

**SB 676** by **Benacquisto**; (Identical to H 0621) Voluntary Contributions to End Breast Cancer

**SB 722** by **Flores**; (Identical to H 0595) Aviation Fuel Tax

**SB 786** by **Evers**; (Identical to H 0381) Towing of Vehicles and Vessels

**SB 1184** by **Brandes**; (Compare to H 7055) Department of Highway Safety and Motor Vehicles

402860	A	S	RCS	TR, Brandes	btw L.69 - 70:	03/05 12:14 PM
495192	AA	S	RCS	TR, Brandes	Delete L.19:	03/05 12:14 PM
133272	A	S	RCS	TR, Brandes	btw L.69 - 70:	03/05 12:14 PM
704160	A	S	RCS	TR, Brandes	btw L.90 - 91:	03/05 12:14 PM

**SB 1186** by **Brandes**; Transportation

146586	A	S	RCS	TR, Brandes	btw L.266 - 267:	03/05 12:14 PM
114694	A	S	RCS	TR, Brandes	Delete L.1293 - 1375:	03/05 12:14 PM

**SPB 7040** by **TR**; Public Records/Electronic Mail Addresses/Department of Highway Safety and Motor Vehicles

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

**TRANSPORTATION**  
**Senator Brandes, Chair**  
**Senator Bullard, Vice Chair**

**MEETING DATE:** Thursday, March 5, 2015  
**TIME:** 9:00 —11:00 a.m.  
**PLACE:** *Mallory Horne Committee Room, 37 Senate Office Building*

**MEMBERS:** Senator Brandes, Chair; Senator Bullard, Vice Chair; Senators Braynon, Evers, Grimsley, Simpson, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 676</b> Benacquisto (Identical H 621)	Voluntary Contributions to End Breast Cancer; Requiring the application forms for motor vehicle registration and renewal of registration to include language permitting the applicant to make a voluntary contribution to End Breast Cancer to be distributed to a specified organization and used for specified purposes; requiring an application form for a driver license or identification card to include language permitting the applicant to make a voluntary contribution to End Breast Cancer to be distributed to a specified organization, etc.  TR      03/05/2015 Favorable ATD FP	Favorable Yeas 7 Nays 0
2	<b>SB 722</b> Flores (Identical H 595)	Aviation Fuel Tax; Revising the tax rate of the excise tax on certain aviation fuels; deleting an excise tax exemption for certain aviation fuel delivered by licensed wholesalers or terminal suppliers that increase the state's workforce by certain amounts, etc.  TR      03/05/2015 Favorable FT AP	Favorable Yeas 7 Nays 0
3	<b>SB 786</b> Evers (Identical H 381)	Towing of Vehicles and Vessels; Providing for removal of a vehicle or vessel by a cooperative association or a homeowners' association; authorizing an owner or lessee of real property to have a vehicle or vessel removed from the property without certain signage under certain circumstances, etc.  TR      03/05/2015 Favorable RI FP	Favorable Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Thursday, March 5, 2015, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 1184</b> Brandes	Department of Highway Safety and Motor Vehicles; Providing that an employer may pay up to a certain amount directly toward the venue expenses associated with the funeral and burial services of a law enforcement, correctional, or correctional probation officer killed in the line of duty; requiring a vehicle with a load that extends beyond its sides or a certain amount beyond its rear to display red flags not less than 18 inches square under certain circumstances; authorizing the department to disclose certain confidential and exempt information to another governmental entity under certain circumstances, etc.  TR 03/05/2015 Fav/CS ATD FP	Fav/CS Yeas 7 Nays 0
5	Presentation by the Department of Highway Safety and Motor Vehicles: Red-Light Camera Summary Report		Presented
6	<b>SB 1186</b> Brandes (Compare S 918, S 1554)	Transportation; Providing that certain commercial sponsorship may be displayed on state greenway and trail facilities not included within the Shared-Use Nonmotorized Trail Network; requiring the governing body of any independent special district created to regulate the operation of public vehicles on public highways to consist of a certain number of members; authorizing a public transit provider to enter into agreements with a transportation network company for the provision of certain transit services, etc.  TR 03/05/2015 Fav/CS RI ATD AP	Fav/CS Yeas 7 Nays 0
Consideration of proposed bill:			
7	<b>SPB 7040</b>	Public Records/Electronic Mail Addresses/Department of Highway Safety and Motor Vehicles; Providing an exemption from public records requirements for electronic mail addresses collected by the Department of Highway Safety and Motor Vehicles; providing for future review and repeal of the exemption; providing a statement of public necessity, etc.	Submitted as Committee Bill Yeas 7 Nays 0
Other Related Meeting Documents			

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 676

INTRODUCER: Senator Benacquisto

SUBJECT: Voluntary Contributions to End Breast Cancer

DATE: March 3, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	<b>Favorable</b>
2.			ATD	
3.			FP	

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**I. Summary:**

SB 676 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to collect a voluntary contribution of \$1 or more per applicant through motor vehicle registration, driver license, and identification card forms for the Florida Breast Cancer Coalition Research Foundation, Inc.

**II. Present Situation:**

**Voluntary Contributions**

The voluntary contributions process provides the opportunity for citizens to make a donation by checking a box on a form when registering a vehicle or renewing a registration, as well as applying for a new or replacement driver license or identification card.<sup>1</sup>

An organization that desires to receive a voluntary contribution must be specifically authorized by Florida Statutes. Section 320.023, F.S., establishes requirements for organizations seeking to establish a voluntary contribution on motor vehicle registration application forms, and s. 322.081, F.S., establishes similar requirements for driver license and identification card applications. Both sections require the following:

- A request for the voluntary contribution being sought, describing the voluntary contribution in general terms;
- An application fee<sup>2</sup>, not to exceed \$10,000, to defray the DHSMV's cost for reviewing the application and developing the voluntary contribution check off, if authorized; and

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<sup>1</sup> Sections 320.02(8), (14), and (15) and 328.72(11) and (16), F.S., provide motor vehicle registration applicants with 26 options for voluntary contributions. Section 322.08(7), F.S., provides driver license applicants with 19 options for voluntary contributions.

<sup>2</sup> State funds may not be used to pay the application fee.

- A marketing strategy outlining short-term and long-term marketing plans for the contribution, and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the contributions.

This information must be submitted to the DHSMV at least 90 days before the convening of the next regular session of the Legislature.

### **Florida Breast Cancer Foundation (FBCF)**

The FBCF is a not-for-profit statewide organization dedicated to ending breast cancer through advocacy, education, and research.<sup>3</sup> The FBCF is best known for their role in the passage of the “Mary Brogan Breast and Cervical Cancer Treatment Act” and the “End Breast Cancer” specialty license plate that funds research and education throughout Florida.<sup>4</sup> The FBCF created the Florida Breast Cancer Coalition Research Foundation, Inc. to receive funds from the “End Breast Cancer” specialty plate, which received annual use fees from approximately 19,000 specialty plates in 2014.<sup>5 6</sup>

The DHSMV has reviewed the FBCF’s submitted application requirements<sup>7</sup>, and has approved the FBCF to pursue legislation to create a voluntary contribution check-off on motor vehicle registration and driver license renewal notices.<sup>8</sup>

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

The bill authorizes the DHSMV to include language permitting a voluntary contribution of \$1 or more per applicant to “End Breast Cancer” on motor vehicle registration and registration renewal forms and forms for original, renewal, or replacement driver licenses or identification cards. Such contributions will be distributed by DHSMV to the Florida Breast Cancer Coalition Foundation, Inc., to be used for breast cancer research and education.

The bill takes effect July 1, 2015.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

<sup>3</sup> Florida Breast Cancer Foundation, *About Us*, <http://www.floridabreastcancer.org> (last visited Feb. 26, 2015).

<sup>4</sup> *Id.*

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

<sup>6</sup> Department of Highway Safety and Motor Vehicles, **2014 Specialty License Plate Rankings**, <http://www.flhsmv.gov/specialtytags/tagssales.pdf> (last visited Feb. 26, 2015).

<sup>7</sup> In accordance with ss. 320.023 and 322.081, F.S.

<sup>8</sup> Letter from Terry L. Rhodes, Executive Director, Department of Highway Safety and Motor Vehicles (Jan. 12, 2015) (on file with the Senate Committee on Transportation).

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals may choose to donate to the Florida Breast Cancer Foundation.

C. Government Sector Impact:

The cost to redesign and develop the new application forms is \$55,040, which will be partially offset by the FBCF's \$20,000 application fee. The remaining cost will be absorbed within DHSMV resources.<sup>9</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 320.02 and 322.08

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

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<sup>9</sup> Department of Highway Safety and Motor Vehicles, *Senate Bill 676 Analysis* (Feb. 13, 2015) (on file with the Senate Committee on Transportation).

By Senator Benacquisto

30-00706-15

2015676\_\_

A bill to be entitled

An act relating to voluntary contributions to End Breast Cancer; amending s. 320.02, F.S.; requiring the application forms for motor vehicle registration and renewal of registration to include language permitting the applicant to make a voluntary contribution to End Breast Cancer to be distributed to a specified organization and used for specified purposes; amending s. 322.08, F.S.; requiring an application form for a driver license or identification card to include language permitting the applicant to make a voluntary contribution to End Breast Cancer to be distributed to a specified organization; providing an effective date.

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

Section 1. Paragraph (u) is added to subsection (15) of section 320.02, Florida Statutes, to read:

320.02 Registration required; application for registration; forms.—

(15)

(u) The application form for motor vehicle registration and renewal of registration must include language permitting a voluntary contribution of \$1 or more per applicant to End Breast Cancer. Such contributions shall be distributed by the department to the Florida Breast Cancer Coalition Research Foundation, Inc., an organization not-for-profit under s. 501(c)(3) of the Internal Revenue Code, and shall be used for breast cancer research and education.

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

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2015676\_\_

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 2. Subsection (7) of section 322.08, Florida Statutes, is amended to read:

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

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

(a) A voluntary contribution of \$1 per applicant, which contribution shall be deposited into the Health Care Trust Fund for organ and tissue donor education and for maintaining the organ and tissue donor registry.

(b) A voluntary contribution of \$1 per applicant, which shall be distributed to the Florida Council of the Blind.

(c) A voluntary contribution of \$2 per applicant, which shall be distributed to the Hearing Research Institute, Incorporated.

(d) A voluntary contribution of \$1 per applicant, which shall be distributed to the Juvenile Diabetes Foundation International.

(e) A voluntary contribution of \$1 per applicant, which shall be distributed to the Children's Hearing Help Fund.

(f) A voluntary contribution of \$1 per applicant, which shall be distributed to Family First, a nonprofit organization.

(g) A voluntary contribution of \$1 per applicant to Stop Heart Disease, which shall be distributed to the Florida Heart

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59 Research Institute, a nonprofit organization.

60 (h) A voluntary contribution of \$1 per applicant to Senior  
61 Vision Services, which shall be distributed to the Florida  
62 Association of Agencies Serving the Blind, Inc., a not-for-  
63 profit organization.

64 (i) A voluntary contribution of \$1 per applicant for  
65 services for persons with developmental disabilities, which  
66 shall be distributed to The Arc of Florida.

67 (j) A voluntary contribution of \$1 to the Ronald McDonald  
68 House, which shall be distributed each month to Ronald McDonald  
69 House Charities of Tampa Bay, Inc.

70 (k) Notwithstanding s. 322.081, a voluntary contribution of  
71 \$1 per applicant, which shall be distributed to the League  
72 Against Cancer/La Liga Contra el Cancer, a not-for-profit  
73 organization.

74 (l) A voluntary contribution of \$1 per applicant to Prevent  
75 Child Sexual Abuse, which shall be distributed to Lauren's Kids,  
76 Inc., a nonprofit organization.

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

81 (n) Notwithstanding s. 322.081, a voluntary contribution of  
82 \$1 per applicant to the state homes for veterans, to be  
83 distributed on a quarterly basis by the department to the State  
84 Homes for Veterans Trust Fund, which is administered by the  
85 Department of Veterans' Affairs.

86 (o) A voluntary contribution of \$1 per applicant to the  
87 Disabled American Veterans, Department of Florida, which shall

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88 be distributed quarterly to Disabled American Veterans,  
89 Department of Florida, a nonprofit organization.

90 (p) A voluntary contribution of \$1 per applicant for Autism  
91 Services and Supports, which shall be distributed to Achievement  
92 and Rehabilitation Centers, Inc., Autism Services Fund.

93 (q) A voluntary contribution of \$1 per applicant to Support  
94 Our Troops, which shall be distributed to Support Our Troops,  
95 Inc., a Florida not-for-profit organization.

96 (r) A voluntary contribution of \$1 or more per applicant,  
97 which shall be distributed to the Auto Club Group Traffic Safety  
98 Foundation, Inc., a not-for-profit organization.

99 (s) Notwithstanding s. 322.081, a voluntary contribution of  
100 \$1 per applicant to aid the homeless. Contributions made  
101 pursuant to this paragraph shall be deposited into the Grants  
102 and Donations Trust Fund of the Department of Children and  
103 Families and used by the State Office on Homelessness to  
104 supplement grants made under s. 420.622(4) and (5), provide  
105 information to the public about homelessness in the state, and  
106 provide literature for homeless persons seeking assistance.

107 (t) A voluntary contribution of \$1 or more per applicant to  
108 End Breast Cancer, which shall be distributed to the Florida  
109 Breast Cancer Coalition Research Foundation, Inc., a not-for-  
110 profit organization.

111  
112 A statement providing an explanation of the purpose of the trust  
113 funds shall also be included. For the purpose of applying the  
114 service charge provided under s. 215.20, contributions received  
115 under paragraphs (b)-(t) ~~(b)-(s)~~ are not income of a revenue  
116 nature.

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Section 3. This act shall take effect July 1, 2015.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/5/15

Meeting Date

676

Bill Number (if applicable)

Topic Voluntary contribution/breast cancer

Amendment Barcode (if applicable)

Name Kelly Mallette

Job Title \_\_\_\_\_

Address 104 W. Jefferson Street

Phone 850-224-3407

Street

Tallahassee, FL 32301

Email kelly@rlbodypa.com

City

State

Zip

Speaking:  For  Against  Information

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

Representing Florida Breast Cancer Foundation

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 722

INTRODUCER: Senator Flores

SUBJECT: Aviation Fuel Tax

DATE: February 23, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	<b>Favorable</b>
2.			FT	
3.			AP	

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**I. Summary:**

SB 722 reduces the excise tax rate imposed on aviation fuel, kerosene, and aviation gasoline. The bill also repeals the existing credit or refund of the tax paid for aviation fuel delivered by a licensed wholesaler or terminal supplier to an air carrier that offers transcontinental jet service and increases the air carrier's Florida workforce by certain amounts.

**II. Present Situation:**

Section 206.9825(1)(a), F.S., generally imposes an excise tax of 6.9 cents per gallon for every gallon of aviation fuel, kerosene, and aviation gasoline sold or brought into this state for use.<sup>1</sup> State taxes are imposed on net gallons when aviation fuel is:

- Removed from the terminal at the rack.
- Imported into Florida by means other than the bulk transfer system (e.g., pipelines and vessels) or by means of the bulk transfer system, and the importer of record is not licensed as a terminal supplier or importer.
- Sold to an unlicensed person unless there was a prior taxable removal, entry, or sale of the fuel.<sup>2</sup>

Section 206.9825(1)(b), F.S., authorizes any licensed<sup>3</sup> wholesaler or terminal supplier that delivers aviation fuel to an air carrier offering transcontinental jet service and increases its Florida workforce by more than 1,000 percent, and by 250 or more full-time equivalent

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<sup>1</sup> Certain exemptions are authorized for kerosene used for home heating or cooking purposes. See subsection (2)(b), (c), and (d); and subsections (4) and (5) of s. 206.9825, F.S. Aviation fuel purchased by the United States is also exempt from the tax under s. 206.9875, F.S.

<sup>2</sup> See Florida Department of Revenue website: <http://dor.myflorida.com/dor/taxes/fuel/>. Last visited February 21, 2015. See also ss. 206.87(2) and 206.872, F.S.

<sup>3</sup> Commercial air carriers must obtain an aviation fuel tax license and comply with reporting requirements under s. 206.9865, F.S.

employee positions after January 1, 1996, to receive a credit or refund of the 6.9 cents per gallon, if the carrier has no facility for fueling highway vehicles from the tank in which the aviation fuel is stored. If the number of full-time equivalent employees created or added to the air carrier’s Florida workforce falls below 250 before July 1, 2001, the exemption taken by credit or refund does not apply during the period in which the carrier has fewer than the 250 additional employees.<sup>4</sup>

This credit or refund was first authorized in 1996<sup>5</sup> and expired by its terms on July 1, 2001. Following the events of September 11, the Legislature reenacted the exemption but did not include any sunset provision.<sup>6</sup> Because the current language is tied to job creation for the five years after January 1, 1996, an air carrier that actually has been reducing its workforce since then could qualify for a refund because it employed more workers than it did before January 1, 1996, in numbers still sufficient to meet the thresholds. The Florida Department of Revenue (FDOR) provided the following information relating to entities receiving the credit or refund:

Sales of Aviation Fuel to Commercial Air Carriers

Row Labels	Sum of Gallons	% of Total Sales	Tax Due (Includes Tax Exempt Disbursements)
AMERICAN AIRLINES INC.	202,050,355.00	22.24%	\$13,941,474.50
SOUTHWEST AIRLINES COMPANY	142,227,745.00	15.66%	\$9,813,714.41
DELTA AIR LINES INC	137,858,527.00	15.17%	\$9,512,238.36
JETBLUE AIRWAYS CORPORATION	116,415,416.00	12.81%	\$8,032,663.70
CONTINENTAL AIRLINES INC	77,802,200.00	8.56%	\$5,368,351.80
US AIRWAYS INC	52,751,086.00	5.81%	\$3,639,824.93
ALLEGiant AIR LLC	49,826,891.00	5.48%	\$3,438,055.45
SPIRIT AIRLINES INC	43,622,669.00	4.80%	\$3,009,964.16
AIRTRAN AIRWAYS INC	40,516,854.00	4.46%	\$2,795,662.93
FEDERAL EXPRESS CORPORATION	19,010,670.00	2.09%	\$1,311,736.23
UNITED AIR LINES INC	5,009,154.00	0.55%	\$345,631.63
AIR BERLIN PLC & CO LUFTVERKEHRS KG	4,370,595.00	0.48%	\$391,571.06
VIRGIN AMERICA INC	3,327,819.00	0.37%	\$229,619.51
FRONTIER AIRLINES INC	3,029,215.00	0.33%	\$209,015.84
NATIONAL JETS INC	2,933,507.00	0.32%	\$202,411.98
UNITED PARCEL SERVICE CO	2,138,690.00	0.24%	\$147,569.61
ENVOY AIR INC	1,967,678.00	0.22%	\$135,769.78
SILVER AIRWAYS CORP	1,653,121.00	0.18%	\$114,065.35
MIAMI AIR INTERNATIONAL INC	1,329,196.00	0.15%	\$91,714.52
ATLAS AIR INC	473,891.00	0.05%	\$32,698.48
AMERIJET INTERNATIONAL INC	75,931.00	0.01%	\$5,239.24
HYANNIS AIR SERVICE INC	23,621.00	0.00%	\$1,629.85
AERO JET INTERNATIONAL INC	16,943.00	0.00%	\$1,169.07
PRESIDENTIAL AVIATION INC.	13,509.00	0.00%	\$932.12
ABX AIR INC	11,982.00	0.00%	\$826.76
PROFESSIONAL FLIGHT TRANSPORT INC	11,002.00	0.00%	\$759.14
AIR TRANSPORT INTERNATIONAL LLC	3,446.00	0.00%	\$237.77
<b>Grand Total</b>	<b>908,471,713.00</b>	<b>100.00%</b>	<b>\$62,684,548.20</b>

<sup>4</sup> This exemption does not apply to aviation gasoline. See. s. 206.9825(3), F.S.

<sup>5</sup> See s. 21, ch. 96-323, Laws of Florida.

<sup>6</sup> See s. 10, ch. 2002-218, Laws of Florida.

The FDOR notes the following with respect to the above table:

- The table does not include sales from fixed based operators or jobbers to commercial air carriers.
- All returns have not been processed through 07/2014. Sales report on unworked returns will not be listed on this report.
- The tax due does not include reduction due to collection allowance.
- The four shaded entities are currently exempt. The highlighted amounts would have been the tax due from these entities.<sup>7</sup>

After deducting the General Revenue service charge, administrative costs, and the air carrier refunds under s. 206.9855, F.S.,<sup>8</sup> the proceeds are ultimately distributed monthly to the State Transportation Trust Fund.<sup>9</sup> The FDOT advises that deposits into the State Transportation Trust Fund for the last four years were:

- \$37.6 million in 2011.
- \$13.4 million in 2012.
- \$40.7 million in 2013.
- \$35.5 million in 2014.

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

The bill reduces the current aviation fuel tax rate from 6.9 cents to 5.4 cents per gallon. In addition, the bill repeals the exemption for aviation fuel delivered by a licensed wholesaler or terminal supplier to an air carrier that offers transcontinental jet service and increases the air carrier's Florida workforce by the specified amounts.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

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<sup>7</sup> See the FDOR email to committee staff, March 2, 2015. On file in the Senate Transportation Committee.

<sup>8</sup> That section authorizes a refund to for-hire air carriers of not more than 0.6 percent of the wages paid by the carrier to employees located or based within Florida and who are covered by the provisions of chapter 443, F.S., relating to reemployment assistance.

<sup>9</sup> See s. 206.9845, F.S.

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

On February 20, 2015, the Revenue Estimating Conference estimated a recurring positive \$1.4 million fiscal impact for both high and mid-range estimates, and a negative \$1.4 million for a low-range estimate, for fiscal years 2015-16 through 2019-20. However, complete data was not available for 2014, and the proposed bill language is expected to be re-analyzed.

**B. Private Sector Impact:**

Those paying the current tax rate of 6.9 cents will realize a positive fiscal impact as a result of the reduced rate of 5.4 cents. Those currently receiving the exemption through a credit or refund will realize a negative fiscal impact, offset by the reduced tax rate.

**C. Government Sector Impact:**

The FDOT advises it expects an indeterminate fiscal impact and notes that “[t]o the extent the tax revenue goes down, projects currently programed in the work plan may be impacted.”<sup>10</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 206.9825 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

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

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<sup>10</sup> See the FDOT 2015 Legislative Bill Analysis for SB 722. On file in the Senate Transportation Committee.

By Senator Flores

37-00551-15

2015722\_\_

1 A bill to be entitled  
 2 An act relating to aviation fuel tax; amending s.  
 3 206.9825, F.S.; revising the tax rate of the excise  
 4 tax on certain aviation fuels; deleting an excise tax  
 5 exemption for certain aviation fuel delivered by  
 6 licensed wholesalers or terminal suppliers that  
 7 increase the state's workforce by certain amounts;  
 8 providing an effective date.

9  
 10 Be It Enacted by the Legislature of the State of Florida:

11  
 12 Section 1. Subsection (1), paragraph (a) of subsection (2),  
 13 and subsections (3), (4), and (5) of section 206.9825, Florida  
 14 Statutes, are amended to read:

15 206.9825 Aviation fuel tax.—

16 (1)(a) Except as otherwise provided in this part, an excise  
 17 tax of 5.4 ~~6.9~~ cents per gallon of aviation fuel is imposed upon  
 18 every gallon of aviation fuel sold in this state, or brought  
 19 into this state for use, upon which such tax has not been paid  
 20 or the payment thereof has not been lawfully assumed by some  
 21 person handling the same in this state. Fuel taxed pursuant to  
 22 this part shall not be subject to the taxes imposed by ss.  
 23 206.41(1)(d), (e), and (f) and 206.87(1)(b), (c), and (d).

24 ~~(b) Any licensed wholesaler or terminal supplier that~~  
 25 ~~delivers aviation fuel to an air carrier offering~~  
 26 ~~transcontinental jet service and that, after January 1, 1996,~~  
 27 ~~increases the air carrier's Florida workforce by more than 1000~~  
 28 ~~percent and by 250 or more full-time equivalent employee~~  
 29 ~~positions, may receive a credit or refund as the ultimate vendor~~

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

37-00551-15

2015722\_\_

30 of the aviation fuel for the 6.9 cents excise tax previously  
 31 paid, provided that the air carrier has no facility for fueling  
 32 highway vehicles from the tank in which the aviation fuel is  
 33 stored. In calculating the new or additional Florida full-time  
 34 equivalent employee positions, any full-time equivalent employee  
 35 positions of parent or subsidiary corporations which existed  
 36 before January 1, 1996, shall not be counted toward reaching the  
 37 Florida employment increase thresholds. The refund allowed under  
 38 this paragraph is in furtherance of the goals and policies of  
 39 the State Comprehensive Plan set forth in s. 187.201(16)(a),  
 40 (b)1., 2., (17)(a), (b)1., 4., (19)(a), (b)5., (21)(a), (b)1.,  
 41 2., 4., 7., 9., and 12.

42 ~~(c) If, before July 1, 2001, the number of full-time~~  
 43 ~~equivalent employee positions created or added to the air~~  
 44 ~~carrier's Florida workforce falls below 250, the exemption~~  
 45 ~~granted pursuant to this section shall not apply during the~~  
 46 ~~period in which the air carrier has fewer than the 250~~  
 47 ~~additional employees.~~

48 ~~(d) The exemption taken by credit or refund pursuant to~~  
 49 ~~paragraph (b) shall apply only under the terms and conditions~~  
 50 ~~set forth therein. If any part of that paragraph is judicially~~  
 51 ~~declared to be unconstitutional or invalid, the validity of any~~  
 52 ~~provisions taxing aviation fuel shall not be affected and all~~  
 53 ~~fuel exempted pursuant to paragraph (b) shall be subject to tax~~  
 54 ~~as if the exemption was never enacted. Every person benefiting~~  
 55 ~~from such exemption shall be liable for and make payment of all~~  
 56 ~~taxes for which a credit or refund was granted.~~

57 (2)(a) An excise tax of 5.4 ~~6.9~~ cents per gallon is imposed  
 58 on each gallon of kerosene in the same manner as prescribed for

Page 2 of 3

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

37-00551-15

2015722\_\_

59 diesel fuel under ss. 206.87(2) and 206.872.

60 (3) An excise tax of 5.4 ~~6.9~~ cents per gallon is imposed on  
61 each gallon of aviation gasoline in the manner prescribed by  
62 paragraph (2) (a). However, the exemptions allowed by paragraph  
63 (2) (b) do not apply to aviation gasoline.

64 (4) Any licensed wholesaler or terminal supplier that  
65 delivers undyed kerosene to a residence for home heating or  
66 cooking may receive a credit or refund as the ultimate vendor of  
67 the kerosene for the 5.4 ~~6.9~~ cents excise tax previously paid.

68 (5) Any licensed wholesaler or terminal supplier that  
69 delivers undyed kerosene to a retail dealer not licensed as a  
70 wholesaler or terminal supplier for sale as a home heating or  
71 cooking fuel may receive a credit or refund as the ultimate  
72 vendor of the kerosene for the 5.4 ~~6.9~~ cents excise tax  
73 previously paid, provided the retail dealer has no facility for  
74 fueling highway vehicles from the tank in which the kerosene is  
75 stored.

76 Section 2. This act shall take effect July 1, 2015.



THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/5/15

Meeting Date

722

Bill Number (if applicable)

Topic AVIATION FUEL TAX

Amendment Barcode (if applicable)

Name DAVID HARVEY

Job Title SR DIRECTOR NETWORK PLANNING & PERFORMANCE

Address 2702 LOVE FIELD DRIVE

Phone 214.792.4035

Street

DALLAS

City

TX

State

75235

Zip

Email david.harvey@wnco.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.**

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/5/15

Meeting Date

722

Bill Number (if applicable)

Topic Jet Fuel Aviation Tax

Amendment Barcode (if applicable)

Name Nick Iarossi

Job Title \_\_\_\_\_

Address 101 E. College Ave Ste. 502

Phone 222-9075

Street

Tallahassee FL 32311

Email niarossi@capacityconsult.com

City

State

Zip

Speaking:  For  Against  Information

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

Representing Delta Airlines

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)

3/5/15

Meeting Date

722

Bill Number (if applicable)

Topic Aviation Fuel Tax

Amendment Barcode (if applicable)

Name Stephen Shiver

Job Title Partner

Address 215 S Monroe

Phone 222 8900

Street

Tallahassee FL 32312

City

State

Zip

Email SS@cardenaspartners.com

Speaking:  For  Against  Information

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

Representing Jet Blue Airlines

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)

3/5/15  
Meeting Date

SB 722  
Bill Number (if applicable)

Topic Aviation Fuel Tax

Amendment Barcode (if applicable)

Name Skylar Zander

Job Title Deputy State Director

Address 200 W. College Ave Suite 109  
Street

Phone 850-728-4522

Tallahassee FL 32301  
City State Zip

Email szander@ALPHA.org

Speaking:  For  Against  Information

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

Representing Americans for Prosperity

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 786

INTRODUCER: Senator Evers

SUBJECT: Towing of Vehicles and Vessels

DATE: February 20, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	<b>Favorable</b>
2.			RI	
3.			FP	

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**I. Summary:**

SB 786 authorizes an owner or lessee of real property, which may include a representative of a condominium association, cooperative association, or homeowners' association, to have a vehicle or vessel removed from the property without posted tow-away zone signage if the vehicle or vessel has been parked or stored on the property for more than five days.

**II. Present Situation:**

Section 715.07, F.S., authorizes the owner of real property to have towed or removed from the property by a person regularly engaged in the business of towing any vehicle or vessel parked on such property without the property owner's permission and without liability for costs. This authorization is subject to strict compliance with specified conditions relating to storage of the towed vehicle or vessel, time limitations for notifying the local police department or sheriff of the towing, and required provision to the police department or sheriff of vehicle or vessel identification information.

With two exceptions,<sup>1</sup> the property owner or lessee must post a specified notice before towing or removing the vehicle or vessel. The notice must:

- Be prominently placed at each driveway access or curb cut allowing vehicular access to the property within five feet from the public right-of-way line, except that if there are no curbs or access barriers, the signs must be posted not less than one sign for each 25 feet of lot frontage;
- Clearly indicate that unauthorized vehicles will be towed away at the owner's expense, in light-reflective letters not less than two inches high on a contrasting background;

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<sup>1</sup> Property that is obviously a part of a single-family residence, or when notice is personally given to the owner or other authorized person in control of the vehicle or vessel that the property is unavailable for unauthorized parking and that the vehicle or vessel is subject to being removed at the owner's or operator's expense. See s. 715.07(2)(a)5., F.S.

- Include in letters not less than four inches high the words “tow-away zone”; and
- Provide the name and current telephone number of the person or firm towing or removing the vehicle or vessel.

In addition, the sign structure containing the required notices must be permanently installed with the words “tow-away zone” not less than three feet or more than six feet above ground level and must be continuously maintained on the property for not less than 24 hours prior to towing or removing any vehicle or vessel.

A business with 20 or fewer parking spaces may satisfy the above-described requirements by prominently displaying a sign stating “Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner’s Expense” in light-reflective letters not less than four inches high.

Section 715.07, F.S., provides for two instances in which towing is permissible although signage is not visible. A business owner or lessee is authorized to have a vehicle or vessel removed by a towing company when the vehicle or vessel is parked in a manner that restricts the normal operation of business. If a vehicle or vessel parked on a public right-of-way obstructs access to a private driveway, the owner, lessee, or agent may have the vehicle or vessel removed by a towing company. An order must be signed by the owner, lessee, or agent for the vehicle or vessel to be removed without a posted tow-away zone sign.

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

The bill amends s. 715.07, F.S., to authorize a person or firm towing a vehicle or vessel from real property that is properly posted with tow-away signage to note on the trip record the case number or badge number of the person to whom the information was reported. The note must be made at the time of the telephone call to the police department or sheriff’s office to give notice of the tow or removal. Alternatively, the person may attach the electronic receipt received from the department or office to the trip record if the notification was made via an electronic process approved by the department or office. These methods would be in lieu of noting on the trip record the name of the person at the police department or sheriff’s office to whom the notice and vehicle identification and location information is given.

The bill further provides that, in addition to current authorizations for causing a vehicle to be towed, when a vehicle or vessel has been parked on private property without a posted tow-away sign for more than five days, the real property owner (or agent) may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed.

