

<b>Tab 1</b>	<b>CS/SB 32</b> by <b>JU, Gibson (CO-INTRODUCERS) Bracy</b> ; (Similar to H 06541) Relief of the Estate of Danielle Maudsley by the Department of Highway Safety and Motor Vehicles						
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<b>Tab 2</b>	<b>CS/SB 56</b> by <b>TR, Bean (CO-INTRODUCERS) Baxley, Simpson</b> ; (Compare to CS/H 00309) Specialty License Plates						
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629434	D	S	RCS	ATD, Bean	Delete everything after	04/17 03:56 PM
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<b>Tab 3</b>	<b>CS/SB 368</b> by <b>TR, Montford</b> ; (Compare to CS/CS/H 00073) Transportation Facility Designations						
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649020	A	S	RCS	ATD, Montford	Delete L.73 - 75:	04/13 04:12 PM
388982	AA	S	RCS	ATD, Artiles	Delete L.53:	04/13 04:12 PM

<b>Tab 4</b>	<b>CS/SB 842</b> by <b>TR, Artiles (CO-INTRODUCERS) Galvano</b> ; (Similar to CS/CS/H 00695) South Florida Regional Transportation Authority						
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183242	A	S	RCS	ATD, Artiles	Delete L.389 - 456:	04/17 03:56 PM
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<b>Tab 5</b>	<b>CS/SB 1086</b> by <b>TR, Garcia</b> ; (Compare to H 00881) Transportation Disadvantaged						
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<b>Tab 6</b>	<b>CS/SB 1118</b> by <b>TR, Gainer (CO-INTRODUCERS) Rouson</b> ; (Similar to CS/H 00865) Transportation						
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744514	D	S	RCS	ATD, Brandes	Delete everything after	04/17 03:56 PM
<del>896800</del>	AA	S	WD	ATD, Brandes	btw L.86 - 87:	04/17 03:56 PM
580884	AA	S	RCS	ATD, Artiles	btw L.147 - 148:	04/17 03:56 PM

<b>Tab 7</b>	<b>SB 1390</b> by <b>Latvala (CO-INTRODUCERS) Simpson</b> ; (Identical to H 01169) Transportation Facility Designations						
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<b>Tab 8</b>	<b>SB 1416</b> by <b>Young (CO-INTRODUCERS) Passidomo</b> ; (Similar to CS/H 00493) Enhanced Safety for School Crossings						
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**COMMITTEE MEETING EXPANDED AGENDA****APPROPRIATIONS SUBCOMMITTEE ON  
TRANSPORTATION, TOURISM, AND ECONOMIC  
DEVELOPMENT****Senator Brandes, Chair  
Senator Powell, Vice Chair****MEETING DATE:** Thursday, April 13, 2017**TIME:** 1:00—2:00 p.m.**PLACE:** *Toni Jennings Committee Room*, 110 Senate Office Building**MEMBERS:** Senator Brandes, Chair; Senator Powell, Vice Chair; Senators Artilles, Benacquisto, Gainer, Gibson, Passidomo, Rader, Simpson, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 32</b> Judiciary / Gibson (Similar H 6541)	Relief of the Estate of Danielle Maudsley by the Department of Highway Safety and Motor Vehicles; Providing for the relief of the Estate of Danielle Maudsley; providing an appropriation to compensate the Estate of Danielle Maudsley for Ms. Maudsley's death, sustained as a result of the alleged negligence of Trooper Daniel Cole and the Florida Highway Patrol, a division of the Department of Highway Safety and Motor Vehicles; providing that certain payments and the appropriation satisfy all present and future claims related to the alleged acts, etc.  SM JU 02/21/2017 Fav/CS ATD 04/13/2017 Favorable AP	Favorable Yeas 8 Nays 0
2	<b>CS/SB 56</b> Transportation / Bean (Compare CS/H 309, CS/H 973)	Specialty License Plates; Establishing an annual use fee for the Ducks Unlimited license plate; revising the distribution of proceeds for the Fallen Law Enforcement Officers License Plate; requiring the Department of Highway Safety and Motor Vehicles to develop a Ducks Unlimited license plate, etc.  TR 02/21/2017 Fav/CS ATD 04/13/2017 Fav/CS AP	Fav/CS Yeas 8 Nays 0
3	<b>CS/SB 368</b> Transportation / Montford (Compare CS/CS/H 73, CS/S 576, S 770)	Transportation Facility Designations; Providing honorary designations of various transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers, etc.  TR 02/21/2017 Fav/CS ATD 04/13/2017 Fav/CS AP	Fav/CS Yeas 10 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**Appropriations Subcommittee on Transportation, Tourism, and Economic Development  
Thursday, April 13, 2017, 1:00—2:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>CS/SB 842</b> Transportation / Artiles (Similar CS/CS/H 695)	South Florida Regional Transportation Authority; Authorizing the South Florida Regional Transportation Authority, in conjunction with the operation of a certain commuter rail service, to have the power to assume specified indemnification and insurance obligations, subject to certain requirements; requiring the Department of Transportation to transfer specified amounts annually from the State Transportation Trust Fund to the authority, etc.  TR 03/22/2017 Fav/CS ATD 04/13/2017 Fav/CS AP	Fav/CS Yeas 10 Nays 0
5	<b>CS/SB 1086</b> Transportation / Garcia (Compare H 881)	Transportation Disadvantaged; Authorizing community transportation coordinators, in cooperation with the coordinating board, to plan for and use regional fare payment systems under certain circumstances which enhance cross-county mobility for specified purposes for certain persons who are unable to transport themselves or to purchase transportation; requiring each coordinating board to evaluate multicounty or regional transportation opportunities to include regional fare payment systems, when available, which enhance cross-county mobility for specified purposes for such persons, etc.  TR 03/28/2017 Fav/CS ATD 04/13/2017 Favorable AP	Favorable Yeas 8 Nays 0
6	<b>CS/SB 1118</b> Transportation / Gainer (Similar CS/H 865, Compare CS/CS/H 695)	Transportation; Providing for the calculation of fines for unlawful weight and load for a vehicle fueled by natural gas; requiring bridges on public transportation facilities to be inspected for certain purposes at regular intervals as required by the Federal Highway Administration; increasing the allowable amount for contracts for construction and maintenance which the Department of Transportation may enter into, in certain circumstances, without advertising and receiving competitive bids, etc.  TR 03/28/2017 Fav/CS ATD 04/13/2017 Fav/CS AP	Fav/CS Yeas 10 Nays 0
7	<b>SB 1390</b> Latvala (Identical H 1169)	Transportation Facility Designations; Providing an honorary designation of a certain transportation facility in a specified county, etc.  TR 03/22/2017 Favorable ATD 04/13/2017 Favorable AP	Favorable Yeas 9 Nays 0

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Appropriations Subcommittee on Transportation, Tourism, and Economic Development  
Thursday, April 13, 2017, 1:00—2:00 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	<b>SB 1416</b> Young (Similar CS/H 493)	Enhanced Safety for School Crossings; Requiring the Department of Transportation to evaluate the viability and cost of a uniform system of high-visibility markings and signage for designation of safe school crossings, subject to certain requirements; authorizing the department to consider in its evaluation implementation of new technology or innovations that enhance pedestrian and crosswalk visibility, etc.  TR 03/28/2017 Favorable ATD 04/13/2017 Favorable AP	Favorable Yeas 8 Nays 0
9	Other Related Meeting Documents		

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## THE FLORIDA SENATE

### SPECIAL MASTER ON CLAIM BILLS

**Location**

302 Senate Office Building

**Mailing Address**

404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-5237

DATE	COMM	ACTION
1/30/17	SM	<b>Favorable</b>
2/22/17	JU	<b>Fav/CS</b>
4/13/17	ATD	Recommend: Fav
	AP	

January 30, 2017

The Honorable Joe Negrón  
President, The Florida Senate  
Suite 409, The Capitol  
Tallahassee, Florida 32399-1100

Re: **CS/SB 32** – Judiciary Committee and Senator Audrey Gibson  
Relief of Danielle Maudsley

### SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED EQUITABLE CLAIM FOR \$1,750,000 PAYABLE FROM THE GENERAL REVENUE FUND OF THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES, BASED ON A SETTLEMENT AGREEMENT BETWEEN THE ESTATE OF DANIELLE MAUDSLEY AND THE FLORIDA HIGHWAY PATROL AND TROOPER DANIEL COLE, WHICH RESOLVED A CIVIL ACTION THAT AROSE FROM THE ALLEGED NEGLIGENT USE OF AN ELECTRONIC CONTROL DEVICE THAT CAUSED THE DEATH OF DANIELLE MAUDSLEY.

#### FINDINGS OF FACT:

On September 19, 2011, Trooper Daniel Cole of the Florida Highway Patrol (FHP) arrested 20 year old Danielle Maudsley for two counts of leaving the scene of a crash with property damage and two counts of driving with no valid driver's license. The charges are all second degree misdemeanors.

The first hit-and-run crash occurred at approximately 8:47 a.m. on September 19, 2011. Trooper Cole was dispatched to the scene and while responding, a second hit-and-run crash, which occurred at approximately 9:41 a.m., was reported with tag numbers, vehicle descriptions, and driver descriptions consistent in both crashes. Trooper Cole requested a *Be on*

*the Lookout (BOLO)* for the suspect's vehicle. Both crashes occurred in Pinellas County.

A short time later, deputies from the Pinellas County Sheriff's Office (PCSO) located the suspect vehicle, which was damaged, at Ms. Maudsley's residence in Pinellas Park. Trooper Cole was notified and went to the Maudsley residence. Upon arrival Deputy Chad Earl (PCSO) informed Trooper Cole that Danielle Maudsley resisted his attempts to detain her, without violence, and he intended to charge her for that offense, and that she was already on probation for driving with no valid driver's license. After deputies informed Trooper Cole that Danielle Maudsley had made spontaneous statements to the deputies that she had been involved in the hit-and-run crashes, Trooper Cole arrested Ms. Maudsley.

Trooper Cole handcuffed Ms. Maudsley behind her back and transported her to the Pinellas Park FHP station at 7651 U.S. 19 North to complete the investigative paperwork prior to taking her to the county jail.

Trooper Cole had activated the in-car video and audio system for the transport. The video shows that Danielle Maudsley is a slightly built woman and while fidgeting in the back of the patrol car removed one of her hands from the handcuffs. Upon arrival at the FHP station at approximately 11:04 a.m., and while exiting the patrol car, Ms. Maudsley passively informed Trooper Cole that her hand was free and she was unable to reinsert it into the handcuffs. Trooper Cole re-cuffed Ms. Maudsley behind her back and they entered the side door of the FHP station near the conference room.

Trooper Cole seated Ms. Maudsley in a chair in the conference room farthest from the door. Trooper Cole seated himself at the conference room table between Ms. Maudsley and the door to complete the investigative paperwork. At approximately 11:11 a.m. Ms. Maudsley advised Trooper Cole that she was thirsty. While escorting her to get a drink of water, she complained about the handcuffs and turned so that he could see that her wrist was caught in one of the handcuffs. Trooper Cole had her adjust her wrist so that it was not caught and he checked to be sure the handcuffs were still secure.

At approximately 11:41 a.m., Trooper Cole requested another FHP officer watch Ms. Maudsley so that he could use the

restroom. According to the investigative report, Trooper Cole returned about one and a half minutes later and assumed sole control of Ms. Maudsley while he resumed the paperwork.

Throughout the period from initially entering the conference room, there was no indication of aggressive or uncooperative behavior on the part of Danielle Maudsley while in custody.

At approximately 11:45 a.m., while Trooper Cole was still engaged in the paperwork, Danielle Maudsley ran past him, out of the conference room, down the short hallway, and exited the side door in which she had entered. At that time, Danielle Maudsley was no longer handcuffed behind her back. According to Trooper Cole, he was unable to discern whether she was handcuffed at all.

Trooper Cole indicated that he never heard Ms. Maudsley get up, the jingle of a handcuff, or anything. He felt a presence move behind him and when he looked up, she was even with the doorway to the conference room.

The in-car video and audio in Trooper Cole's transport vehicle were still activated and recorded the ensuing events. Off camera, Trooper Cole is heard asking, "Where are you going?" and he whistled at her. The next sound, which is almost immediately, is the squeak of the push bar on the station's exit door. Investigative reports and the video support the conclusion that the sound was from Danielle Maudsley pushing the bar to exit the building.

According to the investigative report, when Trooper Cole got to the exit door, it was swinging back in his direction. He pushed the door open with his left hand as he pulled his electronic control device (Taser) from the holster on his belt with his right hand. He weighed almost three times Danielle's weight, and according to Trooper Cole believed that [tackling] going to the ground with Danielle would certainly have resulted in her being injured.

The audio/video recording shows<sup>1</sup> Ms. Maudsley in full stride with her body posture leaning forward, within a distance of approximately one to two feet from Trooper Cole. Trooper Cole has the Taser in his right hand drawn and horizontal but

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<sup>1</sup> At time stamp 11:45:49 a.m. on the in-car video recording.

his right elbow is still at his side. His posture is more erect. The left side of his body is not visible in the frame. Both are on the sidewalk under the eave of the building's roof.

According to the audio/video recording and still photographs from the recording, one second later, at 11:45:50 a.m., Trooper Cole's right hand with the Taser is outstretched approximately two feet from Ms. Maudsley's back. Both are still on the sidewalk beside the side door. The next still photograph with the same time stamp shows Ms. Maudsley stepping off the sidewalk in full stride, her back still to Trooper Cole, with her body posture indicating that she had received a Taser discharge into her back. She also released an audible squeal at this time. Trooper Cole had not warned the fleeing Maudsley that he was going to discharge the Taser. The distance between Trooper Cole and Ms. Maudsley had increased to approximately three to four feet by this point; however, the front of the Taser was approximately two feet away at the point of discharge.

At 11:45:51 a.m., Ms. Maudsley's body is twisting toward Trooper Cole in the parking lot. Still clearly handcuffed but in the front of her body, she falls backwards, striking the back of her head on the pavement of the parking lot.<sup>2</sup> She is whimpering and sits up. Trooper Cole instructs her to "lay down" several times, which she does. Other FHP troopers come out of the building to assist. Ms. Maudsley, while still whimpering and crying tries to sit up again and at 11:47:02 complains that she cannot not get up. This interchange continues until approximately 11:48 a.m., when she becomes quiet and still. Emergency Medical Services arrived at approximately 11:51 a.m., and transported Ms. Maudsley to Bayfront Medical Center.

At approximately 5:00 p.m., the physician attending to Ms. Maudsley advised that her condition was critical and her prognosis was not good due to the lack of activity in her brain. In addition Maudsley had tested positive for oxycodone, and cocaine in her system. Danielle Maudsley never regained consciousness, was diagnosed with a traumatic brain injury, remained in a constant vegetative state on life-support, and passed away on September 15, 2013.

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<sup>2</sup> The FDLE Investigative Report of the incident reports a measurement between the approximate point on the concrete pad where Trooper Cole fired his Taser at Daniele Maudsley to the point on the pavement/asphalt where Ms. Maudsley fell and fractured her skull at 15.217 feet.



The FHP Supervisor's Use of Control Report, signed in October, 2011, by the district shift commander, district commander, and troop commander concluded that based on the totality of the circumstances, the force used exceeded the minimum amount of force needed to effectuate the apprehension of Danielle Maudsley. Within that report, the supervising investigator noted that Trooper Cole was in no apparent danger and because of his closeness to the suspect, the time necessary to warn Ms. Maudsley would not have prevented him from being able to use the ECD if she continued to flee. He further noted that the ECD cartridges issued by the agency have a maximum range of 25 feet.

On or about September 20, 2011, the FHP requested the Florida Department of Law Enforcement (FDLE) investigate this incident as a Use of Force incident. On November 7, 2011, the FDLE concluded that Trooper Cole was in the legal performance of his official law enforcement duties and acted within the scope of his assignment. The investigation determined that the use of force by Trooper Cole was within the allowable parameters outlined in Chapter 776, Florida Statutes.

The Department of Highway Safety and Motor Vehicles (DHSMV) Office of Inspector General's administrative investigation likewise determined that Trooper Cole acted in accordance with Florida law and FHP policy.

Florida Statutes, FHP policies and procedures, and officer/trooper training programs provide structure, parameters, and guidance for the use of force to prevent escape, including the use of electronic control devices (ECD). Although not a complete recitation of these documents, the following considerations demonstrate the complexity of the issues presented in the facts of this claim bill:

- A law enforcement officer or other person who has an arrested person in his or her custody is justified in the use of any force which he or she reasonably believes to be necessary to prevent the escape of the arrested person from custody. Section 776.07, F.S.
- Members of the FHP shall in every instance seek to employ the minimum amount of control required to successfully overcome physical resistance, prevent escapes, and effect arrests. Members' actions must be objectively reasonable in light of the facts and

circumstances confronting them, without regard to their underlying intent or motivation. FHP Procedures 10.01.07 and Policy 10.05.02 specific to ECD.

- In accordance with s. 943.1717(1), F.S., a member's decision to deploy the ECD shall involve an arrest or custodial situation during which the person who is the subject of the arrest or custody escalates resistance to the member from passive physical resistance to active physical resistance, and the person (a) has the apparent ability to physically threaten the member or others; or, (b) is preparing or attempting to flee or escape. (Note: Fleeing cannot be the sole reason for deployment of the ECD.) FHP Policy Manual 10.05.04 C.
- There may be incidents in which the use of an ECD conflicts with [a list of 6 situations a member shall not use the device unless exigent circumstances exist, including use on a handcuffed prisoner]. In those cases, the use of the ECD must be based on justifiable facts and are subject to "Use of Control" supervisory review. FHP Policy Manual specific to ECD – Deployment 10.05.04 C 1.
- As in all uses of control, certain individuals may be more susceptible to injury. Members should be aware of the greater potential for injury when using an ECD against ... persons of small build regardless of age. FHP Policy Manual specific to ECD – Deployment 10.05.04 C 2.
- When reasonable, members preparing to fire the device should announce a verbal warning such as "Stop Resisting, Taser!, Taser!, Taser!" to warn the violator ... FHP Policy Manual specific to ECD – Deployment 10.05.04 C 4.

On November 2, 2012, Danielle Maudsley was determined to be incapacitated, and Julie Goddard was appointed her Guardian by the Circuit Court of the Ninth District in and for Orange County. Ms. Maudsley was residing in a nursing facility in Orange County at the time. When Ms. Maudsley died, Ms. Goddard became the Personal Representative of the Estate of Danielle Maudsley.

Litigation originated on May 23, 2013, in state court against Trooper Cole and the FHP in the Sixth Circuit of Pinellas County while Ms. Maudsley was still alive. The complaint alleged that Trooper Cole acted in a manner exhibiting wanton and willful disregard of human rights and safety, by among other ways:

- Failing to use his Taser in a proper, safe and appropriate manner;
- Deploying his Taser on a handcuffed and running Danielle Maudsley when he knew or should have known that the use of the Taser under the circumstances would likely result in severe injuries to her;
- Failing to use other available, safer means to stop Danielle Maudsley, such as reaching out with his hands and grabbing her;
- Failing to provide a verbal warning in accordance with the policies and procedures set forth by the Florida Highway Patrol; and
- Failing to follow other accepted policies and procedures set forth by the FHP.

The complaint also alleged that the FHP was negligent in its training and instruction of Trooper Cole in the proper, safe, and appropriate use of his Taser.

On July 7, 2014, after Danielle Maudsley's death, an amended complaint was filed that also alleged excessive force and Fourth Amendment constitutional violation claims. The case was removed to the United States District Court, Middle District of Florida.

On August 10, 2015, the parties settled all claims for \$1,950,000 to avoid the cost of protracted and expensive litigation. The settlement agreement refers to the allegations of negligence against the FHP and Trooper Cole that are contained in the Complaint. While maintaining no admission of liability or responsibility, the FHP and Trooper Cole acknowledge that if this case went to trial, a federal jury could reasonably award damages to the Plaintiff in the amount of \$1,950,000 based on the facts of the case.

The limit of the State's sovereign immunity in the amount of \$200,000 has been paid by the Division of Risk Management pursuant to s. 768.28, F.S. The remaining \$1,750,000 is the subject of the claim bill and will be paid from General Revenue appropriated to the DHSMV if the claim bill becomes law. The FHP and Trooper Cole have agreed not to oppose a claim bill in this amount.

In the settlement agreement, the Plaintiff agrees to voluntarily dismiss the lawsuit, with prejudice, upon court approval. The Final Judgment has not been issued by the United States

District Court for the Middle District of Florida in this matter. However, Senate Rule 4.81(6) provides that the hearing and consideration of a claim that is still within the judicial or administrative systems may proceed where the parties have executed a written settlement agreement.

A Medicaid lien of approximately \$400,521 and \$119 Pinellas County EMS outstanding medical bills exist.<sup>3</sup> The net proceeds to the estate from this claim bill for \$1,750,000, after medical liens and attorney fees is expected to be approximately \$911,860. The probate court may award estate and personal representative fees, estimated at approximately \$114,030, in accordance with Florida law from all net proceeds<sup>4</sup> to the estate.

Counsel for the Plaintiff represents it is his understanding from discussion with the attorney for the personal representative of the estate, that the proposed distribution of any claim bill will be made in accordance with Florida Statute, in that both parents will receive damages equally, [after liens, costs, and expenses have been paid]. However, Cheryl Maudsley, mother and primary caregiver of Danielle, both during her life and while she was hospitalized, will be petitioning the probate court for a greater apportionment of those damages. Danielle Maudsley's father is currently incarcerated. According to Counsel, Cheryl Maudsley also intends to establish a trust for her 8 year old daughter, Danielle's sister, with a majority of her portion of the funds.

#### CONCLUSIONS OF LAW:

A common law duty of care is owed to a person in custody. Kaiser v. Kolb, 543 So. 2d 732 (Fla 1989) Accordingly, Trooper Cole had a duty to reasonably carry out his operational responsibilities of maintaining custody of Danielle Maudsley and apprehending her when she attempted to flee. Under the doctrine of respondeat superior, the FHP, a Division of the DHSMV, is vicariously liable for the negligent acts of its employees, when such acts are within the course and scope of employment. See Mallory v. O'Neil, 69 So.2d 313 (Fla.1954), and s. 768.28, F.S.

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<sup>3</sup> If this claim bill is not enacted, a negotiated amount of \$87,000 will be paid from the \$200,000 recovery under the waiver of sovereign immunity to satisfy the Medicaid lien. According to counsel, the \$200,000 has not been disbursed yet to the estate.

<sup>4</sup> Estimated net proceeds is \$1,950,000 - \$487,500 (25% attorney and lobbying fees) - \$400,640 (Medicaid and medical bills) - \$14,636 (legal office expenses) = \$1,047,224.

Whether Trooper Cole implemented his responsibilities negligently or in accordance with statutory and departmental policy was an appropriate question for the jury. This hearing officer concludes that Trooper Cole negligently performed his duties in the firing of his Taser at the point in time that he discharged it, without first issuing a warning to allow her the opportunity to stop, without ascertaining to the best of his ability whether Ms. Maudsley was still handcuffed and to reassess the situation in that light, and without at least attempting to stop or overtake her in a manner that did not include a full body tackle. He had a 25 foot discharge range within which these actions could have been employed prior to a Taser discharge. Discharging the Taser was the proximate cause of Danielle Maudsley injuries and subsequent demise. The parties agreed to execute the settlement agreement to resolve this question as well as all allegations in the Amended Complaint. The settlement agreement is reasonable given the unfortunate outcome of this incident.

ATTORNEYS FEES:

Section 768.28(8), F.S., states that no attorney may charge, demand, receive, or collect for services rendered, fees in excess of 25 percent of any judgment or settlement. Claimant's counsel, Ralph M. Guito, III, Esq., has submitted an affidavit that the attorney fees, including lobbying fees, will not exceed 25 percent of the total amount awarded under the claim bill.

RECOMMENDATIONS:

Based upon the foregoing, I recommend that SB 32 be reported FAVORABLY.

Respectfully submitted,

Sandra R. Stovall  
Senate Special Master

cc: Secretary of the Senate

**CS by Judiciary:**

The committee substitute, in conformity with a recent opinion of the Florida Supreme Court, does not include the limits on costs, lobbying fees, and other similar expenses, which were included in the original bill.



## THE FLORIDA SENATE

### SPECIAL MASTER ON CLAIM BILLS

**Location**

302 Senate Office Building

**Mailing Address**

404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-5237

DATE	COMM	ACTION
1/30/17	SM	<b>Favorable</b>
2/22/17	JU	<b>Fav/CS</b>
2/27/17	ATD	Pre-meeting
	AP	

January 30, 2017

The Honorable Joe Negrón  
President, The Florida Senate  
Suite 409, The Capitol  
Tallahassee, Florida 32399-1100

Re: **CS/SB 32** – Judiciary Committee and Senator Audrey Gibson  
Relief of Danielle Maudsley

### SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED EQUITABLE CLAIM FOR \$1,750,000 PAYABLE FROM THE GENERAL REVENUE FUND OF THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES, BASED ON A SETTLEMENT AGREEMENT BETWEEN THE ESTATE OF DANIELLE MAUDSLEY AND THE FLORIDA HIGHWAY PATROL AND TROOPER DANIEL COLE, WHICH RESOLVED A CIVIL ACTION THAT AROSE FROM THE ALLEGED NEGLIGENT USE OF AN ELECTRONIC CONTROL DEVICE THAT CAUSED THE DEATH OF DANIELLE MAUDSLEY.

#### FINDINGS OF FACT:

On September 19, 2011, Trooper Daniel Cole of the Florida Highway Patrol (FHP) arrested 20 year old Danielle Maudsley for two counts of leaving the scene of a crash with property damage and two counts of driving with no valid driver's license. The charges are all second degree misdemeanors.

The first hit-and-run crash occurred at approximately 8:47 a.m. on September 19, 2011. Trooper Cole was dispatched to the scene and while responding, a second hit-and-run crash, which occurred at approximately 9:41 a.m., was reported with tag numbers, vehicle descriptions, and driver descriptions consistent in both crashes. Trooper Cole requested a *Be on*

*the Lookout (BOLO)* for the suspect's vehicle. Both crashes occurred in Pinellas County.

A short time later, deputies from the Pinellas County Sheriff's Office (PCSO) located the suspect vehicle, which was damaged, at Ms. Maudsley's residence in Pinellas Park. Trooper Cole was notified and went to the Maudsley residence. Upon arrival Deputy Chad Earl (PCSO) informed Trooper Cole that Danielle Maudsley resisted his attempts to detain her, without violence, and he intended to charge her for that offense, and that she was already on probation for driving with no valid driver's license. After deputies informed Trooper Cole that Danielle Maudsley had made spontaneous statements to the deputies that she had been involved in the hit-and-run crashes, Trooper Cole arrested Ms. Maudsley.

Trooper Cole handcuffed Ms. Maudsley behind her back and transported her to the Pinellas Park FHP station at 7651 U.S. 19 North to complete the investigative paperwork prior to taking her to the county jail.

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Trooper Cole seated Ms. Maudsley in a chair in the conference room farthest from the door. Trooper Cole seated himself at the conference room table between Ms. Maudsley and the door to complete the investigative paperwork. At approximately 11:11 a.m. Ms. Maudsley advised Trooper Cole that she was thirsty. While escorting her to get a drink of water, she complained about the handcuffs and turned so that he could see that her wrist was caught in one of the handcuffs. Trooper Cole had her adjust her wrist so that it was not caught and he checked to be sure the handcuffs were still secure.

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restroom. According to the investigative report, Trooper Cole returned about one and a half minutes later and assumed sole control of Ms. Maudsley while he resumed the paperwork.

Throughout the period from initially entering the conference room, there was no indication of aggressive or uncooperative behavior on the part of Danielle Maudsley while in custody.

At approximately 11:45 a.m., while Trooper Cole was still engaged in the paperwork, Danielle Maudsley ran past him, out of the conference room, down the short hallway, and exited the side door in which she had entered. At that time, Danielle Maudsley was no longer handcuffed behind her back. According to Trooper Cole, he was unable to discern whether she was handcuffed at all.

Trooper Cole indicated that he never heard Ms. Maudsley get up, the jingle of a handcuff, or anything. He felt a presence move behind him and when he looked up, she was even with the doorway to the conference room.

The in-car video and audio in Trooper Cole's transport vehicle were still activated and recorded the ensuing events. Off camera, Trooper Cole is heard asking, "Where are you going?" and he whistled at her. The next sound, which is almost immediately, is the squeak of the push bar on the station's exit door. Investigative reports and the video support the conclusion that the sound was from Danielle Maudsley pushing the bar to exit the building.

According to the investigative report, when Trooper Cole got to the exit door, it was swinging back in his direction. He pushed the door open with his left hand as he pulled his electronic control device (Taser) from the holster on his belt with his right hand. He weighed almost three times Danielle's weight, and according to Trooper Cole believed that [tackling] going to the ground with Danielle would certainly have resulted in her being injured.

The audio/video recording shows<sup>1</sup> Ms. Maudsley in full stride with her body posture leaning forward, within a distance of approximately one to two feet from Trooper Cole. Trooper Cole has the Taser in his right hand drawn and horizontal but

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<sup>1</sup> At time stamp 11:45:49 a.m. on the in-car video recording.



his right elbow is still at his side. His posture is more erect. The left side of his body is not visible in the frame. Both are on the sidewalk under the eave of the building's roof.

According to the audio/video recording and still photographs from the recording, one second later, at 11:45:50 a.m., Trooper Cole's right hand with the Taser is outstretched approximately two feet from Ms. Maudsley's back. Both are still on the sidewalk beside the side door. The next still photograph with the same time stamp shows Ms. Maudsley stepping off the sidewalk in full stride, her back still to Trooper Cole, with her body posture indicating that she had received a Taser discharge into her back. She also released an audible squeal at this time. Trooper Cole had not warned the fleeing Maudsley that he was going to discharge the Taser. The distance between Trooper Cole and Ms. Maudsley had increased to approximately three to four feet by this point; however, the front of the Taser was approximately two feet away at the point of discharge.

At 11:45:51 a.m., Ms. Maudsley's body is twisting toward Trooper Cole in the parking lot. Still clearly handcuffed but in the front of her body, she falls backwards, striking the back of her head on the pavement of the parking lot.<sup>2</sup> She is whimpering and sits up. Trooper Cole instructs her to "lay down" several times, which she does. Other FHP troopers come out of the building to assist. Ms. Maudsley, while still whimpering and crying tries to sit up again and at 11:47:02 complains that she cannot not get up. This interchange continues until approximately 11:48 a.m., when she becomes quiet and still. Emergency Medical Services arrived at approximately 11:51 a.m., and transported Ms. Maudsley to Bayfront Medical Center.

At approximately 5:00 p.m., the physician attending to Ms. Maudsley advised that her condition was critical and her prognosis was not good due to the lack of activity in her brain. In addition Maudsley had tested positive for oxycodone, and cocaine in her system. Danielle Maudsley never regained consciousness, was diagnosed with a traumatic brain injury, remained in a constant vegetative state on life-support, and passed away on September 15, 2013.

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<sup>2</sup> The FDLE Investigative Report of the incident reports a measurement between the approximate point on the concrete pad where Trooper Cole fired his Taser at Daniele Maudsley to the point on the pavement/asphalt where Ms. Maudsley fell and fractured her skull at 15.217 feet.

The FHP Supervisor's Use of Control Report, signed in October, 2011, by the district shift commander, district commander, and troop commander concluded that based on the totality of the circumstances, the force used exceeded the minimum amount of force needed to effectuate the apprehension of Danielle Maudsley. Within that report, the supervising investigator noted that Trooper Cole was in no apparent danger and because of his closeness to the suspect, the time necessary to warn Ms. Maudsley would not have prevented him from being able to use the ECD if she continued to flee. He further noted that the ECD cartridges issued by the agency have a maximum range of 25 feet.

On or about September 20, 2011, the FHP requested the Florida Department of Law Enforcement (FDLE) investigate this incident as a Use of Force incident. On November 7, 2011, the FDLE concluded that Trooper Cole was in the legal performance of his official law enforcement duties and acted within the scope of his assignment. The investigation determined that the use of force by Trooper Cole was within the allowable parameters outlined in Chapter 776, Florida Statutes.

The Department of Highway Safety and Motor Vehicles (DHSMV) Office of Inspector General's administrative investigation likewise determined that Trooper Cole acted in accordance with Florida law and FHP policy.

Florida Statutes, FHP policies and procedures, and officer/trooper training programs provide structure, parameters, and guidance for the use of force to prevent escape, including the use of electronic control devices (ECD). Although not a complete recitation of these documents, the following considerations demonstrate the complexity of the issues presented in the facts of this claim bill:

- A law enforcement officer or other person who has an arrested person in his or her custody is justified in the use of any force which he or she reasonably believes to be necessary to prevent the escape of the arrested person from custody. Section 776.07, F.S.
- Members of the FHP shall in every instance seek to employ the minimum amount of control required to successfully overcome physical resistance, prevent escapes, and effect arrests. Members' actions must be objectively reasonable in light of the facts and

circumstances confronting them, without regard to their underlying intent or motivation. FHP Procedures 10.01.07 and Policy 10.05.02 specific to ECD.

- In accordance with s. 943.1717(1), F.S., a member's decision to deploy the ECD shall involve an arrest or custodial situation during which the person who is the subject of the arrest or custody escalates resistance to the member from passive physical resistance to active physical resistance, and the person (a) has the apparent ability to physically threaten the member or others; or, (b) is preparing or attempting to flee or escape. (Note: Fleeing cannot be the sole reason for deployment of the ECD.) FHP Policy Manual 10.05.04 C.
- There may be incidents in which the use of an ECD conflicts with [a list of 6 situations a member shall not use the device unless exigent circumstances exist, including use on a handcuffed prisoner]. In those cases, the use of the ECD must be based on justifiable facts and are subject to "Use of Control" supervisory review. FHP Policy Manual specific to ECD – Deployment 10.05.04 C 1.
- As in all uses of control, certain individuals may be more susceptible to injury. Members should be aware of the greater potential for injury when using an ECD against ... persons of small build regardless of age. FHP Policy Manual specific to ECD – Deployment 10.05.04 C 2.
- When reasonable, members preparing to fire the device should announce a verbal warning such as "Stop Resisting, Taser!, Taser!, Taser!" to warn the violator ... FHP Policy Manual specific to ECD – Deployment 10.05.04 C 4.

On November 2, 2012, Danielle Maudsley was determined to be incapacitated, and Julie Goddard was appointed her Guardian by the Circuit Court of the Ninth District in and for Orange County. Ms. Maudsley was residing in a nursing facility in Orange County at the time. When Ms. Maudsley died, Ms. Goddard became the Personal Representative of the Estate of Danielle Maudsley.

Litigation originated on May 23, 2013, in state court against Trooper Cole and the FHP in the Sixth Circuit of Pinellas County while Ms. Maudsley was still alive. The complaint alleged that Trooper Cole acted in a manner exhibiting wanton and willful disregard of human rights and safety, by among other ways:

- Failing to use his Taser in a proper, safe and appropriate manner;
- Deploying his Taser on a handcuffed and running Danielle Maudsley when he knew or should have known that the use of the Taser under the circumstances would likely result in severe injuries to her;
- Failing to use other available, safer means to stop Danielle Maudsley, such as reaching out with his hands and grabbing her;
- Failing to provide a verbal warning in accordance with the policies and procedures set forth by the Florida Highway Patrol; and
- Failing to follow other accepted policies and procedures set forth by the FHP.

The complaint also alleged that the FHP was negligent in its training and instruction of Trooper Cole in the proper, safe, and appropriate use of his Taser.

On July 7, 2014, after Danielle Maudsley's death, an amended complaint was filed that also alleged excessive force and Fourth Amendment constitutional violation claims. The case was removed to the United States District Court, Middle District of Florida.

On August 10, 2015, the parties settled all claims for \$1,950,000 to avoid the cost of protracted and expensive litigation. The settlement agreement refers to the allegations of negligence against the FHP and Trooper Cole that are contained in the Complaint. While maintaining no admission of liability or responsibility, the FHP and Trooper Cole acknowledge that if this case went to trial, a federal jury could reasonably award damages to the Plaintiff in the amount of \$1,950,000 based on the facts of the case.

