Tab 1	**CS/SB 1190** by **CA, Diaz de la Portilla**; (Similar to CS/CS/H 1361) Growth Management

Tab 2	**CS/SB 1392** by **TR, Brandes**; (Compare to CS/H 1119) Transportation

152974	A		S		RS	ATD, Brandes	Delete L.92 - 111:	02/19 04:48 PM
~~826082~~	SA		S		WD	ATD, Brandes	Delete L.83 - 117:	02/19 04:48 PM
388858	SA		S		RCS	ATD, Brandes	Delete L.83 - 165:	02/19 04:48 PM
417088	A		S		RCS	ATD, Brandes	Delete L.169 - 175:	02/19 04:48 PM

Tab 3	**CS/SB 1394** by **TR, Brandes**; (Compare to CS/CS/1ST ENG/H 7061) Department of Highway Safety and Motor Vehicles

~~541706~~	A		S		WD	ATD, Brandes	Delete L.73 - 93:	02/19 04:57 PM
545342	A		S		RS	ATD, Brandes	Delete L.88 - 93:	02/19 04:57 PM
868578	SA		S		RCS	ATD, Brandes	Delete L.88 - 119:	02/19 04:57 PM
~~102026~~	A		S		WD	ATD, Brandes	Delete L.191 - 373.	02/19 04:57 PM
428432	A		S		RCS	ATD, Brandes	Delete L.380 - 385:	02/19 04:57 PM
~~771252~~	A		S		WD	ATD, Brandes	Delete L.392 - 406:	02/19 04:57 PM
750664	A		S		RCS	ATD, Brandes	Delete L.395 - 401:	02/19 04:57 PM
854538	A		S		RCS	ATD, Brandes	Delete L.419 - 435.	02/19 04:57 PM
961908	A		S		RCS	ATD, Brandes	Delete L.454 - 472:	02/19 04:57 PM
~~437718~~	A		S		WD	ATD, Brandes	Delete L.546 - 645.	02/19 04:57 PM
~~844988~~	A		S		WD	ATD, Brandes	btw L.645 - 646:	02/19 04:57 PM
767344	A		S		RCS	ATD, Brandes	btw L.645 - 646:	02/19 04:57 PM
601462	A		S	L	RCS	ATD, Latvala	btw L.453 - 454:	02/19 04:57 PM
471656	A		S	L	RCS	ATD, Latvala	btw L.418 - 419:	02/19 04:57 PM
623340	A		S	L	RCS	ATD, Latvala	btw L.373 - 374:	02/19 04:57 PM
462752	A		S	L	RCS	ATD, Latvala	Delete L.191 - 373:	02/19 04:57 PM
377630	A		S	L	RCS	ATD, Latvala	Delete L.546 - 564.	02/19 04:57 PM

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, TOURISM, AND ECONOMIC DEVELOPMENT
Senator Latvala, Chair
Senator Clemens, Vice Chair

MEETING DATE: Wednesday, February 17, 2016
TIME: 10:00 a.m.—12:00 noon
PLACE: 301 Senate Office Building

MEMBERS: Senator Latvala, Chair; Senator Clemens, Vice Chair; Senators Brandes, Detert, Diaz de la Portilla, Gibson, Hukill, Sachs, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	**CS/SB 1190** Community Affairs / Diaz de la Portilla (Similar CS/H 1361, Compare CS/S 7000)	Growth Management; Authorizing the governing body of a county to employ tax increment financing; specifying that certain developments must follow the state coordinated review process; establishing deadlines for the state land planning agency to take action on recommended orders relating to certain plan amendments; providing criteria under which one approved land use may be submitted for another approved land use in certain land development agreements under certain circumstances; specifying conditions under which certain proposed developments are not required to undergo the state-coordinated review process, etc. CA 01/26/2016 Fav/CS ATD 02/17/2016 Favorable FP RC	Favorable Yeas 8 Nays 0
2	**CS/SB 1392** Transportation / Brandes (Compare CS/H 1119, H 7027, CS/CS/H 7061, CS/CS/S 756, CS/S 1394, S 1552, S 2502)	Transportation; Revising the circumstances under which the Department of Transportation is authorized to direct the removal of certain traffic control devices; providing exceptions to the prohibition against certain television-type receiving equipment in vehicles; revising provisions relating to required equipment and operation of autonomous vehicles, etc. TR 01/27/2016 Fav/CS ATD 02/17/2016 Fav/CS AP	Fav/CS Yeas 8 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	**CS/SB 1394** Transportation / Brandes (Compare CS/CS/H 7061, CS/H 7063, CS/S 1392)	Department of Highway Safety and Motor Vehicles; Providing that provisions prohibiting a driver from following certain vehicles within a specified distance do not apply to truck tractor-semitrailer combinations under certain circumstances; requiring, as of a specified date, that the court order a certain qualified sobriety and drug monitoring program in addition to the placement of an ignition interlock device; prohibiting a law enforcement officer from issuing a citation for a specified violation until a certain date, etc. TR 01/27/2016 Fav/CS ATD 02/11/2016 Temporarily Postponed ATD 02/17/2016 Fav/CS FP	Fav/CS Yeas 8 Nays 0

Other Related Meeting Documents

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL:	CS/SB 1190
INTRODUCER:	Community Affairs Committee and Senator Diaz de la Portilla
SUBJECT:	Growth Management
DATE:	February 16, 2016 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cochran	Yeatman	CA	**Fav/CS**
2.	Gusky	Miller	ATD	**Favorable**
3.			FP	
4.			RC	

Please see Section IX. for Additional Information:

PLEASE MAKE SELECTION

I. Summary:

CS/SB 1190 makes several changes to the state's growth management programs. Specifically, the bill:

- Allows the governing body of a county to employ tax increment financing to fund economic development activities and projects which directly benefit the tax increment area.
- Revises the types of comprehensive plan amendments that must follow the state coordinated review process, and also establishes a procedure for issuing a final order if the state land planning agency fails to take action.
- Amends the minimum acreage for application as a sector plan from 15,000 acres to 5,000 acres.
- Changes the acreage for annexation of enclaves under certain circumstances from 10 acres to 110 acres.
- Authorizes a developer, the Department of Economic Opportunity (DEO), and a local government to amend a development of regional impact (DRI) agreement when a project has been determined to be essentially built out without following the notice of proposed change process.
- Authorizes the exchange of one approved land use for another so long as there is no increase in impacts to public facilities.
- Specifies that persons do not lose the right to complete DRIs upon certain changes to those developments.

- Provides that a substantial deviation to a previously approved DRI or development order condition is subject to further DRI review through the notice of proposed change process.
- Clarifies that certain proposed developments which are currently consistent with the local government comprehensive plan are not required to be reviewed pursuant to the State Coordinated Review Process for comprehensive plan amendments.
- Revises conditions under which the DRI aggregation requirements do not apply.
- Establishes procedures relating to rights, duties, and obligations related to certain development orders or agreements if a development elects to rescind a development order.

According to the DEO, the bill is likely to have a minimal, but indeterminate, fiscal impact due to a reduction in the number and types of situations that result in DRI amendments or extensive review of amendments.[1]

The bill provides an effective date of July 1, 2016.

II. Present Situation:

Growth Management

The Local Government Comprehensive Planning and Land Development Regulation Act,[2] also known as Florida's Growth Management Act, was adopted in 1985. The act requires all counties and municipalities to adopt local government comprehensive plans that guide future growth and development.[3] Comprehensive plans contain chapters or "elements" that address topics including future land use, housing, transportation, conservation, and capital improvements, among others.[4] Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government amends its comprehensive plan first. The state land planning agency that administers these provisions is the Department of Economic Opportunity (DEO).[5]

State law requires a proposed comprehensive plan amendment to receive three public hearings, the first held by the local planning board.[6] The local commission (city or county) must then hold an initial public hearing regarding the proposed amendment and subsequently transmit it to several statutorily identified reviewing agencies,[7] including DEO, the relevant Regional Planning Council (RPC), and adjacent local governments that request to participate in the review process.[8]

The state and regional agencies review the proposed amendment for impacts related to their statutory purview. The RPC reviews the amendment specifically for "extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within

[1] Department of Economic Opportunity, *Senate Bill 1190 Agency Legislative Bill Analysis* (Jan. 12, 2016) (on file with the Senate Committee on Community Affairs).
[2] *See* ch. 163, part II, F.S.
[3] Section 163.3167, F.S.
[4] Section 163.3177, F.S.
[5] Section 163.3221(14), F.S.
[6] Section 163.3174(4)(a), F.S.
[7] Section 163.3184, F.S.
[8] *Id.*

the region" as well as adverse effects on regional resources or facilities.[9] Upon receipt of the reports from the various agencies, the local government holds a second public hearing at which the governing body votes to approve the amendment or not. If the amendment receives a favorable vote it is transmitted to the DEO for final review.[10] The DEO then has either 31 days or 45 days (depending on the review process to which the amendment is subject) to determine whether the proposed comprehensive plan amendment is in compliance with all relevant laws and agency rules.[11]

Development of Regional Impact Background

A development of regional impact (DRI) is defined in s. 380.06, F.S., as "any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county." The DRI program was initially created in 1972 as an interim program intended to be replaced by comprehensive planning and permitting programs. The DRI program provided a lengthy and complicated review process for proposed projects that was largely duplicated by the successor comprehensive planning review process.

Comprehensive planning was first required by law in 1975. However, the Growth Management Act of 1985 is considered the watershed law that brought truly modern planning requirements into force. In recognition of this fact, the Environmental Land Management Study Committee in 1992 recommended that the DRI program be eliminated and relegated to an enhanced version of the Intergovernmental Coordination Element (ICE) that is required to be included in local comprehensive plans.[12] After much controversy, this recommendation was not implemented, and the DRI program continued in its previous form.

However, over the ensuing years, the program was amended to include a number of exemptions. The following list of exemptions is not exhaustive, but illustrates the number and variety of exemptions from the DRI program that have been enacted:[13]

- Certain projects that created at least 100 jobs that met certain qualifications – 1997.
- Certain expansions to port harbors, certain port transportation facilities and certain intermodal transportation facilities – 1999.
- The thresholds used to identify projects subject to the program were increased by 150 percent for development in areas designated as rural areas of critical economic concern (now known as Rural Areas of Opportunity) – 2001.
- Certain proposed facilities for the storage of any petroleum product or certain expansions of existing petroleum product storage facilities – 2002.
- Any renovation or redevelopment within the same land parcel which does not change land use or increase density or intensity of use – 2002.
- Certain waterport or marina developments – 2002.

[9] Section 163.3184(3)(b)(3)(a), F.S.
[10] Section 163.3184, F.S.
[11] *Id.*
[12] *See* Richard G. Rubino and Earl M. Starnes, *Lessons Learned? The History of Planning in Florida*. Tallahassee, FL: Sentry Press, 2008. ISBN 978-1-889574-31-8.
[13] Section 360.06(24), F.S.

- The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, F.S. – 2005.

In 2009, the Legislature enacted the most significant exemption from the DRI program: the exemption for Dense Urban Land Areas (DULAs).[14] In 2015, eight counties and 243 cities qualified as DULAs. This meant that all projects within those counties and cities were exempted from the DRI program. The areas qualifying as DULAs accounted for more than half of Florida's population.[15]

Consistency with Comprehensive Plans

DRI development orders are required to be consistent with a local government's comprehensive plan.[16] In *Bay Point Club, Inc. v. Bay County* the court held that any change to a DRI development order must be consistent with the local government's comprehensive plan.[17] That can create concerns for a developer where the DRI development order itself is no longer consistent with the local comprehensive plan because of plan amendments adopted after the DRI development order was approved (e.g., the DRI development order may authorize more density or greater building height than the current comprehensive plan allows, or the plan may require more stringent environmental protections potentially reducing the development footprint from what was allowed when the DRI development order was issued).[18]

Approval of New DRIs

Section. 380.06, F.S., governing DRIs, was amended in 2015 to provide that new proposed DRI-sized developments shall be approved by comprehensive plan amendment in lieu of the review process in s. 380.06, F.S. Section 163.3184(2)(c), F.S., was amended to provide that such plan amendments will be reviewed under the state coordinated review process.

Administrative Proceedings Related to Comprehensive Plan Amendments – Final Order Timeframes

In comprehensive plan amendment cases, DEO enters final orders finding a plan amendment "in compliance" and the Administration Commission enters final orders finding a plan amendment "not in compliance."[19] When an Administrative Law Judge (ALJ) with the Division of Administrative Hearings (DOAH) issues a recommended order to find a plan amendment "in compliance," DOAH sends the recommended order to DEO.[20] DEO can then enter a final order finding the plan amendment in compliance or, if it disagrees with the ALJ's recommendation, must refer the matter to the Administration Commission with its recommendation to find the plan

[14] Section 380.06(29), F.S.
[15] Florida Department of Economic Opportunity, List of Local Governments Qualifying as DULAs, http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/list-of-local-governments-qualifying-as-dense-urban-land-areas (last visited January 21, 2016).
[16] Section 163.3194(1)(a), F.S.
[17] 890 So.2d 256 (Fla. 1st DCA 2004).
[18] Department of Economic Opportunity, *Senate Bill 1190 Agency Legislative Bill Analysis* (Jan. 12, 2016) (on file with the Senate Committee on Community Affairs).
[19] Section 163.3184, F.S.
[20] Section 163.3184(5)(e), F.S.

amendment "not in compliance."[21] Section 163.3184(5)(e)1., F.S., requires that DEO make every effort to enter the final order or refer the matter to the Administration Commission expeditiously but at a minimum within the time period provided pursuant to s. 120.569, F.S., (i.e., within 90 days after the recommended order is submitted to the agency).

Essentially Built Out DRIs

Section 380.06(15)(g), F.S., prohibits a local government from issuing permits for development in a DRI after the buildout date in the development order except under certain circumstances. For an essentially built out DRI, the developer, the local government, and DEO may enter into an agreement establishing the terms and conditions for continued development, after which the development proceeds pursuant to the local comprehensive plan and land development regulations without further DRI review.[22] In practice, from DEO's perspective, an agreement can be modified on request, with the consent of all the parties to the agreement and without a formal application process.[23]

Substantial Deviations and Notice of Proposed Changes

Any proposed change to a previously approved development which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by a change not previously reviewed by the regional planning agency, constitutes a substantial deviation and shall cause the proposed change to be subject to further DRI review.[24] Section 380.06(19), F.S., identifies changes to a DRI that, based on numerical standards, are substantial deviations, which means that further DRI review is required. Section 380.06(19)(e)(2), F.S., also identifies specific changes that do not require further DRI review, including:

- Changes in the name of the project,
- Changes to certain setbacks,
- Changes to minimum lot sizes,
- Changes that do not increase external peak hour trips,
- Changes that do not reduce open space or conserved areas, and
- Any other changes that DEO agrees in writing are similar to the enumerated changes that do not increase regional impacts.

Aggregation

Section 380.0651(4), F.S., provides that two or more developments shall be aggregated and treated as a single DRI when they are determined to be part of a unified plan of development and are physically proximate to one another. Section 380.0651(4)(c), F.S., identifies exceptions to aggregation: DRIs that have already received development approval; developments that were authorized before September 1, 1988, and could not have been aggregated under the law existing at that time; and developments exempt from DRI review.

[21] Section 163.3184(5)(e)(1), F.S.
[22] Section 380.06(15)(g)(4), F.S.
[23] Department of Economic Opportunity, *Senate Bill 1190 Agency Legislative Bill Analysis* (Jan. 12, 2016) (on file with the Senate Committee on Community Affairs).
[24] Section 380.06(19)(a), F.S.

Vested Rights; Rescinding a DRI Development Order

Statutory changes or changes in a developer's development program may result in a development that was a DRI when approved no longer being subject to the DRI review process. Section 380.115, F.S., preserves the vested rights of those developments and establishes a procedure under which the developers of such projects may seek to rescind the DRI development orders. Developments subject to this provision are those that are no longer defined as DRIs under the applicable guidelines and standards, developments that have reduced their size below the DRI guidelines and standards, and developments that are exempt from DRI review.

Sector Plans – Minimum Acreage

Section 163.3245, Florida Statutes, authorizes local governments to adopt sector plans into their comprehensive plans.[25] Section 163.3164(42), F.S., defines a sector plan as follows:

> "Sector plan" means the process authorized by s. 163.3245 in which one or more local governments engage in long-term planning for a large area and address regional issues through adoption of detailed specific area plans within the planning area as a means of fostering innovative planning and development strategies, furthering the purposes of this part and part I of chapter 380, reducing overlapping data and analysis requirements, protecting regionally significant resources and facilities, and addressing extrajurisdictional impacts. The term includes an optional sector plan that was adopted before June 2, 2011.

Sector plans are intended for substantial geographic areas of at least 15,000 acres and must emphasize urban form and protection of regionally significant resources and public facilities.[26] A sector plan may not be adopted in an area of critical state concern.[27]

Annexation of Enclaves

Florida law defines annexation as the adding of real property to the boundaries of an incorporated municipality.[28] The purpose of annexation varies. Historically, annexation was typically used to provide rural communities with access to municipal services—a proposition grounded in the notion that only cities could effectively deliver essential services such as police, fire, and water and sewer.[29] Presently, in addition to seeking out appropriate levels of essential services, annexation is often used by a developer to find the most favorable laws and regulations for a development or by a municipality to increase its tax base.[30]

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[25] Florida Department of Economic Opportunity, Sector Planning Program, http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/sector-planning-program (last visited January 19, 2016).
[26] *Id*.
[27] *Id*.
[28] Section 171.031(1), F.S.
[29] Alison Yurko, *A Practical Perspective About Annexation in Florida*, 25 Stetson L. Rev. 669 (1996).
[30] *Id*.

There are three threshold requirements to annex land: the annexed land must be unincorporated, "contiguous," and "compact."[31] Under Florida law, "contiguous" means that "a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality."[32] "Compactness" means "concentration of a piece of property in a single area and precludes any action which would create enclaves (discussed below), pockets, or finger areas in serpentine patterns."[33]

Assuming the land to be annexed is contiguous and compact, there are two primary methods of annexation procedures—involuntary and voluntary—and one exceptional method—expedited annexation of certain enclaves.[34] Florida law defines "enclave" as follows:

- Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or
- Any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality.[35]

The Legislature expressly recognized in s. 171.046, F.S., that, "enclaves can create significant problems in planning, growth management, and service delivery, and declared that it is the policy of the state to eliminate enclaves."[36] Accordingly, the Legislature authorized two expedited methods of annexing enclaves of less than 10 acres into the municipality in which they exist:

- A municipality may annex such an enclave by interlocal agreement with the county having jurisdiction over the enclave; or
- A municipality may annex such an enclave with fewer than 25 registered voters by municipal ordinance when the annexation is approved in a referendum by at least 60 percent of the registered voters who reside in the enclave.[37]

Tax Increment Financing

Community redevelopment agencies (CRAs) are not permitted to levy or collect taxes; however, the local governing body is permitted to establish a community redevelopment trust fund that is funded through tax increment financing (TIF).[38] The TIF mechanism, as described in s. 163.387, F.S., requires taxing authorities to annually appropriate an amount to the redevelopment trust fund by January 1 each year. This revenue is used to pay debt service on bonds issued to finance redevelopment projects in accordance with a redevelopment plan.[39] The incremental revenue amount is calculated annually as 95 percent of the difference between:

[31] Section 171.043, F.S. Florida law also lays out many "prerequisites to annexation" in s. 171.042, F.S.
[32] Section 171.031(11), F.S.
[33] Section 171.031(12), F.S.
[34] Section 171.046, F.S.
[35] Section 171.031(13), F.S.
[36] Section 171.046(1), F.S.
[37] *See id.*
[38] Through tax increment financing, a baseline tax amount is chosen, and then in future years, any taxes generated above that baseline amount are transferred into the trust fund. Section 163.387, F.S.
[39] Section 163.387(1)(a), F.S.

- The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of a community redevelopment area; and
- The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the community redevelopment area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance providing for the funding of the trust fund.

The longer that a CRA exists, property values increase and the tax increment revenue increases, which is then available to repay public infrastructure and redevelopment costs of the CRA. Tax increment revenues can be used when they are related to development in the designated redevelopment area.[40]

TIF Limitations and Exemptions

CRAs created before July 1, 2002, typically appropriate tax increment revenues to the redevelopment trust fund for a period not exceeding 30 years, unless the community redevelopment plan is amended.[41] For CRAs created after July 1, 2002, taxing authorities make the annual appropriation for a period not to exceed 40 years after the fiscal year in which the plan is approved or adopted. The following taxing authorities are exempt from paying the incremental revenues:[42]

- A special district that levies ad valorem taxes on taxable real property in more than one county.
- A special district for which ad valorem taxes are the sole available source of revenue the district has the authority to levy at the time the ordinance is adopted.
- A library district, except a library district in a jurisdiction where the community redevelopment agency had validated bonds as of April 30, 1984.
- A neighborhood improvement district created under the Safe Neighborhoods Act.
- A metropolitan transportation authority.
- A water management district created under s. 373.069, F.S.
- A special district specifically made exempt by the local governing body that created the CRA, if the exemption is made in accordance with the requirements of s. 163.387(2)(d), F.S., which include a public hearing, public notice, and an interlocal agreement.

In addition to CRAs, TIF is also allowed for conservation lands and transportation projects.[43]

III. Effect of Proposed Changes:

Section 1 amends s. 125.045(6), F.S., relating to county economic development powers, to allow the governing body of a county to employ tax increment financing (TIF) for the purpose of

[40] Harry M. Hipler, *Tax Increment Financing in Florida: A Tool for Local Government Revitalization, Renewal, and Redevelopment*, Fla. Bar J., Volume 81, No. 7 (July/August 2007).
[41] Section 163.387(2)(a), F.S.
[42] Section 163.387(2)(c), F.S.
[43] Sections 259.042, F.S. and 163.3182, F.S.

funding economic development activities and projects which directly benefit the tax increment area. The governing body must administer a separate reserve account for the deposit of tax increment revenues. The tax increment authorized shall be determined annually and shall be the amount equal to a maximum of 95 percent of the difference between:

- The amount of ad valorem taxes levied each year by the county, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the tax increment area; and
- The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for the county, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the tax increment area, as shown upon the most recent assessment roll used in connection with the taxation of such property by the county, before establishment of the tax increment area.

Section 2 amends s. 163.3184, F.S., relating to the process for adoption of a comprehensive plan or plan amendment, to:

- Clarify that a development that is subject to the review process under s. 380.06(30), F.S., must follow the state coordinated review process in s. 163.3184(4), F.S.;
- Provide that recommended orders submitted under s. 163.3184(5)(e), F.S., become final orders 90 days after issuance unless all parties agree to a time extension in writing, or the state land planning agency acts pursuant to subparagraph s. 163.3184(5)(e)(1) or (2), F.S.;
- Provide that absent written consent of the parties, if the administrative law judge recommends that the amendment be found not in compliance, the Administration Commission shall issue a final order within 45 days after the issuance of the recommended order; and
- Provide that if the administrative law judge recommends that the amendment be found in compliance, the state land planning agency shall issue a final order within 45 days after the issuance of the recommended order. If the agency fails to do so, the recommended order will become final.

Section 3 amends s. 163.3245, F.S., relating to sector plans, to decrease the minimum acreage threshold for a sector plan from 15,000 to 5,000 acres.

Section 4 amends s. 171.046, F.S., relating to annexation of enclaves, to change the acreage threshold for the expedited annexation of enclaves from 10 acres to 110 acres.

Section 5 amends s. 380.06, F.S., relating to developments of regional impact, to:

- Provide that a person does not lose his or her right to proceed with a development authorized as a DRI if a change is made to the development that only has the effect of reducing height, density, or intensity of the development from that originally approved.
- Allow parties to amend an essentially built out agreement between the developer, state land planning agency, and the local government without the submission, review, or approval of a notification of proposed change pursuant to s. 380.06(19), F.S. Additionally, one approved land use may be exchanged for another approved land use in developing the unbuilt land uses specified in the agreement. Before the issuance of a building permit pursuant to this exchange, the developer must demonstrate to the local government that the exchange ratio

will not result in an increased impact to public facilities and will meet all applicable requirements of the comprehensive plan and land development code.
- Provide that when any proposed change to a previously approved DRI or development order condition exceeds criteria in s. 380.06(19)(b), F.S., it will constitute a substantial deviation and will be subject to further DRI review through the notice of proposed change process.
- Provide that a phase date extension is not a substantial deviation if the state land planning agency, in consultation with the regional planning council and with the written concurrence of the Department of Transportation, agrees that the traffic impact is not significant and adverse under applicable state agency rules.
- Clarify that a proposed development that is consistent with the existing comprehensive plan is not required to undergo review pursuant to the state coordinated review process for comprehensive plan amendments. Section 380.06(3), F.S., does not apply to amendments to a development order governing an existing DRI.

Section 6 amends s. 380.0651, F.S., relating to statewide guidelines and standards, to provide that aggregation review is not triggered when newly acquired lands comprise an area that is less than or equal to 10 percent of the total acreage that is subject to the existing DRI development order, if these lands were acquired subsequent to the development of an existing DRI.

Section 7 amends s. 380.115, F.S., relating to vested rights and duties, to clarify the right of rescission of existing DRI orders. A development that elects to rescind a development order will be governed by the provisions of s. 380.115, F.S.

Section 8 provides that the bill is effective on July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Department of Economic Opportunity, the bill is likely to have a minimal, but indeterminate, fiscal impact due to a reduction in the number and types of situations that result in DRI amendments or extensive review of amendments.[44]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.045, 163.3184, 163.3245, 171.046, 380.06, 380.0651, and 380.115.

IX. Additional Information:

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

CS by Community Affairs on January 26, 2016:

- Removes the 30 day requirement on the state land planning agency for final action on recommended orders;
- States that a recommended order becomes a final order 90 days after issuance unless the state has acted under subparagraph 1 or 2, or all parties consent to an extension;
- Adds that after an ALJ recommends an amendment be found not in compliance, the Administration Commission shall issue a final order within 45 days;
- Adds that after an ALJ recommends an amendment be found in compliance, the state land planning agency shall issue a final order within 45 days, and if it fails to do so, the recommended order shall become final;
- Changes the acreage threshold for the expedited annexation of enclaves from 10 acres to 110 acres;
- Provides that developers can exchange one approved land use for another for an essentially built out project if a resolution is adopted and the developer demonstrates the exchange will not result in an increase in any impacts to public facilities;
- Removes the rebuttable presumption for substantial deviations; and
- Adds a provision allowing a governing body of a county to employ tax increment financing to be used to fund economic development activities within the tax increment area. The increment may not exceed 95 percent of the difference in ad valorem taxes as provided in s. 163.387(1)(a), F.S.

[44] Department of Economic Opportunity, *Senate Bill 1190 Agency Legislative Bill Analysis* (Jan. 12, 2016) (on file with the Senate Committee on Community Affairs).

B. Amendments:

None.

By the Committee on Community Affairs; and Senator Diaz de la Portilla

578-02633-16 20161190c1

A bill to be entitled

An act relating to growth management; amending s. 125.045, F.S.; authorizing the governing body of a county to employ tax increment financing; requiring the governing body of a county to administer a separate reserve account for tax increment areas for the deposit of tax increment revenues; requiring that tax increment revenues be used to fund certain activities and projects which directly benefit the tax increment area; specifying requirements for a tax increment; amending s. 163.3184, F.S.; specifying that certain developments must follow the state coordinated review process; providing timeframes within which the Division of Administrative Hearings must transmit certain recommended orders to the Administration Commission; establishing deadlines for the state land planning agency to take action on recommended orders relating to certain plan amendments; providing a procedure for issuing a final order if the state land planning agency fails to take action; amending s. 163.3245, F.S.; revising the acreage thresholds for sector plans; amending s. 171.046, F.S.; revising the size of an enclave that a municipality may annex on an expedited basis; amending s. 380.06, F.S.; authorizing certain changes to approved developments of regional impact; authorizing parties to amend certain development agreements without submittal, review, or approval of a notification of proposed change; providing criteria under which one approved land use may be submitted for another approved land use in certain land development agreements under certain

circumstances; specifying that certain proposed changes to certain developments are a substantial deviation; specifying that such developments must undergo further development-of-regional-impact review; providing that certain phase date extensions to amend a development order are not substantial deviations under certain circumstances; specifying conditions under which certain proposed developments are not required to undergo the state-coordinated review process; amending s. 380.0651, F.S.; providing that lands acquired for development are not subject to aggregation under certain circumstances; amending s. 380.115, F.S.; providing the procedures to be used by a development that elects to rescind a development order; providing an effective date.

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

Section 1. Subsection (6) is added to section 125.045, Florida Statutes, to read:

125.045 County economic development powers.—

(6) The governing body of a county may employ tax increment financing for the purposes of this section. For any tax increment area created pursuant to this section, the governing body of a county shall administer a separate reserve account for the deposit of tax increment revenues. Tax increment revenues, including the proceeds of any revenue bonds secured by, and repaid with, such tax increment revenues, shall be used to fund economic development activities and projects which directly

benefit the tax increment area. The tax increment authorized under this section shall be determined annually and shall be the amount equal to a maximum of 95 percent of the difference between:

(a) The amount of ad valorem taxes levied each year by the county, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the tax increment area; and

(b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for the county, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the tax increment area, as shown upon the most recent assessment roll used in connection with the taxation of such property by the county, before establishment of the tax increment area.

Section 2. Paragraph (c) of subsection (2), paragraph (e) of subsection (5), and paragraph (d) of subsection (7) of section 163.3184, Florida Statutes, are amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

(c) Plan amendments that are in an area of critical state concern designated pursuant to s. 380.05; propose a rural land stewardship area pursuant to s. 163.3248; propose a sector plan pursuant to s. 163.3245 or an amendment to an adopted sector plan; update a comprehensive plan based on an evaluation and appraisal pursuant to s. 163.3191; propose a development that is subject to the state coordinated review process ~~qualifies as a development of regional impact~~ pursuant to s. 380.06; or are new

plans for newly incorporated municipalities adopted pursuant to s. 163.3167 must ~~shall~~ follow the state coordinated review process in subsection (4).