The five-day period does not begin to run until both of the following requirements are met:

- The owner (or agent) of the real property physically attaches to the vehicle or vessel with adhesive material a notice that the vehicle or vessel will be towed or removed from the real property. The notice must:
  - In the case of a vehicle, be attached to the vehicle’s windshield.
  - In the case of a vessel, be attached adjacent to the vessel registration number on the left or port side of the vessel.

- Be at least eight by ten inches in size and sufficiently weatherproofed to withstand normal exposure to the elements.
- Clearly indicate the date on which the notice was posted.
- Clearly indicate in bold letters that the vehicle or vessel will be towed or removed from the real property five days after the date on which a local law enforcement agency verifies and documents with a police report that the notice is compliant.
- Provide the name and phone number of the proposed towing company.
- The local law enforcement agency is notified of the notice being posted, and the enforcement agency verifies and documents that the notice is compliant with a police report. The report must be provided to the property owner and the towing company.

The bill also makes grammatical and editorial changes and corrects cross-references necessitated by statutory changes made elsewhere in the bill.

#### **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:**

Owners of real property are relieved of the cost of posting tow-away zone signage when a vehicle or vessel has been parked on the property for more than five days. Practically, it is expected that most business owners are likely to already have tow-away zone signage pursuant to current law. Thus, the cost savings is more likely to occur for non-business private property owners.

##### **C. Government Sector Impact:**

Local law enforcement agencies will incur indeterminate expenses associated with verifying and documenting via police reports compliance with the specified notice requirements.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 715.07 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 Evers

2-01156-15

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A bill to be entitled

An act relating to towing of vehicles and vessels; amending s. 715.07, F.S.; providing for removal of a vehicle or vessel by a cooperative association or a homeowners' association; authorizing an owner or lessee of real property to have a vehicle or vessel removed from the property without certain signage under certain circumstances; requiring a notice to be attached to the vehicle or vessel and providing requirements therefor; requiring police verification and documentation of such a notice and requirements therefor; providing an effective date.

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

Section 1. Section 715.07, Florida Statutes, is amended to read:

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

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

(a) "Vehicle" means a any mobile item ~~that which~~ normally uses wheels, whether motorized or not.

(b) "Vessel" means every description of watercraft, barge, and airboat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in s. 327.02.

(2) The owner or lessee of real property, or a any person authorized by the owner or lessee, which person may be the designated representative of the condominium association if the

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real property is a condominium, the designated representative of the cooperative association if the real property is a cooperative, or the designated representative of the homeowners' association if the real property is owned by a homeowners' association, may cause ~~a any~~ vehicle or vessel parked on such property without her or his permission to be removed by a person regularly engaged in the business of towing vehicles or vessels, without liability for the costs of removal, transportation, or storage or damages caused by such removal, transportation, or storage, under any of the following circumstances:

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

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

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

67 2. Within 30 minutes after completion of the towing or  
68 removal, the person or firm that towed or removed ~~towing or~~  
69 ~~removing~~ the vehicle or vessel must shall, within 30 minutes  
70 ~~after completion of such towing or removal,~~ notify the municipal  
71 police department or, in an unincorporated area, the sheriff,  
72 of: the such towing or removal; the storage site; ~~the time the~~  
73 vehicle or vessel was towed or removed; ~~and the make, model,~~  
74 color, and license plate number of the vehicle or description  
75 and registration number of the vessel. The person or firm and  
76 shall note on the trip record at the time of the telephone call  
77 obtain the case number, badge number, or name of the person at  
78 that department to whom such information was reported or attach  
79 the electronic receipt received from the department or office to  
80 the trip record if the notification was made by an electronic  
81 notification process approved by the police department or  
82 sheriff's office and note that name on the trip record.

83 3. A person in the process of towing or removing a vehicle  
84 or vessel from the premises or parking lot in which the vehicle  
85 or vessel is not lawfully parked must stop when a person seeks  
86 the return of the vehicle or vessel. The vehicle or vessel must  
87 be returned upon the payment of a reasonable service fee of not

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88 more than one-half of the posted rate for the towing or removal  
89 service as provided in subparagraph 7. ~~6.~~ The vehicle or vessel  
90 may be towed or removed if, after a reasonable opportunity, the  
91 owner or legally authorized person in control of the vehicle or  
92 vessel is unable to pay the service fee. If the vehicle or  
93 vessel is redeemed, a detailed signed receipt must be given to  
94 the person redeeming the vehicle or vessel.

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

98 5. Except when the for property is appurtenant to and  
99 obviously a part of a single-family residence ~~or,~~ and ~~except for~~  
100 ~~instances~~ when notice is personally given to the owner or other  
101 legally authorized person in control of the vehicle or vessel  
102 that the area in which that vehicle or vessel is parked is  
103 reserved or otherwise unavailable for unauthorized vehicles or  
104 vessels and that the vehicle or vessel is subject to being  
105 removed at the owner's or operator's expense, before towing or  
106 removing a vehicle or vessel from private property without the  
107 consent of the owner or other legally authorized person in  
108 control of that vehicle or vessel, a any property owner or  
109 lessee, ~~or person authorized by the property owner or lessee,~~  
110 ~~prior to towing or removing any vehicle or vessel from private~~  
111 ~~property without the consent of the owner or other legally~~  
112 ~~authorized person in control of that vehicle or vessel,~~ must  
113 post a notice subject to meeting the following requirements:  
114 a. The notice must:  
115 (I) Be prominently placed at each driveway access or curb  
116 cut allowing vehicular access to the property, within 5 feet

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117 from the public right-of-way line. If there are no curbs or  
118 access barriers, the signs must be posted not less than one sign  
119 for each 25 feet of lot frontage.

120 ~~(II) b.~~ The notice must clearly indicate, in not less than  
121 2-inch high, light-reflective letters on a contrasting  
122 background, that unauthorized vehicles will be towed away at the  
123 owner's expense. The words "tow-away zone" must be included on  
124 the sign in not less than 4-inch high letters.

125 ~~(III) e.~~ The notice must also provide the name and current  
126 telephone number of the person or firm towing or removing the  
127 vehicles or vessels.

128 ~~b. d.~~ The sign structure containing the required notices  
129 must be permanently installed with the words "tow-away zone" at  
130 least not less than 3 feet but no and not more than 6 feet above  
131 ground level and must be continuously maintained on the property  
132 for at least not less than 24 hours before prior to the towing  
133 or removing a vehicle or vessel removal of any vehicles or  
134 vessels.

135 ~~e.~~ The local government may require permitting and  
136 inspection of such these signs before prior to any towing or  
137 removing a vehicle or vessel is removal of vehicles or vessels  
138 being authorized.

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

145 ~~d. g.~~ A property owner towing or removing vessels from real

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146 property must post notice, consistent with the requirements in  
147 sub-subparagraphs a.-c. a.-f., which apply to vehicles, that  
148 unauthorized vehicles or vessels will be towed away at the  
149 owner's expense.

150 6. Notwithstanding subparagraph 5., a business owner or  
151 lessee may authorize the removal of a vehicle or vessel by a  
152 towing company when a the vehicle or vessel is parked in such a  
153 manner that restricts the normal operation of business; ~~is and~~  
154 if a vehicle or vessel parked on a public right-of-way in a  
155 manner that obstructs access to a private driveway; or has been  
156 parked or stored on private property for a period exceeding 5  
157 days, the owner or lessee, or agent of the owner or lessee, of  
158 the real property may have the vehicle or vessel removed by a  
159 towing company upon signing an order that the vehicle or vessel  
160 be removed without a posted tow-away zone sign. However, the 5-  
161 day period after which the owner or lessee, or agent of the  
162 owner or lessee, of the real property may have the vehicle or  
163 vessel removed without tow-away zone signage does not begin  
164 until both of the following requirements are met:

165 a. Such owner, lessee, or agent attaches to the vehicle or  
166 vessel with adhesive material a notice that the vehicle or  
167 vessel will be towed or removed from the property. The notice  
168 must:

169 (I) In the case of a vehicle, be attached to the vehicle's  
170 windshield.

171 (II) In the case of a vessel, be attached adjacent to the  
172 vessel registration number on the left or port side of the  
173 vessel.

174 (III) Be at least 8 inches by 10 inches in size and be

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175 sufficiently weatherproofed to withstand normal exposure to the  
176 elements.

177 (IV) Clearly indicate the date on which the notice is  
178 posted.

179 (V) Clearly indicate in bold letters that the vehicle or  
180 vessel will be towed or removed from the real property 5 days  
181 after the date on which a local law enforcement agency verifies  
182 and documents with a police report the notice's compliance with  
183 this subparagraph.

184 (VI) Provide the name and phone number of the proposed  
185 towing company.

186 b. The local law enforcement agency is notified of the  
187 notice being posted pursuant to this subparagraph, and the local  
188 law enforcement agency verifies and documents the notice's  
189 compliance with this subparagraph with a police report that  
190 shall be provided to the property owner and the towing company.

191 7.6- A Any person or firm that tows or removes vehicles or  
192 vessels and proposes to require an owner, operator, or person in  
193 control of a vehicle or vessel to pay the costs of towing and  
194 storage before ~~prior~~ to redemption of the vehicle or vessel must  
195 file and keep on record with the local law enforcement agency a  
196 complete copy of the current rates to be charged for such  
197 services and post at the storage site an identical rate schedule  
198 and any written contracts with property owners, lessees, or  
199 persons in control of property which authorize such person or  
200 firm to remove vehicles or vessels as provided in this section.

201 8.7- A Any person or firm towing or removing ~~any~~  
202 or vessels from private property without the consent of the  
203 owner or other legally authorized person in control of the

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204 vehicles or vessels shall, on any trucks, wreckers as defined in  
205 s. 713.78(1)(c), or other vehicles used in the towing or  
206 removal, have the name, address, and telephone number of the  
207 company performing such service clearly printed in contrasting  
208 colors on the driver and passenger sides of the vehicle. The  
209 name shall be in at least 3-inch, permanently affixed letters,  
210 and the address and telephone number shall be in at least 1-  
211 inch, permanently affixed letters.

212 9.8- Vehicle entry for the purpose of removing the vehicle  
213 or vessel shall be allowed with reasonable care on the part of  
214 the person or firm towing the vehicle or vessel. Such person or  
215 firm shall be liable for any damage occasioned to the vehicle or  
216 vessel if such entry is not in accordance with the standard of  
217 reasonable care.

218 10.9- When a vehicle or vessel has been towed or removed  
219 pursuant to this section, it must be released to its owner or  
220 custodian within 1 ~~one~~ hour after requested. A Any vehicle or  
221 vessel owner or agent of the owner ~~may shall have the right to~~  
222 inspect the vehicle or vessel before accepting its return. A  
223 ~~and no~~ release or waiver of any kind which would release the  
224 person or firm towing the vehicle or vessel from liability for  
225 damages noted by the owner or other legally authorized person at  
226 the time of the redemption may not be required from a any  
227 vehicle or vessel owner or ~~or~~ custodian or agent of the owner or  
228 custodian as a condition of release of the vehicle or vessel to  
229 its owner. A detailed, signed receipt showing the legal name of  
230 the company or person towing or removing the vehicle or vessel  
231 must be given to the person paying towing or storage charges at  
232 the time of payment, whether requested or not.

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233 (b) The ~~These~~ requirements of this subsection are minimum  
234 standards and do not preclude enactment of additional  
235 regulations by a ~~any~~ municipality or county including the right  
236 to regulate rates when vehicles or vessels are towed from  
237 private property.

238 (3) This section does not apply to law enforcement,  
239 firefighting, rescue squad, ambulance, or other emergency  
240 vehicles or vessels that are marked as such or to property owned  
241 by a ~~any~~ governmental entity.

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

248 (5) (a) A ~~Any~~ person who violates subparagraph (2) (a)2. or  
249 subparagraph (2) (a)7. ~~(2) (a)6.~~ commits a misdemeanor of the  
250 first degree, punishable as provided in s. 775.082 or s.  
251 775.083.

252 (b) A ~~Any~~ person who violates subparagraph (2) (a)1.,  
253 subparagraph (2) (a)3., subparagraph (2) (a)4., subparagraph  
254 (2) (a)8. ~~(2) (a)7.~~, or subparagraph (2) (a)10. ~~(2) (a)9.~~ commits a  
255 felony of the third degree, punishable as provided in s.  
256 775.082, s. 775.083, or s. 775.084.

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

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

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

Prepared By: The Professional Staff of the Committee on Transportation

**BILL:** CS/SB 1184

**INTRODUCER:** Transportation Committee and Senator Brandes

**SUBJECT:** Department of Highway Safety and Motor Vehicles

**DATE:** March 6, 2015                      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	<b>Fav/CS</b>
2.			ATD	
3.			FP	

**Please see Section IX. for Additional Information:**  
 COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

CS/SB 1184 revises multiple laws administered by the Department of Highway Safety and Motor Vehicles (DHSMV). More specifically, the bill:

- Allows an employing state agency to pay up to \$5,000 directly to a venue to cover funeral and burial expenses for full-time law enforcement, correctional, or correctional probation officers killed in the line of duty;
- Revises the size of required red hazard flags on projecting loads from 12-inches square to 18-inches square to comply with federal regulations;
- Amends the definition of ancient and antique motor vehicles by requiring the use of the model date of the vehicle to determine its age rather than the manufacture date of a vehicle's engine;
- Allows disclosure of confidential insurance policy numbers to DHSMV-approved third parties and governmental entities, if required to perform its duties.
- Specifies information a county or municipality operating a traffic infraction detector must submit in its annual report to the DHSMV, and provides a penalty for counties or municipalities not compliant with the reporting requirements;
- Prohibits the issuance of notices of violation or uniform traffic citations through the use of traffic infraction detectors not compliant with all specifications;
- Requires the DOT to identify engineering countermeasures to reduce violations before installing a traffic infraction detector;
- Requires that the decision to place a new traffic infraction detector on any roadway be based on a traffic engineering study; and

- Allows DOT to issue a special permit for truck tractor semitrailer combinations carrying *multiple sections or single units* of manufactured buildings on an over-length trailer and extends the length requirements.

## II. Present Situation:

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

## III. Effect of Proposed Changes:

### **Funeral Expenses of Law Enforcement, Correctional, or Correctional Probation Officers (Section 1)**

#### *Present Situation*

Section 112.19, F.S., provides supplemental death benefits for law enforcement officers, correctional officers, and correctional probation officers.<sup>1</sup> If a full-time law enforcement, correctional, or correctional probation officer who is employed by a state agency is killed in the line of duty<sup>2</sup>, \$1,000 will be paid toward the funeral and burial expenses of such officer.<sup>3</sup> This is in addition to the benefits provided under the provisions of the Workers' Compensation Law, including up to \$7,500 for actual funeral expenses to be paid for by the employer within 14 days after receiving the bill.<sup>4</sup>

The \$1,000 funeral and burial expense benefit is paid to the beneficiary designated by the officer to the employer in writing. If no designation has been made, the benefit is paid, in equal parts, to the officer's surviving children or spouse. If the officer has no surviving child or spouse, the benefit will be paid to the officer's parents or parent. In the event there is no surviving beneficiary, the benefit is paid to the officer's estate.<sup>5</sup>

In the past five years, the state has paid out funeral expense claims for 20 full-time state employees killed in the line of duty.<sup>6</sup>

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<sup>1</sup> Section 112.19(1)(b), F.S., the term "law enforcement, correctional, or correctional probation officer" means any officer as defined by s. 943.10(14) or any employee of the state or any political subdivision of the state, including any state attorney investigator or public defender investigator whose duties require such officer or employee to investigate, pursue, apprehend, arrest, transport, or maintain custody of persons who are charged with, suspected of committing, or convicted of a crime; any member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices; and any full-time officer or employee of the state or any political subdivision of the state, certified pursuant to chapter 943, whose duties require such officer to serve process or to attend a session of a circuit or county court as bailiff.

<sup>2</sup> Section 112.19(2)(f), F.S., "as a result of an act of violence inflicted by another person while the officer is engaged in the performance of law enforcement duties or as a result of an assault against the officer under riot conditions."

<sup>3</sup> Section 112.19(2)(f), F.S.

<sup>4</sup> Section 440.16(1)(a), F.S.

<sup>5</sup> Section 112.19(2)(d), F.S.

<sup>6</sup> E-mail from Tod Stupski, Bureau Chief, Division of Risk Management, Department of Financial Services (Feb. 24, 2015) (on file with the Senate Committee on Transportation).

As of 2012, the median cost of a funeral in the United States was \$7,045.<sup>7</sup> However, DHSMV estimates funerals for state officers killed in the line of duty generally require a larger venue and therefore often cost more than the current benefit provided by the State.

### *Effect of Proposed Changes*

**Section 1** of the bill allows the employing state agency of a full-time law enforcement, correctional, or correctional probation officer who is killed in the line of duty to pay up to \$5,000 *directly to a venue* to cover funeral and burial expenses.

This change provides greater flexibility for an employing state agency to cover funeral and burial expenses by allowing direct payment to a venue, as well as providing additional funds for funeral expenses.

Section 1 also removes the provision that the officer was killed “as a result of an act of violence inflicted by another person.”<sup>8</sup> This change expands these additional funeral benefits to officers killed in the line of duty while performing law enforcement duties, even if it was not as a result of an act of violence inflicted by another person.

### **Placement and Installation of Traffic Infraction Detectors (Section 3)**

#### *Present Situation*

In 2010, the Florida Legislature enacted ch. 2010-80, L.O.F. The law expressly preempted to the state regulation of the use of cameras for enforcing the provisions of ch. 316, F.S.<sup>9</sup> The law authorized the DHSMV, counties, and municipalities to authorize officials to issue notices of violations of ss. 316.074(1) and 316.075(1)(c)1., F.S., for a driver’s failure to stop at a traffic signal when such violation was identified by a traffic infraction detector.<sup>10</sup>

Municipalities may install or authorize installation of traffic infraction detectors on streets and highways in accordance with FDOT standards, and on state roads within the incorporated area when permitted by FDOT.<sup>11</sup> Counties may install or authorize installation of traffic infraction detectors on streets and highways in unincorporated areas of the county in accordance with FDOT standards, and on state roads in unincorporated areas of the county when permitted by FDOT.<sup>12</sup> DHSMV may install or authorize installation of traffic infraction detectors on any state road under the original jurisdiction of FDOT, when permitted by FDOT.<sup>13</sup>

#### **Engineering Countermeasures to Reduce Red Light Running**

The Federal Highway Administration (FHWA) reports research has shown that engineering improvements, safety education, and increased enforcement by law enforcement officers can

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<sup>7</sup> National Funeral Directors Association, *About Funeral Service: 2012 Funeral Costs*, April 2013, (<http://nfd.org/about-funeral-service-trends-and-statistics.html>) (Last visited Feb. 18, 2015.)

<sup>8</sup> Section 112.19(2)(f), F.S.

<sup>9</sup> Section 316.0076, F.S.

<sup>10</sup> See generally s. 316.0083, F.S.

<sup>11</sup> Section 316.008(8), F.S.; s. 316.0776(1), F.S.

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

<sup>13</sup> Section 321.50, F.S. The DHSMV is not currently administering a red-light camera program.



significantly reduce red light violations. In addition, jurisdictions have implemented the use of red-light cameras. The FHWA states:

“The solution to the problem of red light running and resulting crashes may require one or a combination of engineering, education, and enforcement measures.”<sup>14</sup>

These measures include:

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

According to the FHWA, “An engineering study should consider each of these possible solutions in order to identify the most appropriate solution to the documented problem at the intersection.”<sup>15</sup>

### *Effect of Proposed Changes*

**Section 3** prohibits a notice of violation or uniform traffic citation to be issued through the use of a traffic infraction detector not compliant with all specifications.

The bill also requires the DOT to identify engineering countermeasures intended to reduce red-light violations which may be considered and applied, where appropriate, prior to the installation of a traffic infraction detector on any roadway. Any new installation of a traffic infraction detector, after the bill’s effective date, must be based on the results of a traffic engineering study. The study must document the implementation and failure of any engineering countermeasure for the specific location, and must be signed and sealed by a professional engineer.

### **Traffic Infraction Detectors – Reporting Requirements (Section 2)**

#### *Present Situation*

Each county or municipality that operates a traffic infraction detector must submit a report to the DHSMV by October 1, annually, that details the results of using the traffic infraction detector and the procedures for enforcement for the preceding state fiscal year.<sup>16</sup>

The DHSMV is required to submit a summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives at the end of every year providing

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<sup>14</sup> Federal Highway Administration, *Red Light Camera Systems Operational Guidelines* (Jan. 2005), at 8: <http://safety.fhwa.dot.gov/intersection/redlight/cameras/fhwasa05002/fhwasa05002.pdf>. (Last visited March 5, 2015.)

<sup>15</sup> *Id.*

<sup>16</sup> Section 316.0083(4)(a), F.S.

information and recommendations regarding the use and operation of traffic infraction detectors.<sup>17</sup> The report must include the information submitted by the counties or municipalities operating traffic infraction detectors, as well as describe the enhancement of traffic safety and enforcement programs.<sup>18</sup>

#### DHSMV's Red-Light Camera Summary Report<sup>19</sup>

DHSMV created an online, 27-question survey to gather information and data from counties and municipalities operating traffic infraction detectors. 68 jurisdictions completed the survey.<sup>20</sup> According to the survey respondents, 940,814 red-light camera notices of violation were issued during the 2013-2014 fiscal year. 64 of the 68 respondents indicated they used red-light cameras to investigate other crimes, and half of the respondents reported implementing additional safety measures to be used in conjunction with red-light cameras.<sup>21</sup>

According to the DHSMV, "The Department is unable to determine the effectiveness that red light cameras have in decreasing intersection crashes due to the inability to validate vehicle crash information provided by the various jurisdictions."<sup>22</sup> The DHSMV has provided detailed recommendations for information each county or municipality should be required to submit in its report<sup>23</sup> to the DHSMV.

#### Notices of Violation Issued Through the Use of Red Light Cameras

Within 30 days after a violation of s. 316.074(1), F.S., obeying official traffic control devices, or s. 316.075(1)(c)1., stopping at a red-light, notification must be sent to the registered owner of the motor vehicle involved in the violation; The penalty for this violation is \$158.<sup>24</sup> Of the 940,814 notices of violation disposed of between 2013 and October of 2014:

- 647,991 were paid timely;
- 255,587 were issued uniform traffic citations; and
- 37,236 were contested.<sup>25</sup>

If enforcement of the violation is by a county or municipality, \$75 of the \$158 fine is retained by that county or municipality. The remaining balance is remitted to the Department of Revenue.<sup>26</sup>

#### *Effect of Proposed Changes*

**Section 2** adds specific information that must be submitted to the DHSMV by each county or municipality operating a traffic infraction detector. The report must be submitted by September 30, annually, and must include:

<sup>17</sup> Section 316.0083(4)(b), F.S.

<sup>18</sup> *Id.*

<sup>19</sup> DHSMV, *Red-Light Camera Summary Report FY 2013-2014*, Feb. 27, 2015.

<sup>20</sup> *Id.* at p. 2. Three cities did not respond, and seven jurisdictions indicated their red-light cameras have been removed or red-light program had been terminated prior to the reporting period.

<sup>21</sup> *Id.* at p. 6.

<sup>22</sup> *Id.* at p. 5

<sup>23</sup> See s. 316.0083(4)(a), F.S.

<sup>24</sup> Section 316.0083(1)(b)1.a., F.S.

<sup>25</sup> *Red-Light Camera Summary Report Presentation* by DHSMV, March 5, 2015, Senate Transportation Committee meeting.

<sup>26</sup> Section 316.0083(1)(b)3.b., F.S.

- The name of the jurisdiction and contact information of the person responsible for the red-light camera program;
- The location of each camera, including geospatial and cross-road descriptions;
- The date each camera became operational, and dates of operation including any status change of the camera's use;
- Data related to the issuance and disposition of notices of violation and uniform traffic citations;
- Vehicle crash data for crashes that occurred within a 250-foot radius of the geospatial coordinates for each traffic infraction detectors during the 12-month period immediately preceding the initial date of camera operation;
- Identification of any and all alternative safety measures the jurisdiction considered or implemented in lieu of or in addition to the use of a traffic infraction detector; and
- The date of implementation of any such alternative safety measures.

If the county or municipality fails to comply with the reporting requirements, as determined by the DHSMV, its revenues from red-light camera violations, while noncompliant, will be remitted to the Department of Revenue. The Department of Revenue must maintain records of the noncompliant county's or municipality's remissions. The revenue will be returned to the affected county or municipality once it becomes compliant. The DHSMV will notice the Department of Revenue when the county or municipality establishes compliance with the reporting requirements.

#### **Hazard Flags on Projecting Loads (Section 4)**

##### ***Present Situation***

Section 316.228, F.S., requires red hazard flags on any vehicle having a load which extends beyond its sides or more than four feet beyond its rear. The flags must be at least 12 inches square and mark the extremities of such load.<sup>27</sup> The penalty for a violation of this section is \$30, plus administrative and court costs.

In 2005, the federal regulations were amended requiring necessary warning flags on commercial motor vehicles transporting projecting loads to be at least 18 inches square.<sup>28</sup> The Federal regulations were revised to make the requirements consistent with the American Association of State Highway and Transportation Officials' (AASHTO) Guide for Maximum Dimensions and Weights of Motor Vehicles and for the Operation of Nondivisible Load Oversize and Overweight Vehicles, GSW-3, 1991, which represents a consensus of state and industry practices.<sup>29</sup>

Under current federal regulations, hazard flags on commercial motor vehicles *permitted* to operate within the state are required to "be clean, red or florescent orange, and at least 18 inches square."<sup>30</sup> These specifications, however, are not reflected in the Florida Statutes. The Federal

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<sup>27</sup> Section 316.228(1), F.S.

<sup>28</sup> 49 C.F.R. s. 393.87(a)

<sup>29</sup> 70 Fed. Reg. 48023 (August 15, 2005).

<sup>30</sup> Florida Highway Patrol, *Commercial Motor Vehicle Manual*, Eighth Edition, April 2013, at p. 25, <http://www.flhsmv.gov/fhp/cve/2013TruckingManual.pdf> (Last visited Feb. 18, 2015.)

Motor Carrier Safety Administration has noted this discrepancy between Florida Statutes requiring 12-inch square flags and federal regulations requiring 18-inch square flags.

### *Effect of Proposed Changes*

**Section 4** of the bill revises the size of required hazard flags on protruding loads from 12-inch square flags to 18-inch square flags. This change brings Florida into compliance with federal regulations.

## **Commercial Motor Vehicles/Manufactured Building/Special Permits (Section 5)**

### *Present Situation*

The Office of Commercial Vehicle Enforcement of the DHSMV administers a Weight Enforcement program. Protection of the public's investment in the highway system is the primary purpose of the program. To prevent heavy trucks from causing unreasonable damage to roads and bridges, maximum weight and size limits are established in chapter 316, F.S.<sup>31</sup> Section 316.515, F.S., sets out the maximum width, height, and length limitations, and s. 316.545, F.S., addresses unlawful weight.

The FDOT or a local authority, with respect to roads under their respective jurisdiction, may issue a special permit to operate or move a vehicle or combination of a size or weight exceeding the maximums specified. Issuance of such a permit must not be contrary to the public interest and is not required; i.e., permit issuance is within the discretion of the FDOT or the local authority.<sup>32</sup> Significant penalties can result from failure to obtain a special permit or failure to comply with the specific terms of the permit.<sup>33</sup>

Generally, as to truck tractor-semitrailer combinations and length, the extreme overall outside dimension of the combination may not exceed 48 feet, measured from the front of the unit to the rear of the unit and the load carried.<sup>34</sup> However, the FDOT is authorized, if not contrary to the public interest and within its discretion, to issue a special permit for a combination if the total number of over-width deliveries of manufactured buildings may be reduced by permitting the use of an over-length trailer not exceeding 54 feet.<sup>35</sup> Issuance of this type of over-length special permit does not exempt the combination vehicle from existing weight limitations or special permit requirements if the weight of the combination exceeds the maximums specified in ch. 316, F.S.

### *Effect of Proposed Changes*

**Section 5** amends s. 316.515(4), F.S., to insert "multiple sections or single units" with reference to manufactured buildings transported on permitted, over-length trailers, and to increase the allowable trailer over-length from 54 to 80 feet.

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<sup>31</sup> See the DHSMV website: <http://www.flhsmv.gov/fhp/CVE/WeightEnforcement.htm/>. (Last visited March 3, 2015).

<sup>32</sup> See s. 316.550, F.S.

<sup>33</sup> See s. 316.550(10), F.S.

<sup>34</sup> Section 316.550(3)(b)1., F.S.

<sup>35</sup> Section 316.515(14), F.S.

The Federal Highway Administration has reviewed the proposed language and opined that it does not appear to conflict with federal regulations, as long as weight restrictions are not triggered.<sup>36</sup> Transporters of manufactured buildings on truck tractor-semitrailer combinations continue to be required to obtain a permit for such combinations, even with a trailer length of 80 feet. Overweight permits also continue to be required when applicable. Issuance of such permits remains within the discretion of the FDOT.

## **Ancient or Antique Motor Vehicles (Sections 6, 8 and 9)**

### ***Present Situation***

An *ancient* motor vehicle is defined as a private-use motor vehicle manufactured in 1945 or earlier, equipped with an engine manufactured in 1945 or earlier or manufactured to the specifications of the original engine.<sup>37</sup> An *antique* motor vehicle is defined as a private-use motor vehicle manufactured after 1945 and of the age of 30 years or more after the date of manufacture, equipped with an engine of the age of 30 years or more after the date of manufacture.<sup>38</sup>

The owner of an ancient or antique motor vehicle, upon application to the DHSMV and upon payment of the license tax, will be issued a special license plate for such motor vehicle. For *ancient* motor vehicles, the license plate is valid for use without renewal so long as the vehicle is in existence.<sup>39</sup> Additionally, owners of antique and ancient motor vehicles pay a reduced registration annual license tax.<sup>40</sup>

The Office of the Inspector General found the DHSMV's Bureau of Issuance Oversight is identifying antique motor vehicles by model date of vehicle rather than inspecting vehicles to determine if they are equipped with an engine 30 years or older. This is due to not having the resources to physically inspect each vehicle's engine.<sup>41</sup> The manufacture date of a motor vehicle is not captured in motor vehicle records, however the model year of the vehicle is indicated on these records.<sup>42</sup> The Bureau of Issuance Oversight has requested a legislative change in the definition of an antique or ancient motor vehicle to address this issue.

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

**Section 6** amends the definition of ancient and antique motor vehicles from requiring the DHSMV to verify the vehicle engine's manufacture date is before 1945 or 30 years or older, to instead verifying the model date of the vehicle is before 1945 or 30 years or older.

**Sections 8 and 9** reenact statutes referring to ancient and antique motor vehicles to capture the revised definition.

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<sup>36</sup> See the FHWA email, Feb. 11, 2015. (On file in the Senate Transportation Committee).

<sup>37</sup> Section 320.086(1), F.S.

<sup>38</sup> Section 320.086(2)(a), F.S.

<sup>39</sup> Section 320.086(1), F.S.

<sup>40</sup> Section 320.08(1)(d), (2)(a), and (2)(e), F.S.

<sup>41</sup> Office of the Inspector General, *Follow-up Review of the GO Renew (Virtual Office) Audit*, at p. 6, (Oct. 10, 2014).

<sup>42</sup> *Id.*

## Insurance Policy Number Public Records Disclosure (Section 7)

### *Present Situation*

The Florida Motor Vehicle No-Fault Law<sup>43</sup> requires every owner or registrant of a motor vehicle, which is required to be registered and licensed in Florida, to maintain personal injury protection and property damage liability insurance coverage. Insurers are required to report to the DHSMV and verify the issuance of a new policy to a driver, as well as the renewal, nonrenewal, or cancellation of that policy. These customer lists, held by the DHSMV, contain detailed client and policy information. For that reason, the state deemed<sup>44</sup> certain information regarding these policies confidential and exempt<sup>45</sup> from the state's public records requirements<sup>46</sup>. Specifically, personal identifying information of an insured or former insured, and insurance policy numbers are confidential and exempt from public records disclosure.