The limit of the State's sovereign immunity in the amount of \$200,000 has been paid by the Division of Risk Management pursuant to s. 768.28, F.S. The remaining \$1,750,000 is the subject of the claim bill and will be paid from General Revenue appropriated to the DHSMV if the claim bill becomes law. The FHP and Trooper Cole have agreed not to oppose a claim bill in this amount.

In the settlement agreement, the Plaintiff agrees to voluntarily dismiss the lawsuit, with prejudice, upon court approval. The Final Judgment has not been issued by the United States

District Court for the Middle District of Florida in this matter. However, Senate Rule 4.81(6) provides that the hearing and consideration of a claim that is still within the judicial or administrative systems may proceed where the parties have executed a written settlement agreement.

A Medicaid lien of approximately \$400,521 and \$119 Pinellas County EMS outstanding medical bills exist.<sup>3</sup> The net proceeds to the estate from this claim bill for \$1,750,000, after medical liens and attorney fees is expected to be approximately \$911,860. The probate court may award estate and personal representative fees, estimated at approximately \$114,030, in accordance with Florida law from all net proceeds<sup>4</sup> to the estate.

Counsel for the Plaintiff represents it is his understanding from discussion with the attorney for the personal representative of the estate, that the proposed distribution of any claim bill will be made in accordance with Florida Statute, in that both parents will receive damages equally, [after liens, costs, and expenses have been paid]. However, Cheryl Maudsley, mother and primary caregiver of Danielle, both during her life and while she was hospitalized, will be petitioning the probate court for a greater apportionment of those damages. Danielle Maudsley's father is currently incarcerated. According to Counsel, Cheryl Maudsley also intends to establish a trust for her 8 year old daughter, Danielle's sister, with a majority of her portion of the funds.

CONCLUSIONS OF LAW:

A common law duty of care is owed to a person in custody. Kaiser v. Kolb, 543 So. 2d 732 (Fla 1989) Accordingly, Trooper Cole had a duty to reasonably carry out his operational responsibilities of maintaining custody of Danielle Maudsley and apprehending her when she attempted to flee. Under the doctrine of respondeat superior, the FHP, a Division of the DHSMV, is vicariously liable for the negligent acts of its employees, when such acts are within the course and scope of employment. See Mallory v. O'Neil, 69 So.2d 313 (Fla.1954), and s. 768.28, F.S.

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<sup>3</sup> If this claim bill is not enacted, a negotiated amount of \$87,000 will be paid from the \$200,000 recovery under the waiver of sovereign immunity to satisfy the Medicaid lien. According to counsel, the \$200,000 has not been disbursed yet to the estate.

<sup>4</sup> Estimated net proceeds is \$1,950,000 - \$487,500 (25% attorney and lobbying fees) - \$400,640 (Medicaid and medical bills) - \$14,636 (legal office expenses) = \$1,047,224.

Whether Trooper Cole implemented his responsibilities negligently or in accordance with statutory and departmental policy was an appropriate question for the jury. This hearing officer concludes that Trooper Cole negligently performed his duties in the firing of his Taser at the point in time that he discharged it, without first issuing a warning to allow her the opportunity to stop, without ascertaining to the best of his ability whether Ms. Maudsley was still handcuffed and to reassess the situation in that light, and without at least attempting to stop or overtake her in a manner that did not include a full body tackle. He had a 25 foot discharge range within which these actions could have been employed prior to a Taser discharge. Discharging the Taser was the proximate cause of Danielle Maudsley injuries and subsequent demise. The parties agreed to execute the settlement agreement to resolve this question as well as all allegations in the Amended Complaint. The settlement agreement is reasonable given the unfortunate outcome of this incident.

ATTORNEYS FEES:

Section 768.28(8), F.S., states that no attorney may charge, demand, receive, or collect for services rendered, fees in excess of 25 percent of any judgment or settlement. Claimant's counsel, Ralph M. Guito, III, Esq., has submitted an affidavit that the attorney fees, including lobbying fees, will not exceed 25 percent of the total amount awarded under the claim bill.

RECOMMENDATIONS:

Based upon the foregoing, I recommend that SB 32 be reported FAVORABLY.

Respectfully submitted,

Sandra R. Stovall  
Senate Special Master

cc: Secretary of the Senate

**CS by Judiciary:**

The committee substitute, in conformity with a recent opinion of the Florida Supreme Court, does not include the limits on costs, lobbying fees, and other similar expenses, which were included in the original bill.

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

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

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

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BILL: PCS/CS/SB 56 (215764)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development, Transportation Committee and Senator Bean and others

SUBJECT: Specialty License Plates

DATE: April 17, 2017

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Miller</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Pitts</u>	<u>ATD</u>	<u>Recommend: Fav/CS</u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/CS/SB 56 makes numerous changes concerning special military license plates and specialty license plates. The bill:

- Increases the minimum presale requirement for specialty license plates to be produced, from 1,000 to 3,000 presale vouchers;
- Directs the DHSMV to develop 15 new specialty license plates;
- Provides that recipients of a discontinued specialty license plate may keep such plate for the remainder of the 10-year license plate replacement period without payment of the specialty plate annual use fees;
- Requires the DHSMV to distribute annual use fees to the recipient organization of a discontinued specialty plate within 180 days after the plate is discontinued, or to distribute such fees to the Highway Safety Operating Trust Fund if the organization no longer exists;
- Amends the required appearance of the Special Olympics Florida specialty license plate and the distribution of the Fallen Law Enforcement Officers license plate annual use fees;
- Effective October 1, 2020, increases the minimum sales requirement on specialty license plates, from 1,000 to 3,000 valid annual registrations;
- Effective October 1, 2020, provides exemptions from minimum registration requirements for certain specialty plates;
- Requires the DHSMV to audit, every 2 years, specialty plate organizations not subject to annual audits;

- Creates a Purple Heart license plate with the international symbol of accessibility, which is available to specified disabled veterans who are also Purple Heart recipients;
- Creates a Bronze Star license plate and plate with the “V” device emblem, which is available to recipients of the Bronze Star medal or Bronze Star medal with the “V” designation;
- Includes that the Ex-POW license plate may include the likeness of the Prisoner of War medal; and
- Makes technical changes in s 320.089, F.S., to provide clarity.

Depending on the number of plates that will be discontinued starting in October 1, 2021, the DHSMV may incur minimal programming costs associated with discontinuing specialty plates.

The DHSMV will incur costs to design and manufacture specialty plates, as well as programming costs to develop all new specialty license plates. DHSMV will also incur costs for biennial audits of specialty license plate organizations not currently required to submit annual audits. The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.<sup>1</sup>

The DHSMV will also incur costs to create the Bronze Star plates and the Purple Heart Disabled Veteran plate. However, the DHSMV estimates such costs will have a negative, but insignificant, fiscal impact on the department.

Except as otherwise specified, the bill takes effect on October 1, 2017.

## II. Present Situation:

### Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida.<sup>2</sup> Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.<sup>3</sup> The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified in the plate’s design and designated in statute.<sup>4</sup>

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

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue pre-sale vouchers for the approved specialty license plate; and
- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing may begin.

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<sup>1</sup> Section 320.08056(7), F.S.

<sup>2</sup> A list of Florida’s specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited Feb. 14, 2017).

<sup>3</sup> Section 320.08056, F.S.

<sup>4</sup> Section 320.08058, F.S.



If, at the end of the 24-month presale period, the minimum sales requirement has not been met, the DHSMV will discontinue the plate and issuance of the presale voucher. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.<sup>5</sup>

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.<sup>6</sup> Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.<sup>7</sup> Specifically, s. 215.97, F.S., requires annual audits of nonstate entities that expend at least \$750,000 of state financial assistance in any fiscal year.

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

The DHSMV retains sufficient annual use fees, from the sale of the specialty plates, to defray its costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.<sup>8</sup>

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

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid plate registrations falls below 1,000 registrations for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid registrations is below 1,000. Collegiate plates are exempt from the minimum plate requirement.<sup>9</sup> Additionally, the specialty license plate must be discontinued if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.<sup>10</sup>

### ***Special Olympics Florida Specialty License Plate***

Section 320.08058(7), F.S., provides that the Special Olympics Florida license plate must have the word "Florida" at the bottom of the plate and the words "Everyone Wins" at the top of the plate. An organization may not redesign its specialty license plate until its current inventory is depleted. However, it may purchase the remaining inventory of the plate at cost from the DHSMV.<sup>11</sup> According to the DHSMV, there are currently 5,529 Special Olympics Florida plates in inventory. The organization could pay approximately \$15,591 to the DHSMV to deplete such inventory.<sup>12</sup>

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<sup>5</sup> Section 320.08053(2)(b), F.S.

<sup>6</sup> Section 320.08056(10)(a), F.S.

<sup>7</sup> Section 320.08062, F.S.

<sup>8</sup> Section 320.08056(7), F.S.

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

<sup>10</sup> Section 320.08056(8)(b), F.S.

<sup>11</sup> Section 320.08056(9), F.S.

<sup>12</sup> Email from the DHSMV (April 13, 2017) (on file with Senate Committee on Transportation).

### ***Fallen Law Enforcement Officers Specialty License Plate***

The Fallen Law Enforcement Officers specialty license plate was created by law in 2014<sup>13</sup> with an annual fee of \$25. As of February 1, 2017, the plate had 4,689 active registrations.<sup>14</sup> Currently, proceeds from sale of the plate are distributed to the Police and Kids Foundation, Inc., which may use a maximum of 10 percent of the proceeds to promote and market the plate, and the remaining proceeds are invested and reinvested. The foundation is authorized to use the interest earnings from such investments for the operation of the foundation.<sup>15</sup>

### **Special Military License Plates**

Currently, there are 21 special military license plates authorized in s. 320.089, F.S., available to military service members or veterans.<sup>16</sup> Special military license plates authorized under s. 320.089, F.S., are stamped with words consistent with the type of special plate issued. For example, a special plate issued to a current or former member of the Florida National Guard is stamped with the words “National Guard.” Additionally, a likeness of the related campaign medal, ribbon, or badge appears on the plate.<sup>17</sup>

Applicants for special military license plates under s. 320.089, F.S., are required to pay the annual license tax in s. 320.08, F.S., with the exception of certain disabled veterans who qualify for the Pearl Harbor, Purple Heart, or Prisoner of War plate, to whom such plates are issued at no cost.<sup>18</sup> With the exception of Woman Veteran plates, the first \$100,000 of revenue generated annually from the sale of special military plates is deposited into the Grants and Donations Trust Fund under the Veterans’ Nursing Homes of Florida Act, as described in s. 296.38(2), F.S. Additional revenue is deposited into the State Homes for Veterans Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans.<sup>19</sup>

### ***Bronze Star Medal***

The Bronze Star Medal was established on February 4, 1944, to recognize those who served after December 6, 1941, in any capacity in or with the Armed Forces of the United States or a friendly foreign nation. The Bronze Star Medal is awarded to a person who distinguished himself or herself by heroic or meritorious service, not involving participation in aerial flight, in connection with military operations against an armed enemy; or while engaged in military operations involving conflict with an opposing armed force in which the United States is not a belligerent

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<sup>13</sup> Chapter 2014-168, Laws of Florida

<sup>14</sup> DHSMV website, *Monthly Active Specialty Plates* (February 2017), available at <https://services.flhsmv.gov/specialtyplates/ActivePlates.aspx> (last visited Feb. 21, 2017).

<sup>15</sup> Section 320.08058(80), F.S.

<sup>16</sup> The 21 military special plates currently offered in s. 320.089, F.S., include plates available for the following types of service: Veteran or Woman Veteran of the U.S. Armed Forces, World War II, Korean War, or Vietnam War Veteran, Navy Submariner, Active or retired National Guard member or U.S. Reservists, Pearl Harbor survivor, recipient of the Combat Infantry Badge, Combat Medical Badge, Combat Action Badge, Combat Action Ribbon, Air Force Combat Action Medal, Distinguished Flying Cross, or Purple Heart, former Prisoner of War, and service members or veterans of Operation Desert Shield, Desert Storm, Enduring Freedom, and Iraqi Freedom.

<sup>17</sup> For plate samples, see Department of Highway Safety and Motor Vehicles, *Military License Plates*, available at <http://www.flhsmv.gov/specialtytags/miltags.html> (last visited March 16, 2017).

<sup>18</sup> Section 320.089(1)(c) and (2)(a), F.S.

<sup>19</sup> Section 320.089(1)(b), F.S.

party. Recipients of the Bronze Star Medal must be receiving imminent danger pay while serving in a geographic area authorized for special pay.<sup>20</sup> When the Bronze Star Medal is awarded for valor, the “V” device<sup>21</sup> is authorized.

Since its inception, the Bronze Star Medal has been awarded to over 1.3 million recipients.<sup>22</sup> Of those recipients, more than 176,000 were awarded the Bronze Star Medal with a “V” device for valor.<sup>23</sup>

### ***Disabled Veteran License Plates***

A disabled veteran is eligible for one free disabled veteran license plate if he or she has been a resident of this state for the preceding five years or has established a domicile in this state, has been honorably discharged from the United States Armed Forces, and provides proof that he or she:

- Has a vehicle initially acquired through financial assistance by the United States Department of Veterans Affairs (VA) or its predecessor specifically for the purchase of an automobile;
- Has been determined by the VA or its predecessor to have a service-connected 100 percent disability rating for compensation; or
- Has been determined to have a service-connected disability rating of 100 percent and receives disability retirement pay from any branch of the United States Armed Forces.<sup>24</sup>

Additionally, s. 320.0842, F.S., provides that a disabled veteran is eligible for a free disabled veteran license plate stamped with the international symbol of accessibility if he or she is eligible for both the disabled veteran license plate and proves that due to a service-connected disability he or she permanently uses a wheelchair or otherwise qualifies for a disabled parking permit.

Section 316.1964, F.S., prohibits a state agency, county, municipality, or any agency thereof from charging a person with a Disabled Veteran license plate issued under s. 320.0842, F.S., from parking fees on public streets or in metered parking if the vehicle is transporting the person to whom the plate was issued.

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

### **Minimum Specialty License Plate Sale Requirements (Sections 1 and 3)**

The bill increases the minimum sales requirement for specialty license plates from 1,000 to 3,000 plates. Specialty license plates that enter the 24-month presale period as of October 1, 2017, are required to sell at least 3,000 presale vouchers in order to be manufactured. Effective October 1,

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<sup>20</sup> Department of the Army, *Military Awards*, Army Regulation 600-8-22 (June 25, 2015), available at [http://www.apd.army.mil/epubs/DR\\_pubs/DR\\_a/pdf/web/r600\\_8\\_22.pdf](http://www.apd.army.mil/epubs/DR_pubs/DR_a/pdf/web/r600_8_22.pdf) at p. 50 (last visited April 12, 2017).

<sup>21</sup> The “V” device is a bronze block letter worn to denote participation in acts of heroism involving conflict with an armed enemy. See *Id* at p. 74.

<sup>22</sup> U.S Army Human Resources Command, *Awards and Decorations Statistics by Conflict* (Dec. 31, 2016), available at <https://www.hrc.army.mil/content/Awards%20and%20Decorations%20Statistics%20by%20Conflict> (last visited April 12, 2017).

<sup>23</sup> *Id.*

<sup>24</sup> Section 320.084(1), F.S.

2020, any existing specialty plate that falls below 3,000 valid registrations for at least 12 consecutive months will be discontinued.

The bill provides an exemption from the minimum sales requirement for established specialty plates of institutions in and entities of the State University System, specialty plates that have statutory eligibility limitations<sup>25</sup>, and Florida Professional Sports Team license plates established under s. 320.08058(9), F.S.

As of March 1, 2017, 12 active specialty plates (excluding collegiate plates) were below 3,000 valid registrations. Of those, nine of the plates are required to maintain minimum sales under this bill. If the plates remain under 3,000 valid registrations for 12 consecutive months following October 1, 2020, they will be discontinued. Those plates are:

<b>Specialty License Plates Below 3,000 Valid Registrations and Current Registrations</b>			
Florida Sheriff's Association	2,778	Parents Make a Difference	1,605
Boy Scouts of America	2,421	Florida Agricultural	1,596
Big Brothers Big Sisters	2,384	American Legion	1,510
A State of Vision	2,324	Kids Deserve Justice	1,428
Family Values	2,071		

**Discontinued Specialty License Plates (Section 2)**

The bill allows the recipient of a specialty license plate to keep the plate for the remainder of the 10-year license plate replacement period without payment of the specialty plate annual use fees if the specialty license plate is discontinued by the DHSMV.

Additionally, if a specialty plate is discontinued, the DHSMV must distribute the annual use fees for the discontinued plate within 180 days after the plate is discontinued, less an amount sufficient to defray departmental costs incurred by the DHSMV associated with discontinuing the plate. The DHSMV is directed to deposit annual use fees into the Highway Safety Operating Trust Fund if the recipient organization for the discontinued plate no longer exists.

**Proposed Specialty Plates (Sections 2 and 4)**

The bill directs the DHSMV to develop 15 new specialty license plates. All of the proposed specialty license plates have an annual use fee of \$25. Each proposed plate is required to sell 3,000 presale vouchers within 24 months after the voucher is established for the plate to be produced by the DHSMV, otherwise the plate is discontinued.

Organizations receiving money from the sale of proposed specialty license plates are described below under their corresponding plate.

<sup>25</sup> For example, s 320.08058(72), F.S., requires a registrant to be a good-standing member or related to a member of the Fraternal Order of Police in order to purchase the Fraternal Order of Police specialty license plate. This appears to be the only plate exempted by this particular change.

### ***Ducks Unlimited License Plate***

The words “Conserving Florida Wetlands” must appear at the bottom of the plate, and annual use fees are distributed to Ducks Unlimited, Inc. The organization may use up to 5 percent of the fees for administrative costs and marketing of the plate, and at least 95 percent of fees must be used in Florida to support the organization’s mission and efforts for the conservation, restoration, and management of Florida wetlands and associated habitats for the benefit of waterfowl, other wildlife, and people.

#### **Ducks Unlimited, Inc.**<sup>26</sup>

Ducks Unlimited, Inc. is a non-profit, volunteer-based organization whose mission is to conserve, restore, and manage wetlands and associated habitats for North America’s waterfowl. The organization was created in 1937, and currently has habitat projects in all 50 states, every Canadian province, and key areas of Mexico and Latin America. In Fiscal Year 2016, the organization reported receiving revenues and support of over \$221 million, with 84 percent going to wetlands and waterfowl conservation and education.<sup>27</sup>

### ***Sun Sea Smiles License Plate***

The words “Sun Sea Smiles” must appear at the bottom of the plate, and annual use fees from sale of the plate are distributed as follows:

- 35 percent to the Florida Caribbean Charitable Foundation, Inc. Of the funds received, 5 percent is for marketing the plate. From the remaining funds:
  - 60 percent is for a college scholarship program;
  - 15 percent is to promote health and wellness among Florida residents of Caribbean descent; and
  - 25 percent is to promote awareness of Caribbean culture within the state.
- 20 percent to the American Friends of Jamaica, Inc. Of which:
  - Up to 5 percent may be used for administrative and marketing expenses; and
  - The remaining funds are for grants to promote social and community development among Florida residents;
- 10 percent to Haitian Neighborhood Center Sant La, Inc. Of which:
  - Up to 5 percent may be used for administrative expenses; and
  - The remaining funds are used to promote social and community development;
- 10 percent to Fanm Ayisyen nan Miyami, Inc. Of which:
  - Up to 10 percent may be used for administrative expenses; and
  - The remaining funds are used to promote social and community development;
- 20 percent to Greater Caribbean American Cultural Coalition, Inc. Of which:
  - Up to 5 percent may be used for administrative expenses; and
  - The remaining funds are used to promote awareness of Caribbean culture within the state; and
- 5 percent to Little Haiti Optimist Foundation, Inc. Of which:
  - Up to 5 percent may be used for administrative expenses; and

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<sup>26</sup> See Ducks Unlimited website, <http://www.ducks.org/> (last visited Feb. 13, 2017).

<sup>27</sup> Ducks Unlimited website, *2016 Annual Report*, <http://www.ducks.org/about-ducks-unlimited/ducks-unlimited-financial-information/du-2016-annual-report> (last visited Feb. 13, 2017).

- The remaining funds are used to promote awareness of Caribbean culture and youth development within the state.

Florida Caribbean Charitable Foundation, Inc.<sup>28</sup>

The Florida Caribbean Charitable Foundation, Inc. is a civic and social organization established in 2007; and is a domestic non-profit corporation located in North Miami Beach.

American Friends of Jamaica, Inc.<sup>29</sup>

The organization is a non-profit established in 1982, that is “dedicated to supporting Jamaican charitable organizations and social initiatives working to improve the lives of Jamaicans through systemic development in the areas of education, healthcare and economic development.”

Haitian Neighborhood Center Sant La, Inc.<sup>30</sup>

The mission of the Center is to “empower, strengthen, and stabilize South Florida’s Haitian community, through access for free services and resources, to ensure its successful integration.” This is accomplished through services such as citizenship assistance, college scholarships, community outreach, employment services, community partnerships, and educational services.

Fanm Ayisyen nan Miyami, Inc.<sup>31</sup>

Fanm Ayisyen nan Miyami, Inc., also known as Haitian Women of Miami, has a mission to empower Haitian women and their families socially and politically, and to facilitate their adjustments to South Florida. The organization provides counseling, outreach, education, access to care, and advocacy services to low and moderate-income families.

Greater Caribbean American Cultural Coalition, Inc.<sup>32</sup>

The Coalition is “an umbrella organization serving the Caribbean people and other members of the community, by bringing together the various Caribbean countries and Islands, and their rich cultural heritage.” The coalition’s mission is to enrich the cultural environment by fostering multicultural understanding through an appreciation of Caribbean cultures.

Little Haiti Optimist Foundation, Inc.<sup>33</sup>

Little Haiti Optimist Foundation, Inc., is a charitable organization located in Miami, and established in 2010 to provide assistance, guidance, and programs to the youth of Little Haiti. The organization is affiliated with the International Optimist association, a network of over 3,000 Optimist Clubs around the world dedicated to “Bringing Out the Best in Kids.”

<sup>28</sup> Florida Department of State - Division of Corporations, *Florida Caribbean Charitable Foundation, Inc.*, <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=FLORIDACARIBBEANCHARITABLEFOUN%20N070000070260&aggregateId=domnp-n07000007026-231a2bc8-5eb0-42f9-8fa3-f6660756ccc1&searchTerm=florida%20caribbean%20charitable%20foundation&listNameOrder=FLORIDACARIBBEANCHARITABLEFOUN%20N070000070260> (last visited Feb. 10, 2017).

<sup>29</sup> The American Friends of Jamaica website, *About Us*, <https://theafj.org/about-us/> (last visited Feb. 10, 2017).

<sup>30</sup> See Haitian Neighborhood Center Sant La website, <http://santla.org> (visited April 12, 2017).

<sup>31</sup> See Fanm Ayisyen nan Miyami website, <http://www.fanm.org/> (last visited Feb. 10, 2017).

<sup>32</sup> Greater Caribbean American Cultural Coalition website, *About Us*, <http://www.gcaccoalition.com/> (last visited Feb. 10, 2016).

<sup>33</sup> See The Little Haiti Optimist Club website at <http://www.littlehaitioptimist.org/> (last visited Feb. 10, 2017).

***Alpha Phi Alpha Fraternity License Plate***

The name of the fraternity must appear at the bottom of the plate, and annual use fees are distributed as follows:

- 5 percent for the United Negro College Fund (UNCF) to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the Florida Federation of Alpha Chapters to market the plate; and
- 85 percent to the Florida Federation of Alpha Chapters to promote community awareness and action through educational, economic, and cultural service activities.

**United Negro College Fund (UNCF)**<sup>34</sup>

In 1944, the UNCF was founded to help more African American students attend and graduate from college. The UNCF accomplishes this goal by awarding scholarships, providing financial support to 37 historically black colleges and universities, and by advocating for the importance of minority education and community engagement.

**Florida Federation of Alpha Chapters**<sup>35</sup>

Alpha Phi Alpha “develops leaders, promotes brotherhood and academic excellence, while providing service and advocacy for our communities.” The Fraternity’s programs and projects include community outreach mentoring initiatives.

According to corporate filings with the Department of State, The Florida Federation of Alpha Chapters, Inc. voluntarily dissolved its Florida corporation in 2012.<sup>36</sup>

***Omega Psi Phi Fraternity License Plate***

The name of the fraternity must appear at the bottom of the plate, and annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to State of Florida Omega Friendship Foundation, Inc. to market the plate; and
- 85 percent to State of Florida Omega Friendship Foundation, Inc. to promote community awareness and action through educational, economic, and cultural service activities.

**State of Florida Omega Friendship Foundation, Inc.**

Omega Psi Phi Fraternity, Inc. was the first international fraternal organization to be founded on the campus of a historically black college. Founded in 1911, at Howard University, “Manhood, Scholarship, Perseverance and Uplift” were adopted as cardinal principles of the organization.<sup>37</sup>

<sup>34</sup> See United Negro College Fund website, <https://www.uncf.org/> (last visited Feb. 24, 2017).

<sup>35</sup> See Florida Federation of Alpha Chapters website, <http://flfederation.org/about-us/> (last visited Feb. 24, 2017).

<sup>36</sup> See Department of State – Division of Corporations, *The Florida Federation of Alpha Chapters, Inc.* <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=FLORIDAFEDERATIONALPHACHAPTERS%207667210&aggregateId=domnp-766721-dab6eb78-11a9-47b0-b1ec-1eeea3ac1b98&searchTerm=florida%20federation%20of%20alpha%20chapters&listNameOrder=FLORIDAFEDERATIONALPHACHAPTERS%207667210> (last visited Mar. 7, 2017).

<sup>37</sup> See Omega Friendship Foundation, Inc. website, [http://oppf.org/about\\_omega.asp](http://oppf.org/about_omega.asp) (last visited Jan. 29, 2016).



According to corporate filings with the Department of State, the corporation was organized to work and uplift humanity, mentor youth, sponsor blood drives, raise money for scholarships and charitable causes, and encourage members to make a difference in the lives of Black people.<sup>38</sup>

### ***Kappa Alpha Psi Fraternity License Plate***

The name of the fraternity must appear at the bottom of the plate, and annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to Southern Province of Kappa Alpha Psi Fraternity, Inc., to market the plate; and
- 85 percent to Southern Province of Kappa Alpha Psi Fraternity, Inc. to promote community awareness and action through educational, economic, and cultural service activities.

### ***Southern Province of Kappa Alpha Psi Fraternity, Inc.***<sup>39</sup>

Kappa Alpha Psi was founded in 1911, on the campus of Indiana University at Bloomington, Indiana. The objectives of this fraternity are to:

- Unite men of culture, patriotism, and honor in a bond of fraternity;
- Encourage honorable achievement in every field of human endeavor;
- Promote the spiritual, social, intellectual, and moral welfare of members;
- Assist the aims and purposes of colleges and universities; and
- Inspire service in the public interest.

According to corporate filings with the Department of State, the Southern Province of Kappa Alpha Psi Foundation, Inc. was organized to support the charitable and educational activities of the Kappa Alpha Psi fraternal organization.<sup>40</sup>

### ***Phi Beta Sigma Fraternity License Plate***

The name of the fraternity must appear at the bottom of the plate, and annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the TMB Charitable Foundation, Inc., to market the plate; and
- 85 percent to the TMB Charitable Foundation, Inc., to promote community awareness and action through educational, economic, and cultural service activities.

<sup>38</sup> See Department of State – Division of Corporations, *The State of Florida Omega Friendship Foundation, Inc.* (Dec. 2008) <http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2008%5C1212%5C38662819.Tif&documentNumber=N08000011146> (last visited Feb. 24, 2017).

<sup>39</sup> See Southern Province Kappa Alpha Psi Fraternity, Inc. website, <http://southernprovince.org/> (last visited Feb. 27, 2017).

<sup>40</sup> See Department of State – Division of Corporations, *Southern Province of Kappa Alpha Psi Foundation, Inc.* (July 2002), <http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2002%5C0723%5C50481755.tif&documentNumber=N02000005456> (last visited Feb. 24, 2017).



TMB Charitable Foundation, Inc.<sup>41</sup>

According to corporate filings with the Department of State, the Foundation's principal address is in Tallahassee, Florida. The Foundation is a not-for-profit corporation "operated exclusively for charitable purposes, including, without limitation, acting as an instrument to which youth are encouraged and inspired to achieve academic success through mentoring."

***Zeta Phi Beta Sorority License Plate***

The name of the sorority must appear at the bottom of the plate, and annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the Florida Pearls, Inc. to market the plate; and
- 85 percent to the Florida Pearls, Inc. to promote community awareness and action through educational, economic, and cultural service activities.

The Florida Pearls, Inc.<sup>42</sup>

The Florida Pearls, Inc. is a not-for-profit corporation established to provide Florida communities with scholarships, health initiative programs, cultural and humanities program, youth programs, and feeding the hungry programs.

According to corporate filings with the Department of State, the corporation was organized "to provide Scholarships, Educational, Cultural, Community Workshops, and Training Programs in the State of Florida."<sup>43</sup>

***Delta Sigma Theta Sorority License Plate***

The name of the sorority must appear at the bottom of the plate, and annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the Delta Research and Educational Foundation to market the plate; and
- 85 percent to the Delta Research and Educational Foundation to promote community awareness and action through educational, economic, and cultural service activities.

Delta Research and Educational Foundation<sup>44</sup>

The Delta Research and Educational Foundation is a charitable, not-for-profit organization. Delta Sigma Theta Sorority established the Foundation in 1967. The Foundation's mission is to

<sup>41</sup> See Department of State – Division of Corporations, *TMB Charitable Foundation, Inc.* (April 2014), <http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2014%5C0411%5C58641349.Tif&documentNumber=N14000003486> (last visited Feb. 27, 2017).

<sup>42</sup> The Florida Pearls, Incorporated, brochure, available at: <http://www.zphibfl.org/Forms/Brochure-%20The%20Florida%20Pearls,%20Inc..pdf> (last visited Feb. 27, 2017).

<sup>43</sup> See Department of State – Division of Corporations, *The Florida Pearls, Incorporated* (Dec. 2009), <http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2009%5C1229%5C63408512.Tif&documentNumber=N09000012079> (last visited Feb. 27, 2017).

<sup>44</sup> See Delta Sigma Theta Sorority website, *Delta Research and Education Foundation*, [http://www.deltasigmatheta.org/programs\\_delta\\_foundation.html](http://www.deltasigmatheta.org/programs_delta_foundation.html) (last visited Feb. 27, 2017).

promote “research which identifies and fashions solutions to issues affecting African American women and their families, nationally and globally through funding and support of programs of the sorority and collaborative organizations.”

#### ***Alpha Kappa Alpha Sorority License Plate***

The name of the sorority must appear at the bottom of the plate, and annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the Alpha Kappa Alpha Educational Advancement Foundation, Inc. to market the plate; and
- 85 percent to the Alpha Kappa Alpha Educational Advancement Foundation, Inc. to promote community awareness and action through educational, economic, and cultural service activities.

#### **Alpha Kappa Alpha Educational Advancement Foundation, Inc.**

The Alpha Kappa Alpha Educational Advancement Foundation, Inc. is a charitable, not-for-profit organization. Alpha Kappa Alpha Sorority, Inc. created the Foundation in 1980 with a mission “to promote lifelong learning. This is accomplished by securing charitable contributions, gifts and endowed funds to award scholarships, fellowships and grants.”<sup>45</sup>

#### ***Sigma Gamma Rho Sorority License Plate***

The name of the sorority must appear at the bottom of the plate, and annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the Sigma Gamma Rho Sorority National Education Fund, Inc. to market the plate; and
- 85 percent to the Sigma Gamma Rho Sorority National Education Fund, Inc. to promote community awareness and action through educational, economic, and cultural service activities.

#### **Sigma Gamma Rho Sorority National Education Fund, Inc.**<sup>46</sup>

The Sigma Gamma Rho Sorority National Education Fund, Inc. is a charitable, not-for-profit organization. Sigma Gamma Rho Sorority developed the Fund with a mission to provide scholarship aid to needy students and to conduct educational programs, workshops, symposiums, and forums to enhance the quality of life.

#### ***Dan Marino Foundation License Plate***

The words “Marino Campus” must appear at the bottom of the plate, and annual use fees from the sale of the plate are distributed to the Dan Marino Foundation, Inc., a Florida nonprofit corporation. The Foundation may use up to ten percent of such fees for administrative costs and marketing of the plate. The remainder of the proceeds shall be used by the Foundation to assist

<sup>45</sup> Alpha Kappa Alpha Educational Advancement Foundation website, <http://www.akaef.org/> (last visited Feb. 27, 2017).

<sup>46</sup> See Sigma Gamma Rho Sorority, *National Education Fund*, <http://sgrho1922.celect.org/nef> (last visited Feb. 27, 2017).

Floridians with developmental disabilities to become employed, independent, and productive, and to promote and fund educational scholarships and awareness of these services.

The Dan Marino Foundation<sup>47</sup>

The Dan Marino Foundation is a nonprofit organization dedicated to improving the lives of persons with autism or other developmental disabilities. The Foundation was founded in 1992, and provides numerous programs and services, including:

- Marino Campus, “an intensive 10-month post-secondary educational program to help young adults with autism and other developmental disabilities bridge the gap between high school and employment”;
- ViTA DMF, virtual reality software and curriculum designed to help young adults with autism practice job interviewing skills;
- The Marino Autism Research Institute, which funded the science behind the ViTA DMF and funds the Marino Scholars Program at Vanderbilt University; and
- The Nicklaus Children’s Dan Marino Outpatient Center.

***Florida State Beekeepers Association License Plate***

The words “Save the Bees” must appear at the bottom of the plate, and annual use fees are distributed to the Florida State Beekeepers Association, which may use up to 18 percent of the annual fees to reimburse administrative costs, startup costs, and costs incurred in the development and approval process of the plate, and promotion and marketing costs. Vendors associated with the administrative costs must be selected by competitive bid.

The remaining funds are used to raise awareness of the importance of beekeeping to Florida agriculture by funding honeybee research, education, outreach, and husbandry. The bill provides that the Association’s board of managers must approve and is accountable for all such expenditures.

Florida State Beekeepers Association<sup>48</sup>

The Florida State Beekeepers Association, Inc. is a Florida nonprofit<sup>49</sup> with a mission to provide resources for the improvement of beekeeping, to promote the development of practical beekeeping methods in Florida, and to act in the interest of Florida beekeepers in state and national beekeeping affairs.

***Orlando United License Plate***

The words “Orlando United” must appear at the bottom of the plate, and annual use fees are distributed as follows:

- Thirty-eight percent to the Mental Health Association of Central Florida, Inc.;

<sup>47</sup> See The Dan Marino Foundation website, <https://danmarinofoundation.org/> (last visited Feb. 27, 2017).

<sup>48</sup> See Florida State Beekeepers Association website, <http://www.floridabeekeepers.org/> (last visited Mar. 11, 2017).

<sup>49</sup> According to corporate filings with the Department of State, Sunbiz.org, The Association has been incorporated with the state since 1971. Available at <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=FLORIDASTATEBEEKEEPERSASSOCIAT%207212370&aggregateId=domnp-721237-2d1c24d7-c677-4df4-aedf-> (last visited Mar. 15, 2017).

- Thirty-one percent to the Hispanic Federation, Inc. to be used through the Proyecto Somos Orlando campaign; and
- Thirty-one percent to Two Spirit Health Services, Inc.

Each organization may use up to 5 percent for administrative expenses. The Mental Health Association of Central Florida, Inc. is to use 7 percent of the proceeds for marketing of the plate. The remainder of the proceeds must be used to offer free personalized counseling to any person affected by the shooting at the Pulse Nightclub in Orlando, Florida, on June 12, 2016.

The Mental Health Association of Central Florida, Inc.<sup>50</sup>

The mission of The Mental Health Association of Central Florida, Inc. is “to provide mental health services, support and information to the members of our Central Florida community.” The organization does this by offering a free Mental Health Connections program for individuals; providing a Guardian Advocate Training program; overseeing Reflections, a peer-driven recovery community; taking part in community outreach; running an anti-suicide campaign; and partnering with Orange County Government and Florida Hospital to treat uninsured individuals with anxiety or depression, and accompanying medical conditions at the Outlook Clinic.

