, as described in s. 296.38(2), F.S. Additional revenue is deposited into the State Homes for Veterans Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans.⁴

Bronze Star Medal

The Bronze Star Medal was established on February 4, 1944, to recognize those who served after December 6, 1941, in any capacity in or with the Armed Forces of the United States or a friendly foreign nation. The Bronze Star Medal is awarded to a person who distinguished himself or herself by heroic or meritorious service, not involving participation in aerial flight, in connection with military operations against an armed enemy; or while engaged in military operations involving conflict with an opposing armed force in which the United States is not a belligerent party. Recipients of the Bronze Star Medal must be receiving imminent danger pay while serving

¹ The 21 military special plates currently offered in s. 320.089, F.S., include plates available for the following types of service: Veteran or Woman Veteran of the U.S. Armed Forces, World War II, Korean War, or Vietnam War Veteran, Navy Submariner, Active or retired National Guard member or U.S. Reservists, Pearl Harbor survivor, recipient of the Combat Infantry Badge, Combat Medical Badge, Combat Action Badge, Combat Action Ribbon, Air Force Combat Action Medal, Distinguished Flying Cross, or Purple Heart, former Prisoner of War, and service members or veterans of Operation Desert Shield, Desert Storm, Enduring Freedom, and Iraqi Freedom.

² For plate samples, see Department of Highway Safety and Motor Vehicles, *Military License Plates*, available at <http://www.flhsmv.gov/specialtytags/miltags.html> (last visited Mar. 16, 2017).

³ Section 320.089(1)(c) and (2)(a), F.S.

⁴ Section 320.089(1)(b), F.S.

in a geographic area authorized for special pay.⁵ In order of precedence, the Department of Defense (DoD) places the Bronze Star Medal seventh amongst DoD wide military decorations and awards following the Distinguished Flying Cross and preceding the Purple Heart.⁶

Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida.⁷ 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.⁸ 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.⁹

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.¹⁰

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.¹¹ 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.¹²

⁵ Department of the Army, *Military Awards*, Army Regulation 600-8-22 (June 25, 2015).

⁶ Department of Defense, *Manual of Military Decorations and Awards: DoD Service Awards – Campaign, Expeditionary, and Service Medals*, Manual No. 1348.33, Vol. 2 (May 15, 2015). The order of precedence for military awards varies by branch of service.

⁷ 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).

⁸ Section 320.08056, F.S.

⁹ Section 320.08058, F.S.

¹⁰ Section 320.08053(2)(b), F.S.

¹¹ Section 320.08056(10)(a), F.S.

¹² Section 320.08062, F.S.

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.¹³

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.¹⁴ 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.¹⁵

American Eagle Foundation¹⁶

The American Eagle Foundation is a nonprofit organization headquartered in Tennessee. Its mission "is to care for and protect the USA's living symbol of freedom, the Bald Eagle, and other birds of prey through the four pillars of Education, Re-population, Conservation and Rehabilitation." According to its website, the Foundation accomplishes this by educational outreach, having performed over 25,000 "free-flight" birds of prey education programs, caring for over 70 non-releasable raptors and other birds, including the largest collection of non-releasable Bald Eagles, and rehabilitating injured Bald Eagles and other birds of prey.

III. Effect of Proposed Changes:**Special License Plates**

The bill creates a special military license plate for recipients of the Bronze Star Medal. The plate will be stamped with the words "Bronze Star" and a likeness of the Bronze Star Medal. To receive a Bronze Star special military license plate, the individual must submit an application for the plate to the DHSMV, provide proof that he or she is a Bronze Star Medal recipient, and pay the appropriate license tax as provided in s. 320.08, F.S. Revenue generated from the sale of the Bronze Star plate is deposited in the Grants and Donations Trust Fund and the State Home for Veterans Trust Fund, both of which are administered by the FDVA.

The bill makes changes to s. 320.089, F.S., to provide clarity, and to specify that the special military license plate for former prisoners of war must also include a likeness of the Prisoner of War Medal.¹⁷ Currently, the license plate must only be stamped with the words "Ex-POW."

¹³ Section 320.08056(7), F.S.

¹⁴ Section 320.08056(8)(a), F.S.

¹⁵ Section 320.08056(8)(b), F.S.

¹⁶ See American Eagle Foundation website, <https://www.eagles.org/about-aef/> (last visited Mar. 11, 2017).

¹⁷ For information about the Prisoner of War Medal, see U.S. Air Force, *Fact Sheets: Prisoner of War Medal* (Aug. 4, 2010), available at <http://www.afpc.af.mil/About-Us/Fact-Sheets/Display/Article/421934/prisoner-of-war-medal> (last visited Mar 13, 2017).

Specialty License Plate

The bill directs the DHSMV to create an American Eagle license plate. The plate has an annual use fee of \$25, which will be distributed to the American Eagle Foundation for deposit in the foundation's national endowment fund, which may use up to 15 percent of proceeds from the plate for administrative costs and to market the plate. The remaining proceeds from the plate must be used by the foundation to fund public education programs, rescue and care programs, and other conservation efforts in Florida that benefit bald eagles. The plate must bear the colors and design approved by the DHSMV and will have the word "Florida" across the top of the plate and the words "God Bless America" 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 American Eagle specialty license plate will pay a \$25 annual fee in addition to appropriate license taxes and fees. The American Eagle Foundation will receive revenue from each American Eagle plate purchase.

Individuals who choose to receive the Bronze Star license plate or the redesigned ex-Pow license plate to replace their license plate prior to the end of the 10-year replacement cycle of their current plate will be required to pay \$28.¹⁸

¹⁸ Section 320.0607(3), F.S.

C. Government Sector Impact:

The DHSMV will incur programming and production costs to create the Bronze Star and American Eagle license plates, and to redesign the Ex-POW plate to include the likeness of the Prisoner of War Medal. The DHSMV is authorized to retain revenues from the first proceeds of the American Eagle specialty license plate to defray departmental expenditures related to the plate.¹⁹

To the extent that people purchase the Bronze Star plate, the bill may have a positive impact on the State Homes for Veterans Trust Fund and the Grants and Donations Trust Fund administered by the FDVA.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.08056, 320.08058, and 320.089.

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 22, 2017:**

The CS removes language relating to a distribution change for revenues from the Woman Veteran license plate. The FDVA determined that current law reflects an appropriate depository for such funds.²⁰

The CS also adds that the American Eagle Foundation may use up to 15 percent of proceeds received from the sale of the American Eagle plate for administrative costs and marketing of the plate.

B. Amendments:

None.

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

¹⁹ Section 320.08056(7), F.S.

²⁰ FDVA, 2017 *Agency Legislative Bill Analysis: SB 1022* (Feb. 20, 2017) (on file with the Senate Committee on Transportation).



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2017	.	
	.	
	.	
	.	

The Committee on Transportation (Stewart) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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) American Eagle license plate, \$25.



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Section 2. Subsection (84) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(84) AMERICAN EAGLE LICENSE PLATES.—

(a) The department shall develop an American Eagle license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "God Bless America" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the American Eagle Foundation for deposit in the foundation's national endowment fund, which may use up to 15 percent of such fees for administrative costs and marketing the plate. The balance of the fees shall be used by the American Eagle Foundation to fund public education programs, rescue and care programs, and other conservation efforts in Florida that benefit bald eagles.

Section 3. Subsections (1) and (2) of section 320.089, Florida Statutes, are amended to read:

~~320.089 Veterans of the United States Armed Forces; members of National Guard; survivors of Pearl Harbor; Purple Heart medal recipients; active or retired United States Armed Forces reservists; Combat Infantry Badge, Combat Medical Badge, or Combat Action Badge recipients; Combat Action Ribbon recipients; Air Force Combat Action Medal recipients; Distinguished Flying Cross recipients; former prisoners of war; Korean War Veterans; Vietnam War Veterans; Operation Desert Shield Veterans; Operation Desert Storm Veterans; Operation Enduring Freedom~~



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~~Veterans; Operation Iraqi Freedom Veterans; Women Veterans;~~
~~World War II Veterans; and Navy Submariners;~~ Special license
plates for military servicemembers, veterans, and Pearl Harbor
Survivors; fee.-

(1) (a) Upon application to the department and payment of
the license tax for the vehicle as provided in s. 320.08, a
resident of the state who owns or leases ~~Each owner or lessee of~~
an automobile or truck for private use or recreational vehicle
as specified in s. 320.08(9)(c) or (d), which is not used for
hire or commercial use, shall be issued a license plate pursuant
to the following if the applicant provides the department with
proof he or she meets the qualifications listed in this section
for the applicable license plate:

1. A person released or discharged from any branch ~~who is a~~
~~resident of the state and a veteran~~ of the United States Armed
Forces shall be issued a license plate stamped with the term
"Veteran" or, a "Woman Veteran" followed by the serial number of
the license plate.

2. A World War II Veteran shall be issued a license plate
stamped with the term "WWII Veteran" followed by the serial
number of the license plate.

3. A Navy Submariner shall be issued a license plate
stamped with the term "Navy Submariner" followed by the serial
number of the license plate.

4. An active or retired member of the Florida National
Guard shall be issued a license plate stamped with the term
"National Guard" followed by the serial number of the license
plate.

5. A member of the Pearl Harbor Survivors Association or



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other person on active military duty in Pearl Harbor on December 7, 1941, shall be issued a license plate stamped with the term "Pearl Harbor Survivor" followed by the serial number of the license plate., ~~a survivor of the attack on Pearl Harbor,~~

6. A recipient of the Purple Heart medal shall be issued a license plate stamped with the term "Combat-wounded Veteran" followed by the serial number of the license plate. The Purple Heart plate may have the term "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

7. An active or retired member of any branch of the United States Armed Forces Reserve shall be issued a license plate stamped with the term "U.S. Reserve" followed by the serial number of the license plate.

8. A member of the Combat Infantrymen's Association, Inc., or a recipient of the Combat Infantry Badge, Combat Medical Badge, Combat Action Badge, Combat Action Ribbon, or Air Force Combat Action Medal shall be issued a license plate stamped with the term "Combat Infantry Badge," "Combat Medical Badge," "Combat Action Badge," "Combat Action Ribbon," or "Air Force Combat Action Medal," as appropriate, and a likeness of the related campaign medal or badge, followed by the serial number of the license plate.

9. A recipient of the ~~or~~ Distinguished Flying Cross shall be issued a license plate stamped with the term "Distinguished Flying Cross" and a likeness of the Distinguished Flying Cross followed by the serial number of the license plate.

10. A recipient of the Bronze Star shall be issued a license plate stamped with the term "Bronze Star" and a likeness



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of the Bronze Star followed by the serial number of the license plate., ~~upon application to the department, accompanied by proof of release or discharge from any branch of the United States Armed Forces, proof of active membership or retired status in the Florida National Guard, proof of membership in the Pearl Harbor Survivors Association or proof of active military duty in Pearl Harbor on December 7, 1941, proof of being a Purple Heart medal recipient, proof of active or retired membership in any branch of the United States Armed Forces Reserve, or proof of membership in the Combat Infantrymen's Association, Inc., proof of being a recipient of the Combat Infantry Badge, Combat Medical Badge, Combat Action Badge, Combat Action Ribbon, Air Force Combat Action Medal, or Distinguished Flying Cross, and upon payment of the license tax for the vehicle as provided in s. 320.08, shall be issued a license plate as provided by s. 320.06 which, in lieu of the serial numbers prescribed by s. 320.06, is stamped with the words "Veteran," "Woman Veteran," "WWII Veteran," "Navy Submariner," "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," "U.S. Reserve," "Combat Infantry Badge," "Combat Medical Badge," "Combat Action Badge," "Combat Action Ribbon," "Air Force Combat Action Medal," or "Distinguished Flying Cross," as appropriate, and a likeness of the related campaign medal or badge, followed by the serial number of the license plate. Additionally, the Purple Heart plate may have the words "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.~~

(b) ~~Notwithstanding any other provision of law to the contrary, beginning with fiscal year 2002-2003 and annually thereafter, the first \$100,000 in general revenue generated from~~



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the sale of license plates issued under this section shall be deposited into the Grants and Donations Trust Fund, as described in s. 296.38(2), to be used for the purposes established by law for that trust fund. Any additional general revenue generated from the sale of such plates shall be deposited into the State Homes for Veterans Trust Fund and used solely to construct, operate, and maintain domiciliary and nursing homes for veterans, subject to the requirements of chapter 216.

(c) Any revenue generated from the sale of Woman Veteran license plates must be deposited into the Operations and Maintenance Trust Fund administered by the Department of Veterans' Affairs pursuant to s. 20.375(3) and must be used solely for the purpose of creating and implementing programs to benefit women veterans.

(d) Notwithstanding any ~~provisions of~~ law to the contrary, an applicant for a Pearl Harbor Survivor license plate or a Purple Heart license plate who also qualifies for a disabled veteran's license plate under s. 320.084 shall be issued the appropriate special license plate without payment of the license tax imposed by s. 320.08.

(2) Each owner or lessee of an automobile or truck for private use, a truck weighing not more than 7,999 pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use who is a resident of this state and who is a former prisoner of war, or his or her unremarried surviving spouse, upon application to the department, shall be issued a license plate as provided in s. 320.06, stamped with the words "Ex-POW" and the likeness of the Prisoner of War Medal followed by the serial number. Each



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application shall be accompanied by proof that the applicant meets the qualifications specified in paragraph (a) or paragraph (b).

(a) A citizen of the United States who served as a member of the Armed Forces of the United States or the armed forces of a nation allied with the United States who was held as a prisoner of war at such time as the Armed Forces of the United States were engaged in combat, or his or her unremarried surviving spouse, may be issued the special license plate provided for in this subsection without payment of the license tax imposed by s. 320.08.

(b) A person who was serving as a civilian with the consent of the United States Government, or a person who was a member of the Armed Forces of the United States while he or she was not a United States citizen and was held as a prisoner of war when the Armed Forces of the United States were engaged in combat, or his or her unremarried surviving spouse, may be issued the special license plate provided for in this subsection upon payment of the license tax imposed by s. 320.08.

Section 4. This act shall take effect October 1, 2017.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to license plates; amending ss.
320.08056 and 320.08058, F.S.; directing the
Department of Highway Safety and Motor Vehicles to



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185 develop an American Eagle license plate; establishing
186 an annual use fee for the plate; providing for
187 distribution and use of fees collected from the sale
188 of the plates; amending s. 320.089, F.S.; providing
189 for a special license plate to be issued to a
190 recipient of the Bronze Star; requiring the likeness
191 of the Prisoner of War Medal to appear on the Ex-POW
192 license plate; providing an effective date.

By Senator Stewart

13-00737A-17

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A bill to be entitled

An act relating to license plates; amending ss. 296.11 and 296.38, F.S.; requiring moneys received from the sale of Woman Veteran license plates to be used for certain purposes; amending ss. 320.08056 and 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop an American Eagle license plate; establishing an annual use fee for the plate; providing for distribution and use of fees collected from the sale of the plates; amending s. 320.089, F.S.; providing for a special license plate to be issued to a recipient of the Bronze Star; revising disposition of moneys received from the sale of Woman Veteran license plates; requiring the likeness of the Prisoner of War Medal to appear on the Ex-POW license plate; providing an effective date.

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

Section 1. Subsection (3) of section 296.11, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to that section to read:

296.11 Funds of home and disposition of moneys.—

(3) All moneys received pursuant to s. 320.089 from the sale of Woman Veteran license plates shall be deposited into the Grants and Donations Trust Fund. All such moneys must be expended solely for the purpose of creating and implementing programs to benefit women veterans.

Section 2. Subsection (2) of section 296.38, Florida

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

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Statutes, is amended to read:

296.38 Funds of home and disposition of moneys.—

(2) (a) The home shall be empowered to receive and accept gifts, grants, and endowments in the name of the home. All such gifts, grants, and endowments are to be used for the benefit of the home and its residents. The administrator, together with the director, shall have the authority to determine how these gifts, grants, and endowments could best benefit the home and its residents unless the benefactor requests or instructs that the gift, grant, or endowment be used for a specific purpose. The home shall deposit all moneys received pursuant to this subsection into the Grants and Donations Trust Fund. Except as provided in paragraph (b), moneys in the Grants and Donations Trust Fund shall be expended for the common benefit of the residents of the home, such as recreational equipment, improved facilities, recreational supplies, and goods and services offered or available to all residents.

(b) All moneys received pursuant to s. 320.089 from the sale of Woman Veteran license plates shall be deposited into the Grants and Donations Trust Fund. All such moneys must be expended solely for the purpose of creating and implementing programs to benefit women veterans.

Section 3. 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) American Eagle license plate, \$25.

Section 4. Subsection (84) is added to section 320.08058,

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

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Florida Statutes, to read:

320.08058 Specialty license plates.—

(84) AMERICAN EAGLE LICENSE PLATES.—

(a) The department shall develop an American Eagle license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "God Bless America" must appear at the bottom of the plate.

(b) The department shall retain all annual use fees from the sale of the plate until all startup costs for developing and issuing the plate have been recovered. Thereafter, the annual use fees from the sale of the plate shall be distributed to the American Eagle Foundation for deposit in the foundation's national endowment fund. The American Eagle Foundation shall use the proceeds to fund public education programs, rescue and care programs, and other conservation efforts in Florida that benefit bald eagles.

Section 5. Subsections (1) and (2) of section 320.089, Florida Statutes, are amended to read:

320.089 Veterans of the United States Armed Forces; members of National Guard; survivors of Pearl Harbor; Purple Heart medal recipients; active or retired United States Armed Forces reservists; Combat Infantry Badge, Combat Medical Badge, or Combat Action Badge recipients; Combat Action Ribbon recipients; Air Force Combat Action Medal recipients; Distinguished Flying Cross recipients; former prisoners of war; Korean War Veterans; Vietnam War Veterans; Operation Desert Shield Veterans; Operation Desert Storm Veterans; Operation Enduring Freedom

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~~Veterans; Operation Iraqi Freedom Veterans; Women Veterans; World War II Veterans; and Navy Submariners;~~ Special license plates for military servicemembers, veterans, and Pearl Harbor Survivors; ~~fee.—~~

(1) (a) Upon application to the department and payment of the license tax for the vehicle as provided in s. 320.08, a resident of the state who owns or leases Each owner or lessee of an automobile or truck for private use or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, shall be issued a license plate pursuant to the following if the applicant provides the department with proof he or she meets the qualifications listed in this section for the applicable license plate:

1. A person released or discharged from any branch who is a resident of the state and a veteran of the United States Armed Forces shall be issued a license plate stamped with the term "Veteran" or, a "Woman Veteran" followed by the serial number of the license plate.

2. A World War II Veteran shall be issued a license plate stamped with the term "WWII Veteran" followed by the serial number of the license plate.

3. A Navy Submariner shall be issued a license plate stamped with the term "Navy Submariner" followed by the serial number of the license plate.

4. An active or retired member of the Florida National Guard shall be issued a license plate stamped with the term "National Guard" followed by the serial number of the license plate.

5. A member of the Pearl Harbor Survivors Association or

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other person on active military duty in Pearl Harbor on December 7, 1941, shall be issued a license plate stamped with the term "Pearl Harbor Survivor" followed by the serial number of the license plate, ~~a survivor of the attack on Pearl Harbor,~~

6. A recipient of the Purple Heart medal shall be issued a license plate stamped with the term "Combat-wounded Veteran" followed by the serial number of the license plate. The Purple Heart plate may have the term "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

7. An active or retired member of any branch of the United States Armed Forces Reserve shall be issued a license plate stamped with the term "U.S. Reserve" followed by the serial number of the license plate.

8. A member of the Combat Infantrymen's Association, Inc., or a recipient of the Combat Infantry Badge, Combat Medical Badge, Combat Action Badge, Combat Action Ribbon, or Air Force Combat Action Medal shall be issued a license plate stamped with the term "Combat Infantry Badge," "Combat Medical Badge," "Combat Action Badge," "Combat Action Ribbon," or "Air Force Combat Action Medal," as appropriate, and a likeness of the related campaign medal or badge, followed by the serial number of the license plate.

9. A recipient of the, ~~or~~ Distinguished Flying Cross shall be issued a license plate stamped with the term "Distinguished Flying Cross" and a likeness of the Distinguished Flying Cross followed by the serial number of the license plate.

10. A recipient of the Bronze Star shall be issued a license plate stamped with the term "Bronze Star" and a likeness

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of the Bronze Star followed by the serial number of the license plate, ~~upon application to the department, accompanied by proof of release or discharge from any branch of the United States Armed Forces, proof of active membership or retired status in the Florida National Guard, proof of membership in the Pearl Harbor Survivors Association or proof of active military duty in Pearl Harbor on December 7, 1941, proof of being a Purple Heart medal recipient, proof of active or retired membership in any branch of the United States Armed Forces Reserve, or proof of membership in the Combat Infantrymen's Association, Inc., proof of being a recipient of the Combat Infantry Badge, Combat Medical Badge, Combat Action Badge, Combat Action Ribbon, Air Force Combat Action Medal, or Distinguished Flying Cross, and upon payment of the license tax for the vehicle as provided in s. 320.08, shall be issued a license plate as provided by s. 320.06 which, in lieu of the serial numbers prescribed by s. 320.06, is stamped with the words "Veteran," "Woman Veteran," "WWII Veteran," "Navy Submariner," "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," "U.S. Reserve," "Combat Infantry Badge," "Combat Medical Badge," "Combat Action Badge," "Combat Action Ribbon," "Air Force Combat Action Medal," or "Distinguished Flying Cross," as appropriate, and a likeness of the related campaign medal or badge, followed by the serial number of the license plate. Additionally, the Purple Heart plate may have the words "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.~~

(b) Notwithstanding any ~~other provision of law to the contrary, beginning with fiscal year 2002-2003 and annually thereafter,~~ the first \$100,000 in general revenue generated from

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the sale of license plates issued under this section shall be deposited into the Grants and Donations Trust Fund, as described in s. 296.38(2), to be used for the purposes established by law for that trust fund. Any additional general revenue generated from the sale of such plates shall be deposited into the State Homes for Veterans Trust Fund and used solely to construct, operate, and maintain domiciliary and nursing homes for veterans, subject to the requirements of chapter 216.