Section 324.242, F.S., provides for the limited release of the policy number for a policy covering a vehicle involved in a motor vehicle accident. Upon receipt of a written request and copy of a crash report<sup>47</sup>, the DHSMV can release the policy number to:

- Any person involved in such accident;
- The attorney of any person involved in such accident; or
- A representative of the insurer of any person involved in such accident.

Because of the limited release allowed of this information, the DHSMV is currently unable to release policy numbers of vehicles involved in accidents to governmental entities and third parties contracted with the insurer that may need this information to perform its duties. This can include, but is not limited to:

- Clerks of Courts;
- Law Enforcement agencies;
- State Attorneys Offices; or
- DHSMV-approved data collectors contracted with the insurer.

### *Effect of Proposed Changes*

**Section 7** of the bill adds “department-approved third parties” and “governmental entities” to the individuals and entities to which the DHSMV can disclose confidential and exempt insurance policy numbers to for motor vehicles involved in an accident.

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<sup>43</sup> Sections 627.730-627.7405, F.S.

<sup>44</sup> See Ch. 2007-325, Laws of Fla. (creating s. 324.242, F.S.)

<sup>45</sup> FLA. CONST., art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances (see *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991)). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption (see Attorney General Opinion 85-62, August 1, 1985).

<sup>46</sup> FLA. CONST. art. I, s. 24(a) and ch. 119.07(1), F.S.

<sup>47</sup> Sections 316.064, 316.066, and 316.064, F.S., provide crash report requirements.

The bill requires an insurer's representative, contracted third party, or an attorney for a person involved in an accident to show proof of representation before the DHSMV may release an insurance policy number.

Governmental entities<sup>48</sup> are not required to provide a written request or copy of the crash report if the information is needed to perform its duties and responsibilities.

The bill effectively reduces the public records exemption related to crash data. Since the bill provides for additional parties to receive protected information, it is a contraction of public records exemptions and does not require a two-thirds vote of the body nor does it require a separate bill.

#### **Effective Date (Section 10)**

This bill takes effect October 1, 2015.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

The bill does not create or expand a public records exemption.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

**Section 1.** Surviving beneficiaries may experience reduced out-of-pocket expenses due to increased funeral benefits.

**Section 2.** None.

**Section 3.** Indeterminate.

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<sup>48</sup> Defined as "any federal, state, county, district, authority, or municipal officer, department, division, board, bureau, or commission created or established by law."

**Section 4.** There will be a minimal negative fiscal impact on those needing to replace 12-inch square hazard flags with 18-inch square hazard flags. Commercial motor vehicles with a permit to operate in the state are already required to use 18-inch square hazard flags.

**Section 5.** There may be a positive fiscal impact for deliverers of manufactured homes due to extending the maximum length the FDOT may issue a permit.

**Section 6.** The bill has a positive fiscal impact on individuals with a motor vehicle that falls under the revised definition of antique and ancient motor vehicles, due to the decreased registration fee.

**Section 7.** The bill may have a positive impact on DHSMV-approved third parties who contract with insurers.

**C. Government Sector Impact:**

This bill has a negative, but insignificant, impact on state funds.

**Section 1.** Indeterminate but possibly slightly negative due to potential increased funds a state agency may pay a venue for funeral and burial service for an officer killed in the line of duty.

**Section 2.** Indeterminate negative fiscal impact to each county or municipality required to submit a report.

**Section 3.** Possible negative fiscal impact to counties or municipalities with planning to install red-light cameras, or issuing notices of violation through red-light cameras not compliant with required specifications.

**Section 4.** There will be a minimal negative fiscal impact on those needing to replace 12-inch square hazard flags with 18-inch square hazard flags.

**Section 5:** Indeterminate

**Section 6.** Possible minimal negative fiscal impact to registration fee revenue due to a potential increase in antique and ancient motor vehicle registrations.

**Section 7.** The bill will have a minimal positive impact on governmental entities needing insurance policy numbers of vehicles involved in an accident to perform its duties.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.



**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 112.19, 316.0083, 316.0776, 316.228, 316.515, 320.086, and 324.242.

This bill reenacts the following sections of the Florida Statutes: 319.23 and 320.08.

**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 5, 2015:**

The CS makes the following changes to the bill:

- Specifies the information a county or municipality that operates a traffic infraction detector must submit in its report to DHSMV annually;
- Requires a county or municipality that is not compliant with the reporting requirements, as determined by DHSMV, to remit its portion of revenues from notices of violation of ss. 316.074(1) and 316.075(1)(c)1., F.S., to the Department of Revenue, to be returned once the county or municipality has established compliance;
- Prohibits the issuance of a notice of violation or uniform traffic citation through the use of a traffic infraction detector not in compliance with all specifications developed by the DOT;
- Requires the DOT to identify engineering countermeasures to reduce violations of ss. 316.074(1) and 316.075(1)(c)1., F.S., before installing a traffic infraction detector;
- Requires that the decision to place a traffic infraction detector on any roadway is based on results from a traffic engineering study that must be signed and sealed by a professional engineer licensed in the state; and
- Allows DOT to issue a special permit for truck tractor semitrailer combinations carrying *multiple sections or single units* of manufactured buildings on an over-length trailer. The length requirements are extended from 54 feet to 80 feet.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/05/2015	.	
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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 69 and 70

insert:

Section 2. Subsection (1) of section 316.0776, Florida Statutes, is amended to read:

316.0776 Traffic infraction detectors; placement and installation.—

(1) Traffic infraction detectors are allowed on state roads when permitted by the Department of Transportation and under



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11 placement and installation specifications developed by the  
12 Department of Transportation. Traffic infraction detectors are  
13 allowed on streets and highways under the jurisdiction of  
14 counties or municipalities in accordance with placement and  
15 installation specifications developed by the Department of  
16 Transportation. A notice of violation or uniform traffic  
17 citation may not be issued through the use of a traffic  
18 infraction detector that is not in compliance with all  
19 specifications. Additionally, the department shall identify  
20 engineering countermeasures that are intended to reduce  
21 violations of ss. 316.074(1) and 316.075(1)(c)1. and which may  
22 be considered and applied, where appropriate, before the  
23 installation of a traffic infraction detector on any roadway.  
24 The decision to place a traffic infraction detector on any  
25 roadway must be based on the results of a traffic engineering  
26 study that documents the implementation and failure of any  
27 engineering countermeasure appropriate for the specific  
28 location. The study must be signed and sealed by a professional  
29 engineer licensed in this state.

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

31 And the title is amended as follows:

32 Delete line 8

33 and insert:

34 officer killed in the line of duty; amending s.  
35 316.0776, F.S.; prohibiting a notice of violation or  
36 uniform traffic citation to be issued through the use  
37 of a traffic infraction detector that is not in  
38 compliance with all specifications; requiring the  
39 department to identify engineering countermeasures



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40 that are intended to reduce specified violations and  
41 which may be considered and applied, where  
42 appropriate, before the installation of a traffic  
43 infraction detector on any roadway; requiring the  
44 decision to place a traffic infraction detector on any  
45 roadway to be based on the results of a traffic  
46 engineering study subject to certain requirements;  
47 amending s.



495192

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/05/2015	.	
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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment to Amendment (402860)**

Delete line 19  
and insert:  
specifications. Additionally, the Department of Transportation shall identify



133272

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/05/2015	.	
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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 69 and 70

insert:

Section 2. Paragraph (b) of subsection (1) and paragraph (a) of subsection (4) of section 316.0083, Florida Statutes, are amended to read:

316.0083 Mark Wandall Traffic Safety Program; administration; report.-

(1)



133272

11 (b)1.a. Within 30 days after a violation, notification must  
12 be sent to the registered owner of the motor vehicle involved in  
13 the violation specifying the remedies available under s. 318.14  
14 and that the violator must pay the penalty of \$158 to the  
15 department, county, or municipality, or furnish an affidavit in  
16 accordance with paragraph (d), or request a hearing within 60  
17 days following the date of the notification in order to avoid  
18 the issuance of a traffic citation. The notification must be  
19 sent by first-class mail. The mailing of the notice of violation  
20 constitutes notification.

21 b. Included with the notification to the registered owner  
22 of the motor vehicle involved in the infraction must be a notice  
23 that the owner has the right to review the photographic or  
24 electronic images or the streaming video evidence that  
25 constitutes a rebuttable presumption against the owner of the  
26 vehicle. The notice must state the time and place or Internet  
27 location where the evidence may be examined and observed.

28 c. Notwithstanding any other provision of law, a person who  
29 receives a notice of violation under this section may request a  
30 hearing within 60 days following the notification of violation  
31 or pay the penalty pursuant to the notice of violation, but a  
32 payment or fee may not be required before the hearing requested  
33 by the person. The notice of violation must be accompanied by,  
34 or direct the person to a website that provides, information on  
35 the person's right to request a hearing and on all court costs  
36 related thereto and a form to request a hearing. As used in this  
37 sub-subparagraph, the term "person" includes a natural person,  
38 registered owner or coowner of a motor vehicle, or person  
39 identified on an affidavit as having care, custody, or control



133272

40 of the motor vehicle at the time of the violation.

41 d. If the registered owner or coowner of the motor vehicle,  
42 or the person designated as having care, custody, or control of  
43 the motor vehicle at the time of the violation, or an authorized  
44 representative of the owner, coowner, or designated person,  
45 initiates a proceeding to challenge the violation pursuant to  
46 this paragraph, such person waives any challenge or dispute as  
47 to the delivery of the notice of violation.

48 2. Penalties assessed and collected by the department,  
49 county, or municipality authorized to collect the funds provided  
50 for in this paragraph, less the amount retained by the county or  
51 municipality pursuant to subparagraph 3., shall be paid to the  
52 Department of Revenue weekly. Payment by the department, county,  
53 or municipality to the state shall be made by means of  
54 electronic funds transfers. In addition to the payment, summary  
55 detail of the penalties remitted shall be reported to the  
56 Department of Revenue.

57 3. Penalties to be assessed and collected by the  
58 department, county, or municipality are as follows:

59 a. One hundred fifty-eight dollars for a violation of s.  
60 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at  
61 a traffic signal if enforcement is by the department's traffic  
62 infraction enforcement officer. One hundred dollars shall be  
63 remitted to the Department of Revenue for deposit into the  
64 General Revenue Fund, \$10 shall be remitted to the Department of  
65 Revenue for deposit into the Department of Health Emergency  
66 Medical Services Trust Fund, \$3 shall be remitted to the  
67 Department of Revenue for deposit into the Brain and Spinal Cord  
68 Injury Trust Fund, and \$45 shall be distributed to the





133272

69 municipality in which the violation occurred, or, if the  
70 violation occurred in an unincorporated area, to the county in  
71 which the violation occurred. Funds deposited into the  
72 Department of Health Emergency Medical Services Trust Fund under  
73 this sub-subparagraph shall be distributed as provided in s.  
74 395.4036(1). Proceeds of the infractions in the Brain and Spinal  
75 Cord Injury Trust Fund shall be distributed quarterly to the  
76 Miami Project to Cure Paralysis and used for brain and spinal  
77 cord research.

78       b. One hundred fifty-eight dollars for a violation of s.  
79 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at  
80 a traffic signal if enforcement is by a county or municipal  
81 traffic infraction enforcement officer. Seventy dollars shall be  
82 remitted by the county or municipality to the Department of  
83 Revenue for deposit into the General Revenue Fund, \$10 shall be  
84 remitted to the Department of Revenue for deposit into the  
85 Department of Health Emergency Medical Services Trust Fund, \$3  
86 shall be remitted to the Department of Revenue for deposit into  
87 the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be  
88 retained by the county or municipality enforcing the ordinance  
89 enacted pursuant to this section. Funds deposited into the  
90 Department of Health Emergency Medical Services Trust Fund under  
91 this sub-subparagraph shall be distributed as provided in s.  
92 395.4036(1). Proceeds of the infractions in the Brain and Spinal  
93 Cord Injury Trust Fund shall be distributed quarterly to the  
94 Miami Project to Cure Paralysis and used for brain and spinal  
95 cord research.

96       4. If a county or municipality fails to comply with the  
97 reporting requirements in subsection (4), as determined by the



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98 department, the department shall annually, on October 1, provide  
99 notice of such noncompliance to the county or municipality and  
100 the Department of Revenue. In cases of such noncompliance,  
101 notwithstanding subparagraph 3., the portion of revenues  
102 collected and otherwise retained by the county or municipality  
103 may not be retained but shall be remitted to the Department of  
104 Revenue. The Department of Revenue shall maintain records of  
105 such remissions reflecting the total amount of revenues received  
106 from each noncompliant county or municipality. On notice from  
107 the department that the county or municipality has established  
108 compliance, the Department of Revenue shall return those  
109 revenues to the affected county or municipality.

110 ~~5.4.~~ An individual may not receive a commission from any  
111 revenue collected from violations detected through the use of a  
112 traffic infraction detector. A manufacturer or vendor may not  
113 receive a fee or remuneration based upon the number of  
114 violations detected through the use of a traffic infraction  
115 detector.

116 (4) (a) Each county or municipality that operates a traffic  
117 infraction detector shall submit a report ~~by October 1, 2012,~~  
118 ~~and annually thereafter,~~ to the department no later than  
119 September 30 of each year which details the results of using the  
120 traffic infraction detector and the procedures for enforcement  
121 for the preceding state fiscal year. The information submitted  
122 by the counties and municipalities must include statistical data  
123 and information required by the department to complete the  
124 report required under paragraph (b), and must include all of the  
125 following:-

126 1. The name of the jurisdiction and contact information for



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127 the person responsible for the administration of the traffic  
128 infraction detector program.

129 2. The location of each camera, including both geospatial  
130 and cross-road descriptions of the location of each device.

131 3. The date that each red light camera became operational,  
132 and the dates of camera operation during the fiscal year,  
133 including any status changes of the camera's use during the  
134 reporting period.

135 4. Data related to the issuance and disposition of notices  
136 of violation and subsequent uniform traffic citations issued  
137 during the reporting period.

138 5. Vehicle crash data, including fatalities and injuries,  
139 for crashes that occurred within a 250-foot radius of the  
140 geospatial coordinates for each traffic infraction detector  
141 during the 12-month period immediately preceding the initial  
142 date of camera operation. Data submitted as required under this  
143 subsection should be able to be validated against department  
144 data.

145 6. Identification of any and all alternative safety  
146 measures, including increasing the interval between the yellow  
147 change light and the red clearance light, increasing the  
148 visibility of traffic lights, and installing advance dilemma-  
149 zone detection systems, which the jurisdiction considered or  
150 implemented during the reporting period in lieu of or in  
151 addition to the use of a traffic infraction detector. The  
152 jurisdiction shall include the date of implementation of any  
153 such measures to assist the department in the analysis of crash  
154 data at a specified location.

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



133272

156 And the title is amended as follows:  
157       Delete line 8  
158 and insert:  
159       officer killed in the line of duty; amending s.  
160       316.0083, F.S.; requiring the department to provide  
161       notice of noncompliance with specified reporting  
162       requirements to the county or municipality and the  
163       Department of Revenue annually on a certain date under  
164       certain circumstances; requiring the portion of  
165       revenues collected and otherwise retained by the  
166       county or municipality to be remitted to the  
167       Department of Revenue in cases of such noncompliance;  
168       requiring the Department of Revenue to maintain  
169       records of such remissions subject to certain  
170       requirements; requiring the Department of Revenue to  
171       return those revenues under certain circumstances;  
172       revising the date when certain counties or  
173       municipalities are required to submit a report;  
174       specifying information to be included in the report  
175       submitted by the counties and municipalities; amending  
176       s.



704160

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/05/2015	.	
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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 90 and 91

insert:

Section 3. Subsection (14) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(14) MANUFACTURED BUILDINGS.—The Department of Transportation may, in its discretion and upon application and good cause shown therefor that the same is not contrary to the



704160

11 public interest, issue a special permit for truck tractor-  
12 semitrailer combinations where the total number of overwidth  
13 deliveries of manufactured buildings, as defined in s.  
14 553.36(13), may be reduced by permitting the use of multiple  
15 sections or single units on an overlength trailer of no more  
16 than 80 ~~54~~ feet.

17

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

19 And the title is amended as follows:

20 Delete line 12

21 and insert:

22 square under certain circumstances; amending s.  
23 316.515, F.S.; authorizing the Department of  
24 Transportation to permit truck tractor-semitrailer  
25 combinations where the total number of overwidth  
26 deliveries of manufactured buildings may be reduced by  
27 the transport of multiple sections or single units on  
28 an overlength trailer of no more than a specified  
29 length under certain circumstances; amending s.

By Senator Brandes

22-00828D-15

20151184\_\_

1 A bill to be entitled  
 2 An act relating to the Department of Highway Safety  
 3 and Motor Vehicles; amending s. 112.19, F.S.;  
 4 providing that an employer may pay up to a certain  
 5 amount directly toward the venue expenses associated  
 6 with the funeral and burial services of a law  
 7 enforcement, correctional, or correctional probation  
 8 officer killed in the line of duty; amending s.  
 9 316.228, F.S.; requiring a vehicle with a load that  
 10 extends beyond its sides or a certain amount beyond  
 11 its rear to display red flags not less than 18 inches  
 12 square under certain circumstances; amending s.  
 13 320.086, F.S.; requiring the department to issue a  
 14 special license plate to the owner of a motor vehicle  
 15 manufactured in the model year 1945 or earlier for  
 16 such motor vehicle, subject to certain requirements;  
 17 requiring the department to issue a special license  
 18 plate to the owner of a motor vehicle manufactured in  
 19 the model year after 1945 and of the age of 30 years  
 20 or more after the model year for such motor vehicle,  
 21 subject to certain requirements; amending s. 324.242,  
 22 F.S.; requiring the department to release the policy  
 23 number of a policy covering a vehicle involved in a  
 24 motor vehicle accident to certain persons upon receipt  
 25 of a request and proof of a crash report created  
 26 pursuant to the laws of another state; requiring the  
 27 department to provide personal injury protection and  
 28 property damage liability insurance policy numbers to  
 29 department-approved third parties that provide data

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22-00828D-15

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30 collection services to certain insurers; requiring an  
 31 insurer's representative, a contracted third party, or  
 32 an attorney for a person involved in an accident to  
 33 provide the department with documentation confirming  
 34 proof of representation prior to the release of  
 35 certain policy numbers; authorizing the department to  
 36 disclose certain confidential and exempt information  
 37 to another governmental entity under certain  
 38 circumstances; defining the term "governmental  
 39 entity"; reenacting s. 319.23(3)(c), F.S., relating to  
 40 application for, and issuance of, certificate of  
 41 title, to incorporate the amendment made to s.  
 42 320.086, F.S., in a reference thereto; reenacting s.  
 43 320.08(2)(a) and (3)(e), F.S., relating to license  
 44 taxes, to incorporate the amendment made to s.  
 45 320.086, F.S., in a reference thereto; providing an  
 46 effective date.  
 47  
 48 Be It Enacted by the Legislature of the State of Florida:  
 49  
 50 Section 1. Paragraph (f) of subsection (2) of section  
 51 112.19, Florida Statutes, is amended to read:  
 52 112.19 Law enforcement, correctional, and correctional  
 53 probation officers; death benefits.—  
 54 (2)  
 55 (f) If a full-time law enforcement, correctional, or  
 56 correctional probation officer who is employed by a state agency  
 57 is killed in the line of duty ~~as a result of an act of violence~~  
 58 ~~inflicted by another person~~ while the officer is engaged in the

Page 2 of 8

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59 performance of law enforcement duties or as a result of an  
60 assault against the officer under riot conditions;~~r~~

61 1. The sum of \$1,000 shall be paid, as provided for in  
62 paragraph (d), toward the funeral and burial expenses of such  
63 officer. Such benefits are in addition to any other benefits  
64 which employee beneficiaries and dependents are entitled to  
65 under the provisions of the Workers' Compensation Law or any  
66 other state or federal statutes; and

67 2. The officer's employer may pay up to \$5,000 directly  
68 toward the venue expenses associated with the funeral and burial  
69 services of such officer.

70 Section 2. Subsection (1) of section 316.228, Florida  
71 Statutes, is amended to read:

72 316.228 Lamps or flags on projecting load.—

73 (1) Except as provided in subsection (2), whenever the load  
74 upon any vehicle extends to the rear 4 feet or more beyond the  
75 bed or body of such vehicle, there shall be displayed at the  
76 extreme rear end of the load, at the times specified in s.  
77 316.217, two red lamps visible from a distance of at least 500  
78 feet to the rear, two red reflectors visible at night from all  
79 distances within 600 feet to 100 feet to the rear when directly  
80 in front of lawful lower beams of headlamps and located so as to  
81 indicate maximum width, and on each side one red lamp visible  
82 from a distance of at least 500 feet to the side and located so  
83 as to indicate maximum overhang. There shall be displayed at all  
84 other times on any vehicle having a load which extends beyond  
85 its sides or more than 4 feet beyond its rear, red flags, not  
86 less than 18 ~~12~~ inches square, marking the extremities of such  
87 load, at each point where a lamp would otherwise be required by

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88 this section. A violation of this section is a noncriminal  
89 traffic infraction punishable as a nonmoving violation as  
90 provided in chapter 318.

91 Section 3. Subsection (1) and paragraph (a) of subsection  
92 (2) of section 320.086, Florida Statutes, are amended to read:

93 320.086 Ancient or antique motor vehicles; horseless  
94 carriage, antique, or historical license plates; former military  
95 vehicles.—

96 (1) The owner of a motor vehicle for private use  
97 manufactured in the model year 1945 or earlier, ~~equipped with an~~  
98 ~~engine manufactured in 1945 or earlier or manufactured to the~~  
99 ~~specifications of the original engine,~~ and operated on the  
100 streets and highways of this state shall, upon application in  
101 the manner and at the time prescribed by the department and upon  
102 payment of the license tax for an ancient motor vehicle  
103 prescribed by s. 320.08(1)(d), (2)(a), or (3)(e), be issued a  
104 special license plate for such motor vehicle. The license plate  
105 shall be permanent and valid for use without renewal so long as  
106 the vehicle is in existence. In addition to the payment of all  
107 other fees required by law, the applicant shall pay such fee for  
108 the issuance of the special license plate as may be prescribed  
109 by the department commensurate with the cost of its manufacture.  
110 The registration numbers and special license plates assigned to  
111 such motor vehicles shall run in a separate numerical series,  
112 commencing with "Horseless Carriage No. 1," and the plates shall  
113 be of a distinguishing color.

114 (2) (a) The owner of a motor vehicle for private use  
115 manufactured in the model year after 1945 and of the age of 30  
116 years or more after the model year ~~date of manufacture,~~ ~~equipped~~

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22-00828D-15

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117 ~~with an engine of the age of 30 years or more after the date of~~  
 118 ~~manufacture~~, and operated on the streets and highways of this  
 119 state may, upon application in the manner and at the time  
 120 prescribed by the department and upon payment of the license tax  
 121 prescribed by s. 320.08(1)(d), (2)(a), or (3)(e), be issued a  
 122 special license plate for such motor vehicle. In addition to the  
 123 payment of all other fees required by law, the applicant shall  
 124 pay the fee for the issuance of the special license plate  
 125 prescribed by the department, commensurate with the cost of its  
 126 manufacture. The registration numbers and special license plates  
 127 assigned to such motor vehicles shall run in a separate  
 128 numerical series, commencing with "Antique No. 1," and the  
 129 plates shall be of a distinguishing color. The owner of the  
 130 motor vehicle may, upon application and payment of the license  
 131 tax prescribed by s. 320.08, be issued a regular Florida license  
 132 plate or specialty license plate in lieu of the special  
 133 "Antique" license plate.

134 Section 4. Subsection (2) of section 324.242, Florida  
 135 Statutes, is amended, present subsection (3) of that section is  
 136 redesignated as subsection (6), and new subsections (3), (4),  
 137 and (5) are added to that section, to read:

138 324.242 Personal injury protection and property damage  
 139 liability insurance policies; public records exemption.—

140 (2) Upon receipt of a ~~written~~ request and proof ~~a copy~~ of a  
 141 crash report as required under s. 316.065, s. 316.066, or s.  
 142 316.068, or a crash report created pursuant to the laws of  
 143 another state, the department shall release the policy number  
 144 for a policy covering a vehicle involved in a motor vehicle  
 145 accident to:

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22-00828D-15

20151184\_\_

146 (a) Any person involved in such accident;  
 147 (b) The attorney of any person involved in such accident;  
 148 or  
 149 (c) A representative of the insurer of any person involved  
 150 in such accident.

151 (3) The department will provide personal injury protection  
 152 and property damage liability insurance policy numbers to  
 153 department-approved third parties that provide data collection  
 154 services to an insurer of any person involved in such accident.

155 (4) Before the department's release of a policy number in  
 156 accordance with subsection (2) or subsection (3), an insurer's  
 157 representative, a contracted third party, or an attorney for a  
 158 person involved in an accident must provide the department with  
 159 documentation confirming proof of representation.

160 (5) Information made confidential and exempt by this  
 161 section may be disclosed to another governmental entity without  
 162 a written request or copy of the crash report if disclosure is  
 163 necessary for the receiving governmental entity to perform its  
 164 duties and responsibilities. For purposes of this subsection,  
 165 the term "governmental entity" means any federal, state, county,  
 166 district, authority, or municipal officer, department, division,  
 167 board, bureau, or commission created or established by law.

168 (6)-(3) This exemption applies to personal identifying  
 169 information of an insured or former insured and insurance policy  
 170 numbers held by the department before, on, or after October 11,  
 171 2007.

172 Section 5. For the purpose of incorporating the amendment  
 173 made by this act to section 320.086, Florida Statutes, in a  
 174 reference thereto, paragraph (c) of subsection (3) of section

Page 6 of 8

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22-00828D-15

20151184\_\_

175 319.23, Florida Statutes, is reenacted to read:

176 319.23 Application for, and issuance of, certificate of  
177 title.-

178 (3) If a certificate of title has not previously been  
179 issued for a motor vehicle or mobile home in this state, the  
180 application, unless otherwise provided for in this chapter,  
181 shall be accompanied by a proper bill of sale or sworn statement  
182 of ownership, or a duly certified copy thereof, or by a  
183 certificate of title, bill of sale, or other evidence of  
184 ownership required by the law of the state or county from which  
185 the motor vehicle or mobile home was brought into this state.  
186 The application shall also be accompanied by:

187 (c) If the vehicle is an ancient or antique vehicle, as  
188 defined in s. 320.086, the application shall be accompanied by a  
189 certificate of title; a bill of sale and a registration; or a  
190 bill of sale and an affidavit by the owner defending the title  
191 from all claims. The bill of sale must contain a complete  
192 vehicle description to include the vehicle identification or  
193 engine number, year make, color, selling price, and signatures  
194 of the seller and purchaser.

195  
196 Verification of the vehicle identification number is not  
197 required for any new motor vehicle; any mobile home; any trailer  
198 or semitrailer with a net weight of less than 2,000 pounds; or  
199 any travel trailer, camping trailer, truck camper, or fifth-  
200 wheel recreation trailer.

201 Section 6. For the purpose of incorporating the amendment  
202 made by this act to section 320.086, Florida Statutes, in a  
203 reference thereto, paragraph (a) of subsection (2) and paragraph

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22-00828D-15

20151184\_\_

204 (e) of subsection (3) of section 320.08, Florida Statutes, are  
205 reenacted to read:

206 320.08 License taxes.—Except as otherwise provided herein,  
207 there are hereby levied and imposed annual license taxes for the  
208 operation of motor vehicles, mopeds, motorized bicycles as  
209 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,  
210 and mobile homes, as defined in s. 320.01, which shall be paid  
211 to and collected by the department or its agent upon the  
212 registration or renewal of registration of the following:

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

214 (a) An ancient or antique automobile, as defined in s.  
215 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.

216 (3) TRUCKS.—

217 (e) An ancient or antique truck, as defined in s. 320.086:  
218 \$7.50 flat.

219 Section 7. This act shall take effect October 1, 2015.

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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)

3/5/15  
Meeting Date

1184  
Bill Number (if applicable)

402 860  
Amendment Barcode (if applicable)

Topic 1184 RLC amendment

Name Casey Cook

Job Title Legislative Advocate

Address Po Box 1777  
Street

Phone 850 701 3701

Tallahassee FL 32302  
City State Zip

Email ccook@flcities.com

Speaking:  For  Against  Information

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

Representing Florida League of Cities

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

**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)

3/5/15  
Meeting Date

1184  
Bill Number (if applicable)

402 860  
Amendment Barcode (if applicable)

Topic 1184 RLC Amendment

Name Mike Fewless

Job Title Captain - Orange County Sheriff's office

Address PO Box 1440  
Street

Phone 407 254 7000

Orlando FL 32802  
City State Zip

Email mike.fewless@ocfl.net

Speaking:  For  Against  Information

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

Representing Orange County Sheriff's office

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

March 5, 2015

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

Meeting Date

SB 1184

Bill Number (if applicable)

402860

Amendment Barcode (if applicable)

Topic 1184 Red Light Camera Amendment

Name Bernadette Howard

Job Title Professional Development Assistant

Address P.O. Box 14038

Street

Phone 219-3631

Tallahassee

City

FL

State

32317

Zip

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.