The Hispanic Federation, Inc.<sup>51</sup>

The Hispanic Federation, Inc. is a nonprofit organization founded in 1990, which “seeks to support Hispanic families and strengthen Latino institutions through work in the areas of education, health, immigration, civic engagement, economic empowerment, and the environment.” The organization offers membership and advocacy services, as well as community assistance programs. Following the Orlando shooting at Pulse Nightclub, the Hispanic Federation joined forces with Latino-led institutions to create Proyecto Somos Orlando to address long-term needs for mental health services that are culturally competent and bilingual. The campaign provides case management, crisis intervention, and mental health services.

Two Spirit Health Services, Inc.<sup>52</sup>

Two Spirit Health Services is a non-profit organization incorporated in 2011, which provides mental health, behavioral, substance abuse, primary care, transgender health and related services to individuals in the Lesbian, Gay, Bisexual, and Transgender (LGBT) community in the Central Florida area. The organization’s mission to create a “one-stop shop” health organization for LGBT people, regardless of ability to pay, to get healthcare and wellness services “in an environment that is culturally competent and delivered by a diverse staff that is comprised of the LGBT community.”

***Ethical Ecotourism License Plate***

Proceeds from the sale of the plate are distributed equally between the Florida Society for Ethical Ecotourism (Florida SEE) and Paddle Florida, Inc. Florida SEE must use its share of the proceeds to provide environmental education and awareness that encourages behaviors that contribute to the sustainability of Florida’s natural ecosystems and resources. Paddle Florida, Inc. must use its share of the proceeds to raise awareness about water conservation, wildlife

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<sup>50</sup> See Mental Health Association of Central Florida website, <https://www.mhacf.org/> (last visited Mar. 11, 2017).

<sup>51</sup> See Hispanic Federation website, <http://hispanicfederation.org/> (last visited Mar. 11, 2017).

<sup>52</sup> See Two Spirit Health Services, Inc. website, <http://twospirthealth.org/> (last visited Mar. 11, 2017).

preservation, restoration of springs, and protection of waterways in this state. Each organization may use up to 10 percent of the proceeds for administrative costs and to market the plate.

#### Florida Society for Ethical Ecotourism (Florida SEE)

Florida SEE was created in 1998 to establish and maintain a professional code of ecotourism ethics to encourage an awareness and stewardship of Florida's natural heritage.<sup>53</sup> Florida SEE operates a certification program that recognizes ecotourism guides who contribute to the environmental, social, and economic sustainability of Florida.<sup>54</sup> Certified Florida SEE Ecotour Providers are recognized as preferred service providers committed to using best practices for ecological sustainability, natural area management, and quality ecotourism experience.

#### Paddle Florida, Inc.<sup>55</sup>

Paddle Florida, Inc. is a non-profit corporation that offers paddling events in each of Florida's five water management districts and is recognized by Florida SEE as one of its certified Ecotour Providers. Paddle Florida partners with local outfitters that provide canoes, kayaks and gear for trips that last 30 miles to more than 70 miles. The organization also provides Florida-based entertainment, educational programming, and staff who scout waterways in advance to ensure safe tours.

#### ***Rotary License Plate***

The word "Rotary" must appear at the bottom of the plate, and annual use fees are distributed to the Community Foundation of Tampa Bay, Inc., who distributes the funds as follows:

- Up to 10 percent for administrative costs and for marketing the plate;
- 10 percent to Rotary's Camp Florida for direct support to all programs and services provided to special needs children who attend the camp; and
- The remainder must be distributed, proportionally based on sales, to each Rotary district in the state in support of Rotary youth programs in Florida.

#### Rotary's Camp Florida<sup>56</sup>

Rotary's Camp Florida is a non-profit organization providing camping facilities to children and adults with special needs. The facility is a 21-acre camp located in Brandon, Florida, which provides user groups with clean, safe, and barrier-free camping. The facility meets the full standards of the Americans with Disabilities Act. The Camp does not provide programming, but provides, from Florida's Rotary Club donations, special needs user groups deeply discounted rates to use the camp facilities.

### **Amending Existing Specialty Plates (Section 4)**

#### ***Special Olympics Florida License Plate***

The bill amends the Special Olympics Florida license plate to require the top of the plate display the word "Florida" and the bottom display the words "Be a Fan."

<sup>53</sup> Florida SEE website, *About Florida SEE*, [http://www.floridasee.org/about\\_florida\\_see.php](http://www.floridasee.org/about_florida_see.php) (last visited Mar. 30, 2017).

<sup>54</sup> Florida SEE website, *Certification, Overview and Eligibility*, <http://www.floridasee.org/certification.php> (last visited March 30, 2017).

<sup>55</sup> Florida SEE website, *Paddle Florida*, [http://www.floridasee.org/paddle\\_florida.php](http://www.floridasee.org/paddle_florida.php) (last visited March 30, 2017).

<sup>56</sup> See Rotary's Camp Florida website, <http://www.rotaryscampflorida.org/> (last visited April 12, 2017).

### ***Fallen Law Enforcement Officers License Plate***

The bill amends the distribution of annual use fees from the sale of the Fallen Law Enforcement Officers specialty license plate to allow the Police and Kids Foundation, Inc. to use at least 90 percent of the proceeds of the license plate sales (rather than just the interest earnings thereon) for the foundation's operations, activities, programs, and projects.

### **Specialty License Plate Audits and Attestations (Section 5)**

The bill requires the DHSMV to audit organizations every 2 years that receive specialty license plate fees and are not required to submit an annual audit pursuant to s. 215.97, F.S.

### **Special Military License Plates (Sections 6 and 7)**

The bill makes technical changes throughout s. 320.089, F.S., to provide clarity, and to specify that the Ex-POW plate may also include a likeness of the Prisoner of War Medal.<sup>57</sup> Currently, the license plate must only be stamped with the words "Ex-POW."

### ***Bronze Star***

The bill amends s. 320.089, F.S., to direct the DHSMV to create two special license plates for recipients of the Bronze Star Medal and recipients of the Bronze Star Medal with the "V" device for valor. One plate will be stamped with the words "Bronze Star" and a likeness of the Bronze Star Medal. The other plate will be stamped with the words "Bronze Star" and a likeness of the Bronze Star Medal with the "V" device emblem.

To receive the Bronze Star special license plate the individual must submit an application to the DHSMV, provide proof that he or she is a Bronze Star Medal or Bronze Star Medal with the "V" device recipient, and pay the appropriate license tax. Revenue generated from the sale of the Bronze Star plates is deposited in the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund.

### ***Purple Heart Disabled Veteran License Plate***

The bill creates a Purple Heart license plate stamped with the term "Combat-wounded Veteran" and the international symbol of accessibility. The plate is available to persons who qualify for both the Purple Heart military license plate and the Disabled Veteran license plate issued under s. 320.0842, F.S. The plate is issued at no cost to the disabled veteran, and the eligible applicant must be noted on the registration certificate.

### **Effective Date (Section 8)**

With the exception of section 3 of the bill, which takes effect October 1, 2020, the bill takes effect October 1, 2017.

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<sup>57</sup> For information about the Prisoner of War Medal, see U.S. Air Force, *Fact Sheets: Prisoner of War Medal* (Aug. 4, 2010), available at <http://www.afpc.af.mil/About-Us/Fact-Sheets/Display/Article/421934/prisoner-of-war-medal> (last visited Mar 13, 2017).

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

The bill will have a negative impact on organizations and programs funded from a specialty plate that does not meet the increased minimum sales requirement and is subsequently discontinued.

Individuals who choose to purchase a specialty license plate will pay a \$25 annual use fee in addition to appropriate license taxes and fees, and the plate's recipient organization or organizations will receive revenue from each plate purchase.

The Police and Kids Foundation, Inc. will be able to use the proceeds from the sale of the Fallen Law Enforcement Officers license plate (rather than only the interest earnings on those proceeds) for its operations, activities, programs, and projects.

## C. Government Sector Impact:

The DHSMV estimates programming and implementation of each new specialty license plate will cost \$7,245.<sup>58</sup> DHSMV will also incur costs for biennial audits of specialty license plate organizations that do not currently submit annual audits. The cost of these audits is unknown. The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.<sup>59</sup>

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<sup>58</sup> DHSMV, *2017 Agency Legislative Bill Analysis: SB 56* (Jan. 6, 2017) (on file with the Senate Committee on Transportation).

<sup>59</sup> Section 320.08056(7), F.S.



Depending on the number of plates that will be discontinued starting in October 1, 2021, the DHSMV may incur minimal programming costs associated with discontinuing specialty plates.

The DHSMV will also incur costs to create the Bronze Star plates and the Purple Heart Disabled Veteran plate. However, the DHSMV estimates such costs will have a negative, but insignificant, fiscal impact on the department.

To the extent that people purchase the Bronze Star plate, the bill may have a positive impact on the State Homes for Veterans Trust Fund and the Grants and Donations Trust Fund administered by the Florida Department of Veterans' Affairs.

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

The bill allows a person to keep their specialty license plate for the remainder of the plate's 10-year replacement cycle if it is discontinued by the DHSMV. If a plate is discontinued because the organization no longer exists, issues could arise if the name of the organization or any slogan, emblem, logo, or internet domain name on the plate are taken over by another entity.

#### **VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 320.08053, 320.08056, 320.08058, 320.08062, 320.0842, and 320.089.

#### **IX. Additional Information:**

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

##### **Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 13, 2017:**

The CS:

- Increases the minimum presale requirement for specialty plates to be produced, from 1,000 to 3,000 vouchers;
- Directs the DHSMV to develop 16 additional specialty license plates;
- Allows the recipient of a discontinued specialty license plate to keep the plate for the remainder of the 10-year license plate replacement period without payment of the specialty plate annual use fees;
- Requires the DHSMV to distribute the annual use fees for a discontinued specialty license plate within 180 days after the plate is discontinued, less an amount sufficient to defray departmental costs associated with the discontinuance;
- Provides that if the recipient organization of the discontinued specialty plate no longer exists, the remaining annual use fees shall be deposited into the Highway Safety Operating Trust Fund;



- Amends the Special Olympics Florida license plate to require the top of the plate display the word “Florida” and the bottom display the words “Be a Fan”;
- Effective October 1, 2020, increases the minimum registration requirement of established specialty license plates, from 1,000 to 3,000 annual registrations;
- Effective October 1, 2020, exempts from the minimum registration requirements license plates of institutions in and entities of the State University System, specialty plates with statutory eligibility limitations for purchase, and Florida Professional Sports Team license plates established under s. 320.08058(9), F.S.;
- Requires the DHSMV to audit, every 2 years, specialty plate organizations that are not subject to annual audits to ensure proceeds have been used in compliance with ss. 320.08056 and 320.08058, F.S.;
- Creates a Purple Heart plate with the international accessibility symbol available to disabled veterans who qualify for both the Purple Heart plate and the disabled veteran with the international accessibility symbol plate;
- Makes technical changes to s. 320.089, F.S., related to military service-related special license plates;
- Creates a Bronze Star license plate available to recipients of the Bronze Star medal and a Bronze Star license plate with the “V” device emblem for recipients of such designation; and
- Includes that the Ex-POW plate may include the likeness of the Prisoner of War Medal.

**CS by Transportation on February 21, 2017:**

The CS:

- Clarifies that Ducks Unlimited, Inc. is to use the proceeds received from the Ducks Unlimited specialty plate within Florida.
- Amends the distribution of the Fallen Law Enforcement Officers specialty license plate to allow the Police and Kids Foundation, Inc. to use the remaining proceeds from the sale of the plate, after up to 10 percent is used for marketing, for the organization’s operations, activities, programs, and projects.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2017	.	
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Appropriations Subcommittee on Transportation, Tourism, and  
Economic Development (Bean) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 320.08053, Florida Statutes, is amended  
to read:

320.08053 Establishment of Requirements ~~for requests to  
establish~~ specialty license plates.—

(1) If a specialty license plate requested by an  
organization is approved by law, the organization must submit



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11 the proposed art design for the specialty license plate to the  
12 department, in a medium prescribed by the department, as soon as  
13 practicable, but no later than 60 days after the act approving  
14 the specialty license plate becomes a law.

15 (2) (a) Within 120 days following the specialty license  
16 plate becoming law, the department shall establish a method to  
17 issue a specialty license plate voucher to allow for the presale  
18 of the specialty license plate. The processing fee as prescribed  
19 in s. 320.08056, the service charge and branch fee as prescribed  
20 in s. 320.04, and the annual use fee as prescribed in s.  
21 320.08056 shall be charged for the voucher. All other applicable  
22 fees shall be charged at the time of issuance of the license  
23 plates.

24 (b) Within 24 months after the presale specialty license  
25 plate voucher is established, the approved specialty license  
26 plate organization must record with the department a minimum of  
27 3,000 ~~1,000~~ voucher sales before manufacture of the license  
28 plate may begin ~~commence~~. If, at the conclusion of the 24-month  
29 presale period, the minimum sales requirement has ~~requirements~~  
30 ~~have~~ not been met, the specialty plate is deauthorized and the  
31 department shall discontinue development of the plate and  
32 discontinue issuance of the presale vouchers. Upon  
33 deauthorization of the license plate, a purchaser of the license  
34 plate voucher may use the annual use fee collected as a credit  
35 towards any other specialty license plate or apply for a refund  
36 on a form prescribed by the department.

37 Section 2. Paragraphs (ffff) through (tttt) are added to  
38 subsection (4) of section 320.08056, Florida Statutes, and  
39 paragraphs (c), (d), and (e) are added to subsection (8) of that



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40 section, to read:

41 320.08056 Specialty license plates.—

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

44 (ffff) Ducks Unlimited license plate, \$25.

45 (gggg) Sun Sea Smiles license plate, \$25.

46 (hhhh) Alpha Phi Alpha Fraternity license plate, \$25.

47 (iiii) Omega Psi Phi Fraternity license plate, \$25.

48 (jjjj) Kappa Alpha Psi Fraternity license plate, \$25.

49 (kkkk) Phi Beta Sigma Fraternity license plate, \$25.

50 (llll) Zeta Phi Beta Sorority license plate, \$25.

51 (mmmm) Delta Sigma Theta Sorority license plate, \$25.

52 (nnnn) Alpha Kappa Alpha Sorority license plate, \$25.

53 (oooo) Sigma Gamma Rho Sorority license plate, \$25.

54 (pppp) Dan Marino Foundation license plate, \$25.

55 (qqqq) Florida State Beekeepers Association license plate,  
56 \$25.

57 (rrrr) Orlando United license plate, \$25.

58 (ssss) Ethical Ecotourism license plate, \$25.

59 (tttt) Rotary license plate, \$25.

60 (8)

61 (c) A person issued a specialty license plate that has been  
62 discontinued by the department may keep the discontinued  
63 specialty license plate for the remainder of the 10-year license  
64 plate replacement period and must pay all other applicable  
65 registration fees. However, such person is exempt from paying  
66 the applicable specialty license plate fee under subsection (4)  
67 for the remainder of the 10-year license plate replacement  
68 period.



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69 (d) If the department discontinues issuance of a specialty  
70 license plate, all annual use fees held or collected by the  
71 department shall be distributed within 180 days after the date  
72 the specialty license plate is discontinued. Of those fees, the  
73 department shall retain an amount sufficient to defray the  
74 applicable administrative and inventory closeout costs  
75 associated with discontinuance of the plate. The remaining funds  
76 shall be distributed to the specified organization or  
77 organizations as provided in s. 320.08058.

78 (e) If an organization that is the intended recipient of  
79 the funds pursuant to s. 320.08058 no longer exists, the  
80 department shall deposit any undisbursed funds into the Highway  
81 Safety Operating Trust Fund.

82 Section 3. Effective October 1, 2020, paragraph (a) of  
83 subsection (8) of section 320.08056, Florida Statutes, is  
84 amended to read:

85 320.08056 Specialty license plates.—

86 (8) (a) The department must discontinue the issuance of an  
87 approved specialty license plate if the number of valid  
88 specialty plate registrations falls below 3,000 ~~1,000~~ plates for  
89 at least 12 consecutive months. A warning letter shall be mailed  
90 to the sponsoring organization following the first month in  
91 which the total number of valid specialty plate registrations is  
92 below 3,000 ~~1,000~~ plates. This paragraph does not apply to  
93 collegiate license plates established under s. 320.08058(3),  
94 license plates of institutions in and entities of the State  
95 University System, specialty license plates that have statutory  
96 eligibility limitations for purchase, or Florida Professional  
97 Sports Team License plates established under s. 320.08058(9).



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98 Section 4. Paragraph (a) of subsection (7) and paragraph  
99 (b) of subsection (80) of section 320.08058, Florida Statutes,  
100 are amended and subsections (84) through (98) are added to that  
101 section, to read:

102 320.08058 Specialty license plates.—

103 (7) SPECIAL OLYMPICS FLORIDA LICENSE PLATES.—

104 (a) Special Olympics Florida license plates must contain  
105 the official Special Olympics Florida logo and must bear a  
106 design and colors that are approved by the department. The word  
107 "Florida" must be centered at the top ~~bottom~~ of the plate, and  
108 the words "Be a Fan" "~~Everyone Wins~~" must be centered at the  
109 bottom ~~top~~ of the plate.

110 (80) FALLEN LAW ENFORCEMENT OFFICERS LICENSE PLATES.—

111 (b) The annual use fees shall be distributed to the Police  
112 and Kids Foundation, Inc., which may use up to ~~a maximum of~~ 10  
113 percent of the proceeds for marketing ~~to promote and market~~ the  
114 plate. All remaining proceeds shall be distributed to and used  
115 by the Police and Kids Foundation, Inc., for its operations,  
116 activities, programs, and projects ~~The remainder of the proceeds~~  
117 ~~shall be used by the Police and Kids Foundation, Inc., to invest~~  
118 ~~and reinvest, and the interest earnings shall be used for the~~  
119 ~~operation of the Police and Kids Foundation, Inc.~~

120 (84) DUCKS UNLIMITED LICENSE PLATES.—

121 (a) The department shall develop a Ducks Unlimited license  
122 plate as provided in this section and s. 320.08053. Ducks  
123 Unlimited license plates must bear the colors and design  
124 approved by the department. The word "Florida" must appear at  
125 the top of the plate, and the words "Conserving Florida  
126 Wetlands" must appear at the bottom of the plate.



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127 (b) The annual use fees from the sale of the plate shall be  
128 distributed to Ducks Unlimited, Inc., a nonprofit corporation  
129 under s. 501(c)(3) of the Internal Revenue Code, to be used as  
130 follows:

131 1. Up to 5 percent may be used for administrative costs and  
132 marketing of the plate.

133 2. A minimum of 95 percent shall be used in this state to  
134 support the mission and efforts of Ducks Unlimited, Inc., for  
135 the conservation, restoration, and management of Florida  
136 wetlands and associated habitats for the benefit of waterfowl,  
137 other wildlife, and people.

138 (85) SUN SEA SMILES LICENSE PLATES.—

139 (a) The department shall develop a Sun Sea Smiles license  
140 plate as provided in this section and s. 320.08053. The plate  
141 must bear the colors and design approved by the department. The  
142 word "Florida" must appear at the top of the plate, and the  
143 words "Sun Sea Smiles" must appear at the bottom of the plate.

144 (b) The annual use fees from the sale of the plate shall be  
145 distributed as follows:

146 1. Five percent shall be distributed to the Florida  
147 Caribbean Charitable Foundation, Inc., to be used only for  
148 marketing of the Sun Sea Smiles license plate.

149 2. An additional 30 percent shall be distributed to the  
150 Florida Caribbean Charitable Foundation, Inc. Of this amount, up  
151 to 5 percent may be used for administrative expenses, and the  
152 remainder shall be used as follows:

153 a. Sixty percent shall be used for a college scholarship  
154 program.

155 b. Fifteen percent shall be used to promote health and



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156 wellness for residents in this state who are of Caribbean  
157 descent.

158 c. Twenty-five percent shall be used to promote awareness  
159 of Caribbean culture within this state.

160 3. Twenty percent shall be distributed to the American  
161 Friends of Jamaica, Inc., a charitable, not-for-profit  
162 organization under s. 501(c)(3) of the Internal Revenue Code  
163 registered with the Department of Agriculture and Consumer  
164 Services and incorporated in New York, to be used as grants to  
165 promote social and community development among residents of this  
166 state. Of this amount, up to 5 percent may be used for  
167 administrative and marketing expenses.

168 4. Ten percent shall be distributed to Haitian Neighborhood  
169 Center Sant La, Inc., to be used to promote social and community  
170 development. Of this amount, up to 5 percent may be used for  
171 administrative expenses.

172 5. Ten percent shall be distributed to Fanm Ayisyen nan  
173 Miyami, Inc., to be used to promote social and community  
174 development. Of this amount, up to 10 percent may be used for  
175 administrative expenses.

176 6. Twenty percent shall be distributed to Greater Caribbean  
177 American Cultural Coalition, Inc., to be used to promote  
178 awareness of Caribbean culture within this state. Of this  
179 amount, up to 5 percent may be used for administrative expenses.

180 7. Five percent shall be distributed to Little Haiti  
181 Optimist Foundation, Inc., to be used to promote awareness of  
182 Caribbean culture and youth development within this state. Of  
183 this amount, up to 5 percent may be used for administrative  
184 expenses.





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185 (86) ALPHA PHI ALPHA FRATERNITY LICENSE PLATES.-

186 (a) The department shall develop an Alpha Phi Alpha  
187 Fraternity license plate as provided in this section and s.  
188 320.08053. The plate must bear the colors and design approved by  
189 the department. The word "Florida" must appear at the top of the  
190 plate, and the name of the fraternity must appear at the bottom  
191 of the plate.

192 (b) The annual use fees from the sale of the plate shall be  
193 distributed as follows:

194 1. Ten percent shall be distributed to the Florida  
195 Federation of Alpha Chapters, Inc., and used solely for  
196 marketing of the Alpha Phi Alpha Fraternity license plate.

197 2. Eighty-five percent shall be distributed to the Florida  
198 Federation of Alpha Chapters, Inc., and used to promote  
199 community awareness and action through educational, economic,  
200 and cultural service activities within Florida.

201 3. Five percent shall be distributed to the United Negro  
202 College Fund, Inc., to be used for college scholarships for  
203 Florida residents attending Florida's historically black  
204 colleges and universities.

205 (87) OMEGA PSI PHI FRATERNITY LICENSE PLATES.-

206 (a) The department shall develop an Omega Psi Phi  
207 Fraternity license plate as provided in this section and s.  
208 320.08053. The plate must bear the colors and design approved by  
209 the department. The word "Florida" must appear at the top of the  
210 plate, and the name of the fraternity must appear at the bottom  
211 of the plate.

212 (b) The annual use fees from the sale of the plate shall be  
213 distributed as follows:



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214 1. Ten percent shall be distributed to the State of Florida  
215 Omega Friendship Foundation, Inc., and used solely for marketing  
216 of the Omega Psi Phi Fraternity license plate.

217 2. Eighty-five percent shall be distributed to the State of  
218 Florida Omega Friendship Foundation, Inc., and used to promote  
219 community awareness and action through educational, economic,  
220 and cultural service activities within Florida.

221 3. Five percent shall be distributed to the United Negro  
222 College Fund, Inc., to be used for college scholarships for  
223 Florida residents attending Florida's historically black  
224 colleges and universities.

225 (88) KAPPA ALPHA PSI FRATERNITY LICENSE PLATES.-

226 (a) The department shall develop a Kappa Alpha Psi  
227 Fraternity license plate as provided in this section and s.  
228 320.08053. The plate must bear the colors and design approved by  
229 the department. The word "Florida" must appear at the top of the  
230 plate, and the name of the fraternity must appear at the bottom  
231 of the plate.

232 (b) The annual use fees from the sale of the plate shall be  
233 distributed as follows:

234 1. Ten percent shall be distributed to the Southern  
235 Province of Kappa Alpha Psi Foundation, Inc., and used solely  
236 for marketing of the Kappa Alpha Psi Fraternity license plate.

237 2. Eighty-five percent shall be distributed to the Southern  
238 Province of Kappa Alpha Psi Foundation, Inc., and used to  
239 promote community awareness and action through educational,  
240 economic, and cultural service activities within Florida.

241 3. Five percent shall be distributed to the United Negro  
242 College Fund, Inc., to be used for college scholarships for



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243 Florida residents attending Florida's historically black  
244 colleges and universities.

245 (89) PHI BETA SIGMA FRATERNITY LICENSE PLATES.—

246 (a) The department shall develop a Phi Beta Sigma  
247 Fraternity license plate as provided in this section and s.  
248 320.08053. The plate must bear the colors and design approved by  
249 the department. The word "Florida" must appear at the top of the  
250 plate, and the name of the fraternity must appear at the bottom  
251 of the plate.

252 (b) The annual use fees from the sale of the plate shall be  
253 distributed as follows:

254 1. Ten percent shall be distributed to TMB Charitable  
255 Foundation, Inc., and used solely for marketing of the Phi Beta  
256 Sigma Fraternity license plate.

257 2. Eighty-five percent shall be distributed to TMB  
258 Charitable Foundation, Inc., and used to promote community  
259 awareness and action through educational, economic, and cultural  
260 service activities within Florida.

261 3. Five percent shall be distributed to the United Negro  
262 College Fund, Inc., to be used for college scholarships for  
263 Florida residents attending Florida's historically black  
264 colleges and universities.

265 (90) ZETA PHI BETA SORORITY LICENSE PLATES.—

266 (a) The department shall develop a Zeta Phi Beta Sorority  
267 license plate as provided in this section and s. 320.08053. The  
268 plate must bear the colors and design approved by the  
269 department. The word "Florida" must appear at the top of the  
270 plate, and the name of the sorority must appear at the bottom of  
271 the plate.



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272 (b) The annual use fees from the sale of the plate shall be  
273 distributed as follows:

274 1. Ten percent shall be distributed to Florida Pearls,  
275 Inc., and used solely for marketing of the Zeta Phi Beta  
276 Sorority license plate.

277 2. Eighty-five percent shall be distributed to Florida  
278 Pearls, Inc., and used to promote community awareness and action  
279 through educational, economic, and cultural service activities  
280 within Florida.

281 3. Five percent shall be distributed to the United Negro  
282 College Fund, Inc., to be used for college scholarships for  
283 Florida residents attending Florida's historically black  
284 colleges and universities.

285 (91) DELTA SIGMA THETA SORORITY LICENSE PLATES.-

286 (a) The department shall develop a Delta Sigma Theta  
287 Sorority license plate as provided in this section and s.  
288 320.08053. The plate must bear the colors and design approved by  
289 the department. The word "Florida" must appear at the top of the  
290 plate, and the name of the sorority must appear at the bottom of  
291 the plate.

292 (b) The annual use fees from the sale of the plate shall be  
293 distributed as follows:

294 1. Ten percent shall be distributed to the Delta Research  
295 and Educational Foundation, Inc., and used solely for marketing  
296 of the Delta Sigma Theta Sorority license plate.

297 2. Eighty-five percent shall be distributed to the Delta  
298 Research and Educational Foundation, Inc., and used to promote  
299 community awareness and action through educational, economic,  
300 and cultural service activities within Florida.



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301       3. Five percent shall be distributed to the United Negro  
302 College Fund, Inc., to be used for college scholarships for  
303 Florida residents attending Florida's historically black  
304 colleges and universities.

305       (92) ALPHA KAPPA ALPHA SORORITY LICENSE PLATES.-

306       (a) The department shall develop an Alpha Kappa Alpha  
307 Sorority license plate as provided in this section and s.  
308 320.08053. The plate must bear the colors and design approved by  
309 the department. The word "Florida" must appear at the top of the  
310 plate, and the name of the sorority must appear at the bottom of  
311 the plate.

312       (b) The annual use fees from the sale of the plate shall be  
313 distributed as follows:

314       1. Ten percent shall be distributed to the Alpha Kappa  
315 Alpha Educational Advancement Foundation, Inc., and used solely  
316 for marketing of the Alpha Kappa Alpha Sorority license plate.

317       2. Eighty-five percent shall be distributed to the Alpha  
318 Kappa Alpha Educational Advancement Foundation, Inc., and used  
319 to promote community awareness and action through educational,  
320 economic, and cultural service activities within Florida.

321       3. Five percent shall be distributed to the United Negro  
322 College Fund, Inc., to be used for college scholarships for  
323 Florida residents attending Florida's historically black  
324 colleges and universities.

325       (93) SIGMA GAMMA RHO SORORITY LICENSE PLATES.-

326       (a) The department shall develop a Sigma Gamma Rho Sorority  
327 license plate as provided in this section and s. 320.08053. The  
328 plate must bear the colors and design approved by the  
329 department. The word "Florida" must appear at the top of the



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330 plate, and the name of the sorority must appear at the bottom of  
331 the plate.

332 (b) The annual use fees from the sale of the plate shall be  
333 distributed as follows:

334 1. Ten percent shall be distributed to the Sigma Gamma Rho  
335 Sorority National Education Fund, Inc., and used solely for  
336 marketing of the Sigma Gamma Rho Sorority license plate.

337 2. Eighty-five percent shall be distributed to the Sigma  
338 Gamma Rho Sorority National Education Fund, Inc., and used to  
339 promote community awareness and action through educational,  
340 economic, and cultural service activities within Florida.

341 3. Five percent shall be distributed to the United Negro  
342 College Fund, Inc., to be used for college scholarships for  
343 Florida residents attending Florida's historically black  
344 colleges and universities.

345 (94) DAN MARINO FOUNDATION LICENSE PLATES.-

346 (a) The department shall develop a Dan Marino Foundation  
347 license plate as provided in this section and s. 320.08053. Dan  
348 Marino Foundation license plates must bear the colors and design  
349 approved by the department. The word "Florida" must appear at  
350 the top of the plate, and the words "Marino Campus" must appear  
351 at the bottom of the plate.

352 (b) The annual use fees from the sale of the plate shall be  
353 distributed to the Dan Marino Foundation, Inc., a Florida  
354 nonprofit corporation, which may use up to 10 percent of such  
355 fees for administrative costs and marketing of the plate. The  
356 remainder of the fees shall be used by the Dan Marino  
357 Foundation, Inc., to assist Floridians with developmental  
358 disabilities to become employed, independent, and productive,



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359 and to promote and fund educational scholarships and awareness  
360 of these services.

361 (95) FLORIDA STATE BEEKEEPERS ASSOCIATION LICENSE PLATES.—

362 (a) The department shall develop a Florida State Beekeepers  
363 Association license plate as provided in this section and s.  
364 320.08053. The plate must bear the colors and design approved by  
365 the department. The word "Florida" must appear at the top of the  
366 plate, and the words "Save the Bees" must appear at the bottom  
367 of the plate.

368 (b) The annual use fees shall be distributed to the Florida  
369 State Beekeepers Association, a Florida nonprofit corporation.  
370 The Florida State Beekeepers Association may use up to 18  
371 percent of the annual use fees for:

372 1. Direct reimbursement for administrative costs, startup  
373 costs, and costs incurred in the development and approval  
374 process of the license plate. All vendors associated with the  
375 administrative costs shall be selected by competitive bid.

376 2. Promotion and marketing costs of the license plate.

377 (c) The remaining funds shall be distributed to the Florida  
378 State Beekeepers Association and shall be used to raise  
379 awareness of the importance of beekeeping to Florida agriculture  
380 by funding honeybee research, education, outreach, and  
381 husbandry. The Florida State Beekeepers Association board of  
382 managers must approve and is accountable for all such  
383 expenditures.

384 (96) ORLANDO UNITED LICENSE PLATES.—

385 (a) The department shall develop an Orlando United license  
386 plate as provided in this section and s. 320.08053. The plate  
387 must bear the colors and design approved by the department. The



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388 word "Florida" must appear at the top of the plate, and the  
389 words "Orlando United" must appear at the bottom of the plate.

390 (b) The annual use fees from the sale of the plate shall be  
391 distributed as follows:

392 1. Seven percent shall be distributed to the Mental Health  
393 Association of Central Florida, Inc., to be used for marketing  
394 of the license plate.

395 2. Thirty-one percent shall be distributed to the Mental  
396 Health Association of Central Florida, Inc. Of this amount, up  
397 to 5 percent may be used for administrative expenses, and the  
398 remainder shall be used to offer free personalized counseling to  
399 any person affected by the shooting at the Pulse nightclub in  
400 Orlando, Florida, on June 12, 2016.

401 3. Thirty-one percent shall be distributed to the Hispanic  
402 Federation, Inc., a charitable, not-for-profit organization  
403 under s. 501(c) (3) of the Internal Revenue Code registered with  
404 the Department of Agriculture and Consumer Services and  
405 incorporated in New York. Of this amount, up to 5 percent may be  
406 used for administrative expenses, and the remainder shall be  
407 used to offer free personalized counseling to any person  
408 affected by the shooting at the Pulse nightclub in Orlando,  
409 Florida, on June 12, 2016, through the Proyecto Somos Orlando  
410 campaign operated by the Hispanic Federation, Inc.

411 4. Thirty-one percent shall be distributed to Two Spirit  
412 Health Services, Inc. Of this amount, up to 5 percent may be  
413 used for administrative expenses, and the remainder shall be  
414 used to offer free personalized counseling to any person  
415 affected by the shooting at the Pulse nightclub in Orlando,  
416 Florida, on June 12, 2016.





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417 (97) ETHICAL ECOTOURISM LICENSE PLATES.—

418 (a) The department shall develop an Ethical Ecotourism  
419 license plate as provided in this section and s. 320.08053. The  
420 word "Florida" must appear at the top of the plate, and words  
421 that are approved by the department must appear at the bottom of  
422 the plate.

423 (b) The annual use fees from the sale of the plate shall be  
424 distributed equally between the Florida Society for Ethical  
425 Ecotourism and Paddle Florida, Inc., each of which may use up to  
426 10 percent of the proceeds for administrative costs and  
427 marketing of the plate. The balance of the annual use fees shall  
428 be used by the Florida Society for Ethical Ecotourism to provide  
429 environmental education and awareness that encourages behaviors  
430 that contribute to the sustainability of Florida's natural  
431 ecosystems and resources and Paddle Florida, Inc., to raise  
432 awareness about water conservation, wildlife preservation,  
433 restoration of springs, and protection of waterways in this  
434 state.

435 (98) ROTARY LICENSE PLATES.—

436 (a) The department shall develop a Rotary license plate as  
437 provided in this section and s. 320.08053. The plate must bear  
438 the colors and design approved by the department. The word  
439 "Florida" must appear at the top of the plate, and the word  
440 "Rotary" must appear on the bottom of the plate. The license  
441 plate must bear the Rotary International wheel emblem.

442 (b) The annual use fees shall be distributed to the  
443 Community Foundation of Tampa Bay, Inc., to distribute as  
444 follows:

445 1. Up to 10 percent for administrative costs and for



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446 marketing of the plate.

447 2. Ten percent to Rotary's Camp Florida for direct support  
448 to all programs and services provided to special needs children  
449 who attend the camp.

450 3. The remainder shall be distributed, proportionally based  
451 on sales, to each Rotary district in the state in support of  
452 Rotary youth programs in Florida.

453 Section 5. Section 320.08062, Florida Statutes, is amended  
454 to read:

455 320.08062 Audits ~~and attestations~~ required; annual use fees  
456 of specialty license plates.-

457 (1) (a) All organizations that receive annual use fee  
458 proceeds from the department are responsible for ensuring that  
459 proceeds are used in accordance with ss. 320.08056 and  
460 320.08058.

461 (b) Any organization not subject to audit pursuant to s.  
462 215.97 shall annually attest, under penalties of perjury, that  
463 such proceeds were used in compliance with ss. 320.08056 and  
464 320.08058. The attestation shall be made annually in a form and  
465 format determined by the department. In addition, the department  
466 shall audit any such organization every 2 years to ensure  
467 proceeds have been used in compliance with ss. 320.08056 and  
468 320.08058.

469 (c) Any organization subject to audit pursuant to s. 215.97  
470 shall submit an audit report in accordance with rules  
471 promulgated by the Auditor General. The annual attestation shall  
472 be submitted to the department for review within 9 months after  
473 the end of the organization's fiscal year.