(c) Any revenue generated from the sale of Woman Veteran license plates must be deposited into the Grants and Donations Operations and Maintenance Trust Fund administered by the Department of Veterans' Affairs pursuant to s. 20.375(2) ~~20.375(3)~~ and must be used solely for the purpose of creating and implementing programs to benefit women veterans.

(d) Notwithstanding any ~~provisions of~~ law to the contrary, an applicant for a Pearl Harbor Survivor license plate or a Purple Heart license plate who also qualifies for a disabled veteran's license plate under s. 320.084 shall be issued the appropriate special license plate without payment of the license tax imposed by s. 320.08.

(2) Each owner or lessee of an automobile or truck for private use, a truck weighing not more than 7,999 pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use who is a resident of this state and who is a former prisoner of war, or his or her unremarried surviving spouse, upon application to the department, shall be issued a license plate as provided in s. 320.06, stamped with the words "Ex-POW" and the likeness of the Prisoner of War Medal followed by the serial number. Each

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20171022__

application shall be accompanied by proof that the applicant meets the qualifications specified in paragraph (a) or paragraph (b).

(a) A citizen of the United States who served as a member of the Armed Forces of the United States or the armed forces of a nation allied with the United States who was held as a prisoner of war at such time as the Armed Forces of the United States were engaged in combat, or his or her unremarried surviving spouse, may be issued the special license plate provided for in this subsection without payment of the license tax imposed by s. 320.08.

(b) A person who was serving as a civilian with the consent of the United States Government, or a person who was a member of the Armed Forces of the United States while he or she was not a United States citizen and was held as a prisoner of war when the Armed Forces of the United States were engaged in combat, or his or her unremarried surviving spouse, may be issued the special license plate provided for in this subsection upon payment of the license tax imposed by s. 320.08.

Section 6. 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.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1060

INTRODUCER: Senator Rader

SUBJECT: Specialty License Plates

DATE: March 21, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Favorable
2.			ATD	
3.			AP	

I. Summary:

SB 1060 directs the Department of Highway Safety and Motor Vehicles (DHSMV) to develop a Florida State Beekeepers Association 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.

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

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;

¹ 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).

² Section 320.08056, F.S.

³ Section 320.08058, F.S.

- 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.⁴

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

DHSMV Costs Defrayed

The DHSMV 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.⁷

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.⁸ 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.⁹

Florida State Beekeepers Association¹⁰

The Florida State Beekeepers Association, Inc. is a Florida nonprofit¹¹ with a mission to provide resources for the improvement of beekeeping, to promote the development of practical beekeeping methods in Florida, and to act in the interest of Florida beekeepers in state and

⁴ Section 320.08053(2)(b), F.S.

⁵ Section 320.08056(10)(a), F.S.

⁶ Section 320.08062, F.S.

⁷ Section 320.08056(7), F.S.

⁸ Section 320.08056(8)(a), F.S.

⁹ Section 320.08056(8)(b), F.S.

¹⁰ See Florida State Beekeepers Association website, <http://www.floridabeekeepers.org/> (last visited Mar. 11, 2017).

¹¹ According to corporate filings with the Department of State, Sunbiz.org, The Association has been incorporated with the state since 1971. Available at <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=FLORIDASTATEBEEKEEPERSASSOCIAT%207212370&aggregateId=domnp-721237-2d1c24d7-c677-4df4-aedf-> (last visited Mar. 15, 2017).

national beekeeping affairs. According to the association's website, it hopes to raise funds to bring a world class Honey Bee Research and Education Lab to the University of Florida to help address issues involving honeybees today, including honeybee health, loss of colonies, loss of habitat, and environment stress.

III. Effect of Proposed Changes:

The bill directs the DHSMV to create a Florida State Beekeepers Association specialty license plate, with an annual fee of \$25 to be distributed to the Florida State Beekeepers Association. 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 "Save the Bees" at the bottom of the plate.

The Association may use up to 18 percent of the annual fees to reimburse administrative costs, startup costs, and costs incurred in the development and approval process of the plate, and promotion and marketing costs. Vendors associated with the administrative costs must be selected by competitive bid.

The remaining funds are used to raise awareness of the importance of beekeeping to Florida agriculture by funding honeybee research, education, outreach, and husbandry. The bill provides that the Association's board of managers must approve and is accountable for all such expenditures.

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 Florida State Beekeepers Association specialty license plate will pay a \$25 annual use fee in addition to appropriate license taxes and

fees. The Florida State Beekeepers Association will receive revenue from each Florida State Beekeepers Association plate purchase.

C. Government Sector Impact:

The DHSMV estimates programming and implementation of a standard specialty license plate will cost \$7,245.¹² 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.¹³

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.

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

¹² Email from the DHSMV (Feb. 14, 2017) (on file with the Senate Committee on Transportation).

¹³ Section 320.08056(7), F.S.

By Senator Rader

29-01592A-17

20171060__

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08056, F.S.; establishing an annual use fee for the Florida State Beekeepers Association license plate; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop a Florida State Beekeepers Association license plate; providing for distribution and use of fees collected from the sale of such plates; providing 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) Florida State Beekeepers Association license plate, \$25.

Section 2. Subsection (84) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(84) FLORIDA STATE BEEKEEPERS ASSOCIATION LICENSE PLATES.—

(a) The department shall develop a Florida State Beekeepers Association license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Save the Bees" must appear at the bottom

Page 1 of 2

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

29-01592A-17

20171060__

of the plate.

(b) The annual use fees shall be distributed to the Florida State Beekeepers Association, a Florida nonprofit corporation. The Florida State Beekeepers Association may use up to 18 percent of the annual use fees for:

1. Direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process of the license plate. All vendors associated with the administrative costs shall be selected by competitive bid.

2. Promotion and marketing costs of the license plate.

(c) The remaining funds shall be distributed to the Florida State Beekeepers Association and shall be used to raise awareness of the importance of beekeeping to Florida agriculture by funding honeybee research, education, outreach, and husbandry. The Florida State Beekeepers Association board of managers must approve and is accountable for all such expenditures.

Section 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)

3/22/17
Meeting Date

1060
Bill Number (if applicable)

Topic specialty license plates

Amendment Barcode (if applicable)

Name Lena Juarez

Job Title _____

Address P.O. Box 10390
Street

Phone 850 212 8330

Tallahassee FL 32302
City State Zip

Email lena@ejassoc.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida State Beekeepers 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
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1232

INTRODUCER: Transportation Committee and Senator Stewart

SUBJECT: Specialty License Plates

DATE: March 23, 2017

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1232 directs the Department of Highway Safety and Motor Vehicles (DHSMV) to develop an Orlando United 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 about \$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.¹ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.² The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute.³

¹ 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).

² Section 320.08056, F.S.

³ Section 320.08058, F.S.

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.⁴

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

DHSMV Costs Defrayed

The DHSMV 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.⁷

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.⁸ 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.⁹

⁴ Section 320.08053(2)(b), F.S.

⁵ Section 320.08056(10)(a), F.S.

⁶ Section 320.08062, F.S.

⁷ Section 320.08056(7), F.S.

⁸ Section 320.08056(8)(a), F.S.

⁹ Section 320.08056(8)(b), F.S.

Orlando United

In the early morning hours of June 12, 2016, the worst mass shooting in United States history occurred at a gay nightclub in Orlando, Florida. The shooting at Pulse Nightclub left 49 people dead and at least 53 others injured.¹⁰ This tragedy prompted use of the term “Orlando United.”¹¹

The Mental Health Association of Central Florida, Inc.¹²

According to the Mental Health Association of Central Florida, Inc. website, the organization has been serving the mental health needs of Central Florida since 1946. The organization’s mission is “to provide mental health services, support and information to the members of our Central Florida community.” The organization does this by offering a free Mental Health Connections program for individuals; providing a Guardian Advocate Training program; overseeing Reflections, a peer-driven recovery community; taking part in community outreach; running an anti-suicide campaign; and partnering with Orange County Government and Florida Hospital to treat uninsured individuals with anxiety or depression, and accompanying medical conditions at the Outlook Clinic.

The Hispanic Federation, Inc.¹³

The Hispanic Federation, Inc. is a nonprofit organization founded in 1990, which “seeks to support Hispanic families and strengthen Latino institutions through work in the areas of education, health, immigration, civic engagement, economic empowerment, and the environment.” According to the Hispanic Federation website, the organization offers membership and advocacy services, as well as community assistance programs. Following the Orlando shooting at Pulse Nightclub, the Hispanic Federation joined forces with Latino-led institutions to create Proyecto Somos Orlando to address long-term needs for mental health services that are culturally competent and bilingual. The campaign provides case management, crisis intervention, and mental health services, among other needs to those affected directly in the communities in which they live.

Two Spirit Health Services, Inc.¹⁴

Two Spirit Health Services is a non-profit organization incorporated in 2011, which provides mental health, behavioral, substance abuse, primary care, transgender health and related services to individuals in the Lesbian, Gay, Bisexual, and Transgender (LGBT) community in the Central Florida area. According to the organization’s website, Two Spirit Health Services began offering services in September 2013. It has a mission to create a “one-stop shop” health organization for LGBT people, regardless of ability to pay, to get healthcare and wellness services “in an environment that is culturally competent and delivered by a diverse staff that is comprised of the LGBT community.”

¹⁰ *Order on the News Media’s Petition for Access to 911 Recordings*, 2016-CA-005528-O (Fla. 9th Jud. Cir. 2016), available at http://www.cityoforlando.net/wp-content/uploads/2016/11/2016-CA-5528_Pulse_Petition_for_911_Recordings_Access-1.pdf (last visited Mar. 18, 2017).

¹¹ See City of Orlando website, *Pulse Tragedy*, <http://www.cityoforlando.net/pulse/> (last visited Mar. 18, 2017).

¹² See Mental Health Association of Central Florida website, <https://www.mhacf.org/> (last visited Mar. 11, 2017).

¹³ See Hispanic Federation website, <http://hispanicfederation.org/> (last visited Mar. 11, 2017).

¹⁴ See Two Spirit Health Services, Inc. website, <http://twospirthealth.org/> (last visited Mar. 11, 2017).

III. Effect of Proposed Changes:

The bill directs the DHSMV to create an Orlando United specialty license plate. The plate has an annual fee of \$25, which is distributed as follows:

- Thirty-eight percent to the Mental Health Association of Central Florida, Inc.;
- Thirty-one percent to the Hispanic Federation, Inc. to be used through the Proyecto Somos Orlando campaign; and
- Thirty-one percent to Two Spirit Health Services, Inc.

Each organization may use up to five percent for administrative expenses. The Mental Health Association of Central Florida, Inc. is to use seven percent of the proceeds for marketing of the license plate. The remainder of the proceeds must be used to offer free personalized counseling to any person affected by the shooting at the Pulse Nightclub in Orlando, Florida, on June 12, 2016.

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 “Orlando United” 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 an Orlando United specialty license plate will pay a \$25 annual use fee in addition to appropriate license taxes and fees. Recipient organizations will receive revenue from each Orlando United plate purchase.

C. Government Sector Impact:

The DHSMV estimates programming and implementation of a standard specialty license plate will cost about \$7,245.¹⁵ 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.¹⁶

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

CS by Transportation on March 22, 2017:

The CS removes language from the bill indicating the DHSMV shall retain the first proceeds from the specialty license plate revenue to offset start-up costs of the plate. This language is unnecessary due to the required presale process and the DHSMV's current authority to defray its specialty license plate program costs.

B. Amendments:

None.

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

¹⁵ Email from the DHSMV (Feb. 14, 2017) (on file with the Senate Committee on Transportation).

¹⁶ Section 320.08056(7), F.S.



721098

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2017	.	
	.	
	.	
	.	

The Committee on Transportation (Stewart) recommended the following:

Senate Amendment

Delete lines 27 - 30
and insert:

(b) The annual use fees from the sale of the plate shall be distributed as

By Senator Stewart

13-01648-17

20171232__

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 an Orlando United license plate; establishing
 6 an 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) Orlando United 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) ORLANDO UNITED LICENSE PLATES.—
 22 (a) The department shall develop an Orlando United 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 "Orlando United" must appear at the bottom of the plate.
 27 (b) The department shall retain all revenue from the sale
 28 of such plates until the startup costs for developing and
 29 issuing the plates have been recovered. Thereafter, the annual

Page 1 of 2

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

13-01648-17

20171232__

30 use fees from the sale of the plates shall be distributed as
 31 follows:
 32 1. Seven percent shall be distributed to the Mental Health
 33 Association of Central Florida, Inc., to be used for marketing
 34 of the license plate.
 35 2. Thirty-one percent shall be distributed to the Mental
 36 Health Association of Central Florida, Inc. Of this amount, up
 37 to 5 percent may be used for administrative expenses, and the
 38 remainder shall be used to offer free personalized counseling to
 39 any person affected by the shooting at the Pulse nightclub in
 40 Orlando, Florida, on June 12, 2016.
 41 3. Thirty-one percent shall be distributed to the Hispanic
 42 Federation, Inc., a charitable, not-for-profit organization
 43 under s. 501(c)(3) of the Internal Revenue Code registered with
 44 the Department of Agriculture and Consumer Services and
 45 incorporated in New York. Of this amount, up to 5 percent may be
 46 used for administrative expenses, and the remainder shall be
 47 used to offer free personalized counseling to any person
 48 affected by the shooting at the Pulse nightclub in Orlando,
 49 Florida, on June 12, 2016, through the Proyecto Somos Orlando
 50 campaign operated by the Hispanic Federation, Inc.
 51 4. Thirty-one percent shall be distributed to Two Spirit
 52 Health Services, Inc. Of this amount, up to 5 percent may be
 53 used for administrative expenses, and the remainder shall be
 54 used to offer free personalized counseling to any person
 55 affected by the shooting at the Pulse nightclub in Orlando,
 56 Florida, on June 12, 2016.
 57 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.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1390

INTRODUCER: Senator Latvala

SUBJECT: Transportation Facility Designations

DATE: March 22, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	Favorable
2.			ATD	
3.			AP	

I. Summary:

SB 1390 designates the portion of U.S. 19A/S.R. 595 between Tarpon Avenue and the Pasco County line in Pinellas County as “Officer Charles ‘Charlie K’ Kondek, Jr., Memorial Highway” and directs the Florida Department of Transportation (FDOT) to erect suitable markers.

The estimated cost to the FDOT to install the designation markers required under this bill is \$1,000. See the heading, “Fiscal Impact Statement” below for details.

The bill takes effect July 1, 2017.

II. Present Situation:

Section 334.071, F.S., provides that legislative designations of transportation facilities are for honorary or memorial purposes, or to distinguish a particular facility. Such designations are not to be construed as requiring any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes.¹

When the Legislature establishes road or bridge designations, the Florida Department of Transportation (FDOT) is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation, and to erect any other markers it deems appropriate for the transportation facility.²

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the

¹ Section 334.071(1), F.S.

² Section 334.071(2), F.S.

designated road or bridge segment is located in more than one city or county, each affected local government must pass resolutions supporting the designations before installation of the markers.³

III. Effect of Proposed Changes:

The bill designates the portion of U.S. 19A/S.R. 595 between Tarpon Avenue and the Pasco County line in Pinellas County as “Officer Charles ‘Charlie K’ Kondek, Jr., Memorial Highway” and directs the Florida Department of Transportation (FDOT) to erect suitable markers for the described designation.

Officer Charles ‘Charlie K’ Kondek, Jr., served the citizens of the City of Tarpon Springs as a law enforcement officer for over 17 years. On December 21, 2014, while investigating a noise nuisance complaint, Officer Kondek was ambushed by an armed adversary, exchanged gunfire, and paid the ultimate sacrifice while in service to his community.

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:

The estimated cost to erect the designation markers required under this bill is \$1,000, based on the assumption that two markers are required at a cost to the FDOT of no less than \$500 each. The estimate includes sign fabrication, installation, and maintenance over time but does not include any additional expenses related to maintenance of traffic, dedication event costs, or replacement necessitated by damage, vandalism, or storm events.

³ Section 334.071(3), F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of Florida Law.

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.

C. Amendments:

None.

By Senator Latvala

16-00881-17

20171390__

A bill to be entitled

An act relating to transportation facility designations; providing an honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. Officer Charles "Charlie K" Kondek, Jr., Memorial Highway designated; Department of Transportation to erect suitable markers.-

(1) That portion of U.S. 19A/S.R. 595 between Tarpon Avenue and the Pasco County line in Pinellas County is designated as "Officer Charles 'Charlie K' Kondek, Jr., Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Officer Charles "Charlie K" Kondek, Jr., Memorial Highway as described in subsection (1).

Section 2. 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.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1562

INTRODUCER: Transportation Committee and Senator Garcia

SUBJECT: Expressway Authorities

DATE: March 23, 2017

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1562 creates the “Toll Reform Act.” The bill prohibits the Miami-Dade County Expressway Authority (MDX) from increasing its tolls unless justified by an independent traffic and revenue study, subject to certain requirements. The bill provides the MDX may only increase tolls to the extent necessary to adjust for inflation and must approve toll increases by a two-thirds vote. The bill prohibits the MDX from using more than ten percent of its toll revenues for certain administrative expenses and requires a distance of five miles between main through-lane tolling points. The bill requires the MDX to reduce by 25 percent the toll charged for SunPass users of its facilities at the time the toll is incurred and to post specified financial and operating information on its website.

The bill takes effect July 1, 2017.

The fiscal impact of the bill to the MDX is indeterminate. See Section V., “Fiscal Impact Statement,” for further details.

II. Present Situation:

Miami-Dade County

Section 125.011(1), F.S. defines a county as: “[A]ny county operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by Art.

VIII, s. 6(e) of the Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred.”

The local governments authorized to operate under a home rule charter by the State Constitutions of 1885 and 1968 are the City of Key West and Monroe County,¹ Dade County,² and Hillsborough County.³ Of these, only Miami-Dade County operates under a home-rule charter, which was adopted on May 21, 1957, under this constitutional provision.⁴

Miami-Dade County Expressway Authority

The Florida Expressway Authority Act (Act),⁵ authorizes any county or two or more contiguous counties within a single Florida Department of Transportation (FDOT) district, by resolution adopted by the board of county commissioners, to form an expressway authority, which is an agency of the state.⁶ The Miami-Dade County Commission adopted ordinance 94-215 in 1994 creating the Miami-Dade County Expressway Authority (MDX).⁷ MDX is the only expressway authority created under the Act.

MDX’s system⁸ consists of the following roadways in Miami-Dade County:

- Airport Expressway (SR 112);
- Dolphin Expressway (SR 836);
- Don Shula Expressway (SR 874);
- Snapper Creek Expressway (SR 878); and
- Gratigny Parkway (SR 924).

MDX Governing Board

Section 348.0003(2)(d), F.S., F.S., provides that in any county as defined in s. 125.011(1), the authority’s governing body consists of up to nine members, and the following provisions specifically apply. Except for the district secretary of the FDOT, authority members must be residents of the county. Five voting members are appointed by the governing body of the county. At the discretion of the governing body of the county, up to two of these members may be elected officials residing in the county. Three voting members are appointed by the Governor. One member is the FDOT district secretary in the district that contains such county, who is an ex officio voting member of the authority.

Purposes and Powers

Section 348.0004, F.S., provides the purposes and powers of expressway authority’s created in part I of Ch. 348, F.S. Section 348.0004(2)(e), F.S., gives expressway authorities created under

¹ FLA. CONST. art. VIII, s. 6, n. 2.

² FLA. CONST. art. VIII, s. 6, n. 3.

³ FLA. CONST. art. VIII, s. 6, n. 4.

⁴ Florida Association of Counties, Charter County Information, <https://www.fl-counties.com/charter-county-information#>. (Last visited March 19, 2017.)

⁵ Part I of Ch. 348, F.S.

⁶ Section 348.0003(1), F.S.

⁷ A copy of the ordinance is available at http://miamidade.fl.elaws.us/code/coor/coor_ptiii_ch2_artxviii/. (Last visited March 19, 2017.)

⁸ See MDX System Map available at [http://mdxway.com/about/expressway-map\(last](http://mdxway.com/about/expressway-map(last) visited March 19, 2017).

the Act the power to fix, alter, charge, establish, and collect tolls, rates, fees, rentals, and other charges for the services and facilities system, which tolls, rates, fees, rentals, and other charges must always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to the Florida Expressway Authority Act.⁹ However, such right and power may be assigned or delegated by the authority to the FDOT. As provided in s. 348.004(7), F.S., and after a public hearing and county approval, MDX may use surplus toll revenues to fund:

- County public transportation facilities;
- Intermodal facilities;
- Multimodal corridors, including bicycle facilities or greenways that improve transportation services in the county; or
- Any programs or projects that improve the expressway system's level of service.

These expenditures must be consistent with the metropolitan planning organization's adopted long-range plan.

MDX Frequent Drivers Rewards Program

The MDX currently offers frequent users a rewards program, the operation of which the MDX describes as follows:

Each fiscal year (July 1st to June 30th) after the close of its financial books, MDX will declare a toll distribution of dividends to members of the Frequent Driver Rewards Program. This is after the agency meets its financial obligations, including making its annual principal and interest payments, meeting its senior debt coverage ratio, and covering its operation and maintenance costs. MDX will give back those savings generated by operational efficiencies of the agency directly to its customers through the Frequent Driver Rewards Program.¹⁰

To participate in the program, MDX customers must register each year, be a SunPass customer in good standing, have a two-axle vehicle, and spend at least \$100 annually between July 1st to June 30 in tolls per transponder on any of the MDX's five expressways. Any tolls paid using Toll-By-Plate¹¹ or Image Toll transactions (IToll) are considered ineligible for the annual calculation. Eligibility of SunPass tolls paid during the fiscal year is determined solely by the MDX. The most recent registration period for tolls paid between July 1, 2016, to June 30, 2017, ended on March 31, 2017. Reward checks to eligible recipients are expected in December of 2017.¹²

⁹ Section 348.0010, F.S., provides a covenant of the state relating to the Florida Expressway Authority Act. In that statute the state pledges that it will not limit or alter the rights vested in an authority and FDOT until all bonds, together with their interest, are fully paid and discharged.