(5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN AMENDMENTS.—

(e) If the administrative law judge recommends that the amendment be found in compliance, the judge shall submit the recommended order to the state land planning agency.

1. If the state land planning agency determines that the plan amendment should be found not in compliance, the agency shall make every effort to refer the recommended order and its determination expeditiously to the Administration Commission for final agency action, but at a minimum within the time period provided by s. 120.569.

2. If the state land planning agency determines that the plan amendment should be found in compliance, the agency shall make every effort to enter its final order expeditiously, but at a minimum within the time period provided by s. 120.569.

3. The recommended order submitted under this paragraph becomes a final order 90 days after issuance unless the state land planning agency acts as provided in subparagraph 1. or subparagraph 2., or all parties consent in writing to an extension of the 90-day period.

(7) MEDIATION AND EXPEDITIOUS RESOLUTION.—

(d) For a case following the procedures under this subsection, absent a showing of extraordinary circumstances or written consent of the parties, if the administrative law judge recommends that the amendment be found not in compliance, the Administration Commission shall issue a final order~~, in a case~~

~~proceeding under subsection (5),~~ within 45 days after the issuance of the recommended order~~, unless the parties agree in writing to a longer time~~. If the administrative law judge recommends that the amendment be found in compliance, the state land planning agency shall issue a final order within 45 days after the issuance of the recommended order. If the state land planning agency fails to timely issue a final order, the recommended order finding the amendment to be in compliance immediately becomes final.

Section 3. Subsection (1) of section 163.3245, Florida Statutes, is amended to read:

163.3245 Sector plans.—

(1) In recognition of the benefits of long-range planning for specific areas, local governments or combinations of local governments may adopt into their comprehensive plans a sector plan in accordance with this section. This section is intended to promote and encourage long-term planning for conservation, development, and agriculture on a landscape scale; to further support innovative and flexible planning and development strategies, and the purposes of this part and part I of chapter 380; to facilitate protection of regionally significant resources, including, but not limited to, regionally significant water courses and wildlife corridors; and to avoid duplication of effort in terms of the level of data and analysis required for a development of regional impact, while ensuring the adequate mitigation of impacts to applicable regional resources and facilities, including those within the jurisdiction of other local governments, as would otherwise be provided. Sector plans are intended for substantial geographic areas that include at

least 5,000 ~~15,000~~ acres of one or more local governmental jurisdictions and are to emphasize urban form and protection of regionally significant resources and public facilities. A sector plan may not be adopted in an area of critical state concern.

Section 4. Subsection (2) of section 171.046, Florida Statutes, is amended to read:

171.046 Annexation of enclaves.—

(2) In order to expedite the annexation of enclaves of 110 ~~10~~ acres or less into the most appropriate incorporated jurisdiction, based upon existing or proposed service provision arrangements, a municipality may:

(a) Annex an enclave by interlocal agreement with the county having jurisdiction of the enclave; or

(b) Annex an enclave with fewer than 25 registered voters by municipal ordinance when the annexation is approved in a referendum by at least 60 percent of the registered voters who reside in the enclave.

Section 5. Subsection (14), paragraph (g) of subsection (15), paragraphs (b) and (e) of subsection (19), and subsection (30) of section 380.06, Florida Statutes, are amended to read:

380.06 Developments of regional impact.—

(14) CRITERIA OUTSIDE AREAS OF CRITICAL STATE CONCERN.—If the development is not located in an area of critical state concern, in considering whether the development is ~~shall be~~ approved, denied, or approved subject to conditions, restrictions, or limitations, the local government shall consider whether, and the extent to which:

(a) The development is consistent with the local comprehensive plan and local land development regulations.;

(b) The development is consistent with the report and recommendations of the regional planning agency submitted pursuant to subsection (12)<u>.</u>~~; and~~

(c) The development is consistent with the State Comprehensive Plan. In consistency determinations<u>,</u> the plan shall be construed and applied in accordance with s. 187.101(3).

<u>However, a local government may approve a change to a development authorized as a development of regional impact if the change has the effect of reducing the originally approved height, density, or intensity of the development, and if the revised development would have been consistent with the comprehensive plan in effect when the development was originally approved. If the revised development is approved, the developer may proceed as provided in s. 163.3167(5).</u>

(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(g) A local government <u>may</u> ~~shall~~ not issue <u>a permit</u> ~~permits~~ for <u>a</u> development subsequent to the buildout date contained in the development order unless:

1. The proposed development has been evaluated cumulatively with existing development under the substantial deviation provisions of subsection (19) <u>after</u> ~~subsequent to~~ the termination or expiration date;

2. The proposed development is consistent with an abandonment of development order that has been issued in accordance with ~~the provisions of~~ subsection (26);

3. The development of regional impact is essentially built out, in that all the mitigation requirements in the development order have been satisfied, all developers are in compliance with

all applicable terms and conditions of the development order except the buildout date, and the amount of proposed development that remains to be built is less than 40 percent of any applicable development-of-regional-impact threshold; or

4. The project has been determined to be an essentially built out ~~built-out~~ development of regional impact through an agreement executed by the developer, the state land planning agency, and the local government, in accordance with s. 380.032, which will establish the terms and conditions under which the development may be continued. If the project is determined to be essentially built out, development may proceed pursuant to the s. 380.032 agreement after the termination or expiration date contained in the development order without further development-of-regional-impact review subject to the local government comprehensive plan and land development regulations ~~or subject to a modified development-of-regional-impact analysis~~. The parties may amend the agreement without submission, review, or approval of a notification of proposed change pursuant to subsection (19). For the purposes of ~~As used in~~ this paragraph, a ~~an "essentially built-out"~~ development of regional impact is essentially built out, if ~~means~~:

a. The developers are in compliance with all applicable terms and conditions of the development order except the buildout date; and

b.(I) The amount of development that remains to be built is less than the substantial deviation threshold specified in paragraph (19)(b) for each individual land use category, or, for a multiuse development, the sum total of all unbuilt land uses as a percentage of the applicable substantial deviation

threshold is equal to or less than 100 percent; or

(II) The state land planning agency and the local government have agreed in writing that the amount of development to be built does not create the likelihood of any additional regional impact not previously reviewed.

The single-family residential portions of a development may be considered "essentially built out" if all of the workforce housing obligations and all of the infrastructure and horizontal development have been completed, at least 50 percent of the dwelling units have been completed, and more than 80 percent of the lots have been conveyed to third-party individual lot owners or to individual builders who own no more than 40 lots at the time of the determination. The mobile home park portions of a development may be considered "essentially built out" if all the infrastructure and horizontal development has been completed, and at least 50 percent of the lots are leased to individual mobile home owners. In order to accommodate changing market demands and achieve maximum land use efficiency in an essentially built out project, when a developer is building out a project, a local government, without the concurrence of the state land planning agency, may adopt a resolution authorizing the developer to exchange one approved land use for another approved land use specified in the agreement. Before issuance of a building permit pursuant to an exchange, the developer must demonstrate to the local government that the exchange ratio will not result in a net increase in impacts to public facilities and will meet all applicable requirements of the comprehensive plan and land development code.

(19) SUBSTANTIAL DEVIATIONS.—

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the ~~following~~ criteria in subparagraphs 1.-11. constitutes ~~shall constitute~~ a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review through the notice of proposed change process under this subsection. ~~without the necessity for a finding of same by the local government:~~

1. An increase in the number of parking spaces at an attraction or recreational facility by 15 percent or 500 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 15 percent or 1,500 spectators, whichever is greater.

2. A new runway, a new terminal facility, a 25 percent lengthening of an existing runway, or a 25 percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates.

3. An increase in land area for office development by 15 percent or an increase of gross floor area of office development by 15 percent or 100,000 gross square feet, whichever is greater.

4. An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater.

5. An increase in the number of dwelling units by 50 percent or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated to affordable workforce housing, subject to a recorded land use

restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced before ~~prior to~~ the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

6. An increase in commercial development by 60,000 square feet of gross floor area or of parking spaces provided for customers for 425 cars or a 10 percent increase, whichever is greater.

7. An increase in a recreational vehicle park area by 10 percent or 110 vehicle spaces, whichever is less.

8. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

9. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation

criteria is equal to or exceeds 110 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 110 percent has been reached or exceeded.

10. A 15 percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

11. Any change that would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, any species protected by 16 U.S.C. ss. 668a-668d, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The refinement of the boundaries and configuration of such areas shall be considered under sub-subparagraph (e)2.j.

The substantial deviation numerical standards in subparagraphs 3., 6., and 9., excluding residential uses, and in subparagraph 10., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Department of Economic Opportunity as to its impact on an area’s economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 3., 4., 5., 6., 9., and 10. are increased by 50 percent for a project located wholly within an urban infill and

redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order which individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1.-10. and does not exceed any other criterion, or which involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice must include a description of previous individual changes made to the development, including changes previously approved by the local government, and must include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback which do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads which do not affect external access points.

e. Changes to the building design or orientation which stay

approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, if no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, if there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, if these changes do not create additional regional impacts.

i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.

j. Changes that modify boundaries and configuration of areas described in subparagraph (b)11. due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this sub-subparagraph, the survey, habitat evaluation, or assessment must occur before the time that a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order.

k. Changes that do not increase the number of external peak hour trips and do not reduce open space and conserved areas within the project except as otherwise permitted by sub-subparagraph j.

l. A phase date extension, if the state land planning

agency, in consultation with the regional planning council and subject to the written concurrence of the Department of Transportation, agrees that the traffic impact is not significant and adverse under applicable state agency rules.

m.~~l.~~ Any other change that the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-l. ~~a.-k.~~ and that does not create the likelihood of any additional regional impact.

This subsection does not require the filing of a notice of proposed change but requires an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the application for amendment or adopt an amendment to the development order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., sub-subparagraph k., or sub-subparagraph m. ~~l.~~ and if the agency believes that the change creates a reasonable likelihood of new or additional regional impacts.

3. Except for the change authorized by sub-subparagraph

2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development must include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence:~~.~~

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c) and (d) and residential use.

6. If a local government agrees to a proposed change, a change in the transportation proportionate share calculation and mitigation plan in an adopted development order as a result of

recalculation of the proportionate share contribution meeting the requirements of s. 163.3180(5)(h) in effect as of the date of such change shall be presumed not to create a substantial deviation. For purposes of this subsection, the proposed change in the proportionate share calculation or mitigation plan may not be considered an additional regional transportation impact.

(30) ~~NEW~~ PROPOSED DEVELOPMENTS.—A ~~new~~ proposed development otherwise subject to the review requirements of this section shall be approved by a local government pursuant to s. 163.3184(4) in lieu of proceeding in accordance with this section. However, if the proposed development is consistent with the comprehensive plan as provided in s. 163.3194(3)(b), the development is not required to undergo review pursuant to s. 163.3184(4) or this section. This subsection does not apply to amendments to a development order governing an existing development of regional impact.

Section 6. Paragraph (c) of subsection (4) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines and standards.—

(4) Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be part of a unified plan of development and are physically proximate to one other.

(c) Aggregation is not applicable when the following circumstances and provisions of this chapter apply ~~are applicable~~:

1. Developments that ~~which~~ are otherwise subject to aggregation with a development of regional impact which has

received approval through the issuance of a final development order may ~~shall~~ not be aggregated with the approved development of regional impact. However, ~~nothing contained in~~ this subparagraph does not ~~shall~~ preclude the state land planning agency from evaluating an allegedly separate development as a substantial deviation pursuant to s. 380.06(19) or as an independent development of regional impact.

2. Two or more developments, each of which is independently a development of regional impact that has or will obtain a development order pursuant to s. 380.06.

3. Completion of any development that has been vested pursuant to s. 380.05 or s. 380.06, including vested rights arising out of agreements entered into with the state land planning agency for purposes of resolving vested rights issues. Development-of-regional-impact review of additions to vested developments of regional impact shall not include review of the impacts resulting from the vested portions of the development.

4. The developments sought to be aggregated were authorized to commence development before ~~prior to~~ September 1, 1988, and could not have been required to be aggregated under the law existing before ~~prior to~~ that date.

5. Any development that qualifies for an exemption under s. 380.06(29).

6. Newly acquired lands intended for development in coordination with developed and existing development of regional impact are not subject to aggregation if such newly acquired lands comprise an area equal to, or less than, 10 percent of the total acreage subject to an existing development-of-regional-impact development order.

Section 7. Subsection (1) of section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of size reduction, changes in guidelines and standards.—

(1) A change in a development-of-regional-impact guideline and standard does not abridge or modify any vested or other right or any duty or obligation pursuant to any development order or agreement that is applicable to a development of regional impact. A development that has received a development-of-regional-impact development order pursuant to s. 380.06~~,~~ but is no longer required to undergo development-of-regional-impact review by operation of a change in the guidelines and standards, a development that ~~or~~ has reduced its size below the thresholds specified in s. 380.0651, ~~or~~ a development that is exempt pursuant to s. 380.06(24) or (29), or a development that elects to rescind the development order are ~~shall be~~ governed by the following procedures:

(a) The development shall continue to be governed by the development-of-regional-impact development order and may be completed in reliance upon and pursuant to the development order unless the developer or landowner has followed the procedures for rescission in paragraph (b). Any proposed changes to those developments which continue to be governed by a development order must ~~shall~~ be approved pursuant to s. 380.06(19) as it existed before a change in the development-of-regional-impact guidelines and standards, except that all percentage criteria are ~~shall be~~ doubled and all other criteria are ~~shall be~~ increased by 10 percent. The development-of-regional-impact development order may be enforced by the local government as

provided in ~~by~~ ss. 380.06(17) and 380.11.

(b) If requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed or will be completed under an existing permit or equivalent authorization issued by a governmental agency as defined in s. 380.031(6), if ~~provided~~ such permit or authorization is subject to enforcement through administrative or judicial remedies.

Section 8. This act shall take effect July 1, 2016.

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16
Meeting Date

1190
Bill Number (if applicable)

Topic Growth Management

bill
Amendment Barcode (if applicable)

Name Nancy Linnard

Job Title Carlton Fields

Address 215 S. Monroe, #500
Street

Phone 850 513-3611

Tall 32301
City *State* *Zip*

Email NLinnard@carltonfields.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing The Villages and The Howard Group

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16
Meeting Date

1190
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Gary Hunter

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Tallahassee FL 32301
City *State* *Zip*

Email gary@hgslaw.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Association of Florida Community Developers

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate

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 Appropriations Subcommittee on Transportation, Tourism, and Economic Development
BILL:	PCS/CS/SB 1392 (380674)
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development), Transportation Committee, and Senator Brandes
SUBJECT:	Transportation
DATE:	February 17, 2016
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	**Fav/CS**
2.	Sneed	Miller	ATD	**Recommend: Fav/CS**
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1392 includes a number of transportation-related provisions. Specifically, the bill:

- Authorizes the transfer of the Florida Department of Transportation's (FDOT) Pinellas Bayway System to become part of the turnpike system and, in such event, also requires the transfer of certain funds to be used to help fund the costs of repair and replacement of the transferred facilities.
- Clarifies the FDOT's authority with respect to noncompliant traffic and pedestrian control devices.
- Extends the authorized term of certain airport-related leases.
- Requires signage at toll facilities notifying drivers if cash payment is not an option.
- Increases from three years to ten years the period after which a dormant prepaid toll account is presumed unclaimed.
- Increases the population ceiling in the definition of "small county" for purposes of the Small County Outreach Program.
- Expands the list of project types that the Tampa-Hillsborough County Expressway Authority is approved to finance with certain revenue bonds.
- Repeals obsolete bond language relating to the already-repealed Broward County Expressway Authority.

- Makes several statutory changes specific to the operation and regulation of autonomous vehicles, including:
  - Clarifies that the authorization for a person holding a valid driver license to operate an autonomous vehicle applies on the public roads of this state.
  - Revises provisions regarding the operation of autonomous vehicles on roads for testing purposes.
  - Revises equipment requirements for autonomous vehicles, requiring a system to alert an operator of a technology failure and to take control, or to stop the vehicle under certain conditions.
  - Provides an exemption from required minimum following distance, and from a prohibition on certain television-type equipment visible from a driver's seat, to users of driver-assistive truck platooning technology, as defined in the bill.
  - Requires metropolitan planning organizations to accommodate advances in vehicle technology when developing long-range transportation plans.
  - Requires the FDOT to accommodate advances in vehicle technology when updating the Strategic Intermodal System (SIS) Plan.
  - Authorizes television-type receiving equipment visible from the driver's seat if the vehicle is equipped with the autonomous technology and operated in autonomous mode.
  - Defines the term "Driver-Assistive Truck Platooning";
  - Requires the Florida Department of Transportation (DOT) to study, in consultation with the DHSMV, the use and safe operation of driver assistive truck platooning technology, and authorizes a pilot project to test vehicles equipped with such technology;
  - Requires manufacturers to provide certain insurance or security acceptable to the DHSMV before the start of the pilot project.
  - Provides an exemption from required minimum following distance, and from a prohibition on certain television-type equipment visible from a driver's seat, for purposes of the driver-assistive truck platooning technology pilot program.

This bill has potential fiscal impacts to the private sector. While the impacts of operating autonomous vehicles and the use of driver-assistive truck platooning technology are unknown at this time, positive economic benefits are expected in terms of improved safety and mobility, and cost and travel-time savings. With the addition of toll facility signage that provides information about alternative "no cash payment" routes, motorists may be able to avoid certain rental car company administrative charges. And while the transfer of the Pinellas Bayway System to the Florida Turnpike Enterprise may not have an immediate impact on the private sector, the construction of the replacement bridge is expected to result in more efficient travel for motorists.

The bill has an indeterminate, yet potentially significant, fiscal impact on state government. According to the FDOT analysis submitted on February 15, 2016, the toll facility signage requirements are projected to cost the department between *$7.8 million* and *$26.4 million*, depending on the number of retrofitted and new signs required. Any signage costs for toll facilities that are part of the Turnpike System would be paid from the Turnpike General Reserve Trust Fund; and any signage costs for FDOT-owned toll facilities that are not part of the Turnpike System would be paid from the State Transportation Trust Fund. See Section V.

The bill takes effect on July 1, 2016.

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:

Pinellas Bayway System (Sections 10 and 11)

Present Situation

The Pinellas Bayway System, currently owned by the Florida Department of Transportation (FDOT), is a tolled system of bridges and causeways that provides an east-west link between St. Petersburg and St. Petersburg Beach via State Road 682. Tolls on the Pinellas Bayway System are collected by the Florida Turnpike Enterprise.[1] The system also serves Tierra Verde and Fort De Soto Park to the south via State Road 679. One of the bridges on State Road 679 over Boca Ciega Bay was classified as structurally deficient in 2013. "Structurally deficient," according to the FDOT, "means that a bridge has to be repaired or replaced within six years." The term does not mean that a bridge is unsafe.[2]

FDOT's policy is to replace a structurally deficient bridge within six years of the deficient classification.[3, 4] The scope of the work for the bridge over Boca Ciega Bay is to replace the existing movable bridge with a high-level fixed bridge through a design-build contract, at a proposed cost of $52.1 million.[5] However, no funds for replacement of the bridge are currently included in the FDOT's District 7 work program. The FDOT advises that the balance of an existing reserve construction account for Pinellas Bayway improvements as of December 31, 2015, was $7,326,346.13.[6]

Bayway System Construction and Tolls

In 1968, the predecessor of the FDOT entered into a settlement agreement in *Leonard Lee Ratner, Esther Ratner, and LEECO Gas and Oil Co., vs. State Road Department of the State of Florida*.[7] In the settlement agreement, the State Road Department agreed that owners and residents of real property in the Bayway Isles Development would have the right to purchase an

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[1] *See* the Florida Transportation Commission's *Transportation Authority Monitoring and Oversight Fiscal year 2014 Report*, at p. 95: http://www.ftc.state.fl.us/reports/TAMO.shtm. Last visited January 21, 2016.
[2] *See* the Bay News 9 article,"*6 Bay area bridges "structurally deficient:*" http://www.baynews9.com/content/news/baynews9/news/article.html/content/news/articles/bn9/2016/1/13/tampa_bay_deficient_.html. Last visited January 21, 2016. *See also* the FDOT's e-mailed response to committee staff questions re Pinellas Bayway dated January 5, 2016. (On file in the Senate Transportation Committee.)
[3] *Id.*
[4] Note that replacement of the old drawbridge on State Road 682 connecting St. Petersburg and St. Petersburg Beach was completed in 2014 at a cost of approximately $41 million. *See* the 10 News article, "*New Pinellas Bayway grand opening Friday*:" http://www.wtsp.com/story/news/traffic/road-warrior/2014/10/16/bayway/17352735/. Last visited January 21, 2016.
[5] *See* the FDOT's e-mailed response to committee staff questions re Pinellas Bayway System dated January 5, 2016. (On file in the Senate Transportation Committee.)
[6] *See* the FDOT email to committee staff dated January 21, 2016. (On file in the Senate Transportation Committee.)
[7] Copy on file in the Senate Transportation Committee.

annual pass through the toll gate at the easterly terminus of the Bayway system in St. Petersburg for $15 per vehicle. That agreement remains in place.

Chapter 85-364, L.O.F., required a toll of $.50, following completion of widening to four lanes from the eastern toll booth to State Road 679, at the eastern and western toll plazas on State Road 682. The FDOT was required, after payment of annual operating costs and discharge of bond indebtedness, to establish a reserve construction account to be used for widening to four lanes State Road 682 from State Road 679 west to Gulf Boulevard. Continued collection of tolls was required upon completion of the widening to reimburse the FDOT for all accrued maintenance costs for the Pinellas Bayway. In addition, ch. 85-364, L.O.F., required the FDOT to allow any person to purchase an annual pass for each motor vehicle they own at a cost of $50 per year which exempts the motor vehicle from any Pinellas Bayway System tolls during its term. Currently the $50 pass remains available.

Chapter 95-382, L.O.F., required tolls collected to first be placed in the construction reserve account, after payment of operating costs and bond indebtedness, to be used for construction of Blind Pass Road, State Road 699 improvements in Pinellas County, *and then* for Phase II of the Pinellas Bayway widening to four lanes of State Road 682 from State Road 679 west to Gulf Boulevard. Tolls continue to be collected to reimburse the FDOT for all accrued maintenance costs.

Section 48 of ch. 2014-223, L.O.F., repealed reference to the Blind Pass Road/State Road 699 improvements and provided that funds in the reserve construction account be used for the widening of State Road 682 from State Road 679 west to Gulf Boulevard. These improvements have been completed. As noted, however, the bridge on State Road 679 over Boca Ciega Bay has been declared structurally deficient.

Currently, for a two-axle vehicle, the toll, other than for those that hold the $15 or the $50 annual pass, is:

- $.53 for SunPass customers and $.75 for cash customers, both westbound at the East Plaza and eastbound at the West Plaza, plus $.53 and $.75, respectively, for each additional axle.
- $.26 for SunPass customers and $.50 for cash customers southbound at the south plaza, plus an additional $.26 and $.50, respectively, for each additional axle.[8]

Effect of Proposed Changes

Section 10 creates s. 338.165(11), F.S., authorizing the FDOT to transfer the Pinellas Bayway System to become part of the turnpike system. The bill also preserves the provisions of the settlement agreement and final judgment by retaining the ability to purchase a $15 annual pass. Additionally, the bill transfers the construction reserve account to the FDOT Turnpike Enterprise when ownership of the system is transferred to the Florida Turnpike Enterprise.

The FDOT advises that the transfer of the system would allow replacement of the structurally deficient bridge over Boca Ciega Bay on SR 679 to be moved up from 2020 to 2017 in the

[8] *See* the Florida Turnpike Toll Calculator, click on "Tampa Area," roll over hot buttons to select the Pinellas Toll Plazas: http://www.floridasturnpike.com/TollCalcV3/index.htm. Last visited January 21, 2016.

FDOT work program, and funded through a combination of the accrued reserve account revenues and other financing available to the Florida Turnpike.

Section 11 repeals ch. 85-634, L.O.F., as amended by ch. 95-382 and section 48 of ch. 2014-223, L.O.F. The ability of the specified owners and residents to purchase the $15 annual passage through the easterly terminus of the Bayway System will remain in place, pursuant to the 1968 settlement agreement. As a result of the repeal of ch. 85-364, L.O.F., the $50 annual pass authorized in that law would no longer be available for purchase. Current holders of those passes would be required to pay tolls at all of the Bayway toll collection points.

Toll Facilities No Longer Owned by the FDOT (Section 10)

Present Situation

The Beeline-East Expressway (renamed the Beachline East Expressway) became part of the Turnpike Enterprise on July 1, 2012, pursuant to ch. 2012-128, L.O.F.[9] The Navarre Bridge is now county-owned and no longer a state toll facility. The references to each facility in s. 338.165(4), F.S., are now obsolete.

Effect of Proposed Changes

Section 10 amends subsection (4) of s. 338.165, F.S., to remove obsolete references to the Beeline-East Expressway and the Navarre Bridge within the FDOT's authority to request issuance of bonds secured by toll revenues from certain toll facilities, as the expressway and bridge are no longer owned by the FDOT. The reference to the Pinellas Bayway is also removed.

Uniform Traffic Control Devices/School Zones (Section 3)

Present Situation

Section 316.0745, F.S., requires the FDOT to adopt a uniform system of traffic control devices for use on the streets and highways of this state. The FDOT has adopted the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) by rule.[10] All official traffic control signals and devices purchased and installed in this state must conform to the MUTCD. [11] An "official traffic control device" includes all signs, signals, markings, and devices, not inconsistent with ch. 316, F.S., placed or erected by authority of a public body or official having traffic control jurisdiction for the purpose of regulating, warning, or guiding traffic. An "official traffic control signal" includes any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.[12]

Similarly, s. 316.1895, F.S., requires the FDOT, pursuant to its authority in s. 316.0745, F.S., to adopt a uniform system of traffic control and pedestrian control devices for use on the streets and highways in the state surrounding all schools, public and private. Each county and municipality in the state is required to install and maintain traffic and pedestrian control devices that conform

[9] *See* s. 338.165(10), F.S.
[10] *See* Rule 14-15.010, F.A.C.
[11] Section 316.0745(3), F.S.
[12] Sections 316.003(23) and (24), F.S.

to the MUTCD.[13] The FDOT is required to maintain school zones located on state-maintained primary or secondary roads. Counties are required to maintain school zones located outside of any municipality and on a county road, and municipalities are required to maintain school zones located within their municipal boundaries.[14]

The FDOT is currently authorized, after a hearing with 14 days' notice, to direct the removal of any purported traffic control device, wherever located, that fails to meet the MUTCD requirements. In such case, the public agency that erected or installed the device must remove it immediately and is prohibited from installing any device paid for with state revenues, for five years unless prior written approval is received from the FDOT. Any additional violation by a public body or official is cause for withholding of state funds for traffic control purposes until the public body or official demonstrates compliance.[15]

According to media reports, disputes have arisen over the FDOT's authority to require compliant school signage that is erected or installed in a municipal school zone.[16]

Effect of Proposed Changes

Section 3 amends s. 316.0745(7), F.S., to clarify the FDOT's authority with respect to uniform signals and devices. The FDOT is authorized, *upon receipt and investigation of reported noncompliance*, and after a hearing with 14 days' notice, to direct the removal of any traffic control device that fails to meet the requirements of that section, wherever the device is located *and without regard to assigned responsibility under s. 316.1895, F.S.* The FDOT may allow the erecting or installing public agency to *immediately bring the device into compliance* or remove the device or signal at the FDOT's direction. The five-year prohibition against installing traffic control devices without the FDOT's written approval, and the penalty for any additional violation, remain unchanged. If the FDOT receives a report of noncompliance, it is authorized to investigate the noncompliance, provide the notice and hearing, and order that a device or signal be made compliant or order the removal of the device or signal, regardless of existing assignment of maintenance responsibility under s. 316.1895, F.S.

Airport and Airport-Related Lease Terms (Section 8)

Present Situation

In addition to certain other powers,[17] a municipality that has or may establish an airport or other air navigation facilities, or that has acquired, set apart, or may acquire or set apart real property for such purposes, is authorized to:

[13] Section 316.1895(1), F.S.
[14] Section 316.0895(3), F.S. "Maintained" is defined to mean the care and maintenance of all school zone signs, markers, and traffic and pedestrian control devices.
[15] Section 316.0745(7), F.S.
[16] *See* the 10 News article, *Is city staff downplaying school zone speed traps?*, available at: http://www.wtsp.com/story/news/investigations/2015/09/29/st-pete-council-not-getting-all-facts-on-school-zone-speed-traps/73049462/. Last visited January 25, 2016.
[17] *See* ss. 332.01-332.12, F.S.

- Lease for a term not exceeding 30 years such airports or other air navigation facilities, or real property, to private parties, any municipal or state government or the national government, or any department of either, for operation.
- Lease or assign for a term not exceeding 30 years, to the same parties, space, area, improvements, or equipment on such airports. [18]

Lease terms reportedly vary, depending on when a lease is negotiated, the size of the tenant's investment, and the useful life of improvements made by a tenant. While there are no set rules, and different airports have differing guidelines based upon applicable state and local statutes, it is important to consider that leases that are too long in term may prevent land from being developed in the most advantageous manner. Conversely, a lease term that is too short may prevent the potential tenant from being able to fully amortize their initial investment for the necessary improvements, thus dissuading interested tenants from entering into airport development projects.[19]

The Federal Aviation Administration (FAA) has opined that *most* tenant ground leases of 30 to 35 years are sufficient to retire a tenant's initial financing and provide a reasonable return for the tenant's development of major facilities.[20] However, leases of up to 50 years are allowed.[21] Concern has been raised that the current 30-year limitation is adversely impacting the ability of municipal airports to attract tenants due to the potential inability to fully amortize initial investments.