474 (2) (a) Within 120 days after receiving an organization's



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475 audit or attestation, the department shall determine which  
476 recipients of revenues from specialty license plate annual use  
477 fees have not complied with subsection (1). In determining  
478 compliance, the department may commission an independent  
479 actuarial consultant, or an independent certified public  
480 accountant, who has expertise in nonprofit and charitable  
481 organizations.

482 (b) The department must discontinue the distribution of  
483 revenues to any organization failing to submit the required  
484 documentation as required in subsection (1), but may resume  
485 distribution of the revenues upon receipt of the required  
486 information.

487 (c) If the department or its designee determines that an  
488 organization has not complied or has failed to use the revenues  
489 in accordance with ss. 320.08056 and 320.08058, the department  
490 must discontinue the distribution of the revenues to the  
491 organization. The department shall notify the organization of  
492 its findings and direct the organization to make the changes  
493 necessary in order to comply with this chapter. If the officers  
494 of the organization sign an affidavit under penalties of perjury  
495 stating that they acknowledge the findings of the department and  
496 attest that they have taken corrective action and that the  
497 organization will submit to a followup review by the department,  
498 the department may resume the distribution of revenues.

499 (d) If an organization fails to comply with the  
500 department's recommendations and corrective actions as outlined  
501 in paragraph (c), the revenue distributions shall be  
502 discontinued until completion of the next regular session of the  
503 Legislature. The department shall notify the President of the



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504 Senate and the Speaker of the House of Representatives by the  
505 first day of the next regular session of any organization whose  
506 revenues have been withheld as a result of this paragraph. If  
507 the Legislature does not provide direction to the organization  
508 and the department regarding the status of the undistributed  
509 revenues, the department shall deauthorize the plate and the  
510 undistributed revenues shall be immediately deposited into the  
511 Highway Safety Operating Trust Fund.

512 (3) The department or its designee has the authority to  
513 examine all records pertaining to the use of funds from the sale  
514 of specialty license plates.

515 Section 6. Subsection (5) is added to section 320.0842,  
516 Florida Statutes, to read:

517 320.0842 Free motor vehicle license plates to veterans who  
518 use wheelchairs.—

519 (5) An owner or lessee of a motor vehicle who resides in  
520 this state and qualifies for a license plate under this section  
521 and a Purple Heart license plate under s. 320.089, upon  
522 application to the department, shall be issued a license plate  
523 stamped with the term "Combat-wounded Veteran" followed by the  
524 serial number of the license plate and the international symbol  
525 of accessibility. The license plate entitles the person to all  
526 privileges afforded by a license plate issued under this  
527 section. When more than one registrant is listed on the  
528 registration issued under this section, the eligible applicant  
529 shall be noted on the registration certificate.

530 Section 7. Section 320.089, Florida Statutes, is amended to  
531 read:

532 320.089 ~~Veterans of the United States Armed Forces; members~~



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533 ~~of National Guard; survivors of Pearl Harbor; Purple Heart medal~~  
534 ~~recipients; active or retired United States Armed Forces~~  
535 ~~reservists; Combat Infantry Badge, Combat Medical Badge, or~~  
536 ~~Combat Action Badge recipients; Combat Action Ribbon recipients;~~  
537 ~~Air Force Combat Action Medal recipients; Distinguished Flying~~  
538 ~~Cross recipients; former prisoners of war; Korean War Veterans;~~  
539 ~~Vietnam War Veterans; Operation Desert Shield Veterans;~~  
540 ~~Operation Desert Storm Veterans; Operation Enduring Freedom~~  
541 ~~Veterans; Operation Iraqi Freedom Veterans; Women Veterans;~~  
542 ~~World War II Veterans; and Navy Submariners; Special license~~  
543 ~~plates for military servicemembers, veterans, and Pearl Harbor~~  
544 ~~Survivors; fee.-~~

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

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

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



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

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

569           5. A member of the Pearl Harbor Survivors Association or  
570 other person on active military duty in Pearl Harbor on December  
571 7, 1941, shall be issued a license plate stamped with the words  
572 "Pearl Harbor Survivor" followed by the serial number of the  
573 license plate.~~, a survivor of the attack on Pearl Harbor,~~

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

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

584           8. A member of the Combat Infantrymen's Association, Inc.,  
585 or a recipient of the Combat Infantry Badge, Combat Medical  
586 Badge, Combat Action Badge, Combat Action Ribbon, or Air Force  
587 Combat Action Medal shall be issued a license plate stamped with  
588 the words "Combat Infantry Badge," "Combat Medical Badge,"  
589 "Combat Action Badge," "Combat Action Ribbon," or "Air Force  
590 Combat Action Medal," as appropriate, and a likeness of the



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591 related campaign badge, ribbon, or medal followed by the serial  
592 number of the license plate.

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

597 10. A recipient of the Bronze Star shall be issued a  
598 license plate stamped with the term "Bronze Star" and a likeness  
599 of the Bronze Star Medal followed by the serial number of the  
600 license plate. A recipient of the Bronze Star with the "V"  
601 device shall be issued a license plate stamped with the words  
602 "Bronze Star" and a likeness of the Bronze Star Medal with the  
603 "V" device emblem followed by the serial number of the license  
604 plate, upon application to the department, accompanied by proof  
605 of release or discharge from any branch of the United States  
606 Armed Forces, proof of active membership or retired status in  
607 the Florida National Guard, proof of membership in the Pearl  
608 Harbor Survivors Association or proof of active military duty in  
609 Pearl Harbor on December 7, 1941, proof of being a Purple Heart  
610 medal recipient, proof of active or retired membership in any  
611 branch of the United States Armed Forces Reserve, or proof of  
612 membership in the Combat Infantrymen's Association, Inc., proof  
613 of being a recipient of the Combat Infantry Badge, Combat  
614 Medical Badge, Combat Action Badge, Combat Action Ribbon, Air  
615 Force Combat Action Medal, or Distinguished Flying Cross, and  
616 upon payment of the license tax for the vehicle as provided in  
617 s. 320.08, shall be issued a license plate as provided by s.  
618 320.06 which, in lieu of the serial numbers prescribed by s.  
619 320.06, is stamped with the words "Veteran," "Woman Veteran,"



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620 ~~"WWII Veteran," "Navy Submariner," "National Guard," "Pearl~~  
621 ~~Harbor Survivor," "Combat-wounded veteran," "U.S. Reserve,"~~  
622 ~~"Combat Infantry Badge," "Combat Medical Badge," "Combat Action~~  
623 ~~Badge," "Combat Action Ribbon," "Air Force Combat Action Medal,"~~  
624 ~~or "Distinguished Flying Cross," as appropriate, and a likeness~~  
625 ~~of the related campaign medal or badge, followed by the serial~~  
626 ~~number of the license plate. Additionally, the Purple Heart~~  
627 ~~plate may have the words "Purple Heart" stamped on the plate and~~  
628 ~~the likeness of the Purple Heart medal appearing on the plate.~~

629 (b) Notwithstanding any ~~other provision of law to the~~  
630 ~~contrary, beginning with fiscal year 2002-2003 and annually~~  
631 ~~thereafter,~~ the first \$100,000 in general revenue generated from  
632 the sale of license plates issued under this section shall be  
633 deposited into the Grants and Donations Trust Fund, as described  
634 in s. 296.38(2), to be used for the purposes established by law  
635 for that trust fund. Any additional general revenue generated  
636 from the sale of such plates shall be deposited into the State  
637 Homes for Veterans Trust Fund and used solely to construct,  
638 operate, and maintain domiciliary and nursing homes for  
639 veterans, subject to the requirements of chapter 216.

640 (c) Any revenue generated from the sale of Woman Veteran  
641 license plates must be deposited into the Operations and  
642 Maintenance Trust Fund administered by the Department of  
643 Veterans' Affairs pursuant to s. 20.375(3) and must be used  
644 solely for the purpose of creating and implementing programs to  
645 benefit women veterans.

646 (d) Notwithstanding any ~~provisions of law to the contrary,~~  
647 an applicant for a Pearl Harbor Survivor license plate or a  
648 Purple Heart license plate who also qualifies for a disabled





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649 veteran's license plate under s. 320.084 shall be issued the  
650 appropriate special license plate without payment of the license  
651 tax imposed by s. 320.08.

652 (2) Each owner or lessee of an automobile or truck for  
653 private use, a truck weighing not more than 7,999 pounds, or a  
654 recreational vehicle as specified in s. 320.08(9)(c) or (d),  
655 which is not used for hire or commercial use who is a resident  
656 of this state and who is a former prisoner of war, or his or her  
657 unremarried surviving spouse, upon application to the  
658 department, shall be issued a license plate as provided in s.  
659 320.06 which may have the words "Ex-POW", stamped on the plate  
660 and the likeness of the Prisoner of War Medal ~~with the words~~  
661 ~~"Ex-POW"~~ followed by the serial number. Each application shall  
662 be accompanied by proof that the applicant meets the  
663 qualifications specified in paragraph (a) or paragraph (b).

664 (a) A citizen of the United States who served as a member  
665 of the Armed Forces of the United States or the armed forces of  
666 a nation allied with the United States who was held as a  
667 prisoner of war at such time as the Armed Forces of the United  
668 States were engaged in combat, or his or her unremarried  
669 surviving spouse, may be issued the special license plate  
670 provided for in this subsection without payment of the license  
671 tax imposed by s. 320.08.

672 (b) A person who was serving as a civilian with the consent  
673 of the United States Government, or a person who was a member of  
674 the Armed Forces of the United States while he or she was not a  
675 United States citizen and was held as a prisoner of war when the  
676 Armed Forces of the United States were engaged in combat, or his  
677 or her unremarried surviving spouse, may be issued the special



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678 license plate provided for in this subsection upon payment of  
679 the license tax imposed by s. 320.08.

680 (3) Each owner or lessee of an automobile or truck for  
681 private use, a truck weighing not more than 7,999 pounds, or a  
682 recreational vehicle as specified in s. 320.08(9)(c) or (d),  
683 which is not used for hire or commercial use who is a resident  
684 of this state and who is the unremarried surviving spouse of a  
685 recipient of the Purple Heart medal, upon application to the  
686 department accompanied by the payment of the required fees,  
687 shall be issued a license plate as provided in s. 320.06 which  
688 is stamped with the words "Purple Heart" and the likeness of the  
689 Purple Heart medal followed by the serial number. Each  
690 application shall be accompanied by proof that the applicant is  
691 the unremarried surviving spouse of a recipient of the Purple  
692 Heart medal.

693 (4) The owner or lessee of an automobile or truck for  
694 private use, a truck weighing not more than 7,999 pounds, or a  
695 recreational vehicle as specified in s. 320.08(9)(c) or (d)  
696 which is not used for hire or commercial use who is a resident  
697 of this state and a current or former member of the United  
698 States Armed Forces who was deployed and served in Korea during  
699 the Korean War as defined in s. 1.01(14), upon application to  
700 the department accompanied by proof of active membership or  
701 former active duty status during the Korean War and payment of  
702 the license tax for the vehicle as provided in s. 320.08, shall  
703 be issued a license plate as provided by s. 320.06 which, in  
704 lieu of the registration license number prescribed by s. 320.06,  
705 is stamped with the words "Korean War Veteran" and a likeness of  
706 the Korean Service Medal, followed by the registration license



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707 number of the plate. Proof that the applicant was awarded the  
708 Korean Service Medal is sufficient to establish eligibility for  
709 the license plate.

710 (5) The owner or lessee of an automobile or truck for  
711 private use, a truck weighing not more than 7,999 pounds, or a  
712 recreational vehicle as specified in s. 320.08(9)(c) or (d)  
713 which is not used for hire or commercial use who is a resident  
714 of this state and a current or former member of the United  
715 States military who was deployed and served in Vietnam during  
716 United States military deployment in Indochina, upon application  
717 to the department accompanied by proof of active membership or  
718 former active duty status during these operations and payment of  
719 the license tax for the vehicle as provided in s. 320.08, shall  
720 be issued a license plate as provided by s. 320.06 which, in  
721 lieu of the registration license number prescribed by s. 320.06,  
722 is stamped with the words "Vietnam War Veteran" and a likeness  
723 of the Vietnam Service Medal, followed by the registration  
724 license number of the plate. Proof that the applicant was  
725 awarded the Vietnam Service Medal is sufficient to establish  
726 eligibility for the license plate.

727 (6) The owner or lessee of an automobile or truck for  
728 private use, a truck weighing not more than 7,999 pounds, or a  
729 recreational vehicle as specified in s. 320.08(9)(c) or (d)  
730 which is not used for hire or commercial use who is a resident  
731 of this state and a current or former member of the United  
732 States military who was deployed and served in Saudi Arabia,  
733 Kuwait, or another area of the Persian Gulf during Operation  
734 Desert Shield or Operation Desert Storm; in Afghanistan during  
735 Operation Enduring Freedom; or in Iraq during Operation Iraqi



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736 Freedom, upon application to the department accompanied by proof  
737 of active membership or former active duty status during one of  
738 these operations and payment of the license tax for the vehicle  
739 as provided in s. 320.08, shall be issued a license plate as  
740 provided by s. 320.06 which, in lieu of the registration license  
741 number prescribed by s. 320.06, is stamped with the words  
742 "Operation Desert Shield," "Operation Desert Storm," "Operation  
743 Enduring Freedom," or "Operation Iraqi Freedom," as appropriate,  
744 and a likeness of the related campaign medal followed by the  
745 registration license number of the plate. Proof that the  
746 applicant was awarded the Southwest Asia Service Medal, Iraq  
747 Campaign Medal, Afghanistan Campaign Medal, or Global War on  
748 Terrorism Expeditionary Medal is sufficient to establish  
749 eligibility for the appropriate license plate.

750 Section 8. Except as otherwise expressly provided in this  
751 act, this act shall take effect October 1, 2017.

752

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

754 And the title is amended as follows:

755 Delete everything before the enacting clause  
756 and insert:

757 A bill to be entitled  
758 An act relating to license plates; amending s.  
759 320.08053, F.S.; revising presale requirements for  
760 issuance of a specialty plate; amending s. 320.08056,  
761 F.S.; establishing an annual use fee for certain  
762 specialty license plates; revising provisions for  
763 discontinuing issuance of a specialty plate; providing  
764 applicability; amending s. 320.08058, F.S.; revising



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765 the design of the Special Olympics Florida license  
766 plates; revising the distribution of proceeds for the  
767 Fallen Law Enforcement Officers License Plate;  
768 requiring the Department of Highway Safety and Motor  
769 Vehicles to develop certain specialty license plates;  
770 providing for distribution and use of fees collected  
771 from the sale of the plates; amending s. 320.08062,  
772 F.S.; directing the Department of Highway Safety and  
773 Motor Vehicles to audit certain organizations that  
774 receive funds from the sale of specialty license  
775 plates; amending s. 320.0842, F.S.; providing for  
776 issuance of a license plate to residents who qualify  
777 for a free license plate as a veteran who uses a  
778 wheelchair and for a certain Purple Heart license  
779 plate; requiring certain wording and symbols on the  
780 plate; providing that the plate entitles the resident  
781 to specified privileges; requiring the eligible  
782 applicant to be identified on the registration  
783 certificate if more than one registrant is listed;  
784 amending s. 320.089, F.S.; creating a special license  
785 plate for recipients of the Bronze Star medal;  
786 providing parameters for the design of the plate;  
787 requiring the likeness of the Prisoner of War Medal to  
788 appear on the Ex-POW license plate; making technical  
789 changes; providing effective dates.

By the Committee on Transportation; and Senators Bean and Baxley

596-01941-17

201756c1

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08056, F.S.; establishing an annual use fee for the Ducks Unlimited license plate; amending s. 320.08058, F.S.; revising the distribution of proceeds for the Fallen Law Enforcement Officers License Plate; requiring the Department of Highway Safety and Motor Vehicles to develop a Ducks Unlimited license plate; providing for distribution and use of fees collected from the sale of the plates; providing an effective date.

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

Section 1. Paragraph (ffff) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

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

(ffff) Ducks Unlimited license plate, \$25.

Section 2. Paragraph (b) of subsection (80) of section 320.08058, Florida Statutes, is amended and subsection (84) is added to that section, to read:

320.08058 Specialty license plates.—

(80) FALLEN LAW ENFORCEMENT OFFICERS LICENSE PLATES.—

(b) The annual use fees shall be distributed to the Police and Kids Foundation, Inc., which may use up to a maximum of 10 percent of the proceeds for marketing to promote and market the plate. All remaining proceeds shall be distributed to and used

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

596-01941-17

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by the Police and Kids Foundation, Inc., for its operations, activities, programs, and projects ~~The remainder of the proceeds shall be used by the Police and Kids Foundation, Inc., to invest and reinvest, and the interest earnings shall be used for the operation of the Police and Kids Foundation, Inc.~~

(84) DUCKS UNLIMITED LICENSE PLATES.—

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

(b) The annual use fees from the sale of the plate shall be distributed to Ducks Unlimited, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to be used as follows:

1. Up to 5 percent may be used for administrative costs and marketing of the plate.

2. A minimum of 95 percent shall be used in this state to support the mission and efforts of Ducks Unlimited, Inc., for the conservation, restoration, and management of Florida wetlands and associated habitats for the benefit of waterfowl, other wildlife, and people.

Section 3. This act shall take effect October 1, 2017.

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4/13/17

Meeting Date

SB 56

Bill Number (if applicable)

Topic Specialty License Plate

Amendment Barcode (if applicable)

Name Brittany Dover

Job Title Lobbyist

Address 119 S. Monroe St

Phone (850) 425-3449

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 Ducks Unlimited

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)

4/13/17

Meeting Date

56

Bill Number (if applicable)

Topic SPECIALTY LICENSE TAGS

Amendment Barcode (if applicable)

Name LENA JUAREZ

Job Title

Address P.O. BOX 10390

Phone 850/212 8330

Street

TALLAHASSEE FL 32302

Email lena@lejarez.com

City

State

Zip

Speaking:  For  Against  Information

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

Representing FLORIDA STATE BEEKEEPERS ASSOCIATION

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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



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

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

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

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BILL: CS/CS/SB 368

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development;  
Transportation Committee; and Senator Montford

SUBJECT: Transportation Facility Designations

DATE: April 14, 2017

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Price</u>	<u>Miller</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Pitts</u>	<u>Pitts</u>	<u>ATD</u>	<u>Recommend: Fav/CS</u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

The bill creates 36 honorary designations of transportation facilities around the state and directs the Florida Department of Transportation (FDOT) to erect suitable markers designating the transportation facilities. The bill also revises two previously enacted honorary designations.

The bill also requires the FDOT to erect appropriate signage commemorating specified conflicts involving the United States Armed Forces along portions of the Veterans Expressway in Hillsborough and Hernando counties.

The FDOT will incur approximately \$42,000 in expenditures to install the designation markers required under the bill.

The effective date of the bill is July 1, 2017.

## II. Present Situation:

### **Designation of Transportation Facilities and Highways**

#### *Legislative Designation of Transportation Facilities*

Section 334.071, F.S., provides that legislative designations of transportation facilities be for honorary or memorial purposes, or to distinguish a particular facility. Such designations may not be construed as requiring any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes.<sup>1</sup>

When the Legislature establishes road or bridge designations, the Florida Department of Transportation (FDOT) is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation, and to erect any other markers it deems appropriate for the transportation facility.<sup>2</sup>

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, each affected local government must pass resolutions supporting the designations prior to installation of the markers.<sup>3</sup>

#### *Blue Star Memorial Highway Designation*

Section 335.091, F.S., authorizes the head of the FDOT, in cooperation with the Florida Federation of Garden Clubs, Inc. (Federation), to designate certain roads as Blue Star Memorial highways in honor of those individuals who have served or are serving in the Armed Forces of the United States.

The Federation is directed to submit to the FDOT routes on certain roads in the state for designation as Blue Star Memorial highways.<sup>4</sup> Upon designation of a route, any member of the Federation may, with the advice, cooperation, and approval of the FDOT, erect suitable markers and beautify such memorial highway.<sup>5</sup> The FDOT must then file with the Department of State a record of such roads designated as Blue Star Memorial highways.<sup>6</sup>

#### *Scenic Highway Designation*

The FDOT may, after consultation with other state agencies and local governments, designate public roads as scenic highways.<sup>7</sup> Public roads designated as scenic highways are intended to

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<sup>1</sup> Section 334.071(1), F.S.

<sup>2</sup> Section 334.071(2), F.S.

<sup>3</sup> Section 334.071(3), F.S.

<sup>4</sup> Section 335.091(2), F.S.

<sup>5</sup> Id.

<sup>6</sup> Section 335.091(3), F.S.

<sup>7</sup> Section 335.093(1), F.S.

preserve, maintain, and protect a part of Florida's cultural, historical, and scenic routes for vehicular, bicycle, and pedestrian travel.<sup>8</sup>

The FDOT may by rule adopt appropriate criteria for the designation of scenic highways and may specify appropriate planning and design standards including corridor management plans on such scenic highways.<sup>9</sup> The designation of scenic highways and the criteria adopted by the FDOT are not intended to affect or limit existing or customary uses in commercial or industrial areas that are adjacent to designated scenic highways nor is designation intended to limit the ability of local government entities to control or limit land uses in commercial or industrial areas within their jurisdictions.<sup>10</sup>

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

**Section 1** of the bill creates the following 36 honorary transportation facility designations around the state and directs the FDOT to erect suitable markers:

#### **Private First Class Joey Moody Bridge**

Bridge number 380096 on U.S. 221/S.R. 55 over the Econfina River in Taylor County is designated as "Private First Class Joey Moody Bridge."

Private First Class Joey Moody grew up in Shady Grove on the Econfina River. He attended Shady Grove Grammar School and graduated from Taylor County High School before attending the University of Florida. On June 21, 1952, PFC Moody, serving in Korea, was one of three men sent into enemy fire to repair a crucial communications line and lost his life when a mortar round exploded. He was posthumously awarded the National Defense Service Medal, the Korean Combat Medal, the Korean Battle Medal, and the Purple Heart.

#### **Corporal Joseph R. Bertrand Memorial Highway**

The portion of S.R. 80 between Hickey Creek Road and Carter Lane in Lee County is designated as "Corporal Joseph R. Bertrand Memorial Highway."

Corporal Joseph R. Bertrand was a member of the Florida Highway Patrol who served the citizens of Florida for 16 years. On December 22, 1967, Corporal Bertrand was shot and killed while conducting a driving-under-the-influence investigation on State Road 80 in Fort Myers, Florida.

#### **Lieutenant Benedict J. Thomas Memorial Highway**

The portion of Interstate 75/S.R. 93A between Fowler Avenue and Fletcher Avenue in Hillsborough County is designated as "Lieutenant Benedict J. Thomas Memorial Highway."

---

<sup>8</sup> Id.

<sup>9</sup> Section 335.093(2), F.S.

<sup>10</sup> Section 335.093(3), F.S.

Lieutenant Benedict J. Thomas was a member of the Florida Highway Patrol who served the citizens of Florida for 11 years. On June 9, 1989, a passing car struck and killed Lieutenant Thomas while walking back to his vehicle after investigating an abandoned vehicle on Interstate 75 in Tampa, Florida.

#### **Trooper Patrick Ambroise Memorial Highway**

The portion of the Homestead Extension of the Florida Turnpike/S.R. 821 between mile marker 34 and mile marker 36 in Miami-Dade County is designated as “Trooper Patrick Ambroise Memorial Highway.”

Trooper Patrick Ambroise was a member of the Florida Highway Patrol who served the citizens of Florida for four years. On May 15, 2010, while parked in his patrol vehicle on the shoulder of northbound State Road 821, a passing vehicle veered onto the paved emergency shoulder and struck the left rear section of the patrol vehicle, killing Trooper Ambroise.

#### **SP4 Robert Clifford Millender Memorial Highway**

The portion of U.S. 98/S.R.30 between Ryan Drive/W. 11th Street and N.E./S.E. 12th Street in Franklin County is designated as “SP4 Robert Clifford Millender Memorial Highway.”

SP4 Robert Clifford Millender was inducted into the United States Army on August 7, 1968. After boot camp training, he was transferred to Vietnam, where he served for two months before being injured in a land mine explosion. He was cared for at Walter Reed General Hospital and was discharged from the Army on July 22, 1969. SP4 Millender died of his war-related injuries on January 14, 1970. He received the Purple Heart, the National Defense Service Medal, and the Vietnam Service Medal.

#### **Joe C. Peavy Highway**

The portion of S.R. 53 between U.S. 90/S.R. 10 and the Georgia state line in Madison County is designated as “Joe C. Peavy Highway.”

Joe C. Peavy served as Madison County Sheriff from 1968 until 1996 after 16 years with the Florida Highway Patrol. He was a participant in a number of Madison County organizations such as the Lions Club, the Masonic Lodge #11, the Madison Shrine Club, and the Cattleman Association, and he served as a Senior Citizens Council Board member. He passed away on November 19, 2016.

#### **Gulf Coast Highway**

The portion of U.S. 19/S.R. 55 between the Pinellas County line and the Hernando County line in Pasco County is designated as “Gulf Coast Highway.”

Following a public outreach campaign by the West Pasco Chamber of Commerce seeking input on proposed designation names for U.S. 19 within Pasco County, “Gulf Coast Highway” was

chosen as a method for reinforcing a strategy to improve the coastal image of the corridor and area and reflecting its relationship to the Gulf of Mexico as a coastal highway.

### **Helen Gordon Davis Boulevard**

The portion of Davis Boulevard between Adalia Avenue and Adriatic Avenue in Hillsborough County is designated as “Helen Gordon Davis Boulevard.”

Helen Gordon Davis was the first woman from Hillsborough County elected to the Florida House of Representatives. She opened doors for women and minorities, confronting inequalities with poise and determination. Many in the Tampa Bay area revered Mrs. Davis, a fearless legislator. In 1952, she was the first white woman in Florida to join the NAACP at a time of civil unrest in the South. She established the Centre for Women as “The Women’s Survival Centre” to help women become financially independent. Her vision and foresight have made it possible for The Centre for Women to help more than 80,000 individuals to lead more successful and fulfilling lives. Ms. Davis passed away in May of 2015.

### **Francisco A. Rodriguez Avenue**

The portion of N. Willow Avenue between W. Cypress Street and W. Cass Street in Hillsborough County is designated as “Francisco Rodriguez Avenue.”

Francisco Rodriguez was born in Tampa to Cuban parents who were members of Marti-Maceo. He started his career as a teacher but decided to go to law school at Howard University after returning from World War II to a segregated South where nothing had changed. At Howard, he became involved with the National Association for the Advancement of Colored People and was appointed special counsel for the southeast region in 1952, when he returned to Tampa. In 1954, following the Brown decision, he filed numerous legal actions to desegregate schools and recreational facilities in Florida. He unsuccessfully ran for office as juvenile court judge and member of the city council.

### **Olympian Theresa Manuel Way**

The portion of N. Garcia Avenue between W. Palm Avenue and W. Ross Avenue in Hillsborough County is designated as “Olympian Theresa Manuel Way.”

Tampa native Theresa A. Manuel was an educator, coach, and Olympian. She graduated from the Tuskegee Institute, where she helped lead her school's basketball team to four consecutive conference championships, and then went onto teach locally for 35 years at both Middleton and Hillsborough high schools. However, her greatest accomplishment was being chosen as a member of the 1948 U.S. Olympic Track Team, making her the first African-American Floridian to compete in the Olympic Games, which were held that year in London. Ms. Manuel passed away on November 21, 2016, in Tampa. She was 90.

**Robert L. Shevin Memorial Boulevard**

The portion of Miami Avenue between N.E. 5th Street and U.S. 41/S.R. 90/S.E. 7th Street in Miami-Dade County is designated as "Robert L. Shevin Memorial Boulevard."

Robert L. Shevin was elected to the Florida House of Representatives in 1964 and served in the Florida Senate from 1966 to 1970. He also served as Florida's Attorney General from 1971-1979. In 1996, Governor Lawton Chiles appointed him to the Third District Court of Appeal, where he served with distinction until early 2005. He passed away on July 11, 2005.

**Deputy A. Hagood Ellzey Memorial Highway**

The portion of U.S. 19/98 South between Mile Marker 23 and Mile Marker 25 in Levy County is designated as "Deputy A. Hagood Ellzey Memorial Highway."

Deputy A. Hagood Ellzey of the Levy County Sheriff's Office was a lifelong resident of Otter Creek. On January 28, 1945, Deputy Ellzey was shot during an attempt to escort two men from a business establishment. He died of his injuries, leaving his wife and thirteen children.

**Muhammed Ali Boulevard**

The portion of U.S. 441/S.R. 7 between N.W. 52nd Street and N.W. 65th Street in Miami-Dade County is designated as "Muhammed Ali Boulevard."

Born Cassius Clay, Muhammad Ali became an Olympic gold medalist in 1960 and the world heavyweight-boxing champion in 1964. Ali's greatness was not limited to the boxing ring; he devoted much of his time to activism and philanthropy. He supported the Special Olympics and the Make-A-Wish Foundation and was chosen to be a United Nations Messenger of Peace because of his work in developing nations. He passed away on June 3, 2016.

**Stanley G. Tate Boulevard**

The portion of S.R. 922 between N.E. 10th Avenue and N. Bayshore Drive in Miami-Dade County is designated as "Stanley G. Tate Boulevard."

Stanley G. Tate, founder of Stanley Tate Builders, Inc., has been a North Miami business owner for over 30 years and has over 50 years of experience as an entrepreneur, contractor, and developer investing in the Miami-Dade County area. Additionally, Stanley Tate has actively served on numerous boards and civic and charitable organizations throughout the community.

**Herman Echevarria Way**

The portion of U.S. 27/S.R. 25 between W. 9<sup>th</sup> Street and E./S.E. 1<sup>st</sup> Avenue within the City of Hialeah is designated as "Herman Echevarria Way."

Herman Echevarria was a member of the City of Hialeah's Chamber of Commerce, as well as a City Councilman from 1985 to 1997. Mr. Echevarria was also a successful entrepreneur in South Florida and recognized by the Miami Business Review as one of the top 100 most influential

leaders in South Florida. Mr. Echevarria's work as a public servant, entrepreneur, business leader, philanthropist, and family man represents the ideals of the South Florida community. He passed away in September of 2016.

### **Robert M. Levy Memorial Boulevard**

The portion of South Krome Avenue between S.W. 344<sup>th</sup> Street and S.W. 177<sup>th</sup> Court in Miami-Dade County is designated as "Robert M. Levy Memorial Boulevard."

Robert M. Levy worked as a political consultant and lobbyist who developed hundreds of campaigns across the state since 1977. He attended Valley Forge Military Academy, Pennsylvania State University, and served in the United States Army. While in the Army, he spent two and one half years in the Republic of Vietnam. Due to his heroic actions while there, he was awarded the Vietnamese Cross of Gallantry, the Silver Star, the Bronze Star, and three Purple Hearts, and was honorably discharged. Mr. Levy passed away in April of 2016.

### **Lieutenant Debra Clayton Memorial Highway**

The portion of S.R. 438 between John Young Parkway and Pine Hills Road in Orange County is designated as "Lieutenant Debra Clayton Memorial Highway."

Debra Clayton began her career with the Orlando Police Department on May 13, 1999. She was assigned to the Patrol Services Bureau, Neighborhood Patrol, Gangs, the School Resource Unit, and the Criminal Investigations Division (Property and Crimes Against Children Units). She was promoted to the rank of Sergeant on December 1, 2007, and was assigned to the Criminal Investigations Division and the Patrol Services Bureau as Supervisor. On October 10, 2016, Debra earned the rank of Master Sergeant. During her 17 years with the Orlando Police Department, Debra was involved with Operation Positive Direction, and the Dueling Dragons Dragon Boat Team. She also organized and participated in various "Stop the Violence" rallies and was an active member of the Central Florida National Organization of Black Executives (NOBLE). Debra proudly authored a book entitled, "*Bridging the Gap Between Law Enforcement and the Community*", which is currently in publication. Posthumously promoted to Lieutenant, Debra Clayton was killed in the line of duty in January of this year when she encountered a murder suspect.

### **First Class Deputy Norman Lewis Memorial Highway**

The portion of C.R. 431/Pine Hills Road between Silver Star Road and S.R. 50 in Orange County is designated as "First Class Deputy Norman Lewis Memorial Highway."

Norman Lewis received his Bachelor of Science in Criminal Justice in December of 2004. In January of 2005, he applied for sponsorship to the Law Enforcement Academy and was hired as a Deputy Sheriff recruit. He took an oath as Deputy Sheriff on August 15, 2005, promising to protect and defend the citizens of Orange County. Assigned to the Sector IV Uniform Patrol Division, he quickly established himself as a hardworking, dedicated Deputy Sheriff whose supervisors recognized him as one of the most dependable and proactive members of his squad, especially when working traffic violations. As his career progressed, Norman joined the agency's

Motor/DUI Unit, where his positive and professional attitude, couple with his traffic law knowledge, really made an impact. He was consistently recognized as a top performer in that unit, receiving an award for the most traffic stops and speeding violations, and citizens he pulled over recognized him, as well, for his attitude and demeanor. Deputy Lewis was searching for the suspect wanted for killing Lieutenant Clayton when his motorcycle collided with a vehicle that turned in front of him, killing Deputy Lewis.

### **C. Bette Wimbish Way**

The portion of I-375/S.R. 592 between I-275 and S.R. 595/4<sup>th</sup> Avenue in Pinellas County is designated as “C. Bette Wimbish Highway.”

C. Bette Wimbish was one of the leading African-American women activists in Florida promoting the desegregation of schools and civil equality. A tough-minded woman who was determined to break the pattern of discrimination against African Americans in city employment practices, she was most commonly known as a civil rights activist, a politician, and the first African American on the St. Petersburg City Council. As well as being the first black person to hold modern elected office in the Tampa Bay area, Wimbish was also the first black female lawyer in Pinellas County, Florida. Ms. Wimbish passed away on November 30, 2009.

### **Joe Anderson, Jr., Memorial Highway**

The portion of S.R. 349 between U.S. 98/S.R. 55 in Dixie County and S.R. 20 in Lafayette County is designated as “Joe Anderson, Jr., Memorial Highway.”

Joe Anderson, Jr., was a lifelong resident of Old Town, Florida, where he served as a member of multiple organizations benefitting the citizens of Dixie County. Mr. Anderson established Anderson Columbia Co., Inc., providing jobs for many families in Dixie County, and he was also known for his charitable giving. Mr. Anderson passed away on November 29, 2016.

### **Irene U. Hooper Memorial Bridges**

The pair of bridges, bridge numbers 900110 and 900111, over Pine Channel on U.S. 1/S.R. 5 in Monroe County are designated as the “Irene U. Hooper Memorial Bridges.”

In 1966, Irene U. Hooper began her life-long leadership and service career by developing “Seacamp,” a year round, non-profit marine science camp and educational facility located on Big Pine Key. Today, campers 12 – 17 years old continue to enjoy numerous activities in marine science education. From 1968 to 1971, she successfully spearheaded the effort to earn an aquatic preserve designation for Coupon Bight in the Florida Keys. Over the years, her leadership and service earned her numerous recognitions, including the national Take Pride in America Award in 1986, the Florida Governor’s Environmental Education Award in 1993, and the League of Environmental Educators in Florida Founders Award for Education Leadership in 1996.



**Emmitt G. Coakley Memorial Highway**

The portion of U.S. 1/S.R. 15 between 5<sup>th</sup> Avenue and C.R. 108 in Nassau County is designated as “Emmitt G. Coakley Memorial Highway.”

Emmitt G. Coakley was a teacher, mentor, and principal in Nassau County who retired after 30 years of service. He returned as a substitute teacher for an additional 23 years. He served his community in many ways, including 30 years on the Nassau County Planning and Zoning Board and nine years on the Conditional Use and Variance Board. He was an active member of the Retired Teachers’ Association of Nassau County, Chairman of the Deacon Ministry of Second Baptist Church, and served his country as a member of the United States Army.

**Warren E. ‘Charlie’ and Shirley Brown Memorial Highway**

The portion of U.S. 98/S.R. 30 between Rosewood Drive in Okaloosa County and Sunrise Drive in Santa Rosa County is designated<sup>11</sup> as “Warren E. ‘Charlie’ and Shirley Brown Memorial Highway.”