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

S-001 (10/14/14)

Cont

# APPEARANCE RECORD

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

3/15/15

Meeting Date

1184

Bill Number (if applicable)

402860

Amendment Barcode (if applicable)

Topic Transportation Bill

Name Eric Poole

Job Title Asst Legis Director

Address 100 Monroe St

Street

Phone 9774300

City

Tallahassee

State

Zip

Email

Speaking:  For  Against  Information

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

Representing Florida Assoc. Counties

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/5/15  
Meeting Date

1184

Bill Number (if applicable)

133272

Amendment Barcode (if applicable)

Topic 1184 RLC Amendment

Name Casey Cook

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Speaking:  For  Against  Information

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

Representing Florida League of Cities

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/5/15

Meeting Date

1184

Bill Number (if applicable)

133272

Amendment Barcode (if applicable)

Topic 1184 RLC Amendment

Name Captian Mike Fewless

Job Title ↓ Orange County Sheriff's Office

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State

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Speaking:  For  Against  Information

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

Representing Orange County Sheriff's Office

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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S-001 (10/14/14)



Rep

THE FLORIDA SENATE

APPEARANCE RECORD

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3/5/15  
Meeting Date

1184  
Bill Number (if applicable)

133272  
Amendment Barcode (if applicable)

Topic Transportation (RUC)

Name Eric Poole

Job Title Asst. Leg Director

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Street

Phone \_\_\_\_\_

Tallah FL 32311  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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# Red Light Camera Summary Report

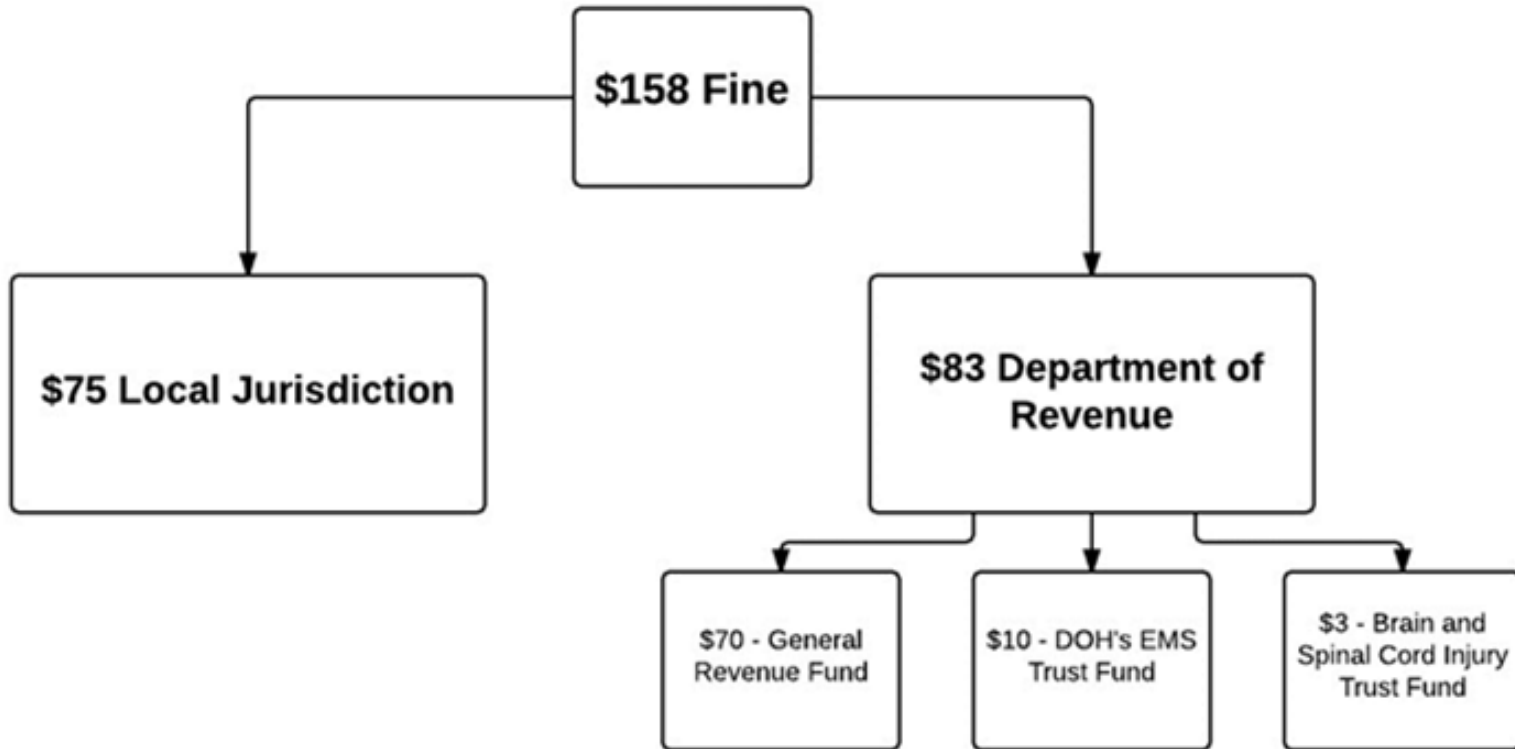
March 5, 2015



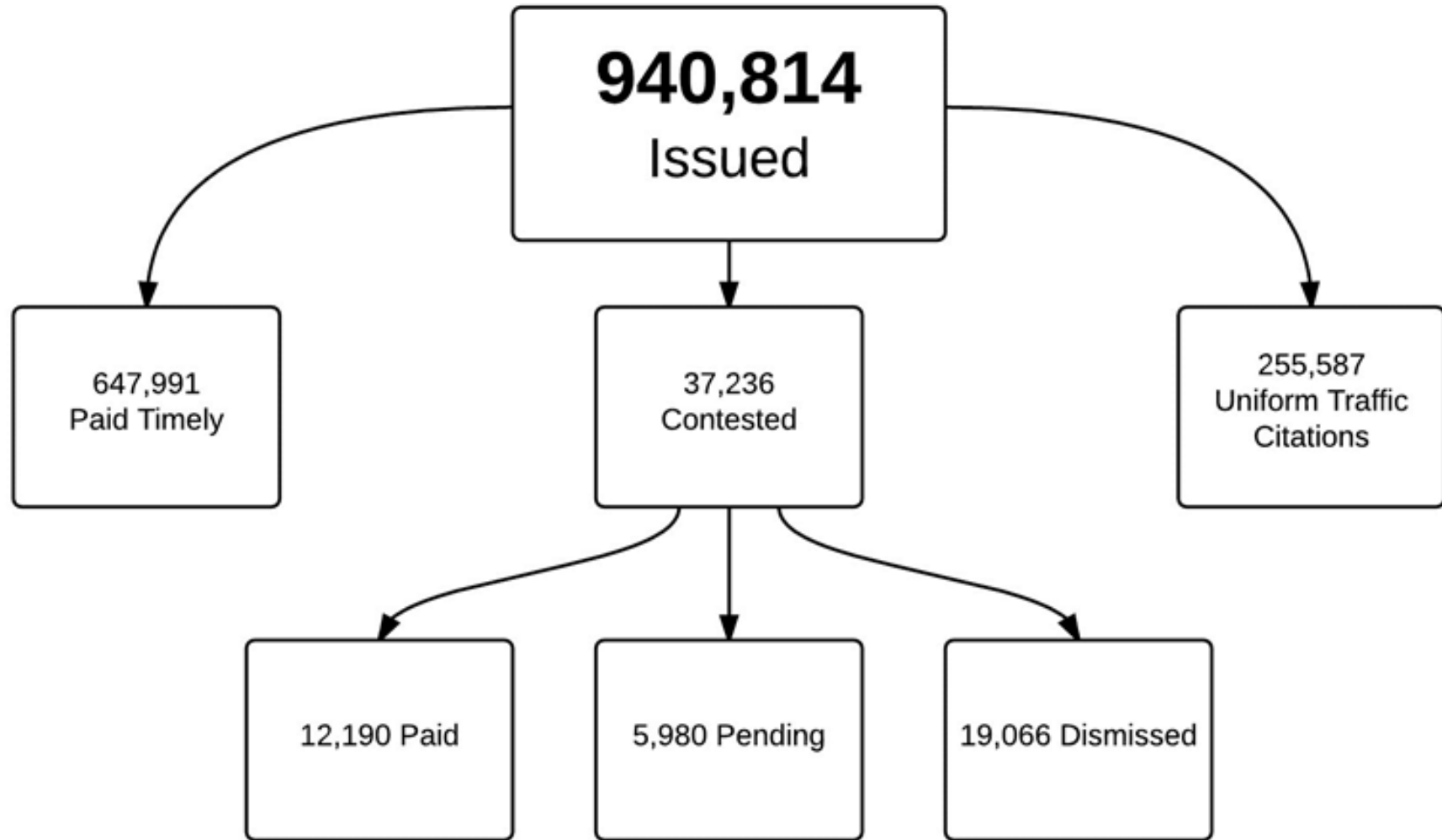
# Red Light Camera Violation Process



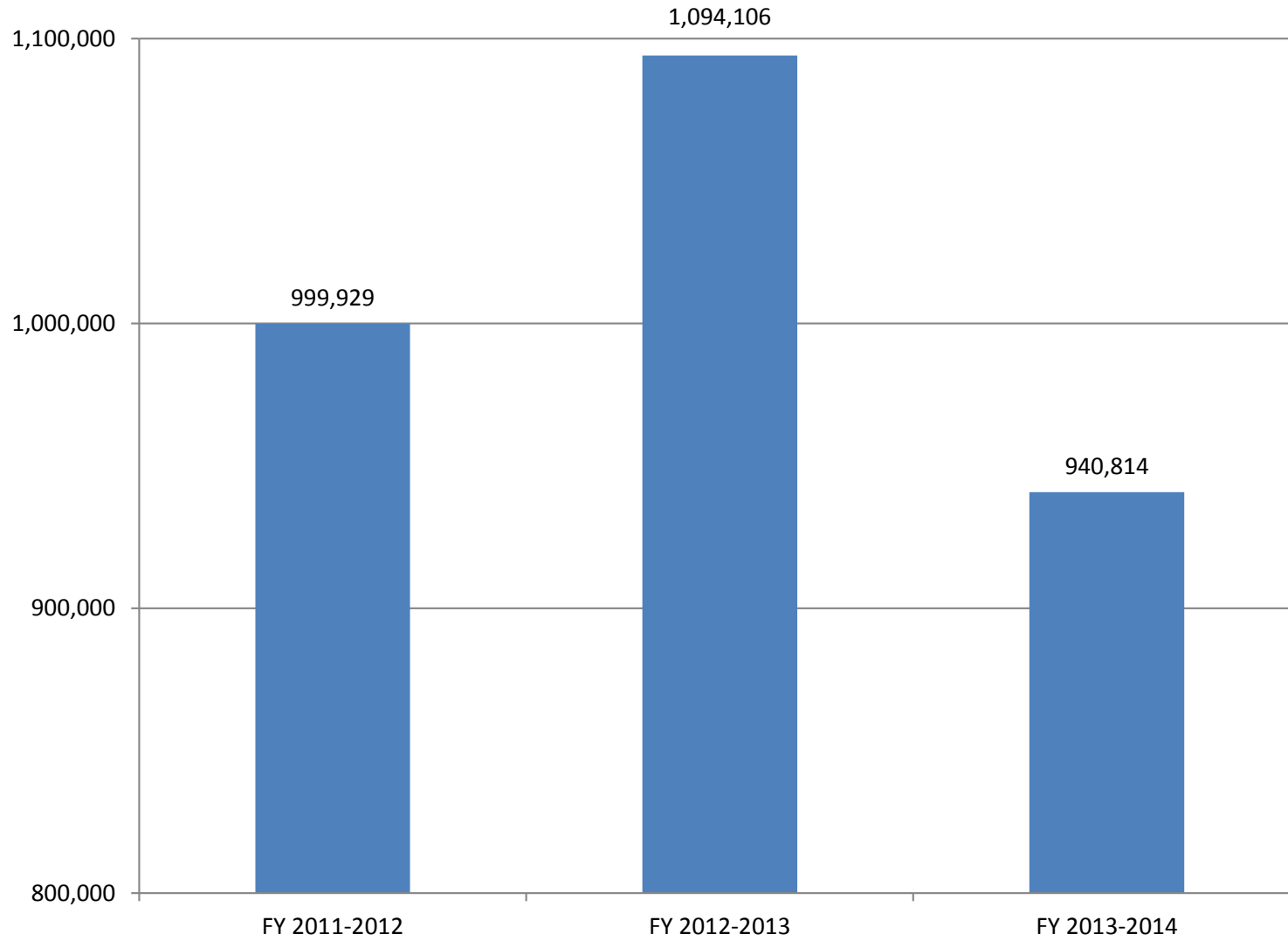
# Notice of Violation Fine Distribution



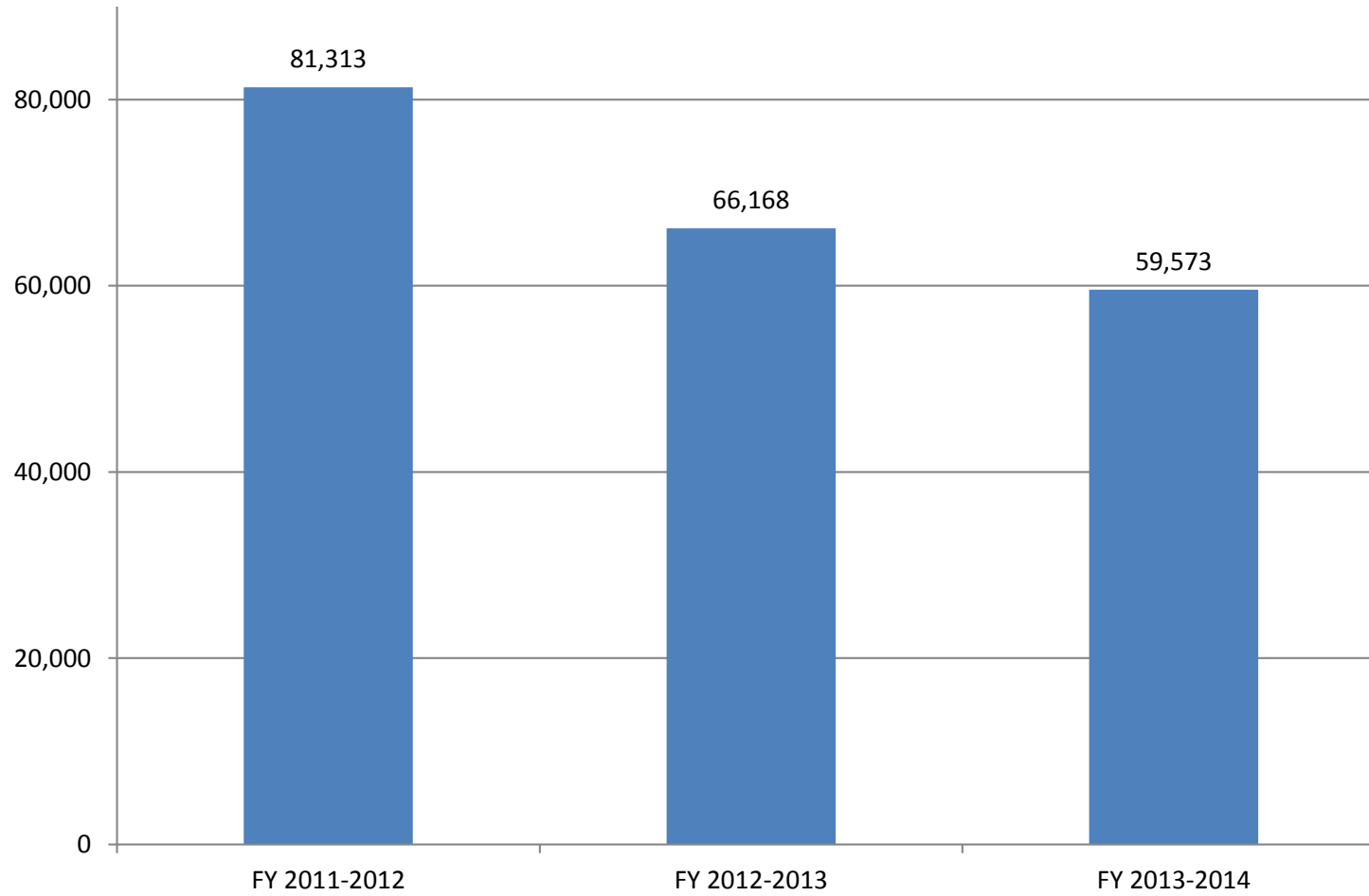
# Disposition of 2013-14 Notices of Violation (as of October 2014)



# Red Light Camera Notices of Violation Issued In Fiscal Years 2011-2014



# Law Enforcement In-Person Uniform Traffic Citations for Red Light Violations



# Jurisdiction-Reported Crashes (year prior to install and 2013-14)

	Number of Jurisdictions Reporting an Increase	Number of Jurisdictions Reporting a Decrease	Number of Jurisdictions Reporting No Change
Sideswipe	24	20	5
Front-to-Rear	30	16	3



# Crashes at Red-Light Camera Intersections on State Roads\*

	Number of Jurisdictions With An Increase	Number of Jurisdictions With A Decrease	Number of Jurisdictions With No Change
All Crashes	29	23	0
Front-to-Rear	31	18	3
Angle	34	15	3
Sideswipe	0	43	9
Other	29	20	3
Injuries	20	32	0
Fatalities	7	15	30

\*prior to and subsequent to camera installation

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

03/05/15

Meeting Date

Bill Number (if applicable)

Topic DHSMV RED LIGHT CAMERA SUMMARY REPORT

Amendment Barcode (if applicable)

Name DAVE WESTBERRY

Job Title CHIEF PERFORMANCE OFFICER

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Email

Speaking:  For  Against  Information

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

Representing D.H.S.M.V.

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 1186

INTRODUCER: Transportation Committee and Senator Brandes

SUBJECT: Transportation

DATE: March 5, 2015                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	<b>Fav/CS</b>
2.			RI	
3.			ATD	
4.			AP	

**Please see Section IX. for Additional Information:**  
 COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

CS/SB 1186 addresses the use of innovative transportation technologies, calls for studies and pilot programs to expedite integration of the technologies, directs the Department of Transportation to develop pedestrian and bicycle facilities, and makes a number of revisions relating to various transportation issues. More specifically, the bill:

- Authorizes a public transit provider to enter into an agreement with a transportation network company under which the company provides public transit service.
- Requires the Commission for the Transportation Disadvantaged and the Center for Urban Transportation Research to cooperatively develop and implement a pilot program, and provide a report, to assess the potential for increasing accessibility and cost effectiveness of providing transportation to certain transportation disadvantaged individuals through use of a transportation network company.
- Requires the Center for Urban Transportation Research to conduct a study, design a pilot project, and provide a report regarding the feasibility and means of implementing a vehicle-miles-traveled funding mechanism for transportation projects.
- Requires consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology and revises existing statutes with regard to the definition and use of autonomous vehicle technology.
- Creates the Northwest Florida Regional Transportation Finance Authority Act, authorizing Escambia and Santa Rosa Counties, to form a regional transportation finance authority to develop transportation projects in the northwest region of the state.

- Creates the Shared-Use Nonmotorized Trail (SunTrail) Network as a component of the Florida Greenways and Trail System.
- Revises the appointment of membership to the governing body of a certain independent special district.
- Extends the allowable length of a trailer transporting multiple sections or single units of manufactured buildings under a special permit from 54 feet to 80 feet.
- Repeals obsolete bond language relating to the already-repealed Broward County Expressway Authority.
- Repeals obsolete language relating to transportation corridors.

## 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 Proposed Changes.

## III. Effect of Proposed Changes:

### **Shared-Use Nonmotorized Trail (SunTrail) Network (Sections 1, 5, 10, 11, and 12)**

#### *Present Situation*

##### Trail Development

The development of Florida's bicycle and pedestrian infrastructure did not begin in earnest until the late 20<sup>th</sup> Century. With the deregulation of the American railroad industry by the Staggers Rail Act of 1980<sup>1</sup>, the state was presented with an immediate abundance of abandoned rail corridors. With the assistance of organizations such as The Rails-to-Trails Conservancy and The Trust for Public Land, the Florida Department of Transportation (FDOT), and the Florida Department of Environmental Protection (FDEP) coordinated to develop numerous abandoned rail corridors as shared-use "rail-trails" for nonmotorized transportation and recreation. Many of Florida's premier nonmotorized trails, including the Pinellas Trail, Tallahassee-St. Marks Trail, and the West Orange Trail, are a result of rail-trail conversions.

The second major thrust in trail development came in 1991 when Congress shifted transportation policy. The Intermodal Surface Transportation Efficiency Act, for the first time, identified pedestrian and bicycle facilities as components of the nation's transportation infrastructure, and created a dedicated funding source for multiuse trails and paths. With local governments serving as project sponsors,<sup>2</sup> many of the resulting projects are community-centric, short-distance trails, initiated by local governments and other governmental entities not traditionally associated with transportation development, such as water management districts and school districts.

##### Trail Connectivity

Although locales throughout the state benefited from federal trail funding, an unintended consequence of trail development being initiated by numerous state entities and local governments is a collection of random trails rather than a statewide system. As a result, many

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<sup>1</sup> Staggers Rail Act of 1980, Pub. L. 96-448, 94 Stat. 1895. Approved 1980-10-14.

<sup>2</sup> Resources for the Future Backgrounder "Federal Funding for Conservation and Recreation Trails" Joe Maher, February 2009 ([http://www.rff.org/RFF/Documents/RFF-BCK-ORRG\\_DOT.pdf](http://www.rff.org/RFF/Documents/RFF-BCK-ORRG_DOT.pdf)).

trails lack connectivity with other trails and often serve no meaningful origins and destinations. Trail users are often required to use roads, sidewalks, and highways to connect trails or complete a trip. Many trail trips are “out-and-back” trips in which the origin and destination are the same. Such trips serve little to no transportation function and do not realize the full economic potential of a trail network.

A widely accepted tenet in trail development holds that the longer a given trail is, the greater its propensity for becoming a “destination trail,” and the greater distance users will travel to use. Users traveling farther stay in the area longer and, consequently, increase spending in the area. Users of the Great Allegheny Passage/C&O Towpath, a 335-mile system of biking and hiking trails that connects Pittsburgh to Washington, DC, travel an average of 131 miles to a trailhead. Those traveling 50 miles or more had daily expenditures approximately twice that of users that traveled less.<sup>3</sup>

Recognizing this potential, the Florida Greenways and Trails Foundation (FGTF),<sup>4</sup> recently announced its priority to “close the gaps” on a 275-mile corridor between the Canaveral National Seashore near Titusville and St. Petersburg.<sup>5</sup> The “Coast-to-Coast Connector” will link communities along this destination trail, providing a year-round eco-tourism engine throughout the region. The Connector includes two of the state’s most popular trails, the Pinellas Trail and the West Orange Trail, each of which have served approximately one million users per year and fueled the economic transformation of trail communities, particularly Dunedin and Winter Garden. Components of the Connector will also serve other planned trails including multi-day loop trails such as the 250-mile Heart of Florida Greenway<sup>6</sup> and the 300-mile St. Johns River-to-Sea Loop.<sup>7</sup>

#### Trail Benefits

In addition to the intrinsic values nonmotorized travel bring to community mobility, sustainable transportation, and personal health, trails provide the framework for, and access to, conservation lands and wildlife corridors. Trails also produce numerous quantifiable economic benefits:

- *Trails increase the value of nearby properties.* Based on an analysis of comparable trails from across the country, the presence of Miami-Dade County’s Ludlam Trail will increase properties values within 1/2 mile of the trail, 0.32 percent to 0.73 percent faster than other properties throughout the county. This translates into a total property value increase over a 25 year period of between \$121 million and \$282 million.<sup>8</sup> A survey co-sponsored by the National Association of Home Builders and the National Association of Realtors found that

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<sup>3</sup>The Great Allegheny Passage Economic Impact Study (2007–2008) Detailed Report The Progress Fund/Job #07-294b 91 March 9, 2009, page 70. (<http://www.atatrail.org/docs/GAPeconomicImpactStudy200809.pdf>)

<sup>4</sup> The FGTF, a direct support organization, exists to support the mission and programs of the Florida Department of Environmental Protection’s Office of Greenways and Trails (OGT) as it continues toward establishing a statewide system of greenways and trails for recreation, conservation and alternative transportation.

<sup>5</sup> Florida Greenways and Trails Foundation Website: Coast-to-Coast Connector (<http://fgtf.org/coast-to-coast/>) (Last visited: 2/25/15)

<sup>6</sup> Florida Greenways and Trails Foundation Website: Heart of Florida Greenway (<http://fgtf.org/maps/hof/overview.pdf>) (Last visited 2/25/15)

<sup>7</sup>St. Johns River-to-Sea Loop Trail Status Update, September 2011. ETM, Inc. [http://www.etminc.com/SJR2C/sg\\_userfiles/SJR2C\\_Summary\\_Report\\_09-19-11.pdf](http://www.etminc.com/SJR2C/sg_userfiles/SJR2C_Summary_Report_09-19-11.pdf)

<sup>8</sup> Miami-Dade County Trail Benefits Study: Ludlam Trail Case Study (<http://atfiles.org/files/pdf/Miami-Dade-Ludlam-Trail-Benefits.pdf>)

proximity to nonmotorized trails came in second only to highway access when recent home buyers were asked about the “importance of community amenities.”<sup>9</sup> A study of property values near trails in Delaware found that properties within 50 meters of the bike paths sell for \$8,800 more than other similar homes.<sup>10</sup>

- *Trails boost spending at local businesses.* An economic impact analysis of Orange County trails found that in 2010, average spending per trail user is \$20 per visit, representing food and beverages, transportation, books and maps, bike maintenance, rentals and more. The West Orange Trail supported 61 jobs, and represented an estimated economic impact of \$5 million for Downtown Winter Garden. Longer, “destination trails,” increase spending and benefit hotels, bed and breakfasts, and outdoor outfitters. A study of the Great Allegheny Passage, a 132-mile corridor in Pennsylvania, found that users reporting longer average travel distances to the trail, were more likely to spend successive days on or near the trail. Those who reported an overnight stay in conjunction with their trip averaged spending \$203 per person.<sup>11</sup> A survey on the Greenbrier River Trail, an 81-mile corridor in West Virginia, found an overwhelming majority of trail users were highly educated professionals with high income levels, 2/3 were from outside of West Virginia, 93 percent were staying in the area from one to four days, 58 percent spent between \$100 and \$500 in the area, and 93 percent indicated that they were highly likely to plan a return trip.<sup>12</sup>
- *Trails influence business location and relocations decisions.* Companies often choose to locate in communities that offer a high level of amenities to employees as a means of attracting and retaining top-level workers. Trails can make communities attractive to businesses looking to expand or relocate both because of the amenities they offer to employees and the opportunities they offer to cater to trail visitors.<sup>13</sup>
- *Trails revitalize depressed areas.* In Dunedin, Florida, after the abandoned CSX railroad was transformed into the Pinellas Trail, the downtown went from a 30 percent storefront vacancy rate to a 95 percent storefront occupancy.<sup>14</sup>
- *Trails provide sustainable tourism opportunities.* The Outer Banks of North Carolina generates \$60 million in economic activity through bicycle tourism. The one-time investment of \$6.7 million on bicycle infrastructure has resulted in an annual nine-to-one return. Outer Banks shows bicycle tourists tend to be affluent (half earn more than \$100,000 a year, 87 percent earn more than \$50,000) and educated (40 percent have a masters or doctoral degree). More than half of survey respondents said bicycling had a strong influence on their decision to return to the area. Two-thirds of respondents said that riding on bike facilities made them feel safer and three-fourths said that more paths, shoulders and lanes should be

<sup>9</sup> (<http://www.americantrails.org/resources/benefits/homebuyers02.html>)

<sup>10</sup> Lindsey et al, “Property Values, Recreation Values, and Urban Greenways,” Journal of Park and Recreation Administration, V22(3) pp.69-90.

<sup>11</sup> *The Great Allegheny Passage Economic Impact Study* (2007–2008) Detailed Report The Progress Fund/Job #07-294b 91 March 9, 2009, page 91 (<http://www.atatrail.org/docs/GAPEconomicImpactStudy200809.pdf>)

<sup>12</sup> *Maximizing Economic Benefits from a Rails-to-Trails Project in Southern West Virginia – A Case Study of the Greenbrier River Trail*, May 2001. Raymond Busbee, Ph.D. Marshall University.

<sup>13</sup> Economic Impacts of Protecting Rivers, Trails, and Greenway Corridors: Corporate Relocation and Retention. Rivers, Trails and Conservation Assistance Program, National Park Service 1995

<sup>14</sup> FDEP Presentation: “*The Impact of Trails on Communities*” Office of Greenways and Trails.

(<http://www.opportunityflorida.com/pdf/Jim%20Wood%20-%20Trails%20and%20Economic%20Impact%20-%20Rural%20Summit.pdf>)

built.<sup>15</sup> A trail can be regarded as a product that is able to provide a sustainable form of tourism resting on a ‘quadruple bottom line’ of environmental, social, economic and climate responsiveness.”<sup>16</sup>

- *Trail development creates more jobs than road development.* A national comparison of the number of jobs created per \$1 million spent on various types of transportation projects found that for every \$1 million spent on the development of multi-use trails, 9.57 jobs were created while road-only development yielded 7.75 jobs.<sup>17</sup>

### *Effect of Proposed Changes*

Generally, the bill creates the Shared-Use Nonmotorized Trail (SunTrail) Network as a component of the Florida Greenways and Trail System. The FDOT is given primary responsibility for developing and maintaining the SunTrail network, although provisions are included to allow the FDOT to outsource maintenance and to enter into trail sponsorship agreements with public and private entities. Specific provisions of the bill follow.

Section 1 amends s. 260.0144 F.S., to remove SunTrail components from existing provisions for sponsorship of state trails by not-for-profit or private sector entities. Other greenways and trails remain eligible for sponsorship under the section. Section 11 of the bill creates a new s. 339.83, F.S., to provide for sponsorship of SunTrail components.

Section 5 amends s. 335.065, F.S., to remove the FDOT’s authority to enter contracts for commercial sponsorship of multi-use trails. This authority is provided in new section 339.83, F.S., which expands sponsorship opportunities for SunTrail components.

Section 10 creates s. 339.81, F.S., to establish the Florida SunTrail Network as a component of the Florida Greenways and Trails System established in ch. 260. SunTrail components will provide nonmotorized travel opportunities between and within communities, conservation areas, state parks, beaches and other natural and cultural attractions.

SunTrail components will not include sidewalks, nature trails, or loop trails in a single park. Bicycle lanes on roadways may not be considered components of the SunTrail network unless the lane is used to connect two or more nonmotorized trails and is no more than one-half mile long. Exceptions are provided to include some on-road components of the Florida Keys Overseas Heritage Trail within the SunTrail Network.

The FDOT will include SunTrail projects within its five-year work program. The FDOT and other agencies and units of government are authorized to expend funds and accept gifts and grants of funds, property, and property rights for the development of the SunTrail network. The FDOT is authorized to enter into memoranda of agreement with other governmental entities and

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<sup>15</sup> Lawrie, et al, “*Pathways to Prosperity: the economic impact of investments in bicycling facilities*,” N.C. Department of Transportation Division of Bicycle and Pedestrian Transportation, Technical Report, July 2004.  
[http://www.ncdot.org/transit/bicycle/safety/safety\\_economicimpact.html](http://www.ncdot.org/transit/bicycle/safety/safety_economicimpact.html).

<sup>16</sup> Reis, A.C.; Jellum, C. (2012). Rail trails development: a conceptual model for sustainable tourism. *Tourism Planning and Development*,9(2): 133-148

<sup>17</sup> Pedestrian And Bicycle Infrastructure: A National Study Of Employment Impacts Heidi Garrett-Peltier Political Economy Research Institute University of Massachusetts, Amherst June 2011

contract with private entities to provide maintenance services on individual components of the network and may adopt rules to assist in developing and maintaining the network.

Section 11 creates s. 339.82, F.S., directing the FDOT to develop the SunTrail Network Plan in coordination with FDEP, MPOs, local governments, other public agencies, and the Florida Greenways and Trails Council. The plan must include:

- A needs assessment, including a comprehensive inventory of existing facilities;
- A process that prioritizes projects that:
  - Are identified by the Florida Greenways and Trails Council as priority projects;
  - Connect components by closing gaps in the network; and
  - Maximize use of federal, local, and private funds;
- A map showing existing and planned facilities;
- A finance plan in five- and ten-year cost-feasible increments;
- Performance measures focusing on trail access and connectivity;
- A timeline for completion of the base network; and
- A marketing plan prepared in conjunction with Visit Florida.

Section 12 creates s. 339.83, F.S., to provide for sponsorship of SunTrail components by not-for-profit or private sector entities. The bill provides guidance on sponsor signs, markings, and exhibits and provides for trail marketing materials to recognize sponsors.

### **Autonomous Vehicles (Sections 2, 3, 8, and 9)**

#### ***Present Situation***

Autonomous or “self-driving” vehicles are those operated “without direct driver input to control the steering, acceleration, and braking and ... designed so that the driver is not expected to constantly monitor the roadway while operating in self-driving mode.”<sup>18</sup> According to the National Highway Traffic Safety Administration, autonomous vehicles have the potential to improve highway safety, increase environmental benefits, expand mobility, and create new economic opportunities for jobs and investment.<sup>19</sup>

A review of material obtained via a simple Internet search reveals that common availability and use of such vehicles was not previously anticipated for at least a couple of decades. However, some expect increased availability and use in the relative near future, perhaps no longer than in the next five years.<sup>20</sup>

Some states, such as Nevada and California, have already enacted legislation relating to autonomous vehicles. The Florida Legislature has likewise taken steps to encourage development of autonomous vehicles by expressly:

- Defining the term “autonomous vehicle” to mean any vehicle equipped with autonomous technology, and defining the term “autonomous technology” to mean technology installed on

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<sup>18</sup> See the National Highway Traffic Safety Administration’s Press Release: *U.S. Department of Transportation Releases Policy on Automated Vehicle Development*. On file in the Senate Transportation Committee.

<sup>19</sup> See NHTSA’s statement of [policy on automated vehicles](#).

<sup>20</sup> See, e.g.: *Autonomous Cars are Closer Than You Think*: <http://techcrunch.com/2015/01/18/autonomous-cars-are-closer-than-you-think/>. Last visited February 21, 2015.



a motor vehicle that has the capability to drive the vehicle on which the technology is installed without the active control or monitoring by a human operator.<sup>21</sup>

- Authorizing employees, contractors, or other persons designated by manufacturers of autonomous technology, or research organizations associated with accredited educational institutions, to operate vehicles equipped with autonomous technology on roads in this state, under certain conditions, for the purpose of testing the technology.<sup>22</sup>
- Requiring that such vehicles meet federal standards, be operable in compliance with state motor vehicle and traffic laws, and be equipped with methods to alert the operator of technical failure, allowing the operator to engage and disengage autonomous operation.<sup>23</sup>
- Authorizing a licensed driver to operate an autonomous vehicle in autonomous mode and deeming that person the operator of the vehicle when the person causes the vehicle's autonomous technology to engage, regardless of whether the person is physically present in the vehicle while it is in autonomous mode.<sup>24</sup>

#### Transportation Planning and Autonomous Vehicles

Current law requires metropolitan planning organizations (MPOs) to develop a long-range transportation plan addressing at least a 20-year planning horizon. The plans must be consistent, to the maximum extent feasible, with local government comprehensive plans of the local governments located within the jurisdiction of the MPO. A long-range transportation plan must:

- Identify transportation facilities that will function as an integrated metropolitan transportation system;
- Include a financial plan demonstrating how the plan can be implemented, indicating resources from public and private sources reasonably expected to be available to carry out the plan and recommending any additional financing strategies for needed projects and programs;
- Assess capital investment and other measures necessary to:
- Ensure the preservation of the existing MPO system including requirements for major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and
- Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods; and
- Indicate, as appropriate, proposed transportation enhancement activities, such as pedestrian and bicycle facilities, scenic easements, and control of outdoor advertising.<sup>25</sup>

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<sup>21</sup> See s. 316.003(90), F.S. The term excludes a motor vehicle enabled with active safety systems or driver assistance systems, including, without limitation, a system to provide electronic blind spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keep assistance, lane departure warning, or traffic jam and queuing assistant, unless any such system alone or in combination with other systems enables the vehicle on which the technology is installed to drive without the active control or monitoring by a human operator.