Effect of Proposed Changes

Section 8 amends s. 332.08(1)(c), F.S., to extend the allowable term of the specified leases from 30 years to 50 years. This revision may facilitate airport development and continued economic health by providing tenant confidence in a reasonable rate of return, thereby increasing the likelihood of tenants who are willing to make investments in municipal airports.

Toll Facility Signage (Section 9)

Present Situation

As the use of electronic toll collection becomes more commonplace, some toll roads have reduced the availability of cash toll collection, and in the future cash toll collections could be eliminated entirely. As more and more toll roads eliminate a cash-payment option, frequent toll road users are likely to use SunPass or receive toll invoices by mail.

Drivers using rental cars are in a different category since the vehicle is not registered to the driver. Currently, rental car companies regularly charge their customers a daily fee for the

[18] Section 332.08(1)(c), F.S. A municipality may also confer the privileges of concessions of supplying upon its airports goods, commodities, things, services, and facilities.
[19] *See* the Airport Cooperative Research Program Report 47, *Guidebook for Developing and Leasing Airport Property*, at p. 17. (On file in the Senate Transportation Committee.)
[20] *See* the FAA Airport Compliance Manual, Order 5190.6B, Chapter 12, 12.3.b.(3), available at: http://www.faa.gov/airports/resources/publications/orders/compliance_5190_6/. Last visited January 27, 2016.
[21] *Id.*

"convenience" of using the rental car's SunPass transponder. Fees are also charged if the rental car is assessed a toll-by-plate charge. Renters can sometimes avoid such charges and fees by using the cash payment lanes at toll booths. However, as many toll roads move towards all-electronic toll collection and cash payment options dwindle, renters may find that they have no option other than to pay the rental car companies' additional charges and fees, or choose non-tolled roads.

Effect of Proposed Changes

Section 9 amends s. 338.155, F.S., to require toll road operators such as the FDOT and expressway and bridge authorities to clearly and plainly alert drivers that no cash payment option is available. This signage posted at on-ramps will allow drivers to choose a non-tolled alternative route and avoid administrative charges associated with toll-by-plate. Drivers of rental cars could also choose an alternative non-tolled route, rather than be forced to pay the rental car companies' additional charges and fees.

Turnpike Dormant Toll Accounts (Section 12)

Present Situation

SunPass is the Florida Turnpike's electronic prepaid tolls program. SunPass is accepted on all Florida toll roads and nearly all toll bridges. The system uses electronic devices, called transponders, which are attached to the inside of a vehicle's windshield. The transponder sends a signal when the vehicle goes through a tolling location, and the toll is deducted from the customer's pre-paid account. The pre-paid accounts may be set up and replenished with a credit card or with cash.[22]

Under current law, any prepaid toll account of any kind which has been inactive for three years is presumed unclaimed. The Department of Financial Services (DFS) is required to process any such inactive account in accordance with applicable provisions of ch. 717, F.S., relating to the disposition of unclaimed property, and the FDOT is directed to close such accounts.[23]

Effect of Proposed Changes

Section 12 amends s. 338.231(3)(c), F.S., to increase the period after which a dormant prepaid toll account is presumed unclaimed from three years to ten years, thereby delaying disposition by the DFS and closing of the account by the FDOT. The FDOT advises:

> [T]he deletion is desired because, with multi-state toll interoperability already implemented, and national toll interoperability mandated by federal law,[24] prepaid customers may live outside Florida and use their

[22] *See* the SunPass website, *Frequently Asked Questions:* https://www.sunpass.com/faq. Last visited January 25, 2016.
[23] Section 338.231(3)(c), F.S.
[24] The Moving Ahead for Progress in the 21st Century Act (MAP-21) requires implementation of technologies or business practices that provide for the interoperability of electronic toll collection on all Federal-aid highway toll facilities by October 1, 2016. See the FHWA website, *Investment* heading, *Tolling [1512]* subheading: http://www.fhwa.dot.gov/map21/summaryinfo.cfm. Last visited January 25, 2016.

Florida prepaid toll account only when vacationing or otherwise visiting the state.

We believe that the affected citizens and businesses would react positively to the proposal as funds on a prepaid toll account continue to be managed by the Department. This provides the customers that have had no activity on a prepaid toll account for the 10 year time with continued direct access to the same agency with whom they established the account.[25]

Small County Outreach Program (Section 14)

Present Situation

The Small County Outreach Program (SCOP) is authorized in s. 339.2818, F.S. The purpose of the program is to assist small county governments in repairing or rehabilitating county bridges, paving unpaved roads, addressing road-related drainage improvements, resurfacing or reconstruction of county roads, or construction capacity or safety improvements to county roads. A small county is defined as any county that has a population of 150,000 or less as determined by the most recent official population estimate as determined by the Office of Economic and Demographic Research (EDR).[26] However, for the 2015-2016 fiscal year, a small county is defined as any county with a population of 165,000 or less.[27]

Small counties are eligible to compete for funds designated for projects on county roads. The FDOT provides 75 percent of the cost of the projects funded under this program. Funds paid into the State Transportation Trust Fund pursuant to s. 201.15, F.S., for the purposes of the SCOP are annually appropriated for expenditure to support the program.[28]

Effect of Proposed Changes

Section 14 amends s. 339.2818, F.S., increasing the population ceiling in the definition of "small county" from 150,000 to 170,000. The increase allows Charlotte, Martin, and Santa Rosa Counties that currently exceed the current population limit of 150,000, to be eligible for the SCOP. Those counties would still have to compete for funding and priority using the program criteria. The bill also repeals the alternative 2015-2016 fiscal year definition of "small county," which is set to expire on July 1, 2016.

[25] *See* the FDOT 2015 Legislative Proposal, *Dormant Accounts/Tolls/SunPass.* On file in the Senate Transportation Committee.
[26] Section 186.901, F.S., requires the EDR to provide annually on April 1 population estimates of local government units, using accepted statistical practice and employing the same general guidelines used by the U.S. Bureau of the Census. *See* the EDR website for population and demographic data as of April 1, 2015, available at: http://www.edr.state.fl.us/Content/population-demographics/data/index.cfm. Last visited January 26, 2016.
[27] This provision allowed Charlotte and Santa Rosa counties to participate in the SCOP program and is set to expire on July 1, 2016. Section 339.2818(2)(b), F.S.
[28] Additional SCOP funding is provided under ss. 215.211, 320.072, and 339.0801, F.S.

Tampa-Hillsborough County Expressway Authority Bonding (Section 17)

Present Situation

The Tampa-Hillsborough County Expressway Authority (THEA) is an agency of the state, created in s. 348.52, F.S., for the purpose of constructing, reconstructing, improving, extending, repairing, maintaining, and operating the expressway system in the Tampa metropolitan area or within Hillsborough County.[29] With the consent of the county within whose jurisdiction the activities occur, THEA may also construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards and managed lanes and other transit supporting facilities within the jurisdictional boundaries of contiguous counties.[30]

Bonds may be issued on behalf of THEA pursuant to the State Bond Act, or THEA may issue revenue bonds for construction, reconstruction, improvement, extension, repair, maintenance, and operation of the expressway system.[31] In addition, THEA may issue revenue bonds to finance or refinance the following projects:

- Brandon area feeder roads.
- Capital improvements to the expressway system, including safety and operational improvements and toll collection equipment.
- Lee Roy Selmon Crosstown Expressway System widening.
- The connector highway linking the Lee Roy Selmon Crosstown Expressway to Interstate 4.[32]

THEA may also issue revenue bonds to refund any bonds outstanding, regardless of whether the bonds being refunded were issued by THEA or on behalf of THEA.[33] THEA is further authorized to issue bonds for the combined purpose of:

- Paying the cost of constructing, reconstructing, improving, extending, repairing, maintaining, and operating the expressway system.
- Refunding outstanding bonds.

THEA owns and operates the Lee Roy Selmon Crosstown Expressway (Selmon Expressway),[34] which is a 15-mile, four-lane limited access toll road crossing the City of Tampa from Gandy Boulevard and MacDill Air Force Base in the south, through downtown Tampa and east to Brandon. The Selmon Expressway connects St. Petersburg with Tampa and Brandon via the Gandy Bridge and a short segment of Gandy Boulevard. THEA also owns and operates the

[29] "Expressway system" or "system" means a modern highway system of roads, bridges, causeways, and tunnels in the metropolitan area of the City of Tampa, or within any area of Hillsborough County, with access limited or unlimited as the authority may determine, and such buildings and structures and appurtenances and facilities related thereto, including all approaches, streets, roads, bridges, and avenues of access for such system. Section 348.51(7), F.S.
[30] Section 348.54(15), F.S.
[31] Section 348.56, F.S.
[32] Section 348.565, F.S.
[33] Section 348.57, F.S.
[34] The Research and Innovative Technology Administration and the USDOT have designated THEA as a test bed for autonomous vehicle technology. The Reverse Express Lanes (REL) is reportedly the only test bed in the U.S. that has the ability to do real-time traffic tests and have a closed course environment in the same location. *See* the Florida Transportation Commission's *Transportation Authority Monitoring and Oversight Fiscal year 2014 Report*, at p. 80: http://www.ftc.state.fl.us/reports/TAMO.shtm. Last visited January 21, 2016.

Brandon Parkway, a 3.1-mile set of non-tolled feeder roads, and Reverse Express Lanes (REL) within the median of the Selmon Expressway.[35]

Effect of Proposed Changes

Section 17 amends s. 348.565, F.S., to revise the list of specified THEA projects for which revenue bonds may be issued for financing or refinancing purposes. The bill adds *extensions* of the Selmon Expressway as eligible projects. It also adds capital projects that THEA is authorized to acquire, construct, reconstruct, equip, operate, and maintain pursuant to part II of ch. 348, F.S., governing THEA, including, without limitation, projects identified in s. 348.54(15), F.S.; *i.e.*, projects within the jurisdictional boundaries of a consenting, contiguous county, provided that any financing does not pledge the full faith and credit of the state.

Broward County Expressway Authority/Obsolete Bond Language (Section 12)

Present Situation

The Broward County Expressway Authority built the Sawgrass Expressway, a 23-mile facility that extends from its junction with Interstate 75 in Weston to its interchange with Florida's Turnpike and Southwest 10th Street in Deerfield Beach. In 1990, the FDOT acquired the expressway, and it became a part of Florida's Turnpike System.[36] The Expressway Authority was abolished in 2011.[37] Section 338.221(5), F.S., authorizes the FDOT to pledge revenues from the turnpike system to the payment of Broward County Expressway Authority bond series 1984 and series 1986-A bonds. The bonds are no longer outstanding,[38] and the language is obsolete.

Effect of Proposed Changes

Section 12 repeals the obsolete language in s. 338.231(5), F.S., relating to bonds of the abolished Broward County Expressway Authority.

Transportation Corridors (Section 16)

Present Situation

Section 341.0532, F.S., enacted in 2003, 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) which collectively serves 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 commercial air passengers and cargo, and 100 percent of rail and waterborne freight tonnage and

[35] *Id.* at p. 79.
[36] *See* the Florida Turnpike website: http://www.floridasturnpike.com/about_system.cfm#7. Last visited January 25, 2016.
[37] *See* s. 18, ch. 2011-64, Laws of Florida.
[38] *See* the FDOT email to committee staff dated February 26, 2015. On file in the Senate Transportation Committee.

cruise ship passengers.[39, 40] The corridors currently listed in s. 341.0532, F.S., with limited exception,[41] 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.[42] The statute appears to be obsolete.

Effect of Proposed Changes

Section 16 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.

Autonomous Vehicles (Sections 4-7, 13, and 15)

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."[43] According to the National Highway Traffic Safety Administration (NHTSA), autonomous vehicles have the potential to improve highway safety, increase environmental benefits, expand mobility, and create new economic opportunities for jobs and investment.[44]

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 within the next five years.[45]

Levels of Vehicle Automation and Evolving Federal Policy

Self-driving cars are just one form of vehicle automation. The NHTSA in 2013[46] defined a range of vehicle automation, from vehicles with no automated control systems to fully automated vehicles.

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[39] 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 January 25, 2016.

[40] See the 2014 FDOT *Strategic Intermodal System Briefing*. (On file in the Senate Transportation Committee.)

[41] See the FDOT email, March 2, 2015. (On file in the Senate Transportation Committee.)

[42] *Id.*

[43] See the National Highway Traffic Safety Administration's Press Release: *U.S. Department of Transportation Releases Policy on Automated Vehicle Development*, (May 30, 2013) *available at:* http://www.nhtsa.gov/About+NHTSA/Press+Releases/U.S.+Department+of+Transportation+Releases+Policy+on+Automated+Vehicle+Development (last visited Jan. 25, 2016).

[44] See NHTSA, *Preliminary Statement of Policy Concerning Automated Vehicles*, http://www.nhtsa.gov/staticfiles/rulemaking/pdf/Automated_Vehicles_Policy.pdf (last visited Jan. 25, 2016).

[45] *See* TechCrunch, *Autonomous Cars are Closer Thank You Think* (Jan. 18, 2015), http://techcrunch.com/2015/01/18/autonomous-cars-are-closer-than-you-think/ (last visited Jan. 25, 2016).

[46] *See* NHTSA's *2013 Preliminary Statement of Policy Concerning Automated Vehicles*, at p. 4. (On file in the Senate Transportation Committee.)

NHTSA also made several recommendations in its 2013 Policy Statement, including those for:

- Licensing Drivers to Operate Self-Driving Vehicles for Testing.
- State Regulations Governing Testing of Self-Driving Vehicles.
- Basic Principles for Testing of Self-Driving Vehicles.
- Regulations Governing the Operation of Self-Driving Vehicles.[47]

The increase in the general availability of autonomous vehicles has been the subject of much discussion. NHTSA, however, recently updated its policy, acknowledging rapid development of emerging automation technologies and recognizing the feasibility of widespread deployment of partially and fully automated vehicles.[48] NHTSA's administrator announced NHTSA's use of available tools to accelerate deployment of technologies that can eliminate 94 percent of crashes involving human error. NHTSA committed to working with state partners on a consistent national policy to provide options, now and in the future, for manufacturers to seek deployment of autonomous vehicles.

In an announcement on January 14, 2016, the U.S. Department of Transportation (USDOT) outlined the following 2016 milestones:

- NHTSA will work with industry and other stakeholders within six months of the announcement to develop guidance on the safe deployment and operation of autonomous vehicles, providing a common understanding of the performance characteristics necessary for fully autonomous vehicles and the testing and analysis methods needed to assess them.
- In the same six months, NHTSA will work with state partners, the American Association of Motor Vehicle Administrators, and other stakeholders to develop a model state policy on automated vehicles that offers a path to consistent national policy.
- Manufacturers are encouraged to submit rule interpretation requests where appropriate to help enable technology innovation.[49]
- When interpretation authority is not sufficient, manufacturers are encouraged to submit requests for use of the agency's exemption authority to allow the deployment of fully autonomous vehicles.[50] Exemption authority allows NHTSA to enable the deployment of up to 2,500 vehicles for up to two years if the agency determines that an exemption would ease development of new safety features.[51]

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[47] NHTSA at that time recommended against states authorizing the operation of self-driving vehicles for purposes other than testing and suggested: "Should a state nevertheless decide to permit such non-testing operation of self-driving vehicles, at a minimum the state should require that a properly licensed driver (i.e., one licensed to drive self-driving vehicles) be seated in the driver's seat and be available at all times in order to operate the vehicle in situations in which the automated technology is not able to safely control the vehicle." *Id.*, at pp. 11-14.

[48] *See* NHTSA, *2016 Update to Preliminary Statement of Policy Concerning Automated Vehicles*, at p. 1: http://www.nhtsa.gov/staticfiles/rulemaking/pdf/Autonomous-Vehicles-Policy-Update-2016.pdf (last visited Feb. 10, 2016).

[49] As an example, the announcement links to a NHTSA response to a BMW request for an interpretation confirming that BMW's remote self-parking system meets the Federal Motor Vehicle Safety Standards. The response notes that NHTSA does not provide approvals of vehicles or vehicle equipment or make determinations as to whether a product conforms to the Federal Motor Vehicle Safety Standards (FMVSSs) outside of an agency compliance test. Instead, federal law requires manufacturers to self-certify that a product conforms to all applicable FMVSSs in effect on the date of product manufacture. *See* the NHTSA response: file:///C:/Users/One/Downloads/BMW-response-01042016.pdf. Last visited January 23, 2016.

[50] *See* 49 C.F.R. Part 555.

[51] *See* 49 C.F.R., Subpart A, s. 555.6.

- The USDOT and NHTSA will develop the new tools necessary for this new era of vehicle safety and mobility, and will consider seeking new authorities when they are necessary to ensure that fully autonomous vehicles, including those designed without a human driver in mind, are deployable in large numbers when they are demonstrated to provide an equivalent or higher level of safety than is now available.

The USDOT also announced that the President's budget proposal for fiscal year 2017 will include nearly $4 billion to test connected vehicle systems in designated corridors throughout the county. The budget proposal will also allow funding to be used for working with industry leaders on a common multistate structure for connected and autonomous vehicles.[52]

State Regulation of Autonomous Vehicles

Nevada, in 2011, was the first state to authorize operation of autonomous vehicles.[53] Various legislation has also been enacted by the District of Columbia and five states, including Florida.[54] The Florida Legislature first enacted legislation relating to autonomous vehicles in 2012[55] that:

- Provided legislative intent,
- Defined relevant terms,
- Provided vehicle requirements and guidelines for testing,
- Added liability provisions, and
- Required the Florida Department of Highway Safety & Motor Vehicles (DHSMV) to submit a report on recommendations for the safe testing and operation of motor vehicles equipped with autonomous technology.[56]

Sixteen states introduced legislation related to autonomous vehicles in 2015, an increase from 12 states in 2014, nine states and the District of Columbia introduced such legislation in 2013, and six states did so in 2012.[57] The most recent development at the state level occurred in California in December of 2015. The California Department of Motor Vehicles released draft autonomous vehicle deployment regulations for public comment, in preparation for "the next step toward allowing the public to operate self-driving cars on California roadways in the future."[58]

Current Florida Law

Definitions: Section 316.003(90), F.S., defines "autonomous vehicle" as any vehicle equipped with autonomous technology. That subsection also includes a definition of "autonomous technology," which means technology installed on a motor vehicle that has the capability to

[52] *Supra* note 49.
[53] *See* the National Conference of State Legislatures website for additional detail on legislation already enacted by specified states: http://www.ncsl.org/research/transportation/autonomous-vehicles-legislation.aspx#Enacted Autonomous Vehicles Legislation. Last visited January 23, 2016.
[54] The other four states are California, Michigan, North Dakota, and Tennessee. *Id.*
[55] Chapter 2012-174, L.O.F. *See* also ch. 2014-216, L.O.F.
[56] *See* the report at: http://www.flhsmv.gov/html/HSMVAutonomousVehicleReport2014.pdf. Last visited January 24, 2016.
[57] *Supra* note 50.
[58] This followed California's legislation directing the adoption of safety standards and performance requirements to ensure the safe operation and testing of autonomous vehicles. *See* the California Department of Motor Vehicles Press Release: https://www.dmv.ca.gov/portal/dmv/detail/pubs/newsrel/newsrel15/2015_63. Last visited January 23, 2016.

drive the vehicle on which the technology is installed without the active control or monitoring by a human operator.[59]

Operation: Operation of autonomous vehicles is authorized in s. 316.85, F.S. A person who possesses a valid driver license may operate an autonomous vehicle in autonomous mode.[60] When a person causes the vehicle's autonomous technology to engage, regardless of whether the person is physically present in the vehicle while the vehicle is operating in autonomous mode, that person is deemed the operator of the vehicle.

Testing: Testing of vehicles equipped with autonomous technology is authorized in s. 316.86, F.S. Employees, contractors, or other persons designated by manufacturers of autonomous technology, or by research organizations associated with accredited educational institutions, are authorized to operate such vehicles on roads in this state to test autonomous technology. A human operator must be present in the vehicle being tested, with the ability to monitor the vehicle's performance and intervene, if necessary, unless the vehicle is being tested or demonstrated on a closed course.[61] Before testing, the entity performing the testing must submit an instrument of insurance, surety bond, or proof of self-insurance acceptable to the DHSMV in the amount of $5 million.[62]

Vehicle Requirements: Section 319.145, F.S., requires an autonomous vehicle registered in this state[63] to meet federal standards and regulations for a motor vehicle. This section of law is expressly superseded when in conflict with NHTSA federal regulations. In addition, an autonomous vehicle must:

- Have a means to engage and disengage the autonomous technology which is easily accessible to the operator.
- Have a means, inside the vehicle, to visually indicate when the vehicle is operating in autonomous mode.
- Have a means to alert the operator of the vehicle if a technology failure affecting the ability of the vehicle to safely operate autonomously is detected while the vehicle is operating autonomously in order to indicate to the operator to take control of the vehicle.

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[59] The latter definition does not include 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.

[60] The DHSMV will authorize a person who possesses a valid driver license to operate an autonomous vehicle in autonomous mode on a Florida roadway, but only if manufacturers of the technology designate the person as a driver for testing purposes. *See* the DHSMV publication, *Excellence in Service, Education, and Enforcement*, Summer 2012, heading "2012 Legislative Update," at p. 1: http://www.flhsmv.gov/html/CJSummer2012.pdf. Last visited January 24, 2016.

[61] The DHSMV will authorize operation of an autonomous vehicle in autonomous mode without a human physically present in the vehicle only on a closed course. *See* the DHSMV email to committee staff dated January 25, 2016. On filed in the Senate Transportation Committee.

[62] This section of the law also provides immunity from certain liability for the original manufacturer of a vehicle converted by a third party into an autonomous vehicle under specified conditions. Section 316.86(2), F.S.

[63] Chapter 320, F.S., reflects no vehicle registration provision specific to autonomous vehicles.

- Be capable of being operated in compliance with the applicable traffic and motor vehicle laws of this state.

Television-Type Equipment in Motor Vehicles

Section 316.303(1) and (3), F.S., currently prohibits operation of a motor vehicle if it is equipped with television-type receiving equipment that is visible from the driver's seat. However, an electronic display used in conjunction with a vehicle navigation system is not prohibited.

Local Regulation of Autonomous Vehicles

Current Florida law contains no provision addressing local regulation of autonomous vehicles.

Transportation Planning and Autonomous Vehicles

Section 339.175(7), F.S., 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.

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 (SIS) Plan. The plan must be consistent with the Florida Transportation Plan.[64]

Effect of Proposed Changes:

Section 4 amends s. 316.303(1) and (3), F.S., to authorize active display of moving television broadcoast or pre-recorded video entertainment content visible from the driver's seat while the vehicle is in motion if the vehicle is equipped with autonomous technology and operated in autonomous mode.

Section 5 amends s. 316.85, F.S., to expressly authorize a person holding a valid driver license to operate an autonomous vehicle in autonomous mode on roads in this state if the vehicle is equipped with autonomous technology, as defined in s. 316.003, F.S. Operation of an autonomous vehicle on roads in this state would no longer be limited to licensed drivers designated for testing purposes.

Section 6 amends s. 316.86, F.S., to remove provisions regarding the operation of vehicles equipped with autonomous technology on roads for testing purposes, including the provisions:

- Authorizing employees, contractors, or other persons designated by manufacturers of autonomous technology, or by research organizations associated with accredited educational institutions, to operate such vehicles on roads in this state to test autonomous technology.

[64] 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.

- Requiring a human operator to be present in the vehicle being tested, with the ability to monitor the vehicle's performance and intervene, if necessary, unless the vehicle is being tested or demonstrated on a closed course.
- Requiring the specified proof of insurance or surety bond before testing.

The original manufacture liability protections are not amended.

Section 7 amends s. 319.145, F.S., to clarify that registered autonomous vehicles must meet *applicable* federal standards and regulations for such vehicles. This section also requires an autonomous vehicle to have a system to safely alert the operator if an autonomous technology failure is detected while the autonomous technology is engaged. When an alert is given, the system must:

- Require the operator to take control of the autonomous vehicle, or
- If the operator does not or is unable to take control, be capable of bringing the vehicle to a complete stop.

The latter revision replaces the currently required easily accessible means by which the operator engages and disengages the technology, and the required means to alert the operator of a described technology failure to indicate to the operator to take control of the vehicle.

Taken together, these sections of the bill authorize operation of autonomous vehicles equipped with the defined autonomous technology on the public roads of this state by any person holding a valid driver license, without the need to be designated by an autonomous vehicle manufacturer for testing purposes, and without any testing. The physical presence of an operator is no longer required. Autonomous vehicles registered in this state must continue to meet federal standards and regulations that apply to such vehicles. To the extent that any new provision in the bill regarding vehicle equipment is or becomes in conflict with federal law, the bill's provision would be superseded.

Section 13 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.

Section 15 amends s. 339.64, F.S., to require the FDOT when updating the SIS Plan to coordinate with federal, regional, and local partners, as well as industry representatives, to consider infrastructure and technological improvements to the SIS necessary to accommodate advances in vehicle technology.

Driver-Assistive Truck Platooning (Sections 1, 2, and 4)

Present Situation

In August of 2014, the NHTSA issued an advance notice of proposed rulemaking, following NHTSA's earlier announcement that the agency will begin working on a regulatory proposal to

require vehicle-to-vehicle (V2V) devices in passenger cars and light trucks in a future year. V2V is a crash avoidance technology, relying on communication of information between nearby vehicles to warn drivers about dangerous situations that could lead to a crash.[65] NHTSA advises that, "Using V2V technology, vehicles ranging from cars to trucks and buses to trains could one day be able to communicate important safety and mobility information to one another that can help save lives, prevent injuries, ease traffic congestion, and improve the environment."[66]

One form of V2V technology is known as driver-assistive truck platooning (DATP), which allows trucks to communicate with each other and to travel as close as thirty feet apart with automatic acceleration and braking. A draft is created, reducing wind resistance and cutting down on fuel consumption.[67]

> The DATP concept is based on a system that controls inter-vehicle spacing based on information from forward-looking radars and direct vehicle-to-vehicle communications. Braking and other operational data is constantly exchanged between the trucks, enabling the control system to automatically adjust engine and brakes in real-time. This allows equipped trucks to travel closer together than manual operations would safely allow. Platooning technology is increasingly a subject of interest in the truck community, with multiple companies developing prototypes.[68]

One such system uses integrated sensors, controls, and wireless communications for "connected" trucks. The system is cloud-based, determining in real time whether traffic conditions are appropriate to allow specific trucks to engage in platooning operations. Using V2V communications, the system synchronizes acceleration and braking between tractor-trailers, leaving steering to the drivers, but eliminating braking distance otherwise caused by lags in the front or rear driver's response time. The following vehicle is provided video showing the lead truck's line of sight while the lead vehicle is provided video showing the area behind the following truck. If another vehicle enters between platooning trucks, the system will automatically increase following distance or delink the trucks and then relink once the cut-in risk has passed. If data transfer between platooning trucks ceases, the driver is immediately notified that manual acceleration and braking control is about to resume.[69]

Currently, s. 316.0895, F.S., prohibits a driver of a motor vehicle to follow another vehicle more closely than is reasonable and prudent. It is unlawful, when traveling upon a roadway outside a business or residence district, for a motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer to follow within 300 feet of another vehicle.

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[65] *See* the USDOT Fact Sheet on Vehicle-To-Vehicle Communication Technology, *available at:* http://www.its.dot.gov/safety_pilot/pdf/safetypilot_nhtsa_factsheet.pdf. On file in the Senate Transportation Committee.
[66] *See* the NHTSA *Vehicle-to-Vehicle Communications*, http://www.safercar.gov/v2v/index.html. Last visited January 25, 2016.
[67] *See* the GBT Global News website: http://www.gobytrucknews.com/driver-survey-platooning/123. Last visited January 25, 2016.
[68] *See* the American Transportation Research Institute, *ATRI Seeks Input on Driver Assistive Truck Platooning* (Nov. 17, 2014), http://atri-online.org/2014/11/17/atri-seeks-input-on-driver-assistive-truck-platooning/. Last visited January 25, 2016.
[69] *See* Peloton, *FAQ*, http://www.peloton-tech.com/faq/ (last visited Jan. 25, 2016).

Additionally, s. 316.303, F.S., prohibits the operation of a motor vehicle with television-type receiving equipment that is visible from the driver's seat. This prohibition does not apply to an electronic display used in conjunction with a vehicle navigation system.[70]

Effect of Proposed Changes

Section 1 amends s. 316.003, F.S., to define the term "driver-assistive truck platooning technology."

Section 2 requires the FDOT to study, in consultation with the DHSMV, the use and safe operation of driver assistive truck platooning technology for the purpose of developing a pilot project to test vehicles equipped with such technology.

The bill authorizes the FDOT, upon conclusion of the study and in consultation with the DHSMV, to conduct a pilot project that tests the operation of vehicles equipped with driver-assistive truck platooning technology.[71] The pilot project may be conducted notwithstanding the traffic control provisions related to following too closely and television-type equipment in motor vehicles.[72] Prior to the start of the pilot project, manufacturers of driver-assistive truck platooning technology being tested in the pilot project must submit to the DHSMV an instrument of insurance, surety bond, or proof of self-insurance in the amount of $5 million.

The DOT, in consultation with the DHSMV, shall submit the results of the study and any findings or recommendations from the pilot project to the Governor, Senate President, and Speaker of the House upon conclusion of the pilot project.