¹⁰ See the MDX website available at: <http://mdxway.com/frequentdriver/faqs>. (Last visited March 19, 2017.)

¹¹ Toll-By-Plate is an FDOT image-based electronic toll collection system that uses photographic images of the vehicles license plate to identify the customer responsible for payment. This feature is available on the Homestead Extension of Florida's Turnpike from Florida City to Miramar in Miami-Dade County. See the FDOT website available at: <https://www.tollbyplate.com/index>. (Last visited March 20, 2017.)

¹² *Supra* note 10.

Procedure for Toll Rate Adjustments for Inflation

Section 338.165(3), F.S., requires the FDOT and the Turnpike Enterprise to index toll rates on their existing toll facilities to the annual Consumer Price Index or similar inflation indicators. Toll adjustments for inflation may be made no more than once a year, and no less than once every five years, as necessary to accommodate cash toll rate schedules. Toll rates may be increased beyond these limits as directed by bond documents, covenants, or governing body authorization or pursuant to an FDOT rule.

III. Effect of Proposed Changes:

Section 1 cites the act as the “Toll Reform Act.”

Section 2 amends s. 348.0004(2)(e), F.S., providing that the MDX, notwithstanding any law to the contrary, and subject to any contractual requirements contained in documents securing indebtedness outstanding on July 1, 2017:

- May not increase a toll unless the increase is justified to the MDX’s satisfaction by a traffic and revenue study conducted by an independent third party.
- May only increase tolls to the extent necessary to adjust for inflation under the toll rate adjustment procedure in s. 338.165, F.S.
- Must approve a toll increase by a two-thirds vote of the MDX governing board.
- May not use more than 10 percent of its toll revenues for administrative expenses, including, but not limited to:
 - Employee salaries and benefits;
 - Small business outreach;
 - Insurance;
 - Professional service contracts not directly related to the operation and maintenance of the expressway system; and
 - Other overhead costs.

Additionally, on transportation facilities constructed after July 1, 2017, there must be a distance of at least five miles between main through-lane tolling points.¹³ The distance requirement does not apply to entry and exit ramps. The MDX is prohibited from increasing tolls to implement the distance requirement.

The bill limits the MDX’s authority to increase tolls and, therefore, decreases its ability to raise revenues. The bill also limits the MDX’s use of its toll revenues for the defined administrative expenses to ten percent.

The bill also creates a new subsection (6) of s. 348.0004, F.S., requiring the MDX, at the time that any toll is incurred, to reduce the toll charged on any of the MDX’s toll facilities by 25 percent for each SunPass registrant having an account in good standing and having the license plate of the vehicle or vehicles incurring the toll registered to the SunPass account at the time the

¹³ The Federal Highway Administration (FHWA) defines “tolling point” as the location along a roadway lane where either a toll is charged to an established account using an electronic process for vehicles having a valid transponder or by capturing the vehicle’s license plate and assessing a toll to the registered vehicle owner. See the FHWA website available at: <https://mutcd.fhwa.dot.gov/rpt/tcstoll/glossary.htm>. (Last visited March 22, 2017.)

toll is incurred. The bill prohibits the MDX from imposing additional requirements for receipt of the reduced toll amount.

This revision significantly reduces the amount of MDX's toll revenues. The revenue reduction will limit the amount of funds available to pay debt service on MDX bonds and may therefore violate outstanding bond covenants. To the extent that bondholders' rights are substantially impaired, this revision would conflict with the pledge of the state under s. 348.0010, F.S., that it will not limit or alter the rights of bondholders.

Section 3 creates s. 348.00115, F.S., relating to public accountability. The bill requires an expressway authority in Miami-Dade County to post the following information on its website:

- Audited financial statements and any interim financial reports;
- Board and committee meeting agendas, meeting packets, and minutes;
- Bond covenants for any outstanding bonds issues;
- Authority budgets;
- Authority contracts;¹⁴
- Authority expenditure data, which must include the name of the payee, the date of the expenditure, and the amount of the expenditure; be searchable by name of the payee, name of the paying agency, and fiscal year; and be in a downloadable format allowing offline access; and
- Information relating to current, recently completed, and future projects on authority facilities.

Section 4 provides the bill 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.

¹⁴ The bill defines "contract" as a written agreement or purchase order issued for the purchase of goods or services or a written agreement for the receipt of state or federal financial assistance.

B. Private Sector Impact:

Users of the MDX's facilities may see a reduction in the frequency and amount of toll increases. Eligible SunPass users of the MDX 's toll facilities would benefit from a 25 percent reduction in toll charges. The amount of this reduction is dependent on the number of eligible trips on MDX toll facilities, and is therefore unknown.

C. Government Sector Impact:

The bill will potentially make it more difficult for the MDX to increase its tolls, making it more difficult to increase its revenues. According to the MDX, the bill limits its ability to set toll rates, which may make its bonds less favorable in the financial markets.¹⁵ The bill also limits the MDX's administrative expenses to ten percent of its toll revenues.

The MDX may incur expenses associated with the required traffic and revenue studies and placing the required documents on its website. It is unknown whether the MDX will be required to undertake infrastructure design revisions or to incur other related costs to comply with the requirement that there be a distance of five miles between main through-lane tolling points constructed after July 1, 2017.

The bill's provision of a 25 percent reduction of tolls charged for SunPass-user eligible trips significantly reduces the MDX's revenues. The amount of the revenue reduction is dependent on the number of eligible trips on MDX toll facilities, and is therefore unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 348.0004.
This bill creates the following sections of the Florida Statutes: 348.00115.

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 22, 2017:
The CS makes the following changes to the bill:

¹⁵ See the MDX email to House Transportation & Infrastructure Committee Staff, March 10, 2017. (On file in the Senate Transportation Committee.)

- Clarifies that the distance of five miles is required between main through-lane tolling points, excluding entry and exit ramps;
- Requires the MDX to reduce the toll charged on any of its toll facilities by 25 percent for SunPass registrants in good standing; and
- Prohibits the MDX from imposing additional requirements for receipt of the reduced toll amount.

B. Amendments:

None.



364330

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2017	.	
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The Committee on Transportation (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 64 - 65
and insert:
2017, there must be a distance of at least 5 miles between main
through-lane tolling points. The distance requirement of this
sub-subparagraph does not apply to entry and exit ramps. The
authority may not increase a toll on

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



364330

11 And the title is amended as follows:
12 Delete lines 13 - 15
13 and insert:
14 certain distance between main through-lane tolling
15 points on transportation facilities constructed after
16 a specified date, subject to a certain restriction;
17 providing applicability;



172250

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2017	.	
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	.	
	.	

The Committee on Transportation (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 85 - 99
and insert:
shall, at the time that any toll is incurred, reduce the toll
charged on any of the authority's tolled facilities by 25
percent for each SunPass registrant having an account in good
standing and having the license plate of the vehicle or vehicles
incurring the toll registered to the SunPass account at the time
the toll is incurred. The authority may not impose additional



172250

requirements for receipt of the reduced toll amount.

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

And the title is amended as follows:

Delete lines 17 - 18

and insert:

certain counties to reduce toll charges by a specified
amount at a specified time for certain SunPass
registrants; prohibiting authorities in certain
counties from imposing additional requirements for
receipt of the reduced toll amount; creating s.
348.00115,

By Senator Garcia

36-01229C-17

20171562__

A bill to be entitled

An act relating to expressway authorities; providing a short title; amending s. 348.0004, F.S.; providing applicability; requiring toll increases by authorities in certain counties to be justified by an independent study; providing that such authorities may only increase tolls to the extent necessary to adjust for inflation pursuant to a certain procedure for toll rate adjustments; requiring toll increases to be approved by a vote of the expressway authority boards; limiting the amount of toll revenues such authorities may use for administrative expenses; requiring a certain distance between toll facilities on transportation facilities constructed after a specified date, subject to a certain restriction; conforming a cross-reference; requiring authorities in certain counties to establish a toll rebate program having specified parameters; creating s. 348.00115, F.S.; requiring authorities in certain counties to post certain information on a website; defining the term "contract"; providing an effective date.

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

Section 1. This act may be cited as the "Toll Reform Act."

Section 2. Present subsections (6) through (9) of section 348.0004, Florida Statutes, are redesignated as subsections (7) through (10), respectively, paragraph (e) of subsection (2) of that section is amended, and a new subsection (6) is added to

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

36-01229C-17

20171562__

that section, to read:

348.0004 Purposes and powers.—

(2) Each authority may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of its purposes, including, but not limited to, the following rights and powers:

(e) To fix, alter, charge, establish, and collect tolls, rates, fees, rentals, and other charges for the services and facilities system, which tolls, rates, fees, rentals, and other charges must always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to the Florida Expressway Authority Act. However, such right and power may be assigned or delegated by the authority to the department.

1. Notwithstanding any other provision of law to the contrary, but subject to any contractual requirements contained in documents securing any indebtedness outstanding on July 1, 2017, in any county as defined in s. 125.011(1):

a. The authority may not increase a toll unless the increase is justified to the satisfaction of the authority by a traffic and revenue study conducted by an independent third party.

b. The authority may only increase tolls to the extent necessary to adjust for inflation pursuant to the procedure for toll rate adjustments provided in s. 338.165.

c. A toll increase must be approved by a two-thirds vote of the expressway authority board.

d. The authority may not use more than 10 percent of its toll revenues for administrative expenses. For purposes of this sub-subparagraph, administrative expenses include, but are not

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

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20171562__

limited to, employee salaries and benefits, small business outreach, insurance, professional service contracts not directly related to the operation and maintenance of the expressway system, and other overhead costs.

e. On transportation facilities constructed after July 1, 2017, there must be a distance of at least 5 miles between toll facilities. The authority may not increase a toll collected at an individual toll facility to implement this sub-subparagraph.

2. Notwithstanding s. 338.165 or any other provision of law to the contrary, in any county as defined in s. 125.011(1), to the extent surplus revenues exist, they may be used for purposes enumerated in subsection (8) ~~(7)~~, provided the expenditures are consistent with the metropolitan planning organization's adopted long-range plan.

3. Notwithstanding any other provision of law to the contrary, but subject to any contractual requirements contained in documents securing any outstanding indebtedness payable from tolls, in any county as defined in s. 125.011(1), the board of county commissioners may, by ordinance adopted on or before September 30, 1999, alter or abolish existing tolls and currently approved increases thereto if the board provides a local source of funding to the county expressway system for transportation in an amount sufficient to replace revenues necessary to meet bond obligations secured by such tolls and increases.

(6) An authority in any county as defined in s. 125.011(1) shall establish a toll rebate program having all of the following parameters:

(a) Participants in the program include all SunPass

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20171562__

registrants having an account in good standing, with the license plate of the vehicle or vehicles incurring the tolls for which a rebate is required being registered to the SunPass account at the time of any toll transaction during the applicable rebate period.

(b) The authority may not require program participants to complete any form of registration to be eligible for rebates.

(c) The authority shall provide on a biannual basis a SunPass account credit to each participant incurring tolls on the authority's facilities in the amount of 3 percent of the total tolls paid by the recipient for the applicable 6-month period, with no minimum spending requirement.

Section 3. Section 348.00115, Florida Statutes, is created to read:

348.00115 Public accountability.—An expressway authority in a county as defined in s. 125.011(1) shall post the following information on its website:

(1) Audited financial statements and any interim financial reports.

(2) Board and committee meeting agendas, meeting packets, and minutes.

(3) Bond covenants for any outstanding bond issues.

(4) Authority budgets.

(5) Authority contracts. For purposes of this subsection, "contract" means a written agreement or purchase order issued for the purchase of goods or services or a written agreement for the receipt of state or federal financial assistance.

(6) Authority expenditure data, which must include the name of the payee, the date of the expenditure, and the amount of the

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117 expenditure. Such data must be searchable by name of the payee,
118 name of the paying agency, and fiscal year and must be
119 downloadable in a format that allows offline analysis.

120 (7) Information relating to current, recently completed,
121 and future projects on authority facilities.

122 Section 4. 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.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1570

INTRODUCER: Transportation Committee and Senator Garcia

SUBJECT: Expressway Authorities

DATE: March 23, 2017

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1570 requires the Florida Department of Transportation (FDOT) and the Florida Turnpike Enterprise (FTE) to ensure reasonable and practicably feasible entry and exit points on their respective express lanes and to undertake efforts to expand such entry and exit points to increase accessibility and ease of entry and exit to and from those express lanes while meeting operational performance goals.

The bill also provides that if the maintained average speed of vehicles traveling in an FDOT express lane is equivalent to or less than that of vehicles traveling in adjacent general use lanes, no toll may be charged. Likewise, if the maintained average speed of vehicles traveling in an FTE express lane is equivalent to or less than that of vehicles traveling in adjacent general toll lanes, the toll charged must be the same for all such lanes. The bill requires the average speed of vehicles to be measured at the middle point between an entry point and an exit point.

The bill takes effect July 1, 2017.

The bill has an indeterminate but potentially significant negative fiscal impact on state government. See section V., "Fiscal Impact Statement," for details.

II. Present Situation:

Express Lanes

The Legislature in 2012 created s. 338.151, F.S., authorizing the FDOT to establish tolls on new limited access facilities on the State Highway System (SHS), lanes added to existing limited access facilities on the SHS, new major bridges on the SHS over waterways, and replacements for existing major bridges on the SHS over waterways. The tolls are to be used to fully or partially pay for the cost of such projects.¹ The Legislature also amended s. 338.166, F.S., to expand the FDOT's authority to request issuance of bonds secured by toll revenues collected on express lanes from only those lanes located on I-95 in Miami-Dade and Broward Counties, to express lanes established on facilities owned by the FDOT.

Section 338.166, F.S., authorizes the FDOT, after discharge of any bond indebtedness relating to a given project, to continue to collect tolls on express lanes. Variable rate tolls on express lanes are also authorized.² All collected tolls must first be used to pay the annual cost of operations, maintenance and improvement of the express lanes project or the associated transportation system. Any remaining tolls from express lanes may be used by the FDOT for construction, maintenance or improvement of any road on the State Highway System within the county or counties in which the toll revenues were collected or to support express bus service on the facility where the toll revenues were collected.

Section 338.166³, F.S., expressly does not apply to the Turnpike system.⁴ However, s. 338.2216(1)(d), F.S., directs the FTE to pursue and implement new technologies and processes in its operations and collection of tolls and the collection of other amounts associated with road and infrastructure usage. Such technologies and processes must include, without limitation, video billing and variable pricing.

The term, "express lane," is not statutorily defined. However, the FDOT's Topic No. 525-030-020-a⁵ provides the following definitions:

- "Managed Lanes" - Highway facilities or sets of lanes within a highway facility where operational strategies are proactively implemented and managed in response to changing conditions with a combination of tools. These tools may include accessibility, vehicle eligibility, pricing, or a combination thereof. Types of managed lanes include high occupancy vehicle (HOV) lanes, high occupancy toll (HOT) lanes, truck only lanes, truck only toll lanes, bus rapid transit lanes, reversible lanes, and express lanes.
- "Express Lanes" - A type of managed lane where dynamic pricing through electronic tolling is applied to lanes with through traffic, having fewer access points. Express lanes can co-

¹ Chapter 2012-174, L.O.F.

² Section 338.166(4), F.S.

³ Section 338.166(6), F.S.

⁴ Section 338.2216(1)(a), F.S., grants to the FTE, in addition to the powers granted to the FDOT, full authority to exercise all powers granted to the FTE under chapter 338, F.S. Section 338.2216(4), F.S., provides the powers conferred upon the FTE under the Florida Turnpike Enterprise Law (ss. 338.22 and 338.241) are in addition and supplemental to the existing powers of the FDOT and the FTE.

⁵ On file in the Senate Transportation Committee. The directive, however, expressly does not apply to Florida Turnpike facilities.

locate within an existing non tolled facility to manage congestion and provide a more reliable trip time.

Express Lane Management

A number of express lane projects in Florida are either in operation, under construction, or proposed.⁶ These projects have or are planned to have express lanes with adjacent general use lanes (with no tolls) and, on the turnpike system, express lanes adjacent to general toll lanes (lanes that generally have fixed tolls). The FDOT describes its management of express lanes as follows:

The express lanes are managed using a combination of eligibility, access, and pricing. Only two axle vehicles are eligible with buses eligible regardless of number of axles. This reduces the number of vehicles that can choose to use the express lanes. The access (entry and exit points on the express lanes) is limited to certain locations, providing a choice for users making longer distance trips to the major origin and destination patterns in the area. Trips that are shorter and more local must use the general use lanes. As the volume in the express lanes increases, the price to use the express lanes increases. The toll amount posted on the sign is dynamically priced based on the congestion in the express lanes with a goal of providing a free flow condition [in the express lanes].

The traffic density, which is a combination of speed and volume, is used to determine the toll amount needed to optimize traffic flow in the express lanes. Volume and speed data is collected from roadside detectors and used to calculate the traffic density by dividing the volume in the express lanes by the speed in the express lanes. The toll amount is not related to the amount of congestion, speed, or performance of the general use lanes. Where there is no congestion in the express lanes, regardless of the performance or amount of congestion in the general use lanes, the minimum toll amount in the express lanes is \$0.50.⁷

These directives indicate that in implementing and managing express lanes, the FDOT already considers entry and exit point locations in meeting its goal of providing a free flow condition in the express lanes, and currently does not establish express lane toll amounts based on congestion, speed, or performance in adjacent general lanes.

III. Effect of Proposed Changes:

Section 1 creates a new subsection (6) of s. 338.116, F.S., requiring the FDOT to ensure reasonable and practicably feasible entry and exit points on its express lanes and to undertake efforts to expand those points to increase accessibility and ease of entry and exit to and from its express lanes while meeting operational performance goals. If the maintained average speed of

⁶ See the project map with links to express lane project information available on the FDOT's website at: <http://www.floridaexpresslanes.com/projects/project-map/>. (Last visited March 19, 2017.) The FTE is not currently operating any express lanes. See the FDOT's SB 1570 (2017) Agency Bill Analysis, at 8. (On file in the Senate Transportation Committee.)

⁷ *Supra* note 6 at 2.

vehicles traveling in an express lane is equal to or less than that of vehicles traveling in adjacent general use lanes (those with no tolls), no toll may be charged. The average speed of vehicles must be measured at the middle point between an entry point and an exit point.

Section 2 adds a new paragraph (e) to s. 338.2216(1), F.S., requiring the FTE to also ensure reasonable and practicably feasible entry and exit points and to undertake the same expansion of access points efforts on its express lanes while meeting operational performance goals. If the maintained average speed of vehicles traveling in an express lane is equal to or less than that of vehicles traveling in adjacent general toll lanes, the toll charged must be the same for both lanes. The average speed of vehicles must be measured at the middle point between an entry point and an exit point.

While it appears that the FDOT already considers entry and exit point locations in meeting its goal of providing a free flow condition in the express lanes, the bill would require the FDOT to review existing and planned locations for possible expansion of entry and exit points.

These changes appear to benefit the customers using express lane facilities, but according to the FDOT, the bill may result in a number of potentially negative impacts including the following:

- A re-write of established standard operating procedures, incident management protocols, and pricing software.
- Installation of roadside detectors and Intelligent Transportation System devices for monitoring the volume and speed of traffic on general-purpose lanes.
- A drop in overall corridor performance and safety, and increased roadway congestion.
- A potential disruption of projects planned in the FDOT's work program.
- Revenue impacts.⁸

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁸ *Supra* note 6 at 2-6.

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

To the extent that the bill results in lower tolls on express lanes when vehicle speeds are not higher than on the general use lanes or general toll lanes, less toll revenue will be collected by the FDOT and the FTE.

B. Private Sector Impact:

To the extent that the bill results in lower tolls on express lanes when vehicle speeds are not higher than on the general use lanes or general toll lanes, the users of these lanes would pay less tolls.

C. Government Sector Impact:

The FDOT and the FTE will incur costs for implementation and administration of the provisions of the bill related to:

- Revisions of standard operating procedures, incident management protocols, and pricing software.
- Installation of roadside detectors and devices for monitoring the volume and speed of traffic on general purpose lanes.

The amount of these costs is indeterminate but likely will be significant.

To the extent that the bill results in lower tolls on express lanes, less toll revenue will be collected by the FDOT and the FTE. Although the amount of this reduction is unknown, less toll revenue would result in less funds being available to fund the cost of financing and constructing transportation infrastructure.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 348.0004 and 348.00115.

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 22, 2017:

The CS adds the following to the bill:

- The original bill requires the FDOT and the FTE to ensure reasonable and practicably feasible entry and exit points and to undertake efforts to expand those points on express lanes; the amendment adds the qualifying phrase, “*while meeting operational performance goals*” to these requirements; and
- Requires the average speed of vehicles to be measured at the middle point between an entry point and an exit point.

B. Amendments:

None.



788556

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2017	.	
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The Committee on Transportation (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 30 - 47
and insert:
entry and exit to and from its express lanes while meeting
operational performance goals. If the maintained average speed
of vehicles traveling in an express lane is equivalent to or
less than that of vehicles traveling in adjacent general-use
lanes, no toll shall be charged. The average speed of vehicles
shall be measured at the middle point between an entry point and



788556

an exit point.

Section 1. Paragraph (e) is added to subsection (1) of section 338.2216, Florida Statutes, to read:

338.2216 Florida Turnpike Enterprise; powers and authority.—

(1)

(e) The Florida Turnpike Enterprise shall ensure reasonable and practicably feasible entry and exit points on its express lanes and shall undertake efforts to expand reasonable and practicably feasible entry and exit points to increase accessibility and ease of entry and exit to and from its express lanes while meeting operational performance goals. If the maintained average speed of vehicles traveling in an express lane is equivalent to or less than that of vehicles traveling in adjacent general toll lanes, the toll charged for the express lane must be the same as the toll for the general toll lanes. The average speed of vehicles shall be measured at the middle point between an entry point and an exit point.