‘Charlie’ and Shirley Brown were married for 55 years and devoted their lives to serving their community. Mr. Brown served in the U.S. Air Force for 29 years, serving in World War II, Korea, and Vietnam. Upon retirement in 1978, he and Mrs. Brown made their home in Navarre, where they served as tireless boosters for the area’s military bases and mission, supporting multiple causes to help military families. Mr. and Mrs. Brown were active in the Clean Community Program, were Master Gardeners, and were active in the Navarre Beach Area Chamber of Commerce. They served on numerous other boards and committees within the county and were members and volunteer leaders of First Baptist Church in Fort Walton Beach.

**Sheriff Wendell Hall Highway**

The portion of U.S. 90 from Chumuckla Highway to Woodbine Road in Santa Rosa County is designated as “Sheriff Wendell Hall Highway.”

Sheriff Hall began his law enforcement career in 1981 as a Corrections Officer with the Escambia County Sheriff’s Office. He served as a Patrol Deputy, Narcotics Investigator and Supervisor, Administrative Supervisor, Certified Hostage Negotiator, Firearms Instructor, and Field Training Officer. He received many achievement awards during his tenure with the Escambia County Sheriff’s office. Elected as Sheriff of Santa Rosa County in 2000, he is the first Sheriff in that county to be elected and re-elected to four terms. Sheriff Hall is active in his community, has received numerous civic recognitions, and is noted for his extensive volunteer service.

**Senator Gerald S. ‘Jerry’ Rehm Highway**

The portion of S.R. 580 in Pinellas County is designated as “Senator Gerald S. ‘Jerry’ Rehm Highway.”

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<sup>11</sup> The bill revises a previous designation for Mr. Brown, with the same description, to add Mrs. Brown to the designation. See 2014-228, L.O.F.

Senator Rehm grew up in West Palm Beach. After high school, he attended the United States Merchant Marine Academy (King's Point) in New York, where he became a midshipman and played trumpet in the academy band. After graduation and serving time at sea, he returned to Florida and began his political career in Dunedin, first as a member of the Dunedin Library and Planning and Zoning Boards (1961-1962), then as a member of the City Commission (1963-1965), and ultimately serving three terms as one of Dunedin's youngest mayors (1965-1971). He ran for and won a seat in the Florida Senate (1981-1984) and the Florida House of Representatives (1986-1990). His most recent accomplishment was working diligently with Congress in the successful appropriation of funding necessary to preserve King's Point. Senator Rehm passed away on March 10, 2017.

### **William H. 'Bill' Mapoles Bridge**

Bridge number 570172 on U.S. 90/S.R. 10 over the Yellow River in Okaloosa County is designated as "William H. 'Bill' Mapoles Bridge."

Mr. Mapoles was elected to the Florida House of Representatives in 1913 to be a Walton County representative, but he took office with the campaign theme of creating a new county by taking part of Santa Rosa and part of Walton counties to form a new county with its own county seat. After failing on a first attempt, Representative Mapoles co-introduced a bill to accomplish creation of the new county. In 1915, the new county of Okaloosa was formed. Mr. Mapoles is known as the father of Okaloosa County.

### **Brigadier General Thomas 'Mark' Stogsdill Memorial Overpass**

Bridge number 570175 on 77th Special Forces Way over State Road 85 in Okaloosa County is designated as "Brigadier General Thomas 'Mark' Stogsdill Memorial Overpass."

Brigadier General Thomas 'Mark' Stogsdill was the former commander of the 919<sup>th</sup> Special Operations Wing at Duke Field. He was also involved in a variety of military-related charities in the Okaloosa County area. He passed away in July of 2016.

### **Arnold Palmer Expressway**

The portion of S.R. 408 between Kirkman Road and Clarke Road in Orange County is designated as "Arnold Palmer Expressway."

Arnold Palmer was a professional golfer who spent his winters in Central Florida. He was also a philanthropist involved in charitable endeavors, including the creation and development of the Arnold Palmer Hospital for Children and the Winnie Palmer Hospital for Women & Babies. The Arnold Palmer Invitational golf tournament is annually played at Bay Hill in the Orlando area. Arnold Palmer passed away on September 26, 2016.

**Rev. Dr. Thomas A. Wright Boulevard**

The portion of C.R. 1476/N.E. 8th Avenue between N.E. 15th Street and N.E. 26th Terrace in Alachua County is designated as “Rev. Dr. Thomas A. Wright Boulevard.”

Reverend Wright graduated from Florida Memorial College and the Howard University School of Divinity. In the 1950's he pastored St. Mary's Baptist Church in St. Augustine, Florida, where he was a leader in the civil rights movement, helping organize sit-ins, demonstrations, and boycotts to highlight the need for social justice and equality for African-Americans. After receiving several death threats, he moved his family and became pastor of the Mount Carmel Baptist Church in Gainesville, Florida. Shortly after coming to Gainesville, Wright served as President of the Alachua County Branch of the NAACP and continued the fight for equal rights. He led Mount Carmel Church in applying for financing from the federal government to build Gardenia Gardens, a 100-unit low-income apartment development. In 2002, he joined the select company of three other African-Americans previously honored by the University of Florida with an honorary Doctor of Public Service Degree. Reverend Wright passed away on December 9, 2014.

**Candice Ellize Francois Street**

The portion of Palm Avenue between Pembroke Road and Miramar Parkway in Broward County is designated as “Candice Ellize Francois Street.”

Candice Ellize Francois was born on March 10, 1994, in Miami. She was in the International Baccalaureate Program in high school where she was involved in multiple school activities. Shortly after graduating from high school, she was diagnosed with a rare cancer of the jawbone. She passed away on October 26, 2014, at the age of 20.

**Georgia Ayers Way**

The portion of S.R. 9/N.W. 27th Avenue between S.R. 934/N.W. 79th Street and N.W. 41st Street in Miami-Dade County is designated as “Georgia Ayers Way.”

A community activist since the 1960's, Georgia Ayers was assigned to community relations boards and advisory boards to facilitate relations between the community and local police. Among Ms. Ayers' many contributions to the community, she founded the Alternative Program with a Miami-Dade Circuit judge in 1982, working with the court system to offer an alternative to jail time for people charged with nonviolent crimes. She also founded the area's Daily Bread Food Bank. Ms. Ayers recently passed away at the age of 86.

**Dr. Clifford Garfield O'Connor Street**

The portion of N.W. 32nd Avenue between N.W. 87th Street and N.W. 83rd Street in Miami-Dade County is designated as “Dr. Clifford Garfield O'Connor Street.”

Dr. Clifford Garfield O'Connor was a podiatrist who also assisted in training new physicians. He also participated in several medical missions to Jamaica and Haiti. He passed away on February 23, 2015, at the age of 50.

### **Robert 'Bobby' L. Parker, Sr., Memorial Highway**

The portion of U.S. 441/S.R. 7 between N.W. 155th Lane and N.W. 151st Street in Miami-Dade County is designated as "Robert 'Bobby' L. Parker, Sr., Memorial Highway."

Robert "Bobby" Parker, Sr. joined the Miami-Dade Police Department in 1976, where he served in every civil rank in the Department, from police officer to Captain, before being appointed through the ranks of Major, Chief and Assistant Director. On April 1, 2004, he became the first African-American Director of the Miami-Dade Police Department. He honorably served the Department and his community for 33 distinguished years.

### **Senator Paul B. Steinberg Bridge**

Bridge number 870054 on S.R. 112/W. 41st Street/Arthur Godfrey Rd. in Miami Beach is designated as the "Senator Paul B. Steinberg Bridge."

Senator Steinberg served in the Florida House of Representatives from 1972-1978 and in the Florida Senate from 1978-1982. Mr. Steinberg's law office has been adjacent to the bridge for over 30 years.

### **The Hope and Healing Highway**

The portion of U.S. 1 between Broward Boulevard and Sunrise Boulevard in Broward County is designated as "The Hope and Healing Highway."

The designation would help empower those who travel on the stretch of road each day to the Nancy J. Cotterman Sexual Assault Treatment Center, Broward County's rape crisis and children's advocacy center, and would be a tribute to those who have been victims and are survivors, those who have not yet had the courage to seek help, and those who support the mission to end sexual abuse and to help survivors heal and thrive.

### **Purple Heart Trail**

The portion of S.R. 60 between the Hillsborough County line and Mandalay Avenue in Pinellas County is designated as "Purple Heart Trail."

According to the Purple Heart website:

The purpose of the Purple Heart Trail is to create a symbolic and honorary system of roads, highways, bridges, and other monuments that give tribute to the men and women who have been awarded the Purple Heart medal... Signs placed at various

locations annotate those roads and highways where legislation has been passed to designate parts of the national road system as “The Purple Heart Trail.”<sup>12</sup>

**Section 2** directs the FDOT to erect appropriate signage, at intervals determined by the FDOT, along that portion of S.R. 589/Veterans Expressway between S.R. 60 in Hillsborough County and U.S. 98 in Hernando County, commemorating each of the following conflicts involving the United States Armed Forces:

- World War I;
- World War II;
- The Korean War;
- The Vietnam War;
- Operation Desert Shield;
- Operation Desert Storm;
- Operation Enduring Freedom; and
- Operation Iraqi Freedom.

**Section 3** revises a designation enacted in section 1 of chapter 1951-26497, Laws of Florida, the “Broad Causeway Boulevard” in Miami-Dade County, to the “Shepard Broad Causeway.”

The Broad Causeway was designated in honor of Shepard Broad, the founder of Bay Harbor Islands. The Town of Bay Harbor Islands and the Miami-Dade County Commission requested revision of the designation to reflect his full name.

**Section 4** directs the FDOT to erect suitable markers correcting the designation as described in section 3.

**Section 5** amends section 28 of chapter 2014-228, Laws of Florida, to correct the spelling of a previously enacted designation in Miami-Dade County, from the “Reverend Wilner Maxi Street,” to the “Reverend Wilner Maxy Street.”

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

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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<sup>12</sup> See The Military Order of the Purple Heart, *Purple Heart Trail Program*, available at: <http://www.purpleheart.org/PHTrail/>. (Last visited April 12, 2017.)

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The estimated cost to FDOT to erect the designation markers required under the bill, [to remove, revise, and re-install the designation markers to correct the previously enacted designations (4 signs), as well as for the 36 newly created designations (72 signs), and at least 8 signs for the commemorating markers along the Veterans Expressway<sup>13</sup>] is \$42,000, for a total of 84 signs at a cost of no less than \$500 each. The estimate includes sign fabrication, installation, and maintenance over time, but does not include any additional expenses related to maintenance of traffic, dedication event costs, or replacement necessitated by damage, vandalism, or storm events.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The FDOT advises the following designations are not located on the State Highway System:

- Helen Gordon Davis Boulevard;
- Francisco A. Rodriguez Avenue;
- Olympian Theresa Manuel Way;
- Robert L. Shevin Memorial Boulevard;
- Rev. Dr. Thomas A. Wright Boulevard; and
- Candice Ellize Francois Street.

**VIII. Statutes Affected:**

The bill creates an undesignated section of Florida law.

This bill amends section 28 of chapter 2014-228, Laws of Florida.

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<sup>13</sup> The FDOT advises these signs will cost a minimum of \$500 each. While the bill calls for a minimum of 8 signs, the FDOT advises it has not yet determined appropriate intervals for installation of the signs. Telephone conversation with the FDOT staff, April 7, 2017.

**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 April 13, 2017:**

The recommended CS adds the following designations:

- “Joe Anderson, Jr., Memorial Highway” in Dixie and Lafayette Counties;
- “Irene U. Hooper Memorial Bridges” in Monroe County;
- “Emmitt G. Coakley Memorial Highway” in Nassau County;
- “Warren E. ‘Charlie’ and Shirley Brown Memorial Highway” in Santa Rosa County;
- “Sheriff Wendell Hall Highway” in Santa Rosa County;
- “Senator Gerald S. ‘Jerry’ Rehm Highway” in Pinellas County;
- “William H. ‘Bill’ Mapoles Bridge” in Okaloosa County;
- “Brigadier General Thomas ‘Mark’ Stogsdill Memorial Overpass” in Okaloosa County;
- “Arnold Palmer Expressway” in Orange County;
- “Rev. Dr. Thomas A. Wright Boulevard” in Alachua County;
- “Candice Ellize Francois Street” in Broward County;
- “Georgia Ayers Way” in Miami-Dade County;
- “Dr. Clifford Garfield O’Connor Street” in Miami-Dade County;
- “Robert ‘Bobby’ L. Parker, Sr., Memorial Highway” in Miami-Dade County;
- “Senator Paul B. Steinberg Bridge” in Miami Beach;
- “The Hope and Healing Highway” in Broward County; and
- “The Purple Heart Trail” in Pinellas County.

The CS revises a designation enacted in section 1 of chapter 1951-26497, Laws of Florida, the “Broad Causeway Boulevard” in Miami-Dade County, to the “Shepard Broad Causeway.” The CS also directs the FDOT to erect appropriate signage along portions of the Veterans Expressway to commemorate specified conflicts involving the United States Armed Forces.

**CS by Transportation on February 21, 2017:**

The CS adds the following designations:

- “Gulf Coast Highway” in Pasco County;
- “Helen Gordon Davis Boulevard” in Hillsborough County;
- “Francisco Rodriguez Avenue: in Hillsborough County;
- “Olympian Theresa Manuel Way” in Hillsborough County;
- “Robert L. Shevin Memorial Boulevard” in Miami-Dade County;
- “Deputy A. Hagood Ellzey Memorial Highway” in Levy County;
- “Muhammad Ali Boulevard” in Miami-Dade County;
- “Stanley G. Tate Boulevard” in Miami-Dade County;
- “Herman Echevarria Way” in Miami-Dade County;
- “Robert M. Levy Memorial Boulevard” in Miami-Dade County;
- “Lieutenant Debra Clayton Memorial Highway” in Orange County;

- “First Class Deputy Norman Lewis Memorial Highway” in Orange County; and
- “C. Bette Wimbish Highway” in Pinellas County.

The CS also makes two technical changes, one to remove reference to contingent completion of construction for the “Private First Class Joey Moody Bridge,” as construction is now completed; and one to insert a state road number for, and the county in which is located, the “Joe C. Peavy Highway” designation. The CS also corrects the spelling from “Maxi” to “Maxy” in a previously enacted designation of the Reverend Wilner Maxy Street in Miami-Dade County.

**B. Amendments:**

None.





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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2017	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Montford) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 73 - 75

and insert:

(20) That portion of S.R. 349 between U.S. 98/S.R. 55 in Dixie County and S.R. 20 in Lafayette County is designated as "Joe Anderson, Jr., Memorial Highway."

(21) The pair of bridges, bridge numbers 900110 and 900111, over Pine Channel on U.S. 1/S.R. 5 in Monroe County is



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- 10 designated as the "Irene U. Hooper Memorial Bridges."
- 11 (22) That portion of U.S. 1/S.R. 15 between 5th Avenue and  
12 C.R. 108 in Nassau County is designated as "Emmitt G. Coakley  
13 Memorial Highway."
- 14 (23) That portion of U.S. 98/S.R. 30 between Rosewood Drive  
15 in Okaloosa County and Sunrise Drive in Santa Rosa County is  
16 designated as "Warren E. 'Charlie' and Shirley Brown Memorial  
17 Highway."
- 18 (24) That portion of U.S. 90 from Chumuckla Highway to  
19 Woodbine Road in Santa Rosa County is designated as "Sheriff  
20 Wendell Hall Highway."
- 21 (25) That portion of S.R. 580 in Pinellas County is  
22 designated as "Senator Gerald S. 'Jerry' Rehm Highway."
- 23 (26) Bridge number 570172 on U.S. 90/S.R. 10 over the  
24 Yellow River in Okaloosa County is designated as "William H.  
25 'Bill' Mapoles Bridge."
- 26 (27) Bridge number 570175 on 77th Special Forces Way over  
27 State Road 85 in Okaloosa County is designated as "Brigadier  
28 General Thomas 'Mark' Stogsdill Memorial Overpass."
- 29 (28) That portion of S.R. 408 between Kirkman Road and  
30 Clarke Road in Orange County is designated as "Arnold Palmer  
31 Expressway."
- 32 (29) That portion of C.R. 1476/N.E. 8th Avenue between N.E.  
33 15th Street and N.E. 26th Terrace in Alachua County is  
34 designated as "Rev. Dr. Thomas A. Wright Boulevard."
- 35 (30) That portion of Palm Avenue between Pembroke Road and  
36 Miramar Parkway in Broward County is designated as "Candice  
37 Ellize Francois Street."
- 38 (31) That portion of S.R. 9/N.W. 27th Avenue between S.R.



649020

39 934/N.W. 79th Street and N.W. 41st Street in Miami-Dade County  
40 is designated as "Georgia Ayers Way."

41 (32) That portion of N.W. 32nd Avenue between N.W. 87th  
42 Street and N.W. 83rd Street in Miami-Dade County is designated  
43 as "Dr. Clifford Garfield O'Connor Street."

44 (33) That portion of U.S. 441/S.R. 7 between N.W. 155th  
45 Lane and N.W. 151st Street in Miami-Dade County is designated as  
46 "Robert 'Bobby' L. Parker, Sr., Memorial Highway."

47 (34) Bridge number 870054 on S.R. 112/W. 41st Street/Arthur  
48 Godfrey Road in Miami Beach is designated as the "Senator Paul  
49 B. Steinberg Bridge."

50 (35) That portion of U.S. 1 between Broward Boulevard and  
51 Sunrise Boulevard, in Broward County, is designated as "The Hope  
52 and Healing Highway."

53 (36) The Department of Transportation is directed to erect  
54 suitable markers designating the transportation facilities as  
55 described in this section.

56 Section 2. United States Armed Forces commemoration;  
57 Department of Transportation to erect appropriate signage.-

58 (1) The Department of Transportation is directed to erect  
59 appropriate signage as described in subsection (2), at intervals  
60 determined by the department, along that portion of S.R.  
61 589/Veterans Expressway between S.R. 60 in Hillsborough County  
62 and U.S. 98 in Hernando County.

63 (2) The department shall erect an appropriate sign to  
64 commemorate each of the following conflicts involving the United  
65 States Armed Forces:

66 (a) World War I.

67 (b) World War II.



649020

- 68        (c) The Korean War.
- 69        (d) The Vietnam War.
- 70        (e) Operation Desert Shield.
- 71        (f) Operation Desert Storm.
- 72        (g) Operation Enduring Freedom.
- 73        (h) Operation Iraqi Freedom.

74        Section 3. Section 1 of chapter 26497, Laws of Florida,  
75 1951, is amended to read:

76            Section 1. That the following described route be and the  
77 same is hereby declared, designated and established as a State  
78 Road, forming a part of the connecting system of the State of  
79 Florida, and shall be known as the SHEPARD BROAD CAUSEWAY  
80 BOULEVARD.

81            Beginning at the intersection of State Road AIA and 96th  
82 Street in Dade County, Florida, and running in a Westerly  
83 direction, as nearly ~~near~~ as possible in a direct line, through  
84 the Town of Bay Harbor Islands, Florida, across Broad Causeway,  
85 spanning Biscayne Bay, and through the Town of North Miami,  
86 Florida, to the point where such highway shall intersect with  
87 State Road Number 7, along the most practicable and feasible  
88 route to be determined by the State Road Department.

89            Section 4. The Department of Transportation is directed to  
90 erect suitable markers correcting the designation of the  
91 transportation facility pursuant to the amendment made to  
92 section 1 of chapter 26497, Laws of Florida, 1951.

93  
94 ===== T I T L E   A M E N D M E N T =====

95 And the title is amended as follows:

96            Delete line 6



649020

97 and insert:

98 to erect suitable markers; directing the department to  
99 erect signage in specified counties to commemorate  
100 certain conflicts involving the United States Armed  
101 Forces; amending chapter 26497, Laws of Florida, 1951;  
102 revising the name of an honorary designation of a  
103 transportation facility in a specified county;  
104 amending chapter 2014-228,



388982

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2017	.	
	.	
	.	
	.	

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

**Senate Amendment to Amendment (649020)**

Delete line 53

and insert:

(36) That portion of S.R. 60 between the Hillsborough  
County line and Mandalay Avenue in Pinellas County is designated  
as "Purple Heart Trail."

(37) The Department of Transportation is directed to erect

By the Committee on Transportation; and Senator Montford

596-01945-17

2017368c1

A bill to be entitled

An act relating to transportation facility designations; providing honorary designations of various transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; amending chapter 2014-228, Laws of Florida; revising the name of an honorary designation of a transportation facility in a specified county; providing an effective date.

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

Section 1. Transportation facility designations; Department of Transportation to erect suitable markers.-

(1) Bridge number 380096 on U.S. 221/S.R. 55 over the Econfina River in Taylor County is designated as "Private First Class Joey Moody Bridge."

(2) That portion of S.R. 80 between Hickey Creek Road and Carter Lane in Lee County is designated as "Corporal Joseph R. Bertrand Memorial Highway."

(3) That portion of Interstate 75/S.R. 93A between Fowler Avenue and Fletcher Avenue in Hillsborough County is designated as "Lieutenant Benedict J. Thomas Memorial Highway."

(4) That portion of the Homestead Extension of the Florida Turnpike/S.R. 821 between mile marker 34 and mile marker 36 in Miami-Dade County is designated as "Trooper Patrick Ambroise Memorial Highway."

(5) That portion of U.S. 98/S.R. 30 between Ryan Drive/W. 11th Street and N.E./S.E. 12th Street in Franklin County is

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

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designated as "SP4 Robert Clifford Millender Memorial Highway."

(6) That portion of S.R. 53 between U.S. 90/S.R. 10 and the Georgia state line in Madison County is designated as "Joe C. Peavy Highway."

(7) That portion of U.S. 19/S.R. 55 between the Pinellas County line and the Hernando County line in Pasco County is designated as "Gulf Coast Highway."

(8) That portion of Davis Boulevard between Adalia Avenue and Adriatic Avenue in Hillsborough County is designated as "Helen Gordon Davis Boulevard."

(9) That portion of N. Willow Avenue between W. Cypress Street and W. Cass Street in Hillsborough County is designated as "Francisco A. Rodriguez Avenue."

(10) That portion of N. Garcia Avenue between W. Palm Avenue and W. Ross Avenue in Hillsborough County is designated as "Olympian Theresa Manuel Way."

(11) That portion of Miami Avenue between N.E. 5th Street and U.S. 41/S.R. 90/S.E. 7th Street in Miami-Dade County is designated as "Robert L. Shevin Memorial Boulevard."

(12) That portion of U.S. 19/98 South between mile marker 23 and mile marker 25 in Levy County is designated as "Deputy A. Hagood Ellzey Memorial Highway."

(13) That portion of U.S. 441/S.R. 7 between N.W. 52nd Street and N.W. 65th Street in Miami-Dade County is designated as "Muhammad Ali Boulevard."

(14) That portion of S.R. 922 between N.E. 10th Avenue and N. Bayshore Drive in Miami-Dade County is designated as "Stanley G. Tate Boulevard."

(15) That portion of U.S. 27/S.R. 25 between W. 9th Street

Page 2 of 3

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

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59 and E./S.E. 1st Avenue within the City of Hialeah is designated  
60 as "Herman Echevarria Way."

61 (16) That portion of S.R. 997/Krome Avenue between S.W.  
62 344th Street and S.W. 177th Court in Miami-Dade County is  
63 designated as "Robert M. Levy Memorial Boulevard."

64 (17) That portion of S.R. 438 between John Young Parkway  
65 and Pine Hills Road in Orange County is designated as  
66 "Lieutenant Debra Clayton Memorial Highway."

67 (18) That portion of C.R. 431/Pine Hills Road between  
68 Silver Star Road and S.R. 50 in Orange County is designated as  
69 "First Class Deputy Norman Lewis Memorial Highway."

70 (19) That portion of I-375/S.R. 592 between I-275 and S.R.  
71 595/4th Avenue in Pinellas County is designated as "C. Bette  
72 Wimbish Highway."

73 (20) The Department of Transportation is directed to erect  
74 suitable markers designating the transportation facilities as  
75 described in this section.

76 Section 2. Section 28 of chapter 2014-228, Laws of Florida,  
77 is amended to read:

78 Section 28. Reverend Wilner Maxy ~~Maxi~~ Street designated;  
79 Department of Transportation to erect suitable markers.-

80 (1) That portion of N.E. 73rd Street between N.E. 2nd  
81 Avenue and N.E. 3rd Court in Miami-Dade County is designated as  
82 "Reverend Wilner Maxy ~~Maxi~~ Street."

83 (2) The Department of Transportation is directed to erect  
84 suitable markers designating Reverend Wilner Maxy ~~Maxi~~ Street as  
85 described in subsection (1).

86 Section 3. This act shall take effect July 1, 2017.



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

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

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

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BILL: PCS/CS/SB 842 (326920)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development;  
Transportation Committee; and Senator Artiles and others

SUBJECT: South Florida Regional Transportation Authority

DATE: April 14, 2017

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Price</u>	<u>Miller</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Pitts</u>	<u>Pitts</u>	<u>ATD</u>	<u>Recommend: Fav/CS</u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/CS/SB 842 authorizes the South Florida Regional Transportation Authority (SFRTA) to enter into contractual indemnification agreements with All Aboard Florida (AAF) and Florida East Coast Railway (FECR) on a rail corridor owned by AAF or FECR and in which all three entities operate rail service. The bill authorizes the Florida Department of Transportation (FDOT or department) to assume the obligations to indemnify and insure under such contractual agreements any freight rail service, intercity passenger service, and commuter rail service on a department-owned rail corridor or on a rail corridor where the FDOT has the right to operate.

The bill also deems funds provided by the FDOT to the SFRTA to be state financial assistance subject to specified requirements. The bill requires the FDOT to provide funds to the SFRTA in accordance with a written agreement containing certain provisions and authorizes the FDOT to advance funds at the start of each fiscal year, with monthly payments from the State Transportation Trust Fund (STTF) to the SFRTA for maintenance and dispatch on the South Florida Rail Corridor (SFRC) over the fiscal year on a reimbursement basis.

An indeterminate negative fiscal impact on state government and the SFRTA is expected. See Section V., "Fiscal Impact Statement," for details.

The bill takes effect July 1, 2017.

## II. Present Situation:

### Freight Rail, Commuter Rail, and Intercity Passenger Rail

In 1988, the FDOT and CSX Transportation, Inc., (CSX) entered into an agreement under which the department bought approximately 81 miles of CSX track and right-of-way in order to operate commuter rail in South Florida. In 2003, the Legislature created the SFRTA, an agency of the state, as the successor to the Tri-County Commuter Rail Authority with all of its rights, privileges, and obligations.<sup>1</sup> The SFRTA is authorized to coordinate, develop, and operate a regional transportation system in the tri-county area of Broward, Miami-Dade, and Palm Beach Counties,<sup>2</sup> providing commuter rail service (Tri-Rail) for residents and visitors in the area served. The FDOT continues ownership of the SFRC, which runs parallel to I-95, extending south to Miami International Airport and north into Palm Beach County.

Florida East Coast Railway (FECR) owns<sup>3</sup> an existing rail corridor between Miami and Cocoa on which it operates freight rail service.<sup>4</sup> All Aboard Florida (AAF)<sup>5</sup>, a subsidiary of the parent holding company of FECR, is currently developing an intercity express train service, called “Brightline,” using the existing FECR corridor between Miami and Cocoa. AAF will build new track along State Road 528 between Cocoa and Orlando. Service between Miami and West Palm Beach is expected to be launched this year, with service from Miami to Orlando following.<sup>6</sup>

The SFRTA is planning to expand Tri-Rail service using the existing FECR corridor. Known as the “Tri-Rail Coastal Link,” the project would reintroduce commuter service for passengers along an 85-mile stretch of the FECR corridor between downtown Miami and Jupiter, connecting 28 densely populated cities in east Miami-Dade, Broward, and Palm Beach Counties.<sup>7</sup> SFRTA’s service on this link would share tracks with FECR’s freight trains and AAF’s Brightline, providing intercity passenger service. The SFRTA will have co-located stations with Brightline in Miami, Ft. Lauderdale, and West Palm Beach. AAF construction projects for the stations are at various stages.<sup>8</sup> AAF is reportedly unwilling to proceed with completion of Tri-Rail’s portion of the Miami Central Station in part due to the absence of a contractual agreement to indemnify and insure FECR and AAF.<sup>9</sup>

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<sup>1</sup> Chapter 2003-159, L.O.F.

<sup>2</sup> Section 343.54, F.S.

<sup>3</sup> Florida East Coast Industries (FEI) is the holding company for FECR. Fortress Investment Group acquired FEI in 2007.

<sup>4</sup> See the FECR website available at: <http://www.fecrwy.com/about>. (Last visited March 17, 2017.)

<sup>5</sup> AAF is a wholly owned subsidiary of FEI. See the AAF website available at: <http://www.allaboardflorida.com/>. (Last visited March 17, 2017.)

<sup>6</sup> See the AAF website available at: <http://www.allaboardflorida.com/>. (Last visited March 17, 2017.)

<sup>7</sup> See the FDOT website available at: <http://tri-railcoastallinkstudy.com/>. (Last visited March 17, 2017.)

<sup>8</sup> *Supra* note 6.

<sup>9</sup> See *Legislative inaction, indemnification ruling impact Miami=Orlando rail service future*, May 28, 2016, available at: <http://flarecord.com/stories/510745198-legislative-inaction-indemnification-ruling-impact-miami-orlando-rail-service-future>. (Last visited March 17, 2017.)

## Liability on Rail Corridors

Commuter rail operators often seek to use existing track or right-of-way, which is primarily owned by freight rail operators, because of the expense of building new rail infrastructure.<sup>10</sup> Consequently, commuter rail operators must enter into agreements with the freight rail operators regarding how they will access the right-of-way. The most common challenge that occurs during negotiations between the commuter rail operator and the freight rail operator is determining liability.<sup>11</sup>

The introduction of commuter trains on rail corridors that were previously used exclusively for freight operations inherently raises the freight operators' risk of liability due to the increased number of persons and trains present within the corridor. Accordingly, most freight rail operators want the commuter rail operator to assume all risks associated with the presence of the commuter rail service. Freight rail operators refer to this as the “but for” argument – “but for the presence of the commuter rail service, the freight railroad would not be exposed to certain risks; therefore, the freight railroads should be held harmless.”<sup>12</sup> Recognizing the exposure of liability for both parties, Congress passed the Amtrak Reform and Accountability Act of 1997, which limited the aggregate overall damage liability to all passengers from a single accident to \$200 million.<sup>13</sup>

When Congress created Amtrak in 1970,<sup>14</sup> Amtrak contracted with freight railroads to operate passenger rail service within freight corridors. These agreements were predicated on a no-fault allocation of liability. For example, a typical agreement indemnified the freight operators for “any injury, death or property damage to any Amtrak employees, Amtrak property or Amtrak passengers,” and the freight operators would also indemnify and hold harmless Amtrak for “any injury, death or property damage” to freight employees and property.<sup>15</sup> According to one report, despite this language, some courts have held that the provisions do not apply in cases of gross negligence.<sup>16</sup>

## Florida Rail Liability Provisions

In 2007, the FDOT entered into an agreement with CSX Transportation, Inc., (CSX) to purchase 61.5 miles of track or right-of-way in Central Florida to provide commuter rail service, contingent on passage of legislation containing certain indemnification provisions. Known as SunRail, the first phase of the project opened in 2014, connecting DeBary in Volusia County to

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<sup>10</sup> U.S. General Accounting Office, *Commuter Rail: Information and Guidance Could Help Facilitate Commuter and Freight Rail Access Negotiations*, Report GAO-04-240, 5 (Jan. 2004), available at <http://www.gao.gov/assets/250/240916.html>. (Last visited March 17, 2017).

<sup>11</sup> *Id.* at 17.

<sup>12</sup> *Id.* at 18.

<sup>13</sup> *Id.*

<sup>14</sup> Congress passed the Rail Passenger Service Act of 1970, creating Amtrak to take over passenger rail service and relieving freight railroads of the responsibility of providing passenger service. U.S. General Accounting Office, *supra* note 10, at 8.

<sup>15</sup> See the Transportation and Economic Development Appropriations staff analysis of HB 1-B, Engrossed 1, at 4., available at: <http://archive.flsenate.gov/data/session/2009B/Senate/bills/analysis/pdf/2009h0001B.ta.pdf>. (Last visited March 17, 2017.)

<sup>16</sup> Center for Transportation Research, The University of Texas at Austin, *Passenger Rail Sharing Freight Infrastructure: Creating Win-Win Agreements*, Project Summary Report 0-5022-S, 3 (March 2006), available at: [http://ctr.utexas.edu/wp-content/uploads/pubs/0\\_5022\\_S.pdf](http://ctr.utexas.edu/wp-content/uploads/pubs/0_5022_S.pdf). (Last visited March 17, 2017.)

Sand Lake Road in Orange County and featuring 12 Central Florida stations.<sup>17</sup> Today, the FDOT operates the SunRail system, and CSX continues to operate freight trains in the corridor.

In 2009,<sup>18</sup> the Legislature authorized the FDOT in s. 341.302, F.S., to contractually indemnify a freight rail operator and the National Railroad Passenger Corporation (Amtrak) for any loss, injury, or damage to commuter rail passengers or rail corridor invitees, regardless of circumstances or cause, including negligence, misconduct, nonfeasance, or misfeasance. The contractual indemnification, however, is subject to the following parameters and exceptions:<sup>19</sup>

- If only a freight train is involved in an incident, the freight rail operator is solely responsible (pays 100 percent) for any loss, injury, or damage to its property and people, as well as for losses related to incidents involving trespassers and grade crossings. The department pays for loss, injury, or damage to any commuter rail passengers or invitees.
- If only an FDOT train (or “other train,” as explained below) is involved in an incident, FDOT is solely responsible (pays 100 percent) for any loss, injury, or damage to its property and people, as well as for losses related to commuter rail passengers, rail corridor invitees, trespassers, and grade crossings.
  - Any train that is neither FDOT’s train nor the freight rail operator’s train is considered an “other train.” An “other train” is treated as an FDOT train solely for purposes of allocation of liability between DOT and the freight rail operator, as long as FDOT and the freight rail operator share responsibility equally as to third parties injured outside the rail corridor.
- If both a freight train and an FDOT train, or a freight train and an “other train,” are involved in an accident, the freight rail operator is solely responsible (pays 100 percent) for its property and all of its people. The freight rail operator and FDOT share responsibility one-half each (each pays 50 percent) for any third-party damage resulting outside the corridor or for damage relating to trespassers. The department is solely responsible (pays 100 percent) for its property and all of its people, including commuter rail passengers and invitees, except in certain cases involving willful misconduct or resulting in the award of punitive or exemplary damages, as explained below.
  - When there is a collision between an FDOT train and a freight train only and the freight rail operator’s conduct amounts to willful misconduct or results in the award of punitive or exemplary damages, FDOT pays amounts in excess of its insurance deductible or self-insurance fund only if the freight rail operator pays for the amount of the insurance deductible or self-insurance fund (which is capped at \$10 million).
- If an FDOT train, a freight train, and any “other train” are involved in an incident, the allocation of liability remains one-half each between FDOT and the freight rail operator for any loss, injury, or damage to third parties outside the rail corridor. If the “other train” makes any payment to third parties injured outside the corridor, the allocation of credit shall not reduce the freight rail operator’s allocation to less than one-third of the total third-party liability.

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<sup>17</sup> See the SunRail website available at: <http://corporate.sunrail.com/stations-trains/phase-1-stations/> (last visited February 14, 2017).

<sup>18</sup> Chapter 2009-271, L.O.F.

<sup>19</sup> See s. 341.302(17), F.S., relating to the FDOT’s grants of authority with respect to the acquisition, ownership, construction, operation, maintenance, and management of a rail corridor.

Additionally, in a freight-train-only accident, the freight rail operator is solely responsible for all damages relating to incidents with trespassers or at grade crossings. In an FDOT-train-only accident, the department is solely responsible for all damages relating to incidents with trespassers or at grade crossings. In an incident involving an FDOT train (or an “other train”) and a freight train, the department and the freight rail operator share responsibility one-half each as to damages to trespassers and third parties outside the rail corridor; however, the statute does not address liability for damages relating to incidents at grade crossings.