Section 4 amends s. 316.303(3), F.S., to allow vehicles equipped and operating with driver-assistive truck platooning technology to be equipped with electronic displays visible from the driver's seat, and to authorize the operator of a vehicle equipped and operating with truck platooning technology to use an electronic display.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

[70] Section 316.303, F.S.
[71] The pilot project may be conducted in such a manner and at such locations as determined by the DOT.
[72] Sections 316.0895 and 316.303, F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Sections 4-7, 13, and 15: The impact of the provisions relating to the operation of autonomous vehicles is unknown. The private sector may realize positive economic benefits in terms of improved safety and mobility, and cost and travel-time savings. The companies that sell vehicles with autonomous technology may experience more sales to the extent that the bill promotes wider use of such vehicles.

Sections 1, 2, and 4: Depending on the outcome of the pilot project, the bill may have an indeterminate positive fiscal impact on companies that sell or use driver-assistive truck platooning technology.

Section 9: The required toll facility signage may assist motorists in avoiding unwanted administrative expenses associated with toll-by-plate billing and rental car company charges for use of a company's electronic transponder, by notifying motorists that no cash payment option is available.

Section 10: Transfer of ownership of the Pinellas Bayway System from the FDOT to the Florida Turnpike Enterprise does not appear to have an immediate impact on the private sector but a positive fiscal impact may be realized upon construction of the replacement bridge in terms of more efficient travel.

C. Government Sector Impact:

Section 9: The additional required toll facility signage presents an indeterminate fiscal impact to the FDOT and expressway and bridge authorities. However, an analysis of the bill submitted by FDOT on February 15, 2016 states the following department concerns:[73]

> The addition of requirements for signage notifying drivers if cash payment of a toll is not an available option at a facility results in an estimated fiscal impact between *$7.8 million* and *$26.4 million* (see following table) depending on the number of signs retrofitted versus placement of new signs. Increases in operation and

[73] *See* the FDOT 2016 analysis of Senate Bill 1392. On file in the Senate Subcommittee on Transportation, Tourism, and Economic Development.

maintenance costs on the Turnpike system will reduce the amount invested in construction projects by the amount needed to comply with the new law.

Cost estimates in the following table are not reflective of costs for non-department toll facilities within the state (e.g. authority or local toll facilities).

Location of Signage	**Qty**	**Low End**[74]	**Comments**	**Qty**	**High End**[75]	**Comments**
All Electronic Tolling facilities	90	$140,400	place test on existing signs	90	$993,600	new multi-post signs
Roadways connecting to All Electronic Tolling facilities	163	$804,000	new multi-post signs	163	$18,452,400	new overhead cantilever sign structures
Ingress to Express Lane facilities	88	$6,916,800	new overhead cantilever sign structures	88	$6,916,800	new overhead cantilever sign structures
Totals		**$7,861,200**			**$26,362,800**	

According to the FDOT, it is unknown at this time whether the department could pursue the Low End (existing signs) alternative or if the High End (new signs) alternative would be required. The department would have to assess this on a location by location basis considering visibility to the customer, traffic operations, design/engineering issues, and right-of-way concerns (existing land sufficient or require acquisition). These figures do not account for future All Electronic Tolling (AET) or Express Lane projects that are in the planning phase. Including such projects would increase the estimates above.

Any signage costs for toll facilities that are part of the Turnpike System would be paid from the Turnpike General Reserve Trust Fund; and any signage costs for FDOT-owned toll facilities that are not part of the Turnpike System would be paid from the State Transportation Trust Fund.

[74] According to FDOT, the Low End and High End figures represent calculated totals, i.e. unit prices multiplied by quantities. Supra note 73.
[75] *Ibid.*

Section 10: The transfer of ownership of the Pinellas Bayway System does not appear to have any immediate fiscal impact, as the transfer occurs without the expenditure of any funds. Aside from the project cost information on replacing the structurally deficient bridge over Boca Ciega Bay on SR 679 provided by the Florida Department of Transportation, the method by which replacement will be funded or financed is unknown.

Section 14: Increasing the population ceiling in the Small County Outreach Program definition of "small county" from 150,000 to 170,000 will allow Charlotte, Martin, and Santa Rosa Counties to be eligible to participate in the program. Those counties would still have to compete for funding and priority using the program criteria.

Section 17: The Tampa-Hillsborough County Expressway Authority bonding provisions pose no immediate fiscal impact. The fiscal impact of any potential bonding is unknown.

VI. Technical Deficiencies:

The revision of the definition of "driver-assistive truck platooning" refers to compliance with NHTSA rules regarding vehicle-to-vehicle "*platooning*." The definition should refer to rules for vehicle-to-vehicle "*communications*."

VII. Related Issues:

Under current law, the "operator" of an autonomous vehicle is the person who engages the technology. The identity of the "operator" of an unoccupied vehicle is unclear.

According to the FDOT, "Autonomous vehicle technology development and testing is being evaluated in a test track setting. Coordination with federal and local partners will be completed within existing resources. It may be several years before the department can estimate the infrastructure investment needed to support autonomous vehicle operations on state roads."[76]

Further, the FDOT has indicated that the department and the Metropolitan Planning Organizations (MPOs) are directed to consider infrastructure and technological improvements during the development of the Five-Year Work Program and Long Range Transportation Plan, respectively. Intelligent Transportation System (ITS) technological solutions are considered during this process. Consideration of autonomous vehicle technology introduces a new demand on funding. It is difficult to estimate the amount of future investments in technological solutions versus infrastructure solutions.[77]

[76] *Supra* note 73.
[77] *Ibid.*

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.0745, 316.303, 316.85, 316.86, 319.145, 332.08, 338.155, 338.165, 338.231, 339.175, 339.2818, 339.64, and 348.565.

This bill repeals section 341.0532 of the Florida Statutes.

This bill repeals ch. 85-364, as amended by ch. 95-382 and section 48 of ch. 2014-223, Laws of Florida.

IX. Additional Information:

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

Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 17, 2016:
The recommended CS:

- Revises the definition for driver-assistive truck platooning (DATP) technology and requires compliance with the National Highway Traffic Safety Administration (NHTSA) rules regarding vehicle-to-vehicle communications.
- Requires FDOT, in consultation with the DHSMV, to study the use and safe operation of DATP technology; authorizes a pilot project upon conclusion of the study to test vehicles equipped with the technology; requires insurance coverage by the manufacturers that participate in the pilot; and requires the findings to be submitted to the Governor and Legislature.
- Revises the provisions in the bill relating to television-type receiving equipment visible from the driver's seat in vehicles equipped with DAPT technology.

CS by Transportation on January 27, 2016:
The CS modifies the bill by:

- Removing from the bill preemption of regulation and operation of autonomous vehicles to the state.
- Revising equipment requirements for autonomous vehicles by requiring a system to alert an operator of a technology failure and to take control, or to stop the vehicle under certain conditions.
- Extending the authorized term of certain airport-related leases.
- Requiring signage at toll facilities notifying drivers if cash payment is not an option.
- Transferring certain funds to be used to help fund the costs of repair and replacement of the Pinellas Bayway System.
- Increasing the population ceiling in the definition of "small county" for purposes of the Small County Outreach Program.
- Expanding the list of THEA project types approved to be financed by certain revenue bonds.

B. Amendments:

None.

152974

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/19/2016	.	
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	.	

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 92 - 111

and insert:

(91) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle

====== D I R E C T O R Y C L A U S E A M E N D M E N T ======

And the directory clause is amended as follows:

Delete lines 83 - 86

and insert:

152974

Section 1. Present subsections (91) through (93) of section 316.003, Florida Statutes, are redesignated as subsections (92) through (94), respectively, and a new subsection (91) is

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

And the title is amended as follows:

Delete lines 3 - 4

and insert:

316.003, F.S.; defining the term "driver-assistive truck platooning technology"; amending s. 316.0745, F.S.; revising the

826082

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/19/2016	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Substitute for Amendment (152974) (with title amendment)

Delete lines 83 - 117
and insert:

Section 1. Present subsections (91), (92), and (93) of section 316.003, Florida Statutes, are redesignated as subsections (92), (93), and (94), respectively, and a new subsection (91) is added to that section to read:

316.003 Definitions.—The following words and phrases, when

826082

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

(92) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle automation and safety technology that integrates sensor array, wireless vehicle-to-vehicle communications, active safety systems, and specialized software to link safety systems and synchronize acceleration and braking between two vehicles while leaving each vehicle's steering control and systems command in the control of the vehicle's driver in compliance with the National Highway Traffic Safety Administration rules regarding vehicle-to-vehicle platooning.

Section 2. The Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, shall study the use and safe operation of driver-assistive truck platooning technology, as defined in s. 316.003, Florida Statutes, for the purpose of developing a pilot project to test vehicles that are equipped to operate using driver-assistive truck platooning technology.

(1) Upon conclusion of the study, the Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, may conduct a pilot project to test the use and safe operation of vehicles equipped with driver-assistive truck platooning technology.

(2) Notwithstanding ss. 316.0895 and 316.303, Florida Statutes, the Department of Transportation may conduct the pilot project in such a manner and at such locations as determined by the Department of Transportation based on the study.

(3) Before the start of the pilot project, manufacturers of

826082

driver-assistive truck platooning technology being tested in the pilot project must submit to the Department of Highway Safety and Motor Vehicles an instrument of insurance, surety bond, or proof of self-insurance acceptable to the department in the amount of $5 million.

(4) Upon conclusion of the pilot project, the Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, shall submit the results of the study and any findings or recommendations from the pilot project to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

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

And the title is amended as follows:

Delete lines 3 - 4

and insert:

316.003, F.S.; defining the term "driver-assistive truck platooning technology; directing the Department of Transportation to study the operation of driver-assistive truck platooning technology; authorizing the department to conduct a pilot project to test such operation; providing security requirements; requiring a report to the Governor and Legislature; amending s. 316.0745, F.S.; revising the

388858

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2016	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Substitute for Amendment (152974) (with title amendment)

Delete lines 83 - 165
and insert:

Section 1. Present subsections (91), (92), and (93) of section 316.003, Florida Statutes, are redesignated as subsections (92), (93), and (94), respectively, and a new subsection (91) is added to that section to read:

316.003 Definitions.—The following words and phrases, when

388858

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

(92) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle automation and safety technology that integrates sensor array, wireless vehicle-to-vehicle communications, active safety systems, and specialized software to link safety systems and synchronize acceleration and braking between two vehicles while leaving each vehicle's steering control and systems command in the control of the vehicle's driver in compliance with the National Highway Traffic Safety Administration rules regarding vehicle-to-vehicle platooning.

Section 2. The Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, shall study the use and safe operation of driver-assistive truck platooning technology, as defined in s. 316.003, Florida Statutes, for the purpose of developing a pilot project to test vehicles that are equipped to operate using driver-assistive truck platooning technology.

(1) Upon conclusion of the study, the Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, may conduct a pilot project to test the use and safe operation of vehicles equipped with driver-assistive truck platooning technology.

(2) Notwithstanding ss. 316.0895 and 316.303, Florida Statutes, the Department of Transportation may conduct the pilot project in such a manner and at such locations as determined by the Department of Transportation based on the study.

(3) Before the start of the pilot project, manufacturers of

driver-assistive truck platooning technology being tested in the pilot project must submit to the Department of Highway Safety and Motor Vehicles an instrument of insurance, surety bond, or proof of self-insurance acceptable to the department in the amount of $5 million.

(4) Upon conclusion of the pilot project, the Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, shall submit the results of the study and any findings or recommendations from the pilot project to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 3. Subsection (7) of section 316.0745, Florida Statutes, is amended to read:

316.0745 Uniform signals and devices.—

(7) The Department of Transportation may, upon receipt and investigation of reported noncompliance and ~~is authorized,~~ after hearing pursuant to 14 days' notice, ~~to~~ direct the removal of any purported traffic control device that fails to meet the requirements of this section, wherever the device is located and without regard to assigned responsibility under s. 316.1895 ~~which fails to meet the requirements of this section~~. The public agency erecting or installing the same shall immediately bring it into compliance with the requirements of this section or remove said device or signal upon the direction of the Department of Transportation and may not, for a period of 5 years, install any replacement or new traffic control devices paid for in part or in full with revenues raised by the state unless written prior approval is received from the Department of Transportation. Any additional violation by a public body or

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official shall be cause for the withholding of state funds for traffic control purposes until such public body or official demonstrates to the Department of Transportation that it is complying with this section.

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

And the title is amended as follows:

Delete lines 3 - 14

and insert:

316.003, F.S.; defining the term "driver-assistive truck platooning technology; directing the Department of Transportation to study the operation of driver-assistive truck platooning technology; authorizing the department to conduct a pilot project to test such operation; providing security requirements; requiring a report to the Governor and Legislature; amending s. 316.0745, F.S.; revising the circumstances under which the Department of Transportation is authorized to direct the removal of certain traffic control devices; requiring the public agency erecting or installing such a device to bring it into compliance with certain requirements or remove it upon the direction of the department;

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 169 - 175

and insert:

(1) No motor vehicle may be operated on the highways of this state if the vehicle is actively displaying moving television broadcast or pre-recorded video entertainment content that is ~~shall be equipped with television-type receiving equipment so located that the viewer or screen is~~ visible from the driver's seat while the vehicle is in motion, unless the

417088

vehicle is equipped with autonomous technology, as defined in s. 316.003(90), and is being operated in autonomous mode, as provided in s. 316.85(2).

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

And the title is amended as follows:

Delete lines 15 - 17

and insert:

amending s. 316.303, F.S.; revising the prohibition from operating, under certain circumstances, a motor vehicle that is equipped with television-type receiving equipment; providing exceptions to the prohibition against displaying moving television broadcast or pre-recorded video entertainment content in vehicles; amending s. 316.85, F.S.;

By the Committee on Transportation; and Senator Brandes

596-02696-16 20161392c1

A bill to be entitled

An act relating to transportation; amending s. 316.003, F.S.; defining and revising the definitions of terms; amending s. 316.0745, F.S.; revising the circumstances under which the Department of Transportation is authorized to direct the removal of certain traffic control devices; requiring the public agency erecting or installing such a device to bring it into compliance with certain requirements or remove it upon the direction of the department; amending s. 316.0895, F.S.; providing that provisions prohibiting a driver from following certain vehicles within a specified distance do not apply to truck tractor-semitrailer combinations under certain circumstances; amending s. 316.303, F.S.; providing exceptions to the prohibition against certain television-type receiving equipment in vehicles; amending s. 316.85, F.S.; revising the circumstances under which a licensed driver is authorized to operate an autonomous vehicle in autonomous mode; amending s. 316.86, F.S.; deleting a provision authorizing the operation of vehicles equipped with autonomous technology on roads in this state for testing purposes by certain persons or research organizations; deleting a requirement that a human operator be present in an autonomous vehicle for testing purposes; deleting certain financial responsibility requirements for entities performing such testing; amending s. 319.145, F.S.; revising provisions relating to required equipment and operation of autonomous vehicles; amending s. 332.08, F.S.; extending the authorized term of certain airport-related leases; amending s. 338.155, F.S.;

requiring a toll facility to ensure the presence of signage notifying drivers if cash payment is not an option; amending s. 338.165, F.S.; deleting an authorization to issue certain bonds secured by toll revenues collected on the Beeline-East Expressway, the Navarre Bridge, and the Pinellas Bayway; authorizing the department's Pinellas Bayway System to be transferred by the department and become part of the turnpike system under the Florida Turnpike Enterprise Law; providing applicability; requiring the department to transfer certain funds to the Florida Turnpike Enterprise for certain purposes; repealing chapter 85-364, Laws of Florida, as amended, relating to the Pinellas Bayway; amending s. 338.231, F.S.; increasing the number of years before an inactive prepaid toll account shall be presumed unclaimed; deleting provisions relating to the use of revenues from the turnpike system to pay the principal and interest of a specified series of bonds and certain expenses of the Sawgrass Expressway; amending s. 339.175, F.S.; requiring certain long-range transportation plans to include assessment of capital investment and other measures necessary to make the most efficient use of existing transportation facilities to improve safety; requiring the assessments to include consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology; amending s. 339.2818, F.S.; increasing the population ceiling in the definition of the term

"small county" for purposes of the Small County Outreach Program; deleting an alternative definition of the term "small county" for a specified fiscal year; amending s. 339.64, F.S.; requiring the department to coordinate with certain partners and industry representatives to consider infrastructure and technological improvements necessary to accommodate advances in vehicle technology in Strategic Intermodal System facilities; requiring the Strategic Intermodal System Plan to include a needs assessment regarding such infrastructure and technological improvements; repealing s. 341.0532, F.S., relating to statewide transportation corridors; amending s. 348.565, F.S.; expanding the list of projects of the Tampa-Hillsborough County Expressway Authority which are approved to be financed or refinanced by the issuance of certain revenue bonds; providing an effective date.

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

Section 1. Present subsections (90) through (93) of section 316.003, Florida Statutes, are redesignated as subsections (91), (93), (94), and (95), respectively, present subsection (90) of that section is amended, and new subsections (90) and (92) are added to that section, to read:

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

otherwise requires:

(90) AUTONOMOUS TECHNOLOGY.—Technology installed on a motor vehicle which has the capability to drive the vehicle on which the technology is installed without the active control of or monitoring by a human operator.

(91) ~~(90)~~ AUTONOMOUS VEHICLE.—Any vehicle equipped with autonomous technology. ~~The term "autonomous technology" means technology installed on 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.~~ 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.

(92) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle automation technology that integrates a sensor array, wireless communications, vehicle controls, and specialized software to synchronize the acceleration and braking between no more than two truck tractor-semitrailer combinations, while leaving each vehicle's steering control and systems command in the control of the vehicle's driver.

Section 2. Subsection (7) of section 316.0745, Florida Statutes, is amended to read:

316.0745 Uniform signals and devices.—

(7) The Department of Transportation may, upon receipt and investigation of reported noncompliance and ~~is authorized,~~ after hearing pursuant to 14 days' notice, ~~to~~ direct the removal of any purported traffic control device that fails to meet the requirements of this section, wherever the device is located and without regard to assigned responsibility under s. 316.1895 ~~which fails to meet the requirements of this section~~. The public agency erecting or installing the same shall immediately bring it into compliance with the requirements of this section or remove said device or signal upon the direction of the Department of Transportation and may not, for a period of 5 years, install any replacement or new traffic control devices paid for in part or in full with revenues raised by the state unless written prior approval is received from the Department of Transportation. Any additional violation by a public body or official shall be cause for the withholding of state funds for traffic control purposes until such public body or official demonstrates to the Department of Transportation that it is complying with this section.

Section 3. Subsection (2) of section 316.0895, Florida Statutes, is amended to read:

316.0895 Following too closely.—

(2) It is unlawful for the driver of any motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer, when traveling upon a roadway outside of a business or residence district, to follow within 300 feet of another motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer. ~~The provisions of~~ This

subsection may ~~shall~~ not be construed to prevent overtaking and passing, nor does it ~~nor shall the same~~ apply upon any lane specially designated for use by motor trucks or other slow-moving vehicles. This subsection does not apply to two truck tractor-semitrailer combinations equipped and connected with driver-assistive truck platooning technology, as defined in s. 316.003, and operating on a multilane limited access facility, if:

(a) The owner or operator first submits to the department an instrument of insurance, a surety bond, or proof of self-insurance acceptable to the department in the amount of $1 million;

(b) The vehicles are equipped with an external indication, visible to surrounding motorists, that the vehicles are engaged in truck platooning; and

(c) The vehicles are not required to be placarded pursuant to 49 C.F.R. parts 171-179.

Section 4. Subsections (1) and (3) of section 316.303, Florida Statutes, are amended to read:

316.303 Television receivers.—

(1) A ~~No~~ motor vehicle may not be operated on the highways of this state if the vehicle is ~~shall be~~ equipped with television-type receiving equipment so located that the viewer or screen is visible from the driver's seat, unless the vehicle is equipped with autonomous technology, as defined in s. 316.003, and is being operated in autonomous mode, as provided in s. 316.85(2).

(3) This section does not prohibit the use of an electronic display used in conjunction with a vehicle navigation system; an

electronic display used by an operator of a vehicle equipped with autonomous technology, as defined in s. 316.003; or an electronic display used by an operator of a vehicle equipped and operating with driver-assistive truck platooning technology, as defined in s. 316.003.

Section 5. Subsection (1) of section 316.85, Florida Statutes, is amended to read:

316.85 Autonomous vehicles; operation.—

(1) A person who possesses a valid driver license may operate an autonomous vehicle in autonomous mode on roads in this state if the vehicle is equipped with autonomous technology, as defined in s. 316.003.

Section 6. Section 316.86, Florida Statutes, is amended to read:

316.86 ~~Operation of vehicles equipped with autonomous technology on roads for testing purposes; financial responsibility;~~ Exemption from liability for manufacturer when third party converts vehicle.—

~~(1) Vehicles equipped with autonomous technology may be operated on roads in this state by employees, contractors, or other persons designated by manufacturers of autonomous technology, or by research organizations associated with accredited educational institutions, for the purpose of testing the technology. For testing purposes, a human operator shall be present in the autonomous vehicle such that he or she has the ability to monitor the vehicle's performance and intervene, if necessary, unless the vehicle is being tested or demonstrated on a closed course. Before the start of testing in this state, the entity performing the testing must submit to the department an~~

~~instrument of insurance, surety bond, or proof of self-insurance acceptable to the department in the amount of $5 million.~~

~~(2)~~ The original manufacturer of a vehicle converted by a third party into an autonomous vehicle is ~~shall~~ not ~~be~~ liable in, and shall have a defense to and be dismissed from, any legal action brought against the original manufacturer by any person injured due to an alleged vehicle defect caused by the conversion of the vehicle, or by equipment installed by the converter, unless the alleged defect was present in the vehicle as originally manufactured.

Section 7. Subsection (1) of section 319.145, Florida Statutes, is amended to read:

319.145 Autonomous vehicles.—

(1) An autonomous vehicle registered in this state must continue to meet applicable federal standards and regulations for such ~~a~~ motor vehicle. The vehicle must ~~shall~~:

(a) Have a system to safely alert the operator if an autonomous technology failure is detected while the autonomous technology is engaged. When an alert is given, the system must:

1. Require the operator to take control of the autonomous vehicle; or

2. If the operator does not, or is not able to, take control of the autonomous vehicle, be capable of bringing the vehicle to a complete stop ~~Have a means to engage and disengage the autonomous technology which is easily accessible to the operator~~.

(b) Have a means, inside the vehicle, to visually indicate when the vehicle is operating in autonomous mode.

~~(c) Have a means to alert the operator of the vehicle if a~~

~~technology failure affecting the ability of the vehicle to safely operate autonomously is detected while the vehicle is operating autonomously in order to indicate to the operator to take control of the vehicle.~~

(c) ~~(d)~~ Be capable of being operated in compliance with the applicable traffic and motor vehicle laws of this state.

Section 8. Paragraph (c) of subsection (1) of section 332.08, Florida Statutes, is amended to read:

332.08 Additional powers.—

(1) In addition to the general powers in ss. 332.01-332.12 conferred and without limitation thereof, a municipality that has established or may hereafter establish airports, restricted landing areas, or other air navigation facilities, or that has acquired or set apart or may hereafter acquire or set apart real property for such purposes, is authorized:

(c) To lease for a term not exceeding 50 ~~30~~ years such airports or other air navigation facilities, or real property acquired or set apart for airport purposes, to private parties, any municipal or state government or the national government, or any department of either thereof, for operation; to lease or assign for a term not exceeding 50 ~~30~~ years to private parties, any municipal or state government or the national government, or any department of either thereof, for operation or use consistent with the purposes of ss. 332.01-332.12, space, area, improvements, or equipment on such airports; to sell any part of such airports, other air navigation facilities, or real property to any municipal or state government, or the United States or any department or instrumentality thereof, for aeronautical purposes or purposes incidental thereto, and to confer the

privileges of concessions of supplying upon its airports goods, commodities, things, services, and facilities; provided, that in each case in so doing the public is not deprived of its rightful equal and uniform use thereof.

Section 9. Section 338.155, Florida Statutes, is amended to read:

338.155 Payment of toll on toll facilities required; exemptions; signage required.—

(1) A person may not use any toll facility without payment of tolls, except employees of the agency operating the toll project when using the toll facility on official state business, state military personnel while on official military business, handicapped persons as provided in this section, persons exempt from toll payment by the authorizing resolution for bonds issued to finance the facility, and persons exempt on a temporary basis where use of such toll facility is required as a detour route. Any law enforcement officer operating a marked official vehicle is exempt from toll payment when on official law enforcement business. Any person operating a fire vehicle when on official business or a rescue vehicle when on official business is exempt from toll payment. Any person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty is exempt from toll payment. The secretary or the secretary's designee may suspend the payment of tolls on a toll facility when necessary to assist in emergency evacuation. The failure to pay a prescribed toll constitutes a noncriminal traffic infraction, punishable as a moving violation as provided in s. 318.18. The department may adopt rules relating to the payment, collection, and enforcement of tolls, as authorized in

this chapter and chapters 316, 318, 320, and 322, including, but not limited to, rules for the implementation of video or other image billing and variable pricing. With respect to toll facilities managed by the department, the revenues of which are not pledged to repayment of bonds, the department may by rule allow the use of such facilities by public transit vehicles or by vehicles participating in a funeral procession for an active-duty military service member without the payment of tolls.

(2) Any person driving an automobile or other vehicle belonging to the Department of Military Affairs used for transporting military personnel, stores, and property, when properly identified, shall, together with any such conveyance and military personnel and property of the state in his or her charge, be allowed to pass free through all tollgates and over all toll bridges and ferries in this state.

(3) Any handicapped person who has a valid driver license, who operates a vehicle specially equipped for use by the handicapped, and who is certified by a physician licensed under chapter 458 or chapter 459 or by comparable licensing in another state or by the Adjudication Office of the United States Department of Veterans Affairs or its predecessor as being severely physically disabled and having permanent upper limb mobility or dexterity impairments which substantially impair the person’s ability to deposit coins in toll baskets, shall be allowed to pass free through all tollgates and over all toll bridges and ferries in this state. A person who meets the requirements of this subsection shall, upon application, be issued a vehicle window sticker by the Department of Transportation.

(4) A copy of this section shall be posted at each toll bridge and on each ferry.

(5) The Department of Transportation shall provide envelopes for voluntary payments of tolls by those persons exempted from the payment of tolls pursuant to this section. The department shall accept any voluntary payments made by exempt persons.

(6) Personal identifying information held by the Department of Transportation, a county, a municipality, or an expressway authority for the purpose of paying, prepaying, or collecting tolls and associated administrative charges due for the use of toll facilities is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to such information held by the Department of Transportation, a county, a municipality, or an expressway authority before, on, or after the effective date of the exemption. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

(7) A toll facility must ensure the presence of signage notifying drivers if cash payment of the applicable toll at such facility is not an available option.

Section 10. Subsection (4) of section 338.165, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

338.165 Continuation of tolls.—

(4) Notwithstanding any other law to the contrary, pursuant to s. 11, Art. VII of the State Constitution, and subject to the

requirements of subsection (2), the Department of Transportation may request the Division of Bond Finance to issue bonds secured by toll revenues collected on the Alligator Alley and~~,~~ the Sunshine Skyway Bridge~~, the Beeline-East Expressway, the Navarre Bridge, and the Pinellas Bayway~~ to fund transportation projects located within the county or counties in which the project is located and contained in the adopted work program of the department.

(11) The department's Pinellas Bayway System may be transferred by the department and become part of the turnpike system under the Florida Turnpike Enterprise Law. The transfer does not affect the rights of the parties, or their successors in interest, under the settlement agreement and final judgment in *Leonard Lee Ratner, Esther Ratner, and Leeco Gas and Oil Co. v. State Road Department of the State of Florida*, No. 67-1081 (Fla. 2nd Cir. Ct. 1968). Upon transfer of the Pinellas Bayway System to the turnpike system, the department shall also transfer to the Florida Turnpike Enterprise the funds deposited in the reserve account established by chapter 85-364, Laws of Florida, as amended by chapters 95-382 and 2014-223, Laws of Florida, which funds shall be used by the Florida Turnpike Enterprise solely to help fund the costs of repair or replacement of the transferred facilities.

Section 11. Chapter 85-364, Laws of Florida, as amended by chapters 95-382 and section 48 of 2014-223, Laws of Florida, is repealed.

Section 12. Paragraph (c) of subsection (3) and subsections (5) and (6) of section 338.231, Florida Statutes, are amended to read:

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

(3)

(c) Notwithstanding any other ~~provision of~~ law to the contrary, any prepaid toll account of any kind which has remained inactive for 10 ~~3~~ years shall be presumed unclaimed and its disposition shall be handled by the Department of Financial Services in accordance with all applicable provisions of chapter 717 relating to the disposition of unclaimed property, and the prepaid toll account shall be closed by the department.

~~(5) In each fiscal year while any of the bonds of the Broward County Expressway Authority series 1984 and series 1986-A remain outstanding, the department is authorized to pledge revenues from the turnpike system to the payment of principal and interest of such series of bonds and the operation and maintenance expenses of the Sawgrass Expressway, to the extent gross toll revenues of the Sawgrass Expressway are insufficient to make such payments. The terms of an agreement relative to the pledge of turnpike system revenue will be negotiated with the parties of the 1984 and 1986 Broward County Expressway Authority lease-purchase agreements, and subject to the covenants of those~~

~~agreements. The agreement must establish that the Sawgrass Expressway is subject to the planning, management, and operating control of the department limited only by the terms of the lease-purchase agreements. The department shall provide for the payment of operation and maintenance expenses of the Sawgrass Expressway until such agreement is in effect. This pledge of turnpike system revenues is subordinate to the debt service requirements of any future issue of turnpike bonds, the payment of turnpike system operation and maintenance expenses, and subject to any subsequent resolution or trust indenture relating to the issuance of such turnpike bonds.~~

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

Section 13. Paragraph (c) of subsection (7) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—

(7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local

government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. Each M.P.O. is encouraged to consider strategies that integrate transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

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

1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and

2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion, improve safety, and maximize the mobility of people and goods. Such efforts must include, but are not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous technology and other developments.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public

transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

Section 14. Subsection (2) of section 339.2818, Florida Statutes, is amended to read:

339.2818 Small County Outreach Program.—

(2) ~~(a)~~ For the purposes of this section, the term "small county" means any county that has a population of 170,000 ~~150,000~~ or less as determined by the most recent official estimate pursuant to s. 186.901.