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

And the title is amended as follows:

Delete lines 9 - 16

and insert:

under certain circumstances; providing for measurement of the average speed of vehicles; amending s.

338.2216, F.S.; requiring the Florida Turnpike

Enterprise to ensure reasonable and practicably

feasible entry and exit points on its express lanes

and to undertake efforts to expand reasonable and

practicably feasible entry and exit points for certain



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40 purposes; requiring a toll charged to be the same for
41 the use of express and general toll lanes under
42 certain circumstances; providing for measurement of
43 the average speed of vehicles;

By Senator Garcia

36-00717A-17

20171570

A bill to be entitled

An act relating to express lanes; amending s. 338.166, F.S.; requiring the Department of Transportation to ensure reasonable and practicably feasible entry and exit points on its express lanes and to undertake efforts to expand reasonable and practicably feasible entry and exit points for certain purposes; prohibiting a toll from being charged on express lanes under certain circumstances; amending s. 338.2216, F.S.; requiring the Florida Turnpike Enterprise to ensure reasonable and practicably feasible entry and exit points on its express lanes and to undertake efforts to expand reasonable and practicably feasible entry and exit points for certain purposes; requiring a toll charged to be the same for the use of express and general toll lanes under certain circumstances; providing an effective date.

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

Section 1. Present subsections (5) and (6) of section 338.166, Florida Statutes, are renumbered as subsections (6) and (7), respectively, and a new subsection (5) is added to that section, to read:

338.166 High-occupancy toll lanes or express lanes.—

(5) The department shall ensure reasonable and practicably feasible entry and exit points on its express lanes and shall undertake efforts to expand reasonable and practicably feasible entry and exit points to increase accessibility and ease of

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entry and exit to and from its express lanes. If the maintained average speed of vehicles traveling in an express lane is equivalent to or less than that of vehicles traveling in adjacent general use lanes, no toll shall be charged.

Section 2. Paragraph (e) is added to subsection (1) of section 338.2216, Florida Statutes, to read:

338.2216 Florida Turnpike Enterprise; powers and authority.—

(1)

(e) The Florida Turnpike Enterprise shall ensure reasonable and practicably feasible entry and exit points on its express lanes and shall undertake efforts to expand reasonable and practicably feasible entry and exit points to increase accessibility and ease of entry and exit to and from its express lanes. If the maintained average speed of vehicles traveling in an express lane is equivalent to or less than that of vehicles traveling in adjacent general toll lanes, the toll charged must be the same for all such lanes.

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)

3/22/17

Meeting Date

1570

Bill Number (if applicable)

Topic Express Lanes

Amendment Barcode (if applicable)

Name Rachel Cone / Diane Scaccoetti

Job Title Secretary - FDOT / Exec. Dir. - Ft. Turpike

Address 602 Suwannee Street.
Street

Phone 850-414-4100

Tallahassee FL.
City

State

32306
Zip

Email rachel.cone@dot.state.fl.us

Speaking: ☐ For ☐ Against ☒ Information

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

Representing FDOT

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1672

INTRODUCER: Transportation Committee and Senator Latvala and others

SUBJECT: Tampa Bay Area Regional Transit Authority

DATE: March 23, 2017

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1672 renames the Tampa Bay Area Regional Transportation Authority (Transportation Authority) as the Tampa Bay Area Regional *Transit* Authority (Transit Authority), and makes a conforming name change to create the Metropolitan Planning Organization Chairs Coordinating Committee within the Transit Authority. The bill also revises the short title and definitions; revises membership, appointment, term, and quorum requirements; requires the governing board to conduct an evaluation of specified committees; deletes requirements relating to establishment of certain other committees; and revises the new Transit Authority's express purposes to reflect the bill's changes. Additionally, the bill requires the Transit Authority to develop and adopt a regional transit development plan; deletes obsolete provisions; and conforms provisions to changes made by the act.

The fiscal impact on state and local governments is indeterminate. See Section V., "Fiscal Impact Statement," for details.

The bill takes effect July 1, 2017.

II. Present Situation:

The Tampa Bay Area Regional Transportation Authority (Transportation Authority)

The Transportation Authority is an agency of the state¹ created in 2007, whose purpose is improving mobility and expanding multimodal transportation options for passengers and freight throughout the area served, Citrus, Hernando, Hillsborough, Pasco, Pinellas, Manatee, and Sarasota Counties.²

The Transportation Authority governing board currently has 15 voting members as follows:

- Each of the county commissions of the seven counties making up the authority's coverage area appoint one elected official to serve two-year terms, with not more than three consecutive terms.
- The Transportation Authority Metropolitan Planning Organization Chairs Coordinating Committee appoints one member, who must be a chair of one of the Metropolitan Planning Organizations (MPOs) in the region and may not serve more than three consecutive terms.
- Two members must be the mayor, or the mayor's designee, of the largest municipality within the service area of the Pinellas Suncoast Transit Authority (PSTA)³ and the Hillsborough Area Regional Transit Authority (HART).⁴ If a mayor chooses not to serve, the designee must be an elected official selected by the mayor from that largest municipality's city council or commission. The mayor or the designee serves two-year terms, with not more than three consecutive terms. Additional provisions address required processes if a mayor or a designee leaves office, or if a mayor has served three consecutive terms.
- One membership on the board rotates every two years between the mayor or designee of Manatee County and the mayor or designee of the largest municipality within Sarasota County, with the Manatee County mayor or designee serving the first two-year term. If a mayor chooses not to serve, the designee must be an elected official selected by the mayor from that largest municipality's city council or commission.
- The Governor appoints four business representatives (three-year terms and not more than two consecutive terms), each of whom must reside in one of the seven counties governed by the authority and may not be an elected official. One but not more than two of the four must represent counties within the federally designated Tampa Bay Transportation Management Area.

The Florida Department of Transportation (FDOT) secretary appoints two advisors to the board from the FDOT districts within the seven-county area (Districts 1 and 7).

¹ Section 343.92, F.S.

² Section 343.922(1), F.S.

³ The Legislature by special act in 1970 created the Central Pinellas Transit Authority. In 1982, the Central Pinellas Transit Authority was renamed as the PSTA. The PSTA is the public transit provider in Pinellas County with 38 bus routes, as well as two express routes to Tampa. Beach trolleys and a number of other special programs are available. See the PSTA website for more information available at: <http://psta.net/index.php>. (Last visited March 17, 2017.)

⁴ In 1979, the Hillsborough Transit Authority, also known as the Hillsborough Area Regional Transit Authority (HART), was created under Chapter 163, part V, F.S., authorizing creation of regional transportation authorities. HART operates fixed-route local and express bus service, door-to-door paratransit service, flex-route neighborhood connector service, a "lightened" version of bus rapid transit, and manages the TECO Line Streetcar System. See the HART website for more information available at: <http://gohart.org/#>. (Last visited March 17, 2017.)

The respective appointing authority must fill a vacancy during a term within 90 days, in the same manner as the original appointment, for the remainder of the unexpired term.

The Governor appointed the initial chair (to serve for a minimum of two years) from among the full board membership immediately upon their appointment. These appointments were required within 45 days following the authority's creation. At the end of each subsequent chair's term, the board elects a chair from among its members. Eight members constitute a quorum, and the vote of eight members is required for any action taken by the authority. The board may establish Planning, Policy, and Finance Committees; as well as a Citizens Advisory Committee and technical advisory committees.

Consistent with statutory direction,⁵ the Transportation Authority adopted a regional transportation master plan in May of 2009 and updated the plan in June of 2011, 2013, and 2015.⁶ According to the annual *Transportation Authority Monitoring and Oversight, Fiscal Year 2015 Report*,⁷ the most recent update “refined the established transit, freight, and roadway networks, added a regional trails network, added a future priority projects list, outlined a strategic vision for implementation, [and] identified eight regional priority projects.” The update serves as the Regional Long Range Transportation Plan.

The Transportation Authority MPO Chairs Coordinating Committee

Created in 1993, the West Central Florida MPO Chairs Coordinating Committee was established to coordinate projects deemed regionally significant, review regionally significant land use decisions, review all proposed regionally significant projects affecting more than one MPO, and institute a conflict resolution process throughout the West Central Florida region. After creation of the Transportation Authority, the West Central Florida MPO Chairs Coordinating Committee and the authority more closely integrated planning efforts for the region. In 2016, the Chairs Coordinating Committee was placed within the Transportation Authority.^{8, 9}

The Need for Regional Planning

Numerous studies have concluded that regional planning is needed throughout the country to address transportation needs and services. One such study asserts that transportation planning in some places, including Tampa Bay, “remains hyper-localized” and recommends an umbrella or coordinating agency in the form of a regional transit authority.¹⁰

⁵ Section 343.922(3)(a), F.S.

⁶ Master plan updates are statutorily required every five years before July 1 per section 343.922(3)(d), F.S.

⁷ Available, p. 237, at: <http://www.ftc.state.fl.us/documents/reports/TAMO/FY2015Report.pdf>. (Last visited March 16, 2017.)

⁸ See HB 7061 (2016).

⁹ See the Transportation Authority MPO Chairs Coordinating Committee website for additional information on background, priority projects, and regional planning and coordination efforts, available at: <http://www.tbarta.com/en/chairs-coordinating-committee/about/chairs-coordinating-committee>. (Last visited March 16, 2017.)

¹⁰ See *The Need for Regional Transportation Governance in Tampa Bay*, January 2017, available at: <https://www.enotrans.org/wp-content/uploads/2017/01/Eno-TPB-White-Paper-Final.pdf>. (Last visited March 16, 2017.)

III. Effect of Proposed Changes:

Section 1 amends s. 339.175(6)(i), F.S., creating the Transit Authority MPO Chairs Coordinating Committee within the Transit Authority.

Section 2 amends s. 343.90, F.S., revising the short title from the “Tampa Bay Area Regional Transportation Authority Act” to the “Tampa Bay Area Regional Transit Authority Act”.

Section 3 amends s. 343.91, F.S., redefining the term “authority” to mean the Transit Authority, covering Hillsborough, Manatee, Pasco, and Pinellas Counties and any other contiguous county that is party to an agreement of participation. This revision eliminates express identification of Citrus, Hernando, and Sarasota Counties from the authority’s revised coverage area. Citrus County would not currently be contiguous to any of the four counties in the revised coverage area.

Section 4 amends s. 343.92, F.S., to:

- Rename the Transportation Authority and creates it as the Transit Authority;
- Reduce the number of voting members from 15 to 13, appointed no later than 45 days after the creation of the authority, and revises the membership as follows:
 - Each of the county commissions of Hillsborough, Manatee, Pasco, and Pinellas Counties appoint one county commissioner to serve two-year terms, with not more than three consecutive terms. If a commissioner leaves elected office, the vacancy must be filled within 90 days.
 - The mayor of the largest municipality within PSTA’s service area and the mayor within HART’s service area would serve for as long as they hold office.
 - PSTA and HART (or their successor agencies) each appoint from the membership of their respective governing bodies one member to serve a two-year term with no more than three consecutive terms. If a member no longer meets criteria for appointment, a vacancy exists and must be filled within 90 days.
 - The Senate President and House Speaker each appoint one member from the regional business community, each of whom must reside in one of the counties governed by the authority and may not be elected officials. A member initially appointed serves a one-year term. Thereafter, these members serve two-year terms with not more than three consecutive terms. A vacancy during a term must be filled within 90 days in the same manner as the original appointment for the remainder of the unexpired term.
 - The Governor appoints three members from the regional business community, each of whom must reside in one of the counties governed by the authority and may not be an elected official. Of the initially appointed members, one serves a one-year term, one serves a two-year term, and one serves a term as the initial chair. Thereafter, these members serve a two-year term with not more than three consecutive terms. A vacancy during a term must be filled within 90 days in the same manner as the original appointment for the remainder of the unexpired term.

The Governor is required to appoint one of his appointees as the initial chair immediately upon their appointment. The initial chair serves a minimum of two years. At the end of the initial chair’s term, the board elects a chair from among the members appointed by the Governor, the Senate President, and the House Speaker.

Seven, rather than eight, members constitute a quorum, and the vote of seven members is required by any action taken by the authority.

Beginning July 1, 2017, the authority's governing board must evaluate (and submit evaluation recommendations before the beginning of the 2018 Regular Session) the abolishment, continuance, modification, or establishment of the following:

- Planning committee;
- Policy committee;
- Finance committee;
- Citizens advisory committee;
- Transit Authority MPO Chairs Coordinating Committee; and
- Transit management committee.

Section 5 amends s. 343.922, F.S., revising the purposes, powers, and duties of the Transit Authority to include:

- Planning, implementing, and operating mobility improvements and expansions of multimodal transportation options for passengers and freight throughout Hillsborough, Manatee, Pasco, and Pinellas Counties; and
- Producing a regional *transit* development plan (rather than a regional *transportation* plan), integrating the transit development plans of participant counties, to include a prioritization of regionally significant transit projects and facilities. The bill directs the authority to provide to the Senate President and House Speaker on or before the beginning of the 2018 Regular Session a plan to produce the regional transit development plan. The development plan must adhere to guidance and regulations set forth by the FDOT or any successor agency, including without limitation:
 - Public involvement;
 - Collection and analysis of socioeconomic data;
 - Performance evaluation of existing services;
 - Service design and ridership forecasting; and
 - Financial planning.
- Serving, with the consent of the Governor or his or her designee, as the recipient of federal funds supporting an intercountry project or a regionally significant transit project that exists in a single county within the designated region.

Sections 3 through 10 delete obsolete language and conform provisions to changes made by the act.

Section 11 provides the bill take 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:

To the extent that the bill's changes result in improved and more efficient regional transit services being provided in the Tampa Bay area, public mobility options would be increased.

C. Government Sector Impact:

The Transit Authority, the Transit Authority MPO Chairs Coordinating Committee, the four counties in the authority's revised coverage area, and PSTA and HART are expected to experience indeterminate administrative expenses associated with the organization's name change, committee evaluation and recommendations, and various planning requirements related to producing a regional transit development plan.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 339.175, 343.90, 343.91, 343.92, 343.922, 343.94, 343.947, 343.95, 343.975, and 343.976.

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 22, 2017:

The CS makes changes relating to the Transit Authority's membership. Specifically, the CS:

- Restores the two mayors from the largest municipality within PSTA's and HART's service areas to governing board membership; and
- Removes the ability of the mayors from the largest municipality within PSTA's and HART's service areas to choose not to serve and to appoint a designee to serve on the governing board, as well as provisions relating to termination of a designee's term and requirements for filling a vacancy.

B. Amendments:

None.

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



436012

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2017	.	
	.	
	.	
	.	

The Committee on Transportation (Latvala) recommended the following:

Senate Amendment

Delete lines 164 - 238
and insert:

(b) ~~3.a.~~ Two members of the board shall be the mayor, ~~or the~~
~~mayor's designee,~~ of the largest municipality within the service
area of each of the following independent transit agencies or
their legislatively created successor agencies: Pinellas
Suncoast Transit Authority and Hillsborough Area Regional
Transit Authority. The largest municipality is that municipality



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with the largest population as determined by the most recent United States Decennial Census.

~~b. Should a mayor choose not to serve, his or her designee must be an elected official selected by the mayor from that largest municipality's city council or city commission. A mayor or his or her designee shall serve a 2-year term with not more than three consecutive terms being served by any person.~~

~~e. A designee's term ends if the mayor leaves office for any reason. If a designee leaves elected office on the city council or commission, a vacancy exists on the board to be filled by the mayor of that municipality as provided in subparagraph a.~~

(c) The following independent transit agencies or their legislatively created successor agencies shall each appoint from the membership of their governing bodies one member to the board: Pinellas Suncoast Transit Authority and Hillsborough Area Regional Transit Authority. Each member appointed under this paragraph shall serve a 2-year term with not more than three consecutive terms being served by any person. If a member no longer meets the transit authority's criteria for appointment, a vacancy exists on the board which must be filled as provided in this paragraph within 90 days.

(d) The President of the Senate and the Speaker of the House of Representatives shall each appoint to the board one member from the regional business community, each of whom must reside in one of the counties governed by the authority and may not be an elected official. A member initially appointed under this paragraph shall serve a 1-year term. Thereafter, a member appointed under this paragraph shall serve a 2-year term with



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not more than three consecutive terms being served by any person. A vacancy during a term shall be filled within 90 days in the same manner as the original appointment for the remainder of the unexpired term.

~~d. A mayor who has served three consecutive terms on the board must designate an elected official from that largest municipality's city council or city commission to serve on the board for at least one term.~~

~~4.a. One membership on the board shall rotate every 2 years between the mayor, or his or her designee, of the largest municipality within Manatee County and the mayor, or his or her designee, of the largest municipality within Sarasota County. The mayor, or his or her designee, from the largest municipality within Manatee County shall serve the first 2-year term. The largest municipality is that municipality with the largest population as determined by the most recent United States Decennial Census.~~

~~b. Should a mayor choose not to serve, his or her designee must be an elected official selected by the mayor from that municipality's city council or city commission.~~

~~(e)5.~~ The Governor shall appoint to the board three members from the regional four business community representatives, each of whom must reside in one of the ~~seven~~ counties governed by the authority and, none of whom may not be an elected official officials, and at least one but not more than two of whom shall ~~represent counties within the federally designated Tampa Bay Transportation Management Area.~~ Of the members initially appointed under this paragraph, one shall serve a 1-year term, one shall serve a 2-year term, and one shall serve a term as the



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initial chair as provided in subsection (5). Thereafter, a member ~~Members~~ appointed under this paragraph ~~by the Governor~~ shall serve a 2-year term ~~3-year terms~~ with not more than three ~~two~~ consecutive terms being served by any person.

~~(e)~~ Appointments may be staggered to avoid mass turnover at the end of any 2-year or 4-year period. A vacancy during a term shall be filled ~~by the respective appointing authority~~ within 90 days in the same manner as the original appointment ~~and only~~ for the remainder of the unexpired term.

(3) The members of the board shall serve without compensation but shall be entitled to receive from the authority reimbursement for travel expenses and per diem actually incurred in connection with the business of the authority as provided in s. 112.061.

(4) Members of the board shall comply with the applicable financial disclosure requirements of ss. 112.3145, 112.3148, and 112.3149.

(5) The Governor shall appoint one of the three members appointed under paragraph (2)(e) as the initial chair ~~from among~~

By Senator Latvala

16-01479A-17

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1 A bill to be entitled
 2 An act relating to the Tampa Bay Area Regional Transit
 3 Authority; amending s. 339.175, F.S.; creating the
 4 Tampa Bay Area Regional Transit Authority Metropolitan
 5 Planning Organization Chairs Coordinating Committee to
 6 replace the Tampa Bay Area Regional Transportation
 7 Authority Metropolitan Planning Organization Chairs
 8 Coordinating Committee; providing that the Tampa Bay
 9 Area Regional Transit Authority Metropolitan Planning
 10 Organization Chairs Coordinating Committee is created
 11 within the Tampa Bay Area Regional Transit Authority;
 12 amending s. 343.90, F.S.; revising the short title to
 13 "Tampa Bay Area Regional Transit Authority Act";
 14 amending s. 343.91, F.S.; revising the definition of
 15 the term "authority" to mean the Tampa Bay Area
 16 Regional Transit Authority and to include only
 17 Hillsborough, Manatee, Pasco, and Pinellas Counties
 18 and any other contiguous county that is party to an
 19 agreement of participation; revising the definition of
 20 the term "commuter rail"; amending s. 343.92, F.S.;
 21 creating the Tampa Bay Area Regional Transit
 22 Authority, instead of the Tampa Bay Area Regional
 23 Transportation Authority; decreasing voting membership
 24 on the governing board of the authority; requiring the
 25 members to be appointed within a specified period;
 26 revising appointment and term requirements of such
 27 membership; revising requirements for filling
 28 vacancies on the board; requiring the Governor to
 29 appoint an initial chair of the board from one of the

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

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30 three members appointed by the Governor; requiring the
 31 board to elect a chair from among certain members at
 32 the end of the initial chair's term; providing that
 33 seven members of the board constitute a quorum;
 34 providing that the vote of seven members is necessary
 35 for any action to be taken by the authority; requiring
 36 the board to evaluate the abolishment, continuance,
 37 modification, or establishment of specified committees
 38 beginning on a specified date; requiring the board to
 39 submit its recommendations for abolishment,
 40 continuance, modification, or establishment of the
 41 committees to the Legislature before a specified time;
 42 deleting requirements related to the establishment of
 43 a Transit Management Committee, a Citizens Advisory
 44 Committee, and technical advisory committees;
 45 conforming provisions to changes made by the act;
 46 amending s. 343.922, F.S.; revising the express
 47 purposes of the authority to include planning,
 48 implementing, and operating mobility improvements and
 49 expansions of certain multimodal transportation
 50 options, producing a certain regional transit
 51 development plan, and serving as the recipient of
 52 certain federal funds under certain circumstances;
 53 directing the authority to provide to the Legislature
 54 a plan to produce the regional transit development
 55 plan by a specified date; providing requirements for
 56 the regional transit development plan; requiring the
 57 authority to develop and adopt a regional transit
 58 development plan instead of a transportation master

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plan; deleting obsolete provisions; conforming provisions to changes made by the act; amending ss. 343.94, 343.947, 343.95, 343.975, and 343.976, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Paragraph (i) of subsection (6) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—

(6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

(i) The Tampa Bay Area Regional Transit Transportation Authority Metropolitan Planning Organization Chairs Coordinating Committee is created within the Tampa Bay Area Regional Transit Transportation Authority, composed of the M.P.O.'s serving Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The authority shall provide administrative support and direction to the committee. The

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committee must, at a minimum:

1. Coordinate transportation projects deemed to be regionally significant by the committee.

2. Review the impact of regionally significant land use decisions on the region.

3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.