The department’s duty to indemnify a freight rail operator is capped at \$200 million. The department is required to purchase up to \$200 million in liability insurance and establish a self-insurance retention fund to cover any deductible, provided that any parties covered under the insurance must pay a reasonable monetary contribution to cover the cost of the insurance. The self-insurance fund or deductible shall not exceed \$10 million. The insurance and self-insurance retention fund may provide coverage for all damages, including punitive damages.

### **SFRTA Funding**

Statutory provisions require each of the three counties served by the SFRTA to provide no less than \$2.67 million annually, dedicated by each governing body by October 1 of each year, which funds may be used for capital, operations, and maintenance.<sup>20</sup> Additionally, current law requires each county to annually fund SFRTA operations in an amount no less than \$1.565 million.<sup>21</sup> The SFRTA is currently responsible for dispatching, maintenance, and inspection of the South Florida Rail Corridor.<sup>22</sup> Having assumed such responsibility, the FDOT is statutorily required to *annually* transfer to the SFRTA a total of \$42.1 million as follows:

- \$15 million for SFRTA operations, maintenance, and dispatch; and
- \$27.1 million for operating assistance, corridor track maintenance, and contract maintenance for the SFRTA.<sup>23</sup>

In addition to these statutory amounts, the FDOT has agreed to cover 100 percent of annual maintenance costs up to \$14.4 million, with shared costs in excess of that amount, pursuant to an Operating Agreement between the FDOT and the SFRTA setting out agreed-upon percentages.<sup>24</sup> The SFRTA’s 2016 Comprehensive Annual Financial Report indicates that of the \$102.2 million in total revenue for 2016, the FDOT contributed \$55.3 million or 54 percent.<sup>25</sup>

### **The FDOT’s Oversight Role**

The SFRTA may not commit any funds provided by the FDOT without the FDOT’s approval. The FDOT may not unreasonably withhold approval. At least 90 days before advertising any procurement or renewing any existing contract using state funds for payment, the SFRTA must

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<sup>20</sup> Section 348.58(1), F.S.

<sup>21</sup> Section 348.58(3), F.S.

<sup>22</sup> *Transportation Authority Monitoring and Oversight Fiscal Year 2015 Report*, pp. 197-199, available at: <http://www.ftc.state.fl.us/documents/reports/TAMO/FY2015Report.pdf>. (Last visited March 2, 2017.)

<sup>23</sup> Section 348.58(4)(a)1., F.S.

<sup>24</sup> *Supra* note 22, p. 197.

<sup>25</sup> At p. 25, available at: <http://www.sfrta.fl.gov/docs/overview/Fiscal-Year-2016-Comprehensive-Annual-Financial-Report-FINAL.pdf>. (Last visited March 2, 2017.)

notify the FDOT of the proposed procurement or renewal and the proposed terms. If the FDOT objects in writing within 60 days of receipt of the notice, the SFRTA may not proceed. Failure of the FDOT to object within 60 days is deemed consent.<sup>26</sup> To enable the FDOT's evaluation of the SFRTA's proposed uses of state funds, the SFRTA must annually provide the FDOT with its proposed budget and with any additional documentation or information required by the FDOT.<sup>27</sup>

### **The Florida Single Audit Act/Agreements Funded with Federal or State Assistance**

Section 215.97, F.S., creates the Florida Single Audit Act. Among its stated purposes is to establish uniform state audit requirements for state financial assistance provided by state agencies to nonstate entities to carry out state projects.

- “State financial assistance” is defined to mean state resources, not including federal financial assistance and state matching on federal programs, provided to a nonstate entity to carry out a state project, including the types of state resources stated in the rules of the Department of Financial Services established in consultation with all state awarding agencies. State financial assistance may be provided directly by state awarding agencies or indirectly by nonstate entities. The term does not include procurement contracts used to buy goods or services from vendors and contracts to operate state-owned and contractor-operated facility.
- “Nonstate entity” means a local government entity, higher education entity, nonprofit organization, or for-profit organization that receives state financial assistance.

Section 215.971, F.S., requires an agreement that provides state financial assistance to a recipient or subrecipient to include all of the following:

- A scope of work that clearly establishes the tasks to be performed;
- A division of the agreement into deliverables that must be received and accepted in writing by the agency before payment. Deliverables must be directly related to the scope of work. The agreement must specify the required minimum level of service to be performed and criteria for evaluating completion of each deliverable;
- Specification of the financial consequences for failure to perform the minimum level of service.
- Specification that a recipient may expend funds only for allowable costs, and that any balance of unobligated funds and any funds paid in excess of the amount to which the recipient is entitled must be refunded to the state agency; and
- Any additional information required by the Florida Single Audit Act.

In 2016, the FDOT's Inspector General engaged in an effort “to determine the nature and extent of SFRTA's expenditures and whether their financial records were in compliance with applicable laws, rules, and regulations.”<sup>28</sup> Based on the SFRTA's response, the Inspector General requested a determination from the Department of Financial Services whether appropriations to the SFRTA constitute “state financial assistance.”<sup>29</sup> The Inspector General's report found:

<sup>26</sup> Section 348.58(4)(c)1., F.S.

<sup>27</sup> Section 348.58(4)(c)2., F.S.

<sup>28</sup> See *Audit Report No. 141-4002*, available at: <http://www.fdot.gov/ig/Reports/141-4002%20Final.pdf>. (Last visited March 18, 2017.)

<sup>29</sup> *Audit Report* at 7.

SFRTA, as determined by the Department of Financial Services (DFS), is a Special District and a nonstate entity that is a recipient of state financial assistance.<sup>30</sup> We determined the Operating Agreement<sup>31</sup> between SFRTA and the department does not fully comply with mandatory provisions required by Section 215.971, F.S. nor does it contain the procurement provisions outlined in Chapter 287, F.S. We also determined \$153 million of state appropriations was omitted from audit coverage in accordance with the Florida Single Audit Act for fiscal years 2010/11 to 2014/15. Additionally, SFRTA did not provide a standard operating budget-to-actual expenditure report based upon the use of each grant or funding source.<sup>32</sup>

The Inspector General recommended:

- The FDOT and the SFRTA should execute a revised agreement containing the mandatory provisions per s. 297.971, F.S.;
- The SFRTA should reissue Florida Single Audit reports for fiscal years 2010-1 to 2014-15 to provide audit coverage of the \$153 million in state financial assistance previously omitted; and
- The SFRTA should provide monthly budget-to-actual expenditure reports, by each grant or other funding source, for both its operating fund and capital funds.<sup>33</sup>

### III. Effect of Proposed Changes:

**Section 1** creates s. 343.545, F.S., to provide definitions and authorizing the SFRTA to indemnify FECR and AAF for any loss, injury or damage to SFRTA's commuter rail passengers and rail corridor invitees, regardless of cause, including fault, failure, negligence, misconduct, nonfeasance, or misfeasance of FECR or AFF, subject to certain parameters. The bill authorizes the SFRTA to purchase certain railroad liability insurance and limits the SFRTA's obligation to indemnify to the insurance coverage amount. The bill also authorizes the FDOT to assume the SFRTA's obligations to indemnify and insure any freight rail service, intercity passenger rail service, and commuter rail service on an FDOT-owned rail corridor

#### *Definitions*

The bill provides various definitions relating to the act:

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<sup>30</sup> The DFS determined the SFRTA had for nine years submitted financial audit reports per s. 28.39, F.S., as a special district; that a special district as defined by statute is a unit of government created for a special purpose by a special act with jurisdiction to operate within a limited geographic boundary; that the SFRTA was created by the South Florida Regional Transportation Authority Act for the special purpose of operating and managing a transit system in Broward, Miami-Dade and Palm Beach Counties; and that the law limits operations to those counties. The DFS also noted the SFRTA is a state project (a state program that provides state financial assistance to a nonstate organization) that must be assigned a Catalog of State Financial Assistance number and, finally, since state law created the SFRTA to carry out a state project, the SFRTA is a recipient of state financial assistance. *Audit Report*, Appendix J.

<sup>31</sup> The report notes a June 2013 operating agreement between the FDOT and the SFRTA for continuing SFRC operating rights for a 14-year period that included SFRTA's agreement to conduct all activities in accordance with applicable federal and state laws and regulations and the operating rules, policies, and procedures adopted pursuant to such laws and regulations. *Id.* at 5.

<sup>32</sup> *Audit Report* at 1.

<sup>33</sup> *Id.*



- “Rail corridor,” means the portion of a linear contiguous strip of real property which is used for rail service and owned by FECR or owned or controlled by AAF. The term applies *only when* the [SFRTA] has, by contract, assumed the obligation to forever protect, defend, indemnify, and hold harmless FECR, AAF, or their successors [in accordance with the bill’s provisions] and acquired an easement interest, a lease, a right to operate, or a right of access. The term includes structures essential to railroad operations, including the land, structures, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, switches, yards, parking facilities, power relays, switching houses, rail stations, any ancillary development, and any other facilities or equipment used for the purposes of construction, operation, or maintenance of a railroad that provides rail service.
- “SFRTA rail corridor invitee” means any rail corridor invitee who is SFRTA’s commuter rail passenger or is otherwise present on the rail corridor at the request of, pursuant to a contract with, for the purpose of doing business with, or at the behest of SFRTA. The term does not include:
  - Patrons at any station, except those patrons who are also SFRTA’s commuter rail passengers;
  - Any person present on the rail corridor who is a patron of the non-SFRTA commuter rail service or is meeting or assisting a person who is a patron of the non-SFRTA commuter rail service;
  - Commercial or residential tenants of the developments in and around the stations or their invitees; or
  - Any third parties performing work at a station or in the rail corridor, such as employees and invitees of “PI”<sup>34</sup> or related entities, utilities, and fiber optic companies or others, or invitees or employees of the department or any county or municipality.
- “AAF rail corridor invitee,” means any rail corridor invitee who is an AAF intercity rail passenger or is otherwise present on the rail corridor at the request of, pursuant to a contract with, or otherwise for the purpose of doing business with or at the behest of AAF, including vendors or employees of vendors at the MiamiCentral<sup>35</sup> station or any other station that AAF may construct on the rail corridor. The term does not include:
  - Patrons at any station, except those patrons who are also AAF’s intercity rail passengers;
  - Commercial or residential tenants of the developments in and around the stations of their invitees; or
  - Any third parties performing work at a station or in the rail corridor, such as employees and invites of PI or related entities, utilities, and fiber optic companies, or invitees or employees of the FDOT or any county or municipality.
- “FECR rail corridor invitee,” means any rail corridor invitee who is present on the rail corridor at the request of, pursuant to a contract with, or otherwise for the purpose of doing business with or at the behest of FECR. The term does not include patrons at any station, nor the same commercial or residential tenants or third parties referenced in the “AAF rail corridor invitee” definition above.
- “Rail corridor invitee,” means any person who is on or about the rail corridor in which the AAF, SFRTA, or the non-SFRTA commuter rail service operator has an easement interest, a lease, a right to operate, or a right of access, and who is:

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<sup>34</sup> “PI” means FDG Flagler Station II, LLC, which has an easement on the rail corridor for nonrail uses.

<sup>35</sup> “MiamiCentral” means the primary All Aboard Florida station located in downtown Miami, which includes exclusive areas used by the [SFRTA] for commuter rail service.



- Present at the behest of an AAF, an SFRTA, a FECR, or the non-SFRTA commuter rail service operator for any purpose;
- Otherwise entitled to be on or about the rail corridor; or
- Meeting, assisting, or in the company of any person described above.
- “Non-SFRTA commuter rail service,” means AAF’s operation, or an AAF third-party designee’s operation, of trains in any commuter rail service on the rail corridor which is not SFRTA’s commuter rail service. The term does not include:
  - Any service operated by the [SFRTA] between MiamiCentral station and any stations in Miami-Dade County, Broward County, Palm Beach County, or points north on the FECR rail corridor; and
  - SFRTA’s commuter rail service on the South Florida Rail Corridor owned by the [FDOT].
- “Other train,” means a train that is not SFRTA’s train, FECR’s train, AAF’s train, a train of a non-SFRTA commuter rail service operator, or a train of any other operator of intercity rail passenger service and must be treated as a train of the entity that made the initial request for the train to operate on the rail corridor.
- “Limited covered accident,” means:
  - A collision directly between the trains, locomotives, rail cars, or rail equipment of SFRTA and FECR only, where the collision is caused by or arising from the willful misconduct of FECR or its subsidiaries, agents, licensees, employees, officers, or directors, as adjudicated pursuant to a final and unappealable court order, or if punitive damages or exemplary damages are awarded due to the conduct of FECR or its subsidiaries, agents, licensees, employees, officers, or directors, as adjudicated pursuant to a final and unappealable court order; or
  - A collision directly between the trains, locomotives, rail cars, or rail equipment of SFRTA and AAF only, where the collision is caused by or arising from the willful misconduct of AAF or its subsidiaries, agents, licensees, employees, officers, or directors, as adjudicated pursuant to a final and unappealable court order, or if punitive damages or exemplary damages are awarded due to the conduct of AAF or its subsidiaries, agents, licensees, employees, officers, or directors, as adjudicated pursuant to a final and unappealable court order.

In a limited covered accident, AAF’s or FECR’s willful misconduct must be “adjudicated by a court until all appeals are exhausted.” This requirement is not in the provisions of s. 341.302, F.S., related to FDOT’s liability with respect to the SunRail project.

The bill also defines the following terms: All Aboard Florida or AAF, AAF intercity rail passenger, commuter rail passenger, commuter rail service, existing IRIS crossing, Florida East Coast Railway or FECR, freight rail service, intercity passenger rail service, joint infrastructure, non-SFRTA commuter rail service operator, passenger easement, SFRC, and South Florida Regional Transportation Authority or SFRTA.

### *Assumption of Indemnity and Insurance Obligations*

The bill authorizes the SFRTA to indemnify and protect FECR and AAF<sup>36</sup> from any liability, cost, or expense, including without limitation SFRTA's commuter rail passengers and rail corridor invitees in the rail corridor, regardless of whether the loss, damage, destruction, injury, or death is caused by the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of FECR or AAF. The contractual indemnification, however, is subject to the following:

- The SFRTA is solely responsible (pays 100 percent) for any loss, injury, or damage to SFRTA commuter rail passengers, invitees, or trespassers, other than passengers or invitees of the non-SFRTA commuter rail service, regardless of circumstances or cause, subject to the following:
- FECR or AAF, as applicable, and with respect to a limited covered accident, must defend and indemnify the SFRTA for the amount of the self-insurance retention account (discussed below).
- If only an SFRTA train is involved in an incident, including incidents with trespassers or at at-grade crossings, the SFRTA is solely responsible (pays 100 percent).
- If only an FECR train or only an AAF train is involved in an incident, including incidents with trespassers or at at-grade crossings, FECR or AAF, as applicable, is solely responsible (pays 100 percent), except for loss, injury, or damage to SFRTA's commuter rail passengers, employees, and invitees.
- In an incident involving any "other train" that is not an SFRTA train, the other train is treated as an SFRTA train solely for purposes of allocation of liability between the SFRTA and the FECR, or between the SFRTA and AAF, as applicable, who share equal responsibility as to third parties outside the rail corridor who incur loss, injury, or damage as a result of any incident involving both the SFRTA's train and the FECR's train, or both the SFRTA's train and AAF's train, as applicable. The allocation as between the SFRTA and the FECR, or between the SFRTA and AAF, as applicable, remains one-half each as to third parties outside the rail corridor. The involvement of any other train does not alter the sharing of equal responsibility as to third parties outside the rail corridor.
- If only an SFRTA train and an FECR train, or only an "other train" (that is by definition considered an SFRTA train) and an FECR train, are involved in an incident, the SFRTA is responsible (pays 100 percent) for its property, commuter rail passengers, employees, and invitees. The FECR is responsible for its property, employees, and invitees. The SFRTA and the FECR each share one-half responsibility as to joint infrastructure<sup>37</sup> and rail corridor invitees who are not SFRTA invitees or FECR invitees, including, but not limited to, trespassers or third parties outside the rail corridor.
- If only an SFRTA train and an AAF train, or only an "other train" (that is by definition considered an SFRTA train) and an AAF train, are involved in an incident, the SFRTA is responsible (pays 100 percent) for its property, commuter rail passengers, employees, and invitees. AAF is responsible for its property, intercity rail passengers, employees, and invitees. The SFRTA and AAF each share one-half responsibility as to joint infrastructure

<sup>36</sup> For as long as AAF and FECR or their successors agree to indemnify the SFRTA in accordance with the bill's provisions.

<sup>37</sup> Defined to mean any portion or segment of the rail corridor which does not contain tracks or infrastructure designated for the exclusive use of the SFRTA, AAF, or the FECR and portions of the MiamiCentral station used by both AAF and SFRTA, including, but not limited to, stairs, elevators, and escalators.

and non-SFRTA and non-AAF invitees, as well as to trespassers and third parties outside the rail corridor.

- If an FECR train, an SFRTA train, and an AAF train are involved in an incident, the SFRTA is responsible for its property, commuter rail passengers, employees, and invitees. AAF is responsible for its property, employees, intercity rail passengers, and invitees. The FECR is responsible for its property, employees, and invitees, and invitees. The SFRTA, the FECR, and AAF each share one-third responsibility as to joint infrastructure and rail corridor invitees who are not SFRTA invitees, AAF invitees, or FECR invitees, including trespassers or third parties outside the rail corridor.
- If an SFRTA train, an FECR train, and an AAF train are involved in an incident, the bill allocates one-third of any liability each to the SFRTA, the FECR, and AAF as to third parties outside the rail corridor.
- If an SFRTA train, an FECR train, and any other train; or if an SFRTA train, an AAF train and any other train, are involved in an incident, the bill allocates one-third of any liability each to the SFRTA, the FECR, and the other train; or to the SFRTA, AAF, and the other train, as applicable, as to third parties outside the rail corridor.

The bill provides that the SFRTA is not obligated to indemnify the FECR and AAF for any amount in excess of required insurance coverage, but the SFRTA remains responsible for the indemnity obligation up to the insurance coverage limit. If non-SFRTA commuter rail service is provided by an entity under contract with AAF, the SFRTA may elect at its sole discretion to provide the same insurance coverage and indemnity to any non-SFRTA commuter rail service operator.

The bill authorizes the SFRTA to purchase railroad liability insurance of \$295 million per occurrence, adjusted in accordance with applicable law,<sup>38</sup> with a \$5 million self-insurance retention account, known as the “SFRTA insurance program.” At the SFRTA’s sole discretion, the insurance program may cover the obligations described in the bill or any other service operated by the SFRTA on a rail corridor. All definitions, terms, conditions, restrictions, exclusions, obligations, and duties included in any of the insurance policies procured by the SFRTA for the insurance program apply to the self-insurance retention account and its application to claims against the applicable insureds.

The SFRTA must name the FECR and AAF as insureds on any policies it procures at no cost to the FECR or AAF and ensure that all policies have a waiver of exclusion for punitive damages and coverage for claims made pursuant to the Federal Employers Liability Act.<sup>39</sup> Such policies must include coverage for terrorism and pollution, including, but not limited to, coverage applicable in the event of a railroad accident, a derailment, or an overturn, and evacuation expense.

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<sup>38</sup> See 49 U.S.C. s. 28103. In January of this year, the U.S.D.O.T. Secretary published its Notice of Adjustment to Rail Passenger Transportation Liability Cap under s. 11415 of the Fixing America’s Surface Transportation Act, raising the transportation liability cap from \$200 million to just under \$295 million. See the notice at: <https://www.gpo.gov/fdsys/pkg/FR-2016-01-11/pdf/2016-00301.pdf>. (Last visited March 17, 2017.)

<sup>39</sup> 45 U.S.C. 51 *et seq.* This act protects and compensates railroad workers injured on the job, if the worker can prove that the railroad was at least partly legally negligent in causing the injury.

**Section 6** amends s. 341.302(17), F.S., adding a new paragraph (d), to authorize the FDOT to assume the SFRTA's obligations to indemnify and insure freight rail service, intercity passenger rail service, and commuter rail service on an FDOT-owned rail corridor, whether ownership is in fee or by easement, or on a rail corridor where the FDOT has the right to operate. The FDOT notes that this authority would provide a financial advantage to SFRTA that is not offered to other authorities or transit operations.<sup>40</sup>

***The SFRTA, the FDOT's Oversight Role, and State Funds Transfer***

**Section 4** amends s. 343.54, F.S., relating to the powers and duties of the SFRTA, to prohibit the SFRTA from entering into, extending, or renewing any contract or other agreement that may be funded with FDOT-provided funds without the prior review and written approval by the FDOT of the proposed expenditures.

**Section 5** amends s. 343.58(4), F.S., deeming funds provided to the authority by the FDOT under that section to be state financial assistance provided to a nonstate entity to carry out a state project subject to the provisions of ss. 215.97 and 215.971, F.S. The FDOT is directed to provide the funds in accordance with the terms of a written agreement to be entered into between the SFRTA and the FDOT. The agreement must provide for FDOT review, approval, and audit of the SFRTA's expenditure of such funds and must include such other provisions as are required by applicable law. The FDOT is expressly authorized to advance the SFRTA one-fourth of the total funding provided under that section for a state fiscal year at the beginning of each state fiscal year. Thereafter, the bill requires monthly payments over the fiscal year on a reimbursement basis as supported by invoices and such additional documentation and information as the FDOT may reasonably require, and a reconciliation of the advance against remaining invoices in the last quarter of the fiscal year.

This section to remove the existing provisions relating to the FDOT's oversight role, except for requiring the SFRTA to annually provide the FDOT with its proposed budget and to *promptly* provide the FDOT with any additional documentation or information required by the FDOT for its evaluation of SFRTA-proposed uses of state funds.

**Section 2** amends s. 343.52, F.S., to define "department" to mean the Department of Transportation.

**Section 3** amends s. 343.53, F.S., revising a cross-reference to conform to changes made by the act.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

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<sup>40</sup> See the FDOT's analysis of SB 842. (On file in the Senate Transportation Committee.)

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The FECR and AAF would benefit as named insureds under the required insurance policy without contributing towards the cost of the insurance.

C. Government Sector Impact:

The FDOT and the SFRTA may experience administrative expenses associated with the FDOT's review, written approval, and audit of the SFRTA's proposed expenditures using any FDOT-provided funding.

The cost to SFRTA for the purchase of liability insurance and to establish a self-insurance retention fund for the purpose of paying the deductible limit established in the insurance policies is unknown at this time.

The bill expands the FDOT's authority to indemnify intercity passenger rail service and commuter rail service. The expansion overlaps, at least in part, the FDOT's existing authority to indemnify freight rail service in s. 341.302, F.S. To the extent that FDOT assumes the SFRTA's obligations to indemnify and insure freight rail service, intercity passenger rail service, and commuter rail service, there would be an indeterminate cost to the state for insurance premiums and any payments from the self-insurance retention fund.

**VI. Technical Deficiencies:**

The bill defines the terms, "existing IRIS crossing" and "passenger easement," but the terms are not used elsewhere in the bill.

For purposes of clarity, the conjunctive "or" on line 251 may need to be modified to reflect the relationship between subparagraphs in newly created s. 343.545(2)(a), F.S.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends the following sections of the Florida Statutes: 343.52, 343.53, 343.54, 343.58 and 341.302.

This bill creates the following sections of the Florida Statutes: 343.545.

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

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

**Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 13, 2017:**

The CS removes the existing provisions relating to the FDOT's oversight role and prohibits the SFRTA from entering into, extending, or renewing any contract or other agreement that may be funded with FDOT-provided funds without the prior review and written approval by the FDOT of the proposed expenditures. Additionally, the CS:

- Deems funds provided to the SFRTA by the FDOT to be state financial assistance provided to a nonstate entity to carry out a state project subject to the provisions of ss. 215.97 and 215.971, F.S.;
- Directs the FDOT and the SFRTA to enter into a written agreement pursuant to which the FDOT will provide the required statutory funding and which must provide for FDOT review, approval, and audit of the SFRTA's expenditure of such funds;
- Authorizes the FDOT to advance the SFRTA one-fourth of the required statutory funding at the start of each fiscal year, with monthly payments over the fiscal year on a reimbursement basis supported by invoices, and a reconciliation in the last quarter of the fiscal year.

**CS by Transportation on March 22, 2017:**

The CS removes from the bill provision that the state funds transferred from the STTF to the SFRTA pursuant to s. 343.58, F.S., may not be considered state financial assistance subject to the Florida Single Audit Act, s. 215.97, F.S., or to the requirements for inclusion of specified provisions in agreements funded with federal or state assistance under s. 215.971, F.S.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2017	.	
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	.	

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

**Senate Amendment (with title amendment)**

Delete lines 389 - 456

and insert:

Section 2. Section 343.52, Florida Statutes, is reordered  
and amended to read:

343.52 Definitions.—As used in this part, the term:

(2)~~(1)~~ "Authority" means the South Florida Regional  
Transportation Authority.

(3)~~(2)~~ "Board" means the governing body of the authority.



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11            (1)~~(3)~~ "Area served" means Miami-Dade, Broward, and Palm  
12 Beach Counties. However, this area may be expanded by mutual  
13 consent of the authority and the board of county commissioners  
14 of Monroe County. The authority may not expand into any  
15 additional counties without the department's prior written  
16 approval.

17            (4) "Department" means the Department of Transportation.

18            (8)~~(4)~~ "Transit system" means a system used for the  
19 transportation of people and goods by means of, without  
20 limitation, a street railway, an elevated railway having a fixed  
21 guideway, a commuter railroad, a subway, motor vehicles, or  
22 motor buses, and includes a complete system of tracks, stations,  
23 and rolling stock necessary to effectuate passenger service to  
24 or from the surrounding regional municipalities.

25            (7)~~(5)~~ "Transit facilities" means property, avenues of  
26 access, equipment, or buildings built and installed in Miami-  
27 Dade, Broward, and Palm Beach Counties which are required to  
28 support a transit system.

29            (6) "Member" means the individuals constituting the board.

30            (5)~~(7)~~ "Feeder transit services" means a transit system  
31 that transports passengers to or from stations within or across  
32 counties.

33            Section 3. Paragraph (d) of subsection (2) of section  
34 343.53, Florida Statutes, is amended to read:

35            343.53 South Florida Regional Transportation Authority.—

36            (2) The governing board of the authority shall consist of  
37 10 voting members, as follows:

38            (d) If the authority's service area is expanded pursuant to  
39 s. 343.54(6) ~~s. 343.54(5)~~, the county containing the new service





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40 area shall have two members appointed to the board as follows:

41 1. The county commission of the county shall elect a  
42 commissioner as that commission's representative on the board.  
43 The commissioner must be a member of the county commission when  
44 elected and for the full extent of his or her term.

45 2. The Governor shall appoint a citizen member to the board  
46 who is not a member of the county commission but who is a  
47 resident and a qualified elector of that county.

48 Section 4. Present subsections (4) and (5) of section  
49 343.54, Florida Statutes, are renumbered as subsections (5) and  
50 (6), respectively, and a new subsection (4) is added to that  
51 section, to read:

52 343.54 Powers and duties.—

53 (4) Notwithstanding any other provision of this part, the  
54 authority may not enter into, extend, or renew any contract or  
55 other agreement that may be funded, in whole or in part, with  
56 funds provided by the department without the prior review and  
57 written approval by the department of the authority's proposed  
58 expenditures.

59 Section 5. Paragraph (c) of subsection (4) of section  
60 343.58, Florida Statutes, is amended to read:

61 343.58 County funding for the South Florida Regional  
62 Transportation Authority.—

63 (4) Notwithstanding any other provision of law to the  
64 contrary and effective July 1, 2010, until as provided in  
65 paragraph (d), the department shall transfer annually from the  
66 State Transportation Trust Fund to the South Florida Regional  
67 Transportation Authority the amounts specified in subparagraph  
68 (a)1. or subparagraph (a)2.



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69 (c)1. Funds provided to the authority by the department  
70 under this subsection constitute state financial assistance  
71 provided to a nonstate entity to carry out a state project  
72 subject to the provisions of s. 215.97 and s. 215.971. The  
73 department shall provide the funds in accordance with the terms  
74 of a written agreement to be entered into between the authority  
75 and the department which shall provide for department review,  
76 approval and audit of authority expenditure of such funds, and  
77 shall include such other provisions as are required by  
78 applicable law. The department is specifically authorized to  
79 agree to advance the authority one-fourth of the total funding  
80 provided under this subsection for a state fiscal year at the  
81 beginning of each state fiscal year, with monthly payments over  
82 the fiscal year on a reimbursement basis as supported by  
83 invoices and such additional documentation and information as  
84 the department may reasonably require, and a reconciliation of  
85 the advance against remaining invoices in the last quarter of  
86 the fiscal year may not be committed by the authority without  
87 the approval of the department, which may not be unreasonably  
88 withheld. At least 90 days before advertising any procurement or  
89 renewing any existing contract that will rely on state funds for  
90 payment, the authority shall notify the department of the  
91 proposed procurement or renewal and the proposed terms thereof.  
92 If the department, within 60 days after receipt of notice,  
93 objects in writing to the proposed procurement or renewal,  
94 specifying its reasons for objection, the authority may not  
95 proceed with the proposed procurement or renewal. Failure of the  
96 department to object in writing within 60 days after notice  
97 shall be deemed consent. This requirement does not impair or



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98 ~~cause the authority to cancel contracts that exist as of June~~  
99 ~~30, 2012.~~

100 2. To enable the department to evaluate the authority's  
101 proposed uses of state funds, the authority shall annually  
102 provide the department with its proposed budget for the  
103 following authority fiscal year and shall promptly provide the  
104 department with any additional documentation or information  
105 required by the department for its evaluation of the proposed  
106 uses of the state funds.

107  
108 ===== T I T L E A M E N D M E N T =====

109 And the title is amended as follows:

110 Delete lines 9 - 14

111 and insert:

112 requirements; amending s. 343.52, F.S.; defining the  
113 term "department"; amending s. 343.53, F.S.;  
114 conforming a cross-reference; amending s. 343.54,  
115 F.S.; prohibiting the South Florida Regional  
116 Transportation Authority from entering into,  
117 extending, or renewing certain contracts or agreements  
118 without the Department of Transportation's approval of  
119 the authority's expenditures; amending s. 343.58,  
120 F.S.; providing that certain funds constitute state  
121 financial assistance for specified purposes; requiring  
122 that certain funds be paid pursuant to a written  
123 agreement between the department and the authority;  
124 providing certain required terms for the written  
125 agreement between the department and the authority;  
126 authorizing the department to advance the authority



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127        certain funding, subject to certain requirements;  
128        requiring the authority to promptly provide the  
129        department with any additional documentation or  
130        information required by the department for its  
131        evaluation of the proposed uses of certain state  
132        funds; amending s. 341.302, F.S.;

By the Committee on Transportation; and Senators Artiles and Galvano

596-02746-17

2017842c1

1 A bill to be entitled  
 2 An act relating to the South Florida Regional  
 3 Transportation Authority; creating s. 343.545, F.S.;  
 4 defining terms; authorizing the South Florida Regional  
 5 Transportation Authority, in conjunction with the  
 6 operation of a certain commuter rail service, to have  
 7 the power to assume specified indemnification and  
 8 insurance obligations, subject to certain  
 9 requirements; amending s. 343.58, F.S.; requiring the  
 10 Department of Transportation to transfer specified  
 11 amounts annually from the State Transportation Trust  
 12 Fund to the authority; requiring that the transfer be  
 13 made through quarterly payments commencing at the  
 14 start of each fiscal year; amending s. 341.302, F.S.;  
 15 authorizing the department to agree to assume certain  
 16 indemnification and insurance obligations under  
 17 certain circumstances; providing an effective date.  
 18  
 19 Be It Enacted by the Legislature of the State of Florida:  
 20  
 21 Section 1. Section 343.545, Florida Statutes, is created to  
 22 read:  
 23 343.545 Power to assume indemnification and insurance  
 24 obligations; definitions.-  
 25 (1) As used in this section, the term:  
 26 (a) "All Aboard Florida" or "AAF" means All Aboard Florida  
 27 Operations, LLC, or its successors and assigns.  
 28 (b) "AAF intercity rail passenger" means any person,  
 29 ticketed or unticketed, using the AAF intercity passenger rail

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

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30 service on the rail corridor:  
 31 1. On board trains, locomotives, rail cars, or rail  
 32 equipment employed in AAF intercity passenger rail service or  
 33 entraining thereon and detraining therefrom;  
 34 2. On or about the rail corridor for any purpose related to  
 35 the AAF intercity passenger rail service, including parking or  
 36 purchasing tickets therefor and coming to, waiting for, and  
 37 leaving from locomotives, rail cars, or rail equipment; or  
 38 3. Meeting, assisting, or in the company of any person  
 39 described in subparagraph 1. or subparagraph 2.  
 40 (c) "AAF rail corridor invitee" means any rail corridor  
 41 invitee who is an AAF intercity rail passenger or is otherwise  
 42 present on the rail corridor at the request of, pursuant to a  
 43 contract with, or otherwise for the purpose of doing business  
 44 with or at the behest of AAF, including persons who are vendors  
 45 or employees of vendors at the MiamiCentral station or any other  
 46 station that AAF may construct on the rail corridor. The term  
 47 does not include patrons at any station, except those patrons  
 48 who are also AAF's intercity rail passengers; commercial or  
 49 residential tenants of the developments in and around the  
 50 stations or their invitees; or any third parties performing work  
 51 at a station or in the rail corridor, such as employees and  
 52 invitees of PI or related entities, utilities, and fiber optic  
 53 companies, or invitees or employees of the department or any  
 54 county or municipality.  
 55 (d) "Commuter rail passenger" means any person, ticketed or  
 56 unticketed, using the commuter rail service on the rail  
 57 corridor:  
 58 1. On board trains, locomotives, rail cars, or rail

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

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59 equipment employed in commuter rail service or entraining  
60 thereon and detaining therefrom;

61 2. On or about the rail corridor for any purpose related to  
62 the commuter rail service, including parking or purchasing  
63 tickets therefor and coming to, waiting for, and leaving from  
64 locomotives, rail cars, or rail equipment; or

65 3. Meeting, assisting, or in the company of any person  
66 described in subparagraph 1. or subparagraph 2.

67 (e) "Commuter rail service" means the operation of the  
68 authority's trains transporting passengers and making frequent  
69 stops within urban areas and their immediate suburbs along the  
70 rail corridor for the purpose of passengers entraining and  
71 detaining, and including the nonrevenue movement of trains for  
72 storage or maintenance. The term does not include the operation  
73 of trains by AAF transporting passengers in intercity passenger  
74 rail service between passenger rail stations established by AAF  
75 at Miami-Dade, Fort Lauderdale, West Palm Beach, or future  
76 stations, but shall include the provision of non-SFRTA commuter  
77 rail service by AAF or a third party designated by AAF,  
78 including SFRTA.

79 (f) "Existing IRIS crossing" means the existing, at-grade  
80 railroad crossing between the SFRC and the rail corridor located  
81 in Miami-Dade County.

82 (g) "Florida East Coast Railway" or "FECR" means Florida  
83 East Coast Railway, LLC, or its successors and assigns.

84 (h) "FECR rail corridor invitee" means any rail corridor  
85 invitee who is present on the rail corridor at the request of,  
86 pursuant to a contract with, or otherwise for the purpose of  
87 doing business with or at the behest of FECR. The term does not

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88 include patrons at any station; commercial or residential  
89 tenants of the developments in and around the stations or their  
90 invitees; or any third parties performing work at a station or  
91 in the rail corridor, such as employees and invitees of PI or  
92 related entities, utilities, and fiber optic companies or  
93 others, or invitees or employees of the department or any county  
94 or municipality.

95 (i) "Freight rail service" means any and all uses and  
96 purposes that are ancillary or related to current and future  
97 freight rail operations on, along, over, under, and across the  
98 rail corridor, including operating trains, rail cars, business  
99 cars, locomotives, hi-rail vehicles, and other rail equipment  
100 for the movement of freight in overhead and local service;  
101 interchanging rail cars with other freight railroads; providing  
102 pickups, setoffs, transloading services, or storage in transit;  
103 and any and all other activities that are ancillary or related  
104 to the transportation of freight on or along the rail corridor.