~~(b) Notwithstanding paragraph (a), for the 2015-2016 fiscal year, for purposes of this section, the term "small county" means any county that has a population of 165,000 or less as determined by the most recent official estimate pursuant to s. 186.901. This paragraph expires July 1, 2016.~~

Section 15. Paragraph (c) is added to subsection (3) of section 339.64, Florida Statutes, and paragraph (a) of subsection (4) of that section is amended, to read:

339.64 Strategic Intermodal System Plan.—

(3)

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

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

(a) A needs assessment that must include, but is not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous technology and other developments.

Section 16. Section 341.0532, Florida Statutes, is repealed.

Section 17. Subsection (3) of section 348.565, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

348.565 Revenue bonds for specified projects.—The existing facilities that constitute the Tampa-Hillsborough County Expressway System are hereby approved to be refinanced by revenue bonds issued by the Division of Bond Finance of the State Board of Administration pursuant to s. 11(f), Art. VII of the State Constitution and the State Bond Act or by revenue bonds issued by the authority pursuant to s. 348.56(1)(b). In addition, the following projects of the Tampa-Hillsborough County Expressway Authority are approved to be financed or refinanced by the issuance of revenue bonds in accordance with this part and s. 11(f), Art. VII of the State Constitution:

(3) Lee Roy Selmon Crosstown Expressway System widening, and any extensions thereof.

(5) Capital projects that the authority is authorized to acquire, construct, reconstruct, equip, operate, and maintain pursuant to this part, including, without limitation, s. 348.54(15), provided that any financing of such projects does not pledge the full faith and credit of the state.

Section 18. This act shall take effect July 1, 2016.

THE FLORIDA SENATE

APPEARANCE RECORD

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

02/17/2016
Meeting Date

1393
Bill Number (if applicable)

Topic Relating to Transportation

Amendment Barcode (if applicable)

Name Darrick D. McGhee

Job Title Vice President, Jerkson & Blanton

Address 537 East Park Avenue
Street

Phone (850) 331-6489

Tallahassee FL 32301
City *State* *Zip*

Email darrick@thomjb.com

Speaking: ☑ For ☐ Against ☐ Information

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

Representing Santa Rosa County

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/7/16
Meeting Date

1392
Bill Number (if applicable)

Topic 1392

Amendment Barcode (if applicable)

Name Jennifer Langston

Job Title LAD

Address 2900 Apalachee Pkwy
Street
Tallahassee FL 32399
City *State* *Zip*

Phone [redacted]

Email [redacted]

Speaking: ☐ For ☐ Against ☑ Information

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

Representing DHSMV

Appearing at request of Chair: ☑ Yes ☐ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL:	PCS/CS/SB 1394 (726940)
INTRODUCER:	Transportation Committee and Senator Brandes
SUBJECT:	Department of Highway Safety and Motor Vehicles
DATE:	February 17, 2016 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	**Fav/CS**
2.	Gusky	Miller	ATD	**Recommend: Fav/CS**
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1394 revises several laws administered by the Department of Highway Safety and Motor Vehicles (DHSMV). Specifically, the bill:

- Defines the terms "Service Patrol Vehicle" and "Driver-Assistive Truck Platooning Technology";
- Adds Service Patrol Vehicles engaged in certain activities to the "Move Over Act";
- Requires the Fourth Judicial Circuit, in consultation with the DHSMV, to implement a qualified sobriety and drug monitoring pilot program;
- Allows buses to be equipped with red rear lights that indicate a bus is stopping;
- Exempts operators of a vehicle operating with driver-assistive truck platooning technology or autonomous technology from the prohibition against having an electronic display while the vehicle is in motion;
- Modifies the amount of time within which an individual must notify the DHSMV of an address or name change on a driver license, identification card, or motor vehicle registration to provide consistency;
- Allows individuals to choose to have the international symbol for the deaf and hard of hearing exhibited on his or her driver license or identification card, upon payment of a fee and proof, sufficient to the DHSMV, that he or she is deaf or hard of hearing;
- Prohibits law enforcement from issuing a citation for an expired registration until the last day of the month of the year the registration expires, as indicated on the registration sticker;

- Requires authorized electronic filing system agents to disclose to customers that the agent may charge a fee for use of the electronic filing system when titling or registering a vehicle, vessel, mobile home, or other vehicle;
- Provides additional grounds to deny, suspend, or revoke a license held by a motor vehicle manufacturer and prohibits manufacturers from taking certain actions against motor vehicle dealers. Specifically, the manufacturer:
  - Is limited to a 12-month period following the date a claim was paid to perform audits of warranty, maintenance, service-related payments and incentive payments, and can only deny such claim if the manufacturer proves the claim was false or fraudulent;
  - May not take adverse action against a motor vehicle dealer due to a delivered motor vehicle being resold or exported by the customer unless the manufacturer provides written notification to the dealer within 12 months of delivery of the vehicle to a customer;
  - Must pay a dealer for temporary replacement vehicles provided to customers during service or repair provided the dealer complies with the manufacturer's written vehicle eligibility requirements relating to loaner vehicles; and
  - May not require or coerce a dealer to purchase goods or services from a vendor selected by the manufacturer without making available the option to obtain the goods or services from a vendor chosen by the dealer;
- Requires the Florida Department of Transportation (DOT) to study, in consultation with the DHSMV, the use and safe operation of driver assistive truck platooning technology, and authorizes a pilot project to test vehicles equipped with such technology; and
- Requires the DHSMV to provide identification cards at no-charge to:
  - Offenders in custody or under the supervision of the Florida Department of Juvenile Justice (DJJ); and
  - Individuals whose driver license is suspended or revoked due to a physical or mental condition.

The Revenue Estimating Conference adopted the following estimates for the no-cost identification card/driver license provisions of the bill[1]:

- Certain Juvenile Offenders – insignificant negative fiscal impact to the General Revenue Fund in Fiscal Year 2016-2017 and subsequent years.
- Individuals with a Medical Sanction – foregone revenue for Fiscal Year 2016-2017 is $300,000, with a recurring negative impact of $500,000 to the General Revenue fund; for the local tax collectors, foregone revenue for Fiscal Year 2016-2017 is $100,000, with a recurring negative impact of $100,000.

The estimated cost to the DHSMV for issuing identification cards to approximately 2,500 juvenile offenders and 18,390 individuals with a medical sanction is $41,153 annually. The department will absorb the additional costs within existing resources.

[1]Florida Revenue Estimating Conference, *HB 7063* (January 22, 2016) *available at* *http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2016/Impact0122.pdf* pages 377 - 383 (last visited Feb. 5, 2016)

The additional $1 fee to place the international symbol for the deaf and hard of hearing on a driver license or identification card will have a positive fiscal impact on the DHSMV's Highway Safety Operating Trust Fund, to the extent that individuals apply for and obtain the designation.

The bill also has fiscal impacts to the private sector. See Section V.

The bill takes effect October 1, 2016.

II. Present Situation:

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

III. Effect of Proposed Changes:

Service Patrol Vehicles and the Move Over Act (Sections 1 and 2)

Present Situation

The Move Over Act[2]

The Move Over Act relates to the operation of motor vehicles when approaching:

- An authorized emergency vehicle parked on the roadside and displaying any visual signals;
- A sanitation or utility vehicle performing services on the roadside; or
- A wrecker displaying amber rotating or flashing lights performing a recovery or loading on the roadside.

When approaching these vehicles, if the driver is on a highway with more than two lanes, the driver must vacate the lane closest to the service provider, when safe to do so. If the driver cannot safely vacate the lane, the driver must reduce his or her speed to 20 miles per hour (mph) under the posted speed limit for speed limits greater than 25 mph, or to 5 mph if the posted speed limit is 20 mph or less.

Section 316.126, F.S., also requires that a driver yield to a moving emergency vehicle, however, these requirements do not relieve a driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

A violation of the Move Over Act is a noncriminal traffic infraction punishable as a moving violation. Violators are subject to a $30 penalty[3], court costs[4], and three points assessed against the violator's license[5].

[2] Section 316.126(1)(b), F.S.
[3] Section 318.18(2)(d), F.S.
[4] Depending on jurisdiction, court costs may increase the total penalty up to $128; Florida Court Clerks and Comptrollers, *Distribution Schedule* (July 1, 2015), *available at:* http://c.ymcdn.com/sites/www.flclerks.com/resource/resmgr/Public_Documents_/2015_Distribution_Schedule_w.pdf at 36. (last visited Jan. 22, 2016)
[5] Section 322.27(3)(d)7.,F.S.

Service Patrol Vehicles

Service Patrol Vehicles, also known as Road Rangers, provide free highway assistance services to motorists. Road Rangers provide services along Florida's highway systems, including assisting stranded motorists, removing debris from the roadway, and assisting during traffic accidents. Since the inception of the program in 2000, the Road Rangers have made over 4.3 million service assists.[6]

Effect of Proposed Changes

Section 1 amends s. 316.003, F.S., to define the term "service patrol vehicle."

Section 2 amends s. 316.126, F.S., to include in the Move Over Act service patrol vehicles performing official duties or services along a roadside that are displaying amber rotating or flashing lights. Motorists will be required to move a lane over or slow their vehicle while a service patrol vehicle is displaying their lights and performing official duties along the highway. The section is also amended to require a utility service vehicle to display visual signals to be included in the act.

Qualified Sobriety and Drug Monitoring Program (Sections 3, 4, and 16)

Present Situation

Current law defines a "qualified sobriety and drug monitoring program" as an evidence-based program[7], approved by the DHSMV, in which participants are regularly tested for alcohol and drug use.[8] The program may monitor alcohol or drug use through:

- Breath testing twice a day;
- Continuous transdermal alcohol monitoring; or
- Random blood, breath, urine or oral fluid testing.

Preference is given to testing modalities that provide the best ability to sanction a violation as close in time as reasonably feasible to the occurrence of the violation. For a second or subsequent DUI offense, the court may order a person to participate in such program in addition to the mandatory installation of an ignition interlock device (IID).

Federal Law requires states to provide a minimum penalty for drivers convicted of a second or subsequent DUI offense. Specifically, the offender must receive a driver license suspension for at least one year, *or* a combination of suspension followed by a reinstatement of limited driving privileges or participation in an alcohol treatment program if used with the installation of an IID.[9] In December 2015, the FAST Act became federal law.[10] Effective October 1, 2016, the

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[6] Florida Department of Transportation website, *Road Rangers Service Patrol*, http://www.dot.state.fl.us/trafficoperations/traf_incident/rrangers/rranger.shtm (last visited Jan. 22, 2016).

[7] Section 316.193(6)(j)3.,F.S., defines an "evidence-based program" as one that satisfies at least two of the following requirements: (a) The program is included in the federal registry of evidence-based programs and practices; (b) The program has been reported in a peer reviewed journal as having positive effects on the primary targeted outcome; and (c) The program has been documented as effective by informed experts and other sources.

[8] Section 316.193(6)(j), F.S.

[9] 23 U.S.C. s. 164(a)(5)

[10] See Congress.Gov, *H.R.22 – FAST Act* (2015-2016), https://www.congress.gov/bill/114th-congress/house-bill/22/text (last visited Jan. 28, 2016).

FAST Act requires drivers convicted of a second or subsequent DUI penalty receive, for a period of not less than one year:

- A suspension of all driving privileges;
- A restriction on driving privileges that limits the individual operating only motor vehicles with an IID installed[11];
- A restriction on driving privileges that limits the individual to operating a motor vehicle only if participating in and complying with a 24-7 sobriety program[12]; *or*
- Any combination of the above.

According to the FAST Act, federal grants may be provided to states that provide a 24-7 sobriety program to offset expenditures designed to reduce impaired driving.

Costs Associated with Sobriety and Drug Monitoring Programs

Participation in a qualified sobriety and drug monitoring program, as well as using an IID, is at the participant's sole expense.[13] The expense to the individual participating in a sobriety and drug monitoring program depends on the modalities used to monitor the individual. For example, twice a day breathalyzer testing is $4 a day, transdermal alcohol monitoring bracelets are $10 a day, and drug sweat patches are $40 per patch (which is applied every 7-10 days).[14] By its nature, the monthly expense to individuals required to participate in random drug testing cannot be estimated.

Comparatively, IIDs cost, on average, $70-$150 for installation and approximately $60-$80 per month.[15] According to an Office of Program Policy Analysis and Government Accountability (OPPAGA) report, approximately 51 percent of the offenders required to install an IID in order to reinstate any driving privilege do not install the device.[16] According to the report, the costs associated with installing and monitoring an IID, in addition to the multiple costs associated with a DUI conviction, may be cost prohibitive for some individuals. Estimates of the number of DUI offenders who continue to drive illegally because they cannot afford to participate in a sobriety and drug monitoring program or have an IID installed are unavailable.

Efficacy of Programs

According to a National Highway Traffic Safety Administration case study[17], there are three ways to prevent DUI offenses:

- Prevent driving (i.e. revoking the offender's privilege);
- Prevent driving after drinking (e.g. using IIDs); or

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[11] *Id.;* Special exceptions apply for individuals required to operate employer's motor vehicles and for individuals certified by a medical doctor as being unable to provide a deep lung breath sample.
[12] 23 U.S.C. 405(d)(7), defines a 24-7 sobriety program as a state law or program that requires an individual who plead guilty or was convicted of a DUI to abstain from alcohol or drugs for a period of time, and be subject to drug or alcohol testing at least twice per day, by continuous transdermal monitoring, or by an alternate method with the concurrence of the Secretary.
[13] Sections 316.193, F.S.
[14] Florida Association of DUI Programs Inc., *24-7 Sobriety Program* (on file with the Senate Committee on Transportation)
[15] MADD, *Ignition Interlock FAQ's*, http://www.madd.org/drunk-driving/ignition-interlocks/interlockfaq.html (last visited Jan. 28, 2016).
[16] OPPAGA, *Ignition Interlock Devices and DUI Recidivism Rates* (Dec. 2014), Report No. 14-14, at 4, *available at:* http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1414rpt.pdf (last visited Jan. 28, 2016).
[17] NHTSA, *Transdermal Alcohol Monitoring: Case Studies* (August 2012) (on file with Senate Committee on Transportation)

- Prevent drinking (e.g. 24-7 Sobriety programs).

South Dakota has been using a 24-7 Sobriety Program for "Driving While under the Influence" offenders since 2005.[18] Between 2005 and 2010, South Dakota had over 17,000 residents participate in the program. Counties documented a 12 percent reduction in repeat DUI arrests and a 9 percent reduction in domestic violence arrests since adoption of the program.[19]

When compared to the administrative suspension of the driver license, IIDs have been shown to reduce DUI recidivism while the device is installed in the vehicle; however, data is not clear whether IIDs reduce recidivism rates long term.[20] Additionally, the data do not capture the effects of those 51 percent of individuals ordered to install an IID who do not comply and who subsequently continue to drive unlawfully.

Effect of Proposed Changes

Section 3 of the bill amends s. 316.193, F.S., requiring the Fourth Judicial Circuit, in coordination with the DHSMV, to implement a qualified sobriety and drug monitoring pilot program. Effective October 1, 2016, the pilot program allows the court to order a qualified sobriety and drug monitoring program to be used as an alternative to an IID for a second or third DUI conviction.[21] The Fourth Judicial Circuit must provide a report on the results of the pilot program to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2018.

Section 3 is further amended to provide the definition of "qualified sobriety and drug monitoring program," and to direct the DHSMV to adopt rules to implement qualified sobriety and drug monitoring programs.

Section 4 amends s. 316.1937, F.S., to provide that the Fourth Judicial Circuit may order a qualified sobriety and drug monitoring program be used as an alternative to an IID for offenses that require an IID.

Section 17 amends s. 322.2715, F.S., to require the DHSMV to use a qualified sobriety and drug monitoring program in addition to the placement of an IID required by this section of law, effective October 1, 2016. (See comment under Section VI – Technical Deficiencies below.)

Additional Lighting on Buses (Section 5)

Present Situation

Section 316.235, F.S., allows buses to have additional lighting on the rear of the bus to indicate a bus is slowing down, preparing to stop, or is stopped. The deceleration lighting system consists

[18] See South Dakota Office of the Attorney General, *24/7 Sobriety Program*, http://apps.sd.gov/atg/dui247/ (last visited Jan. 28, 2016).
[19] Kilmer, Beau and others, *Efficacy of Frequent Monitoring with Swift, Certain, and Modest Sanctions for Violations: Insights from South Dakota's 24/7 Sobriety Project,* American Journal of Public Health (Jan. 2013), *available at:* http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2012.300989 (last visited Jan. 28, 2016).
[20] *See* OPPAGA report, *supra* note 15.
[21] Under s. 316.193(2)(a)3., (2)(b)1., and (2)(b)2., F.S.

of amber lights mounted horizontally on the back of the bus, which are visible from a distance of not less than 300 feet to the rear in normal sunlight. The lights are permitted to light and flash during deceleration, braking, or idling of the bus.

Effect of Proposed Changes

Section 5 of the bill amends s. 316.235, F.S., to provide that the bus deceleration lighting system shall consist of *red or* amber lights mounted on the rear of a bus that are no greater than 12 inches apart, and increases the allowable height from the ground of the lights from no higher than 72 inches to 100 inches.

Driver-Assistive Truck Platooning (Sections 1, 6, and 18)

Present Situation

In August of 2014, the National Highway Traffic Safety Administration (NHTSA) issued an advance notice of proposed rulemaking, following NHTSA's earlier announcement that the agency will begin working on a regulatory proposal to require vehicle-to-vehicle (V2V) devices in passenger cars and light trucks in a future year. V2V is a crash avoidance technology, relying on communication of information between nearby vehicles to warn drivers about dangerous situations that could lead to a crash.[22] NHTSA advises that, "Using V2V technology, vehicles ranging from cars to trucks and buses to trains could one day be able to communicate important safety and mobility information to one another that can help save lives, prevent injuries, ease traffic congestion, and improve the environment."[23]

One form of V2V technology is known as driver-assistive truck platooning (DATP), which allows trucks to communicate with each other and to travel as close as thirty feet apart with automatic acceleration and braking. A draft is created, reducing wind resistance and cutting down on fuel consumption.[24]

> The DATP concept is based on a system that controls inter-vehicle spacing based on information from forward-looking radars and direct vehicle-to-vehicle communications. Braking and other operational data is constantly exchanged between the trucks, enabling the control system to automatically adjust engine and brakes in real-time. This allows equipped trucks to travel closer together than manual operations would safely allow. Platooning technology is increasingly a subject of interest in the truck community, with multiple companies developing prototypes.[25]

One such system uses integrated sensors, controls, and wireless communications for "connected" trucks. The system is cloud-based, determining in real time whether traffic conditions are appropriate to allow specific trucks to engage in platooning operations. Using V2V

[22] See the U.S. Department of Transportation Fact Sheet on Vehicle-To-Vehicle Communication Technology, *available at:* http://www.its.dot.gov/safety_pilot/pdf/safetypilot_nhtsa_factsheet.pdf (last visited Jan. 25, 2016).
[23] See NHTSA, *Vehicle-to-Vehicle Communications*, http://www.safercar.gov/v2v/index.html. (last visited Jan. 25, 2016).
[24] See Go by Truck Global News, *Driver Survey: Platooning*, http://www.gobytrucknews.com/driver-survey-platooning/123 (last visited Jan. 25, 2016).
[25] See American Transportation Research Institute, *ATRI Seeks Input on Driver Assistive Truck Platooning* (Nov. 17, 2014), http://atri-online.org/2014/11/17/atri-seeks-input-on-driver-assistive-truck-platooning/ (last visited Jan. 25, 2016).

communications, the system synchronizes acceleration and braking between tractor-trailers, leaving steering to the drivers, but eliminating braking distance otherwise caused by lags in the front or rear driver's response time. The following vehicle is provided video showing the lead truck's line of sight while the lead vehicle is provided video showing the area behind the following truck. If another vehicle enters between platooning trucks, the system will automatically increase following distance or delink the trucks and then relink once the cut-in risk has passed. If data transfer between platooning trucks ceases, the driver is immediately notified that manual acceleration and braking control is about to resume.[26]

Currently, s. 316.0895, F.S., prohibits a driver of a motor vehicle to follow another vehicle more closely than is reasonable and prudent. It is unlawful, when traveling upon a roadway outside a business or residence district, for a motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer to follow within 300 feet of another vehicle.

Additionally, 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. This prohibition does not apply to an electronic display used in conjunction with a vehicle navigation system.[27]

Effect of Proposed Changes

Section 1 amends s. 316.003, F.S., to define the term "driver-assistive truck platooning technology."

Section 6 amends s. 316.303(3), F.S., to allow vehicles equipped and operating with driver-assistive truck platooning technology to be equipped with electronic displays visible from the driver's seat, and to authorize the operator of a vehicle equipped and operating with truck platooning technology to use an electronic display.

Section 18 requires the DOT to study, in consultation with the DHSMV, the use and safe operation of driver assistive truck platooning technology for the purpose of developing a pilot project to test vehicles equipped with such technology.

Upon conclusion of the study and in consultation with the DHSMV, the bill authorizes the DOT to conduct a pilot project that tests the operation of vehicles equipped with driver-assistive truck platooning technology.[28] Prior to the start of the pilot project, manufacturers of the driver-assistive truck platooning technology being tested in the pilot project must submit to the DHSMV an instrument of insurance, surety bond, or proof of self-insurance acceptable to the DHSMV in the amount of $5 million.

The DOT, in consultation with the DHSMV, shall submit the results of the study and any findings or recommendations from the pilot project to the Governor, the President of the Senate, and the Speaker of the House of Representatives upon conclusion of the pilot project.

[26] *See* Peloton, *FAQ*, http://www.peloton-tech.com/faq/ (last visited Jan. 25, 2016).
[27] Section 316.303, F.S.
[28] The pilot project may be conducted in such a manner and at such locations as determined by the DOT.

Autonomous Vehicles (Section 6)

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."[29] According to the NHTSA, autonomous vehicles have the potential to improve highway safety, increase environmental benefits, expand mobility, and create new economic opportunities for jobs and investment.[30]

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 within the next five years.[31]

Effect of Proposed Changes

Section 6 amends s. 316.303(1), F.S. to allow autonomous vehicles to be equipped with television-type receiving equipment visible from the driver's seat if the vehicle is equipped with autonomous technology and being operated in autonomous mode.

Updating Driver License, Identification Card, or Motor Vehicle Registration (Sections 7 and 13)

Present Situation

The required timeframe to update a driver license or motor vehicle registration to reflect an address or legal name change varies depending on the specific action and residency of the individual. Specifically:

- A new resident of the state is required to obtain a Florida driver license within 30 days;[32]
- An owner of a motor vehicle registered in this state must notify the DHSMV in writing of an address change within 20 days;[33] and
- An individual who possesses a Florida driver license or identification card who changes his or her legal name or mailing address must obtain a replacement card or license reflecting the change within 10 days.[34]

[29] See the National Highway Traffic Safety Administration's Press Release: *U.S. Department of Transportation Releases Policy on Automated Vehicle Development*, (May 30, 2013) *available at:* http://www.nhtsa.gov/About+NHTSA/Press+Releases/U.S.+Department+of+Transportation+Releases+Policy+on+Automated+Vehicle+Development (last visited Jan. 25, 2016).
[30] See NHTSA, *Preliminary Statement of Policy Concerning Automated Vehicles*, http://www.nhtsa.gov/staticfiles/rulemaking/pdf/Automated_Vehicles_Policy.pdf (last visited Jan. 25, 2016).
[31] *See* TechCrunch, *Autonomous Cars are Closer Thank You Think* (Jan. 18, 2015), http://techcrunch.com/2015/01/18/autonomous-cars-are-closer-than-you-think/ (last visited Jan. 25, 2016).
[32] Section 322.031, F.S.
[33] Section 320.02, F.S.
[34] Section 322.19, F.S.

Effect of Proposed Changes

Section 7 amends s. 320.02, F.S., to require the owner of a motor vehicle registered in this state to notify the DHSMV in writing of any address change within 30, rather than 20, days.

Section 14 amends s. 322.19, F.S., to require an individual who possesses a Florida driver license or identification card who changes his or her legal name or mailing address card to obtain a replacement card or license reflecting the change within 30, rather than 10 days.

Both sections exclude these changes from affecting the 48 hour timeframe within which a Sexual Offender, Sexual Predator, or Career Offender must notify the DHSMV of such changes.

Titling and Registering Vehicles (Section 8)

Present Situation

Among other provisions, s. 320.03, F.S., provides for administration of the electronic filing system used to title or register motor vehicles, vessels, mobile homes, and other vehicles. The section allows qualified entities that sell products that are required to be titled or registered to be authorized as an electronic filing system agent for the county. Such agents, typically motor vehicle dealers, are further authorized to charge a fee to the customer for use of the electronic filing system.

Effect of Proposed Changes

Section 8 amends s. 320.03, F.S., to provide that authorized electronic filing system agents, typically motor vehicle dealers, may charge a fee for use of the electronic filing system when titling or registering a vehicle, vessel, mobile home, or other vehicle if the disclosure to the customer, required under s. 501.976 (18), F.S., is made. The disclosure must read: "This charge represents costs and profit to the dealer for items such as inspecting, cleaning, and adjusting vehicles, and preparing documents related to the sale."

Motor Vehicle Registrations (Section 9)

Present Situation

Except as otherwise provided in law, every owner or person responsible for a motor vehicle that is operated in this state must register the vehicle in this state.[35] Most motor vehicles owned by a natural person have a registration period of either 12 or 24 months during which the registration is valid.[36] Section 320.055, F.S., provides that for most motor vehicles owned by a natural person, the registration period begins the first day of the birth month of the owner and ends the last day of the month preceding the owner's birth month in the succeeding year. The renewal period for registration is the 30-day period ending at midnight on the owner's birthday.

Section 320.07, F.S., provides that the vehicle registration expires at midnight on the owner's birthday. An owner of a motor vehicle, requiring registration, who operates the vehicle on the roadways without a valid registration is subject to the following penalties:

[35] Section 320.02, F.S.
[36] Sections 320.055 and 320.01(19)(a), F.S.

- Registration expired for a period of six months or a first offense is a nonmoving violation ($30 fine and court costs);
- Registration expired for a period of over six months and a second or subsequent offense is a second degree misdemeanor (a fine up to $500 and up to 60 days imprisonment).

Upon payment of the appropriate registration taxes and fees, a validation sticker is issued showing the owner's birth month and year of expiration, which is placed on the upper right corner of the license plate.[37] The sticker itself does not indicate the day the registration expires, only the month.

Effect of Proposed Changes

Section 9 amends s, 320.07, F.S., to prohibit a law enforcement officer from issuing a citation for an expired registration until the last day of the owner's birth month of the year the registration expires

Vehicle Manufacturers and Dealers (Section 10)

Present Situation

Florida has substantially regulated motor vehicle manufacturers and motor vehicle dealers since before 1950.[38] Initially, the Florida Legislature approached the issue by implementing only consumer protections aimed at preventing consumer abuse by dealers.[39] In 1970, the Legislature passed more comprehensive legislation, embodied in ch. 320, F.S.,[40] which regulates the contractual relationship between manufacturers and dealers,[41] requires the licensing of manufacturers, and regulates numerous aspects of the contracts between manufacturers and dealers.

A manufacturer, factory branch, distributor, or importer (licensee) must be licensed under ss. 320.60-320.70, F.S., to engage in business in this state.[42] A person desiring to be licensed under ss. 320.60-320.70, F.S., must submit an application to the DHSMV along with required documents. The DHSMV must determine the fitness of the applicant or licensee to engage in the business for which the applicant or licensee desires to be licensed.[43] The DHSMV may prescribe an abbreviated application for license renewal if the licensee has previously filed an initial application and includes information necessary to bring current the information required in the initial application.[44]

[37] Section 320.06(1)(b)1., F.S.
[38] Chapter 9157, L.O.F. (1923); Chapter 20236, L.O.F. (1941).
[39] Walter E. Forehand and John W. Forehand, *Motor Vehicle Dealer and Motor Vehicle Manufacturers: Florida Reacts to Pressures in the Marketplace*, 29 Fla. St. Univ. Law Rev. 1058, 1064 (2002), http://law-wss-01.law.fsu.edu/journals/lawreview/downloads/293/Forehand.pdf (last visited Jan. 29, 2016).
[40] *See* ch. 70-424, L.O.F.
[41] See s. 320.60(11), F.S.
[42] Section 320.61(1), F.S.
[43] Section 320.63, F.S.
[44] Section 320.61(2), F.S.

The requirements regulating the contractual business relationship between a dealer and a manufacturer are primarily found in ss. 320.60-320.071, F.S., (the Florida Automobile Dealers Act).[45] These sections of law specify, in part:

- The conditions and situations under which the DHSMV may grant, deny, suspend, or revoke a license;
- The process, timing, and notice requirements for manufacturers to discontinue, cancel, modify, or otherwise replace a franchise agreement with a dealer, and the conditions under which the DHSMV may deny such a change;
- The procedures a manufacturer must follow if it wants to add a dealership in an area already served by a dealer, the protest process, and the DHSMV's role in these circumstances;
- The amounts of damages that can be assessed against a manufacturer in violation of Florida statutes; and
- The DHSMV's authority to adopt rules to implement these sections of law.