4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

Section 2. Section 343.90, Florida Statutes, is amended to read:

343.90 Short title.—This part may be cited as the "Tampa Bay Area Regional Transit Transportation Authority Act."

Section 3. Paragraphs (a) and (e) of subsection (1) of section 343.91, Florida Statutes, are amended to read:

343.91 Definitions.—

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

(a) "Authority" means the Tampa Bay Area Regional Transit Transportation Authority, the body politic and corporate and agency of the state created by this part, covering ~~the seven-county area comprised of Citrus, Hernando, Hillsborough, Manatee, Pasco, and Pinellas, Manatee, and Sarasota Counties and~~ any other contiguous county that is party to an agreement of participation.

(e)1. "Commuter rail" means a complete system of tracks, guideways, stations, and rolling stock necessary to effectuate

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medium-distance to long-distance passenger rail service to, from, or within the municipalities within the authority's designated ~~seven-county~~ region.

2. "Heavy rail transit" means a complete rail system operating on an electric railway with the capacity for a heavy volume of traffic, characterized by high-speed and rapid-acceleration passenger rail cars operating singly or in multicar trains on fixed rails in separate rights-of-way from which all other vehicular and pedestrian traffic are excluded. "Heavy rail transit" includes metro, subway, elevated, rapid transit, and rapid rail systems.

3. "Light rail transit" means a complete system of tracks, overhead catenaries, stations, and platforms with lightweight passenger rail cars operating singly or in short, multicar trains on fixed rails in rights-of-way that are not separated from other traffic for much of the way.

Section 4. Section 343.92, Florida Statutes, is amended to read:

343.92 Tampa Bay Area Regional Transit Transportation Authority.—

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the Tampa Bay Area Regional Transit Transportation Authority.

(2) The governing board of the authority shall consist of 13 ~~15~~ voting members appointed no later than 45 days after the creation of the authority.

~~(a) The secretary of the department shall appoint two advisors to the board who must be the district secretary for each of the department districts within the seven-county area of~~

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~~the authority.~~

~~(b) The 15 voting members of the board shall be as follows:~~

~~(a)1-~~ The county commissions of Citrus, Hernando, Hillsborough, Manatee, Pasco, and Pinellas, Manatee, and Sarasota Counties shall each appoint one county commissioner ~~elected official~~ to the board. Members appointed under this paragraph ~~subparagraph~~ shall serve 2-year terms with not more than three consecutive terms being served by any person. If a member under this paragraph ~~subparagraph~~ leaves elected office, a vacancy exists on the board to be filled as provided in this paragraph within 90 days ~~subparagraph~~.

2. The Tampa Bay Area Regional Transportation Authority (TBARTA) Metropolitan Planning Organization Chairs Coordinating Committee shall appoint one member to the board who must be a chair of one of the six metropolitan planning organizations in the region. The member appointed under this ~~subparagraph~~ shall serve a ~~2-year term with not more than three consecutive terms being served by any person.~~

~~(b)3.a. Two members of the board shall be the mayor, or the mayor's designee, of the largest municipality within the service area of each of~~ The following independent transit agencies or their legislatively created successor agencies shall each appoint one member to the board: Pinellas Suncoast Transit Authority and Hillsborough Area Regional Transit Authority. Each member appointed under this paragraph ~~The largest municipality is that municipality with the largest population as determined by the most recent United States Decennial Census.~~

~~b. Should a mayor choose not to serve, his or her designee must be an elected official selected by the mayor from that~~

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largest municipality's city council or city commission. A mayor or his or her designee shall serve a 2-year term with not more than three consecutive terms being served by any person.

~~c. A designee's term ends if the mayor leaves office for any reason.~~ If a member no longer meets the transit authority's criteria for appointment designee leaves elected office on the city council or commission, a vacancy exists on the board to be filled by the mayor of that municipality as provided in this paragraph within 90 days ~~sub-subparagraph a.~~

(c) The President of the Senate and the Speaker of the House of Representatives shall each appoint to the board two members from the regional business community, each of whom must reside in one of the counties governed by the authority and may not be an elected official. A member initially appointed under this paragraph shall serve a 1-year term. Thereafter, a member appointed under this paragraph shall serve a 2-year term with not more than three consecutive terms being served by any person. A vacancy during a term shall be filled within 90 days in the same manner as the original appointment for the remainder of the unexpired term.

~~d. A mayor who has served three consecutive terms on the board must designate an elected official from that largest municipality's city council or city commission to serve on the board for at least one term.~~

~~4.a. One membership on the board shall rotate every 2 years between the mayor, or his or her designee, of the largest municipality within Manatee County and the mayor, or his or her designee, of the largest municipality within Sarasota County. The mayor, or his or her designee, from the largest municipality~~

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within Manatee County shall serve the first 2-year term. The largest municipality is that municipality with the largest population as determined by the most recent United States Decennial Census.

~~b. Should a mayor choose not to serve, his or her designee must be an elected official selected by the mayor from that municipality's city council or city commission.~~

~~(d) 5-~~ The Governor shall appoint to the board three members from the regional four business community representatives, each of whom must reside in one of the ~~seven~~ counties governed by the authority and, none of whom may not be an elected official officials, and at least one but not more than two of whom shall represent counties within the federally designated Tampa Bay Transportation Management Area. Of the members initially appointed under this paragraph, one shall serve a 1-year term, one shall serve a 2-year term, and one shall serve a term as the initial chair as provided in subsection (5). Thereafter, a member ~~Members~~ appointed under this paragraph ~~by the Governor~~ shall serve a 2-year term ~~3-year terms~~ with not more than three ~~two~~ consecutive terms being served by any person.

~~(e)~~ Appointments may be staggered to avoid mass turnover at the end of any 2-year or 4-year period. A vacancy during a term shall be filled by the ~~respective appointing authority~~ within 90 days in the same manner as the original appointment ~~and only~~ for the remainder of the unexpired term.

(3) The members of the board shall serve without compensation but shall be entitled to receive from the authority reimbursement for travel expenses and per diem actually incurred in connection with the business of the authority as provided in

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s. 112.061.

(4) Members of the board shall comply with the applicable financial disclosure requirements of ss. 112.3145, 112.3148, and 112.3149.

(5) The Governor shall appoint one of the three members appointed under paragraph (2) (d) as the initial chair ~~from among the full membership~~ of the board immediately upon their appointment. ~~In no case may those appointments be made any later than 45 days following the creation of the authority.~~ The initial chair shall serve ~~will hold this position for~~ a minimum term of 2 years. The board shall elect a vice chair and secretary-treasurer from among its members who shall serve a minimum term of 1 year and shall establish the duties and powers of those positions during its inaugural meeting. During its inaugural meeting, the board shall ~~will~~ also establish its rules of conduct and meeting procedures.

(6) At the end of the initial chair's term, the board shall elect a chair from among the its members appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives. The chair shall hold office at the will of the board. In that election, the board shall also elect a vice chair and secretary-treasurer.

(7) The first meeting of the authority shall be held no later than 60 days after the creation of the authority.

(8) Seven ~~Eight~~ members of the board shall constitute a quorum, and the vote of seven ~~eight~~ members is necessary for any action to be taken by the authority. The authority may meet upon the constitution of a quorum. A vacancy does not impair the right of a quorum of the board to exercise all rights and the

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ability to perform all duties of the authority.

(9) Beginning July 1, 2017, the board must evaluate the abolishment, continuance, modification, or establishment of ~~may establish committees for~~ the following committees ~~areas~~:

(a) Planning committee.

(b) Policy committee.

(c) Finance committee.

(d) Citizens advisory committee.

(e) Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee.

(f) Transit management committee.

(g) Technical advisory committee.

The board must submit its recommendations for abolishment, continuance, modification, or establishment of the committees to the President of the Senate and the Speaker of the House of Representatives before the beginning of the 2018 Regular Session.

(10) The authority may employ an executive director, an executive secretary, its own legal counsel and legal staff, technical experts, engineers, and such employees, permanent or temporary, as it may require. The authority shall determine the qualifications and fix the compensation of such persons, firms, or corporations and may employ a fiscal agent or agents; however, the authority shall solicit sealed proposals from at least three persons, firms, or corporations for the performance of any services as fiscal agents. The authority may, except for duties specified in chapter 120, delegate its power to one or more of its agents or employees to carry out the purposes of

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291 this part, subject always to the supervision and control of the
292 authority.

293 ~~(11)(a) The authority shall establish a Transit Management~~
294 ~~Committee comprised of the executive directors or general~~
295 ~~managers, or their designees, of each of the existing transit~~
296 ~~providers and bay area commuter services.~~

297 ~~(b) The authority shall establish a Citizens Advisory~~
298 ~~Committee comprised of appointed citizen committee members from~~
299 ~~each county and transit provider in the region, not to exceed 16~~
300 ~~members.~~

301 ~~(c) The authority may establish technical advisory~~
302 ~~committees to provide guidance and advice on regional~~
303 ~~transportation issues. The authority shall establish the size,~~
304 ~~composition, and focus of any technical advisory committee~~
305 ~~created.~~

306 ~~(11)(d)~~ Persons appointed to a committee shall serve
307 without compensation but may be entitled to per diem or travel
308 expenses as provided in s. 112.061.

309 Section 5. Subsection (1), paragraph (a) of subsection (2),
310 subsection (3), subsection (4), and paragraph (g) of subsection
311 (5) of section 343.922, Florida Statutes, are amended to read:

312 343.922 Powers and duties.—

313 (1) The express purposes of the authority are to:

314 (a) Plan, implement, and operate improve mobility
315 improvements and expansions of expand multimodal transportation
316 options for passengers and freight throughout the designated
317 ~~seven-county Tampa Bay~~ region.

318 (b) Produce a regional transit development plan,
319 integrating the transit development plans of participant

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320 counties, to include a prioritization of regionally significant
321 transit projects and facilities.

322 1. The authority shall provide to the President of the
323 Senate and the Speaker of the House of Representatives, on or
324 before the beginning of the 2018 Regular Session, a plan to
325 produce the regional transit development plan.

326 2. The regional transit development plan prepared by the
327 authority shall adhere to guidance and regulations set forth by
328 the department or any successor agency, including, but not
329 limited to:

330 a. Public involvement;

331 b. Collection and analysis of socioeconomic data;

332 c. Performance evaluation of existing services;

333 d. Service design and ridership forecasting; and

334 e. Financial planning.

335 (c) Serve, with the consent of the Governor or his or her
336 designee, as the recipient of federal funds supporting an
337 intercounty project or a regionally significant transit project
338 that exists in a single county within the designated region.

339 (2) (a) The authority has the right to plan, develop,
340 finance, construct, own, purchase, operate, maintain, relocate,
341 equip, repair, and manage those public transportation projects,
342 such as express bus services; bus rapid transit services; light
343 rail, commuter rail, heavy rail, or other transit services;
344 ferry services; transit stations; park-and-ride lots; transit-
345 oriented development nodes; or feeder roads, reliever roads,
346 connector roads, bypasses, or appurtenant facilities, that are
347 intended to address critical transportation needs or concerns in
348 the ~~Tampa Bay~~ region as identified by the authority ~~by July 1,~~

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2009. These projects may also include all necessary approaches, roads, bridges, and avenues of access that are desirable and proper with the concurrence of the department, as applicable, if the project is to be part of the State Highway System.

(3) (a) ~~No later than July 1, 2009,~~ The authority shall develop and adopt a regional transit development ~~transportation~~ ~~master~~ plan that provides a vision for a regionally integrated multimodal transportation system. The goals and objectives of the ~~master~~ plan are to identify areas of the ~~Tampa Bay~~ region where multimodal mobility, traffic safety, freight mobility, and efficient emergency evacuation alternatives need to be improved; identify areas of the region where multimodal transportation systems would be most beneficial to enhance mobility and economic development; develop methods of building partnerships with local governments, existing transit providers, expressway authorities, seaports, airports, and other local, state, and federal entities; develop methods of building partnerships with CSX Corporation and CSX Transportation, Inc., to craft mutually beneficial solutions to achieve the authority's objectives, and with other private sector business community entities that may further the authority's mission, and engage the public in support of regional multimodal transportation improvements. The ~~master~~ plan shall identify and may prioritize projects that will accomplish these goals and objectives, including, without limitation, the creation of express bus and bus rapid transit services, light rail, commuter rail, and heavy rail transit services, ferry services, freight services, and any other multimodal transportation system projects that address critical transportation needs or concerns, pursuant to subsection (2);

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and identify the costs of the proposed projects and revenue sources that could be used to pay those costs. In developing the ~~master~~ plan, the authority shall review and coordinate with the future land use, capital improvements, and traffic circulation elements of its member local governments' comprehensive plans and the plans, programs, and schedules of other units of government having transit or transportation authority within whose jurisdictions the projects or improvements will be located to define and resolve potential inconsistencies between such plans and the authority's developing ~~master~~ plan. ~~By July 1, 2008, the authority, working with its member local governments, shall adopt a mandatory conflict resolution process that addresses consistency conflicts between the authority's regional transportation master plan and local government comprehensive plans.~~

(b) The authority shall consult with the department to further the goals and objectives of the Strategic Regional Transit Needs Assessment completed by the department.

(c) Before the adoption of the regional transit development ~~master~~ plan, the authority shall hold at least one public meeting in each of the ~~seven~~ counties within the designated region. At least one public hearing must be held before the authority's board.

(d) After its adoption, the regional transit development ~~master~~ plan shall be updated every 5 years before July 1.

(e) The authority shall present the original regional transit development ~~master~~ plan and updates to the governing bodies of the counties within the designated ~~seven-county~~ region, to the TBARTA Metropolitan Planning Organization Chairs

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Coordinating Committee, and to the legislative delegation members representing those counties within 90 days after adoption.

(f) The authority shall coordinate plans and projects with the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee, to the extent practicable, and participate in the regional M.P.O. planning process to ensure regional comprehension of the authority's mission, goals, and objectives.

(g) The authority shall provide administrative support and direction to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee as provided in s. 339.175(6)(i).

(4) The authority may undertake projects or other improvements in the regional transit development ~~master~~ plan in phases as particular projects or segments become feasible, as determined by the authority. The authority shall coordinate project planning, development, and implementation with the applicable local governments. The authority's projects that are transportation oriented must be consistent to the maximum extent feasible with the adopted local government comprehensive plans at the time such projects are funded for construction. Authority projects that are not transportation oriented and meet the definition of development pursuant to s. 380.04 must be consistent with the local comprehensive plans. In carrying out its purposes and powers, the authority may request funding and technical assistance from the department and appropriate federal and local agencies, including, but not limited to, state infrastructure bank loans.

(5) The authority is granted and may exercise all powers

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necessary, appurtenant, convenient, or incidental to the carrying out of the aforesaid purposes, including, but not limited to, the following rights and powers:

(g) To borrow money and to make and issue negotiable notes, bonds, refunding bonds, and other evidences of indebtedness or obligations, either in temporary or definitive form, hereinafter in this chapter sometimes called "revenue bonds" of the authority, for the purpose of financing all or part of the mobility improvements within the ~~Tampa Bay~~ region, as well as the appurtenant facilities, including all approaches, streets, roads, bridges, and avenues of access authorized by this part, the bonds to mature not exceeding 40 years after the date of the issuance thereof, and to secure the payment of such bonds or any part thereof by a pledge of any or all of its revenues, rates, fees, rentals, or other charges.

Section 6. Subsection (1) of section 343.94, Florida Statutes, is amended to read:

343.94 Bond financing authority.—

(1) Pursuant to s. 11(f), Art. VII of the State Constitution, the Legislature approves bond financing by the Tampa Bay Area Regional Transit Transportation Authority for construction of or improvements to commuter rail systems, transit systems, ferry systems, highways, bridges, toll collection facilities, interchanges to the system, and any other transportation facility appurtenant, necessary, or incidental to the system. Subject to terms and conditions of applicable revenue bond resolutions and covenants, such costs may be financed in whole or in part by revenue bonds issued pursuant to paragraph (2)(a) or paragraph (2)(b), whether currently issued

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or issued in the future or by a combination of such bonds.

Section 7. Section 343.947, Florida Statutes, is amended to read:

343.947 Department may be appointed agent of authority for construction.—The department may be appointed by the authority as its agent for the purpose of constructing and completing transportation projects, and improvements and extensions thereto, in the authority's regional transit development ~~master~~ plan. In such event, the authority shall provide the department with complete copies of all documents, agreements, resolutions, contracts, and instruments relating thereto; shall request the department to do such construction work, including the planning, surveying, and actual construction of the completion, extensions, and improvements to the system; and shall transfer to the credit of an account of the department in the treasury of the state the necessary funds therefor. The department shall proceed with such construction and use the funds for such purpose in the same manner that it is now authorized to use the funds otherwise provided by law for its use in construction of commuter rail systems, transit systems, ferry systems, roads, bridges, and related transportation facilities.

Section 8. Subsections (1) and (3) of section 343.95, Florida Statutes, are amended to read:

343.95 Acquisition of lands and property.—

(1) For the purposes of this part, the authority may acquire private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority may deem necessary for any purpose of this

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part, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access is impaired due to the construction of a facility, and replacement rights-of-way for relocated rail and utility facilities; for existing, proposed, or anticipated transportation facilities within the ~~seven-county Tampa Bay~~ designated ~~identified~~ by the authority; or for the purposes of screening, relocation, removal, or disposal of junkyards and scrap metal processing facilities. The authority may condemn any material and property necessary for such purposes.

(3) When the authority acquires property for a transportation facility within the designated ~~seven-county Tampa Bay~~ region, the authority is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This subsection does not affect the rights or liabilities of any past or future owners of the acquired property, nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. The authority and the Department of Environmental Protection may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the authority.

Section 9. Subsections (1) and (3) of section 343.975, Florida Statutes, are amended to read:

343.975 Complete and additional statutory authority.—

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523 (1) The powers conferred by this part are supplemental to
 524 the existing powers of the board and the department. This part
 525 does not repeal any of the provisions of any other law, general,
 526 special, or local, but supplements such other laws in the
 527 exercise of the powers provided in this part and provides a
 528 complete method for the exercise of the powers granted in this
 529 part. The projects planned and constructed by the Tampa Bay Area
 530 Regional Transit Transportation Authority shall comply with all
 531 applicable federal, state, and local laws. The extension and
 532 improvement of the system, and the issuance of bonds hereunder
 533 to finance all or part of the cost thereof, may be accomplished
 534 upon compliance with the provisions of this part without regard
 535 to or necessity for compliance with the provisions, limitations,
 536 or restrictions contained in any other general, special, or
 537 local law, including, but not limited to, s. 215.821. An
 538 approval of any bonds issued under this part by the qualified
 539 electors or qualified electors who are freeholders in the state
 540 or in any other political subdivision of the state is not
 541 required for the issuance of such bonds pursuant to this part.

542 (3) This part does not preclude the department from
 543 acquiring, holding, constructing, improving, maintaining,
 544 operating, or owning tolled or nontolled facilities funded and
 545 constructed from nonauthority sources that are part of the State
 546 Highway System within the geographical boundaries of the Tampa
 547 Bay Area Regional Transit Transportation Authority.

548 Section 10. Section 343.976, Florida Statutes, is amended
 549 to read:

550 343.976 Effect on local government action.—This act does
 551 not prohibit any local government that is a member of the Tampa

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552 Bay Area Regional Transit Transportation Authority from
 553 participating in or creating any other transit authority,
 554 regional transportation authority, or expressway authority.
 555 Section 11. This act shall take effect July 1, 2017.

THE FLORIDA SENATE
APPEARANCE RECORD

March 22, 2017

Meeting Date

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

1672

Bill Number (if applicable)

Topic Tampa Bay Area Regional Transit Authority

Name Ramond Chiaramonte

Amendment Barcode (if applicable)

Job Title Executive Diretor

Address 4350 W. Cypress Street, Suite 700

Street

Phone 813-282-8200

Tampa

FL

33607

City

State

Zip

Email ramond.chiaramonte@tbarta.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Tampa Bay Area Regional Transportation Authority

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)

3/22/17

Meeting Date

1672

Bill Number (if applicable)

Topic Tampa Bay Area Regional Transit Authority

Amendment Barcode (if applicable)

Name Whit Blanton Blanton

Job Title Executive Director

Address 310 Court St.

Phone _____

Street

Clearwater

FL

33756

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Forward Pinellas (Pinellas Planning Council & Pinellas County MPO)

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)

March 22, 2017

Meeting Date

1672

Bill Number (if applicable)

Topic Tampa Bay Area Regional Transit Authority

Amendment Barcode (if applicable)

Name Ramond Chiaramonte

Job Title Executive Diretor

Address 4350 W. Cypress Street, Suite 700

Phone 813-282-8200

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Tampa

FL

33607

Email ramond.chiaramonte@tbarta.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Tampa Bay Area Regional Transportation Authority

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

SB 1672
Bill Number (if applicable)

Topic TBARTA

Amendment Barcode (if applicable) _____

Name RYAN PATMINTRA

Job Title _____

Address 4300 W CYPRESS ST
Street

Phone _____

TAMPA FL 33611
City State Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing TAMPA BAY PARTNERSHIP

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1678

INTRODUCER: Senator Garcia

SUBJECT: Motor Vehicle Dealers

DATE: March 21, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Pre-meeting
2.			CM	
3.			RC	

I. Summary:

SB 1678 addresses issues related to contractual agreements between motor vehicle licensees (manufacturers, distributors, and importers) and motor vehicle dealers. The bill provides additional prohibitions for licensees, including prohibiting discriminatory practices between same line-make motor vehicle dealers in the state.

The bill also allows dealers to file complaints against licensees in any court of competent jurisdiction to seek injunctive relief and civil damages, and provides the court may issue injunctive relief without regard to the existence of an adequate remedy at law or irreparable harm and without requiring any bond. The court may award costs and reasonable attorney fees to the complainant if relief is granted.

The bill does not appear to have a significant fiscal impact to state and local government.

The bill takes effect upon becoming law.

II. Present Situation:

Florida has substantially regulated motor vehicle manufacturers and motor vehicle dealers since before 1950.¹ Initially, the Florida Legislature approached the issue by implementing only consumer protections aimed at preventing consumer abuse by dealers.² In 1970, the Legislature passed more comprehensive legislation, embodied in ch. 320, F.S.,³ which regulates, in part, the

¹ Chapter 9157, L.O.F. (1923); Chapter 20236, L.O.F. (1941).