<sup>22</sup> See s. 316.86, F.S., which also requires the testing entity to provide \$5 million in insurance and exempts vehicle manufacturers from liability under conditions related to conversion of a vehicle after manufacture.

<sup>23</sup> See s. 319.45, F.S.

<sup>24</sup> See s. 316.85, F.S.

<sup>25</sup> See s. 339.175(7), F.S. Additional requirements exist for metropolitan areas classified as nonattainment areas for ozone or carbon monoxide.

Section 339.64, F.S., requires the FDOT to develop and update every five years, in cooperation with MPOs, regional planning councils, local governments, and other transportation providers, a Strategic Intermodal System Plan. The plan must be consistent with the Florida Transportation Plan.<sup>26</sup> The FDOT is instructed to provide a number of entities the opportunity to participate in the development of updates, and to coordinate planning with federal, regional, and local partners. The SIS Plan must include:

- A needs assessment.
- A project prioritization process.
- A map of facilities.
- A finance plan based on reasonable projections of anticipated revenues.
- An assessment of the impacts of proposed improvements to certain SIS corridors.<sup>27</sup>

Current law makes no specific mention of taking into consideration planning for infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous vehicles, in developing MPO long-range transportation plans or when updating the SIS Plan.

#### Electronic Displays in Autonomous Vehicles

A motor vehicle operated on the highways of this state may not be equipped with television-type receiving equipment that is visible from the driver's seat. The prohibition does not apply to an electronic display used in conjunction with a vehicle navigation system.<sup>28</sup>

#### Definitions

The definitions of the terms "autonomous vehicle" and "autonomous technology" are currently contained together in one subsection of s. 316.003, F.S.

#### *Effect of Proposed Changes*

Section 8 amends s. 339.175(3)(c)2., F.S., to include in an MPO's capital investment assessment the goal of improving safety while making the most efficient use of existing transportation facilities. In addition, MPOs are required to consider in developing long-range transportation plans infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous vehicle technology and other developments.

Similarly, section 9 amends s. 339.64, F.S., to require the FDOT to coordinate with federal, regional, and local partners, as well as industry representatives, to consider when updating the SIS Plan infrastructure and technological improvements to the SIS necessary to accommodate advances in vehicle technology. The bill also requires the same consideration to be included in the needs assessment.

Section 3 amends s. 316.303(1) and (3), F.S., respectively, to allow autonomous vehicles to be equipped with television-type receiving equipment visible from the driver's seat, and to

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<sup>26</sup> The Florida Transportation Plan is a statewide transportation plan that considers the needs of the entire state transportation system and examines the use of all modes of transportation to meet such needs. The purpose of the plan is to establish and define the state's long-range transportation goals and objectives over a period of at least 20 years. See s. 339.155, F.S.

<sup>27</sup> See s. 339.64(4), F.S.

<sup>28</sup> See s. 316.303(1) and (3), F.S.

authorize an operator of an autonomous vehicle to use an electronic display in conjunction with a vehicle navigation system, both while the vehicle is being operated in autonomous mode.

Section 2 amends s. 316.003, F.S., to separate the definitions of the terms “autonomous vehicle” and “autonomous technology,” currently contained in one subsection, to facilitate ease of reference.

## **Transportation Network Companies (Sections 14 and 30)**

### ***Present Situation***

For-hire vehicle services are undergoing changes with respect to models most often associated with the provision of transportation to individuals, such as by taxi. Technological advances are resulting in new methods for consumers to arrange and pay for transportation, including software applications that make use of mobile smartphone applications, Internet web pages, and email and text messages. Some states and local governments have taken steps to recognize and regulate companies using these new methods, which describe themselves as “transportation network companies” (TNCs) and not vehicles for hire.

California was the first state to recognize TNCs,<sup>29</sup> such as Uber, Lyft, and SideCar, which use these new methods to match drivers of vehicles with passengers requesting vehicles for transportation. Presently, Florida law does not recognize TNCs, but some local governments have adopted local regulations authorizing TNCs to operate within the given local jurisdiction, some have rejected new regulations in favor of existing for-hire vehicle regulations, and some local governments are currently considering new regulations.

### **Public Transit Services/Transportation Disadvantaged**

Under current law, a public transit provider is a public agency that provides public transit service.<sup>30</sup> Florida law defines “public transit” to mean the transporting of people by conveyances, or systems of conveyances, traveling on land or water, local or regional in nature, and available for use by the public. The definition expressly includes “paratransit” services.<sup>31</sup> Paratransit services are “on-demand” services. The individual user selects the specific origin and destination at a time agreed upon by the user and the service provider. Currently, public transit providers contract with taxis, limousines, “dial-a-ride,” buses, and other demand-responsive operations to provide paratransit services to their customers.<sup>32</sup>

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<sup>29</sup> See Forbes, *California Becomes First State to Regulate Ridesharing Services Lyft, Sidecar, UberX*: <http://www.forbes.com/sites/tomiogeron/2013/09/19/california-becomes-first-state-to-regulate-ridesharing-services-lyft-sidecar-uberx/>. Last visited February 24, 2015.

<sup>30</sup> See s. 341.031(1), F.S.

<sup>31</sup> See s. 341.031(6), F.S.

<sup>32</sup> See s. 341.031(5) and (6) and s. 427.011(9), F.S.

Paratransit services for the transportation disadvantaged<sup>33</sup> are provided through the Commission for the Transportation Disadvantaged. A local coordinating board oversees the community transportation coordinator,<sup>34</sup> who contracts with operators<sup>35</sup> that provide transportation. Some trips for individuals who are transportation disadvantaged are “sponsored”; i.e., funding for the trips is provided or subsidized, for example, by Medicaid. “Non-sponsored” transportation disadvantaged services are those not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund.<sup>36</sup>

Discussion with Commission staff indicates that gaps exist in the ability to provide non-sponsored, non-medical-emergency paratransit services, particularly for transportation disadvantaged individuals in rural areas, largely due to reduced availability of public transit services in rural areas and the cost of travel to and from those areas. Commission staff advise that potential opportunities exist to increase accessibility and cost effectiveness in the more rural areas, particularly with TNCs offering services that combine passengers with differing trip origins and destinations into a single TNC vehicle trip.<sup>37</sup>

### *Effect of Proposed Changes*

Section 14 creates s. 341.1025, F.S., to authorize a public transit provider (a public agency) to enter into an agreement with a TNC under which the company provides public transit service on behalf of the provider. The bill defines “transportation network company” to mean an entity that uses a digital or software application to connect passengers to services provided by TNC drivers. A public agency that provides public transit and enters into such a contract may use drivers for companies such as Uber, Lyft, and SideCar, to provide public transit, including paratransit services, in addition to other demand-responsive operations.

Section 30 authorizes the Commission for the Transportation Disadvantaged, in cooperation with the Center for Urban Transportation Research (CUTR), to develop and implement a pilot program with at least one community transportation coordinator to assess the potential for increasing accessibility and cost effectiveness made possible through use of a TNC<sup>38</sup> as a transportation operator. The program must allow one or more TNCs to provide all or some non-sponsored paratransit services to eligible transportation disadvantaged persons for no less than six months. The participating TNC must comply with all relevant requirements for transportation operators relating to performance standards for the delivery of services and minimum insurance requirements. The Commission is authorized to expend up to \$750,000 for the pilot, contingent

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<sup>33</sup> Those persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are dependent on others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or certain children. See s. 427.011(1), F.S.

<sup>34</sup> A transportation entity recommended by an MPO, or by the appropriate official planning agency in an area outside the purview of an MPO, to ensure coordinated transportation services are provided to transportation disadvantaged persons in a designated service area. See s. 427.011(5), F.S.

<sup>35</sup> One or more public, private for-profit, or private nonprofit entities engaged by the community transportation coordinator to provide service to transportation disadvantaged persons. See s. 427.011(6), F.S.

<sup>36</sup> See 427.011(12), F.S.

<sup>37</sup> Conversation between Commission and Committee Staff, February 6, 2015, in the Senate Transportation Committee.

<sup>38</sup> Defined identically as in the new s. 341.0125, F.S.

upon legislative appropriation, and present the findings of the pilot program in a report to the chairs of the appropriate Senate and House Committees by October 1, 2016.

### **Independent Special Districts Regulating Vehicles For Hire (Section 6)**

#### ***Current Situation***

Hillsborough County Public Transportation Commission

The Hillsborough County Public Transportation Commission (HPTC) is a legislatively-created independent special district regulating vehicles for hire. The HPTC regulates such vehicles in that county pursuant to authority granted to counties in s. 125.01(1)(n), F.S., to license and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county. The Commission appears to be the only independent special district with such responsibilities.<sup>39</sup>

The HPTC currently has seven members.<sup>40</sup> The Board of County Commissioners appoints three members from the board, the City Council of Tampa appoints two members, and the City Commission of Plant City and the City Council of Temple Terrace appoint one member each. Each member serves a two-year term.

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

Section 6 creates s. 335.21, F.S., to revise the appointment of membership to the HPTC, notwithstanding any provision of local law. The Governor appoints four members, the Tampa City Council appoints one member, and the Hillsborough County Board of Commissioners appoints two members. All seven members must be Hillsborough County residents.

### **Vehicle Miles Traveled Pilot (Section 31)**

#### ***Present Situation***

Concern regarding the sustainability of transportation funding sources remains as a focus of attention in the transportation arena. A number of factors have together caused a reduction in transportation revenues:

- The bulk of federal surface transportation funding comes from the federal taxes on gasoline and diesel fuel assessed on a per-gallon basis, and the tax rates are not adjusted for inflation.
- The total number of vehicle miles traveled (VMT) has declined in recent years, resulting in fewer gallons of gas and diesel sold upon which to assess federal, state, and local taxes. This number is not expected to return to previously realized growth levels.
- Vehicle fuel efficiency continues to increase, also lowering the demand for gallons of gas and diesel.<sup>41</sup>

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<sup>39</sup> The HPTC is an independent special district first created in 1983. See ch. 83-423, Laws of Florida.

<sup>40</sup> See ch. 2001-299, Laws of Florida.

<sup>41</sup> See the Center for Urban Transportation Research, *Florida MPOAC Transportation Revenue Study*, July 2012. On file in the Senate Transportation Committee.

Various alternatives to the existing gas and diesel taxes have been considered. One alternative is to replace those taxes with a “vehicle-miles-traveled tax” or a “mileage-based user fee”:

Mileage-based user fees (MBUF) are an alternative way to finance the construction and maintenance of roads. Rather than the current gas tax method, which is based on the amount of fuel purchased at the pump, a VMT tax is based on how many miles are driven.<sup>42</sup>

According to the Mileage-based User Fee Alliance (MBUFA), use of a distance-traveled mechanism is already being successfully implemented in several European nations and in New Zealand. Domestically, “...states are taking a lead in helping to resolve many of the implementation questions by working with academia, industry partners and each other to devise mileage-based user fee pilot projects around the country.”<sup>43</sup>

The State of Oregon appears to have made the most progress in the United States, having already completed two pilots and planning implementation of a voluntary program, beginning July 1, 2015, using 5,000 vehicles.<sup>44</sup> Interest has been expressed in developing a Florida-specific, implementable pilot project to determine the efficacy of a VMT fee as a viable alternative to per-gallon gas and diesel taxes.

### *Effect of Proposed Changes*

Section 31 directs the Center for Urban Transportation Research (CUTR) to conduct a study on the viability of implementing a system that charges drivers based on their vehicle miles traveled (VMT), as an alternative to the present fuel tax structure, to fund transportation projects. The study is to inventory previous research and findings from pilot projects conducted in other states. At a minimum, the study must address previous work conducted in the following broad areas.

- Assessment of technologies;
- Behavioral and privacy concerns;
- Equity impacts; and
- Policy implications of a VMT road charging system.

The study must also quantify the current costs to collect traditional highway user fees, synthesize findings of completed research and demonstrations, and analyze their applicability to Florida. CUTR must present the findings of the study phase to the Legislature by January 30, 2016.

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<sup>42</sup> See Mileage-Based User Fee Alliance website: <http://mbufa.org/about.html>. Last visited February 26, 2015.

<sup>43</sup> See MBUFA website: <http://mbufa.org/where.html>. Last visited February 26, 2015. Colorado, Minnesota, Nevada, New York City, Texas, Washington, the University of Iowa, and the I-95 Corridor Coalition have all undertaken efforts with respect to a

<sup>44</sup> See *Oregon’s VMT Pilot to Begin its Third Phase – Road usage Charge Program Update*: <http://www.nlc.org/media-center/news-search/oregon%E2%80%99s-vmt-pilot-to-begin-its-third-phase-road-usage-charge-program-update>. Last visited February 26, 2015.

In the course of the study, and in consultation with the Florida Transportation Commission, CUTR is directed to establish the framework for a pilot project that will evaluate the feasibility of implementing a VMT charging system. In designing the framework, CUTR is directed to address at a minimum the following elements:

- The geographic location for the pilot;
- Special fleets or classes of vehicles;
- Evaluation criteria for the demonstration;
- Consumer choice in the method of reporting miles traveled;
- Privacy options for participants in the pilot project;
- The recording of miles traveled with and without locational information;
- Records retention and destruction; and
- Cyber security.

The pilot project design must be completed by December 31, 2016, and submitted in a report to the Legislature, so that implementation can occur in 2017.

### **Northwest Florida Regional Transportation Finance Authority (Sections 15 through 29)**

#### ***Present Situation***

Escambia and Santa Rosa counties, are currently served by the Northwest Florida Transportation Corridor Authority and the Santa Rosa Bay Bridge Authority.

The Northwest Florida Transportation Corridor Authority (NFTCA) has the primary purpose of improving mobility and safety, promoting economic development, and implementing transportation projects to alleviate congestion in the northwest region. The NFTCA is also authorized to issue bonds.<sup>45</sup> Eight voting members, one each from Escambia, Santa Rosa, Walton, Okaloosa, Bay, Gulf, Franklin and Wakulla counties, are appointed by the Governor to serve four-year terms on the governing body. The FDOT's District 3 Secretary serves as an ex-officio, non-voting member.<sup>46</sup>

According to a report by the Florida Transportation Commission (FTC), the NFTCA is not currently operating any facility. The report indicates the NFTCA and the FDOT executed a two-year agreement in 2010 providing \$1.1 million in federal funding for Authority administration, professional services, and regional transportation planning. The agreement was amended in 2011 to include an additional \$1.1 million and extend the agreement for one year. A second amendment in February of 2012 included a new work plan.<sup>47</sup>

The Santa Rosa Bay Bridge Authority (SRBBA) owns the Garcon Point Bridge, a 3.5-mile tolled bridge that spans Pensacola/East Bay between Garcon Point (south of Milton) and Redfish Point (between Gulf Breeze and Navarre) in southwest Santa Rosa County. Florida's Turnpike Enterprise provides toll operations for the SRBBA.<sup>48</sup> The SRBBA governing body consists of

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<sup>45</sup> Section 343.82, F.S.

<sup>46</sup> Section 343.81, F.S.

<sup>47</sup> Florida Transportation Commission, *Transportation Authority Monitoring and Oversight Fiscal Year 2013 Report*, at 163, available at: <http://www.ftc.state.fl.us/reports/TAMO.shtm>. Last visited February 16, 2015.

<sup>48</sup> *Supra*, note 3, at 2.

seven members, three each appointed by the Governor and the Board of County Commissioners, with the FDOT District Three Secretary serving as an ex-officio member. Except for the Secretary, all members are required to be permanent residents of Santa Rosa County at all times during their term of office.<sup>49</sup> Because toll revenues are insufficient to pay both debt service on outstanding bonds and operations and maintenance (O&M) expenses, the costs of the O&M are recorded as debt owed to the FDOT. The FDOT advises the long-term debt for O&M expenses as of June 30, 2014, was \$20.4 million. The SRBBA also has outstanding loans from the Toll Facilities Revolving Trust Fund,<sup>50</sup> with a balance of \$7.9 million as of June 30, 2014.<sup>51</sup> According to the FTC report, the SRBBA is in default, and the principal on all outstanding bonds, totaling \$131.2 million, was declared immediately due and payable on January 1, 2013.<sup>52</sup>

### *Effect of Proposed Changes*

The bill creates chapter 345 of the Florida Statutes, the Northwest Florida Regional Transportation Finance Authority Act, consisting of ss. 345.0001 – 345.0014, F.S. The bill authorizes Escambia County, alone or together with a consenting Santa Rosa County, to form a regional finance authority in the northwest region of the state. The governing body of the Authority consists of two resident members from each participating county appointed by the county commission of each county, an equal number to be appointed by the Governor, and the FDOT's District Three secretary. County commission appointees must represent the business and civic interests of the relevant community, if possible.

The Authority is authorized to construct, operate, and maintain a regional system in the area served, except for an existing system for transporting people and goods owned by another non-consenting entity. Broad powers are granted to the Authority, including, but not limited to:

- The exercise of eminent domain;
- The establishment and collection of rates and fees, which power may be assigned or delegated to the FDOT;
- The power to borrow money and issue bonds<sup>53</sup> to finance the system and to secure the payment of such bonds by a pledge of system revenues, including any municipal or county funds received by the Authority under an agreement with the municipality or county.
- The power to enter into contracts, including, but not limited to, partnerships providing for participation in system ownership and revenues;
- The power to employ an executive director, attorney, staff, and consultants, with the FDOT furnishing the services of an FDOT employee to act as the executive director upon the request of the Authority.

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<sup>49</sup> See s. 348.967, F.S.

<sup>50</sup> The Toll Facilities Revolving Trust Fund was dissolved in 2012. See ch. 2012-128, L.O.F. All outstanding repayments are to be deposited into the State Transportation Trust Fund.

<sup>51</sup> See the FDOT email to committee staff, February 16, 2015. On file in the Senate Transportation Committee.

<sup>52</sup> *Supra*, note 3, at 5.

<sup>53</sup> A resolution authorizing issuance of bonds on behalf of the authority under the State Bond Act and pledging system revenues must require periodic deposits of system revenues into appropriate accounts in amounts sufficient to pay the costs of O&M for the current fiscal year and to reimburse the FDOT for any unreimbursed O&M costs from prior fiscal years before revenues of the system are deposited for payment of principal and interest on such bonds.



The FDOT is deemed the Authority's agent for performing all construction, extension, and improvement phases of a project. After the issuance of bonds to finance construction, the Division of Bond Finance and the Authority are required to transfer the necessary funds to the credit of the State Transportation Trust Fund. Alternatively, with the FDOT's consent and approval, the Authority may appoint a local, FDOT-certified agency to administer federal-aid projects.

The FDOT is also deemed the Authority's agent for operating and maintaining the system, except for transit facilities, and the costs incurred by the FDOT must be reimbursed from system revenues. However, the Authority remains obligated as principal to operate and maintain the system.

At the request of the Authority and subject to appropriation by the Legislature, the FDOT may pay the cost of financial, engineering, or traffic feasibility studies or of the design, financing, acquisition, or construction of an Authority project that is included in the ten-year Strategic Intermodal System Plan.<sup>54</sup> The FDOT is required to include funding for such payments in its legislative budget request. The request for funding may be included in the FDOT's five-year Tentative Work Program. However, the request must appear as a distinct funding item in the legislative budget request and be supported by a financial feasibility test.

The FDOT may not make a budget request unless the estimated net revenues of the proposed project will be sufficient to pay at least 50 percent of the annual debt service on the bonds associated with the project by the end of 12 years of operation, and at least 100 percent of the same by the end of 30 years of operation.<sup>55</sup> Funding for a project must appear in the General Appropriations Act as a distinct fixed capital outlay item and must clearly identify the related project.

The FDOT may participate in projects that, at a minimum, serve national, statewide, or regional functions; are identified in the capital improvements element of a comprehensive plan; comply with local government policies in such plans relative to corridor management; are consistent with the Strategic Intermodal System Plan; and have a local, regional, or private financial match.

Before approving a proposed project, the FDOT must determine that the project:

- Is in the public's best interest;
- Does not require the use of state funds, unless the project is on the State Highway System;
- Has adequate safeguards in place to ensure no additional imposed costs or service disruptions if the FDOT cancels or defaults on the agreement, and to ensure that the FDOT and the Authority have the opportunity to add capacity to the project and other transportation facilities serving similar origins and destinations.

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<sup>54</sup> The Strategic Intermodal System (SIS) is the statewide network of high priority transportation facilities, including the state's largest and most significant airports, spaceports, deepwater seaports, freight rail terminals, interregional rail and bus terminals, rail corridors, urban fixed guideway transit corridors, waterways, and highways. The SIS is the state's highest statewide priority for transportation capacity improvements. See the FDOT SIS brochure, available at: <http://www.dot.state.fl.us/planning/sis/Strategicplan/>. Last visited February 17, 2015.

<sup>55</sup> Equivalent to the economic feasibility test for proposed Turnpike projects under s. 338.221(8)(a), F.S.

The FDOT may require any contribution to be repaid from tolls of the project, other Authority revenue, or other sources of funds. The FDOT must receive a share of the Authority's net revenues equal to the ratio of the FDOT's total contributions to the Authority to the sum of:

- The FDOT's total contributions;
- Any local government contributions to the cost of revenue-producing Authority projects; and
- The sale proceeds of Authority bonds after payment of costs of issuance.

The Authority is exempt from paying any taxes or assessments upon any Authority property, rates, fees, or income, etc., or upon bonds issued by the Authority. Issuance of bonds to finance the cost of extension or improvement of a system is authorized without compliance with any other law.

#### **Commercial Motor Vehicles/Manufactured Building/Special Permits (Section 4)**

##### ***Present Situation***

The Office of Commercial Vehicle Enforcement of the Florida Department of Highway Safety and Motor Vehicles (FDHSMV) administers a Weight Enforcement program. Protection of the public's investment in the highway system is the primary purpose of the program. To prevent heavy trucks from causing unreasonable damage to roads and bridges, maximum weight and size limits are established in chapter 316, F.S.<sup>56</sup> Section 316.515, F.S., sets out the maximum width, height, and length limitations, and s. 316.545, F.S., addresses unlawful weight.

The FDOT or a local authority, with respect to roads under their respective jurisdiction, may issue a special permit to operate or move a vehicle or combination of a size or weight exceeding the maximums specified. Issuance of such a permit must not be contrary to the public interest and is not required; i.e., permit issuance is within the discretion of the FDOT or the local authority.<sup>57</sup> Significant penalties can result from failure to obtain a special permit or failure to comply with the specific terms of the permit.<sup>58</sup>

Generally, as to truck tractor-semitrailer combinations and length, the extreme overall outside dimension of the combination may not exceed 48 feet, measured from the front of the unit to the rear of the unit and the load carried.<sup>59</sup> However, the FDOT is authorized, if not contrary to the public interest and within its discretion, to issue a special permit for a combination if the total number of over-width deliveries of manufactured buildings may be reduced by permitting the use of an over-length trailer not exceeding 54 feet.<sup>60</sup> Issuance of this type of over-length special permit does not exempt the combination vehicle from existing weight limitations or special permit requirements if the weight of the combination exceeds the maximums specified in ch. 316, F.S.

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<sup>56</sup> See the FDHSMV website: <http://www.flhsmv.gov/fhp/CVE/WeightEnforment.htm/>. Last visited March 3, 2015.

<sup>57</sup> See s. 316.550, F.S.

<sup>58</sup> See s. 316.550(10), F.S.

<sup>59</sup> Section 316.550(3)(b)1., F.S.

<sup>60</sup> Section 316.515(14), F.S.

***Effect of Proposed Changes***

Section 4 amends s. 316.515(4), F.S., to insert “multiple sections or single units” with reference to manufactured buildings transported on permitted, over-length trailers, and to increase the allowable trailer over-length from 54 to 80 feet.

The Federal Highway Administration has reviewed the proposed language and opined that it does not appear to conflict with federal regulations, as long as weight restrictions are not triggered.<sup>61</sup> Transporters of manufactured buildings on truck tractor-semitrailer combinations continue to be required to obtain a permit for such combinations, even with a trailer length of 80 feet. Overweight permits also continue to be required when applicable. Issuance of such permits remains within the discretion of the FDOT.

**Broward County Expressway Authority/Obsolete Bond Language (Section 7)*****Present Situation***

The Broward County Expressway Authority built the Sawgrass Expressway, a 23-mile facility in Broward County. The expressway opened to traffic in 1986 and extends from I-75 in Weston to its interchange with the Florida Turnpike and Southwest 10<sup>th</sup> Street in Deerfield Beach. In 1990, the FDOT acquired the expressway, and it became a part of Florida’s Turnpike System.<sup>62</sup> The Expressway Authority was abolished in 2011.<sup>63</sup> Section 338.221(5), F.S., generally authorizes the FDOT, in each fiscal year during which any of the Broward County Expressway Authority bond series 1984 and series 1986-A remain outstanding, to pledge revenues from the turnpike system to the payment of such bonds and the operation and maintenance of the Sawgrass Expressway. No such bonds are currently outstanding, and the language is obsolete.

***Effect of Proposed Changes***

Section 7 repeals the obsolete language in s. 338.221(5), F.S., relating to bonds of the abolished Broward County Expressway Authority.

**Transportation Corridors (Section 13)*****Present Situation***

Section 341.0532, F.S., enacted in 2003, currently defines “statewide transportation corridor” as a system of transportation infrastructure that collectively provides for the efficient movement of significant volumes of intrastate, interstate, and international commerce by seamlessly linking multiple modes of transport. That section also lists eight corridors deemed “Florida’s statewide transportation corridors.”

In the same year, the Legislature enacted the Strategic Intermodal System (SIS).<sup>64</sup> SIS facilities collectively serve 56 percent of State Highway System traffic, 70 percent of State Highway System truck traffic, 89 percent of interregional bus and rail passengers, 99 percent of

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<sup>61</sup> See the FHWA email, February 11, 2015. On file in the Senate Transportation Committee.

<sup>62</sup> See the FDOT website: [http://www.floridasturnpike.com/about\\_system.cfm#7](http://www.floridasturnpike.com/about_system.cfm#7). Last visited February 23, 2015.

<sup>63</sup> See s. 18, ch. 2011-64, Laws of Florida.

<sup>64</sup> See the web link, *Supra*, note 10, for additional information on the SIS.

commercial air passengers and cargo, and 100 percent of rail and waterborne freight tonnage and cruise ship passengers.<sup>65</sup> SIS facilities are designated by the FDOT based on criteria provided in ss. 339.61 through 339.64, F.S. The corridors currently listed in s. 341.0532, F.S., with limited exception,<sup>66</sup> are also part of the SIS. Section 341.0532, F.S., is not referenced elsewhere in the Florida Statutes, and the FDOT advises that section is not used in performing any of its duties and responsibilities. The statute appears to be obsolete.

***Effect of Proposed Changes***

Section 13 repeals s. 341.0532, F.S., which created Florida's statewide transportation corridors. The corridors continue to be managed through their inclusion in the SIS

**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:

Indeterminate.

C. Government Sector Impact:

**Sections 1, 5, 10, 11, and 12:** The bill currently provides no funding for the SunTrail Network.

**Section 4:** The FDOT may experience an indeterminate positive fiscal impact if the increased allowable trailer length used to transport manufactured buildings results in issuance of more special permits.

<sup>65</sup> See the 2014 FDOT *Strategic Intermodal System Briefing*. On file in the Senate Transportation Committee.

<sup>66</sup> See the FDOT email, March 2, 2015. On file in the Senate Transportation Committee.

**Sections 2, 3, 8, and 9:** MPOs may experience minimal expenses in considering autonomous vehicle technology when developing long-range transportation plans. Likewise for the FDOT when updating the SIS Plan.

**Sections 14 and 29:** The fiscal impact associated with authorizing contracts with transportation network companies to provide public transit services is indeterminate. The bill authorizes the Commission, contingent upon legislative appropriation, to expend up to \$750,000 for the pilot project to assess increased accessibility and cost effectiveness of providing certain transportation disadvantaged services through the use of a transportation network company.

**Section 31:** The bill authorizes CUTR to expend up to \$400,000 for the VMT study and pilot project design, contingent upon legislative appropriation.

**Sections 15 through 29:** The fiscal impact of authorizing creation of the Northwest Florida Regional Transportation Finance Authority is indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 260.0144, 316.003, 316.303, 316.515, 335.065, 338.231, 339.175, and 339.64.

This bill creates the following sections of the Florida Statutes: 335.21, 339.81, 339.82, 339.83, 341.1025, 345.0001, 345.0014, 345.0002, 345.0003, 345.0004, 345.0005, 345.0006, 345.0007, 345.0008, 345.0009, 345.001, 345.0011, 345.0012, and 345.0013.

This bill repeals section 341.0532 of the Florida Statutes.

The bill creates two undesignated sections of the Florida law

**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 5, 2014:**

The CS modifies the bill by:

- Extending the allowable length of a trailer transporting multiple sections or single units of manufactured buildings under a special permit from 54 feet to 80 feet; and

- Revising the original language relating to a vehicle-miles-traveled study and pilot project to incorporate consultation with the Florida Transportation Commission and provide more detail as to the items to be addressed in a study of completed research and demonstrations and in the design of an implementable pilot project.

B. Amendments:

None.



146586

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/05/2015	.	
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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 266 and 267

insert:

Section 4. Subsection (14) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(14) MANUFACTURED BUILDINGS.—The Department of Transportation may, in its discretion and upon application and good cause shown therefor that the same is not contrary to the



146586

11 public interest, issue a special permit for truck tractor-  
12 semitrailer combinations where the total number of overwidth  
13 deliveries of manufactured buildings, as defined in s.  
14 553.36(13), may be reduced by permitting the use of multiple  
15 sections or single units on an overlength trailer of no more  
16 than 80 ~~54~~ feet.

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

18 And the title is amended as follows:

19 Delete line 13

20 and insert:

21 displays in vehicles; amending s. 316.515, F.S.;

22 authorizing the Department of Transportation to permit

23 truck tractor-semitrailer combinations where the total

24 number of overwidth deliveries of manufactured

25 buildings may be reduced by the transport of multiple

26 sections or single units on an overlength trailer of

27 no more than a specified length under certain

28 circumstances; amending s. 335.065, F.S.;





114694

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/05/2015	.	
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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 1293 - 1375  
and insert:

Section 30. (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature recognizes that the existing fuel tax structure used to derive revenues for the funding of transportation projects in this state will soon be inadequate to meet the state’s needs. To address this emerging need, the Legislature directs the Center for Urban Transportation Research to establish an extensive



114694

11 study on the impact of implementing a system that charges  
12 drivers based on the vehicle miles traveled as an alternative,  
13 sustainable source of transportation funding and to establish  
14 the framework for implementation of a pilot demonstration  
15 project. The Legislature recognizes that, over time, the current  
16 fuel tax structure has become less viable as the primary funding  
17 source for transportation projects. While the fuel tax has  
18 functioned as a true user fee for decades, significant increases  
19 in mandated vehicle fuel efficiency and the introduction of  
20 electric and hybrid vehicles have significantly eroded the  
21 revenues derived from this tax. The Legislature also recognizes  
22 that there are legitimate privacy concerns related to a tax  
23 mechanism that would charge users of the highway system on the  
24 basis of miles traveled. Other concerns include the cost of  
25 implementing such a system and institutional issues associated  
26 with revenue sharing. Therefore, it is the intent of the  
27 Legislature that this study and demonstration design will, at a  
28 minimum, address these issues. To accomplish this task, the  
29 Center for Urban Transportation Research in consultation with  
30 the Florida Transportation Commission shall establish a project  
31 advisory board to assist the center in analyzing this  
32 alternative funding concept and in developing specific elements  
33 of the pilot project that will demonstrate the feasibility of  
34 transitioning Florida to a transportation funding system based  
35 on vehicle miles traveled.