105 (j) "Intercity passenger rail service" means all passenger  
106 service on the rail corridor other than commuter rail service  
107 and is characterized by trains making less frequent stops along  
108 the rail corridor than the commuter rail service does.

109 (k) "Joint infrastructure" means any portion or segment of  
110 the rail corridor which does not contain tracks or  
111 infrastructure designated for the exclusive use of the  
112 authority, AAF, or FECR and portions of the MiamiCentral station  
113 used by both AAF and SFRTA, including, but not limited to,  
114 stairs, elevators, and escalators.

115 (l) "Limited covered accident" means:

116 1. A collision directly between the trains, locomotives,

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117 rail cars, or rail equipment of SFRTA and FECR only, where the  
 118 collision is caused by or arising from the willful misconduct of  
 119 FECR or its subsidiaries, agents, licensees, employees,  
 120 officers, or directors, as adjudicated pursuant to a final and  
 121 unappealable court order, or if punitive damages or exemplary  
 122 damages are awarded due to the conduct of FECR or its  
 123 subsidiaries, agents, licensees, employees, officers, or  
 124 directors, as adjudicated pursuant to a final and unappealable  
 125 court order; or

126 2. A collision directly between the trains, locomotives,  
 127 rail cars, or rail equipment of SFRTA and AAF only, if the  
 128 collision is caused by or arising from the willful misconduct of  
 129 AAF or its subsidiaries, agents, licensees, employees, officers,  
 130 or directors, as adjudicated pursuant to a final and  
 131 unappealable court order, or if punitive damages or exemplary  
 132 damages are awarded due to the conduct of AAF or its  
 133 subsidiaries, agents, licensees, employees, officers, or  
 134 directors, as adjudicated pursuant to a final and unappealable  
 135 court order.

136 (m) "MiamiCentral" means the primary All Aboard Florida  
 137 station located in downtown Miami, which includes exclusive  
 138 areas used by the authority for commuter rail service.

139 (n) "Non-SFRTA commuter rail service" means AAF's  
 140 operation, or an AAF third-party designee's operation, of trains  
 141 in any commuter rail service on the rail corridor which is not  
 142 SFRTA's commuter rail service. The term does not include:

143 1. Any service operated by the authority between the  
 144 MiamiCentral station and any stations in Miami-Dade County,  
 145 Broward County, Palm Beach County, or points north on the FECR

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146 rail corridor; and

147 2. SFRTA's commuter rail service on the South Florida Rail  
 148 Corridor owned by the department.

149 (o) "Non-SFRTA commuter rail service operator" means the  
 150 operator of any non-SFRTA commuter rail service.

151 (p) "Other train" means a train that is not SFRTA's train,  
 152 FECR's train, AAF's train, a train of a non-SFRTA commuter rail  
 153 service operator, or a train of any other operator of intercity  
 154 rail passenger service and must be treated as a train of the  
 155 entity that made the initial request for the train to operate on  
 156 the rail corridor.

157 (q) "Passenger easement" means a permanent, perpetual, and  
 158 exclusive easement on, along, over, under, or across the rail  
 159 corridor for commuter rail service.

160 (r) "PI" means FDG Flagler Station II, LLC, which has an  
 161 easement on the rail corridor for nonrail uses.

162 (s) "Rail corridor" means the portion of a linear  
 163 contiguous strip of real property which is used for rail service  
 164 and owned by FECR or owned or controlled by AAF. The term  
 165 applies only when the authority has, by contract, assumed the  
 166 obligation to forever protect, defend, indemnify, and hold  
 167 harmless FECR, AAF, or their successors, in accordance with  
 168 subsection (2), and acquired an easement interest, a lease, a  
 169 right to operate, or a right of access. The term includes  
 170 structures essential to railroad operations, including the land,  
 171 structures, improvements, rights-of-way, easements, rail lines,  
 172 rail beds, guideway structures, switches, yards, parking  
 173 facilities, power relays, switching houses, rail stations, any  
 174 ancillary development, and any other facilities or equipment

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175 used for the purposes of construction, operation, or maintenance  
 176 of a railroad that provides rail service.

177 (t) "Rail corridor invitee" means any person who is on or  
 178 about the rail corridor in which the AAF, SFRTA, or the non-  
 179 SFRTA commuter rail service operator has an easement interest, a  
 180 lease, a right to operate, or a right of access, and who is:

181 1. Present at the behest of an AAF, an SFRTA, a FECR, or  
 182 the non-SFRTA commuter rail service operator for any purpose;

183 2. Otherwise entitled to be on or about the rail corridor;

184 or

185 3. Meeting, assisting, or in the company of a person  
 186 described in subparagraph 1. or subparagraph 2.

187 (u) "SFRC" means South Florida Rail Corridor.

188 (v) "South Florida Regional Transportation Authority" or  
 189 "SFRTA" means the authority.

190 (w) "SFRTA rail corridor invitee" means any rail corridor  
 191 invitee who is SFRTA's commuter rail passenger or is otherwise  
 192 present on the rail corridor at the request of, pursuant to a  
 193 contract with, for the purpose of doing business with, or at the  
 194 behest of SFRTA. The term does not include patrons at any  
 195 station, except those patrons who are also SFRTA's commuter rail  
 196 passengers; any person present on the rail corridor who is a  
 197 patron of the non-SFRTA commuter rail service or is meeting or  
 198 assisting a person who is a patron of the non-SFRTA commuter  
 199 rail service; commercial or residential tenants of the  
 200 developments in and around the stations or their invitees; or  
 201 any third parties performing work at a station or in the rail  
 202 corridor, such as employees and invitees of PI or related  
 203 entities, utilities, and fiber optic companies or others, or

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204 invitees or employees of the department or any county or  
 205 municipality.

206 (2) The authority, in conjunction with the operation of a  
 207 commuter rail service on a rail corridor, has the power to  
 208 assume the following obligations:

209 (a) To indemnify AAF and FECR in accordance with the terms  
 210 specified in this paragraph for so long as AAF and FECR or their  
 211 successors in interest agree to indemnify the authority in  
 212 accordance with the terms specified in this paragraph.

213 1. Except as specifically provided in this paragraph, the  
 214 authority shall protect, defend, indemnify, and hold harmless  
 215 FECR, its officers, agents, employees, successors, and assigns  
 216 from and against any liability, cost, and expense, including,  
 217 but not limited to, SFRTA's commuter rail passengers and rail  
 218 corridor invitees in, on, or about the rail corridor, regardless  
 219 of whether the loss, damage, destruction, injury, or death  
 220 giving rise to any such liability, cost, or expense is caused in  
 221 whole or in part, and to whatever nature or degree, by the  
 222 fault, failure, negligence, misconduct, nonfeasance, or  
 223 misfeasance of FECR or its officers, agents, employees,  
 224 successors, and assigns;

225 2. Except as specifically provided in this paragraph, the  
 226 authority shall protect, defend, indemnify, and hold harmless  
 227 AAF and its officers, agents, employees, successors, and assigns  
 228 from and against any liability, cost, and expense, including,  
 229 but not limited to, SFRTA commuter rail passengers and SFRTA  
 230 rail corridor invitees in, on, or about the rail corridor,  
 231 regardless of whether the loss, damage, destruction, injury, or  
 232 death giving rise to any such liability, cost, or expense is



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233 caused in whole or in part, and to whatever nature or degree, by  
 234 the fault, failure, negligence, misconduct, nonfeasance, or  
 235 misfeasance of AAF or its officers, agents, employees,  
 236 successors, and assigns; or

237 3. The assumption of liability by the authority may not in  
 238 any instance exceed the following parameters of allocation of  
 239 risk:

240 a. The authority shall be solely responsible for any loss,  
 241 injury, or damage to SFRTA commuter rail passengers, or to SFRTA  
 242 rail corridor invitees or trespassers, other than passengers or  
 243 invitees of the non-SFRTA commuter rail service, regardless of  
 244 circumstances or cause, subject to the terms and provisions of  
 245 this paragraph.

246 b. FECR shall, with respect to a limited covered accident,  
 247 protect, defend, and indemnify SFRTA for the amount of the self-  
 248 insurance retention account.

249 c. AAF shall, with respect to a limited covered accident,  
 250 protect, defend, and indemnify SFRTA for the amount of the self-  
 251 insurance retention account.

252 d. When only one train is involved in an incident,  
 253 including incidents with trespassers or at at-grade crossings,  
 254 the authority shall be solely responsible for any loss, injury,  
 255 or damage if the train is an SFRTA train.

256 e. When an incident occurs with only FECR's train involved,  
 257 including incidents with trespassers or at at-grade crossings,  
 258 FECR shall be solely responsible for any loss, injury, or  
 259 damage, except for SFRTA's commuter rail passengers, SFRTA  
 260 employees, and SFRTA rail corridor invitees.

261 f. When an incident occurs with only AAF's train involved,

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262 including incidents with trespassers or at at-grade crossings,  
 263 AAF shall be solely responsible for any loss, injury, or damage,  
 264 except for SFRTA's commuter rail passengers, SFRTA employees,  
 265 and SFRTA rail corridor invitees.

266 g. For the purposes of this paragraph:

267 (I) An "other train" shall be treated as the train of the  
 268 entity that made the initial request for the train to operate on  
 269 the rail corridor.

270 (II) In an incident involving any other train that is not  
 271 an SFRTA train, the other train shall be treated as an SFRTA  
 272 train solely for purposes of any allocation of liability  
 273 between:

274 (A) SFRTA and FECR. SFRTA and FECR shall share  
 275 responsibility equally as to third parties outside the rail  
 276 corridor who incur loss, injury, or damage as a result of any  
 277 incident involving both SFRTA's train and FECR's train and the  
 278 allocation as between SFRTA and FECR, regardless of whether the  
 279 other train is treated as an SFRTA train, shall remain one-half  
 280 each as to third parties outside the rail corridor who incur  
 281 loss, injury, or damage as a result of the incident. The  
 282 involvement of any other train shall not alter the sharing of  
 283 equal responsibility as to third parties outside the rail  
 284 corridor who incur loss, injury, or damage as a result of the  
 285 incident.

286 (B) SFRTA and AAF. SFRTA and AAF shall share responsibility  
 287 equally as to third parties outside the rail corridor who incur  
 288 loss, injury, or damage as a result of any incident involving  
 289 both an SFRTA train and AAF's train and the allocation as  
 290 between SFRTA and AAF, regardless of whether the other train is

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291 treated as an SFRTA train, shall remain one-half each as to  
 292 third parties outside the rail corridor who incur loss, injury,  
 293 or damage as a result of the incident. The involvement of any  
 294 other train shall not alter the sharing of equal responsibility  
 295 as to third parties outside the rail corridor who incur loss,  
 296 injury, or damage as a result of the incident.

297 h. When more than one train is involved in an incident:

298 (I) If only an SFRTA train and a FECR train, or only an  
 299 other train that is an SFRTA train by definition and a FECR  
 300 train, are involved in an incident, SFRTA shall be responsible  
 301 for its property, all SFRTA's commuter rail passengers, SFRTA  
 302 employees, and SFRTA rail corridor invitees. FECR shall be  
 303 responsible for its property and all of its employees and FECR  
 304 rail corridor invitees. SFRTA and FECR shall each share one-half  
 305 responsibility as to the joint infrastructure and rail corridor  
 306 invitees who are not SFRTA rail corridor invitees or FECR rail  
 307 corridor invitees, including, but not limited to, trespassers or  
 308 third parties outside the rail corridor who incur loss, injury,  
 309 or damage as a result of the incident.

310 (II) If only an SFRTA train and an AAF train, or only an  
 311 other train that is by definition an SFRTA train and an AAF  
 312 train, are involved in an incident, SFRTA shall be responsible  
 313 for its property, all SFRTA's commuter rail passengers, SFRTA  
 314 employees, and SFRTA rail corridor invitees. AAF shall be  
 315 responsible for its property and all of its employees, AAF's  
 316 intercity rail passengers, and AAF rail corridor invitees. SFRTA  
 317 and AAF shall each share one-half responsibility as to the joint  
 318 infrastructure and rail corridor invitees who are not SFRTA rail  
 319 corridor invitees or AAF rail corridor invitees, including, but

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320 not limited to, trespassers or third parties outside the rail  
 321 corridor who incur loss, injury, or damage as a result of the  
 322 incident.

323 (III) If a FECR train, an SFRTA train, and an AAF train are  
 324 involved in an incident, SFRTA shall be responsible for its  
 325 property, all SFRTA's commuter rail passengers, SFRTA employees,  
 326 and SFRTA rail corridor invitees. AAF shall be responsible for  
 327 its property and all of its employees, AAF's intercity rail  
 328 passengers, and AAF rail corridor invitees. FECR shall be  
 329 responsible for its property and all of its employees and FECR  
 330 rail corridor invitees. SFRTA, FECR, and AAF shall each share  
 331 one-third responsibility as to the joint infrastructure and rail  
 332 corridor invitees who are not SFRTA rail corridor invitees, AAF  
 333 rail corridor invitees, or FECR rail corridor invitees,  
 334 including, but not limited to, trespassers or third parties  
 335 outside the rail corridor who incur loss, injury, or damage as a  
 336 result of the incident.

337 (IV) If an SFRTA train, a FECR train, and an AAF train are  
 338 involved in an incident, the allocation of liability among  
 339 SFRTA, FECR, and AAF shall be one-third each as to third parties  
 340 outside the rail corridor who incur loss, injury, or damage as a  
 341 result of the incident.

342 (V) If an SFRTA train, a FECR train, and any other train  
 343 are involved in an incident, the allocation of liability among  
 344 SFRTA, FECR, and the other train shall be one-third each as to  
 345 third parties outside the rail corridor who incur loss, injury,  
 346 or damage as a result of the incident.

347 (VI) If an SFRTA train, an AAF train, and any other train  
 348 are involved in an incident, the allocation of liability among

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349 SFRTA, AAF, and the other train shall be one-third each as to  
 350 third parties outside the rail corridor who incur loss, injury,  
 351 or damage as a result of the incident.

352 i. Notwithstanding anything to the contrary set forth in  
 353 this paragraph, SFRTA is not obligated to indemnify FECR and AAF  
 354 for any amount in excess of the insurance coverage limit.  
 355 Whether or not SFRTA maintains the insurance coverage required  
 356 pursuant to paragraph (b) to cover the indemnification  
 357 obligations of this paragraph, SFRTA shall remain responsible  
 358 for the indemnification obligations set forth in this paragraph  
 359 up to the insurance coverage limit.

360 j. If the non-SFRTA commuter rail service is provided by an  
 361 entity under contract with AAF, SFRTA may elect, at its sole  
 362 discretion, to provide the same insurance coverage and to  
 363 indemnify and hold harmless any non-SFRTA commuter rail service  
 364 operator to the same extent that it provides such insurance or  
 365 indemnification to AAF pursuant to this section.

366 (b) To purchase railroad liability insurance of \$295  
 367 million per occurrence, which amount shall be adjusted in  
 368 accordance with applicable law up to the insurance coverage  
 369 limit, with a \$5 million self-insurance retention account that  
 370 shall be composed of and defined as the "SFRTA insurance  
 371 program." The SFRTA insurance program may, at SFRTA's sole  
 372 discretion, cover the obligations described in this section or  
 373 any other service operated by SFRTA on a rail corridor. Because  
 374 the self-insurance retention account is a part of the SFRTA  
 375 insurance program, all definitions, terms, conditions,  
 376 restrictions, exclusions, obligations, and duties included in  
 377 any and all of the policies of insurance procured by SFRTA for

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378 the SFRTA insurance program shall apply to the self-insurance  
 379 retention account and its application to claims against the  
 380 applicable insureds. SFRTA shall name FECR and AAF as insureds  
 381 on any policies it procures pursuant to this section at no cost  
 382 to AAF and FECR and ensure that all policies shall have a waiver  
 383 of exclusion for punitive damages and coverage for claims made  
 384 pursuant to the Federal Employers Liability Act, 45 U.S.C. s. 51  
 385 et seq. Such policies must also include terrorism coverage,  
 386 pollution coverage, including, but not limited to, coverage  
 387 applicable in the event of a railroad accident, a derailment, or  
 388 an overturn, and evacuation expense coverage.

389 Section 2. Subsection (4) of section 343.58, Florida  
 390 Statutes, is amended to read:

391 343.58 County funding for the South Florida Regional  
 392 Transportation Authority.-

393 (4) Notwithstanding any other provision of law to the  
 394 contrary and effective July 1, 2010, until as provided in  
 395 paragraph (d), the department shall transfer annually from the  
 396 State Transportation Trust Fund to the South Florida Regional  
 397 Transportation Authority, in quarterly payments commencing at  
 398 the start of each fiscal year, the amounts specified in  
 399 subparagraph (a)1. or subparagraph (a)2.

400 (a)1. If the authority becomes responsible for maintaining  
 401 and dispatching the South Florida Rail Corridor:

402 a. \$15 million from the State Transportation Trust Fund to  
 403 the South Florida Regional Transportation Authority for  
 404 operations, maintenance, and dispatch; and

405 b. An amount no less than the work program commitments  
 406 equal to \$27.1 million for fiscal year 2010-2011, as of July 1,

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407 2009, for operating assistance to the authority and corridor  
 408 track maintenance and contract maintenance for the South Florida  
 409 Rail Corridor.

410 2. If the authority does not become responsible for  
 411 maintaining and dispatching the South Florida Rail Corridor:

412 a. \$13.3 million from the State Transportation Trust Fund  
 413 to the South Florida Regional Transportation Authority for  
 414 operations; and

415 b. An amount no less than the work program commitments  
 416 equal to \$17.3 million for fiscal year 2010-2011, as of July 1,  
 417 2009, for operating assistance to the authority.

418 (b) Funding required by this subsection may not be provided  
 419 from the funds dedicated to the Florida Rail Enterprise pursuant  
 420 to s. 201.15(4)(a)4.

421 (c)1. Funds provided to the authority by the department  
 422 under this subsection may not be committed by the authority  
 423 without the approval of the department, which may not be  
 424 unreasonably withheld. At least 90 days before advertising any  
 425 procurement or renewing any existing contract that will rely on  
 426 state funds for payment, the authority shall notify the  
 427 department of the proposed procurement or renewal and the  
 428 proposed terms thereof. If the department, within 60 days after  
 429 receipt of notice, objects in writing to the proposed  
 430 procurement or renewal, specifying its reasons for objection,  
 431 the authority may not proceed with the proposed procurement or  
 432 renewal. Failure of the department to object in writing within  
 433 60 days after notice shall be deemed consent. This requirement  
 434 does not impair or cause the authority to cancel contracts that  
 435 exist as of June 30, 2012.

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436 2. To enable the department to evaluate the authority's  
 437 proposed uses of state funds, the authority shall annually  
 438 provide the department with its proposed budget for the  
 439 following authority fiscal year and shall provide the department  
 440 with any additional documentation or information required by the  
 441 department for its evaluation of the proposed uses of the state  
 442 funds.

443 (d) Funding required by this subsection shall cease upon  
 444 commencement of an alternate dedicated local funding source  
 445 sufficient for the authority to meet its responsibilities for  
 446 operating, maintaining, and dispatching the South Florida Rail  
 447 Corridor. The authority and the department shall cooperate in  
 448 the effort to identify and implement such an alternate dedicated  
 449 local funding source before July 1, 2019. Upon commencement of  
 450 the alternate dedicated local funding source, the department  
 451 shall convey to the authority a perpetual commuter rail easement  
 452 in the South Florida Rail Corridor and all of the department's  
 453 right, title, and interest in rolling stock, equipment, tracks,  
 454 and other personal property owned and used by the department for  
 455 the operation and maintenance of the commuter rail operations in  
 456 the South Florida Rail Corridor.

457 Section 3. Paragraph (d) is added to subsection (17) of  
 458 section 341.302, Florida Statutes, to read:

459 341.302 Rail program; duties and responsibilities of the  
 460 department.—The department, in conjunction with other  
 461 governmental entities, including the rail enterprise and the  
 462 private sector, shall develop and implement a rail program of  
 463 statewide application designed to ensure the proper maintenance,  
 464 safety, revitalization, and expansion of the rail system to

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465 assure its continued and increased availability to respond to  
 466 statewide mobility needs. Within the resources provided pursuant  
 467 to chapter 216, and as authorized under federal law, the  
 468 department shall:

469 (17) In conjunction with the acquisition, ownership,  
 470 construction, operation, maintenance, and management of a rail  
 471 corridor, have the authority to:

472 (d) Without altering any of the rights granted to the  
 473 department under this section, agree to assume the obligations  
 474 to indemnify and insure, pursuant to s. 343.545, freight rail  
 475 service, intercity passenger rail service, and commuter rail  
 476 service on a department-owned rail corridor, whether ownership  
 477 is in fee or by easement, or on a rail corridor where the  
 478 department has the right to operate.

479

480 Neither the assumption by contract to protect, defend,  
 481 indemnify, and hold harmless; the purchase of insurance; nor the  
 482 establishment of a self-insurance retention fund shall be deemed  
 483 to be a waiver of any defense of sovereign immunity for torts  
 484 nor deemed to increase the limits of the department's or the  
 485 governmental entity's liability for torts as provided in s.  
 486 768.28. The requirements of s. 287.022(1) shall not apply to the  
 487 purchase of any insurance under this subsection. The provisions  
 488 of this subsection shall apply and inure fully as to any other  
 489 governmental entity providing commuter rail service and  
 490 constructing, operating, maintaining, or managing a rail  
 491 corridor on publicly owned right-of-way under contract by the  
 492 governmental entity with the department or a governmental entity  
 493 designated by the department. Notwithstanding any law to the

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494 contrary, procurement for the construction, operation,  
 495 maintenance, and management of any rail corridor described in  
 496 this subsection, whether by the department, a governmental  
 497 entity under contract with the department, or a governmental  
 498 entity designated by the department, shall be pursuant to s.  
 499 287.057 and shall include, but not be limited to, criteria for  
 500 the consideration of qualifications, technical aspects of the  
 501 proposal, and price. Further, any such contract for design-build  
 502 shall be procured pursuant to the criteria in s. 337.11(7).

503

Section 4. This act shall take effect July 1, 2017.

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

4/13/17

Meeting Date

842

Bill Number (if applicable)

183242

Amendment Barcode (if applicable)

Topic SFRTA

Name Joe Mantilla

Job Title Sr Managing Director - Dentons Law Firm

Address 12152 Shadowbrook Lane

Phone 321-246-5224

City Orl State Fla Zip 32828

Email Joseph.Mantilla@Dentons.com

Speaking:  For  Against  Information

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

Representing Bombardier

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.

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4/13/17

Meeting Date

Topic \_\_\_\_\_

Bill Number 842  
(if applicable)

Name Dick Alexander

Amendment Barcode 183242  
(if applicable)

Job Title Exec. V.P.

Address 7340 Algonquin Dr.  
Street

Phone 513 325-0225

Cincinnati OH 45243  
City State Zip

E-mail dick.alexander@transdex.com

Speaking:  For  Against  Information

Representing Transdex

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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1/13/17

Meeting Date

842 ~~1118~~

Bill Number (if applicable)

183242

Amendment Barcode (if applicable)

Topic STETA Procurement

Name Ed Torancho

Job Title Attorney

Address 401 E. Jackson Suite 1700

Phone 813 477 2847

Street

Tampa FLA 33604

Email ed.torancho

City

State

Zip

Speaking:  For  Against  Information

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

Representing Transble

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

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4/13

Meeting Date

842

Bill Number (if applicable)

Topic South Florida Regional Transportation

Amendment Barcode (if applicable)

Name DAVE ERICKS Authority

Job Title

Address 205 S. Adams St.

Phone 850-591-7550

Tallahassee FL 32301

Email

Speaking: [X] For [ ] Against [ ] Information

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

Representing South Florida Regional Transportation Authority

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] 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)

842

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name JESS McCARTY

Job Title ASS'T COUNTY ATTORNEY

Address 111 NW 1st St 2810

Phone

Street

MIAMI

33128

Email

City

State

Zip

Speaking:  For  Against  Information

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

Representing MIAMI - DADE COUNTY

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

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

CSB 842  
Bill Number (if applicable)

Topic \_\_\_\_\_

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

Name Russell Roberts

Job Title VP Govt Affairs

Address 2855 LeJeune Road

Phone 202-604-5952

Street

Coral Gables FL

33134

Email rusty-roberts@feci.com

City

State

Zip

Speaking:  For  Against  Information

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

Representing Florida East Coast Industries

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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11/13/17  
Meeting Date

842  
Bill Number (if applicable)

Topic SFRTA

Amendment Barcode (if applicable)

Name Lisa Ba cot

Job Title Exec. Director

Address PO Box 10168

Phone 850-445-8329

Jelley FL 32317  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing Florida Public Transportation Assoc.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

4-13-17

Meeting Date

842

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Tom MARTIN

Job Title Head of Business Development & Sales

Address 1616 S. Bratter Road Suite 112

Phone 687-664-7374

Street Herndon P.O. 19049

Email tom.martin@rail.aerobonding.com

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing Bushrodier

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 1086

INTRODUCER: Transportation Committee and Senator Garcia

SUBJECT: Transportation Disadvantaged

DATE: April 5, 2017

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	<b>Fav/CS</b>
2.	McKinnon	Pitts	ATD	<b>Recommend: Favorable</b>
3.			AP	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1086 revises the duties of community transportation coordinators and coordinating boards with respect to services provided to transportation disadvantaged persons. The bill requires community transportation coordinators, in cooperation with their respective coordinating boards, to plan and use regional fare payment systems when available and cost effective that enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining services across one or more county lines.

The bill also requires coordinating boards to include in their evaluations of multicounty or regional transportation opportunities regional fare payment systems, when available, that enhance cross-county mobility for the transportation disadvantaged for the specified access purposes.

The bill has no impact on state revenues or expenditures. However, there is an indeterminate administrative cost to local governments associated with a new system implementation. See Section V, "Fiscal Impact Statement", for details.

The bill takes effect July 1, 2017.

## II. Present Situation:

### *The Transportation Disadvantaged Program*

The Legislature created the Transportation Disadvantaged (TD) Program in Part I of ch. 427, F.S., in 1979.<sup>1</sup> The TD Program coordinates a network of local and state programs providing transportation services for elderly, disabled, and low-income citizens. In 1989, the Legislature created the Commission for the Transportation Disadvantaged (commission) as an independent entity within the Florida Department of Transportation.<sup>2</sup> The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged,<sup>3</sup> with the goal of such coordination to assure the cost-effective provision of transportation by qualified community transportation coordinators<sup>4</sup> or transportation operators.<sup>5</sup> The commission describes the program “a shared-ride service which, depending on location, may be provided using the fixed route transit or paratransit (door-to-door) service.”<sup>6</sup>

Each metropolitan planning organization (MPO), or the designated official planning agency in an area outside the purview of an MPO, recommends to the commission a single community transportation coordinator.<sup>7</sup> A “community transportation coordinator” is a transportation entity responsible for ensuring that coordinated transportation services are provided to the transportation-disadvantaged population in a designated service area.<sup>8</sup>

Coordinators are currently charged with various powers and duties, including, but not limited to establishing eligibility guidelines and priorities with respect to recipients of nonsponsored transportation disadvantaged services,<sup>9</sup> developing cost-effective coordination strategies and a service plan for the delivery of services, executing uniform contracts for services, and annually reviewing all transportation operator contracts.<sup>10</sup>

Coordinators undergo an annual performance evaluation by the local coordinating board.<sup>11</sup> A “coordinating board” is an advisory entity in each designated service area, composed of

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<sup>1</sup> 79-180, L.O.F.

<sup>2</sup> 89-376, L.O.F.

<sup>3</sup> A “transportation disadvantaged person” is a person who because of physical or mental disability, income status, or age is unable to transport himself or herself or to purchase transportation and is, therefore, dependent on others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk as defined in s. 411.202, F.S. Section 427.011(1), F.S.

<sup>4</sup> Section 427.011(5), F.S.

<sup>5</sup> A “transportation operator” is one or more public, private for-profit, or private nonprofit entities engaged by the community transportation coordinator to provide service to transportation disadvantaged persons pursuant to a coordinated system service plan. Section 427.011(6), F.S.

<sup>6</sup> See the Commission’s website available at: <http://www.fdot.gov/ctd/communitytransystem.htm>. (Last visited March 27, 2017.)

<sup>7</sup> Section 427.015(2), F.S.

<sup>8</sup> A “designated service area” is a geographical area recommended to and approved by the Commission, which defines the community where coordinated transportation services will be provided to the transportation disadvantaged.

<sup>9</sup> “Nonsponsored transportation disadvantaged services” means transportation disadvantaged services that are not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund. Section 427.011(12), F.S.

<sup>10</sup> Section 427.0155, F.S.

<sup>11</sup> A coordinator may provide all or a portion of needed transportation services for the transportation disadvantaged and must subcontract or broker those services that are more cost-effectively and efficiently provided by subcontracting or brokering. Section 427.015(2), F.S.

representatives appointed by the MPO or the designated official planning agency, to provide assistance to the community transportation coordinators relative to the coordination of transportation services.<sup>12</sup> These boards develop local service needs and provide information, advice, and direction to the coordinators.

Section 427.0157, F.S., currently assigns a number of powers and duties to the coordinating boards, including, but not limited to, assisting the coordinators in establishing guidelines and priorities, approving the service plan and services provided in meeting the plan, reviewing coordination strategies, and evaluating multicounty or regional transportation opportunities.

### *Inter-County Trips and Seamless Regional Travel*

Designated service areas may include just one county or multiple counties. Trips involving travel in more than one county are provided to eligible transportation disadvantaged persons on a regular basis.<sup>13</sup> However, issues may arise for transportation disadvantaged persons who must travel across county boundaries, for example, to go to work and return home, because eligibility for transportation disadvantaged services is determined by application in the county of residence.<sup>14</sup>

Solutions to such problems may arise in ongoing efforts to address regional multimodal travel through fare collection systems that are interoperable. One such effort in South Florida involves an agreement between Tri-Rail,<sup>15</sup> Broward County Transit, and Palm Tran to allow for the use of a pay card and mobile app on any of their respective transportation modes.<sup>16</sup> Such a system, designed to allow a transportation disadvantaged person deemed eligible in his or her county of residence to move freely across county boundaries in the same or another designated service area, could increase mobility for the transportation disadvantaged person.

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

**Section 1** amends s. 427.0155, F.S., to add to the powers and duties of coordinators, in cooperation with their coordinating boards, planning and using regional fare payment systems when available and cost-effective, which enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining services across one or more county.

**Section 2** amends s. 427.0157, F.S., relating to the powers and duties of coordinating boards, to provide additional direction to coordinating boards with respect to the boards' existing duty to evaluate multicounty or regional transportation opportunities during quarterly meetings.<sup>17</sup> This

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<sup>12</sup> Section 427.011(7), F.S.

<sup>13</sup> Telephone conversation with Commission staff. March 24, 2017.

<sup>14</sup> Individuals are directed to the local community transportation coordinator to find out if they are eligible for transportation disadvantaged services. See the Commission's website available at: <http://www.fdot.gov/ctd/communitytransystem.htm>. (Last visited March 24, 2017.)

<sup>15</sup> Tri-Rail provides commuter rail service in Miami-Dade, Broward, and Palm Beach Counties.

<sup>16</sup> See the Miami-Dade County News Release available at: [http://www.miamidade.gov/releases/2017-03-10-dtpw-regional-fare-collection.asp?utm\\_source=media&utm\\_medium=email&utm\\_campaign=release-distribution&utm\\_term=transit](http://www.miamidade.gov/releases/2017-03-10-dtpw-regional-fare-collection.asp?utm_source=media&utm_medium=email&utm_campaign=release-distribution&utm_term=transit). (Last visited March 24, 2017.)

<sup>17</sup> That section requires coordinating boards to meet "at least" quarterly.



section requires the boards to include evaluations of regional fare payment systems, when available, that enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining activities.

**Section 3** provides the bill take effect July 1, 2017.

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

Section 18(a), Article VII, of the Florida Constitution provides that no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and unless: funds have been appropriated that have been estimated at the time of enactment to be sufficient to fund such expenditure; the legislature authorizes or has authorized a county or municipality to enact a funding source not available for such county or municipality on February 1, 1989, that can be used to generate the amount of funds estimated to be sufficient to fund such expenditure by a simple majority vote of the governing body of such county or municipality; the law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature; the expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments; or the law is either required to comply with a federal requirement or required for eligibility for a federal entitlement, which federal requirement specifically contemplates actions by counties or municipalities for compliance.

Article VII, section 18(d) of the Florida Constitution provides laws adopted to require funding of pension benefits existing on the effective date of this section, criminal laws, election laws, the general appropriations act, special appropriations acts, laws reauthorizing but not expanding then-existing statutory authority, laws having insignificant fiscal impact, and laws creating, modifying, or repealing noncriminal infractions, are exempt from the requirements of this section.

An exemption from the mandates provision may apply if the expected fiscal impact on municipalities/counties is less than \$2 million. Because the fiscal impact is anticipated to be less than \$2 million, the bill appears to be exempt from the mandate requirements.

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

None.

**C. Trust Funds Restrictions:**

None.

**IV. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

To the extent that regional fare payment systems are implemented, transportation disadvantaged persons may benefit from increased mobility.

**C. Government Sector Impact:**

Coordinators and coordinating boards will experience administrative expenses associated with planning for regional fare payment systems. Coordinating boards will experience administrative expenses associated with including regional fare payment systems in their evaluations of multicounty and regional transportation opportunities. The fiscal impact of implementing regional fare payment systems is unknown.

**V. Technical Deficiencies:**

None.

**VI. Related Issues:**

None.

**VII. Statutes Affected:**

This bill amends the following sections of the Florida Statutes: 427.011, 427.0157, and 427.0159

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

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

**CS by Transportation on March 28, 2017:**

The CS removed the as-filed language from the bill and replaced it with revision of the duties of community transportation coordinators and coordinating boards as follows:

- Community transportation coordinators, in cooperation with their respective coordinating boards, must plan and use regional fare payment systems, when available and cost effective, that enhance cross-county mobility for the transportation disadvantaged, and
- Coordinating boards must include, in their evaluations of multicounty or regional transportation opportunities, regional fare payment systems, when available, that enhance cross-county mobility for the transportation disadvantaged.

**B. Amendments:**

None.

By the Committee on Transportation; and Senator Garcia

596-03008-17

20171086c1

A bill to be entitled

An act relating to the transportation disadvantaged; amending s. 427.0155, F.S.; authorizing community transportation coordinators, in cooperation with the coordinating board, to plan for and use regional fare payment systems under certain circumstances which enhance cross-county mobility for specified purposes for certain persons who are unable to transport themselves or to purchase transportation; amending s. 427.0157, F.S.; requiring each coordinating board to evaluate multicounty or regional transportation opportunities to include regional fare payment systems, when available, which enhance cross-county mobility for specified purposes for such persons; providing an effective date.

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

Section 1. Subsection (10) is added to section 427.0155, Florida Statutes, to read:

427.0155 Community transportation coordinators; powers and duties.—Community transportation coordinators shall have the following powers and duties:

(10) In cooperation with the coordinating board, plan for and use regional fare payment systems when available and cost-effective, which enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining services across one or more county lines.

Page 1 of 2

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

596-03008-17

20171086c1

Section 2. Subsection (6) of section 427.0157, Florida Statutes, is amended to read:

427.0157 Coordinating boards; powers and duties.—The purpose of each coordinating board is to develop local service needs and to provide information, advice, and direction to the community transportation coordinators on the coordination of services to be provided to the transportation disadvantaged. The commission shall, by rule, establish the membership of coordinating boards. The members of each board shall be appointed by the metropolitan planning organization or designated official planning agency. The appointing authority shall provide each board with sufficient staff support and resources to enable the board to fulfill its responsibilities under this section. Each board shall meet at least quarterly and shall:

(6) Evaluate multicounty or regional transportation opportunities to include regional fare payment systems, when available, which enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining services across one or more county lines.

Section 3. This act shall take effect July 1, 2017.