² 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).

³ See ch. 70-424, L.O.F.

contractual relationship between manufacturers and dealers,⁴ requires the licensing of manufacturers, and regulates numerous aspects of the contracts between the 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”⁵ (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.

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 the amendment specifically provides 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.⁶ 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.

⁴ See s. 320.60(11), F.S.

⁵ Walter E. Forehand, *supra* note 2 at 1065.

⁶ 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).

Grounds for Denial, Suspension, or Revocation of a License

Section 320.64, F.S., currently includes 40 different subsections listing criteria that may cause the DHSMV to deny, suspend, or revoke the licensee's license. A licensee is prohibited from committing the following acts toward dealers:

- Being unable to carry out contractual obligations with motor vehicle dealers;
- Coercing or attempting to coerce dealers into accepting motor vehicles, parts, or accessories the dealer did not order;
- Coercing the dealer into any agreement with the licensee;
- Threatening to discontinue, cancel, or not renew a franchise agreement with a dealer in violation of s. 320.641, regarding the process for discontinuing, canceling, nonrenewing, modifying, or replacing franchise agreements;
- Threatening to, or replacing or modifying a franchise agreement in a way that would adversely alter the rights or obligations of the dealer, or which substantially impairs sales, service obligations, or investment of the dealer;
- Attempting to enter or entering into a franchise agreement with a dealer who does not have the proper facilities to provide services necessary to provide for new vehicle warranties;
- Requiring a dealer to make substantial changes to the dealer's sales or services facilities that are not considered reasonable or justified, except when offering, to its same line-make⁷ dealers a similar incentive for similar improvements, a written commitment to supply additional vehicles, a loan, or grant money;
- Coercing a dealer to provide installment financing for the dealer's purchasers using a specified financial institution;
- Preventing or refusing to accept the succession to any interest in a franchise agreement by any legal heir or devisee, as long as they meet the licensee's written, reasonable, and uniformly applied minimal standard qualifications for dealer applicants;
- Establishing or implementing a system of vehicle allocation or distribution which alters or reduces allocations or supplies of new motor vehicles to dealers in a way that is unfair, inequitable, unreasonably discriminatory, or not supported by reason and good cause;
- Without good and fair cause, delaying, refusing, or failing to provide a supply of vehicles by series in reasonable quantities;
- Threatening to require a dealer to prospectively assent to a release, assignment, novation, waiver, or estoppel intended to relieve any person from liability or obligation under this act;
- Threatening or coercing a dealer toward action whereby the dealer foregoes its right to protest the establishment or relocation of a dealer in the community;
- Refusing to deliver, in reasonable quantities and within a reasonable time motor vehicles or parts, to any dealer who has an agreement for the retail sale of such new vehicles or parts.⁸
- Performing audits on dealers outside of the required time-frames authorized in statute;

⁷ Section 320.60(14), F.S., defines "Line-make vehicles" as motor vehicles offered for sale, lease, or distribution under a common name, trademark, service mark, or brand name of the manufacturer of same. However, motor vehicles sold or leased under multiple brand names or marks constitute a single line-make when they are included in a single franchise agreement and every dealer in this state authorized to sell or lease such vehicles has been offered the right to sell or lease the multiple brand names covered by a single franchise agreement.

⁸ Exceptions are provided for acts of God, work stoppage, delays due to a strike or labor difficulty, a freight embargo, product shortage, or other cause, which the licensee cannot control. Additionally, the licensee can reasonably require the dealer to purchase special tools to service such vehicles or service person training related to the vehicle.

- Taking action against a dealer who sold or leased a vehicle that the customer then exported or resold, providing the dealer did not know the customer's intention;
- Making available dealer's confidential financial information without the dealer's consent;
- Failing to reimburse a dealer for the reasonable cost of providing a loaner vehicle, if the dealer is required by the licensee to provide a loaner;
- Offering a dealer a franchise agreement that:
 - Requires the dealer to bring administrative actions, legal actions, arbitration, or mediation in a venue outside of the state; or
 - Requires that a law of another state be applied to legal proceedings between the licensee and dealer;
- Including in any franchise agreement with a dealer, a mandatory obligation of the dealer to purchase, sell, lease, or offer any quantity of used motor vehicles;
- Refusing to sell vehicles to a dealer because the dealer has not purchased, sold, leased, or certified a certain quantity of used vehicles prescribed by the licensee;
- Failing to pay a dealer as required;
- Refusing to allow, limiting, or restricting dealers from acquiring or adding service or sale operations for another line-make of vehicles, without demonstrating justification for such refusal, limit, or restriction;
- Failing or refusing to offer an incentive or benefit, in whole or in part, to all its same line-make dealers, unless the program in this state is reasonably supported by substantially different economic or marketing considerations; and
- Requiring or coercing a dealer to purchase goods or services from a vendor selected by the licensee without making available to the dealer the option to obtain substantially similar goods or services from a vendor chosen by the dealer. This does not include:
 - Materials subject to the licensee's intellectual property rights;
 - Special tools or training required by the licensee;
 - Parts used in repairs under warranty obligations of the licensee;
 - Any good or services paid for entirely by the licensee; or
 - Any licensee's design or architectural review service.

Procedure for Administrative Hearings and Adjudications

A dealer who is directly and adversely affected by the action or conduct of a licensee which is alleged to be in violation of the act, may seek a declaration and adjudication of its rights by either filing a request with the DHSMV for a proceeding and administrative hearing, or filing a written objection or notice of protest with the DHSMV.⁹

Hearings are held no sooner than 180 days nor later than 240 days from the date a written objection or notice of protest is filed, unless extended with good cause by the administrative law judge.¹⁰

Civil Damages

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

⁹ Section 320.0699(1), F.S.

¹⁰ Section 320.0699(2), F.S.

dealer, is entitled to pursue an injunction against the licensee, treble damages, and attorney's fees.¹¹ The licensee has the burden to prove that such violation did not occur upon a prima facie showing by the person bringing the action.¹²

III. Effect of Proposed Changes:

The bill addresses several issues related to the contractual agreements between motor vehicle licensees and dealers.

Section 1 of the bill adds additional criteria in s. 320.64, F.S., that a licensee is prohibited from committing. A violation is grounds for the DHSMV to deny, suspend, or revoke the licensee's license. The bill:

Adds a new paragraph to subsection (10) to provide:

- A dealer who completes any licensee-approved program related to facility construction, improvements, renovations, expansion, remodeling, or alterations or installation of signs or other image elements is deemed to be in full compliance with all of the licensee's requirements related to the facility, sign, and image for a ten-year period following such completion; and
- A dealer who has completed a prior approved facility incentive program, standard, or policy during the ten-year period but does not comply with the provisions related to facility, sign, or image under a new incentive program is not eligible for the new benefits, but is entitled to all prior benefits plus any increase in benefits between the old and new programs for the remainder of the ten-year period.

Adds a new subsection (41) prohibiting a licensee from failing to act in good faith toward or to deal fairly with one of its franchised motor vehicle dealers regarding the terms or provisions of an agreement. To determine if a licensee has failed to act in good faith or deal fairly with a dealer, the DHSMV or court of competent jurisdiction shall consider:

- Whether the licensee has fairly taken into account the dealer's investment in its facilities, its sales or parts promotions; its staffing, its general operations, and equities and interests;
- Whether the licensee has altered the rights of the dealer or the dealer's independence in operating the dealership; or
- Whether the licensee has altered the sales or service obligations of the dealer or adversely impaired the dealer's investments or financial returns.

Adds a new subsection (42) prohibiting a licensee from establishing, implementing, or enforcing criteria for measuring sales or service performance of franchised dealers which may have a negative material or adverse effect on any dealer; which is unfair, unreasonable, arbitrary, or inequitable; or which does not include all applicable local and regional criteria, data, and facts. A licensee or affiliate thereof that seeks to establish, implement, or enforce against any dealer any performance measurement must promptly describe in writing to the dealer, in detail, how the measurement criteria for the dealer's sales and service performance was designed, calculated, established, and applied.

¹¹ See ss. 320.64, 320.694, and 320.697, F.S.

¹² Section 320.697, F.S.

For a violation of this subsection, the dealer may file a complaint in any court of competent jurisdiction. If the dealer's complaint is successful, the dealer is entitled to treble damages plus attorney fees, and injunctive relief without regard to the existence of an adequate remedy at law or irreparable harm and without requiring a bond of any complaint.

Section 2 creates s. 320.648, F.S., prohibiting discriminatory practices by licensees. The section prohibits a licensee from:

- Selling or offering to sell a new vehicle to a dealer at a lower actual, effective cost, including cost of vehicle transport, than is offered to another same line-make dealer in this state during a similar period; or
- Discriminating between same-line make dealers by use of promotions, incentives, bonus plans, program devices, benefits, or otherwise, which results in a lower cost for a vehicle than is offered or made available to another same line-make dealer in this state during a similar period.

Section 3 adds in s. 320.699, F.S., that a dealer may file a complaint in a court of competent jurisdiction to seek injunctive relief and civil damages. A court may issue injunctive relief without regard to the existence of an adequate remedy at law or irreparable harm and without requiring any bond. The court may award costs and reasonable attorney fees to the complainant if relief is granted.

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:

To the extent the agreements between licensees and dealers change, the parties could experience a positive or negative impact.

C. Government Sector Impact:

The bill does not appear to have a significant fiscal impact on the government sector.

VI. Technical Deficiencies:

Lines 831-833 of the bill may need to be amended to provide consistent terminology when referring to same line-make motor vehicle dealers.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.64 and 320.699.

This bill creates section 320.648 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.

By Senator Garcia

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1 A bill to be entitled
 2 An act relating to motor vehicle dealers; amending s.
 3 320.64, F.S.; providing an exception to the
 4 requirement that a specified provision does not affect
 5 certain contracts between a licensee and any of its
 6 dealers; providing that a motor vehicle dealer who
 7 completes certain approved construction or changes to
 8 or installation on the dealer's facility in reliance
 9 upon a certain program, standard, or policy, or bonus,
 10 incentive, rebate, or other benefit is deemed to be in
 11 full compliance with all of an applicant's or
 12 licensee's requirements related to the facility, sign,
 13 and image for a specified period; providing that a
 14 motor vehicle dealer that completed a facility in
 15 reliance upon a prior program, standard, or policy,
 16 bonus, incentive, rebate or other benefit, but elects
 17 not to comply with the provisions related to facility,
 18 sign, or image under a changed or new program,
 19 standard, policy, or other offer is not eligible for
 20 the new benefits but shall remain entitled to all
 21 prior benefits plus any increase in the benefits
 22 between the prior and the new or amended program,
 23 standard, policy, or offers for the remainder of the
 24 specified period; providing for construction;
 25 prohibiting the applicant or licensee from failing to
 26 act in good faith toward or deal fairly with one of
 27 its franchised motor vehicle dealers in an agreement;
 28 specifying when an applicant or licensee may have
 29 failed to act in good faith or deal fairly with a

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30 motor vehicle dealer; requiring the Department of
 31 Highway Safety and Motor Vehicles or a court to
 32 consider, in certain actions, specified factors in
 33 determining whether an applicant or licensee has
 34 failed to act in good faith toward, or deal fairly
 35 with, a motor vehicle dealer under certain
 36 circumstances; providing that an affirmative
 37 determination to one or more of such factors is
 38 sufficient to sustain a finding of failure to act in
 39 good faith or deal fairly with a motor vehicle dealer;
 40 prohibiting an applicant or licensee from
 41 establishing, implementing, or enforcing criteria for
 42 measuring the sales or service performance of any of
 43 its franchised motor vehicle dealers in this state
 44 under certain circumstances; providing that relevant
 45 and material national or state criteria or data may be
 46 considered; prohibiting comparison to such data to
 47 outweigh applicable local and regional factors and
 48 data; defining the term "relevant and material";
 49 requiring a survey to be based upon a statistically
 50 significant and valid random sample if certain
 51 measurement is based, in whole or in part, upon such
 52 survey; requiring an applicant, licensee, common
 53 entity, or affiliate thereof that seeks to establish,
 54 implement, or enforce against any dealer a performance
 55 measurement to describe in writing to the motor
 56 vehicle dealer, upon the dealer's request, how the
 57 measurement criteria about the dealer's sales and
 58 service performance was designed, calculated,

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59 established, and applied; providing that any dealer
 60 against whom any such performance measurement criteria
 61 is sought to be used for any purpose adverse to the
 62 dealer has the right to file a complaint in court
 63 alleging that such performance criteria does not
 64 comply with specified provisions; providing for
 65 damages, attorney fees, and injunctive relief under
 66 certain circumstances; requiring the applicant or
 67 licensee to bear the ultimate burden of proof that the
 68 dealer performance measurement criteria complies with
 69 specified provisions and has been implemented and
 70 enforced uniformly by the applicant or licensee among
 71 its dealers in this state; adding certain remedies,
 72 procedures, and rights of recovery a motor vehicle
 73 dealer is entitled to pursue under certain
 74 circumstances; creating s. 320.648, F.S.; prohibiting
 75 an applicant or licensee from taking specified actions
 76 for the purpose of avoiding competitive disadvantages
 77 of a motor vehicle dealer and eliminating
 78 discrimination against a motor vehicle dealer under
 79 certain circumstances; providing applicability;
 80 providing for construction; amending s. 320.699, F.S.;
 81 authorizing a motor vehicle dealer or certain persons
 82 to seek a declaration and adjudication of rights under
 83 certain circumstances with respect to certain actions
 84 of an applicant or licensee by filing a complaint in
 85 court for injunctive relief and damages; requiring,
 86 after a certain prima facie showing, the burden of
 87 proof of all issues to be upon the applicant or

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88 licensee to prove that a certain violation did not or
 89 will not occur; authorizing a court to issue
 90 injunctive relief and award costs and reasonable
 91 attorney fees to the complainant if relief is granted;
 92 providing an effective date.
 93

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

95
 96 Section 1. Section 320.64, Florida Statutes, is amended to
 97 read:

98 320.64 Denial, suspension, or revocation of license;
 99 grounds.—A license of a licensee under s. 320.61 may be denied,
 100 suspended, or revoked within the entire state or at any specific
 101 location or locations within the state at which the applicant or
 102 licensee engages or proposes to engage in business, upon proof
 103 that the section was violated with sufficient frequency to
 104 establish a pattern of wrongdoing, and a licensee or applicant
 105 shall be liable for claims and remedies provided in ss. 320.695
 106 and 320.697 for any violation of any of the following
 107 provisions. A licensee is prohibited from committing the
 108 following acts:

109 (1) The applicant or licensee is determined to be unable to
 110 carry out contractual obligations with its motor vehicle
 111 dealers.

112 (2) The applicant or licensee has knowingly made a material
 113 misstatement in its application for a license.

114 (3) The applicant or licensee willfully has failed to
 115 comply with significant provisions of ss. 320.60-320.70 or with
 116 any lawful rule or regulation adopted or promulgated by the

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117 department.

118 (4) The applicant or licensee has indulged in any illegal
119 act relating to his or her business.

120 (5) The applicant or licensee has coerced or attempted to
121 coerce any motor vehicle dealer into accepting delivery of any
122 motor vehicle or vehicles or parts or accessories therefor or
123 any other commodities which have not been ordered by the dealer.

124 (6) The applicant or licensee has coerced or attempted to
125 coerce any motor vehicle dealer to enter into any agreement with
126 the licensee.

127 (7) The applicant or licensee has threatened to
128 discontinue, cancel, or not to renew a franchise agreement of a
129 licensed motor vehicle dealer, where the threatened
130 discontinuation, cancellation, or nonrenewal, if implemented,
131 would be in violation of any of the provisions of s. 320.641.

132 (8) The applicant or licensee discontinued, canceled, or
133 failed to renew, a franchise agreement of a licensed motor
134 vehicle dealer in violation of any of the provisions of s.
135 320.641.

136 (9) The applicant or licensee has threatened to modify or
137 replace, or has modified or replaced, a franchise agreement with
138 a succeeding franchise agreement which would adversely alter the
139 rights or obligations of a motor vehicle dealer under an
140 existing franchise agreement or which substantially impairs the
141 sales, service obligations, or investment of the motor vehicle
142 dealer.

143 (10)(a) The applicant or licensee has attempted to enter,
144 or has entered, into a franchise agreement with a motor vehicle
145 dealer who does not, at the time of the franchise agreement,

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146 have proper facilities to provide the services to his or her
147 purchasers of new motor vehicles which are covered by the new
148 motor vehicle warranty issued by the applicant or licensee.

149 (b) Notwithstanding any provision of a franchise, a
150 licensee may not require a motor vehicle dealer, by agreement,
151 program, policy, standard, or otherwise, to make substantial
152 changes, alterations, or remodeling to, or to replace a motor
153 vehicle dealer's sales or service facilities unless the
154 licensee's requirements are reasonable and justifiable in light
155 of the current and reasonably foreseeable projections of
156 economic conditions, financial expectations, and the motor
157 vehicle dealer's market for the licensee's motor vehicles.

158 (c) A licensee may, however, consistent with the licensee's
159 allocation obligations at law and to its other same line-make
160 motor vehicle dealers, provide to a motor vehicle dealer a
161 commitment to supply additional vehicles or provide a loan or
162 grant of money as an inducement for the motor vehicle dealer to
163 expand, improve, remodel, alter, or renovate its facilities if
164 the provisions of the commitment are contained in a writing
165 voluntarily agreed to by the dealer and are made available, on
166 substantially similar terms, to any of the licensee's other same
167 line-make dealers in this state who voluntarily agree to make a
168 substantially similar facility expansion, improvement,
169 remodeling, alteration, or renovation.

170 (d) Except as provided in paragraph (c), subsection (36),
171 or as otherwise provided by law, this subsection does not
172 require a licensee to provide financial support for, or
173 contribution to, the purchase or sale of the assets of or equity
174 in a motor vehicle dealer or a relocation of a motor vehicle

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dealer because such support has been provided to other purchases, sales, or relocations.

(e) A licensee or its common entity may not take or threaten to take any action that is unfair or adverse to a dealer who does not enter into an agreement with the licensee pursuant to paragraph (c).

(f) Except as provided in s. 320.6992, this subsection does not affect any contract between a licensee and any of its dealers regarding relocation, expansion, improvement, remodeling, renovation, or alteration which exists on the effective date of this act.

(g) A licensee may set and uniformly apply reasonable standards for a motor vehicle dealer's sales and service facilities which are related to upkeep, repair, and cleanliness.

(h) A violation of paragraphs (b) through (g) is not a violation of s. 320.70 and does not subject any licensee to any criminal penalty under s. 320.70.

(i) If an applicant or licensee establishes a program, standard, or policy or in any manner offers a bonus, incentive, rebate, or other benefit to a motor vehicle dealer in this state which is premised, wholly or in part, on dealer facility construction, improvements, renovations, expansions, remodeling, or alterations or installation of signs or other image elements, a motor vehicle dealer who completes any such approved construction or change to or installation on the dealer's facility in reliance upon such program, standard, or policy, or bonus, incentive, rebate, or other benefit is deemed to be in full compliance with all of the applicant's or licensee's requirements related to the facility, sign, and image for a

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period of 10 years following such completion. If, during the 10-year period, the applicant or licensee changes or offers a new program, standard, or policy, or bonus, incentive, rebate, or other benefit related to relocation or remodeling, improvements, alterations, renovations, or replacement of the existing completed sales or service facilities, a motor vehicle dealer that completed a facility in reliance upon a prior program, standard, or policy, bonus, incentive, rebate, or other benefit, but elects not to comply with the provisions related to facility, sign, or image under the changed or new program, standard, policy, or other offer is not eligible for the new benefits but shall remain entitled to all prior benefits plus any increase in the benefits between the prior and the new or amended program, standard, policy, or offers for the remainder of the 10-year period. This paragraph does not obviate, affect, or alter any provision of subsection (38).

(11) The applicant or licensee has coerced a motor vehicle dealer to provide installment financing for the motor vehicle dealer's purchasers with a specified financial institution.

(12) The applicant or licensee has advertised, printed, displayed, published, distributed, broadcast, or televised, or caused or permitted to be advertised, printed, displayed, published, distributed, broadcast, or televised, in any manner whatsoever, any statement or representation with regard to the sale or financing of motor vehicles which is false, deceptive, or misleading.

(13) The applicant or licensee has sold, exchanged, or rented a motorcycle that ~~which~~ produces in excess of 5 brake horsepower, knowing the use thereof to be by, or intended for,

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the holder of a restricted Florida driver license.

(14) The applicant or licensee has engaged in previous conduct ~~that which~~ would have been a ground for revocation or suspension of a license if the applicant or licensee had been licensed.

(15) The applicant or licensee, directly or indirectly, through the actions of any parent of the licensee, subsidiary of the licensee, or common entity causes a termination, cancellation, or nonrenewal of a franchise agreement by a present or previous distributor or importer unless, by the effective date of such action, the applicant or licensee offers the motor vehicle dealer whose franchise agreement is terminated, canceled, or not renewed a franchise agreement containing substantially the same provisions contained in the previous franchise agreement or files an affidavit with the department acknowledging its undertaking to assume and fulfill the rights, duties, and obligations of its predecessor distributor or importer under the terminated, canceled, or nonrenewed franchise agreement and the same is reinstated.

(16) Notwithstanding the terms of any franchise agreement, the applicant or licensee prevents or refuses to accept the succession to any interest in a franchise agreement by any legal heir or devisee under the will of a motor vehicle dealer or under the laws of descent and distribution of this state; provided, the applicant or licensee is not required to accept a succession where such heir or devisee does not meet licensee's written, reasonable, and uniformly applied minimal standard qualifications for dealer applicants or which, after notice and administrative hearing pursuant to chapter 120, is demonstrated

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to be detrimental to the public interest or to the representation of the applicant or licensee. Nothing contained herein, however, shall prevent a motor vehicle dealer, during his or her lifetime, from designating any person as his or her successor in interest by written instrument filed with and accepted by the applicant or licensee. A licensee who rejects the successor transferee under this subsection shall have the burden of establishing in any proceeding where such rejection is in issue that the rejection of the successor transferee complies with this subsection.