In 2009, the DHSMV held in an administrative proceeding that amendments to the Florida Automobile Dealers Act do not apply to dealers having franchise agreements which were signed prior to the effective date of various amendments to that Act.[46]

Currently, s. 320.64, F.S., provides 38 grounds for the DHSMV's denial, suspension, or revocation of the license of a manufacturer. A violation of any of these provisions entitles a dealer to rights and remedies contained within the Florida Automobile Dealers Act.

Effect of Proposed Changes

Section 10 amends and adds several subsections in s. 320.64, F.S., to modify and add acts an applicant or licensee is prohibited from committing.

The bill amends subsection (25) to provide that an audit of service-related payments, and incentive payments can be performed by a licensee only during the 12-month period immediately following the date the claim or incentive was paid.

- An "incentive" is defined as including any bonus, incentive, or other monetary or nonmonetary thing of value.
- The subsection is further amended to provide that a licensee may deny a service-related claim or incentive claim, or subject a dealer to a charge-back *only* for the portion of a claim proven to be false or fraudulent by the licensee.

The bill amends subsection (26) to add that a licensee cannot take adverse action against a dealer because a motor vehicle sold, leased, or delivered to a customer was resold or exported unless the licensee notifies the dealer within 12 months after the vehicle was delivered to the customer.

[45] Walter E. Forehand, *supra* note 39 at 1065.

[46] *See Motorsports of Delray, LLC v. Yamaha Motor Corp., U.S.A.*, Case No. 09-0935 (Fla. DOAH Dec. 9, 2009). In this holding, the DHSMV ruled that a 2006 amendment to the Florida Automobile Dealers Act, does not apply to a dealer terminated in 2008 because the dealer's franchise agreement was entered into prior to the effective date of the amendment. This Final Order was initially appealed but was later voluntarily dismissed. *See also*, *In re Am. Suzuki Motor Corp*., 494 B.R. 466, 480 (Bankr. C.D. Cal. 2013) (The DHSMV has indicated it will be applying this holding to every amendment to the Florida Automobile Dealers Act. That means dealers have different protections under the law depending on when they signed their franchise agreement.).

The bill adds subsection (39) to provide that the license of a licensee may be denied, suspended, or revoked if a licensee fails to make any payment due to a dealer for temporary replacement vehicles loaned, rented, or provided by the dealer to or for its service or repair customers, provided the dealer complied with the terms of the franchise agreement or other contract with the licensee, even if the motor vehicle has been leased, rented, titled, or registered to an entity owned or controlled by the dealer.

The bill adds subsection (40) to prohibit a licensee from requiring or coercing, or attempting to require or coerce, a dealer to purchase goods from any specific vendor.

- A dealer who desires to use like kind, design, and quality goods or services from a chosen vendor must provide written notice to the licensee along with samples or clear descriptions of the goods or services. The licensee has up to 30 days to respond and may not unreasonably withhold consent. If the dealer receives no response within 30 days, consent to use the alternative goods or services is deemed granted.
- The term "goods or services" used in this bill refers to goods and services used to construct or renovate dealership facilities, and does not include:
  - Any material related to the licensee's trademark or copyright;
  - Any special tool or training required by the licensee;
  - Any part to be used in repairs under warranty obligations of a licensee;
  - Any good or service paid for entirely by the licensee; or
  - Any licensee's design or architectural review service.

International Symbol for the Deaf or Hard of Hearing (Sections 11, 12 and 13)

Present Situation

The Florida Department of Health estimates there are over 3.1 million persons in Florida who are deaf or hearing impaired.[47] However, the 2014 census classified 211,049 people in Florida as having a hearing disability.[48]

Effect of Proposed Changes

Sections 11 and 12 amend ss. 322.051 and 322.14, F.S., respectively, to allow individuals who are deaf or hard of hearing to receive the international symbol for the deaf and hard of hearing on their driver license or identification card. The individual will receive the symbol on their license upon payment of an additional fee and providing sufficient proof, determined by the DHSMV, that he or she is deaf or hard of hearing.

The symbol may be voluntarily added to the driver license or identification card by the applicant when the driver license or identification card is being issued, renewed, or replaced for a purpose other than solely including the symbol on the card (i.e., an address or name change) upon payment of a $1 fee, in addition to the applicable issuance, renewal or replacement fee.

[47] See DHSMV, *2016 Agency Legislative Bill Analysis for SB 740* (Jan. 25, 2016) (on file with the Senate Committee on Transportation).
[48] *Id.*

An individual who surrenders and replaces his or her driver license or identification card for the sole purpose of adding the symbol is only required to pay a $2 fee that will be deposited into the Highway Safety Operating Trust Fund. The replacement license or card is not subject to the $25 replacement fee required by s. 322.21(1), F.S.

Section 13 provides that the changes by this bill to authorize the international symbol for the deaf or hard of hearing on driver licenses and identification cards will apply upon implementation of new designs for the driver license and identification card by the DHSMV, which is currently anticipated to be in 2017.[49]

No-Cost Identification Card for Certain Juvenile Offenders (Sections 11 and 15)

Present Situation

The cost to obtain an original identification card is $25, which is deposited into the General Revenue Fund.[50] Applicants who present evidence satisfactory to the DHSMV that they are homeless or whose annual income is at or below 100 percent of the federal poverty level are exempt from such fee.

Additionally, the DHSMV issues identification cards at no charge to Florida-born inmates prior to their release from the custody of the Department of Corrections or a private correctional facility, if the inmate does not have a valid identification card.[51]

Effect of Proposed Changes

Sections 11 and 15 amends ss. 322.051 and 322.21, F.S., respectively, to add that the DHSMV will issue no-charge identification cards to juvenile offenders in the custody or under the supervision of the DJJ and receiving adult transition services.[52] The cards will be processed by the DHSMV's mobile issuing units.

No-Cost Identification Card due to Medical Sanction of a Driver License (Section 16)

Present Situation

Section 322.221, F.S., provides the DHSMV may require an examination or reexamination of a licensee if the DHSMV has good cause[53] to believe the driver is incompetent or otherwise not qualified to be licensed, including being physically or mentally unqualified to operate a motor vehicle. The examination may include determining the competence and driving ability of the driver as well as requiring the driver to submit medical records to be reviewed by the DHSMV's medical advisory board. Upon the conclusion of such examination, the DHSMV may suspend or revoke the driver license of such person, if the DHSMV deems that appropriate.

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[49] See DHSMV *2016 Agency Legislative Bill Analysis for SB* 158 at 7 (Oct. 15, 2015)(on file with the Senate Committee on Transportation).
[50] Section 322.21(1)(f), F.S.
[51] Sections 322.051(9) and 944.605(7), F.S.
[52] See s. 985.461, F.S.
[53] Good cause as used in s. 322.221, F.S., means a licensee's driving record, report of disability to the DHSMV, or other evidence which is sufficient to indicate that his or her driving privilege is detrimental to public safety.

Effect of Proposed Changes

Section 16 amends s. 322.221, F.S., to require the DHSMV to issue an identification card at no charge to a person whose driver license has been suspended or revoked by the DHSMV due to his or her physical or mental condition.

Effective Date

Section 19 provides that the bill takes effect October 1, 2016.

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:

By authorizing participation in a qualified sobriety and drug monitoring pilot program for specified DUI offenders in the Fourth Judicial Circuit, the bill will have a positive fiscal impact on the providers of those programs.

PCS/CS/SB 1394 is also expected to have a positive fiscal impact on:

- Juvenile offenders in custody or under the supervision of the DJJ who will receive a state identification card at no-charge; and
- Individuals whose license was suspended or revoked for a physical or mental condition who will be provided a state identification card at no-charge.

Individuals who are deaf or hard of hearing who request to have the international symbol for the deaf and hard of hearing exhibited on his or her driver license or identification card will be required to pay an additional $1 fee when a driver license or identification card is being issued, renewed or replaced for a purpose other than solely including the symbol on the card. The $1 fee is in addition to the applicable issuance, renewal, or replacement fee. An individual who is deaf or hard of hearing who surrenders his or her

driver license or identification card with the sole purpose of adding the symbol must pay a $2 fee, which covers the cost of the card stock.

The fiscal impact of the provisions of the bill that address contractual relationships between motor vehicle licensees (manufacturers, distributors and importers) and motor vehicle dealers is indeterminate.

C. Government Sector Impact:

The Revenue Estimating Conference met January 22, 2016, and adopted the following estimates for the no-cost identification card/driver license provisions of the bill[54]:

- Certain Juvenile Offenders – insignificant negative fiscal impact to the General Revenue Fund in Fiscal Year 2016-2017 and subsequent years (approximately 2,500 juvenile offenders annually could be issued a no-cost identification card).
- Individuals with a Medical Sanction – foregone revenue for Fiscal Year 2016-2017 is $300,000, with a recurring negative impact of $500,000 to the General Revenue Fund; for the local tax collectors, foregone revenue for Fiscal Year 2016-2017 is $100,000, with a recurring negative impact of $100.000. Approximately 18,390 medically sanctioned drivers could be issued a no-cost identification card in Fiscal Year 2016-2017 and that number is expected to increase as Florida's population increases.

The DHSMV indicates that the cardstock used to print an identification card costs $1.97. The estimated cost to the department for issuing identification cards to approximately 2,500 juvenile offenders and 18,390 individuals with a medical sanction is $41,153 annually. The department will absorb the additional costs within existing resources.

The additional $1 fee to place the international symbol for the deaf and hard of hearing on a driver license or identification card will have a positive fiscal impact on the DHSMV's Highway Safety Operating Trust Fund, to the extent that individuals apply for and obtain the designation.

VI. Technical Deficiencies:

Section 17 of the bill amends s. 322.2715, F.S., to require a qualified sobriety and drug monitoring program be used by the DHSMV in addition to the placement of an IID required by this section of law, effective October 1, 2016. However, other sections of the bill do not require the use of both an IID and qualified sobriety and drug monitoring program for DUI offenses. This section may cause confusion on whether both the device and program must be required by the DHSMV.

VII. Related Issues:

None.

[54] Florida Revenue Estimating Conference, *HB 7063* (January 22, 2016) *available at* http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2016/Impact0122.pdf pages 377 - 383 (last visited Feb. 5, 2016)

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.126, 316.193, 316.1937, 316.235, 316.303, 320.02, 320.03, 320.07, 320.64, 322.051, 322.14, 322.19, 322.21, 322.221, and 322.2715.

This bill also creates two undesignated sections of law.

IX. Additional Information:

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

Recommended CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 17, 2016:
The recommended CS makes the following changes to the bill:

- Modifies the definition of "driver-assistive truck platooning technology" to include systems in compliance with the NHTSA rules regarding vehicle-to-vehicle platooning.
- Removes the exemption for driver-assistive truck platooning from the "Following too closely" provisions, and instead directs DOT to study, in consultation with the DHSMV, the use and safe operation of driver assistive truck platooning technology, and authorizes a pilot project to test vehicles equipped with such technology
- Removes the requirement that a qualified sobriety and drug monitoring program be used in addition to an IID when such device is required, except in s. 322.2715, F.S.;
- Directs the Fourth Judicial Circuit, in consultation with the DHSMV, to implement a qualified sobriety and drug monitoring pilot program that allows the court to order participation in a qualified sobriety and drug monitoring pilot program as an alternative to an IID for specified DUI offenses;
- Removes that the bus deceleration lighting system can only have two red, rear lights, and changes the allowable height for the lighting placement from no higher than 72 inches from the ground to no higher than 100 inches from the ground;
- Removes language providing the registration renewal period ends the last day of the vehicle owner's birth month;
- Allows individuals to choose to have the international symbol for the deaf and hard of hearing exhibited on his or her driver license or identification card, upon payment of a fee and proof, sufficient to the DHSMV, that he or she is deaf or hard of hearing;
- Requires authorized electronic filing system agents to disclose to customers that the agent may charge a fee for use of the electronic filing system when titling or registering a vehicle, vessel, mobile home, or other vehicle;
- Provides additional grounds to deny, suspend, or revoke a license held by a motor vehicle manufacturer, and prohibits manufacturers from taking certain actions against motor vehicle dealers.

CS by Transportation on January 27, 2016:
The CS:

- Removes language from the bill concerning booster seats;

- Replaces language that provided that vehicle registrations expire at midnight on the last day of the owner's birth month, with a prohibition on law enforcement from issuing a citation for an expired registration prior to midnight on the last day of the owner's birth month;
- Adds that buses may have, as part of its deceleration lighting system, two red or amber lights no greater than 12 inches apart located on the rear of a bus;
- Requires certain DUI offenders to participate in a qualified sobriety and drug monitoring program, in addition to placement of an IID, when an IID is required; and
- Directs the DHSMV to adopt rules to implement qualified sobriety and drug monitoring programs.

B. Amendments:

None.

541706

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/19/2016	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 73 - 93

and insert:

Section 1. Present subsections (90) through (93) of section 316.003, Florida Statutes, are redesignated as subsections (91) through (94), respectively, present subsection (90) of that section is amended, and new subsections (90), (95), and (96) are added to that section to read:

(90) AUTONOMOUS TECHNOLOGY.—Technology installed on a motor

vehicle which has the capability to drive the vehicle on which the technology is installed without the active control of or monitoring by a human operator.

(91) ~~(90)~~ AUTONOMOUS VEHICLE.— Any vehicle equipped with autonomous technology. ~~The term "autonomous technology" means technology installed on 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.~~ 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.

(95) SERVICE PATROL VEHICLE.—A motor vehicle that bears an emblem or markings with the wording "SERVICE VEHICLE" which is visible from the roadway and clearly indicates that the vehicle belongs to or is under contract with a person, an entity, a cooperative, a board, a commission, a district, or a unit of government that provides highway assistance services to motorists, clears travel lanes, or provides temporary maintenance of traffic support for incident response operations.

(96) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle automation technology that integrates a sensor array, wireless communications, vehicle controls, and specialized software to

541706

synchronize the acceleration and braking between no more than two truck tractor-semitrailer combinations, while leaving each vehicle's steering control and systems command in the control of the vehicle's driver.

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

And the title is amended as follows:

Delete lines 4 - 5

and insert:

defining and revising the definitions of terms;

545342

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/19/2016	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Amendment

Delete lines 88 - 93

and insert:

automation and safety technology that integrates sensor array, wireless vehicle-to-vehicle communications, active safety systems, and specialized software to link safety systems and synchronize acceleration and braking between two vehicles while leaving each vehicle's steering control and systems command in the control of the vehicle's driver in compliance with the

545342

National Highway Traffic Safety Administration rules regarding vehicle-to-vehicle platooning.

868578

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2016	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Substitute for Amendment (545342) (with title amendment)

Delete lines 88 - 119

and insert:

automation and safety technology that integrates sensor array, wireless vehicle-to-vehicle communications, active safety systems, and specialized software to link safety systems and synchronize acceleration and braking between two vehicles while leaving each vehicle's steering control and systems command in

868578

the control of the vehicle's driver in compliance with the National Highway Traffic Safety Administration rules regarding vehicle-to-vehicle platooning.

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

And the title is amended as follows:

Delete lines 6 - 10

and insert:

amending s. 316.126, F.S.; requiring

102026

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/19/2016	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 191 - 373.

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

And the title is amended as follows:

Delete lines 15 - 26

and insert:

certain tasks on the roadside; amending s.

428432

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2016	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Amendment

Delete lines 380 - 385

and insert:

stop, or is stopped. Such lighting system shall consist of red or amber lights mounted in horizontal alignment on the rear of the vehicle at ~~or near~~ the vertical centerline of the vehicle, no greater than 12 inches apart, not higher than the lower edge of the rear window or, if the vehicle has no rear window, not higher than 100~~72~~ inches from the ground. Such lights

771252

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/19/2016	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 392 - 406

and insert:

Section 6. Subsections (1) and (3) of section 316.303, Florida Statutes, are amended to read:

316.303 Television receivers.—

(1) A ~~No~~ motor vehicle may not be operated on the highways of this state if the vehicle is ~~shall be~~ equipped with television-type receiving equipment so located that the viewer

771252

or screen is visible from the driver's seat, unless the vehicle is equipped with autonomous technology, as defined in s. 316.003, and is being operated in autonomous mode, as provided in s. 316.85(2).

(3) This section does not prohibit the use of an electronic display used in conjunction with a vehicle navigation system; an electronic display used by an operator of a vehicle equipped with autonomous technology, as defined in s. 316.003, and operating in autonomous mode, as provided in s. 316.85(2); or an electronic display used by an operator of a vehicle equipped and operating with driver-assistive truck platooning technology, as defined in s. 316.003.

Section 7. Subsection (1) of section 316.85, Florida Statutes, is amended to read:

316.85 Autonomous vehicles; operation.—

(1) A person who possesses a valid driver license may operate an autonomous vehicle in autonomous mode on roads in this state if the vehicle is equipped with autonomous technology, as defined in s. 316.003.

Section 8. Section 316.86, Florida Statutes, is amended to read:

316.86 ~~Operation of vehicles equipped with autonomous technology on roads for testing purposes; financial responsibility;~~ Exemption from liability for manufacturer when third party converts vehicle.—

~~(1) Vehicles equipped with autonomous technology may be operated on roads in this state by employees, contractors, or other persons designated by manufacturers of autonomous technology, or by research organizations associated with~~

~~accredited educational institutions, for the purpose of testing the technology. For testing purposes, a human operator shall be present in the autonomous vehicle such that he or she has the ability to monitor the vehicle's performance and intervene, if necessary, unless the vehicle is being tested or demonstrated on a closed course. Before the start of testing in this state, the entity performing the testing must submit to the department an instrument of insurance, surety bond, or proof of self-insurance acceptable to the department in the amount of $5 million.~~

~~(2)~~ The original manufacturer of a vehicle converted by a third party into an autonomous vehicle is ~~shall~~ not ~~be~~ liable in, and shall have a defense to and be dismissed from, any legal action brought against the original manufacturer by any person injured due to an alleged vehicle defect caused by the conversion of the vehicle, or by equipment installed by the converter, unless the alleged defect was present in the vehicle as originally manufactured.

Section 8. Subsection (1) of section 319.145, Florida Statutes, is amended to read:

319.145 Autonomous vehicles.—

(1) An autonomous vehicle registered in this state must continue to meet applicable federal standards and regulations for such ~~a~~ motor vehicle. The vehicle must ~~shall~~:

(a) Have a system to safely alert the operator if an autonomous technology failure is detected while the autonomous technology is engaged. When an alert is given, the system must:

1. Require the operator to take control of the autonomous vehicle; or

2. If the operator does not, or is not able to, take

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control of the autonomous vehicle, be capable of bringing the vehicle to a complete stop ~~Have a means to engage and disengage the autonomous technology which is easily accessible to the operator~~.

(b) Have a means, inside the vehicle, to visually indicate when the vehicle is operating in autonomous mode.

~~(c) Have a means to alert the operator of the vehicle if a technology failure affecting the ability of the vehicle to safely operate autonomously is detected while the vehicle is operating autonomously in order to indicate to the operator to take control of the vehicle.~~

(c) ~~(d)~~ Be capable of being operated in compliance with the applicable traffic and motor vehicle laws of this state.

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

And the title is amended as follows:

Delete lines 29 - 31

and insert:

316.303, F.S.; providing exceptions to the prohibition against certain television-type receiving equipment in vehicles; amending s. 316.85, F.S.; revising the circumstances under which a licensed driver is authorized to operate an autonomous vehicle in autonomous mode; amending s. 316.86, F.S.; deleting a provision authorizing the operation of vehicles equipped with autonomous technology on roads in this state for testing purposes by certain persons or research organizations; deleting a requirement that a human operator be present in an autonomous vehicle for


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testing purposes; deleting certain financial responsibility requirements for entities performing such testing; amending s. 319.145, F.S.; revising provisions relating to required equipment and operation of autonomous vehicles; amending s. 320.02, F.S.; increasing

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2016	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 395 - 401

and insert:

(1) No motor vehicle may be operated on the highways of this state if the vehicle is actively displaying moving television broadcast or pre-recorded video entertainment content that is ~~shall be equipped with television-type receiving equipment so located that the viewer or screen is~~ visible from the driver's seat while the vehicle is in motion, unless the

750664

vehicle is equipped with autonomous technology, as defined in s. 316.003(90), and is being operated in autonomous mode, as provided in s. 316.85(2).

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

And the title is amended as follows:

Delete lines 29 - 30

and insert:

316.303, F.S.; revising the prohibition from operating, under certain circumstances, a motor vehicle that is equipped with television-type receiving equipment; providing exceptions to the prohibition against actively displaying moving television broadcast or pre-recorded video entertainment content in

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2016	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 419 - 435.

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

And the title is amended as follows:

Delete lines 35 - 37

and insert:

exceptions to such notification; amending s. 320.07,

961908

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2016	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 454 - 472

and insert:

Section 10. Paragraph (c) is added to subsection (8) of section 322.051, Florida Statutes, and subsection (9) of that section is amended, to read:

322.051 Identification cards.—

(8)

(c) The international symbol for the deaf and hard of

961908

hearing shall be exhibited on the identification card of a person who is deaf or hard of hearing upon the payment of an additional $1 fee for the identification card and the presentation of sufficient proof that the person is deaf or hard of hearing as determined by the department. Until a person's identification card is next renewed, the person may have the symbol added to his or her identification card upon surrender of his or her current identification card, payment of a $2 fee to be deposited into the Highway Safety Operating Trust Fund, and presentation of sufficient proof that the person is deaf or hard of hearing as determined by the department. If the applicant is not conducting any other transaction affecting the identification card, a replacement identification card may be issued with the symbol without payment of the fee required in s. 322.21(1)(f)3. For purposes of this paragraph, the international symbol for the deaf and hard of hearing is substantially as follows:

Insert deaf and hard of hearing symbol

(9) Notwithstanding any other provision of this section or s. 322.21 to the contrary, the department shall issue or renew a card at no charge to a person who presents evidence satisfactory to the department that he or she is homeless as defined in s. 414.0252(7), to a juvenile offender who is in the custody or under the supervision of the Department of Juvenile Justice and receiving services pursuant to s. 985.461, to an inmate receiving a card issued pursuant to s. 944.605(7), or, if necessary, to an inmate receiving a replacement card if the department determines that he or she has a valid state identification card. If the replacement state identification

961908

card is scheduled to expire within 6 months, the department may also issue a temporary permit valid for at least 6 months after the release date. The department's mobile issuing units shall process the identification cards for juvenile offenders and inmates at no charge, as provided by s. 944.605 (7)(a) and (b).

Section 11. Present paragraph (c) of subsection (1) of section 322.14, Florida Statutes, is redesignated as paragraph (d), and a new paragraph (c) is added to that subsection, to read:

322.14 Licenses issued to drivers.—

(1)

(c) The international symbol for the deaf and hard of hearing provided in s. 322.051(8)(c) shall be exhibited on the driver license of a person who is deaf or hard of hearing upon the payment of an additional $1 fee for the license and the presentation of sufficient proof that the person is deaf or hard of hearing as determined by the department. Until a person's license is next renewed, the person may have the symbol added to his or her license upon the surrender of his or her current license, payment of a $2 fee to be deposited into the Highway Safety Operating Trust Fund, and presentation of sufficient proof that the person is deaf or hard of hearing as determined by the department. If the applicant is not conducting any other transaction affecting the driver license, a replacement license may be issued with the symbol without payment of the fee required in s. 322.21(1)(e).

Section 12. The amendments made by this act to subsection (8) of s. 322.051, Florida Statutes, and s. 322.14, Florida Statutes, shall apply upon implementation of new designs for the

961908

identification card and driver license by the Department of Highway Safety and Motor Vehicles.

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

And the title is amended as follows:

Delete lines 40 - 44

and insert:

certain date; amending s. 322.051, F.S.; authorizing the international symbol for the deaf and hard of hearing to be exhibited on the identification card of a person who is deaf or hard of hearing; requiring a fee for the exhibition of the symbol on the card; authorizing a replacement identification card with the symbol without payment of a specified fee under certain circumstances; providing the international symbol for the deaf and hard of hearing; requiring the department to issue or renew an identification card to certain juvenile offenders; requiring that the department's mobile issuing units process certain identification cards at no charge; amending s. 322.14, F.S.; authorizing the international symbol for the deaf and hard of hearing to be exhibited on the driver license of a person who is deaf or hard of hearing; requiring a fee for the exhibition of the symbol on the license; authorizing a replacement license without payment of a specified fee under certain circumstances; providing applicability; amending s. 322.19, F.S.;

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/19/2016	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 546 - 645.

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

And the title is amended as follows:

Delete lines 60 - 68

and insert:

mental condition; providing an

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/19/2016	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 645 and 646
insert:

Section 16. Paragraph (c) of subsection (7) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—

(7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-

range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. Each M.P.O. is encouraged to consider strategies that integrate transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

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

1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and

2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion, improve safety, and maximize the mobility of people and goods. Such efforts must include, but are not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances

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in vehicle technology, such as autonomous technology and other developments.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

Section 17. Paragraph (c) is added to subsection (3) of section 339.64, Florida Statutes, and paragraph (a) of subsection (4) of that section is amended, to read:

339.64 Strategic Intermodal System Plan.—

(3)

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

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

(a) A needs assessment that must include, but is not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous technology and other

844988

developments.

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

And the title is amended as follows:

Delete lines 68 - 69

and insert:

of an ignition interlock device; amending s. 339.175, F.S.; requiring certain long-range transportation plans to include assessment of capital investment and other measures necessary to make the most efficient use of existing transportation facilities to improve safety; requiring the assessments to include consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology; providing an

767344

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2016	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 645 and 646

insert:

Section 16. The Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, shall study the use and safe operation of driver-assistive truck platooning technology, as defined in s. 316.003, Florida Statutes, for the purpose of developing a pilot project to test vehicles that are equipped to operate using driver-

767344

assistive truck platooning technology.

(1) Upon conclusion of the study, the Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, may conduct a pilot project to test the use and safe operation of vehicles equipped with driver-assistive truck platooning technology.

(2) Notwithstanding ss. 316.0895 and 316.303, Florida Statutes, the Department of Transportation may conduct the pilot project in such a manner and at such locations as determined by the Department of Transportation based on the study.

(3) Before the start of the pilot project, manufacturers of driver-assistive truck platooning technology being tested in the pilot project must submit to the Department of Highway Safety and Motor Vehicles an instrument of insurance, surety bond, or proof of self-insurance acceptable to the department in the amount of $5 million.

(4) Upon conclusion of the pilot project, the Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, shall submit the results of the study and any findings or recommendations from the pilot project to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

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

And the title is amended as follows:

Delete line 68

and insert:

of an ignition interlock device; directing the department to study the operation of driver-assistive truck platooning technology; authorizing the

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department to conduct a pilot project to test such operation; providing security requirements; requiring a report to the Governor and Legislature; providing an

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2016	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Latvala) recommended the following:

Senate Amendment (with title amendment)

Between lines 453 and 454
insert:

Section 10. Subsections (25) and (26) of section 320.64, Florida Statutes, are amended, and subsections (39) and (40) are added to that section, to read:

320.64 Denial, suspension, or revocation of license; grounds.—A license of a licensee under s. 320.61 may be denied, suspended, or revoked within the entire state or at any specific


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location or locations within the state at which the applicant or licensee engages or proposes to engage in business, upon proof that the section was violated with sufficient frequency to establish a pattern of wrongdoing, and a licensee or applicant shall be liable for claims and remedies provided in ss. 320.695 and 320.697 for any violation of any of the following provisions. A licensee is prohibited from committing the following acts:

(25) The applicant or licensee has undertaken or engaged in an audit of warranty, maintenance, and other service-related payments or incentive payments, including payments to a motor vehicle dealer under any licensee-issued program, policy, or other benefit, which were previously ~~have been~~ paid to a motor vehicle dealer in violation of this section or has failed to comply with any of its obligations under s. 320.696. An applicant or licensee may reasonably and periodically audit a motor vehicle dealer to determine the validity of paid claims as provided in s. 320.696. Audits of warranty, maintenance, and other service-related payments shall be performed by an applicant or licensee only during the 12-month ~~1-year~~ period immediately following the date the claim was paid. Audits ~~Audit~~ of incentive payments shall ~~only~~ be performed only during the 12-month ~~for an 18-month~~ period immediately following the date the incentive was paid. As used in this section, the term "incentive" includes any bonus, incentive, or other monetary or nonmonetary consideration. After such time periods have elapsed, all warranty, maintenance, and other service-related payments and incentive payments shall be deemed final and incontrovertible for any reason notwithstanding any otherwise


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applicable law, and the motor vehicle dealer shall not be subject to any chargeback ~~charge-back~~ or repayment. An applicant or licensee may deny a claim or, as a result of a timely conducted audit, impose a chargeback ~~charge-back~~ against a motor vehicle dealer for warranty, maintenance, or other service-related payments or incentive payments only if the applicant or licensee can show that the warranty, maintenance, or other service-related claim or incentive claim was false or fraudulent or that the motor vehicle dealer failed to substantially comply with the reasonable written and uniformly applied procedures of the applicant or licensee for such repairs or incentives, but only for that portion of the claim so shown. Notwithstanding the terms of any franchise agreement, guideline, program, policy, or procedure, an applicant or licensee may deny or charge back only that portion of a warranty, maintenance, or other service-related claim or incentive claim which the applicant or licensee has proven to be false or fraudulent or for which the dealer failed to substantially comply with the reasonable written and uniformly applied procedures of the applicant or licensee for such repairs or incentives, as set forth in this subsection. An applicant or licensee may not charge back a motor vehicle dealer ~~back~~ subsequent to the payment of a warranty, maintenance, or service-related claim or incentive claim unless, within 30 days after a timely conducted audit, a representative of the applicant or licensee first meets in person, by telephone, or by video teleconference with an officer or employee of the dealer designated by the motor vehicle dealer. At such meeting the applicant or licensee must provide a detailed explanation, with supporting documentation, as to the basis for each of the claims

for which the applicant or licensee proposed a chargeback ~~charge-back~~ to the dealer and a written statement containing the basis upon which the motor vehicle dealer was selected for audit or review. Thereafter, the applicant or licensee must provide the motor vehicle dealer's representative a reasonable period after the meeting within which to respond to the proposed chargebacks ~~charge-backs~~, with such period to be commensurate with the volume of claims under consideration, but in no case less than 45 days after the meeting. The applicant or licensee is prohibited from changing or altering the basis for each of the proposed chargebacks ~~charge-backs~~ as presented to the motor vehicle dealer's representative following the conclusion of the audit unless the applicant or licensee receives new information affecting the basis for one or more chargebacks ~~charge-backs~~ and that new information is received within 30 days after the conclusion of the timely conducted audit. If the applicant or licensee claims the existence of new information, the dealer must be given the same right to a meeting and right to respond as when the chargeback ~~charge-back~~ was originally presented. After all internal dispute resolution processes provided through the applicant or licensee have been completed, the applicant or licensee shall give written notice to the motor vehicle dealer of the final amount of its proposed chargeback ~~charge-back~~. If the dealer disputes that amount, the dealer may file a protest with the department within 30 days after receipt of the notice. If a protest is timely filed, the department shall notify the applicant or licensee of the filing of the protest, and the applicant or licensee may not take any action to recover the amount of the proposed chargeback ~~charge-back~~ until the


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department renders a final determination, which is not subject to further appeal, that the chargeback ~~charge-back~~ is in compliance with the provisions of this section. In any hearing pursuant to this subsection, the applicant or licensee has the burden of proof that its audit and resulting chargeback ~~charge-back~~ are in compliance with this subsection.