36 (2) VEHICLE-MILES-TRAVELED STUDY.—The Center for Urban  
37 Transportation Research shall conduct a study on the viability  
38 of implementing a system in this state which charges drivers  
39 based on their vehicle miles traveled as an alternative to the



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40 present fuel tax structure to fund transportation projects. The  
41 study will inventory previous research and findings from pilot  
42 projects being conducted in other states. The study will address  
43 at a minimum previous work conducted in these broad areas:  
44 assessment of technologies; behavioral and privacy concerns;  
45 equity impacts; and policy implications of a vehicle miles  
46 traveled road charging system. The effort will also quantify the  
47 current costs to collect traditional highway user fees. This  
48 study will synthesize findings of completed research and  
49 demonstrations in the area of vehicle-miles-traveled charges and  
50 analyze their applicability to Florida. The Center for Urban  
51 Transportation Research shall present the findings of this study  
52 phase to the Legislature no later than January 30, 2016.

53 (3) VEHICLE-MILES-TRAVELED PILOT PROJECT DESIGN.—

54 (a) In the course of the study, the Center for Urban  
55 Transportation Research in consultation with the Florida  
56 Transportation Commission shall establish the framework for a  
57 pilot project that will evaluate the feasibility of implementing  
58 a system that charges drivers based on their vehicle miles  
59 traveled.

60 (b) In the design of the pilot project framework, the  
61 Center for Urban Transportation Research shall address at a  
62 minimum these elements: the geographic location for the pilot;  
63 special fleets or classes of vehicles; evaluation criteria for  
64 the demonstration; consumer choice in the method of reporting  
65 miles traveled; privacy options for participants in the pilot  
66 project; the recording of miles traveled with and without  
67 locational information; records retention and destruction; and  
68 cyber security.



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69        (c) Contingent upon legislative appropriation, the Center  
70 for Urban Transportation Research may expend up to \$400,000 for  
71 the study and pilot project design.

72        (d) The pilot project design shall be completed no later  
73 than December 31, 2016, and submitted in a report to the  
74 Legislature so that implementation of a pilot project can occur  
75 in 2017.

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

77 And the title is amended as follows:

78        Delete lines 121 - 139

79 and insert:

80        House committees by a certain date; providing  
81        legislative findings and intent relating to  
82        transportation funding; directing the Center for Urban  
83        Transportation Research to conduct a study on  
84        implementing a system in this state which charges  
85        drivers based on their vehicle miles traveled as an  
86        alternative to the present fuel tax structure to fund  
87        transportation projects; specifying requirements of  
88        the study; requiring that the findings of the study be  
89        presented to the Legislature by a certain date;  
90        directing the center in consultation with the Florida  
91        Transportation Commission to establish the framework  
92        for a pilot project that will evaluate the feasibility  
93        of implementing a system that charges drivers based on  
94        their vehicle miles traveled; specifying requirements  
95        for the design of the pilot project framework;  
96        authorizing the center to expend up to a certain  
97        amount for the study and pilot project design



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98           contingent upon legislative appropriation; requiring  
99           that the pilot project design be completed by a  
100          certain date and submitted in a report to the  
101          Legislature; providing an effective date.  
102

By Senator Brandes

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1 A bill to be entitled  
 2 An act relating to transportation; amending s.  
 3 260.0144, F.S.; providing that certain commercial  
 4 sponsorship may be displayed on state greenway and  
 5 trail facilities not included within the Shared-Use  
 6 Nonmotorized Trail Network; deleting provisions  
 7 relating to the authorization of sponsored state  
 8 greenways and trails at specified facilities or  
 9 property; amending s. 316.003, F.S.; making technical  
 10 changes; amending s. 316.303, F.S.; providing  
 11 exceptions to the prohibition of certain television-  
 12 type receiving equipment and certain electronic  
 13 displays in vehicles; amending s. 335.065, F.S.;  
 14 deleting provisions relating to certain commercial  
 15 sponsorship displays on multiuse trails and related  
 16 facilities; deleting provisions relating to funding a  
 17 statewide system of interconnected multiuse trails;  
 18 creating s. 335.21, F.S.; requiring the governing body  
 19 of any independent special district created to  
 20 regulate the operation of public vehicles on public  
 21 highways to consist of a certain number of members;  
 22 providing appointment requirements for such members;  
 23 amending s. 338.231, F.S.; deleting provisions  
 24 relating to using the revenues from the turnpike  
 25 system to pay the principal and interest of a  
 26 specified series of bonds and certain expenses of the  
 27 Sawgrass Expressway; amending s. 339.175, F.S.;  
 28 requiring certain long-range transportation plans to  
 29 include assessment of capital investment and other

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30 measures necessary to make the most efficient use of  
 31 existing transportation facilities to improve safety;  
 32 requiring the assessments to include consideration of  
 33 infrastructure and technological improvements  
 34 necessary to accommodate advances in vehicle  
 35 technology; amending s. 339.64, F.S.; requiring the  
 36 Department of Transportation to coordinate with  
 37 certain partners and industry representatives to  
 38 consider infrastructure and technological improvements  
 39 necessary to accommodate advances in vehicle  
 40 technology in Strategic Intermodal System facilities;  
 41 requiring the Strategic Intermodal System Plan to  
 42 include a needs assessment regarding such  
 43 infrastructure and technological improvements;  
 44 creating s. 339.81, F.S.; creating the Florida Shared-  
 45 Use Nonmotorized Trail Network; specifying the  
 46 composition, purpose, and requirements of the network;  
 47 authorizing the department certain powers related to  
 48 planning, development, operation, and maintenance of  
 49 the network; creating s. 339.82, F.S.; requiring the  
 50 department to develop a Shared-Use Nonmotorized Trail  
 51 Network Plan; creating s. 339.83, F.S.; creating a  
 52 trail sponsorship program, subject to certain  
 53 requirements and restrictions; repealing s. 341.0532,  
 54 F.S., relating to statewide transportation corridors;  
 55 creating s. 341.1025, F.S.; authorizing a public  
 56 transit provider to enter into agreements with a  
 57 transportation network company for the provision of  
 58 certain transit services; defining the term

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59 "transportation network company"; providing a  
 60 directive to the Division of Law Revision and  
 61 Information; creating s. 345.0001, F.S.; providing a  
 62 short title; creating s. 345.0002, F.S.; defining  
 63 terms; creating s. 345.0003, F.S.; authorizing certain  
 64 counties to form the Northwest Florida Regional  
 65 Transportation Finance Authority to construct,  
 66 maintain, or operate transportation projects in a  
 67 given region of the state; specifying procedural  
 68 requirements; creating s. 345.0004, F.S.; specifying  
 69 the powers and duties of the authority, subject to  
 70 certain restrictions; requiring that the authority  
 71 comply with certain reporting and documentation  
 72 requirements; creating s. 345.0005, F.S.; authorizing  
 73 the issuing of bonds on behalf of the authority under  
 74 the State Bond Act and by the authority itself;  
 75 specifying requirements and restrictions for such  
 76 bonds under certain circumstances; creating s.  
 77 345.0006, F.S.; providing rights and remedies of  
 78 bondholders; creating s. 345.0007, F.S.; designating  
 79 the Department of Transportation as the agent of the  
 80 authority for specified purposes; authorizing the  
 81 administration and management of projects by the  
 82 department; limiting the powers of the department as  
 83 an agent; establishing the fiscal responsibilities of  
 84 the authority; creating s. 345.0008, F.S.; authorizing  
 85 the department to provide for or commit its resources  
 86 for the authority project or system, if approved by  
 87 the Legislature, subject to legislative budget request

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88 procedures and prohibitions and appropriation  
 89 procedures; authorizing the payment of expenses  
 90 incurred by the department on behalf of the authority;  
 91 requiring the department to receive a share of the  
 92 revenue from the authority; providing calculations for  
 93 disbursement of revenues; creating s. 345.0009, F.S.;  
 94 authorizing the authority to acquire private or public  
 95 property and property rights for a project or plan;  
 96 establishing the rights and liabilities and remedial  
 97 actions relating to property acquired for a  
 98 transportation project or corridor; creating s.  
 99 345.001, F.S.; authorizing contracts between  
 100 governmental entities and the authority; creating s.  
 101 345.0011, F.S.; pledging that the state will not limit  
 102 or alter the vested rights of the authority or the  
 103 department with regard to any issued bonds or other  
 104 rights relating to the bonds if they affect the rights  
 105 of bondholders; creating s. 345.0012, F.S.; exempting  
 106 the authority from certain taxes and assessments;  
 107 providing exceptions; creating s. 345.0013, F.S.;  
 108 providing that bonds or obligations issued under this  
 109 chapter are legal investments for specified entities;  
 110 creating s. 345.0014, F.S.; providing applicability;  
 111 directing the Commission for the Transportation  
 112 Disadvantaged, in cooperation with the Center for  
 113 Urban Transportation Research, to develop and  
 114 implement a pilot program with at least one community  
 115 transportation coordinator relating to the use of a  
 116 transportation network company as a transportation

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117 operator; defining the term "transportation network  
 118 company"; specifying requirements and restrictions of  
 119 the pilot program; requiring the commission to present  
 120 a report to the chairs of the appropriate Senate and  
 121 House committees by a certain date; providing  
 122 legislative findings and intent relating to  
 123 transportation funding; directing the Center for Urban  
 124 Transportation Research to establish a study on  
 125 implementing a system in this state which charges  
 126 drivers based on their vehicle miles traveled as an  
 127 alternative to the present fuel tax structure to fund  
 128 transportation projects; specifying requirements of  
 129 the study; directing the Center for Urban  
 130 Transportation Research to conduct a 6-month pilot  
 131 project to study the feasibility and economic impact  
 132 of implementing a system that charges drivers based on  
 133 their vehicle miles traveled; specifying requirements  
 134 for the pilot project; requiring that a report on the  
 135 findings of the pilot project be made to the Governor,  
 136 the Legislature, and the Metropolitan Planning  
 137 Organization Advisory Council by a specified date;  
 138 requiring that the report include legislative  
 139 recommendations; providing an effective date.

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

142  
 143 Section 1. Section 260.0144, Florida Statutes, is amended  
 144 to read:  
 145 260.0144 Sponsorship of state greenways and trails.—The

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146 department may enter into a concession agreement with a not-for-  
 147 profit entity or private sector business or entity for  
 148 commercial sponsorship to be displayed on state greenway and  
 149 trail facilities not included within the Shared-Use Nonmotorized  
 150 Trail Network established in chapter 339 ~~or property specified~~  
 151 ~~in this section~~. The department may establish the cost for  
 152 entering into a concession agreement.

153 (1) A concession agreement shall be administered by the  
 154 department and must include the requirements found in this  
 155 section.

156 (2) (a) Space for a commercial sponsorship display may be  
 157 provided through a concession agreement on certain state-owned  
 158 greenway or trail facilities or property.

159 (b) Signage or displays erected under this section shall  
 160 comply with the provisions of s. 337.407 and chapter 479, and  
 161 shall be limited as follows:

162 1. One large sign or display, not to exceed 16 square feet  
 163 in area, may be located at each trailhead or parking area.

164 2. One small sign or display, not to exceed 4 square feet  
 165 in area, may be located at each designated trail public access  
 166 point.

167 (c) Before installation, each name or sponsorship display  
 168 must be approved by the department.

169 (d) The department shall ensure that the size, color,  
 170 materials, construction, and location of all signs are  
 171 consistent with the management plan for the property and the  
 172 standards of the department, do not intrude on natural and  
 173 historic settings, and contain only a logo selected by the  
 174 sponsor and the following sponsorship wording:



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175  
176 ... (Name of the sponsor) ... proudly sponsors the costs  
177 of maintaining the ... (Name of the greenway or  
178 trail) ...

179  
180 ~~(e) Sponsored state greenways and trails are authorized at~~  
181 ~~the following facilities or property:~~

- 182 ~~1. Florida Keys Overseas Heritage Trail.~~
- 183 ~~2. Blackwater Heritage Trail.~~
- 184 ~~3. Tallahassee-St. Marks Historic Railroad State Trail.~~
- 185 ~~4. Nature Coast State Trail.~~
- 186 ~~5. Withlacoochee State Trail.~~
- 187 ~~6. General James A. Van Fleet State Trail.~~
- 188 ~~7. Palatka-Lake Butler State Trail.~~

189 (e)(f) The department may enter into commercial sponsorship  
190 agreements for other state greenways or trails as authorized in  
191 this section. A qualified entity that desires to enter into a  
192 commercial sponsorship agreement shall apply to the department  
193 on forms adopted by department rule.

194 (f)(g) All costs of a display, including development,  
195 construction, installation, operation, maintenance, and removal  
196 costs, shall be paid by the concessionaire.

197 (3) A concession agreement shall be for a minimum of 1  
198 year, but may be for a longer period under a multiyear  
199 agreement, and may be terminated for just cause by the  
200 department upon 60 days' advance notice. Just cause for  
201 termination of a concession agreement includes, but is not  
202 limited to, violation of the terms of the concession agreement  
203 or any provision of this section.

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204 (4) Commercial sponsorship pursuant to a concession  
205 agreement is for public relations or advertising purposes of the  
206 not-for-profit entity or private sector business or entity, and  
207 may not be construed by that not-for-profit entity or private  
208 sector business or entity as having a relationship to any other  
209 actions of the department.

210 (5) This section does not create a proprietary or  
211 compensable interest in any sign, display site, or location.

212 (6) Proceeds from concession agreements shall be  
213 distributed as follows:

214 (a) Eighty-five percent shall be deposited into the  
215 appropriate department trust fund that is the source of funding  
216 for management and operation of state greenway and trail  
217 facilities and properties.

218 (b) Fifteen percent shall be deposited into the State  
219 Transportation Trust Fund for use in the Traffic and Bicycle  
220 Safety Education Program and the Safe Paths to School Program  
221 administered by the Department of Transportation.

222 (7) The department may adopt rules to administer this  
223 section.

224 Section 2. Subsection (90) of section 316.003, Florida  
225 Statutes, is amended, present subsections (91) through (93) of  
226 that section are redesignated as subsections (92) through (94),  
227 respectively, and a new subsection (91) is added to that  
228 section, to read:

229 316.003 Definitions.—The following words and phrases, when  
230 used in this chapter, shall have the meanings respectively  
231 ascribed to them in this section, except where the context  
232 otherwise requires:

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233 (90) AUTONOMOUS VEHICLE.—Any vehicle equipped with  
 234 autonomous technology. ~~The term "autonomous technology" means~~  
 235 ~~technology installed on a motor vehicle that has the capability~~  
 236 ~~to drive the vehicle on which the technology is installed~~  
 237 ~~without the active control or monitoring by a human operator.~~

238 The term excludes a motor vehicle enabled with active safety  
 239 systems or driver assistance systems, including, without  
 240 limitation, a system to provide electronic blind spot  
 241 assistance, crash avoidance, emergency braking, parking  
 242 assistance, adaptive cruise control, lane keep assistance, lane  
 243 departure warning, or traffic jam and queuing assistant, unless  
 244 any such system alone or in combination with other systems  
 245 enables the vehicle on which the technology is installed to  
 246 drive without the active control or monitoring by a human  
 247 operator.

248 (91) AUTONOMOUS TECHNOLOGY.—Technology installed on a motor  
 249 vehicle that has the capability to drive the vehicle on which  
 250 the technology is installed without the active control or  
 251 monitoring by a human operator.

252 Section 3. Subsections (1) and (3) of section 316.303,  
 253 Florida Statutes, are amended to read:

254 316.303 Television receivers.—

255 (1) No motor vehicle operated on the highways of this state  
 256 shall be equipped with television-type receiving equipment so  
 257 located that the viewer or screen is visible from the driver's  
 258 seat, unless the vehicle is equipped with autonomous technology,  
 259 as defined in s. 316.003(91), and is being operated in  
 260 autonomous mode, as provided in s. 316.85(2).

261 (3) This section does not prohibit the use of an electronic

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262 display used in conjunction with a vehicle navigation system or  
 263 an electronic display used by an operator of a vehicle equipped  
 264 with autonomous technology, as defined in s. 316.003(91), while  
 265 the vehicle is being operated in autonomous mode, as provided in  
 266 s. 316.85(2).

267 Section 4. Subsections (3) and (4) of section 335.065,  
 268 Florida Statutes, are amended to read:

269 335.065 Bicycle and pedestrian ways along state roads and  
 270 transportation facilities.—

271 (3) The department, in cooperation with the Department of  
 272 Environmental Protection, shall establish a statewide integrated  
 273 system of bicycle and pedestrian ways in such a manner as to  
 274 take full advantage of any such ways which are maintained by any  
 275 governmental entity. ~~The department may enter into a concession~~  
 276 ~~agreement with a not-for-profit entity or private sector~~  
 277 ~~business or entity for commercial sponsorship displays on~~  
 278 ~~multiuse trails and related facilities and use any concession~~  
 279 ~~agreement revenues for the maintenance of the multiuse trails~~  
 280 ~~and related facilities. Commercial sponsorship displays are~~  
 281 ~~subject to the requirements of the Highway Beautification Act of~~  
 282 ~~1965 and all federal laws and agreements, when applicable. For~~  
 283 ~~the purposes of this section, bicycle facilities may be~~  
 284 ~~established as part of or separate from the actual roadway and~~  
 285 ~~may utilize existing road rights-of-way or other rights-of-way~~  
 286 ~~or easements acquired for public use.~~

287 ~~(a) A concession agreement shall be administered by the~~  
 288 ~~department and must include the requirements of this section.~~

289 ~~(b)1. Signage or displays erected under this section shall~~  
 290 ~~comply with s. 337.407 and chapter 479 and shall be limited as~~

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291 follows:

292 a. ~~One large sign or display, not to exceed 16 square feet~~  
 293 ~~in area, may be located at each trailhead or parking area.~~

294 b. ~~One small sign or display, not to exceed 4 square feet~~  
 295 ~~in area, may be located at each designated trail public access~~  
 296 ~~point.~~

297 ~~2. Before installation, each name or sponsorship display~~  
 298 ~~must be approved by the department.~~

299 ~~3. The department shall ensure that the size, color,~~  
 300 ~~materials, construction, and location of all signs are~~  
 301 ~~consistent with the management plan for the property and the~~  
 302 ~~standards of the department, do not intrude on natural and~~  
 303 ~~historic settings, and contain only a logo selected by the~~  
 304 ~~sponsor and the following sponsorship wording:~~

305 ~~...~~(Name of the sponsor)~~...~~ proudly sponsors the costs  
 306 ~~of maintaining the ...~~(Name of the greenway or  
 307 ~~trail)~~....~~~~

310 ~~4. All costs of a display, including development,~~  
 311 ~~construction, installation, operation, maintenance, and removal~~  
 312 ~~costs, shall be paid by the concessionaire.~~

313 ~~(c) A concession agreement shall be for a minimum of 1~~  
 314 ~~year, but may be for a longer period under a multiyear~~  
 315 ~~agreement, and may be terminated for just cause by the~~  
 316 ~~department upon 60 days' advance notice. Just cause for~~  
 317 ~~termination of a concession agreement includes, but is not~~  
 318 ~~limited to, violation of the terms of the concession agreement~~  
 319 ~~or this section.~~

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320 ~~(4)(a) The department may use appropriated funds to support~~  
 321 ~~the establishment of a statewide system of interconnected~~  
 322 ~~multiuse trails and to pay the costs of planning, land~~  
 323 ~~acquisition, design, and construction of such trails and related~~  
 324 ~~facilities. The department shall give funding priority to~~  
 325 ~~projects that:~~

326 ~~1. Are identified by the Florida Greenways and Trails~~  
 327 ~~Council as a priority within the Florida Greenways and Trails~~  
 328 ~~System under chapter 260.~~

329 ~~2. Support the transportation needs of bicyclists and~~  
 330 ~~pedestrians.~~

331 ~~3. Have national, statewide, or regional importance.~~

332 ~~4. Facilitate an interconnected system of trails by~~  
 333 ~~completing gaps between existing trails.~~

334 ~~(b) A project funded under this subsection shall:~~

335 ~~1. Be included in the department's work program developed~~  
 336 ~~in accordance with s. 339.135.~~

337 ~~2. Be operated and maintained by an entity other than the~~  
 338 ~~department upon completion of construction. The department is~~  
 339 ~~not obligated to provide funds for the operation and maintenance~~  
 340 ~~of the project.~~

341 Section 5. Section 335.21, Florida Statutes, is created to  
 342 read:

343 335.21 Governing bodies of independent special districts  
 344 regulating the operation of public vehicles on public highways.-  
 345 Notwithstanding any provision of local law, the membership of  
 346 the governing body of any independent special district created  
 347 for the purpose of regulating the operation of public vehicles  
 348 upon the public highways under the jurisdiction of any such

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349 independent special district shall consist of seven members.  
 350 Four members shall be appointed by the Governor, one member  
 351 shall be appointed by the governing body of the largest  
 352 municipality situated within the jurisdiction of the independent  
 353 special district, and two members shall be appointed by the  
 354 governing body of the county in which the independent special  
 355 district has jurisdiction. All appointees must be residents of  
 356 the county in which the independent special district has  
 357 jurisdiction.

358 Section 6. Subsections (5) and (6) of section 338.231,  
 359 Florida Statutes, are amended to read:

360 338.231 Turnpike tolls, fixing; pledge of tolls and other  
 361 revenues.—The department shall at all times fix, adjust, charge,  
 362 and collect such tolls and amounts for the use of the turnpike  
 363 system as are required in order to provide a fund sufficient  
 364 with other revenues of the turnpike system to pay the cost of  
 365 maintaining, improving, repairing, and operating such turnpike  
 366 system; to pay the principal of and interest on all bonds issued  
 367 to finance or refinance any portion of the turnpike system as  
 368 the same become due and payable; and to create reserves for all  
 369 such purposes.

370 ~~(5) In each fiscal year while any of the bonds of the~~  
 371 ~~Broward County Expressway Authority series 1984 and series 1986—~~  
 372 ~~A remain outstanding, the department is authorized to pledge~~  
 373 ~~revenues from the turnpike system to the payment of principal~~  
 374 ~~and interest of such series of bonds and the operation and~~  
 375 ~~maintenance expenses of the Sawgrass Expressway, to the extent~~  
 376 ~~gross toll revenues of the Sawgrass Expressway are insufficient~~  
 377 ~~to make such payments. The terms of an agreement relative to the~~

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378 ~~pledge of turnpike system revenue will be negotiated with the~~  
 379 ~~parties of the 1984 and 1986 Broward County Expressway Authority~~  
 380 ~~lease-purchase agreements, and subject to the covenants of those~~  
 381 ~~agreements. The agreement must establish that the Sawgrass~~  
 382 ~~Expressway is subject to the planning, management, and operating~~  
 383 ~~control of the department limited only by the terms of the~~  
 384 ~~lease-purchase agreements. The department shall provide for the~~  
 385 ~~payment of operation and maintenance expenses of the Sawgrass~~  
 386 ~~Expressway until such agreement is in effect. This pledge of~~  
 387 ~~turnpike system revenues is subordinate to the debt service~~  
 388 ~~requirements of any future issue of turnpike bonds, the payment~~  
 389 ~~of turnpike system operation and maintenance expenses, and~~  
 390 ~~subject to any subsequent resolution or trust indenture relating~~  
 391 ~~to the issuance of such turnpike bonds.~~

392 (5)(6) The use and disposition of revenues pledged to bonds  
 393 are subject to ss. 338.22-338.241 and such regulations as the  
 394 resolution authorizing the issuance of the bonds or such trust  
 395 agreement may provide.

396 Section 7. Paragraph (c) of subsection (7) of section  
 397 339.175, Florida Statutes, is amended to read:

398 339.175 Metropolitan planning organization.—

399 (7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must  
 400 develop a long-range transportation plan that addresses at least  
 401 a 20-year planning horizon. The plan must include both long-  
 402 range and short-range strategies and must comply with all other  
 403 state and federal requirements. The prevailing principles to be  
 404 considered in the long-range transportation plan are: preserving  
 405 the existing transportation infrastructure; enhancing Florida's  
 406 economic competitiveness; and improving travel choices to ensure

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407 mobility. The long-range transportation plan must be consistent,  
 408 to the maximum extent feasible, with future land use elements  
 409 and the goals, objectives, and policies of the approved local  
 410 government comprehensive plans of the units of local government  
 411 located within the jurisdiction of the M.P.O. Each M.P.O. is  
 412 encouraged to consider strategies that integrate transportation  
 413 and land use planning to provide for sustainable development and  
 414 reduce greenhouse gas emissions. The approved long-range  
 415 transportation plan must be considered by local governments in  
 416 the development of the transportation elements in local  
 417 government comprehensive plans and any amendments thereto. The  
 418 long-range transportation plan must, at a minimum:

419 (c) Assess capital investment and other measures necessary  
 420 to:

- 421 1. Ensure the preservation of the existing metropolitan  
 422 transportation system including requirements for the operation,  
 423 resurfacing, restoration, and rehabilitation of major roadways  
 424 and requirements for the operation, maintenance, modernization,  
 425 and rehabilitation of public transportation facilities; and  
 426 2. Make the most efficient use of existing transportation  
 427 facilities to relieve vehicular congestion, improve safety, and  
 428 maximize the mobility of people and goods. Such efforts shall  
 429 include, but not be limited to, consideration of infrastructure  
 430 and technological improvements necessary to accommodate advances  
 431 in vehicle technology, such as autonomous vehicle technology and  
 432 other developments.

433  
 434 In the development of its long-range transportation plan, each  
 435 M.P.O. must provide the public, affected public agencies,

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436 representatives of transportation agency employees, freight  
 437 shippers, providers of freight transportation services, private  
 438 providers of transportation, representatives of users of public  
 439 transit, and other interested parties with a reasonable  
 440 opportunity to comment on the long-range transportation plan.  
 441 The long-range transportation plan must be approved by the  
 442 M.P.O.

443 Section 8. Paragraph (c) is added to subsection (3) of  
 444 section 339.64, Florida Statutes, and paragraph (a) of  
 445 subsection (4) of that section is amended, to read:

446 339.64 Strategic Intermodal System Plan.—

447 (3)

448 (c) The department also shall coordinate with federal,  
 449 regional, and local partners, as well as industry  
 450 representatives, to consider infrastructure and technological  
 451 improvements necessary to accommodate advances in vehicle  
 452 technology, such as autonomous vehicle technology and other  
 453 developments, in Strategic Intermodal System facilities.

454 (4) The Strategic Intermodal System Plan shall include the  
 455 following:

456 (a) A needs assessment. Such assessment shall include, but  
 457 not be limited to, consideration of infrastructure and  
 458 technological improvements necessary to accommodate advances in  
 459 vehicle technology, such as autonomous vehicle technology and  
 460 other developments.

461 Section 9. Section 339.81, Florida Statutes, is created to  
 462 read:

463 339.81 Florida Shared-Use Nonmotorized Trail Network.—

464 (1) The Florida Shared-Use Nonmotorized Trail Network is

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465 created as a component of the Florida Greenways and Trails  
 466 System established in chapter 260. The network consists of  
 467 multiuse trails or shared-use paths physically separated from  
 468 motor vehicle traffic and constructed with asphalt, concrete, or  
 469 another hard surface which, by virtue of design, location,  
 470 extent of connectivity or potential connectivity, and allowable  
 471 uses, provides nonmotorized transportation opportunities for  
 472 bicyclists and pedestrians between and within a wide range of  
 473 points of origin and destinations, including, but not limited  
 474 to, communities, conservation areas, state parks, beaches, and  
 475 other natural or cultural attractions for a variety of trip  
 476 purposes, including work, school, shopping, and other personal  
 477 business, as well as social, recreational, and personal fitness  
 478 purposes.

479 (2) Network components do not include sidewalks, nature  
 480 trails, loop trails wholly within a single park or natural area,  
 481 or on-road facilities, such as bicycle lanes or routes other  
 482 than:

483 (a) On-road facilities that are no greater than one-half  
 484 mile in length connecting two or more nonmotorized trails, if  
 485 the provision of non-road facilities is unfeasible and if such  
 486 on-road facilities are signed and marked for nonmotorized use;  
 487 or

488 (b) On-road components of the Florida Keys Overseas  
 489 Heritage Trail.

490 (3) The department shall include a project to be  
 491 constructed as part of the Shared-Use Nonmotorized Trail Network  
 492 in its work program developed pursuant to s. 339.135.

493 (4) The planning, development, operation, and maintenance

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494 of the Shared-Use Nonmotorized Trail Network is declared to be a  
 495 public purpose, and the department, together with other agencies  
 496 of this state and all counties, municipalities, and special  
 497 districts of this state, may spend public funds for such  
 498 purposes and may accept gifts and grants of funds, property, or  
 499 property rights from public or private sources to be used for  
 500 such purposes.

501 (5) The department may enter into a memorandum of agreement  
 502 with a local government or other agency of the state to transfer  
 503 maintenance responsibilities of an individual network component.  
 504 The department may contract with a not-for-profit entity or  
 505 private sector business or entity to provide maintenance  
 506 services on an individual network component.

507 (6) The department may adopt rules to aid in the  
 508 development and maintenance of components of the network.

509 Section 10. Section 339.82, Florida Statutes, is created to  
 510 read:

511 339.82 Shared-Use Nonmotorized Trail Network Plan.—

512 (1) The department shall develop a Shared-Use Nonmotorized  
 513 Trail Network Plan in coordination with the Department of  
 514 Environmental Protection, metropolitan planning organizations,  
 515 affected local governments and public agencies, and the Florida  
 516 Greenways and Trails Council. The plan must be consistent with  
 517 the Florida Greenways and Trails Plan developed under s. 260.014  
 518 and must be updated at least once every 5 years.

519 (2) The Shared-Use Nonmotorized Trail Network Plan must  
 520 include all of the following:

521 (a) A needs assessment, including, but not limited to, a  
 522 comprehensive inventory and analysis of existing trails that may

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523 be considered for inclusion in the Shared-Use Nonmotorized Trail  
 524 Network.

525 (b) A project prioritization process that includes  
 526 assigning funding priority to projects that:

527 1. Are identified by the Florida Greenways and Trails  
 528 Council as a priority within the Florida Greenways and Trails  
 529 System under chapter 260;

530 2. Facilitate an interconnected network of trails by  
 531 completing gaps between existing facilities; and

532 3. Maximize use of federal, local, and private funding and  
 533 support mechanisms, including, but not limited to, donation of  
 534 funds, real property, and maintenance responsibilities.

535 (c) A map illustrating existing and planned facilities and  
 536 identifying critical gaps between facilities.

537 (d) A finance plan based on reasonable projections of  
 538 anticipated revenues, including both 5-year and 10-year cost-  
 539 feasible components.

540 (e) Performance measures that include quantifiable  
 541 increases in trail network access and connectivity.

542 (f) A timeline for the completion of the base network using  
 543 new and existing data from the department, the Department of  
 544 Environmental Protection, and other sources.

545 (g) A marketing plan prepared in consultation with the  
 546 Florida Tourism Industry Marketing Corporation.

547 Section 11. Section 339.83, Florida Statutes, is created to  
 548 read:

549 339.83 Sponsorship of Shared-Use Nonmotorized Trails.-

550 (1) The department may enter into a concession agreement  
 551 with a not-for-profit entity or private sector business or

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552 entity for commercial sponsorship signs, pavement markings, and  
 553 exhibits on nonmotorized trails and related facilities  
 554 constructed as part of the Shared-Use Nonmotorized Trail  
 555 Network. The concession agreement may also provide for  
 556 recognition of trail sponsors in any brochure, map, or website  
 557 providing trail information. Trail websites may provide links to  
 558 sponsors. Revenue from such agreements may be used for the  
 559 maintenance of the nonmotorized trails and related facilities.

560 (a) A concession agreement shall be administered by the  
 561 department.

562 (b)1. Signage, pavement markings, or exhibits erected  
 563 pursuant to this section must comply with s. 337.407 and chapter  
 564 479 and are limited as follows:

565 a. One large sign, pavement marking, or exhibit, not to  
 566 exceed 16 square feet in area, may be located at each trailhead  
 567 or parking area.