(17) The applicant or licensee has included in any franchise agreement with a motor vehicle dealer terms or provisions that are contrary to, prohibited by, or otherwise inconsistent with the provisions contained in ss. 320.60-320.70, or has failed to include in such franchise agreement a provision conforming to the requirements of s. 320.63(3).

(18) The applicant or licensee has established a system of motor vehicle allocation or distribution or has implemented a system of allocation or distribution of motor vehicles to one or more of its franchised motor vehicle dealers which reduces or alters allocations or supplies of new motor vehicles to the dealer to achieve, directly or indirectly, a purpose that is prohibited by ss. 320.60-320.70, or which otherwise is unfair, inequitable, unreasonably discriminatory, or not supportable by reason and good cause after considering the equities of the affected motor vehicles dealer or dealers. An applicant or licensee shall maintain for 3 years records that describe its methods or formula of allocation and distribution of its motor vehicles and records of its actual allocation and distribution

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of motor vehicles to its motor vehicle dealers in this state. As used in this subsection, "unfair" includes, without limitation, the refusal or failure to offer to any dealer an equitable supply of new vehicles under its franchise, by model, mix, or colors as the licensee offers or allocates to its other same line-make dealers in the state.

(19) The applicant or licensee, without good and fair cause, has delayed, refused, or failed to provide a supply of motor vehicles by series in reasonable quantities, including the models publicly advertised by the applicant or licensee as being available, or has delayed, refused, or failed to deliver motor vehicle parts and accessories within a reasonable time after receipt of an order by a franchised dealer. However, this subsection is not violated if such failure is caused by acts or causes beyond the control of the applicant or licensee.

(20) The applicant or licensee has required, or threatened to require, a motor vehicle dealer to prospectively assent to a release, assignment, novation, waiver, or estoppel, which instrument or document operates, or is intended by the applicant or licensee to operate, to relieve any person from any liability or obligation under the provisions of ss. 320.60-320.70.

(21) The applicant or licensee has threatened or coerced a motor vehicle dealer toward conduct or action whereby the dealer would waive or forego its right to protest the establishment or relocation of a motor vehicle dealer in the community or territory serviced by the threatened or coerced dealer.

(22) The applicant or licensee has refused to deliver, in reasonable quantities and within a reasonable time, to any duly licensed motor vehicle dealer who has an agreement with such

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applicant or licensee for the retail sale of new motor vehicles and parts for motor vehicles sold or distributed by the applicant or licensee, any such motor vehicles or parts as are covered by such agreement. Such refusal includes the failure to offer to its same line-make franchised motor vehicle dealers all models manufactured for that line-make, or requiring a dealer to pay any extra fee, require a dealer to execute a separate franchise agreement, purchase unreasonable advertising displays or other materials, or relocate, expand, improve, remodel, renovate, recondition, or alter the dealer's existing facilities, or provide exclusive facilities as a prerequisite to receiving a model or series of vehicles. However, the failure to deliver any motor vehicle or part will not be considered a violation of this section if the failure is due to an act of God, work stoppage, or delay due to a strike or labor difficulty, a freight embargo, product shortage, or other cause over which the applicant or licensee has no control. An applicant or licensee may impose reasonable requirements on the motor vehicle dealer, other than the items listed above, including, but not limited to, the purchase of special tools required to properly service a motor vehicle and the undertaking of sales person or service person training related to the motor vehicle.

(23) The applicant or licensee has competed or is competing with respect to any activity covered by the franchise agreement with a motor vehicle dealer of the same line-make located in this state with whom the applicant or licensee has entered into a franchise agreement, except as permitted in s. 320.645.

(24) The applicant or licensee has sold a motor vehicle to

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any retail consumer in the state except through a motor vehicle dealer holding a franchise agreement for the line-make that includes the motor vehicle. This section does not apply to sales by the applicant or licensee of motor vehicles to its current employees, employees of companies affiliated by common ownership, charitable not-for-profit-organizations, and the federal government.

(25) The applicant or licensee has undertaken or engaged in an audit of warranty, maintenance, and other service-related payments or incentive payments, including payments to a motor vehicle dealer under any licensee-issued program, policy, or other benefit, which were previously paid to a motor vehicle dealer in violation of this section or has failed to comply with any of its obligations under s. 320.696. An applicant or licensee may reasonably and periodically audit a motor vehicle dealer to determine the validity of paid claims as provided in s. 320.696. Audits of warranty, maintenance, and other service-related payments shall be performed by an applicant or licensee only during the 12-month period immediately following the date the claim was paid. Audits of incentive payments shall be performed only during the 12-month period immediately following the date the incentive was paid. As used in this section, the term "incentive" includes any bonus, incentive, or other monetary or nonmonetary consideration. After such time periods have elapsed, all warranty, maintenance, and other service-related payments and incentive payments shall be deemed final and incontrovertible for any reason notwithstanding any otherwise applicable law, and the motor vehicle dealer shall not be subject to any chargeback or repayment. An applicant or

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licensee may deny a claim or, as a result of a timely conducted audit, impose a chargeback against a motor vehicle dealer for warranty, maintenance, or other service-related payments or incentive payments only if the applicant or licensee can show that the warranty, maintenance, or other service-related claim or incentive claim was false or fraudulent or that the motor vehicle dealer failed to substantially comply with the reasonable written and uniformly applied procedures of the applicant or licensee for such repairs or incentives, but only for that portion of the claim so shown. Notwithstanding the terms of any franchise agreement, guideline, program, policy, or procedure, an applicant or licensee may deny or charge back only that portion of a warranty, maintenance, or other service-related claim or incentive claim which the applicant or licensee has proven to be false or fraudulent or for which the dealer failed to substantially comply with the reasonable written and uniformly applied procedures of the applicant or licensee for such repairs or incentives, as set forth in this subsection. An applicant or licensee may not charge back a motor vehicle dealer subsequent to the payment of a warranty, maintenance, or service-related claim or incentive claim unless, within 30 days after a timely conducted audit, a representative of the applicant or licensee first meets in person, by telephone, or by video teleconference with an officer or employee of the dealer designated by the motor vehicle dealer. At such meeting the applicant or licensee must provide a detailed explanation, with supporting documentation, as to the basis for each of the claims for which the applicant or licensee proposed a chargeback to the dealer and a written statement containing the basis upon which

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407 the motor vehicle dealer was selected for audit or review.
 408 Thereafter, the applicant or licensee must provide the motor
 409 vehicle dealer's representative a reasonable period after the
 410 meeting within which to respond to the proposed chargebacks,
 411 with such period to be commensurate with the volume of claims
 412 under consideration, but in no case less than 45 days after the
 413 meeting. The applicant or licensee is prohibited from changing
 414 or altering the basis for each of the proposed chargebacks as
 415 presented to the motor vehicle dealer's representative following
 416 the conclusion of the audit unless the applicant or licensee
 417 receives new information affecting the basis for one or more
 418 chargebacks and that new information is received within 30 days
 419 after the conclusion of the timely conducted audit. If the
 420 applicant or licensee claims the existence of new information,
 421 the dealer must be given the same right to a meeting and right
 422 to respond as when the chargeback was originally presented.
 423 After all internal dispute resolution processes provided through
 424 the applicant or licensee have been completed, the applicant or
 425 licensee shall give written notice to the motor vehicle dealer
 426 of the final amount of its proposed chargeback. If the dealer
 427 disputes that amount, the dealer may file a protest with the
 428 department within 30 days after receipt of the notice. If a
 429 protest is timely filed, the department shall notify the
 430 applicant or licensee of the filing of the protest, and the
 431 applicant or licensee may not take any action to recover the
 432 amount of the proposed chargeback until the department renders a
 433 final determination, which is not subject to further appeal,
 434 that the chargeback is in compliance with the provisions of this
 435 section. In any hearing pursuant to this subsection, the

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436 applicant or licensee has the burden of proof that its audit and
 437 resulting chargeback are in compliance with this subsection.
 438 (26) Notwithstanding the terms of any franchise agreement,
 439 including any licensee's program, policy, or procedure, the
 440 applicant or licensee has refused to allocate, sell, or deliver
 441 motor vehicles; charged back or withheld payments or other
 442 things of value for which the dealer is otherwise eligible under
 443 a sales promotion, program, or contest; prevented a motor
 444 vehicle dealer from participating in any promotion, program, or
 445 contest; or has taken or threatened to take any adverse action
 446 against a dealer, including chargebacks, reducing vehicle
 447 allocations, or terminating or threatening to terminate a
 448 franchise because the dealer sold or leased a motor vehicle to a
 449 customer who exported the vehicle to a foreign country or who
 450 resold the vehicle, unless the licensee proves that the dealer
 451 knew or reasonably should have known that the customer intended
 452 to export or resell the motor vehicle. There is a rebuttable
 453 presumption that the dealer neither knew nor reasonably should
 454 have known of its customer's intent to export or resell the
 455 vehicle if the vehicle is titled or registered in any state in
 456 this country. A licensee may not take any action against a motor
 457 vehicle dealer, including reducing its allocations or supply of
 458 motor vehicles to the dealer or charging back to a dealer any
 459 incentive payment previously paid, unless the licensee first
 460 meets in person, by telephone, or video conference with an
 461 officer or other designated employee of the dealer. At such
 462 meeting, the licensee must provide a detailed explanation, with
 463 supporting documentation, as to the basis for its claim that the
 464 dealer knew or reasonably should have known of the customer's

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465 intent to export or resell the motor vehicle. Thereafter, the
 466 motor vehicle dealer shall have a reasonable period,
 467 commensurate with the number of motor vehicles at issue, but not
 468 less than 15 days, to respond to the licensee's claims. If,
 469 following the dealer's response and completion of all internal
 470 dispute resolution processes provided through the applicant or
 471 licensee, the dispute remains unresolved, the dealer may file a
 472 protest with the department within 30 days after receipt of a
 473 written notice from the licensee that it still intends to take
 474 adverse action against the dealer with respect to the motor
 475 vehicles still at issue. If a protest is timely filed, the
 476 department shall notify the applicant or licensee of the filing
 477 of the protest, and the applicant or licensee may not take any
 478 action adverse to the dealer until the department renders a
 479 final determination, which is not subject to further appeal,
 480 that the licensee's proposed action is in compliance with the
 481 provisions of this subsection. In any hearing pursuant to this
 482 subsection, the applicant or licensee has the burden of proof on
 483 all issues raised by this subsection. An applicant or licensee
 484 may not take any adverse action against a motor vehicle dealer
 485 because the dealer sold or leased a motor vehicle to a customer
 486 who exported the vehicle to a foreign country or who resold the
 487 vehicle unless the applicant or licensee provides written
 488 notification to the motor vehicle dealer of such resale or
 489 export within 12 months after the date the dealer sold or leased
 490 the vehicle to the customer.

491 (27) Notwithstanding the terms of any franchise agreement,
 492 the applicant or licensee has failed or refused to indemnify and
 493 hold harmless any motor vehicle dealer against any judgment for

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494 damages, or settlements agreed to by the applicant or licensee,
 495 including, without limitation, court costs and reasonable
 496 ~~attorney~~ attorneys fees, arising out of complaints, claims, or
 497 lawsuits, including, without limitation, strict liability,
 498 negligence, misrepresentation, express or implied warranty, or
 499 revocation or rescission of acceptance of the sale of a motor
 500 vehicle, to the extent the judgment or settlement relates to the
 501 alleged negligent manufacture, design, or assembly of motor
 502 vehicles, parts, or accessories. Nothing herein shall obviate
 503 the licensee's obligations pursuant to chapter 681.

504 (28) The applicant or licensee has published, disclosed, or
 505 otherwise made available in any form information provided by a
 506 motor vehicle dealer with respect to sales prices of motor
 507 vehicles or profit per motor vehicle sold. Other confidential
 508 financial information provided by motor vehicle dealers shall
 509 not be published, disclosed, or otherwise made publicly
 510 available except in composite form. However, this information
 511 may be disclosed with the written consent of the dealer or in
 512 response to a subpoena or order of the department, a court or a
 513 lawful tribunal, or introduced into evidence in such a
 514 proceeding, after timely notice to an affected dealer.

515 (29) The applicant or licensee has failed to reimburse a
 516 motor vehicle dealer in full for the reasonable cost of
 517 providing a loaner vehicle to any customer who is having a
 518 vehicle serviced at the motor vehicle dealer, if a loaner is
 519 required by the applicant or licensee, or a loaner is expressly
 520 part of an applicant or licensee's customer satisfaction index
 521 or computation.

522 (30) The applicant or licensee has conducted or threatened

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to conduct any audit of a motor vehicle dealer in order to coerce or attempt to coerce the dealer to forego any rights granted to the dealer under ss. 320.60-320.70 or under the agreement between the licensee and the motor vehicle dealer. Nothing in this section shall prohibit an applicant or licensee from reasonably and periodically auditing a dealer to determine the validity of paid claims, as permitted under this chapter, if the licensee complies with the provisions of ss. 320.60-320.70 applicable to such audits.

(31) From and after the effective date of enactment of this provision, the applicant or licensee has offered to any motor vehicle dealer a franchise agreement that:

(a) Requires that a motor vehicle dealer bring an administrative or legal action in a venue outside of this state;

(b) Requires that any arbitration, mediation, or other legal proceeding be conducted outside of this state; or

(c) Requires that a law of a state other than Florida be applied to any legal proceeding between a motor vehicle dealer and a licensee.

(32) Notwithstanding the terms of any franchise agreement, the applicant or licensee has rejected or withheld approval of any proposed transfer in violation of s. 320.643 or a proposed change of executive management in violation of s. 320.644.

(33) The applicant or licensee has attempted to sell or lease, or has sold or leased, used motor vehicles at retail of a line-make that is the subject of any franchise agreement with a motor vehicle dealer in this state, other than trucks with a net weight of more than 8,000 pounds.

(34) The applicant or licensee, after the effective date of

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this subsection, has included in any franchise agreement with a motor vehicle dealer a mandatory obligation or requirement of the motor vehicle dealer to purchase, sell, or lease, or offer for purchase, sale, or lease, any quantity of used motor vehicles.

(35) The applicant or licensee has refused to assign allocation earned by a motor vehicle dealer, or has refused to sell motor vehicles to a motor vehicle dealer, because the motor vehicle dealer has failed or refused to purchase, sell, lease, or certify a certain quantity of used motor vehicles prescribed by the licensee.

(36) (a) Notwithstanding the terms of any franchise agreement, in addition to any other statutory or contractual rights of recovery after the voluntary or involuntary termination, cancellation, or nonrenewal of a franchise, failing to pay the motor vehicle dealer, as provided in paragraph (d), the following amounts:

1. The net cost paid by the dealer for each new car or truck in the dealer's inventory with mileage of 2,000 miles or less, or a motorcycle with mileage of 100 miles or less, exclusive of mileage placed on the vehicle before it was delivered to the dealer.

2. The current price charged for each new, unused, undamaged, or unsold part or accessory that:

a. Is in the current parts catalogue and is still in the original, resalable merchandising package and in an unbroken lot, except that sheet metal may be in a comparable substitute for the original package; and

b. Was purchased by the dealer directly from the

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581 manufacturer or distributor or from an outgoing authorized
 582 dealer as a part of the dealer's initial inventory.

583 3. The fair market value of each undamaged sign owned by
 584 the dealer which bears a trademark or trade name used or claimed
 585 by the applicant or licensee or its representative which was
 586 purchased from or at the request of the applicant or licensee or
 587 its representative.

588 4. The fair market value of all special tools, data
 589 processing equipment, and automotive service equipment owned by
 590 the dealer which:

591 a. Were recommended in writing by the applicant or licensee
 592 or its representative and designated as special tools and
 593 equipment;

594 b. Were purchased from or at the request of the applicant
 595 or licensee or its representative; and

596 c. Are in usable and good condition except for reasonable
 597 wear and tear.

598 5. The cost of transporting, handling, packing, storing,
 599 and loading any property subject to repurchase under this
 600 section.

601 (b) If the termination, cancellation, or nonrenewal of the
 602 dealer's franchise is the result of the bankruptcy or
 603 reorganization of a licensee or its common entity, or the result
 604 of a licensee's plan, scheme, or policy, whether or not publicly
 605 declared, which is intended to or has the effect of decreasing
 606 the number of, or eliminating, the licensee's franchised motor
 607 vehicle dealers of a line-make in this state, or the result of a
 608 termination, elimination, or cessation of manufacture or
 609 reorganization of a licensee or its common entity, or the result

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610 of a termination, elimination, or cessation of manufacture or
 611 distribution of a line-make, in addition to the above payments
 612 to the dealer, the licensee or its common entity, shall be
 613 liable to and shall pay the motor vehicle dealer for an amount
 614 at least equal to the fair market value of the franchise for the
 615 line-make, which shall be the greater of the value determined as
 616 of the day the licensee announces the action that results in the
 617 termination, cancellation, or nonrenewal, or the value
 618 determined on the day that is 12 months before that date. Fair
 619 market value of the franchise for the line-make includes only
 620 the goodwill value of the dealer's franchise for that line-make
 621 in the dealer's community or territory.

622 (c) This subsection does not apply to a termination,
 623 cancellation, or nonrenewal that is implemented as a result of
 624 the sale of the assets or corporate stock or other ownership
 625 interests of the dealer.

626 (d) The dealer shall return the property listed in this
 627 subsection to the licensee within 90 days after the effective
 628 date of the termination, cancellation, or nonrenewal. The
 629 licensee shall supply the dealer with reasonable instructions
 630 regarding the method by which the dealer must return the
 631 property. Absent shipping instructions and prepayment of
 632 shipping costs from the licensee or its common entity, the
 633 dealer shall tender the inventory and other items to be returned
 634 at the dealer's facility. The compensation for the property
 635 shall be paid by the licensee or its common entity
 636 simultaneously with the tender of inventory and other items,
 637 provided that, if the dealer does not have clear title to the
 638 inventory and other items and is not in a position to convey

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that title to the licensee, payment for the property being returned may be made jointly to the dealer and the holder of any security interest.

(37) Notwithstanding the terms of any franchise agreement, the applicant or licensee has refused to allow or has limited or restricted a motor vehicle dealer from acquiring or adding a sales or service operation for another line-make of motor vehicles at the same or expanded facility at which the motor vehicle dealer currently operates a dealership unless the applicant or licensee can demonstrate that such refusal, limitation, or restriction is justified by consideration of reasonable facility and financial requirements and the dealer's performance for the existing line-make.

(38) The applicant or licensee has failed or refused to offer a bonus, incentive, or other benefit program, in whole or in part, to a dealer or dealers in this state which it offers to all of its other same line-make dealers nationally or to all of its other same line-make dealers in the licensee's designated zone, region, or other licensee-designated area of which this state is a part, unless the failure or refusal to offer the program in this state is reasonably supported by substantially different economic or marketing considerations than are applicable to the licensee's same line-make dealers in this state. For purposes of this chapter, a licensee may not establish this state alone as a designated zone, region, or area or any other designation for a specified territory. A licensee may offer a bonus, rebate, incentive, or other benefit program to its dealers in this state which is calculated or paid on a per vehicle basis and is related in part to a dealer's facility

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or the expansion, improvement, remodeling, alteration, or renovation of a dealer's facility. Any dealer who does not comply with the facility criteria or eligibility requirements of such program is entitled to receive a reasonable percentage of the bonus, incentive, rebate, or other benefit offered by the licensee under that program by complying with the criteria or eligibility requirements unrelated to the dealer's facility under that program. For purposes of the previous sentence, the percentage unrelated to the facility criteria or requirements is presumed to be "reasonable" if it is not less than 80 percent of the total of the per vehicle bonus, incentive, rebate, or other benefits offered under the program.

(39) Notwithstanding any agreement, program, incentive, bonus, policy, or rule, an applicant or licensee may not fail to make any payment pursuant to any agreement, program, incentive, bonus, policy, or rule for any temporary replacement motor vehicle loaned, rented, or provided by a motor vehicle dealer to or for its service or repair customers, even if the temporary replacement motor vehicle has been leased, rented, titled, or registered to the motor vehicle dealer's rental or leasing division or an entity that is owned or controlled by the motor vehicle dealer, provided that the motor vehicle dealer or its rental or leasing division or entity complies with the written and uniformly enforced vehicle eligibility, use, and reporting requirements specified by the applicant or licensee in its agreement, program, policy, bonus, incentive, or rule relating to loaner vehicles.