(26) Notwithstanding the terms of any franchise agreement, including any licensee's program, policy, or procedure, the applicant or licensee has refused to allocate, sell, or deliver motor vehicles; charged back or withheld payments or other things of value for which the dealer is otherwise eligible under a sales promotion, program, or contest; prevented a motor vehicle dealer from participating in any promotion, program, or contest; or has taken or threatened to take any adverse action against a dealer, including chargebacks ~~charge-backs~~, reducing vehicle allocations, or terminating or threatening to terminate a franchise because the dealer sold or leased a motor vehicle to a customer who exported the vehicle to a foreign country or who resold the vehicle, unless the licensee proves that the dealer knew or reasonably should have known that the customer intended to export or resell the motor vehicle. There is a rebuttable presumption that the dealer neither knew nor reasonably should have known of its customer's intent to export or resell the vehicle if the vehicle is titled or registered in any state in this country. A licensee may not take any action against a motor vehicle dealer, including reducing its allocations or supply of motor vehicles to the dealer~~,~~ or charging back to a dealer any ~~for an~~ incentive payment previously paid, unless the licensee first meets in person, by telephone, or video conference with an

officer or other designated employee of the dealer. At such meeting, the licensee must provide a detailed explanation, with supporting documentation, as to the basis for its claim that the dealer knew or reasonably should have known of the customer's intent to export or resell the motor vehicle. Thereafter, the motor vehicle dealer shall have a reasonable period, commensurate with the number of motor vehicles at issue, but not less than 15 days, to respond to the licensee's claims. If, following the dealer's response and completion of all internal dispute resolution processes provided through the applicant or licensee, the dispute remains unresolved, the dealer may file a protest with the department within 30 days after receipt of a written notice from the licensee that it still intends to take adverse action against the dealer with respect to the motor vehicles still at issue. If a protest is timely filed, the department shall notify the applicant or licensee of the filing of the protest, and the applicant or licensee may not take any action adverse to the dealer until the department renders a final determination, which is not subject to further appeal, that the licensee's proposed action is in compliance with the provisions of this subsection. In any hearing pursuant to this subsection, the applicant or licensee has the burden of proof on all issues raised by this subsection. An applicant or licensee may not take any adverse action against a motor vehicle dealer because the dealer sold or leased a motor vehicle to a customer who exported the vehicle to a foreign country or who resold the vehicle unless the applicant or licensee provides written notification to the motor vehicle dealer of such resale or export within 12 months after the date the dealer sold or leased

the vehicle to the customer.

(39) Notwithstanding any agreement, program, incentive, bonus, policy, or rule, an applicant or licensee may not fail to make any payment pursuant to any agreement, program, incentive, bonus, policy, or rule for any temporary replacement motor vehicle loaned, rented, or provided by a motor vehicle dealer to or for its service or repair customers, even if the temporary replacement motor vehicle has been leased, rented, titled, or registered to the motor vehicle dealer's rental or leasing division or an entity that is owned or controlled by the motor vehicle dealer, provided that the motor vehicle dealer or its rental or leasing division or entity complies with the written and uniformly enforced vehicle eligibility, use, and reporting requirements specified by the applicant or licensee in its agreement, program, policy, bonus, incentive, or rule relating to loaner vehicles.

(40) Notwithstanding the terms of any franchise agreement, the applicant or licensee may not require or coerce, or attempt to require or coerce, a motor vehicle dealer to purchase goods or services from a vendor selected, identified, or designated by the applicant or licensee, or one of its parents, subsidiaries, divisions, or affiliates, by agreement, standard, policy, program, incentive provision, or otherwise, without making available to the motor vehicle dealer the option to obtain the goods or services of substantially similar design and quality from a vendor chosen by the motor vehicle dealer. If the motor vehicle dealer exercises such option, the dealer must provide written notice of its desire to use the alternative goods or services to the applicant or licensee, along with samples or

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clear descriptions of the alternative goods or services that the dealer desires to use. The licensee or applicant shall have the opportunity to evaluate the alternative goods or services for up to 30 days to determine whether it will provide a written approval to the motor vehicle dealer to use said alternative goods or services. Approval may not be unreasonably withheld by the applicant or licensee. If the motor vehicle dealer does not receive a response from the applicant or licensee within 30 days, approval to use the alternative goods or services is deemed granted. If a dealer using alternative goods or services complies with this subsection and has received approval from the licensee or applicant, the dealer is not ineligible for all benefits described in the agreement, standard, policy, program, incentive provision, or otherwise solely for having used such alternative goods or services. As used in this subsection, the term "goods or services" is limited to such goods and services used to construct or renovate dealership facilities or furniture and fixtures at the dealership facilities. The term does not include:

(a) Any materials subject to applicant's or licensee's copyright, trademark, or trade dress rights;

(b) Any special tool and training as required by the licensee or applicant;

(c) Any part to be used in repairs under warranty obligations of an applicant or licensee;

(d) Any good or service paid for entirely by the applicant or licensee; or

(e) Any applicant's or licensee's design or architectural review service.

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A motor vehicle dealer who can demonstrate that a violation of, or failure to comply with, any of the preceding provisions by an applicant or licensee will or can adversely and pecuniarily affect the complaining dealer, shall be entitled to pursue all of the remedies, procedures, and rights of recovery available under ss. 320.695 and 320.697.

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

And the title is amended as follows:

Delete line 40

and insert:

certain date; amending s. 320.64, F.S.; revising provisions for denial, suspension, or revocation of the license of a manufacturer, factory branch, distributor, or importer of motor vehicles; revising provisions for certain audits of service-related payments or incentive payments to a dealer by an applicant or licensee and the timeframe for the performance of such audits; defining the term "incentive"; revising provisions for denial or chargeback of claims; revising provisions that prohibit certain adverse actions against a dealer that sold or leased a motor vehicle to a customer who exported the vehicle to a foreign country or who resold the vehicle; revising conditions for taking such adverse actions; prohibiting failure to make certain payments to a motor vehicle dealer for temporary replacement vehicles under certain


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circumstances; prohibiting requiring or coercing a dealer to purchase goods or services from a vendor designated by the applicant or licensee unless certain conditions are met; providing procedures for approval of a dealer to purchase goods or services from a vendor not designated by the applicant or licensee; defining the term "goods or services"; amending s. 322.051, F.S.; requiring the

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2016	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Latvala) recommended the following:

Senate Amendment (with title amendment)

Between lines 418 and 419
insert:

Section 8. Subsection (10) of section 320.03, Florida Statutes, is amended to read:

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

(10) Jurisdiction over the electronic filing system for use by authorized electronic filing system agents to electronically

471656

title or register motor vehicles, vessels, mobile homes, or off-highway vehicles; issue or transfer registration license plates or decals; electronically transfer fees due for the title and registration process; and perform inquiries for title, registration, and lienholder verification and certification of service providers is expressly preempted to the state, and the department shall have regulatory authority over the system. The electronic filing system shall be available for use statewide and applied uniformly throughout the state. An entity that, in the normal course of its business, sells products that must be titled or registered, provides title and registration services on behalf of its consumers and meets all established requirements may be an authorized electronic filing system agent and shall not be precluded from participating in the electronic filing system in any county. Upon request from a qualified entity, the tax collector shall appoint the entity as an authorized electronic filing system agent for that county. The department shall adopt rules in accordance with chapter 120 to replace the December 10, 2009, program standards and to administer the provisions of this section, including, but not limited to, establishing participation requirements, certification of service providers, electronic filing system requirements, and enforcement authority for noncompliance. The December 10, 2009, program standards, excluding any standards which conflict with this subsection, shall remain in effect until the rules are adopted. If an authorized electronic filing agent makes the disclosure required under s. 501.976(18), the ~~an~~ authorized electronic filing agent may charge a fee to the customer for use of the electronic filing system.


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41 ================ T I T L E A M E N D M E N T ================
42 And the title is amended as follows:
43 Delete line 35
44 and insert:
45 exceptions to such notification; amending s. 320.03,
46 F.S.; providing that an authorized electronic filing
47 agent may charge a fee to the customer for use of the
48 electronic filing system if a specified disclosure is
49 made; amending s. 320.055,

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2016	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Latvala) recommended the following:

Senate Amendment (with title amendment)

Between lines 373 and 374
insert:

Section 5. Subsection (1) of section 316.1937, Florida Statutes, is amended to read:

316.1937 Ignition interlock devices, requiring; unlawful acts.—

(1) In addition to any other authorized penalties, the court may require that any person who is convicted of driving

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under the influence in violation of s. 316.193 shall not operate a motor vehicle unless that vehicle is equipped with a functioning ignition interlock device certified by the department as provided in s. 316.1938, and installed in such a manner that the vehicle will not start if the operator's blood alcohol level is in excess of 0.025 percent or as otherwise specified by the court. The court may require the use of an approved ignition interlock device for a period of at least 6 continuous months, if the person is permitted to operate a motor vehicle, whether or not the privilege to operate a motor vehicle is restricted, as determined by the court. The court, however, shall order placement of an ignition interlock device in those circumstances required by s. 316.193. Effective October 1, 2016, for offenses where an ignition interlock device is mandated under s. 316.193(2)(a)3., (2)(b)1., and (2)(b)2., the court in the Fourth Judicial Circuit may order a qualified sobriety and drug monitoring program, as defined in s. 316.193(15) and authorized by 23 U.S.C. s. 164, under the pilot program in s. 316.193(16) as an alternative to the ignition interlock device.

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

And the title is amended as follows:

Delete line 26

and insert:

providing requirements for the program; amending s. 316.1937, F.S.; authorizing, as of a specified date, a specified court to order a certain qualified sobriety and drug monitoring program under a specified pilot program as an alternative to the placement of an

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ignition interlock device; amending s.

462752

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2016	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete lines 191 - 373

and insert:

Section 4. Subsection (2), present paragraph (j) of subsection (6), and subsection (11) of section 316.193, Florida Statutes, are amended, present paragraphs (k), (l), and (m) of subsection (6) are redesignated as paragraphs (j), (k), and (l), respectively, and subsections (15) and (16) are added to that section, to read:

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316.193 Driving under the influence; penalties.—

(2)(a) Except as provided in paragraph (b), subsection (3), or subsection (4), any person who is convicted of a violation of subsection (1) shall be punished:

1. By a fine of:

a. Not less than $500 or more than $1,000 for a first conviction.

b. Not less than $1,000 or more than $2,000 for a second conviction; and

2. By imprisonment for:

a. Not more than 6 months for a first conviction.

b. Not more than 9 months for a second conviction.

3. For a second conviction, by mandatory placement for a period of at least 1 year, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. Effective October 1, 2016, the court in the Fourth Judicial Circuit may order an offender to participate in a qualified sobriety and drug monitoring program, as defined in subsection (15) and authorized by 23 U.S.C. s. 164, under the pilot program in subsection (16), as an alternative to the placement of an ignition interlock device required by this section ~~The installation of such device may not occur before July 1, 2003~~.

(b)1. Any person who is convicted of a third violation of this section for an offense that occurs within 10 years after a prior conviction for a violation of this section commits a

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felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, the court shall order the mandatory placement for a period of not less than 2 years, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. Effective October 1, 2016, the court in the Fourth Judicial Circuit may order an offender to participate in a qualified sobriety and drug monitoring program, as defined in subsection (15) and authorized by 23 U.S.C. s. 164, under the pilot program in subsection (16), as an alternative to the placement of an ignition interlock device required by this section ~~The installation of such device may not occur before July 1, 2003~~.

2. Any person who is convicted of a third violation of this section for an offense that occurs more than 10 years after the date of a prior conviction for a violation of this section shall be punished by a fine of not less than $2,000 or more than $5,000 and by imprisonment for not more than 12 months. In addition, the court shall order the mandatory placement for a period of at least 2 years, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. Effective October 1, 2016, the court in the Fourth Judicial Circuit may

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order an offender to participate in a qualified sobriety and drug monitoring program, as defined in subsection (15) and authorized by 23 U.S.C. s. 164, under the pilot program in subsection (16), as an alternative to the placement of an ignition interlock device required by this section ~~The installation of such device may not occur before July 1, 2003~~.

3. Any person who is convicted of a fourth or subsequent violation of this section, regardless of when any prior conviction for a violation of this section occurred, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, the fine imposed for such fourth or subsequent violation may be not less than $2,000.

(c) In addition to the penalties in paragraph (a), the court may order placement, at the convicted person’s sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 for at least 6 continuous months upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person if, at the time of the offense, the person had a blood-alcohol level or breath-alcohol level of .08 or higher.

(6) With respect to any person convicted of a violation of subsection (1), regardless of any penalty imposed pursuant to subsection (2), subsection (3), or subsection (4):

~~(j)1. Notwithstanding the provisions of this section, s. 316.1937, and s. 322.2715 relating to ignition interlock devices required for second or subsequent offenders, in order to strengthen the pretrial and posttrial options available to prosecutors and judges, the court may order, if deemed~~


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~~appropriate, that a person participate in a qualified sobriety and drug monitoring program, as defined in subparagraph 2., in addition to the ignition interlock device requirement. Participation shall be at the person's sole expense.~~

~~2. As used in this paragraph, the term "qualified sobriety and drug monitoring program" means an evidence-based program, approved by the department, in which participants are regularly tested for alcohol and drug use. As the court deems appropriate, the program may monitor alcohol or drugs through one or more of the following modalities: breath testing twice a day; continuous transdermal alcohol monitoring in cases of hardship; or random blood, breath, urine, or oral fluid testing. Testing modalities that provide the best ability to sanction a violation as close in time as reasonably feasible to the occurrence of the violation should be given preference. This paragraph does not preclude a court from ordering an ignition interlock device as a testing modality.~~

~~3. For purposes of this paragraph, the term "evidence-based program" means a program that satisfies the requirements of at least two of the following:~~

~~a. The program is included in the federal registry of evidence-based programs and practices.~~

~~b. The program has been reported in a peer-reviewed journal as having positive effects on the primary targeted outcome.~~

~~c. The program has been documented as effective by informed experts and other sources.~~

For the purposes of this section, any conviction for a violation of s. 327.35; a previous conviction for the violation of former

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s. 316.1931, former s. 860.01, or former s. 316.028; or a previous conviction outside this state for driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, driving with an unlawful breath-alcohol level, or any other similar alcohol-related or drug-related traffic offense, is also considered a previous conviction for violation of this section. However, in satisfaction of the fine imposed pursuant to this section, the court may, upon a finding that the defendant is financially unable to pay either all or part of the fine, order that the defendant participate for a specified additional period of time in public service or a community work project in lieu of payment of that portion of the fine which the court determines the defendant is unable to pay. In determining such additional sentence, the court shall consider the amount of the unpaid portion of the fine and the reasonable value of the services to be ordered; however, the court may not compute the reasonable value of services at a rate less than the federal minimum wage at the time of sentencing.

(11) The Department of Highway Safety and Motor Vehicles is directed to adopt rules providing for the implementation of the use of ignition interlock devices and qualified sobriety and drug monitoring programs, as defined in subsection (15), to be used in the pilot program under subsection (16).

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

(a) "Qualified sobriety and drug monitoring program" means an evidence-based program approved by the department which authorizes a court or an agency with jurisdiction, as a condition of bond, sentence, probation, parole, or restricted driving privileges, to require a person who was arrested for,

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pleaded guilty to, or was convicted of driving under the influence of alcohol or drugs to be regularly tested for alcohol and drug use. As the court deems appropriate, the program shall monitor alcohol or drugs through one or more of the following modalities: breath testing twice a day at a testing location; continuous transdermal alcohol monitoring via an electronic monitoring device; random blood, breath, or urine testing; or drug patch or oral fluid testing. Testing modalities that provide the best ability to detect a violation as close in time as reasonably feasible to the occurrence of the violation should be given preference. Participation shall be at the person's sole expense.

(b) "Evidence-based program" means a program that satisfies the requirements of at least two of the following:

1. The program is included in the federal registry of evidence-based programs and practices.

2. The program has been reported in a peer-reviewed journal as having positive effects on the primary targeted outcome.

3. The program has been documented as effective by informed experts and other sources.

(16) The Fourth Judicial Circuit, in coordination with the department, shall implement a qualified sobriety and drug monitoring pilot program effective October 1, 2016, for offenses where an ignition interlock device is mandated under subparagraphs (2)(a)3., (2)(b)1., and (2)(b)2. The Fourth Judicial Circuit may order a qualified sobriety and drug monitoring program, as defined in subsection (15) and authorized by 23 U.S.C. s. 164, as an alternative to the ignition interlock device. The Fourth Judicial Circuit shall provide a report on

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the results of the pilot program to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2018.

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

And the title is amended as follows:

Delete lines 15 - 26

and insert:

certain tasks on the roadside; amending s. 316.193, F.S.; authorizing, as of a specified date, a specified court to order a certain qualified sobriety and drug monitoring program under a specified pilot program as an alternative to the placement of an ignition interlock device; deleting obsolete provisions; deleting provisions relating to a qualified sobriety and drug monitoring program; directing the department to adopt rules providing for the implementation of the use of certain qualified sobriety and drug monitoring programs; redefining the term "qualified sobriety and drug monitoring program"; creating a qualified sobriety and drug monitoring pilot program effective on a specified date, subject to certain requirements; requiring a specified court to provide a report to the Governor and the Legislature by a specified date; amending s.

377630

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2016	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete lines 546 - 564.

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

And the title is amended as follows:

Delete lines 60 - 64

and insert:

mental condition; amending s. 322.2715, F.S.;

By the Committee on Transportation; and Senator Brandes

596-02694-16 20161394c1

A bill to be entitled

An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.003, F.S.; defining the terms "service patrol vehicle" and "driver-assistive truck platooning technology"; amending s. 316.0895, F.S.; providing that provisions prohibiting a driver from following certain vehicles within a specified distance do not apply to truck tractor-semitrailer combinations under certain circumstances; amending s. 316.126, F.S.; requiring the driver of every other vehicle to take specified actions if a utility service vehicle displaying any visual signals or a service patrol vehicle displaying amber rotating or flashing lights is performing certain tasks on the roadside; amending s. 316.193, F.S.; requiring, as of a specified date, that the court order a certain qualified sobriety and drug monitoring program in addition to the placement of an ignition interlock device; deleting provisions relating to a qualified sobriety and drug monitoring program; directing the department to adopt rules providing for the implementation of the use of certain qualified sobriety and drug monitoring programs; redefining the terms "qualified sobriety and drug monitoring program" and "evidence-based program"; providing requirements for the program; amending s. 316.235, F.S.; revising requirements relating to a deceleration lighting system for buses; amending s. 316.303, F.S.; providing exceptions to the prohibition against certain television-type receiving equipment in vehicles; amending s. 320.02, F.S.; increasing the timeframe within which the owner of any motor

vehicle registered in the state must notify the department of a change of address; providing exceptions to such notification; amending s. 320.055, F.S.; revising the renewal period for certain motor vehicles subject to registration; amending s. 320.07, F.S.; prohibiting a law enforcement officer from issuing a citation for a specified violation until a certain date; amending s. 322.051, F.S.; requiring the department to issue or renew an identification card to certain juvenile offenders; requiring that the department's mobile issuing units process certain identification cards; amending s. 322.19, F.S.; increasing the timeframe within which certain persons must obtain a replacement driver license or identification card that reflects a change in his or her legal name; providing exceptions to such requirement; increasing the timeframe within which certain persons must obtain a replacement driver license or identification card that reflects a change in the legal residence or mailing address in his or her application, license, or card; amending s. 322.21, F.S.; exempting certain juvenile offenders from a specified fee for an original, renewal, or replacement identification card; amending s. 322.221, F.S.; requiring the department to issue an identification card at no cost at the time a person's driver license is suspended or revoked due to his or her physical or mental condition; amending s. 322.271, F.S.; providing that a certain qualified sobriety and drug monitoring

program shall be ordered by the court on or after a specified date in addition to the placement of an ignition interlock device; amending s. 322.2715, F.S.; providing that a certain qualified sobriety and drug monitoring program shall be used by the department on or after a specified date in addition to the placement of an ignition interlock device; providing an effective date.

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

Section 1. Subsections (94) and (95) are added to section 316.003, Florida Statutes, to read:

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

(94) SERVICE PATROL VEHICLE.—A motor vehicle that bears an emblem or markings with the wording "SERVICE VEHICLE" which is visible from the roadway and clearly indicates that the vehicle belongs to or is under contract with a person, an entity, a cooperative, a board, a commission, a district, or a unit of government that provides highway assistance services to motorists, clears travel lanes, or provides temporary maintenance of traffic support for incident response operations.

(95) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle automation technology that integrates a sensor array, wireless communications, vehicle controls, and specialized software to synchronize the acceleration and braking between no more than

two truck tractor-semitrailer combinations, while leaving each vehicle's steering control and systems command in the control of the vehicle's driver.

Section 2. Subsection (2) of section 316.0895, Florida Statutes, is amended to read:

316.0895 Following too closely.—

(2) It is unlawful for the driver of any motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer, when traveling upon a roadway outside of a business or residence district, to follow within 300 feet of another motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer. ~~The provisions of~~ This subsection may ~~shall~~ not be construed to prevent overtaking and passing, nor does it ~~nor shall the same~~ apply upon any lane specially designated for use by motor trucks or other slow-moving vehicles. This subsection does not apply to two truck tractor-semitrailer combinations equipped and connected with driver-assistive truck platooning technology, as defined in s. 316.003, and operating on a multilane limited access facility, if:

(a) The owner or operator first submits to the department an instrument of insurance, a surety bond, or proof of self-insurance acceptable to the department in the amount of $1 million;

(b) The vehicles are equipped with an external indication, visible to surrounding motorists, that the vehicles are engaged in truck platooning; and

(c) The vehicles are not required to be placarded pursuant to 49 C.F.R. parts 171-179.

Section 3. Section 316.126, Florida Statutes, is amended to read:

316.126 Operation of vehicles and actions of pedestrians on approach of an authorized emergency, sanitation, ~~or~~ utility service vehicle, or service patrol vehicle.—

(1)(a) Upon the immediate approach of an authorized emergency vehicle, while en route to meet an existing emergency, the driver of every other vehicle shall, when such emergency vehicle is giving audible signals by siren, exhaust whistle, or other adequate device, or visible signals by the use of displayed blue or red lights, yield the right-of-way to the emergency vehicle and shall immediately proceed to a position parallel to, and as close as reasonable to the closest edge of the curb of the roadway, clear of any intersection and shall stop and remain in position until the authorized emergency vehicle has passed, unless otherwise directed by a law enforcement officer.

(b) If an authorized emergency vehicle displaying any visual signals is parked on the roadside, a sanitation vehicle is performing a task related to the provision of sanitation services on the roadside, a utility service vehicle displaying any visual signals is performing a task related to the provision of utility services on the roadside, ~~or~~ a wrecker displaying amber rotating or flashing lights is performing a recovery or loading on the roadside, or a service patrol vehicle displaying amber rotating or flashing lights is performing official duties or services on the roadside, the driver of every other vehicle, as soon as it is safe:

1. Shall vacate the lane closest to the emergency vehicle,

sanitation vehicle, utility service vehicle, ~~or~~ wrecker, or service patrol vehicle when driving on an interstate highway or other highway with two or more lanes traveling in the direction of the emergency vehicle, sanitation vehicle, utility service vehicle, ~~or~~ wrecker, or service patrol vehicle except when otherwise directed by a law enforcement officer. If such movement cannot be safely accomplished, the driver shall reduce speed as provided in subparagraph 2.

2. Shall slow to a speed that is 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or greater; or travel at 5 miles per hour when the posted speed limit is 20 miles per hour or less, when driving on a two-lane road, except when otherwise directed by a law enforcement officer.

(c) The Department of Highway Safety and Motor Vehicles shall provide an educational awareness campaign informing the motoring public about the Move Over Act. The department shall provide information about the Move Over Act in all newly printed driver license educational materials.

(2) Every pedestrian using the road right-of-way shall yield the right-of-way until the authorized emergency vehicle has passed, unless otherwise directed by a law enforcement officer.

(3) An authorized emergency vehicle, when en route to meet an existing emergency, shall warn all other vehicular traffic along the emergency route by an audible signal, siren, exhaust whistle, or other adequate device or by a visible signal by the use of displayed blue or red lights. While en route to such emergency, the emergency vehicle shall otherwise proceed in a

manner consistent with the laws regulating vehicular traffic upon the highways of this state.

(4) This section does not diminish or enlarge any rules of evidence or liability in any case involving the operation of an emergency vehicle.

(5) This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(6) A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as either a moving violation for infractions of subsection (1) or subsection (3), or as a pedestrian violation for infractions of subsection (2).

Section 4. Subsection (2), paragraph (c) of subsection (4), paragraph (j) of subsection (6), and subsection (11) of section 316.193, Florida Statutes, are amended, and subsection (15) is added to that section, to read:

316.193 Driving under the influence; penalties.—

(2)(a) Except as provided in paragraph (b), subsection (3), or subsection (4), any person who is convicted of a violation of subsection (1) shall be punished:

1. By a fine of:

a. Not less than $500 or more than $1,000 for a first conviction.

b. Not less than $1,000 or more than $2,000 for a second conviction; and

2. By imprisonment for:

a. Not more than 6 months for a first conviction.

b. Not more than 9 months for a second conviction.

3. For a second conviction, by mandatory placement for a period of at least 1 year, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The installation of such device may not occur before July 1, 2003. Effective October 1, 2016, the court shall order a qualified sobriety and drug monitoring program as defined in subsection (15) and authorized by 23 U.S.C. s. 164 in addition to the placement of an ignition interlock device required by this section.

(b)1. Any person who is convicted of a third violation of this section for an offense that occurs within 10 years after a prior conviction for a violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, the court shall order the mandatory placement for a period of not less than 2 years, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The installation of such device may not occur before July 1, 2003. Effective October 1, 2016, the court shall order a qualified sobriety and drug monitoring program as defined in subsection (15) and authorized by 23 U.S.C. s. 164 in addition to the placement of an ignition interlock device

required by this section.

2. Any person who is convicted of a third violation of this section for an offense that occurs more than 10 years after the date of a prior conviction for a violation of this section shall be punished by a fine of not less than $2,000 or more than $5,000 and by imprisonment for not more than 12 months. In addition, the court shall order the mandatory placement for a period of at least 2 years, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The installation of such device may not occur before July 1, 2003. Effective October 1, 2016, the court shall order a qualified sobriety and drug monitoring program as defined in subsection (15) and authorized by 23 U.S.C. s. 164 in addition to the placement of an ignition interlock device required by this section.

3. Any person who is convicted of a fourth or subsequent violation of this section, regardless of when any prior conviction for a violation of this section occurred, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, the fine imposed for such fourth or subsequent violation may be not less than $2,000.

(c) In addition to the penalties in paragraph (a), the court may order placement, at the convicted person's sole expense, of an ignition interlock device approved by the

department in accordance with s. 316.1938 for at least 6 continuous months upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person if, at the time of the offense, the person had a blood-alcohol level or breath-alcohol level of .08 or higher. Effective October 1, 2016, the court shall order a qualified sobriety and drug monitoring program as defined in subsection (15) and authorized by 23 U.S.C. s. 164 in addition to the placement of an ignition interlock device required by this section.

(4) Any person who is convicted of a violation of subsection (1) and who has a blood-alcohol level or breath-alcohol level of 0.15 or higher, or any person who is convicted of a violation of subsection (1) and who at the time of the offense was accompanied in the vehicle by a person under the age of 18 years, shall be punished:

(c) In addition to the penalties in paragraphs (a) and (b), the court shall order the mandatory placement, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person for not less than 6 continuous months for the first offense and for not less than 2 continuous years for a second offense, when the convicted person qualifies for a permanent or restricted license. Effective October 1, 2016, the court shall order a qualified sobriety and drug monitoring program as defined in subsection (15) and authorized by 23 U.S.C. s. 164 in addition to the placement of an ignition interlock device required by this section.