568 b. One small sign, pavement marking, or exhibit, not to  
 569 exceed 4 square feet in area, may be located at each designated  
 570 trail public access point where parking is not provided.

571 c. Pavement markings denoting specified distances must be  
 572 located at least 1 mile apart.

573 2. Before installation, each sign, pavement marking, or  
 574 exhibit must be approved by the department.

575 3. The department shall ensure that the size, color,  
 576 materials, construction, and location of all signs, pavement  
 577 markings, and exhibits are consistent with the management plan  
 578 for the property and the standards of the department, do not  
 579 intrude on natural and historic settings, and contain a logo  
 580 selected by the sponsor and the following sponsorship wording:

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581  
582 ...(Name of the sponsor)... proudly sponsors the costs  
583 of maintaining the ...(Name of the greenway or  
584 trail)....

585  
586 4. Exhibits may provide additional information and  
587 materials including, but not limited to, maps and brochures for  
588 trail user services related or proximate to the trail. Pavement  
589 markings may display mile marker information.

590 5. The costs of a sign, pavement marking, or exhibit,  
591 including development, construction, installation, operation,  
592 maintenance, and removal costs, shall be paid by the  
593 concessionaire.

594 (c) A concession agreement shall be for a minimum of 1  
595 year, but may be for a longer period under a multiyear  
596 agreement, and may be terminated for just cause by the  
597 department upon 60 days' advance notice. Just cause for  
598 termination of a concession agreement includes, but is not  
599 limited to, violation of the terms of the concession agreement  
600 or this section.

601 (2) Pursuant to s. 287.057, the department may contract for  
602 the provision of services related to the trail sponsorship  
603 program, including recruitment and qualification of businesses,  
604 review of applications, permit issuance, and fabrication,  
605 installation, and maintenance of signs, pavement markings, and  
606 exhibits. The department may reject all proposals and seek  
607 another request for proposals or otherwise perform the work. The  
608 contract may allow the contractor to retain a portion of the  
609 annual fees as compensation for its services.

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610 (3) This section does not create a proprietary or  
611 compensable interest in any sponsorship site or location for any  
612 permittee, and the department may terminate permits or change  
613 locations of sponsorship sites as it determines necessary for  
614 construction or improvement of facilities.

615 (4) The department may adopt rules to establish  
616 requirements for qualification of businesses, qualification and  
617 location of sponsorship sites, and permit applications and  
618 processing. The department may adopt rules to establish other  
619 criteria necessary to implement this section and to provide for  
620 variances when necessary to serve the interest of the public or  
621 when required to ensure equitable treatment of program  
622 participants.

623 Section 12. Section 341.0532, Florida Statutes, is  
624 repealed.

625 Section 13. Section 341.1025, Florida Statutes, is created  
626 to read:

627 341.1025 Public transit providers; transportation network  
628 company agreements for the provision of public transit service.-  
629 A public transit provider may enter into agreements with a  
630 transportation network company under which the transportation  
631 network company provides paratransit or public transit service  
632 on behalf of the provider. As used in this section, the term  
633 "transportation network company" means an entity that uses a  
634 digital or software application to connect passengers to  
635 services provided by transportation network company drivers.

636 Section 14. The Division of Law Revision and Information is  
637 directed to create chapter 345, Florida Statutes, consisting of  
638 ss. 345.0001-345.0014, Florida Statutes, to be entitled the

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639 "Northwest Florida Regional Transportation Finance Authority."

640 Section 15. Section 345.0001, Florida Statutes, is created  
641 to read:

642 345.0001 Short title.—This act may be cited as the  
643 "Northwest Florida Regional Transportation Finance Authority  
644 Act."

645 Section 16. Section 345.0002, Florida Statutes, is created  
646 to read:

647 345.0002 Definitions.—As used in this chapter, the term:

648 (1) "Agency of the state" means the state and any  
649 department of, or any corporation, agency, or instrumentality  
650 created, designated, or established by, the state.

651 (2) "Area served" means Escambia County. However, upon a  
652 contiguous county's consent to inclusion within the area served  
653 by the authority and with the agreement of the authority, the  
654 term shall also include the geographical area of such county  
655 contiguous to Escambia County.

656 (3) "Authority" means the Northwest Florida Regional  
657 Transportation Finance Authority, a body politic and corporate,  
658 and an agency of the state, established under this chapter.

659 (4) "Bonds" means the notes, bonds, refunding bonds, or  
660 other evidences of indebtedness or obligations, in temporary or  
661 definitive form, which the authority may issue under this  
662 chapter.

663 (5) "Department" means the Department of Transportation.

664 (6) "Division" means the Division of Bond Finance of the  
665 State Board of Administration.

666 (7) "Federal agency" means the United States, the President  
667 of the United States, and any department of, or any bureau,

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668 corporation, agency, or instrumentality created, designated, or  
669 established by, the United States Government.

670 (8) "Members" means the governing body of the authority,  
671 and the term "member" means one of the individuals constituting  
672 such governing body.

673 (9) "Regional system" or "system" means, generally, a  
674 modern system of roads, bridges, causeways, tunnels, and mass  
675 transit services within the area of the authority, with access  
676 limited or unlimited as the authority may determine, and the  
677 buildings and structures and appurtenances and facilities  
678 related to the system, including all approaches, streets, roads,  
679 bridges, and avenues of access for the system.

680 (10) "Revenues" means the tolls, revenues, rates, fees,  
681 charges, receipts, rentals, contributions, and other income  
682 derived from or in connection with the operation or ownership of  
683 a regional system, including the proceeds of any use and  
684 occupancy insurance on any portion of the system, but excluding  
685 state funds available to the authority and any other municipal  
686 or county funds available to the authority under an agreement  
687 with a municipality or county.

688 Section 17. Section 345.0003, Florida Statutes, is created  
689 to read:

690 345.0003 Regional transportation finance authority  
691 formation and membership.—

692 (1) Escambia County, alone or together with any consenting  
693 contiguous county, may form a regional finance authority for the  
694 purposes of constructing, maintaining, and operating  
695 transportation projects in the northwest region of this state.  
696 The authority shall be governed in accordance with this chapter.

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697 The area served by the authority may not be expanded beyond  
 698 Escambia County without the approval of the county commission of  
 699 each contiguous county that will be a part of the authority.

700 (2) The governing body of the authority shall consist of a  
 701 board of voting members as follows:

702 (a) The county commission of each county in the area served  
 703 by the authority shall appoint two members. Each member must be  
 704 a resident of the county from which he or she is appointed and,  
 705 if possible, must represent the business and civic interests of  
 706 the community.

707 (b) The Governor shall appoint an equal number of members  
 708 to the board as those appointed by the county commissions. The  
 709 members appointed by the Governor must be residents of the area  
 710 served by the authority.

711 (c) The district secretary of the department serving in the  
 712 district that includes Escambia County.

713 (3) The term of office of each member shall be for 4 years  
 714 or until his or her successor is appointed and qualified.

715 (4) A member may not hold an elected office during the term  
 716 of his or her membership.

717 (5) A vacancy occurring in the governing body before the  
 718 expiration of the member's term shall be filled for the  
 719 remainder of the unexpired term by the respective appointing  
 720 authority in the same manner as the original appointment.

721 (6) Before entering upon his or her official duties, each  
 722 member must take and subscribe to an oath before an official  
 723 authorized by law to administer oaths that he or she will  
 724 honestly, faithfully, and impartially perform the duties of his  
 725 or her office as a member of the governing body of the authority

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726 and that he or she will not neglect any duties imposed on him or  
 727 her by this chapter.

728 (7) The Governor may remove from office a member of the  
 729 authority for misconduct, malfeasance, misfeasance, or  
 730 nonfeasance in office.

731 (8) Members of the authority shall designate a chair from  
 732 among the membership.

733 (9) Members of the authority shall serve without  
 734 compensation, but are entitled to reimbursement for per diem and  
 735 other expenses in accordance with s. 112.061 while in  
 736 performance of their official duties.

737 (10) A majority of the members of the authority shall  
 738 constitute a quorum, and resolutions enacted or adopted by a  
 739 vote of a majority of the members present and voting at any  
 740 meeting are effective without publication, posting, or any  
 741 further action of the authority.

742 Section 18. Section 345.0004, Florida Statutes, is created  
 743 to read:

744 345.0004 Powers and duties.—

745 (1) The authority shall plan, develop, finance, construct,  
 746 reconstruct, improve, own, operate, and maintain a regional  
 747 system in the area served by the authority. The authority may  
 748 not exercise these powers with respect to an existing system for  
 749 transporting people and goods by any means that is owned by  
 750 another entity without the consent of that entity. If the  
 751 authority acquires, purchases, or inherits an existing entity,  
 752 the authority shall inherit and assume all rights, assets,  
 753 appropriations, privileges, and obligations of the existing  
 754 entity.

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755 (2) The authority may exercise all powers necessary,  
 756 appurtenant, convenient, or incidental to the carrying out of  
 757 the purposes of this section, including, but not limited to, the  
 758 following rights and powers:

759 (a) To sue and be sued, implead and be impleaded, and  
 760 complain and defend in all courts in its own name.

761 (b) To adopt and use a corporate seal.

762 (c) To have the power of eminent domain, including the  
 763 procedural powers granted under chapters 73 and 74.

764 (d) To acquire, purchase, hold, lease as a lessee, and use  
 765 any property, real, personal, or mixed, tangible or intangible,  
 766 or any interest therein, necessary or desirable for carrying out  
 767 the purposes of the authority.

768 (e) To sell, convey, exchange, lease, or otherwise dispose  
 769 of any real or personal property acquired by the authority,  
 770 including air rights, which the authority and the department  
 771 have determined is not needed for the construction, operation,  
 772 and maintenance of the system.

773 (f) To fix, alter, charge, establish, and collect rates,  
 774 fees, rentals, and other charges for the use of any system owned  
 775 or operated by the authority, which rates, fees, rentals, and  
 776 other charges must be sufficient to comply with any covenants  
 777 made with the holders of any bonds issued under this act. This  
 778 right and power may be assigned or delegated by the authority to  
 779 the department.

780 (g) To borrow money; to make and issue negotiable notes,  
 781 bonds, refunding bonds, and other evidences of indebtedness or  
 782 obligations, in temporary or definitive form, to finance all or  
 783 part of the improvement of the authority's system and

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784 appurtenant facilities, including the approaches, streets,  
 785 roads, bridges, and avenues of access for the system and for any  
 786 other purpose authorized by this chapter, the bonds to mature no  
 787 more than 30 years after the date of the issuance; to secure the  
 788 payment of such bonds or any part thereof by a pledge of its  
 789 revenues, rates, fees, rentals, or other charges, including  
 790 municipal or county funds received by the authority under an  
 791 agreement between the authority and a municipality or county;  
 792 and, in general, to provide for the security of the bonds and  
 793 the rights and remedies of the holders of the bonds. However,  
 794 municipal or county funds may not be pledged for the  
 795 construction of a project for which a toll is to be charged  
 796 unless the anticipated tolls are reasonably estimated by the  
 797 governing board of the municipality or county, on the date of  
 798 its resolution pledging the funds, to be sufficient to cover the  
 799 principal and interest of such obligations during the period  
 800 when the pledge of funds is in effect.

801 1. The authority shall reimburse a municipality or county  
 802 for sums spent from municipal or county funds used for the  
 803 payment of the bond obligations.

804 2. If the authority elects to fund or refund bonds issued  
 805 by the authority before the maturity of the bonds, the proceeds  
 806 of the funding or refunding bonds, pending the prior redemption  
 807 of the bonds to be funded or refunded, shall be invested in  
 808 direct obligations of the United States, and the outstanding  
 809 bonds may be funded or refunded by the issuance of bonds under  
 810 this chapter.

811 (h) To make contracts of every name and nature, including,  
 812 but not limited to, partnerships providing for participation in

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813 ownership and revenues, and to execute each instrument necessary  
 814 or convenient for the conduct of its business.  
 815 (i) Without limitation of the foregoing, to cooperate with,  
 816 to accept grants from, and to enter into contracts or other  
 817 transactions with any federal agency, the state, or any agency  
 818 or any other public body of the state.  
 819 (j) To employ an executive director, attorney, staff, and  
 820 consultants. Upon the request of the authority, the department  
 821 shall furnish the services of a department employee to act as  
 822 the executive director of the authority.  
 823 (k) To accept funds or other property from private  
 824 donations.  
 825 (l) To act and do things necessary or convenient for the  
 826 conduct of its business and the general welfare of the  
 827 authority, in order to carry out the powers granted to it by  
 828 this act or any other law.  
 829 (3) The authority may not pledge the credit or taxing power  
 830 of the state or a political subdivision or agency of the state.  
 831 Obligations of the authority may not be considered to be  
 832 obligations of the state or of any other political subdivision  
 833 or agency of the state. Except for the authority, the state or  
 834 any political subdivision or agency of the state is not liable  
 835 for the payment of the principal of or interest on such  
 836 obligations.  
 837 (4) The authority may not, other than by consent of the  
 838 affected county or an affected municipality, enter into an  
 839 agreement that would legally prohibit the construction of a road  
 840 by the county or the municipality.  
 841 (5) The authority shall comply with the statutory

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842 requirements of general application which relate to the filing  
 843 of a report or documentation required by law, including the  
 844 requirements of ss. 189.015, 189.016, 189.051, and 189.08.  
 845 Section 19. Section 345.0005, Florida Statutes, is created  
 846 to read:  
 847 345.0005 Bonds.—  
 848 (1) Bonds may be issued on behalf of the authority pursuant  
 849 to the State Bond Act in such principal amount as the authority  
 850 determines is necessary to achieve its corporate purposes,  
 851 including construction, reconstruction, improvement, extension,  
 852 and repair of the regional system; the acquisition cost of real  
 853 property; interest on bonds during construction and for a  
 854 reasonable period thereafter; and establishment of reserves to  
 855 secure bonds.  
 856 (2) Bonds issued on behalf of the authority under  
 857 subsection (1) must:  
 858 (a) Be authorized by resolution of the members of the  
 859 authority and bear such date or dates; mature at such time or  
 860 times not exceeding 30 years after their respective dates; bear  
 861 interest at a rate or rates not exceeding the maximum rate fixed  
 862 by general law for authorities; be in such denominations; be in  
 863 such form, either coupon or fully registered; carry such  
 864 registration, exchangeability, and interchangeability  
 865 privileges; be payable in such medium of payment and at such  
 866 place or places; be subject to such terms of redemption; and be  
 867 entitled to such priorities of lien on the revenues and other  
 868 available moneys as such resolution or any resolution after the  
 869 bonds' issuance provides.  
 870 (b) Be sold at public sale in the manner provided in the

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871 State Bond Act. Temporary bonds or interim certificates may be  
 872 issued to the purchaser or purchasers of such bonds pending the  
 873 preparation of definitive bonds and may contain such terms and  
 874 conditions as determined by the authority.

875 (3) A resolution that authorizes bonds may specify  
 876 provisions that must be part of the contract with the holders of  
 877 the bonds as to:

878 (a) The pledging of all or any part of the revenues,  
 879 available municipal or county funds, or other charges or  
 880 receipts of the authority derived from the regional system.

881 (b) The construction, reconstruction, improvement,  
 882 extension, repair, maintenance, and operation of the system, or  
 883 any part or parts of the system, and the duties and obligations  
 884 of the authority with reference thereto.

885 (c) Limitations on the purposes to which the proceeds of  
 886 the bonds, then or thereafter issued, or of any loan or grant by  
 887 any federal agency or the state or any political subdivision of  
 888 the state may be applied.

889 (d) The fixing, charging, establishing, revising,  
 890 increasing, reducing, and collecting of tolls, rates, fees,  
 891 rentals, or other charges for use of the services and facilities  
 892 of the system or any part of the system.

893 (e) The setting aside of reserves or sinking funds and the  
 894 regulation and disposition of such reserves or sinking funds.

895 (f) Limitations on the issuance of additional bonds.

896 (g) The terms of any deed of trust or indenture securing  
 897 the bonds, or under which the bonds may be issued.

898 (h) Any other or additional matters, of like or different  
 899 character, which in any way affect the security or protection of

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900 the bonds.

901 (4) The authority may enter into deeds of trust,  
 902 indentures, or other agreements with banks or trust companies  
 903 within or without the state, as security for such bonds, and  
 904 may, under such agreements, assign and pledge any of the  
 905 revenues and other available moneys, including any available  
 906 municipal or county funds, under the terms of this chapter. The  
 907 deed of trust, indenture, or other agreement may contain  
 908 provisions that are customary in such instruments or that the  
 909 authority may authorize, including, but without limitation,  
 910 provisions that:

911 (a) Pledge any part of the revenues or other moneys  
 912 lawfully available.

913 (b) Apply funds and safeguard funds on hand or on deposit.

914 (c) Provide for the rights and remedies of the trustee and  
 915 the holders of the bonds.

916 (d) Provide for the terms of the bonds or for resolutions  
 917 authorizing the issuance of the bonds.

918 (e) Provide for any additional matters, of like or  
 919 different character, which affect the security or protection of  
 920 the bonds.

921 (5) Bonds issued under this act are negotiable instruments  
 922 and have the qualities and incidents of negotiable instruments  
 923 under the law merchant and the negotiable instruments law of the  
 924 state.

925 (6) A resolution that authorizes the issuance of authority  
 926 bonds and pledges the revenues of the system must require that  
 927 revenues of the system be periodically deposited into  
 928 appropriate accounts in sufficient sums to pay the costs of

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 929 operation and maintenance of the system for the current fiscal  
 930 year as set forth in the annual budget of the authority and to  
 931 reimburse the department for any unreimbursed costs of operation  
 932 and maintenance of the system from prior fiscal years before  
 933 revenues of the system are deposited into accounts for the  
 934 payment of interest or principal owing or that may become owing  
 935 on such bonds.

936 (7) State funds may not be used or pledged to pay the  
 937 principal of or interest on any authority bonds, and all such  
 938 bonds must contain a statement on their face to this effect.

939 Section 20. Section 345.0006, Florida Statutes, is created  
 940 to read:

941 345.0006 Remedies of bondholders.-

942 (1) The rights and the remedies granted to authority  
 943 bondholders under this chapter are in addition to and not in  
 944 limitation of any rights and remedies lawfully granted to such  
 945 bondholders by the resolution or indenture providing for the  
 946 issuance of bonds, or by any deed of trust, indenture, or other  
 947 agreement under which the bonds may be issued or secured. If the  
 948 authority defaults in the payment of the principal or interest  
 949 on the bonds issued under this chapter after such principal or  
 950 interest becomes due, whether at maturity or upon call for  
 951 redemption, as provided in the resolution or indenture, and such  
 952 default continues for 30 days, or if the authority fails or  
 953 refuses to comply with this chapter or any agreement made with,  
 954 or for the benefit of, the holders of the bonds, the holders of  
 955 25 percent in aggregate principal amount of the bonds then  
 956 outstanding are entitled as of right to the appointment of a  
 957 trustee to represent such bondholders for the purposes of the

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 958 default if the holders of 25 percent in aggregate principal  
 959 amount of the bonds then outstanding first give written notice  
 960 to the authority and to the department of their intention to  
 961 appoint a trustee.

962 (2) The trustee and a trustee under a deed of trust,  
 963 indenture, or other agreement may, or upon the written request  
 964 of the holders of 25 percent or such other percentages specified  
 965 in any deed of trust, indenture, or other agreement, in  
 966 principal amount of the bonds then outstanding, shall, in any  
 967 court of competent jurisdiction, in its own name:

968 (a) By mandamus or other suit, action, or proceeding at  
 969 law, or in equity, enforce all rights of the bondholders,  
 970 including the right to require the authority to fix, establish,  
 971 maintain, collect, and charge rates, fees, rentals, and other  
 972 charges, adequate to carry out any agreement as to, or pledge  
 973 of, the revenues, and to require the authority to carry out any  
 974 other covenants and agreements with or for the benefit of the  
 975 bondholders, and to perform its and their duties under this  
 976 chapter.

977 (b) Bring suit upon the bonds.

978 (c) By action or suit in equity, require the authority to  
 979 account as if it were the trustee of an express trust for the  
 980 bondholders.

981 (d) By action or suit in equity, enjoin any acts or things  
 982 that may be unlawful or in violation of the rights of the  
 983 bondholders.

984 (3) A trustee, if appointed under this section or acting  
 985 under a deed of trust, indenture, or other agreement, and  
 986 regardless of whether all bonds have been declared due and

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987 payable, is entitled to the appointment of a receiver. The  
 988 receiver may enter upon and take possession of the system or the  
 989 facilities or any part or parts of the system, the revenues, and  
 990 other pledged moneys, for and on behalf of and in the name of,  
 991 the authority and the bondholders. The receiver may collect and  
 992 receive revenues and other pledged moneys in the same manner as  
 993 the authority. The receiver shall deposit such revenues and  
 994 moneys in a separate account and apply all such revenues and  
 995 moneys remaining after allowance for payment of all costs of  
 996 operation and maintenance of the system in such manner as the  
 997 court directs. In a suit, action, or proceeding by the trustee,  
 998 the fees, counsel fees, and expenses of the trustee, and the  
 999 receiver, if any, and all costs and disbursements allowed by the  
 1000 court must be a first charge on any revenues after payment of  
 1001 the costs of operation and maintenance of the system. The  
 1002 trustee also has all other powers necessary or appropriate for  
 1003 the exercise of any functions specifically described in this  
 1004 section or incident to the representation of the bondholders in  
 1005 the enforcement and protection of their rights.

1006 (4) A receiver appointed pursuant to this section to  
 1007 operate and maintain the system or a facility or a part of a  
 1008 facility may not sell, assign, mortgage, or otherwise dispose of  
 1009 any of the assets belonging to the authority. The powers of the  
 1010 receiver are limited to the operation and maintenance of the  
 1011 system or any facility or part of a facility and to the  
 1012 collection and application of revenues and other moneys due the  
 1013 authority, in the name and for and on behalf of the authority  
 1014 and the bondholders. A holder of bonds or a trustee does not  
 1015 have the right in any suit, action, or proceeding, at law or in

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1016 equity, to compel a receiver, or a receiver may not be  
 1017 authorized or a court may not direct a receiver, to sell,  
 1018 assign, mortgage, or otherwise dispose of any assets of whatever  
 1019 kind or character belonging to the authority.

1020 Section 21. Section 345.0007, Florida Statutes, is created  
 1021 to read:

1022 345.0007 Department to construct, operate, and maintain  
 1023 facilities.—

1024 (1) The department is the agent of the authority for the  
 1025 purpose of performing all phases of a project, including, but  
 1026 not limited to, constructing improvements and extensions to the  
 1027 system, with the exception of the transit facilities. The  
 1028 division and the authority shall provide to the department  
 1029 complete copies of the documents, agreements, resolutions,  
 1030 contracts, and instruments that relate to the project and shall  
 1031 request that the department perform the construction work,  
 1032 including the planning, surveying, design, and actual  
 1033 construction of the completion of, extensions of, and  
 1034 improvements to the system. After the issuance of bonds to  
 1035 finance construction of an improvement or addition to the  
 1036 system, the division and the authority shall transfer to the  
 1037 credit of an account of the department in the State Treasury the  
 1038 necessary funds for construction. The department shall proceed  
 1039 with construction and use the funds for the purpose authorized  
 1040 by law for construction of roads and bridges. The authority may  
 1041 alternatively, with the consent and approval of the department,  
 1042 elect to appoint a local agency certified by the department to  
 1043 administer federal aid projects in accordance with federal law  
 1044 as the authority's agent for the purpose of performing each

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1045 phase of a project.

1046 (2) Notwithstanding subsection (1), the department is the  
 1047 agent of the authority for the purpose of operating and  
 1048 maintaining the system, with the exception of transit  
 1049 facilities. The costs incurred by the department for operation  
 1050 and maintenance shall be reimbursed from revenues of the system.  
 1051 The appointment of the department as agent for the authority  
 1052 does not create an independent obligation on the part of the  
 1053 department to operate and maintain a system. The authority shall  
 1054 remain obligated as principal to operate and maintain its  
 1055 system, and the authority's bondholders do not have an  
 1056 independent right to compel the department to operate or  
 1057 maintain the authority's system.

1058 (3) The authority shall fix, alter, charge, establish, and  
 1059 collect tolls, rates, fees, rentals, and other charges for the  
 1060 authority's facilities, as otherwise provided in this chapter.

1061 Section 22. Section 345.0008, Florida Statutes, is created  
 1062 to read:

1063 345.0008 Department contributions to authority projects.-

1064 (1) Subject to appropriation by the Legislature, the  
 1065 department may, at the request of the authority, pay all or part  
 1066 of the cost of financial, engineering, or traffic feasibility  
 1067 studies or of the design, financing, acquisition, or  
 1068 construction of an authority project or portion of the system  
 1069 that is included in the 10-year Strategic Intermodal Plan.

1070 (a) Pursuant to chapter 216, the department shall include  
 1071 funding for such payments in its legislative budget request. The  
 1072 request for funding may be included in the 5-year Tentative Work  
 1073 Program developed under s. 339.135; however, it must appear as a

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1074 distinct funding item in the legislative budget request and must  
 1075 be supported by a financial feasibility test provided by the  
 1076 department.

1077 (b) Funding provided for authority projects shall appear in  
 1078 the General Appropriations Act as a distinct fixed capital  
 1079 outlay item and must clearly identify the related authority  
 1080 project.

1081 (c) The department may not make a budget request to fund  
 1082 the acquisition or construction of a proposed authority project  
 1083 unless the estimated net revenues of the proposed project will  
 1084 be sufficient to pay at least 50 percent of the annual debt  
 1085 service on the bonds associated with the project by the end of  
 1086 12 years of operation and at least 100 percent of the debt  
 1087 service on the bonds by the end of 30 years of operation.

1088 (2) The department may use its engineers and other  
 1089 personnel, including consulting engineers and traffic engineers,  
 1090 to conduct the feasibility studies authorized under subsection  
 1091 (1).

1092 (3) The department may participate in authority-funded  
 1093 projects that, at a minimum:

1094 (a) Serve national, statewide, or regional functions and  
 1095 function as part of an integrated regional transportation  
 1096 system.

1097 (b) Are identified in the capital improvements element of a  
 1098 comprehensive plan that has been determined to be in compliance  
 1099 with part II of chapter 163. Further, the project shall be in  
 1100 compliance with local government comprehensive plan policies  
 1101 relative to corridor management.

1102 (c) Are consistent with the Strategic Intermodal System



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1103 Plan developed under s. 339.64.

1104 (d) Have a commitment for local, regional, or private  
1105 financial matching funds as a percentage of the overall project  
1106 cost.

1107 (4) Before approval, the department must determine that the  
1108 proposed project:

1109 (a) Is in the public's best interest;

1110 (b) Does not require state funding, unless the project is  
1111 on the State Highway System;

1112 (c) Has adequate safeguards in place to ensure that no  
1113 additional costs will be imposed on or service disruptions will  
1114 affect the traveling public and residents of this state if the  
1115 department cancels or defaults on the agreement; and

1116 (d) Has adequate safeguards in place to ensure that the  
1117 department and the authority have the opportunity to add  
1118 capacity to the proposed project and other transportation  
1119 facilities serving similar origins and destinations.

1120 (5) An obligation or expense incurred by the department  
1121 under this section is a part of the cost of the authority  
1122 project for which the obligation or expense was incurred. The  
1123 department may require that money contributed by the department  
1124 under this section be repaid from tolls of the project on which  
1125 the money was spent, other revenue of the authority, or other  
1126 sources of funds.

1127 (6) The department shall receive from the authority a share  
1128 of the authority's net revenues equal to the ratio of the  
1129 department's total contributions to the authority under this  
1130 section to the sum of: the department's total contributions  
1131 under this section; contributions by any local government to the

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1132 cost of revenue-producing authority projects; and the sale  
1133 proceeds of authority bonds after payment of costs of issuance.  
1134 For the purpose of this subsection, the net revenues of the  
1135 authority are determined by deducting from gross revenues the  
1136 payment of debt service, administrative expenses, operations and  
1137 maintenance expenses, and all reserves required to be  
1138 established under any resolution under which authority bonds are  
1139 issued.

1140 Section 23. Section 345.0009, Florida Statutes, is created  
1141 to read:

1142 345.0009 Acquisition of lands and property.-

1143 (1) For the purposes of this chapter, the authority may  
1144 acquire private or public property and property rights,  
1145 including rights of access, air, view, and light, by gift,  
1146 devise, purchase, condemnation by eminent domain proceedings, or  
1147 transfer from another political subdivision of the state, as the  
1148 authority may find necessary for any of the purposes of this  
1149 chapter, including, but not limited to, any lands reasonably  
1150 necessary for securing applicable permits, areas necessary for  
1151 management of access, borrow pits, drainage ditches, water  
1152 retention areas, rest areas, replacement access for landowners  
1153 whose access is impaired due to the construction of a facility,  
1154 and replacement rights-of-way for relocated rail and utility  
1155 facilities; for existing, proposed, or anticipated  
1156 transportation facilities on the system or in a transportation  
1157 corridor designated by the authority; or for the purposes of  
1158 screening, relocation, removal, or disposal of junkyards and  
1159 scrap metal processing facilities. Each authority shall also  
1160 have the power to condemn any material and property necessary

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1161 for such purposes.

1162 (2) The authority shall exercise the right of eminent  
 1163 domain conferred under this section in the manner provided by  
 1164 law.

1165 (3) An authority that acquires property for a  
 1166 transportation facility or in a transportation corridor is not  
 1167 liable under chapter 376 or chapter 403 for preexisting soil or  
 1168 groundwater contamination due solely to its ownership. This  
 1169 section does not affect the rights or liabilities of any past or  
 1170 future owners of the acquired property or the liability of any  
 1171 governmental entity for the results of its actions which create  
 1172 or exacerbate a pollution source. The authority and the  
 1173 Department of Environmental Protection may enter into  
 1174 interagency agreements for the performance, funding, and  
 1175 reimbursement of the investigative and remedial acts necessary  
 1176 for property acquired by the authority.

1177 Section 24. Section 345.001, Florida Statutes, is created  
 1178 to read:

1179 345.001 Cooperation with other units, boards, agencies, and  
 1180 individuals.—A county, municipality, drainage district, road and  
 1181 bridge district, school district, or any other political  
 1182 subdivision, board, commission, or individual in, or of, the  
 1183 state may make and enter into a contract, lease, conveyance,  
 1184 partnership, or other agreement with the authority which  
 1185 complies with this chapter. The authority may make and enter  
 1186 into contracts, leases, conveyances, partnerships, and other  
 1187 agreements with any political subdivision, agency, or  
 1188 instrumentality of the state and any federal agency,  
 1189 corporation, or individual to carry out the purposes of this

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1190 chapter.

1191 Section 25. Section 345.0011, Florida Statutes, is created  
 1192 to read:

1193 345.0011 Covenant of the state.—The state pledges to, and  
 1194 agrees with, any person, firm, or corporation, or federal or  
 1195 state agency subscribing to or acquiring the bonds to be issued  
 1196 by the authority for the purposes of this chapter that the state  
 1197 will not limit or alter the rights vested by this chapter in the  
 1198 authority and the department until all bonds at any time issued,  
 1199 together with the interest thereon, are fully paid and  
 1200 discharged insofar as the rights vested in the authority and the  
 1201 department affect the rights of the holders of bonds issued  
 1202 under this chapter. The state further pledges to, and agrees  
 1203 with, the United States that if a federal agency constructs or  
 1204 contributes any funds for the completion, extension, or  
 1205 improvement of the system, or any parts of the system, the state  
 1206 will not alter or limit the rights and powers of the authority  
 1207 and the department in any manner that is inconsistent with the  
 1208 continued maintenance and operation of the system or the  
 1209 completion, extension, or improvement of the system, or that  
 1210 would be inconsistent with the due performance of any agreements  
 1211 between the authority and any such federal agency, and the  
 1212 authority and the department shall continue to have and may  
 1213 exercise all powers granted in this section, so long as the  
 1214 powers are necessary or desirable to carry out the purposes of  
 1215 this chapter and the purposes of the United States in the  
 1216 completion, extension, or improvement of the system, or any part  
 1217 of the system.