(40) Notwithstanding the terms of any franchise agreement, the applicant or licensee may not require or coerce, or attempt

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697 to require or coerce, a motor vehicle dealer to purchase goods
 698 or services from a vendor selected, identified, or designated by
 699 the applicant or licensee, or one of its parents, subsidiaries,
 700 divisions, or affiliates, by agreement, standard, policy,
 701 program, incentive provision, or otherwise, without making
 702 available to the motor vehicle dealer the option to obtain the
 703 goods or services of substantially similar design and quality
 704 from a vendor chosen by the motor vehicle dealer. If the motor
 705 vehicle dealer exercises such option, the dealer must provide
 706 written notice of its desire to use the alternative goods or
 707 services to the applicant or licensee, along with samples or
 708 clear descriptions of the alternative goods or services that the
 709 dealer desires to use. The licensee or applicant shall have the
 710 opportunity to evaluate the alternative goods or services for up
 711 to 30 days to determine whether it will provide a written
 712 approval to the motor vehicle dealer to use said alternative
 713 goods or services. Approval may not be unreasonably withheld by
 714 the applicant or licensee. If the motor vehicle dealer does not
 715 receive a response from the applicant or licensee within 30
 716 days, approval to use the alternative goods or services is
 717 deemed granted. If a dealer using alternative goods or services
 718 complies with this subsection and has received approval from the
 719 licensee or applicant, the dealer is not ineligible for all
 720 benefits described in the agreement, standard, policy, program,
 721 incentive provision, or otherwise solely for having used such
 722 alternative goods or services. As used in this subsection, the
 723 term "goods or services" is limited to such goods and services
 724 used to construct or renovate dealership facilities or furniture
 725 and fixtures at the dealership facilities. The term does not

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726 include:
 727 (a) Any materials subject to the applicant's or licensee's
 728 intellectual property rights, including copyright, trademark, or
 729 trade dress rights;
 730 (b) Any special tool and training as required by the
 731 applicant or licensee;
 732 (c) Any part to be used in repairs under warranty
 733 obligations of an applicant or licensee;
 734 (d) Any good or service paid for entirely by the applicant
 735 or licensee; or
 736 (e) Any applicant's or licensee's design or architectural
 737 review service.
 738 (41) (a) The applicant or licensee has failed to act in good
 739 faith toward or to deal fairly with one of its franchised motor
 740 vehicle dealers regarding the terms or provisions of an
 741 agreement. For purposes of this subsection, an applicant or
 742 licensee may have failed to act in good faith toward or deal
 743 fairly with a motor vehicle dealer even in the absence of any
 744 act or threat of coercion or intimidation made by the applicant
 745 or licensee toward the motor vehicle dealer or even in the
 746 absence of an allegation by the motor vehicle dealer that an
 747 express term or provision of a franchise agreement has been
 748 breached or violated by the applicant or licensee. In any action
 749 brought under this subsection, the department or a court of
 750 competent jurisdiction shall consider all of the following
 751 factors, among others, in determining whether an applicant or
 752 licensee has failed to act in good faith toward or deal fairly
 753 with a motor vehicle dealer regarding the terms or provisions of
 754 any agreement or in any of its dealings with a motor vehicle

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dealer or in compliance with this subsection:

1. Whether the applicant or licensee has fairly taken into account the motor vehicle dealer's investment in its facilities, its sales or service or parts promotions, its staffing, and its general operations.

2. Whether the applicant or licensee has altered the rights of the motor vehicle dealer or the dealer's independence in operating the dealership.

3. Whether the applicant or licensee has altered the sales or service obligations of the motor vehicle dealer or adversely impaired the investment or the financial return of the motor vehicle dealer in any part of the motor vehicle dealer's sales, service, or parts operations.

4. Whether the applicant or licensee has fairly taken into account the equities and interests of the motor vehicle dealer.

(b) An affirmative determination regarding one or more of the factors under paragraph (a) is sufficient to sustain a finding of failure to act in good faith toward or deal fairly with a motor vehicle dealer.

(42)(a) An applicant or licensee may not establish, implement, or enforce criteria for measuring the sales or service performance of any of its franchised motor vehicle dealers in this state which may have a negative material or adverse effect on any dealer; which is unfair, unreasonable, arbitrary, or inequitable; or which does not include all applicable local and regional criteria, data, and facts. Relevant and material national or state criteria or data may be considered, but comparison to such data may not outweigh the local and regional factors and data. The term "relevant and

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material" includes, but is not limited to, comparable size dealerships in comparable markets with comparable buyer profiles. If such measurement is based, in whole or in part, upon a survey, the survey must be based upon a statistically significant and valid random sample. Upon the request of any dealer, applicant, licensee, common entity, or affiliate thereof that seeks to establish, implement, or enforce against any dealer any such performance measurement must promptly describe in writing to the motor vehicle dealer, in detail, how the measurement criteria for the dealer's sales and service performance was designed, calculated, established, and applied.

(b) Any dealer, against whom any such performance measurement criteria are sought to be used for any purpose adverse to the dealer, has the right to file a complaint in any court of competent jurisdiction alleging that such performance criteria does not comply with this subsection and, if successful, shall be entitled to damages pursuant to s. 320.697, plus attorney fees and injunctive relief. The court is authorized to issue temporary, preliminary, and permanent injunctive relief without regard to the existence of an adequate remedy at law or irreparable harm and without requiring a bond of any complainant.

(c) In any proceeding under this subsection, the applicant or licensee shall bear the ultimate burden of proof that the dealer performance measurement criteria complies with this subsection and has been implemented and enforced uniformly by the applicant or licensee among its dealers in this state.

A motor vehicle dealer who can demonstrate that a violation of,

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or failure to comply with, ~~this section 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, and 320.699.

Section 2. Section 320.648, Florida Statutes, is created to read:

320.648 Discriminatory practices; prohibitions.-

(1) For the purpose of avoiding competitive disadvantages of a motor vehicle dealer in this state by reason of differences in dealer cost of any motor vehicle and for the purpose of eliminating discrimination by an applicant or licensee against any motor vehicle dealer in this state, an applicant or licensee is prohibited from:

(a) Selling or offering to sell a new motor vehicle to a motor vehicle dealer at a lower actual, effective cost, including the cost of the vehicle transportation, than the actual, effective cost that the same model similarly equipped is offered to or is available to another same line-make motor dealer in this state during a similar period.

(b) Discriminating between its same-line make dealers in this state by the use of a promotional, incentive, or bonus plan, program, device, benefit, or otherwise, whether received by the motor vehicle dealer at the time of sale of the new motor vehicle to the dealer or later, which results in a lower cost, including the cost of the vehicle transportation, than the actual, effective cost that the same model similarly equipped is offered or is available to another same line-make model motor vehicle dealer in this state during a similar period.

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(2) Subsection (1) does not prohibit a licensee's or applicant's offer of a promotion, bonus, or incentive which in effect does not discriminate against, and is functionally available to, all competing dealers of the same line-make in this state on substantially comparable terms, provided that it contains fair and reasonably achievable sales or service objectives.

(3) Subsection (1) does not obviate, affect, alter, or diminish s. 320.64(38).

Section 3. Section 320.699, Florida Statutes, is amended to read:

~~320.699 Administrative~~ Hearings and adjudications; procedure.-

(1) A motor vehicle dealer, or person with entitlements to or in a motor vehicle dealer, who is directly and adversely affected by the action or conduct of an applicant or licensee which is alleged to be in violation of any provision of ss. 320.60-320.70, may seek a declaration and adjudication of its rights with respect to the alleged action or conduct of the applicant or licensee by:

(a) Filing with the department a request for a proceeding and an administrative hearing which conforms substantially with the requirements of ss. 120.569 and 120.57; ~~or~~

(b) Filing with the department a written objection or notice of protest pursuant to s. 320.642; or

(c) As an alternative, filing a complaint in any court of competent jurisdiction to seek temporary, preliminary, or permanent injunctive relief and civil damages pursuant to s. 320.697. Upon a prima facie showing by a complainant that such

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871 violation has occurred, or may occur, the burden of proof of all
872 issues must then be upon the applicant or licensee to prove that
873 such violation did not or will not occur. In any such
874 proceeding, a court may issue injunctive relief without regard
875 to the existence of an adequate remedy at law or irreparable
876 harm and without requiring any bond and may award costs and
877 reasonable attorney fees to the complainant if relief is
878 granted.

879 (2) If a written objection or notice of protest is filed
880 with the department under paragraph (1)(b), a hearing shall be
881 held not sooner than 180 days nor later than 240 days from the
882 date of filing of the first objection or notice of protest,
883 unless the time is extended by the administrative law judge for
884 good cause shown. This subsection shall govern the schedule of
885 hearings in lieu of any other provision of law with respect to
886 administrative hearings conducted by the Department of Highway
887 Safety and Motor Vehicles or the Division of Administrative
888 Hearings, including performance standards of state agencies,
889 which may be included in current and future appropriations acts.

890 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)

6/22/2017
Meeting Date

SB 1678
Bill Number (if applicable)

Topic Automobile Franchise Tpl 2

Amendment Barcode (if applicable)

Name David Bright

Job Title Attorney

Address 803 7th St. NW, Suite 300

Phone (202) 326-5533

Street

Washington
City

DC
State

20001
Zip

Email dbright@autoalliance.org

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Alliance of Automobile Manufacturers

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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



THE FLORIDA SENATE
SENATOR JOE NEGRON
President

MEMORANDUM

TO: All Senators
Ms. Debbie Brown, Secretary of the Senate
All Senate Committee and Subcommittee Staff Directors

FROM: Joe Negron, President

SUBJECT: Senator Hukill

DATE: March 20, 2017

I am delighted to share an update regarding Senator Hukill's treatment and recovery. This weekend, I was very pleased to hear the news that Senator Hukill's treatment was successful and her doctors have determined that she is cancer-free.

As a precautionary measure, Senator Hukill's physicians have advised that she undergo one final round of treatment over the next few weeks. They continue to recommend that she avoid travel during this course of treatment. As such, Senator Hukill is excused for the remainder of the 2017 Regular Session. She will continue to manage her district offices, staff, bills, and committee responsibilities remotely during this time.

Senator Hukill asked that I convey her sincere thanks for the ongoing support of the Senate family during her treatment. While we certainly miss Senator Hukill in Tallahassee, we are delighted that she is on the road to a full recovery and look forward to the day when she can return to Tallahassee.

CourtSmart Tag Report

Room: SB 401

Caption: Senate Transportation Committee

Case No.:

Judge:

Type:

Started: 3/22/2017 4:00:43 PM

Ends: 3/22/2017 5:27:20 PM

Length: 01:26:38

4:00:42 PM Meeting called to order by Chair Gainer
4:00:52 PM Roll call by Administrative Assistant, Marilyn Hudson
4:00:59 PM Quorum present
4:01:07 PM Pledge of Allegiance
4:01:50 PM SB 752 TP'd
4:02:37 PM Introduction to CS/SB 144 by Chair Gainer
4:02:55 PM Explanation of CS/SB 144 by Senator Garcia
4:03:13 PM Comments by Chair Gainer
4:03:21 PM Question by Senator Rouson
4:03:28 PM Response by Senator Garcia
4:04:47 PM Question by Senator Rader
4:04:58 PM Response by Senator Garcia
4:05:21 PM Question by Senator Rader
4:05:46 PM Response by Senator Garcia
4:07:08 PM Comments by Chair Gainer
4:07:28 PM Argatha Gilmore, Chief of Police, The Florida Police Chiefs Association
4:09:30 PM Comments by Senator Rouson
4:09:55 PM Lee Moffitt, Attorney, AAA Auto Clubs
4:11:23 PM Charlie Latham, Florida Chair, National Waste and Recycling Association
4:12:38 PM Keyna Cory, Lobbyist, Florida Don't Text and Drive Coalition
4:13:09 PM Chris Nuland, Florida Public Health Association waives in support
4:13:45 PM Jeffery Peaten
4:14:47 PM Angela Gallo, Florida PTA waives in support
4:14:54 PM Richard Pinsky, Miami-Dade County waives in support
4:15:15 PM Debate by Senator Baxley
4:17:30 PM Debate by Senator Rader
4:18:54 PM Closure waived on CS/SB 144 by Senator Garcia
4:19:11 PM Roll call on CS/SB 144 by Administrative Assistant, Marilyn Hudson
4:19:32 PM CS/SB 144 reported favorably
4:19:53 PM Introduction to SB 1562 by Chair Gainer
4:20:17 PM Explanation of SB 1562 by Senator Garcia
4:21:33 PM Introduction to Amendment Barcode No. 364330 by Chair Gainer
4:21:44 PM Explanation of Amendment Barcode No. 364330 by Senator Garcia
4:22:30 PM Debate by Senator Baxley
4:24:19 PM Response by Senator Garcia
4:24:59 PM Closure waived on Amendment Barcode No. 364330 by Senator Garcia
4:25:14 PM Amendment Barcode No. 364330 adopted
4:25:25 PM Introduction to Amendment Barcode No. 172250 by Chair Gainer
4:25:34 PM Explanation of Amendment Barcode No. 172250 by Senator Garcia
4:26:22 PM Comments by Chair Gainer
4:26:25 PM Closure waived on Amendment Barcode No. 172250 by Senator Garcia
4:26:49 PM Amendment Barcode No. 172250 adopted
4:27:25 PM Question by Senator Rader
4:27:52 PM Response by Senator Garcia
4:28:30 PM Closure waived on SB 1562 by Senator Garcia
4:28:37 PM Roll call on CS/SB 1562 by Administrative Assistant, Marilyn Hudson
4:28:55 PM CS/SB 1562 reported favorably
4:29:08 PM Introduction to SB 1570 by Chair Gainer
4:29:27 PM Explanation of SB 1570 by Senator Garcia
4:31:11 PM Question by Senator Rader
4:31:17 PM Response by Senator Garcia
4:31:50 PM Question by Senator Rader

4:32:39 PM Response by Senator Garcia
 4:33:21 PM Question by Senator Rader
 4:34:02 PM Introduction to Amendment Barcode No. 788556 by Chair Gainer
 4:34:15 PM Explanation of Amendment Barcode No. 788556 by Senator Garcia
 4:34:39 PM Comments by Chair Gainer
 4:34:44 PM Closure waived on Amendment Barcode No. 788556 by Senator Garcia
 4:34:51 PM Amendment Barcode No. 788556 adopted
 4:35:09 PM Comments by Chair Gainer
 4:36:01 PM Diane Scaccetti, Executive Director, Turnpike, Florida Department of Transportation
 4:37:30 PM Question by Senator Rader
 4:37:49 PM Response by Diane Scaccetti
 4:38:16 PM Debate by Senator Rader
 4:38:51 PM Comments by Chair Gainer
 4:38:56 PM Closure waived on SB 1570 by Senator Garcia
 4:39:16 PM Roll call on CS/SB 1570 by Administrative Assistant, Marilyn Hudson
 4:39:36 PM CS/SB 1570 reported favorably
 4:39:40 PM SB 1678 TP'd
 4:40:00 PM Introduction to SB 488 by Chair Gainer
 4:40:12 PM Explanation of SB 488 by Senator Stargel
 4:41:25 PM Robert Roundtree, Circuit Judge/8th Judicial Circuit, State Courts System waives against
 4:41:40 PM Diana Padgett, Governmental Consultant, Florida Providers for Traffic Safety waives in support
 4:41:53 PM Jeff Parain, President/CEO, American Safety Council waives in support
 4:41:58 PM Lisa Henning, Legislative Director, Fraternal Order of Police waives in support
 4:42:13 PM Closure waived on SB 488 by Senator Stargel
 4:42:16 PM Roll call on SB 488 by Administrative Assistant, Marilyn Hudson
 4:42:26 PM SB 488 reported favorably
 4:42:39 PM Introduction to SB 250 by Chair Gainer
 4:43:04 PM Explanation of SB 250 by Senator Artiles
 4:45:12 PM Introduction to Amendment Barcode No. 613366 by Chair Gainer
 4:45:23 PM Explanation of Amendment Barcode No. 613366 by Senator Artiles
 4:46:34 PM Comments by Chair Gainer
 4:46:54 PM Closure waived on Amendment Barcode No. 613366 by Senator Artiles
 4:47:01 PM Amendment Barcode No. 613366 adopted
 4:47:22 PM Thomas Hawkins, Policy and Planning Director, 1000 Friends of Florida waives in support
 4:47:29 PM Lisa Henning, Legislative Director, waives in support
 4:47:57 PM Debate by Senator Rader
 4:48:20 PM Closure waived on SB 250 by Senator Artiles
 4:49:20 PM Roll call on CS/SB 250 by Administrative Assistant, Marilyn Hudson
 4:49:31 PM CS/SB 250 reported favorably
 4:49:46 PM Introduction to SB 842 by Chair Gainer
 4:49:57 PM Explanation of SB 842 by Senator Artiles
 4:51:09 PM Introduction to Amendment Barcode No. 409994 by Chair Gainer
 4:51:20 PM Explanation of Amendment Barcode No. 409994 by Senator Artiles
 4:52:03 PM Closure waived on Amendment Barcode No. 409994 by Senator Artiles
 4:52:13 PM Amendment Barcode No. 409994 adopted
 4:52:32 PM Lisa Bacot, Executive Director, Florida Public Transportation Association waives in support
 4:52:42 PM Jess McCarty, Assistant County Attorney, Miami-Dade County waives in support
 4:52:44 PM Vicki Wooldridge, Governmental Affairs Manager, South Florida Regional Transportation Authority waives
 in support
 4:52:48 PM Andres Truillo, State Director, SMART Transportation Division waives in support
 4:52:59 PM Candice Ericks, South Florida Regional Transportation Authority waives in support
 4:53:05 PM Rebecca Delarosa, Legislative Director waives in support
 4:53:28 PM Closure waived on SB 842 by Senator Artiles
 4:53:30 PM Roll call on CS/SB 842 by Administrative Assistant, Marilyn Hudson
 4:53:44 PM CS/SB 842 reported favorably
 4:54:22 PM Introduction to SB 1022 by Chair Gainer
 4:54:26 PM Explanation of SB 1022 by Senator Stewart
 4:55:25 PM Introduction to Amendment Barcode No. 521016 by Chair Gainer
 4:55:43 PM Explanation of Amendment Barcode No. 521016 by Senator Stewart
 4:56:31 PM Closure waived on Amendment Barcode No. 521016 by Senator Stewart
 4:56:40 PM Amendment Barcode No. 521016 adopted
 4:57:09 PM Closure waived on SB 1022 by Senator Stewart

4:57:21 PM Roll call on CS/ SB 1022 by Administrative Assistant, Marilyn Hudson
 4:57:30 PM CS/SB 1022 reported favorably
 4:57:52 PM Introduction to SB 1232 by Chair Gainer
 4:57:59 PM Explanation of SB 1232 by Senator Stewart
 4:58:47 PM Introduction to Amendment Barcode No. 721098 by Chair Gainer
 4:58:51 PM Explanation of Amendment Barcode No. 721098 by Senator Stewart
 4:59:48 PM Closure waived on Amendment Barcode No. 721098 by Senator Stewart
 4:59:59 PM Amendment Barcode No. 721098 adopted
 5:00:23 PM Closure waived on SB 1232 by Senator Stewart
 5:00:34 PM Roll call on CS/ SB 1232 by Administrative Assistant, Marilyn Hudson
 5:00:43 PM CS/SB 1232 reported favorably
 5:01:02 PM Introduction to SB 1390 by Chair Gainer
 5:01:10 PM Explanation of SB 1390 by Senator Latvala
 5:01:56 PM Closure waived on SB 1390 by Senator Latvala
 5:02:03 PM Roll call on SB 1390 by Administrative Assistant, Marilyn Hudson
 5:02:09 PM SB 1390 reported favorably
 5:02:22 PM Introduction to SB 1672 by Chair Gainer
 5:02:32 PM Explanation of SB 1672 by Senator Latvala
 5:03:49 PM Debate by Senator Galvano
 5:04:26 PM Debate by Senator Rouson
 5:05:02 PM Introduction to Amendment Barcode No. 436012 by Chair Gainer
 5:05:17 PM Explanation of Amendment Barcode No. 436012 by Senator Latvala
 5:05:33 PM Closure waived on Amendment Barcode No. 436012 by Senator Latvala
 5:05:41 PM Amendment Barcode No. 436012 adopted
 5:05:59 PM Ryan Patmintra, Tampa Bay Partnership waives in support
 5:06:03 PM Ramond Chiamonte, Executive Director, Tampa Bay Area Regional Transportation Authority waives in support
 5:06:13 PM Whit Blanton, Executive Director, Forward Pinellas waives in support
 5:06:43 PM Closure waived on SB 1672
 5:07:13 PM Roll call on CS/SB 1672 by Administrative Assistant, Marilyn Hudson
 5:07:25 PM CS/SB 1672 reported favorably
 5:08:11 PM Introduction to SB 1060 by Chair Gainer
 5:08:20 PM Explanation of SB 1060 by Senator Rader
 5:08:53 PM Lena Juarez, Florida State Bee Keepers Association waives in support
 5:09:07 PM Comments by Senator Rouson
 5:09:35 PM Comments by Chair Gainer
 5:09:48 PM Comments by Senator Baxley
 5:10:11 PM Closure waived on SB 1060 by Senator Rader
 5:11:07 PM Roll call on SB 1060 by Administrative Assistant, Marilyn Hudson
 5:11:20 PM SB 1060 reported favorably
 5:11:48 PM Introduction to SB 284 by Chair Gainer
 5:11:59 PM Explanation of SB 284 by Senator Baxley
 5:13:27 PM Closure waived on SB 284 by Senator Baxley
 5:15:02 PM Roll call on SB 284 by Administrative Assistant, Marilyn Hudson
 5:15:12 PM SB 284 reported favorably
 5:15:20 PM Introduction to SB 444 by Chair Gainer
 5:15:33 PM Explanation of SB 444 by Senator Baxley
 5:17:22 PM Introduction to Amendment Barcode No. 186252 by Chair Gainer
 5:17:32 PM Explanation of Amendment Barcode No. 186252 by Senator Baxley
 5:17:58 PM Closure waived on Amendment Barcode No. 186252 by Senator Baxley
 5:18:05 PM Amendment Barcode No. 186252 adopted
 5:18:27 PM Closure waived on SB 444 by Senator Baxley
 5:18:57 PM Roll call on CS/SB 444 by Administrative Assistant, Marilyn Hudson
 5:19:07 PM CS/SB 444 reported favorably
 5:19:42 PM Introduction to SB 784 by Senator Rouson
 5:19:48 PM Explanation of SB 784 by Chair Gainer
 5:21:41 PM Introduction to Amendment Barcode No. 137954 by Senator Rouson
 5:21:47 PM Explanation of Amendment Barcode No. 137954 by Chair Gainer
 5:23:12 PM Introduction to Amendment Barcode No. 554286 by Senator Rouson
 5:23:21 PM Explanation of Amendment Barcode No. 554286 by Chair Gainer
 5:24:33 PM Amendment Barcode No. 554286 adopted
 5:24:39 PM Closure waived on Amendment Barcode No. 137954 by Chair Gainer

5:24:52 PM	Amendment Barcode No. 137954 adopted
5:25:12 PM	Tim Qualls, Executive Director, Florida Tax Collectors Association waives in support
5:25:33 PM	Closure waived on SB 784 by Chair Gainer
5:25:43 PM	Roll call on CS/SB 784 by Administrative Assistant, Marilyn Hudson
5:25:56 PM	CS/SB 784 reported favorably
5:26:06 PM	Comments by Senator Rouson
5:26:35 PM	Comments by Senator Baxley
5:27:14 PM	Senator Rouson moves to adjourn