(6) With respect to any person convicted of a violation of subsection (1), regardless of any penalty imposed pursuant to subsection (2), subsection (3), or subsection (4):

(j)~~1.~~ Notwithstanding the provisions of this section, s. 316.1937, and s. 322.2715 relating to ignition interlock devices required for second or subsequent offenders, ~~in order to strengthen the pretrial and posttrial options available to prosecutors and judges,~~ the court shall ~~may~~ order~~, if deemed appropriate,~~ that a person participate in a qualified sobriety and drug monitoring program, as defined in subsection (15) ~~subparagraph 2.~~, in addition to the ignition interlock device requirement. Participation is ~~shall be~~ at the person's sole expense.

~~2. As used in this paragraph, the term "qualified sobriety and drug monitoring program" means an evidence-based program, approved by the department, in which participants are regularly tested for alcohol and drug use. As the court deems appropriate, the program may monitor alcohol or drugs through one or more of the following modalities: breath testing twice a day; continuous transdermal alcohol monitoring in cases of hardship; or random blood, breath, urine, or oral fluid testing. Testing modalities that provide the best ability to sanction a violation as close in time as reasonably feasible to the occurrence of the violation should be given preference. This paragraph does not preclude a court from ordering an ignition interlock device as a testing modality.~~

~~3. For purposes of this paragraph, the term "evidence-based program" means a program that satisfies the requirements of at least two of the following:~~

~~a. The program is included in the federal registry of evidence-based programs and practices.~~

~~b. The program has been reported in a peer-reviewed journal as having positive effects on the primary targeted outcome.~~

~~c. The program has been documented as effective by informed experts and other sources.~~

For the purposes of this section, any conviction for a violation of s. 327.35; a previous conviction for the violation of former s. 316.1931, former s. 860.01, or former s. 316.028; or a previous conviction outside this state for driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, driving with an unlawful breath-alcohol level, or any other similar alcohol-related or drug-related traffic offense, is also considered a previous conviction for violation of this section. However, in satisfaction of the fine imposed pursuant to this section, the court may, upon a finding that the defendant is financially unable to pay either all or part of the fine, order that the defendant participate for a specified additional period of time in public service or a community work project in lieu of payment of that portion of the fine which the court determines the defendant is unable to pay. In determining such additional sentence, the court shall consider the amount of the unpaid portion of the fine and the reasonable value of the services to be ordered; however, the court may not compute the reasonable value of services at a rate less than the federal minimum wage at the time of sentencing.

(11) The Department of Highway Safety and Motor Vehicles is directed to adopt rules providing for the implementation of the

use of ignition interlock devices and qualified sobriety and drug monitoring programs defined in subsection (15).

(15) As used in this chapter and chapter 322, the term "qualified sobriety and drug monitoring program" means an evidence-based program, approved by the department, in which participants are regularly tested for alcohol and drug use. As the court deems appropriate, the program may monitor alcohol or drugs through one or more of the following modalities: breath testing twice a day; continuous transdermal alcohol monitoring in cases of hardship; or random blood, breath, urine, drug patch, or oral fluid testing. Testing modalities that detect a violation as soon after it occurs as is reasonably feasible should be given preference. Participation is at the person's sole expense. The term "evidence-based program" means a program that satisfies at least two of the following requirements:

(a) The program is included in the federal registry of evidence-based programs and practices.

(b) The program has been reported in a peer-reviewed journal as having positive effects on the primary targeted outcome.

(c) The program has been documented as effective by informed experts and other sources.

Section 5. Subsection (5) of section 316.235, Florida Statutes, is amended to read:

316.235 Additional lighting equipment.—

(5) A bus~~, as defined in s. 316.003(3),~~ may be equipped with a deceleration lighting system that ~~which~~ cautions following vehicles that the bus is slowing, is preparing to stop, or is stopped. Such lighting system shall consist of two

red or amber lights mounted in horizontal alignment on the rear of the vehicle at ~~or near~~ the vertical centerline of the vehicle, no greater than 12 inches apart, not higher than the lower edge of the rear window or, if the vehicle has no rear window, not higher than 72 inches from the ground. Such lights shall be visible from a distance of not less than 300 feet to the rear in normal sunlight. Lights are permitted to light and flash during deceleration, braking, or standing and idling of the bus. Vehicular hazard warning flashers may be used in conjunction with or in lieu of a rear-mounted deceleration lighting system.

Section 6. Subsections (1) and (3) of section 316.303, Florida Statutes, are amended to read:

316.303 Television receivers.—

(1) A ~~No~~ motor vehicle may not be operated on the highways of this state if the vehicle is ~~shall be~~ equipped with television-type receiving equipment so located that the viewer or screen is visible from the driver's seat, unless the vehicle is equipped with autonomous technology, as defined in s. 316.003, and is being operated in autonomous mode, as provided in s. 316.85(2).

(3) This section does not prohibit the use of an electronic display used in conjunction with a vehicle navigation system, or an electronic display used by an operator of a vehicle equipped and operating with driver-assistive truck platooning technology, as defined in s. 316.003.

Section 7. Subsection (4) of section 320.02, Florida Statutes, is amended to read:

320.02 Registration required; application for registration;

forms.—

(4) Except as provided in ss. 775.21, 775.261, 943.0435, 944.607, and 985.4815, the owner of any motor vehicle registered in the state shall notify the department in writing of any change of address within 30 ~~20~~ days of such change. The notification shall include the registration license plate number, the vehicle identification number (VIN) or title certificate number, year of vehicle make, and the owner's full name.

Section 8. Paragraph (a) of subsection (1) of section 320.055, Florida Statutes, is amended to read:

320.055 Registration periods; renewal periods.—The following registration periods and renewal periods are established:

(1)(a) For a motor vehicle subject to registration under s. 320.08(1), (2), (3), (5)(b), (c), (d), or (f), (6)(a), (7), (8), (9), or (10) and owned by a natural person, the registration period begins the first day of the birth month of the owner and ends the last day of the month immediately preceding the owner's birth month in the succeeding year. If such vehicle is registered in the name of more than one person, the birth month of the person whose name first appears on the registration shall be used to determine the registration period. For a vehicle subject to this registration period, the renewal period is the ~~30-day~~ period ending at midnight on the last day of the vehicle owner's ~~date of~~ birth month.

Section 9. Paragraph (a) of subsection (3) of section 320.07, Florida Statutes, is amended to read:

320.07 Expiration of registration; renewal required;

penalties.—

(3) The operation of any motor vehicle without having attached thereto a registration license plate and validation stickers, or the use of any mobile home without having attached thereto a mobile home sticker, for the current registration period shall subject the owner thereof, if he or she is present, or, if the owner is not present, the operator thereof to the following penalty provisions:

(a) Any person whose motor vehicle or mobile home registration has been expired for a period of 6 months or less commits a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318. However, a law enforcement officer may not issue a citation for a violation under this paragraph until midnight on the last day of the owner's birth month of the year the registration expires.

Section 10. Subsection (9) of section 322.051, Florida Statutes, is amended to read:

322.051 Identification cards.—

(9) Notwithstanding any other provision of this section or s. 322.21 to the contrary, the department shall issue or renew a card at no charge to a person who presents evidence satisfactory to the department that he or she is homeless as defined in s. 414.0252(7), to a juvenile offender who is in the custody or under the supervision of the Department of Juvenile Justice and receiving services pursuant to s. 985.461, to an inmate receiving a card issued pursuant to s. 944.605(7), or, if necessary, to an inmate receiving a replacement card if the department determines that he or she has a valid state identification card. If the replacement state identification

card is scheduled to expire within 6 months, the department may also issue a temporary permit valid for at least 6 months after the release date. The department's mobile issuing units shall process the identification cards for juvenile offenders and inmates at no charge, as provided by s. 944.605 (7)(a) and (b).

Section 11. Subsections (1) and (2) of section 322.19, Florida Statutes, are amended to read:

322.19 Change of address or name.—

(1) Except as provided in ss. 775.21, 775.261, 943.0435, 944.607, and 985.4815, whenever any person, after applying for or receiving a driver license or identification card, changes his or her legal name, that person must within 30 ~~10~~ days thereafter obtain a replacement license or card that reflects the change.

(2) If a ~~Whenever any~~ person, after applying for or receiving a driver license or identification card, changes the legal residence or mailing address in the application, ~~or~~ license, or card, the person must, within 30 ~~10~~ calendar days after making the change, obtain a replacement license or card that reflects the change. A written request to the department must include the old and new addresses and the driver license or identification card number. Any person who has a valid, current student identification card issued by an educational institution in this state is presumed not to have changed his or her legal residence or mailing address. This subsection does not affect any person required to register a permanent or temporary address change pursuant to s. 775.13, s. 775.21, s. 775.25, or s. 943.0435.

Section 12. Paragraph (f) of subsection (1) of section

322.21, Florida Statutes, is amended to read:

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

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

(f) An original, renewal, or replacement identification card issued pursuant to s. 322.051 is $25, except that an applicant who presents evidence satisfactory to the department that he or she is homeless as defined in s. 414.0252(7); ~~or~~ his or her annual income is at or below 100 percent of the federal poverty level; or he or she is a juvenile offender who is in the custody or under the supervision of the Department of Juvenile Justice, is receiving services pursuant to s. 985.461, and whose identification card is issued by the department's mobile issuing units is exempt from such fee. Funds collected from fees for original, renewal, or replacement identification cards shall be distributed as follows:

1. For an original identification card issued pursuant to s. 322.051, the fee shall be deposited into the General Revenue Fund.

2. For a renewal identification card issued pursuant to s. 322.051, $6 shall be deposited into the Highway Safety Operating Trust Fund, and $19 shall be deposited into the General Revenue Fund.

3. For a replacement identification card issued pursuant to s. 322.051, $9 shall be deposited into the Highway Safety Operating Trust Fund, and $16 shall be deposited into the General Revenue Fund. Beginning July 1, 2015, or upon completion of the transition of the driver license issuance services, if the replacement identification card is issued by the tax

collector, the tax collector shall retain the $9 that would otherwise be deposited into the Highway Safety Operating Trust Fund and the remaining revenues shall be deposited into the General Revenue Fund.

Section 13. Subsection (3) of section 322.221, Florida Statutes, is amended to read:

322.221 Department may require reexamination.—

(3)(a) Upon the conclusion of such examination or reexamination the department shall take action as may be appropriate and may suspend or revoke the license of such person or permit him or her to retain such license, or may issue a license subject to restrictions as permitted under s. 322.16. Refusal or neglect of the licensee to submit to such examination or reexamination shall be ground for suspension or revocation of his or her license.

(b) If the department suspends or revokes the license of a person due to his or her physical or mental condition, the department shall issue an identification card to the person at the time of the license suspension or revocation. The department may not charge fees for the issuance of the identification card.

Section 14. Paragraph (e) of subsection (2) of section 322.271, Florida Statutes, is amended to read:

322.271 Authority to modify revocation, cancellation, or suspension order.—

(2) At such hearing, the person whose license has been suspended, canceled, or revoked may show that such suspension, cancellation, or revocation causes a serious hardship and precludes the person from carrying out his or her normal business occupation, trade, or employment and that the use of

the person's license in the normal course of his or her business is necessary to the proper support of the person or his or her family.

(e) The department, based upon review of the licensee's application for reinstatement, may require use of an ignition interlock device pursuant to s. 322.2715. Effective October 1, 2016, a qualified sobriety and drug monitoring program as defined in s. 316.193(15) and authorized by 23 U.S.C. s. 164 shall be ordered by the court in addition to the placement of the ignition interlock device.

Section 15. Subsections (1), (3), and (4) of section 322.2715, Florida Statutes, are amended to read:

322.2715 Ignition interlock device.—

(1) Before issuing a permanent or restricted driver license under this chapter, the department shall require the placement of a department-approved ignition interlock device for any person convicted of committing an offense of driving under the influence as specified in subsection (3), except that consideration may be given to those individuals having a documented medical condition that would prohibit the device from functioning normally. If a medical waiver has been granted for a convicted person seeking a restricted license, the convicted person shall not be entitled to a restricted license until the required ignition interlock device installation period under subsection (3) expires, in addition to the time requirements under s. 322.271. If a medical waiver has been approved for a convicted person seeking permanent reinstatement of the driver license, the convicted person must be restricted to an employment-purposes-only license and be supervised by a licensed

DUI program until the required ignition interlock device installation period under subsection (3) expires. An interlock device shall be placed on all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person. Effective October 1, 2016, a qualified sobriety and drug monitoring program as defined in s. 316.193(15) and authorized by 23 U.S.C. s. 164 shall be used by the department in addition to the placement of an ignition interlock device required by this section.

(3) If the person is convicted of:

(a) A first offense of driving under the influence under s. 316.193 and has an unlawful blood-alcohol level or breath-alcohol level as specified in s. 316.193(1), the ignition interlock device may be installed for at least 6 continuous months.

(b) A first offense of driving under the influence under s. 316.193 and has an unlawful blood-alcohol level or breath-alcohol level as specified in s. 316.193(4), or if a person is convicted of a violation of s. 316.193 and was at the time of the offense accompanied in the vehicle by a person younger than 18 years of age, the person shall have the ignition interlock device installed for at least 6 continuous months for the first offense and for at least 2 continuous years for a second offense.

(c) A second offense of driving under the influence, the ignition interlock device shall be installed for a period of at least 1 continuous year.

(d) A third offense of driving under the influence which occurs within 10 years after a prior conviction for a violation

of s. 316.193, the ignition interlock device shall be installed for a period of at least 2 continuous years.

(e) A third offense of driving under the influence which occurs more than 10 years after the date of a prior conviction, the ignition interlock device shall be installed for a period of at least 2 continuous years.

(f) A fourth or subsequent offense of driving under the influence, the ignition interlock device shall be installed for a period of at least 5 years.

Effective October 1, 2016, for the offenses specified in this subsection, a qualified sobriety and drug monitoring program as defined in s. 316.193(15) and authorized by 23 U.S.C. s. 164 shall be used by the department in addition to the placement of an ignition interlock device required by this section.

(4) If the court fails to order the mandatory placement of the ignition interlock device or fails to order for the applicable period the mandatory placement of an ignition interlock device under s. 316.193 or s. 316.1937 at the time of imposing sentence or within 30 days thereafter, the department shall immediately require that the ignition interlock device be installed as provided in this section, except that consideration may be given to those individuals having a documented medical condition that would prohibit the device from functioning normally. Effective October 1, 2016, a qualified sobriety and drug monitoring program as defined in s. 316.193(15) and authorized by 23 U.S.C. s. 164 shall be used by the department in addition to the placement of an ignition interlock device required by this section. This subsection applies to the

reinstatement of the driving privilege following a revocation, suspension, or cancellation that is based upon a conviction for the offense of driving under the influence which occurs on or after July 1, 2005.

Section 16. This act shall take effect October 1, 2016.

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-17-16 — *Meeting Date*

SB 1244 — *Bill Number (if applicable)*

Topic _____ *Amendment Barcode (if applicable)*

Name _____

Job Title Legislative Affairs Director

Address 227 S Calhoun St. — *Street*

Phone 717-716-

Tallahassee FL 32301 — *City* *State* *Zip*

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Department of Juvenile Justice

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

1394
Bill Number (if applicable)

Topic Truck Platooning

Amendment Barcode (if applicable)

Name Steve Whitaker

Job Title Lobbyist

Address 519 E Park Ave
Street

Phone

Tallahassee, FL 32301
City State Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing UP

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/12/14
Meeting Date

1371
Bill Number (if applicable)

462752
Amendment Barcode (if applicable)

Topic _____

Name Lauren McLeod

Job Title Executive Director

Address 1725 Mahan Drive
Street
Tallahassee FL 32308
City *State* *Zip*

Phone 850-671-3388

Email lmcleod@fladui.org

Speaking: ☑ For ☐ Against ☐ Information

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

Representing Florida Association of DUI Programs

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/2016
Meeting Date

SB 1394
Bill Number (if applicable)

Topic FRANCHISE MV DHSMV

Amendment Barcode (if applicable)

Name DAVID RAMBA

Job Title

Address 120 S. MONROE ST.
Street

TALLAHASSEE FL 32301
City *State* *Zip*

Phone 850.727.7087

Email

Speaking: ☑ For ☐ Against ☐ Information

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

Representing FLORIDA AUTOMOBILE DEALERS ASSOC.

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-17-16
Meeting Date

1394
Bill Number (if applicable)

Topic Titling of Registration / Franchise Laws

Amendment Barcode (if applicable)
601462
471656

Name TED SMITH

Job Title President

Address 400 N. Meridian ST
Street

Tallahassee FL 32301
City *State* *Zip*

Phone 850 444 0455

Email teds@flada.org

Speaking: ☑ For ☐ Against ☐ Information

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

Representing FL Automobile Dealers Assoc

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16
Meeting Date

1394
Bill Number (if applicable)

601462
Amendment Barcode (if applicable)

Topic _____

Name Gary Hunter

Job Title Attorney

Address 119 S. Monroe St, Suite 300
Street

Phone 850-222-7500

Tallahassee FL 32301
City *State* *Zip*

Email garyh@hgslaw.com

Speaking: ☐ For ☑ Against ☐ Information

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

Representing Alliance of Automobile Manufacturers

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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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)

12/17/16
Meeting Date

SB 1294
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Marlene Williams

Job Title Gov. Relations Manager

Address 9 222 W College Ave.
Street

Tallahassee FL 32301
City *State* *Zip*

Phone 850-491-7628

Email marlene.williams@gm.com

Speaking: ☐ For ☐ Against ☑ Information

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

Representing General Motors

Appearing at request of Chair: ☑ Yes ☐ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/17/16
Meeting Date

1394
Bill Number (if applicable)

428432
Amendment Barcode (if applicable)

Topic Bus Deceleration Lighting System

Name Lisa Bacot

Job Title Executive Director

Address PO Box 101168
Street

Phone 878-0855

Tallahassee FL 32302
City *State* *Zip*

Email

Speaking: [X] For [ ] Against [ ] Information

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

Representing Florida Public Transportation Association

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

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

S-001 (10/14/14)

CourtSmart Tag Report

Room: SB 301 **Case:** **Type:**
Caption: Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development **Judge:**

Started: 2/17/2016 10:03:05 AM
Ends: 2/17/2016 11:37:35 AM Length: 01:34:31

10:03:09 AM Meeting called to order
10:03:11 AM Sen. Latvala (Chair)
10:03:48 AM S 1394
10:03:57 AM Sen. Brandes - introduces bill
10:05:43 AM Sen. Latvala - comments there are more late amendments
10:06:40 AM Sen. Clemens - asks about expiration dates of registrations
10:06:44 AM Sen. Brandes- responds
10:07:32 AM Sen. Thompson - asks about truck platooning technology
10:07:48 AM Sen. Brandes - responds
10:08:50 AM Sen. Thompson - follow-up question
10:08:55 AM Sen. Brandes
10:09:44 AM A 545342
10:09:52 AM Sen. Brandes
10:09:58 AM SA 868578
10:10:08 AM Sen. Brandes - introduces substitute amendment
10:10:40 AM A 102026
10:10:47 AM Sen. Brandes - introduces amendment
10:10:56 AM Sen. Latvala - temporarily pass this amendment
10:11:10 AM A 428432
10:11:13 AM Sen. Brandes - introduces amendment
10:11:45 AM A 750664
10:11:48 AM Sen. Brandes - introduces amendment
10:11:57 AM Sen. Latvala - asks to clarify
10:12:01 AM Sen. Brandes - responds
10:12:17 AM Sen. Latvala
10:12:26 AM Sen. Brandes
10:12:46 AM A 854538
10:12:53 AM Sen. Brandes - introduces amendment
10:13:00 AM Sen. Latvala - asks to clarify
10:13:10 AM Sen. Brandes - responds
10:13:31 AM Sen. Latvala
10:13:32 AM Sen. Brandes
10:13:50 AM A 961908
10:13:52 AM Sen. Brandes - introduces amendment
10:14:23 AM A 437718
10:14:25 AM Sen. Brandes - introduces amendment
10:14:37 AM A 767344
10:14:39 AM Sen. Brandes - introduces amendment
10:15:22 AM Sen. Latvala - temporarily postpone S 1394
10:16:00 AM S 1392
10:16:04 AM Sen. Brandes - introduces bill
10:18:41 AM A 152974
10:18:52 AM SA 388858
10:19:00 AM Sen. Brandes - introduces amendment
10:19:07 AM Sen. Latvala
10:19:16 AM Sen. Gibson - asks about platooning
10:19:38 AM Sen. Brandes - responds
10:19:48 AM Sen. Gibson - follow-up questions
10:19:50 AM Sen. Brandes
10:20:01 AM Sen. Gibson
10:20:04 AM Sen. Brandes
10:20:39 AM Sen. Latvala

10:20:41 AM Sen. Brandes
10:21:34 AM Sen. Latvala
10:21:41 AM Sen. Brandes
10:21:44 AM Sen. Latvala
10:21:47 AM Sen. Brandes
10:22:07 AM Sen. Latvala
10:22:09 AM Sen. Brandes
10:22:13 AM Sen. Gibson
10:22:30 AM Sen. Brandes
10:22:39 AM Sen. Gibson
10:22:48 AM Sen. Brandes
10:22:52 AM Sen. Gibson
10:23:26 AM Sen. Latvala - asks for speakers from the related departments
10:23:30 AM Jennifer Langston, Legislative Affairs Director, Dept. of Highway Safety and Motor Vehicles
10:24:46 AM Steven Uhlfelder, Lobbyist, United Parcel Service
10:25:14 AM Sen. Gibson - asks what data will be collected from the program
10:25:21 AM S. Uhlfelder - responds
10:26:12 AM Sen. Hukill - follow-up questions
10:26:21 AM S. Uhlfelder
10:27:15 AM Sen. Hukill
10:27:37 AM S. Uhlfelder
10:27:53 AM Sen. Hukill
10:27:58 AM S. Uhlfelder
10:28:01 AM Sen. Hukill
10:28:04 AM S. Uhlfelder
10:28:27 AM Sen. Hukill
10:28:36 AM S. Uhlfelder
10:28:47 AM Sen. Hukill
10:28:55 AM S. Uhlfelder
10:29:12 AM Sen. Sachs - asks how much UPS stands to gain from this bill
10:29:30 AM S. Uhlfelder - responds
10:29:39 AM Sen. Sachs - follow-up questions
10:30:28 AM S. Uhlfelder
10:30:36 AM Sen. Sachs
10:30:51 AM S. Uhlfelder
10:30:57 AM Sen. Sachs
10:31:02 AM S. Uhlfelder
10:31:19 AM Sen. Sachs
10:31:24 AM S. Uhlfelder
10:31:31 AM Sen. Sachs
10:31:33 AM S. Uhlfelder
10:31:49 AM Sen. Sachs
10:31:54 AM S. Uhlfelder
10:32:02 AM Sen. Thompson - asks where tests will be conducted
10:32:31 AM S. Uhlfelder - responds
10:32:45 AM Sen. Clemens (Chair) - asks for someone from Dept. of Transportation to speak
10:32:57 AM J. Langston - responds
10:33:28 AM Sen. Clemens
10:33:35 AM Sen. Gibson - asks about testing in different weather conditions
10:33:50 AM J. Langston - responds
10:35:33 AM Sen. Gibson - asks who will fund the program
10:35:50 AM Sen. Brandes - responds
10:35:53 AM Sen. Gibson
10:35:54 AM Sen. Brandes
10:36:19 AM Sen. Clemens - comments no additional appropriation will be needed
10:36:27 AM Sen. Sachs - asks about current relevant laws
10:36:45 AM J. Langston - responds
10:37:13 AM Sen. Sachs - follow-up questions
10:37:28 AM J. Langston
10:37:48 AM Sen. Sachs
10:38:12 AM J. Langston
10:38:56 AM Sen. Clemens

10:39:31 AM A 417088
10:39:37 AM Sen. Brandes - introduces amendment
10:40:02 AM Sen. Clemens
10:40:21 AM S 1392 (cont.)
10:40:25 AM Sen. Clemens - asks about non-compliant traffic and pedestrian control devices
10:40:37 AM Sen. Brandes - responds
10:41:12 AM Sen. Clemens
10:41:25 AM Sen. Brandes
10:41:38 AM Darrick McGhee, Vice President of Government Relations, Johnson and Blanton, Santa Rosa County (waives in support)
10:42:18 AM Sen. Latvala (Chair)
10:42:23 AM S 1190
10:42:33 AM Sen. Diaz de la Portilla - introduces bill
10:44:38 AM Sen. Latvala
10:45:10 AM Sen. Diaz de la Portilla
10:45:12 AM Sen. Latvala
10:45:19 AM Sen. Brandes - asks about tax increases
10:45:31 AM Sen. Diaz de la Portilla - responds
10:45:48 AM Sen. Clemens - asks about notice rules
10:46:35 AM Sen. Diaz de la Portilla - responds
10:47:27 AM Sen. Clemens - follow-up questions
10:47:45 AM Sen. Diaz de la Portilla
10:48:04 AM Sen. Clemens
10:48:15 AM Sen. Diaz de la Portilla
10:48:42 AM Sen. Latvala
10:49:12 AM Sen. Hukill
10:49:47 AM Sen. Diaz de la Portilla
10:50:47 AM Sen. Hukill
10:51:12 AM Sen. Diaz de la Portilla
10:51:15 AM Sen. Hukill
10:52:08 AM Sen. Diaz de la Portilla
10:52:40 AM Sen. Hukill
10:52:50 AM Sen. Diaz de la Portilla
10:53:37 AM Gary Hunter, Attorney, Association of Florida Community Developers
10:55:28 AM Nancy Linnan, Attorney, Carlton Fields, The Villages and The Howard Group
10:57:39 AM Sen. Clemens - asks about notice rules
10:58:07 AM N. Linnan - responds
10:58:48 AM Sen. Latvala
10:58:57 AM Sen. Gibson - asks about lines 252-263
11:00:14 AM Sen. Diaz de la Portilla - responds
11:01:21 AM Sen. Gibson - follow-up question
11:01:53 AM Sen. Diaz de la Portilla
11:03:33 AM Sen. Gibson
11:03:46 AM Sen. Diaz de la Portilla
11:05:03 AM Sen. Hukill - comments on notice rules
11:05:38 AM Sen. Diaz de la Portilla - responds
11:05:47 AM Sen. Hukill
11:05:56 AM Sen. Diaz de la Portilla
11:06:19 AM Sen. Hukill
11:06:34 AM Sen. Diaz de la Portilla
11:07:57 AM Sen. Brandes - comments on his concerns
11:08:10 AM Sen. Hukill - comments on her concerns
11:08:33 AM Sen. Diaz de la Portilla - closes
11:09:26 AM Sen. Clemens (Chair)
11:09:32 AM S 1394
11:10:00 AM A 102026 and A 437718 - withdrawn
11:10:15 AM A 462752
11:10:39 AM Sen. Latvala - explains amendment
11:11:55 AM Sen. Clemens - asks for explanation of programs
11:11:59 AM Sen. Latvala
11:12:06 AM Sen. Brandes - responds
11:13:25 AM Sen. Clemens - asks who operates the programs

11:13:28 AM Sen. Brandes - responds
11:13:39 AM Sen. Clemens - follow-up questions
11:13:42 AM Sen. Brandes
11:14:30 AM Sen. Clemens
11:14:32 AM Sen. Brandes
11:14:38 AM Sen. Latvala - comments on bill relating to private companies
11:15:27 AM Sen. Sachs - comments on current law regarding driving privileges after DUIs
11:16:41 AM Sen. Brandes - responds
11:16:48 AM Sen. Sachs - further comments on current law
11:17:27 AM Sen. Brandes - responds
11:18:08 AM Sen. Clemens
11:18:35 AM Laura McLeod, Executive Director, Florida Association of DUI Programs
11:20:42 AM Sen. Gibson
11:22:25 AM Sen. Clemens
11:22:44 AM A 623340
11:23:28 AM A 377630
11:23:35 AM Sen. Latvala - introduces the amendment
11:24:11 AM A 471656
11:24:19 AM Sen. Latvala - introduces amendment
11:24:37 AM Sen. Diaz de la Portilla
11:24:47 AM Sen. Clemens
11:25:02 AM David Ramba, Florida Automobile Dealers Association
11:25:42 AM Sen. Diaz de la Portilla - asks about the purpose of the disclaimer
11:25:44 AM D. Ramba - responds
11:26:03 AM Sen. Sachs - asks what the profit is for the dealer
11:26:16 AM D. Ramba - responds
11:26:46 AM Sen. Sachs - asks about consumers' option to not perform the task through the dealer
11:27:10 AM D. Ramba - responds
11:27:32 AM Sen. Sachs - follow-up questions
11:27:50 AM D. Ramba
11:28:27 AM Sen. Sachs
11:28:37 AM D. Ramba
11:29:15 AM A 601462
11:29:19 AM Sen. Latvala - introduces amendment
11:30:34 AM Ted Smith, President, Florida Automobile Dealers Association
11:31:12 AM Gary Hunter, Attorney, Alliance of Automobile Manufacturers
11:33:13 AM Sen. Diaz de la Portilla - asks about desired exception for cases of fraud
11:33:25 AM G. Hunter - responds
11:34:00 AM Sen. Latvala - asks for General Motors representative to speak
11:34:13 AM Marlene Williams, Gov. Relations Manager, General Motors
11:34:54 AM Sen. Clemens
11:35:07 AM Sen. Brandes
11:35:42 AM Sen. Latvala (Chair)
11:35:57 AM S 1394 (cont.)
11:36:09 AM Lisa Bacot, Executive Director, Florida Public Transportation Association (waives in support)
11:36:20 AM Meredith Stanfield, Legislative Affairs Director, Department of Juvenile Justice (waives in support)
11:37:14 AM Sen. Latvala
11:37:30 AM Meeting adjourned