1218 Section 26. Section 345.0012, Florida Statutes, is created

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1219 to read:

1220 345.0012 Exemption from taxation.—The authority created  
 1221 under this chapter is for the benefit of the people of the  
 1222 state, for the increase of their commerce and prosperity, and  
 1223 for the improvement of their health and living conditions. The  
 1224 authority performs essential governmental functions under this  
 1225 chapter, therefore, the authority is not required to pay any  
 1226 taxes or assessments of any kind or nature upon any property  
 1227 acquired or used by it for such purposes, or upon any rates,  
 1228 fees, rentals, receipts, income, or charges received by it.  
 1229 Also, the bonds issued by the authority, their transfer and the  
 1230 income from their issuance, including any profits made on the  
 1231 sale of the bonds, shall be free from taxation by the state or  
 1232 by any political subdivision, taxing agency, or instrumentality  
 1233 of the state. The exemption granted by this section does not  
 1234 apply to any tax imposed by chapter 220 on interest, income, or  
 1235 profits on debt obligations owned by corporations.

1236 Section 27. Section 345.0013, Florida Statutes, is created  
 1237 to read:

1238 345.0013 Eligibility for investments and security.—Bonds or  
 1239 other obligations issued under this chapter are legal  
 1240 investments for banks, savings banks, trustees, executors,  
 1241 administrators, and all other fiduciaries, and for all state,  
 1242 municipal, and other public funds, and are also securities  
 1243 eligible for deposit as security for all state, municipal, or  
 1244 other public funds, notwithstanding any other law to the  
 1245 contrary.

1246 Section 28. Section 345.0014, Florida Statutes, is created  
 1247 to read:

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

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1248 345.0014 Applicability.—

1249 (1) The powers conferred by this chapter are in addition to  
 1250 the powers conferred by other laws and do not repeal any other  
 1251 general or special law or local ordinance, but supplement them,  
 1252 and provide a complete method for the exercise of the powers  
 1253 granted in this chapter. The extension and improvement of a  
 1254 system, and the issuance of bonds under this chapter to finance  
 1255 all or part of the cost of such extension or improvement, may be  
 1256 accomplished through compliance with this chapter without regard  
 1257 to or necessity for compliance with the limitations or  
 1258 restrictions contained in any other general, special, or local  
 1259 law, including, but not limited to, s. 215.821. Approval of any  
 1260 bonds issued under this act by the qualified electors or  
 1261 qualified electors who are freeholders in the state or in any  
 1262 political subdivision of the state is not required for the  
 1263 issuance of such bonds under this chapter.

1264 (2) This act does not repeal, rescind, or modify any other  
 1265 law relating to the State Board of Administration, the  
 1266 Department of Transportation, or the Division of Bond Finance of  
 1267 the State Board of Administration; however, this chapter  
 1268 supersedes any other law that is inconsistent with its  
 1269 provisions, including, but not limited to, s. 215.821.

1270 Section 29. (1) The Commission for the Transportation  
 1271 Disadvantaged, in cooperation with the Center for Urban  
 1272 Transportation Research, shall develop and implement a pilot  
 1273 program with at least one community transportation coordinator  
 1274 to assess the potential for increasing accessibility and cost  
 1275 effectiveness made possible through use of a transportation  
 1276 network company as a transportation operator. As used in this

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1277 section, the term "transportation network company" means an  
 1278 entity that uses a digital or software application to connect  
 1279 passengers to services provided by transportation network  
 1280 company drivers.

1281 (2) The pilot program must allow for one or more  
 1282 transportation network companies to provide all or some  
 1283 nonsponsored paratransit services to eligible transportation  
 1284 disadvantaged persons for no less than 6 months. A participating  
 1285 transportation network company shall comply with all relevant  
 1286 standards for transportation operators as required under s.  
 1287 427.013(9), Florida Statutes.

1288 (3) Contingent upon legislative appropriation, the  
 1289 commission may expend up to \$750,000 for the pilot program.

1290 (4) The commission shall present the findings of the pilot  
 1291 program in a report to the chairs of the appropriate Senate and  
 1292 House Committees by October 1, 2016.

1293 Section 30. (1) LEGISLATIVE FINDINGS AND INTENT.—The  
 1294 Legislature recognizes that the existing fuel tax structure used  
 1295 to derive revenues for the funding of transportation projects in  
 1296 this state is no longer adequate to meet the state's needs. To  
 1297 this end the Legislature directs the Center for Urban  
 1298 Transportation Research to establish an extensive study on the  
 1299 impact of implementing a system that charges drivers based on  
 1300 the vehicle miles traveled as an alternative, sustainable source  
 1301 of transportation funding. The Legislature recognizes that, over  
 1302 time, the current fuel tax structure has become less viable as  
 1303 the primary funding source for transportation projects. While  
 1304 the fuel tax has functioned as a true user fee for decades,  
 1305 significant increases in mandated vehicle fuel efficiency and

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1306 the introduction of electric and hybrid vehicles have  
 1307 significantly eroded the revenues derived from this tax. The  
 1308 Legislature also recognizes that there are legitimate privacy  
 1309 concerns related to a tax mechanism that would charge users of  
 1310 the highway system on the basis of miles traveled. Other  
 1311 concerns include the cost of implementing such a system and  
 1312 institutional issues associated with revenue sharing. Therefore,  
 1313 it is the intent of the Legislature that this study will, at a  
 1314 minimum, address these issues. To accomplish this task, the  
 1315 Center for Urban Transportation Research shall establish a pilot  
 1316 project to assist the center in analyzing the concept and in  
 1317 developing a business plan for transitioning Florida to a  
 1318 transportation funding system based on vehicle miles traveled.

1319 (2) VEHICLE-MILES-TRAVELED STUDY.—The Center for Urban  
 1320 Transportation Research shall conduct a study on the viability  
 1321 of implementing a system in this state that charges drivers  
 1322 based on their vehicle miles traveled as an alternative to the  
 1323 present fuel tax structure to fund transportation projects. The  
 1324 study must examine the types of vehicles being operated on  
 1325 Florida's state and local highways and recommend an appropriate  
 1326 charge for various modes of private and public transportation.  
 1327 This examination must include, but need not be limited to, all  
 1328 vehicles in private use; including automobiles, motorcycles,  
 1329 light trucks, and vehicles that are towing boats or trailers;  
 1330 and all commercial vehicles. In determining the charge, the  
 1331 Center for Urban Transportation Research shall take into  
 1332 consideration vehicle weight, number of axles, type of roadway  
 1333 being used, and other factors determined to be relevant. The  
 1334 study must also identify the purpose of the trips, such as

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1335 commuting to work, running errands, vacation driving,  
 1336 transportation of commodities, and commercial and business  
 1337 purposes.

1338 (3) VEHICLE-MILES-TRAVELED PILOT PROJECT.—

1339 (a) In the course of the study, the Center for Urban  
 1340 Transportation Research shall establish a 6-month pilot project  
 1341 to study the feasibility and economic impact to this state of  
 1342 implementing a system that charges drivers based on their  
 1343 vehicle miles traveled.

1344 (b) In advance of the pilot project, the Center for Urban  
 1345 Transportation Research shall also identify at least three  
 1346 vendors who have the capability to operate and administer a  
 1347 vehicle-miles-traveled program. Each participating vendor must  
 1348 demonstrate interoperability with other service providers and  
 1349 must have sophisticated privacy protections in place. Each  
 1350 participating vendor shall also submit a business model for  
 1351 statewide implementation of a vehicle-miles-traveled  
 1352 transportation funding system, which must include plans for the  
 1353 assessment and collection of fees.

1354 (c) The pilot project must be conducted within the  
 1355 Department of Transportation district that has the greatest  
 1356 diversity of traffic and a combination of rural and urban  
 1357 roadways.

1358 (d) The pilot project must be operated in all ways as if a  
 1359 vehicle-miles-traveled funding mechanism were in place. Vendors  
 1360 shall issue statements to vehicle operators that show a history  
 1361 of miles traveled per vehicle, however, no charges shall be  
 1362 assessed or collected from pilot project participants. Vendors  
 1363 shall track the miles traveled by participating vehicles and

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1364 shall conduct an extensive survey of private and public  
 1365 operators to determine whether they have privacy concerns and  
 1366 whether they have experienced glitches with billing software and  
 1367 mock statements.

1368 (4) REPORT.—By December 31, 2016, the Center for Urban  
 1369 Transportation Research shall submit a report to the Governor,  
 1370 the President of the Senate, the Speaker of the House of  
 1371 Representatives, and the Metropolitan Planning Organization  
 1372 Advisory Council detailing the findings of the study and pilot  
 1373 project and making recommendations regarding the feasibility and  
 1374 means of implementing a vehicle-miles-traveled funding mechanism  
 1375 for transportation projects.

1376 Section 31. This act shall take effect July 1, 2015.

# APPEARANCE RECORD

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

3/5/15  
Meeting Date

1186  
Bill Number (if applicable)

114694  
Amendment Barcode (if applicable)

Topic Transportation (Revenue Study)

Name ERIC POOLE

Job Title Asst. Leg. Director

Address 100 Monroe St  
Street

Phone \_\_\_\_\_

Toll FL 32311  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing Florida Assoc. Carters

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)

3.5.15  
Meeting Date

SB 1186  
Bill Number (if applicable)

114694  
Amendment Barcode (if applicable)

Topic TRANSPORTATION

Name MEGAN SIBJANE-SAMPLES

Job Title LEGISLATIVE ADVOCATE

Address P.O. Box 1257  
Street

Phone 850.701.3655

TALLAHASSEE FL 32301  
City State Zip

Email MSIBJANESAMPLES@FLCITIES.COM

Speaking:  For  Against  Information

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

Representing FLORIDA LEAGUE OF CITIES

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/5/15  
Meeting Date

1186  
Bill Number (if applicable)

Topic Section 13 study  
INZ & 29 section

Amendment Barcode (if applicable)

Name Louis Minorelli

Job Title president

Address 4413 N. Hesperides St

Phone (813) 917 7946

Street  
Tampa City Fl. State 33614 Zip

Email Louis@YellowcabosStampa.com

Speaking:  For  Against  Information

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

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

03/05/15  
Meeting Date

1186  
Bill Number (if applicable)

Topic SPECIAL DISTRICTS + TRANS. NETWORK COMPANIES Amendment Barcode (if applicable)

Name KYLE COCKREAN

Job Title EXEC. DIRECTOR @

Address 4148 N. ARMENIA AVE  
Street

Phone 813 350 6878

TAMPA, FL 33607  
City State Zip

Email COCKREAN@

HILLSBOROUGH COUNTY, FL

Speaking:  For  Against  Information

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

Representing HILLS. CNTY PUBLIC TRANSPORTATION COMMISSION

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3-5-15

Meeting Date

SB 1186

Bill Number (if applicable)

Topic Transportation Network Companies

Amendment Barcode (if applicable)

Name FLOYD WEBB

Job Title General Manager

Address 3941 W. Pensacola St.

Phone 850 350-2001

Street

Tallahassee

State

FL

Zip

Email FWEBB@TallahasseeYellow

Cab.com

Speaking:  For  Against  Information

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

Representing Yellow Cab of Tallahassee

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3-5  
Meeting Date

1186  
Bill Number (if applicable)

Topic Transportation

Amendment Barcode (if applicable)

Name Roger Chapin

Job Title VP

Address 324 W. Gore St.  
Street

Phone \_\_\_\_\_

Orlando, FL 32806  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing Mears Transportation

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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)

3/5/15  
Meeting Date

1186-  
Bill Number (if applicable)

Topic Greenways + Trails

Amendment Barcode (if applicable)

Name Peggy Matthews

Job Title \_\_\_\_\_

Address 1500 Big Sky Way  
Street  
Lee FL  
City State Zip

Phone 5666778

Email matthews@adca

Speaking:  For  Against  Information

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

Representing Greenways + Trails Foundation

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/15/15  
Meeting Date

1186  
Bill Number (if applicable)

Topic Transportation

Amendment Barcode (if applicable)

Name Eric Poole

Job Title Asst. Leg. Director

Address 100 Monroe  
Street

Phone 977-4300

Tallahassee City FL State

Email

Speaking:  For  Against  Information

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

Representing Florida Association Counties

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3-5-15

Meeting Date

SB-1186

Bill Number (if applicable)

Topic Transportation

Amendment Barcode (if applicable)

Name Richard Gentry

Job Title \_\_\_\_\_

Address 2305 BRAEBURN CIRCLE

Street

Phone 850-251-1837

Tall FL 32309

City

State

Zip

Email RGENTRY@comcast.net

Speaking:  For  Against  Information

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

Representing Escambia County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SPB 7040

INTRODUCER: Transportation Committee

SUBJECT: Public Records/Electronic Mail Addresses/Department of Highway Safety and Motor Vehicles

DATE: March 5, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Eichin</u>	_____	<b>TR Submitted as Committee Bill</b>

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**I. Summary:**

SB 7040 creates an exemption for certain customer e-mail addresses held by the Department of Highway Safety and Motor Vehicles (DHSMV). Specifically, the bill creates an exemption for e-mail addresses collected by the DHSMV for conducting driver license and motor vehicle record transactions.

The bill provides for repeal of the exemption on October 2, 2020, unless reviewed and reenacted by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

Because the bill creates a new public records exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

**II. Present Situation:**

**Public Records Laws**

The State Constitution provides every person the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.<sup>1</sup> The State Constitution states that the records of the legislative, executive, and judicial branches are all subject to public disclosure.<sup>2</sup>

Only the Legislature may create an exemption to public records requirements.<sup>3</sup> There is a difference between records the Legislature designates as ‘exempt’ from public records requirements and those the Legislature designates as ‘confidential and exempt.’ A record

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<sup>1</sup> FLA. CONST., art. I, s. 24(a).

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

<sup>3</sup> FLA. CONST., art. I, s. 24(c).

classified as exempt from public disclosure may be disclosed under certain circumstances.<sup>4</sup> If the Legislature designates a record as confidential and exempt from public disclosure, a public records custodian may not release the record to anyone other than the persons or entities specifically designated in the statutory exemption.<sup>5</sup>

An exemption must be created by general law and must specifically state the public necessity justifying the exemption.<sup>6</sup> Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions<sup>7</sup> and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.<sup>8</sup>

The Open Government Sunset Review Act prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.<sup>9</sup> It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>10</sup>

### **Public Records Status of E-mail Addresses and Agency Website Notice**

Under Florida law, e-mail addresses are public records.<sup>11</sup> Agency<sup>12</sup> websites that use e-mail are required to post a notice to users making them aware of this fact and advising them not to send e-mail to the agency if they do not want their e-mail address released in response to a public records request.<sup>13</sup>

### **DHSMV**

The DHSMV is the custodian of motor vehicle records<sup>14</sup> containing personal information about drivers and motor vehicle owners. Florida's motor vehicle records contain personal information such as a driver's social security number, driver license number, name, address, telephone

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<sup>4</sup> *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004). *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991)

<sup>5</sup> Op. Att'y Gen. Fla. 85-62 (1985)

<sup>6</sup> FLA. CONST., art. I, s. 24(c).

<sup>7</sup> The bill may, however, contain multiple exemptions that relate to one subject.

<sup>8</sup> FLA. CONST., art. I, s. 24(c).

<sup>9</sup> Section 119.15, F.S.

<sup>10</sup> Section 119.15(3), F.S.

<sup>11</sup> Section 119.011(12), F.S., defines "public records" as "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." See Attorney General Opinion 96-34, May 15, 1996.

<sup>12</sup> Section 119.011(2), F.S., defines "agency" as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency."

<sup>13</sup> Section 668.6076, F.S.

<sup>14</sup> Section 119.0712(2)(a), defines the term "motor vehicle record" to mean "any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by the Department of Highway Safety and Motor Vehicles."



number, and medical or disability information. Additionally, the DHSMV is authorized to collect e-mail addresses from customers and use e-mail for notification when conducting certain driver license and motor vehicle transactions.<sup>15</sup>

### **Driver's Privacy Protection Act**

Congress enacted the federal Driver's Privacy Protection Act (DPPA) as part of the Violent Crime Control and Law Enforcement Act of 1994. The DPPA prohibits the release and use of certain personal information from State motor vehicle records, and provides permissible uses and authorized disclosures of such information.<sup>16</sup> The DPPA defines "personal information" as information that identifies an individual, including the individual's:

- Photograph;
- Social security number;
- Driver identification number;
- Name;
- Address;
- Telephone number; and
- Medical or disability information.<sup>17</sup>

Section 119.0712(2), F.S., provides that "personal information" contained in a motor vehicle record, as defined by the DPPA, is confidential. This "personal information" may be released only as authorized by the DPPA. Furthermore, emergency contact information, including emergency contact e-mail addresses, contained in a motor vehicle record is confidential and exempt from the state's public records laws.<sup>18</sup> Without the express consent to whom such emergency contact information applies, the information may be released only to law enforcement agencies to contact those listed in the event of an emergency.<sup>19</sup>

### **E-mail Addresses and Crimes**

The DHSMV was the subject of an e-mail phishing incident in which fraudsters used the Department's name and e-mail address, DoNotReply@flhsmv.gov, to send e-mails containing transactional receipts to the public. The e-mails directed the recipient to visit a third party website, which may have contained computer programs designed to harm the user.<sup>20</sup>

The Better Business Bureau posted an alert on its website, as well, warning individuals of e-mail phishing scams. They specifically address e-mails containing confirmation messages for recent driver license and vehicle registration renewals appearing to come from the DHSMV.<sup>21</sup> The

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<sup>15</sup> See ss. 319.40(3), 320.95(2), and 322.08(8), F.S.

<sup>16</sup> 18 U.S.C. s. 2721.

<sup>17</sup> 18 U.S.C. s. 2725.

<sup>18</sup> Section 119.0712(2)(c), F.S.

<sup>19</sup> *Id.*

<sup>20</sup> Department of Highway Safety and Motor Vehicles, *Fraudsters Use Agency's Name and Email Address for Phishing Expedition- Highway safety agency warns of email spam*, Press Release, Feb. 7, 2013, available at <http://www.flhsmv.gov/news/pdfs/PR020713a.pdf> (Last visited on March 1, 2015).

<sup>21</sup> Better Business Bureau, *Phishing Email Poses as Florida DMV*, Feb. 22, 2013, <http://www.bbb.org/blog/2013/02/phishing-email-poses-as-florida-dmv/> (Last visited March 1, 2015).

e-mail includes a link directing the individual to a third-party website meant to download malware, which may be used to scan a computer for personal information that could be used for identity theft.

### III. Effect of Proposed Changes:

The bill makes customer e-mail addresses collected by the DHSMV exempt from the state's public records laws if the e-mail addresses are collected by the DHSMV specifically for:

- Sending a notification regarding motor vehicle titles, pursuant to s. 319.40(3), F.S.;
- Providing a renewal notice for a motor vehicle license or registration, pursuant to 320.95(2), F.S.; and
- Providing a renewal notice for a driver license or identification card, pursuant to 322.08(8), F.S.

The bill provides a statement of public necessity as required by the State Constitution. The public necessity states the Legislature finds e-mail addresses are unique to an individual and, when combined with other personal identifying information, can be used for identity theft, consumer scams and invasive contacts. The public necessity statement provides that the exemption helps protect customers from this increased risk.

The bill takes effect on July 1, 2015.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2020, unless reviewed and reenacted by the Legislature.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

##### **Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill creates a public record exemption for customer e-mail addresses collected by the DHSMV; thus, it requires a two-thirds vote for final passage.

##### **Public Necessity Statement**

Article I, s. 24(c) of the State Constitution requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill creates a public record exemption for customer e-mail addresses collected by the DHSMV; thus, it includes a public necessity statement.

**Breadth of Exemption**

Article I, s. 24(c) of the State Constitution requires a newly created public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill creates a public record exemption limited to the e-mail address of DHSMV customers when those e-mail addresses are collected for the purposes named in the bill. The exemption does not appear to be in conflict with the constitutional requirement that the exemption be no broader than necessary to accomplish its purpose.

**C. Trust Funds Restrictions:**

None.

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

None.

**B. Private Sector Impact:**

The bill provides greater consumer protection of DHSMV customer's e-mail addresses.

**C. Government Sector Impact:**

The bill may have a minimal fiscal impact on the DHSMV due to costs associated with training staff to comply with the new public records exemption, and redacting information prior to releasing a record.

To the extent this exemption encourages customers to choose to conduct driver license and motor vehicle record transactions via e-mail, the DHSMV will reduce the amount of money spent on postage.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 119.0712 of the Florida Statutes.

**IX. Additional Information:**

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

None.

- B. **Amendments:**

None.

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

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FOR CONSIDERATION By the Committee on Transportation

596-01309A-15

20157040pb

A bill to be entitled

An act relating to public records; amending s. 119.0712, F.S.; providing an exemption from public records requirements for electronic mail addresses collected by the Department of Highway Safety and Motor Vehicles; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Present paragraph (c) of subsection (2) of section 119.0712, Florida Statutes, is redesignated as paragraph (d), and a new paragraph (c) is added to that subsection, to read:

119.0712 Executive branch agency-specific exemptions from inspection or copying of public records.—

(2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—

(c) Electronic mail addresses collected by the Department of Highway Safety and Motor Vehicles pursuant to s. 319.40(3), s. 320.95(2), or s. 322.08(8) are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that customers' electronic mail addresses collected and held by the Department of Highway Safety and Motor Vehicles

Page 1 of 2

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

596-01309A-15

20157040pb

for the purpose of conducting motor vehicle record and driver license transactions be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq., did not include electronic mail addresses among the types of personal information protected from disclosure when enacted. Customer use of electronic mail addresses in conducting motor vehicle and driver license record transactions electronically with the department has significantly increased since 1994. Under current law, the electronic mail addresses collected by the department are public records and can be obtained by anyone for any purpose. However, such electronic mail addresses are unique to the individual and, when combined with other personal identifying information, can be used for identity theft, consumer scams, unwanted solicitations, or other invasive contacts. The public availability of personal electronic mail addresses puts department customers at increased risk of these activities. This risk may be significantly limited by permitting the department to keep customer electronic mail addresses confidential.

Section 3. This act shall take effect July 1, 2015.

Page 2 of 2

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

# CourtSmart Tag Report

Room: LL 37  
Caption: Senate Transpertation

Case:  
Judge:

Type: C

Started: 3/5/2015 9:03:56 AM

Ends: 3/5/2015 10:41:49 AM

Length: 01:37:54

9:04:01 AM Meeting called to order by Chair Brandes  
9:04:04 AM Roll call by Administrative Assistant, Marilyn Hudson  
9:04:15 AM Quorum present  
9:04:27 AM Comments from Chair Brandes  
9:04:36 AM Tab 1 - SB 676 by Senator Benacquisto  
9:04:50 AM Introduction of SB 676, Voluntary Contributions to End Breast Cancer by Chair Brandes  
9:05:06 AM Explanation of SB 676 by Senator Benacquisto  
9:05:12 AM Kelly Mallette, Florida Breast cancer Foundation waives in support  
9:05:22 AM Senator Benacquisto waives closure  
9:05:26 AM Roll call on SB 676 by Administrative Assistant, Marilyn Hudson  
9:05:39 AM SB 676 reported favorably  
9:05:49 AM Introduction of DHSMV speaker Dave Westberry  
9:06:24 AM Presentation by Dave Westberry, Chief Performance Officer, DHSMV Red Light Camera Summary Report  
9:13:03 AM Question from Chair Brandes  
9:13:16 AM Response from Mr. Westberry  
9:13:35 AM Presentation continues by Mr. Westberry  
9:14:34 AM Question from Senator Simpson  
9:14:44 AM Response from Mr. Westberry  
9:15:10 AM Follow-up question from Senator Simpson  
9:15:20 AM Response from Mr. Westberry  
9:15:46 AM Additional question from Senator Simpson  
9:15:53 AM Response from Mr. Westberry  
9:16:02 AM Question from Senator Braynon  
9:16:15 AM Response from Mr. Westberry  
9:16:47 AM Presentation continues by Mr. Westberry  
9:18:49 AM Question from Chair Brandes  
9:18:56 AM Response from Mr. Westberry  
9:19:08 AM Question from Senator Braynon  
9:19:16 AM Response from Mr. Westberry  
9:20:21 AM Presentation continues by Mr. Westberry  
9:22:34 AM Question from Senator Thompson  
9:22:41 AM Response from Mr. Westberry  
9:23:53 AM Presentation continues by Mr. Westberry  
9:24:52 AM Question from Chair Brandes  
9:25:05 AM Response from Mr. Westberry  
9:25:11 AM Additional question from Chair Brandes  
9:25:19 AM Response from Mr. Westberry  
9:25:47 AM Question from Senator Simpson  
9:26:01 AM Response from Mr. Westberry  
9:27:11 AM Follow-up question from Senator Simpson  
9:27:23 AM Response from Mr. Westberry  
9:27:40 AM Comments from Senator Simpson  
9:28:17 AM Comments from Mr. Westberry  
9:28:30 AM Comments from Chair Brandes  
9:28:42 AM Comments from Mr. Westberry  
9:29:00 AM Question from Senator Braynon  
9:29:28 AM Response from Mr. Westberry  
9:30:33 AM Thanks to Mr. Westberry from Chair Brandes regarding presentation  
9:30:43 AM Introduction of Tab 3 by Chair Brandes  
9:30:54 AM Explanation of SB 786, Towing of Vehicles and Vessels by Senator Evers  
9:32:10 AM Senator Evers waives closure

9:32:55 AM Roll call on SB 786 by Administrative Assistant, Marilyn Hudson  
9:33:05 AM SB 786 reported favorably  
9:33:14 AM Introduction of Tab 4 - 1184 by Senator Brandes  
9:33:37 AM Explanation of Tab 4 SB 1184, Department of Highway Safety and Motor Vehicles by Senator Brandes  
9:34:45 AM Explanation of Amendment, Barcode #402860 by Senator Brandes  
9:35:24 AM Question on Amendment from Senator Braynon  
9:35:38 AM Response from Senator Brandes  
9:35:45 AM Follow-up question from Senator Braynon  
9:35:56 AM Response from Senator Brandes  
9:36:35 AM Additional question from Senator Braynon  
9:36:43 AM Response from Senator Brandes  
9:37:11 AM Question from Senator Thompson  
9:37:22 AM Response from Senator Brandes  
9:38:50 AM Question from Senator Braynon  
9:39:03 AM Response from Senator Brandes  
9:39:45 AM Comments from Chair Bullard  
9:39:55 AM Speaker Casey Cook, Legislative Advocate, Florida Leagues of Cities against the Amendment  
9:41:17 AM Captain Mike Fewless, Orange County Sheriff's Office waives in opposition  
9:41:26 AM Bernadette Howard, Professional Development Assistant, The Florida Police Chiefs Association waives in opposition  
9:41:41 AM Eric Poole, Assistant Legislative Director, Florida Associations of Counties waives in opposition  
9:42:36 AM Explanation of Amendment to the Amendment #495191 by Senator Brandes  
9:42:52 AM Amendment to the Amendment passes  
9:43:16 AM Senator Thompson debates on Amendment 402860  
9:44:00 AM Senator Braynon debate on Amendment 402860 in opposition  
9:44:35 AM Senator Simpson debate 402860 in favor of Amendment  
9:45:36 AM Senator Brandes closing on Amendment  
9:47:22 AM Amendment #402860 as amended passes  
9:47:41 AM Amendment #133272 explained by Senator Brandes  
9:48:28 AM Comments from Chair Bullard  
9:48:40 AM Speaker Casey Cook, Legislative Advocate, Florida Leagues of Cities in opposition of Amendment  
9:51:11 AM Comments from Chair Bullard  
9:51:11 AM Captain Mike Fewless, Orange County Sheriff's Office in opposition  
9:51:20 AM Eric Poole, Assistant Legislative Director waives in opposition  
9:51:25 AM Senator Brandes closes on Amendment  
9:51:49 AM Comments from Chair Bullard  
9:51:55 AM Amendment #133272 passes  
9:52:05 AM Amendment #704160 explained by Senator Brandes  
9:52:44 AM Comments from Chair Bullard  
9:52:58 AM Senator Brandes waives closure  
9:53:03 AM Amendment #704160 passes favorably  
9:53:15 AM Comments from Chair Bullard SB 1184 as amended  
9:53:36 AM Senator Brandes waives closure  
9:53:46 AM Roll call on CS SB 1184 by Administrative Assistant, Marilyn Hudson  
9:54:02 AM CS SB 1184 will be reported favorably  
9:54:07 AM Senator Grimsley shown voting favorably on SB 676  
9:54:20 AM Gavel returned to Chair Brandes  
9:54:25 AM Introduction of Tab 2 SB 722 by Chair Brandes  
9:54:29 AM Explanation of SB 722 by Senator Flores - Aviation Fuel Tax  
9:56:02 AM Comments from Chair Brandes  
9:56:30 AM Speaker David Harvey, Sr. Director, Network Planning and Performance speaking in opposition  
10:01:55 AM Question from Senator Braynon  
10:02:09 AM Response from Mr. Harvey  
10:03:04 AM Follow-up question from Senator Braynon  
10:03:13 AM Response from Mr. Harvey  
10:03:49 AM Comments from Senator Braynon  
10:04:27 AM Speaker Nick Iarossi, Delta Airlines in support of SB 722  
10:06:36 AM Speaker Stephen Shiver, Partner, Jet Blue Airlines  
10:10:36 AM Question from Senator Thompson  
10:10:43 AM Response from Mr. Shiver  
10:12:19 AM Question from Senator Braynon  
10:12:31 AM Response from Mr. Shiver

**10:13:27 AM** Follow-up question from Senator Braynon  
**10:13:37 AM** Response from Mr. Shiver  
**10:13:49 AM** Skylar Zander, Deputy State Director, Americans for Prosperity waives in support  
**10:14:02 AM** Senator Evers in debate on SB 722  
**10:15:05 AM** Comments from Senator Braynon  
**10:15:59 AM** Comments from Senator Simpson  
**10:17:42 AM** Senator Flores closing on SB 722  
**10:19:48 AM** Roll call SB 722 by Administrative Assistant, Marilyn Hudson  
**10:20:02 AM** SB 722 reported favorably  
**10:20:09 AM** Gavel to Senator Bullard  
**10:20:16 AM** Introduction of Tab 6 - 1186 by Chair Bullard  
**10:20:27 AM** Explanation of SB 1186 by Senator Brandes, Transportation  
**10:22:22 AM** Amendment, Barcode #146586 explained by Senator Brandes  
**10:22:50 AM** Comments from Chair Bullard  
**10:23:02 AM** Senator Brandes waives closure  
**10:23:08 AM** Amendment #146586 passes  
**10:23:20 AM** Amendment, Barcode #114694 explained by Senator Brandes  
**10:23:55 AM** Eric Poole, Assistant Legislative Director waives in support  
**10:24:04 AM** Megan Sirjane-Samples, Legislative Advocate, Florida League of Cities waives in support  
**10:24:15 AM** Senator Brandes waives closure  
**10:24:21 AM** Amendment, Barcode #114694 passes  
**10:24:34 AM** Comments Chair Bullard  
**10:24:50 AM** Speaker Louis Minardi, President, Yellow Cab in opposition of the Bill  
**10:28:34 AM** Speaker Kyle Cockream, Executive Director, Hillsborough County Transportation Commission in opposition of Bill  
**10:32:25 AM** Speaker Floyd Webb, General Manager, Yellow Cab of Tallahassee  
**10:34:28 AM** Speaker Roger Chapin, Vice President, Mears Transportation waives in opposition  
**10:34:49 AM** Speaker Peggy Mathews, Greenways & Trails Foundation in support  
**10:37:15 AM** Speaker Eric Poole, Assistant Legislative Director, Florida Association of Counties in support  
**10:38:20 AM** Richard Gentry, Escambia County waives in support  
**10:38:43 AM** Closing by Senator Brandes  
**10:39:06 AM** Roll call on CS SB 1186 by Administrative Assistant, Marilyn Hudson  
**10:39:47 AM** CS SB 1186 reported favorably  
**10:40:01 AM** Tab SPB 7040 introduced by Chair Bullard  
**10:40:22 AM** Explanation of SPB 7040 by Senator Brandes  
**10:40:40 AM** Comments from Chair Bullard  
**10:41:00 AM** Roll call on SPB 7040 by Administrative Assistant, Marilyn Hudson  
**10:41:13 AM** SPB 7040 reported as Committee Bill  
**10:41:22 AM** Gavel passed to Senator Brandes  
**10:41:27 AM** Senator Evers moves to rise