Page 2 of 2

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

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

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

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

BILL: CS/ CS/SB 1118

INTRODUCER: Transportation Committee and Senator Gainer and others

SUBJECT: Transportation

DATE: April 5, 2017 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	<b>Fav/CS</b>
2.	Pitts	Pitts	ATD	<b>Recommend: Fav/CS</b>
3.			AP	

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

**I. Summary:**

PCS/CS/SB 1118 reflects the Department of Transportation’s (FDOT) 2017 Legislative Package. Specifically, the bill:

- Directs the FDOT, in consultation with the Department of Highway Safety and Motor Vehicles (DHSMV), to develop a Florida Smart City Challenge grant program;
- Increases the allowable gross vehicle weight for vehicles using natural-gas fueling systems by up to 2,000 pounds under certain conditions, resulting in a reduced overweight penalty and avoiding a potential loss of federal funds;
- Revises autonomous vehicle alert system requirements, consistent with current law, to clarify that an autonomous vehicle may operate in autonomous mode without a person physically present in the vehicle;
- Applies certain insurance coverage requirements, should legislation addressing insurance for transportation network companies (TNCs) become law, to autonomous vehicles used by TNCs to provide transportation, regardless of whether a human operator is physically present in the vehicle when the ride occurs;
- Defines the term “automated mobility district,” directs the FDOT to designate such districts and, in determining a community’s eligibility for designation, to consider applicable federal agency criteria for such districts and apply the criteria to eligible developments.
- Aligns state and federal law by mandating bridge inspections at regular intervals as required by the Federal Highway Administration, as opposed to intervals not exceeding two years, resulting in compliance with revised national bridge inspection requirements and avoiding a potential but likely insignificant diversion of federal funds;

- Directs the FDOT to establish a process for applications for placement of roadside memorial markers at or near the location of traffic-related fatalities on the State Highway System to raise public awareness and remind motorists to drive safely and to establish criteria for the design and fabrication of the markers; provides for incorporation of emblems of belief on such markers under certain conditions; provides requirements for the placement of such markers; and directs the FDOT to remove such markers under certain conditions, subject to certain notice requirements.
- Increases the current \$120,000 cap on “fast response” contracts to \$250,000 to account for increased construction costs due to inflation;
- Allows turnpike bonds to be validated at the option of the Division of Bond Finance (DBF) and limits the location of publication of certain related notices to Leon County;
- Repeals the Florida Highway Beautification Council and creates the Florida Highway Beautification Grant Program within the FDOT;
- Defines “department” to mean the FDOT for purposes of part II of ch. 343, F.S., relating to the South Florida Regional Transportation Authority (SFRTA);
- Prohibits the SFRTA from entering into, extending, or renewing any contract without the FDOT’s prior review and written approval of the proposed expenditures if such contract may be funded with FDOT-provided funds;
- Deems funds provided by the FDOT to the SFRTA to be state financial assistance subject to specified requirements;
- Requires the FDOT to provide funds to the SFRTA in accordance with a written agreement containing certain provisions;
- Authorizes the FDOT to advance funds to the SFRTA at the start of each fiscal year, with monthly payments for maintenance and dispatch on the South Florida Rail Corridor over the fiscal year on a reimbursement basis;
- Expressly includes transportation network companies (TNCs) in the list of providers of services for the transportation disadvantaged;
- Authorizes the FDOT Secretary to enroll the state in any federal pilot program or project for the collection and study of specified types of transportation-related data;
- Deletes and revises cross-references to conform to changes made in the act.
- Provides the bill take effect on July 1, 2017

The bill’s provisions have both indeterminate negative and positive fiscal impacts on state funds, of which combined are neutral. The bill may have impacts to revenues and expenditures related to the SFRTA and the DBF. See Section V., “Fiscal Impact Statement,” for details.

## **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:

#### Florida Smart City Challenge Grant Program (Section 1)

##### *Present Situation:*

The United States Department of Transportation (USDOT) launched a Smart City Challenge in December of 2015. The challenge asked mid-sized cities “to develop ideas for an integrated, first-of-its-kind smart transportation system that would use data, applications, and technology to help people and goods move more quickly, cheaply, and efficiently.”<sup>1</sup> The USDOT committed up to \$40 million to one winning city.<sup>2</sup> The USDOT received 78 applications from cities across America, including the following cities in Florida: Jacksonville, Miami, Orlando, St. Petersburg, Tallahassee, and Tampa. However, no Florida city received any funding.

Ultimately, Columbus, Ohio won the challenge by proposing “a comprehensive, integrated plan addressing challenges in residential, commercial, freight, and downtown districts using a number of new technologies, including connected infrastructure, an integrated data platform, autonomous vehicles, and more.”<sup>3</sup> The USDOT then worked with seven finalists to further develop the ideas proposed by the cities and, in October of 2016, announced an additional \$65 million in grants to support advanced technology transportation projects. Again, no Florida city was among the finalists.

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

**Section 1** of the bill creates s. 316.0898, F.S., to direct the FDOT, in consultation with the Department of Highway Safety and Motor Vehicles, to develop the Florida Smart City Challenge grant program and establish grant award requirements for municipalities or regions. Grant applicants must demonstrate and document the adoption of emerging technologies and their impact on the transportation system, and must address at least the following focus areas:

- Autonomous vehicles;
- Connected vehicles;<sup>4</sup>
- Sensor-based infrastructure;
- Collecting and using data;
- Electric vehicles, including charging stations; and
- Developing strategic models and partnerships;

The stated goals of the grant program include, without limitation:

- Identifying transportation challenges and identifying how emerging technologies can address those challenges;

<sup>1</sup>See the USDOT website available at: <https://www.transportation.gov/smartcity>. (Last visited April 11, 2017.)

<sup>2</sup>See the USDOT website available at:

<https://www.transportation.gov/sites/dot.gov/files/docs/Smart%20City%20Challenge%20Lessons%20Learned.pdf>. (Last visited April 11, 2017.)

<sup>3</sup>See the USDOT website available at: <https://www.transportation.gov/smartcity/winner>. (Last visited April 11, 2017.)

<sup>44</sup> These are “vehicles that use any of a number of different communication technologies to communicate with the driver, other cars on the road (vehicle-to-vehicle [V2V], roadside infrastructure (vehicle-to-infrastructure [V2I]), and the ‘Cloud.’”

See the Center for Advanced Automotive Technology website available at:

[http://autocaat.org/Technologies/Automated\\_and\\_Connected\\_Vehicles/](http://autocaat.org/Technologies/Automated_and_Connected_Vehicles/). (Last visited April 14, 2017.)

- Determining the emerging technologies and strategies that have the potential to provide the most significant impacts;
- Encouraging municipalities to take significant steps to integrate emerging technologies into their day-to-day operations;
- Identifying the barriers to implementing the grant program and communicating those barriers to the Legislature and appropriate agencies and organizations;
- Leveraging the initial grant to attract additional public and private investments;
- Increasing the state's competitiveness in the pursuit of grants from the USDOT, the United States Department of Energy (USDOE), and other federal agencies;
- Committing to the continued operation of programs implemented in connection with the grant;
- Serving as a model for municipalities nationwide;
- Documenting the costs and impacts of the grant program and lessons learned during implementation; and
- Identify solutions that will demonstrate local or regional economic impact.

The FDOT is directed to develop eligibility, application, and selection criteria for the program grants and a plan for the promotion of the grant program to municipalities or regions of the state as an opportunity to compete for grant funding, including the award of grants to a single recipient and secondary grants to specific projects of merit within other applications. The FDOT may contract with a third party demonstrating knowledge and expertise in that section's focuses and goals to provide guidance in the development of that section's requirements.

The FDOT must submit the grant program guidelines and plans for promotion of the program to the Governor, Senate President, and House Speaker on or before January 1, 2018. Lastly, the new s.316.0898, F.S., expires on July 1, 2018.<sup>5</sup>

## **Natural Gas-Fueled Vehicle Weight (Section 2)**

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

#### *Motor Vehicle Weights and Overweight Penalties*

The rate of damage to roads and bridges generally increases as vehicle weight increases, resulting in higher maintenance and replacement costs and potentially creating unsafe conditions. Maximum legal vehicle weights are established for all public roads and bridges and allow compliant vehicles to travel most public highways of the state without causing excessive road damage or bridge failures. However, some roads and bridges have lower weight limits due to their age, condition, or design, and these facilities have posted weight limits; *i.e.*, their lower weight limits are identified through signage at the facility. Vehicles exceeding the maximum weight limits on a facility, including posted facilities, are presumed to have damaged the highways of the state and are subject to fines.<sup>6</sup>

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<sup>5</sup> SB 2500 currently authorizes the FDOT to use up to \$75,000 to establish the Florida Smart City Challenge Grant Program.

<sup>6</sup> See ss. 316.545 and 316.555, F.S.

Gross vehicle weight is the total weight of a vehicle (or combination of vehicles) and any cargo carried by the vehicle.<sup>7</sup> Federal and state laws generally provide that gross vehicle weight may not exceed 80,000 pounds for both the interstate and non-interstate highway system,<sup>8</sup> or the maximum allowed by the Federal Bridge Formula.<sup>9</sup> In Florida, the maximum weight limit is 22,000 pounds on a single axle, and 44,000 pounds on a tandem axle.<sup>10</sup> These limits do not apply to those vehicles and loads that cannot be easily dismantled or divided (*i.e.*, “non-divisible”), or to other vehicles exceeding the maximum weight limits, if a special permit has been issued in accordance with applicable state laws.<sup>11</sup>

However, the vehicle’s number of axles and the distance between the axles in part controls a vehicle’s maximum allowable weight. Thus, a vehicle’s maximum allowable gross weight may be reduced because the concentration of weight on a particular axle may reach unacceptable limits. For example, pavement and bridge stress is greater for a 30-foot truck with two axles and a gross vehicle weight of 50,000 pounds than a 54-foot tractor-trailer combination of the same weight because the tractor-trailer distributes the load over a greater area. Therefore, the 30-foot truck will have a lower maximum allowable weight.

For weight violations, including violations of weight criteria contained in a special permit, the penalty is as established in s. 316.545(3)(a), F.S., *i.e.*, \$10 for 200 pounds or less and 5 cents per pound for each pound over 200 pounds. Unlawful axle weights are penalized at \$10 for the first 600 pounds, if the gross weight of the vehicle (or vehicle combination) does not exceed the maximum allowable gross weight.<sup>12</sup>

For each violation of the operational or safety restrictions established in a special permit, *e.g.*, using a restricted bridge, the penalty may be as high as \$1,000. However, the cumulative total for multiple violations may not exceed \$1,000.<sup>13</sup>

These penalties are deposited into the State Transportation Trust Fund and used for roadway maintenance and repair.<sup>14</sup>

### *Cargo Capacity of Vehicles Fueled by Natural Gas Compared to Gasoline or Diesel-Fueled Vehicles*

According to the U.S. Department of Energy, about 150,000 vehicles in this country are powered by natural gas, many of which are heavy-duty vehicles.<sup>15</sup> Natural gas vehicles (NGVs) are

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<sup>7</sup> Section 316.003(27), F.S.

<sup>8</sup> See 23 U.S.C. 127 (2015) and s. 316.535, F.S.

<sup>9</sup> This formula is used to determine the maximum allowable weight that any set of axles on a motor vehicle may carry on the Interstate Highway System. For further detail, see the Federal Highway Administration website: [http://ops.fhwa.dot.gov/freight/sw/brdgc/calc\\_page.htm](http://ops.fhwa.dot.gov/freight/sw/brdgc/calc_page.htm). (Last visited January 20, 2017.)

<sup>10</sup> See the Florida Highway Patrol *Commercial Motor Vehicle Manual*, July 2016, at p. 8, available at: <https://www.flhsmv.gov/fhp/CVE/2015truckingmanual.pdf>. (Last visited January 26, 2017.)

<sup>11</sup> 23 U.S.C. 127(a) (2015) and s. 316.550, F.S...

<sup>12</sup> Section 316.545(3)(a), F.S.

<sup>13</sup> 316.550(10)(c), F.S.

<sup>14</sup> Section 316.545(6), F.S.

<sup>15</sup> See the U.S. Department of Energy Alternative Fuels Data Center website available at: [http://www.afdc.energy.gov/vehicles/natural\\_gas.html](http://www.afdc.energy.gov/vehicles/natural_gas.html). (Last visited November 18, 2016.)



reported to be similar to gasoline or diesel-fueled vehicles with respect to power, acceleration, and cruising speed; and the use of natural gas as fuel provides additional advantages, such as its domestic availability, its relative low cost, and lower emissions.<sup>16</sup> However, these advantages may be offset by displacement of cargo capacity, due to the heavier weight of NGV fueling systems relative to gasoline or diesel systems.<sup>17</sup>

#### *Fast Act Natural Gas Vehicle Weight Allowance*

The Fixing America's Surface Transportation Act (FAST Act), which authorized Federal surface transportation programs for fiscal years 2016-2020, contained a number of incentives for natural gas. In apparent recognition of the potential displacement of cargo capacity due to the heavier weight of NGVs, the FAST Act authorized a vehicle, if operated by an engine fueled primarily<sup>18</sup> by natural gas, to exceed any (single axle, tandem axle and bridge formula) weight limit (up to a maximum gross vehicle weight of 82,000 pounds) by an amount that is equal to the difference between:

- The weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle, and
- The weight of a comparable diesel tank and fueling system.<sup>19</sup>

The Federal Highway Administration (FHWA) has advised states to review state statutes, regulations, and procedures, as well as load rating and posting calculations and enforcement practices, for necessary updating.<sup>20</sup> Further, the FHWA noted that while the federally increased weight allowance does not preempt a state from enforcing *state* weight limits on all highways, it does “prevent[] the FHWA from imposing funding sanctions if a state authorizes the additional weight limit on its Interstate system.”<sup>21</sup>

Florida law has long adhered to the general maximum weight limits contained in the Federal law,<sup>22</sup> and the FDOT issues special permits for vehicles transporting non-divisible loads and for other vehicles exceeding maximum weight limits.<sup>23</sup> Florida law currently grants a 500-pound weight allowance for idle reduction technology consistent with federal law, but does not authorize the additional weight for NGVs allowed in the FAST Act.<sup>24</sup>

#### *FDOT Permitting of NGVs*

<sup>16</sup> *Id.* at: [http://www.afdc.energy.gov/fuels/natural\\_gas\\_benefits.html](http://www.afdc.energy.gov/fuels/natural_gas_benefits.html). (Last visited November 18, 2016.)

<sup>17</sup> *Id.* “The driving range of NGVs is generally less than that of comparable conventional vehicles because of the lower energy density of natural gas. Extra storage tanks can increase range, but the additional weight may displace cargo capacity.”

<sup>18</sup> Some NGVs are fueled solely by natural gas, some are bi-fueled with two separate fueling systems that enable them to run on either natural gas or gasoline, and some are dual-fueled. Dual-fueled vehicles “are traditionally limited to heavy-duty application, have fuel systems that run on natural gas, and use diesel fuel for ignition assistance.” *Supra* note 8.

<sup>19</sup> P.L. 114-94, s. 1410 (2015). *See also* the Federal Highway Administration Memorandum dated February 24, 2016, *Information: Fixing America's Surface Transportation Act (FAST Act) Truck Size and Weight Provisions*. (On file in the Senate Transportation Committee.)

<sup>20</sup> *Id.*, Memorandum Question and Answer 16.

<sup>21</sup> *Id.*, Question and Answer 14.

<sup>22</sup> *See* s. 316.535, F.S.

<sup>23</sup> *See* s. 316.550, F.S.

<sup>24</sup> Section 316.545(3)(b), F.S.

In response to the FAST Act, the FDOT performed an assessment to determine if any bridges, other than those currently posted for weight, would require posting because of the additional weight allowance for NGVs authorized in the Act. The FDOT advises that the study concluded that the additional weight of NGVs would not require bridges to be re-load rated or posted.<sup>25</sup> The FDOT also developed a permit process in June of 2016 to allow the operation of NGVs at the new Federal weight limits, but no permits were issued, perhaps because the industry is unaware of the need for such a permit.<sup>26</sup> As a result, the FDOT estimates that approximately 292 citations<sup>27</sup> have been issued, totaling \$375.00 in fines, 15 of which have been contested before the Commercial Motor Vehicle Review Board.<sup>28</sup> The FDOT advises no relief was granted for any of the 15 contested citations.<sup>29</sup>

***Effect of Proposed Changes:***

**Section 2** amends s. 316.545(3), F.S., to provide for a specified reduction in the actual gross weight of an NGV, when calculating the penalty for exceeding maximum weight limits, so long as the actual gross weight of the vehicle does not exceed 82,000 pounds, exclusive of the existing 500-pound weight allowance for idle reduction technology. The bill will create greater uniformity between federal and state law, which is especially important for truck drivers doing interstate business, and avoids a potential withholding of federal funds.

If an NGV is found to be overweight, then the penalty will be calculated by reducing the actual gross vehicle weight by the certified difference in weight between the natural gas tank and fueling system carried by that vehicle, and a comparable diesel tank and fueling system, before applying the currently applicable penalty. If the actual gross weight of the NGV exceeds 80,000 pounds plus the certified weight difference, a penalty of \$.05 per pound of excess weight could be assessed.

If the NGV is also equipped with idle reduction technology, the penalty will be calculated by reducing the actual gross vehicle weight by the certified difference in weight between the natural gas tank and fueling system carried by that vehicle and a comparable diesel tank and fueling system, and by an additional 500 pounds. If the actual gross weight of the NGV with idle reduction technology exceeds 80,500 pounds plus the certified weight difference, a penalty of \$.05 per pound of excess weight could be assessed.

The bill contains a proof requirement; *i.e.*, the vehicle operator must present a written certification that identifies the weight of the natural gas tank and fueling system, and the difference in weight of a comparable diesel tank and fueling system, upon request of a weight inspector or a law enforcement officer. The certification must originate from the vehicle manufacturer or the installer of the natural gas tank and fueling system.

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<sup>25</sup> See the FDOT's response to staff questions. (On file in the Senate Transportation Committee.)

<sup>26</sup> *Id.*

<sup>27</sup> The FDOT notes this estimate is based on a search for companies that utilize NGVs and received an overweight citation in the last year. Because the citation form is not designed to specify this particular infraction, some of the 292 cases may not be related to the FAST Act. *Id.*

<sup>28</sup> Section 316.545(7), F.S., establishes the Board within the FDOT and authorizes the Board to review any penalty imposed under chapter 316, F.S.

<sup>29</sup> *Supra* note 11.

The bill excludes vehicles described in s. 316.535(6), F.S., from qualifying for the reduced calculation. These vehicles, typically called straight trucks, include dump trucks, concrete mixing trucks, trucks engaged in waste collection and disposal, and fuel oil and gasoline trucks designed and constructed for special type work. The cargo unit and the power unit on these trucks sit on the same frame,<sup>30</sup> meaning that the concentration of weight is greater than, for example, a combination vehicle with an axle configuration that distributes the weight over a greater area. These vehicles continue to be limited to a gross weight of 70,000 pounds.

### **Autonomous Vehicle Alert System Clarification (Section 5)**

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

Section 316.003(2), 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 drive the vehicle on which the technology is installed *without the active control or monitoring by a human operator*.<sup>31</sup> If a vehicle is equipped with technology that requires the active control or monitoring by a human operator, that vehicle does not meet the definition of “autonomous vehicle” under Florida law.

Section 316.85, F.S., authorizes a person who possesses 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(2), F.S. A person is deemed to be the operator of an autonomous vehicle operating in autonomous mode when the 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. Thus, under Florida law, an autonomous vehicle may be operated in autonomous mode even if a person is not physically present in the vehicle.

Section 319.145, F.S., requires autonomous vehicles registered in this state to:

- Have a system to safely alert the operator if an autonomous technology failure is detected while the 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 not able to, take control of the autonomous vehicle, be capable of bringing the vehicle to a complete stop.
- Have a means inside the vehicle to visually indicate when the vehicle is operating in autonomous mode; and
- Be capable of being operated in compliance with the applicable traffic and motor vehicle laws of this state.

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<sup>30</sup> See s. 316.003(76), F.S.

<sup>31</sup> 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*.

***Effect of Proposed Changes:***

**Section 5** of the bill amends s. 319.145, F.S., to clarify system requirements when an alert is given. The bill provides that if the *human* operator does not, or is not able to, take control of the autonomous vehicle, *or if a human operator is not physically present in the vehicle*, the system must be capable of bringing the vehicle to a complete stop. This revision is consistent with current law allowing an autonomous vehicle to operate in autonomous mode without a person physically present in the vehicle.

**Transportation Network Companies/Autonomous Vehicles/Insurance (Section 3)**

Present Situation: Technological advances have led to new methods for consumers to arrange and pay for transportation, including software applications that make use of mobile smartphone applications, Internet web pages, and email and text messages. Ridesharing companies, such as Lyft, Uber, and SideCar, describe themselves as “transportation network companies” (TNCs), rather than as vehicles for hire.

TNCs use smartphone technology to connect individuals who want to ride with private drivers for a fee. A driver logs onto a phone application and indicates the driver is ready to accept passengers. Potential passengers log on, learn which drivers are nearby, see photographs, receive a fare estimate, and decide whether to accept a ride. If the passenger accepts a ride, the driver is notified and drives to pick up the passenger. Once at the destination, payment is made through the phone application.

Drivers generally use their personal vehicles, and most personal automobile insurance policies contain a “livery” exclusion that excludes coverage if the vehicle is carrying passengers for hire.<sup>32</sup> Consequently, most personal automobile insurance policies do not cover damage or loss when a car is being used for commercial ridesharing. Some ridesharing companies provide insurance for portions of the time when the driver is transporting passengers, but such insurance is not required. This could lead to situations where drivers and passengers are involved in accidents and there is no insurance coverage. In contrast, taxis and limousines must maintain a motor vehicle liability policy with minimum limits of \$125,000 per person for bodily injury, up to \$250,000 per incident for bodily injury, and \$50,000 for property damage.<sup>33</sup>

Issues relating to insurance coverage for TNCs, and other TNC-related matters, have been under review by the Florida Legislature in recent years. The Florida Senate is currently considering legislation that would create uniform statewide minimum insurance requirements for TNCs and TNC drivers. Generally, when a TNC driver is logged onto the digital network<sup>34</sup> but not engaged in a prearranged ride,<sup>35</sup> the legislation requires:

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<sup>32</sup> The exclusion in Florida law is mentioned in s. 627.041(8), F.S.

<sup>33</sup> Section 324.032(1)(a), F.S.

<sup>34</sup> CS/CS/SB 340 currently defines “digital network” to mean any online-enabled technology application service, website, or system offered or used by a TNC that enables the prearrangement of rides with TNC drivers.

<sup>35</sup> CS/CS/SB 340 currently defines “prearranged ride” to mean the provision of transportation by a TNC driver to a rider, beginning when a TNC driver accepts a ride requested by a rider through a digital network controlled by a TNC, continuing while the TNC driver transports the rider, and ending when the last rider exits from and is no longer occupying the TNC vehicle.

- Primary automobile liability coverage of at least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily injury per incident, and \$25,000 for property damage;
- Personal Injury Protection (PIP) benefits that meet the minimum coverage amounts required under ss. 627.730-627.7405, F.S.;<sup>36</sup> and
- Uninsured and underinsured vehicle coverage as required by s. 627.727, F.S.<sup>37</sup>

When a TNC driver is engaged in a prearranged ride, the following insurance requirements apply:

- Primary automobile liability coverage of at least \$1 million for death, bodily injury, and property damage;
- PIP benefits that meet the minimum coverage amounts required of a limousine<sup>38</sup> under ss. 627.730-627.7405, F.S.; and
- Uninsured and underinsured vehicle coverage as required by s. 627.727, F.S.<sup>39</sup>

Interest in the use of autonomous vehicles in ridesharing services is increasing, including with respect to fully autonomous vehicles that do not require drivers. General Motors reportedly paid \$500 million for a stake and strategic alliance in Lyft to develop the use of autonomous vehicles in ridesharing and recently spent \$1 billion to buy a technology company that has self-driving cars on roads in California.<sup>40</sup> Current Florida law does not specifically address insurance requirements for autonomous vehicles, or for autonomous vehicles used by TNCs.

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

**Section 3** of the bill creates s. 316.851, F.S., with an effective on the same date that the TNC legislation currently under consideration, or similar legislation, takes effect, if such legislation is enacted in the 2017 Regular Session or in any extension thereof. In that case, the bill would require an autonomous vehicle used by a TNC *to provide a prearranged ride* to be covered by automobile insurance as required by s. 627.748, F.S., created in that TNC legislation, regardless of whether a human operator is physically present in the vehicle when the ride occurs. As the legislation currently stands, the required coverage would be primary automobile liability coverage of at least \$1 million for death, bodily injury, and property damage, and uninsured and underinsured vehicle coverage as required by s. 627.727, F.S. The coverage ultimately specified

<sup>36</sup> These provisions, known as the No-Fault Law, require coverage for PIP to the named insured, relatives residing in the same household, persons operating the insured motor vehicle, passengers in the motor vehicle, and other persons struck by the motor vehicle and suffering bodily injury while not an occupant to a limit of \$10,000 in medical and disability benefits and \$5,000 in death benefits.

<sup>37</sup> Section 627.727(1), F.S., requires uninsured motorist vehicle coverage if a policy provides bodily injury coverage unless it is specifically rejected.

<sup>38</sup> Although the legislation currently requires PIP coverage at the same amounts required of limousines, limousines are excluded from PIP requirements under s 627.733(1)(a), F.S. Thus, the effect of this provision should it remain in the TNC legislation and be enacted would be to require no PIP coverage when an autonomous vehicle is engaged in a prearranged ride, regardless of whether a human operator is physically present in the vehicle when the ride occurs.

<sup>39</sup> See the CS/CS/SB 340 staff analysis for additional information and details of the legislation, available at: <http://www.flsenate.gov/Session/Bill/2017/340/Analyses/2017s00340.rc.PDF>. (Last visited April 24, 2017.)

<sup>40</sup> See *Autonomous Cars with Ridesharing Key to GM's Vision for Future Mobility*, available at: <http://www.autotrader.com/car-shopping/autonomous-cars-with-ridesharing-key-to-gms-vision-for-future-mobility-254768>. See also *Ford Targets Fully Autonomous Vehicle for RideSharing in 2021; Invests in New Tech Companies, Doubles Silicon Valley Team*, available at <https://media.ford.com/content/fordmedia/fna/us/en/news/2016/08/16/ford-targets-fully-autonomous-vehicle-for-ride-sharing-in-2021.html>. (Last visited April 14, 2017.)

in that legislation, if enacted, would be required coverage for an autonomous vehicle used by a TNC to provide prearranged transportation, regardless of the presence or absence of a human driver.

The bill further requires an autonomous vehicle logged on to a digital network but not engaged in a prearranged ride to maintain insurance coverage as defined in s. 627.748(7)(b), F.S. As the TNC legislation currently stands, subsection (7)(b) requires during the identified period of time:

- Primary automobile liability coverage of at least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily injury per incident, and \$25,000 for property damage;
- PIP benefits that meet the minimum coverage amounts required under ss. 627.730-627.7405, F.S.;<sup>41</sup> and
- Uninsured and underinsured vehicle coverage as required by s. 627.727, F.S.

The bill also requires an autonomous vehicle used to provide a transportation service to carry in the vehicle proof of the required coverage at all times while operating in autonomous mode.

#### **Automated Mobility Districts (Section 4)**

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

The USDOE Office of Energy Efficiency and Renewable Energy (EERE) partners with business, industry, universities, and other organizations with a focus on using renewable energy and energy efficiency technologies. One of EERE's functions is to encourage the growth of such technologies by offering funding opportunities for their development and demonstration.<sup>42</sup> According to the EERE, most grants are selected competitively through funding opportunity announcements (FOAs) and solicitations that occur from time to time. FOA's are posted online with directions and information for finding funding opportunities, for applying for funding, and for managing awards, as well as necessary forms.<sup>43</sup>

The National Renewable Energy Laboratory (NERL) is a research arm of the USDOE. The NERL in a recent study introduced the term "automated mobility districts" to describe a campus-sized implementation of automated vehicle technology to realize the benefits of fully-automated vehicle mobility service. Such districts are envisioned to use fully automated and driverless vehicles, service is confined to a geographic boundary that encompasses a relatively dense area of trip attractions, and mobility within the district is restricted to or dominated by automated vehicles. The NERL has concluded that its initial study "points to the need to better understand ride-sharing scenarios and calls for future research on sustainability benefits of an AMD system at both vehicle and system levels."<sup>44</sup>

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<sup>41</sup> These provisions, known as the No-Fault Law, require coverage for personal injury protection to the named insured, relatives residing in the same household, persons operating the insured motor vehicle, passengers in the motor vehicle, and other persons struck by the motor vehicle and suffering bodily injury while not an occupant to a limit of \$10,000 in medical and disability benefits and \$5,000 in death benefits.

<sup>42</sup>See the EERE website available at: <https://www.energy.gov/eere/funding/eere-funding-opportunities>. (Last visited April 14, 2017.)

<sup>43</sup>*Id.*

<sup>44</sup>See *Estimate of Fuel Consumption and GHG Emission Impact on an Automated Mobility District*, Chen, Young, Gonder, and Qi, presented at the 4<sup>th</sup> International Conference on Connected Vehicles & Expo in Shenzhen, China, October 19-23, 2015, available at: <http://www.nrel.gov/docs/fy16osti/65257.pdf>. (Last visited April 14, 2017.)

***Effect of Proposed Changes:***

**Section 4** of the bill creates s. 316.853, F.S., to define the term “automated mobility districts” to mean a master planned development or combination of contiguous developments in which the deployment of autonomous vehicles as defined in s. 316.003, F.S., as the basis for a shared mobility system is a stated goal or objective of the development or developments. The FDOT is directed to designate such districts. In determining eligibility of a development for such designation, the FDOT must consider applicable criteria from federal agencies for autonomous mobility districts and apply those criteria to eligible developments in the state.

According to proponents, this proposed statute is expected to increase the likelihood of receiving approval of federal grant applications for funding opportunities associated with the deployment of autonomous vehicles in Florida.

**Bridge Inspection Frequency (Section 6)*****Present Situation:****National Bridge Inspection Standards*

Federal law requires the U.S.D.O.T. Secretary, in consultation with states and Federal agencies having jurisdiction, to inventory all highway bridges on public roads; to classify the bridges according to serviceability, safety, and essentiality for public use; and to assign each bridge a risk-based priority for systematic preventative maintenance, replacement, or rehabilitation.<sup>45</sup> The Federal-aid Highway Act of 1968 required the Secretary to develop regulations establishing national bridge inspection standards with the primary purpose of locating and evaluating existing bridge deficiencies to ensure the safety of the traveling public. The current standards are specified in 23 C.F.R. 650, Subpart C, and apply to all highway bridges located on all public roads.

States are required by the standards to inspect all highway bridges located on public roads that are fully or partially located within the state, except for bridges owned by Federal agencies. Inspections are to be conducted in accordance with the American Association of State Highway and Transportation Officials *Manual for Condition Evaluation of Bridges*, which “serves as a standard and provides uniformity in the procedures and policies for determining the physical condition, maintenance needs, and load capacity of the Nation’s highway bridges.”<sup>46</sup>

*National Inspection Frequency Revisions*

Before 2005, with specific reference to frequency of bridge inspections, the national standards generally required each bridge to be inspected at regular intervals not to exceed two years but recognized that certain bridges require inspection at less than two-year intervals. Those earlier standards also recognized that the maximum inspection interval for certain bridges could be appropriately increased in cases in which past inspection reports and favorable experience and

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<sup>45</sup> See 23 U.S.C. 144 (2015).

<sup>46</sup> *Federal Register*, Vol. 74, no. 246, Thursday, December 24, 2009, at 68378.

analysis justified an increase. States were authorized to submit a detailed proposal and supporting data for approval of an increased interval, but in no case could the maximum time period between inspections exceed four years.

Changes to the standards, effective January 13, 2005, among other items, included expansion of the bridge inspection frequency provisions, such that the FDOT is required to:

- Inspect each bridge at regular intervals not exceeding 24 months for routine inspections;<sup>47</sup> establish criteria to determine the level and frequency of inspection of bridges at less than 24-month intervals, considering such factors as age, traffic characteristics, and known deficiencies; and seek written approval from the Federal Highway Administration (FHWA) to inspect certain bridges at greater than 24-month intervals if past inspection findings and analyses justify an increased interval.
- Inspect underwater structural elements at regular intervals not exceeding 60 months; establish criteria to determine the level and frequency of inspection of these elements at less than 60-month intervals, considering such factors as construction material, environment, age, scour characteristics, condition rating from past inspections, and known deficiencies; and seek written approval from the FHWA to inspect certain underwater structural elements at greater than 60-month intervals, but not exceeding 72 months, if past inspection findings and analysis justify an increased interval.
- Inspect fracture critical members (FCMs)<sup>48</sup> at intervals not to exceed 24 months; establish criteria to determine the level and frequency of inspection of FCMs at less than 24-month intervals, considering such factors as age, traffic characteristics, and known deficiencies; and establish criteria to determine the level and frequency of damage, in-depth, and special inspections.<sup>49</sup>

### *Compliance Reviews*

States are subject to an annual review for compliance with the national standards using 23 metrics<sup>50</sup> that contain criteria for assessing a state's compliance with each metric. A state is notified of any finding of noncompliance and provided an opportunity for correction. If a state ultimately remains noncompliant, the penalty is that the state must dedicate certain funds that

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<sup>47</sup> "Routine inspection" is defined as a regularly scheduled inspection consisting of observations and/or measurements needed to determine the physical and functional condition of the bridge, to identify any changes from initial or previously recorded conditions, and to ensure that the structure continues to satisfy present service requirements. 23 C.F.R. 650.305 (4-1-16).

<sup>48</sup> "Fracture critical member" is defined as a member in tension, or with a tension element, whose failure would probably cause a portion of or the entire bridge to collapse. A "fracture critical member inspection" is defined as a hands-on inspection of a fracture critical member or member components that may include visual and other non-destructive evaluation. *Id.*

<sup>49</sup> "Damage inspection" is defined as an unscheduled inspection to assess structural damage resulting from environmental factors or human actions. "In-depth inspection" is defined as a close-up inspection of one or more members above or below the water level to identify any deficiencies not readily detectable using routine inspection procedures, with hands-on inspection being necessary at some locations. "Special inspection" is defined as an inspection scheduled at the discretion of the bridge owner, used to monitor a particular known or suspected deficiency. *Id.*

<sup>50</sup> See the *Federal Register*, Vol. 79, No. 91, Monday, May 12, 2014, for a listing of each metric and citations to their locations in the Code of Federal Regulations, as well as an overview of the compliance review process.



would otherwise be available for projects to correcting the noncompliance.<sup>51</sup> The FDOT advises it has received no such notification.<sup>52</sup>

### *Florida Bridge Inspection Law*

The existing Florida Statutes do not comply with the described national bridge inspection frequency provisions. Currently, Florida law requires the governmental entity having maintenance responsibility for each bridge on a public transportation facility to inspect such bridges at regular intervals not to exceed two years.<sup>53, 54</sup>

The FDOT does have already-established criteria for routine inspections at intervals not exceeding 24 months, and for certain other inspection levels and frequencies for bridges determined to require inspection at less than 24-month intervals.<sup>55</sup> However, because of the existing state mandate for inspection of each bridge at intervals *not exceeding* 2 years, the FDOT has not developed nor sought written approval from the FHWA for the inspection intervals, criteria, and FHWA approvals required by the revised national standards.

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

**Section 6** amends s. 335.074(2), F.S., to require bridge inspections at regular intervals *as required by the Federal Highway Administration*, rather than at intervals not exceeding 2 years. This revision will allow the FDOT to seek FHWA approval of its existing procedures, develop and establish the criteria for the required increased inspection intervals, and obtain the FHWA's approval, consistent with the revised national standards. A potential but likely insignificant<sup>56</sup> diversion of federal funds from actual projects to noncompliance correction is avoided.

## **Highway Memorial Markers/Traffic-Related Fatalities (Section 7)**

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

Current Florida law contains no provision specifically relating to the placement of roadside memorial markers at or near the location of traffic-related fatalities on the State Highway System.<sup>57</sup> Current state law also contains no provision addressing the use of belief system symbols or imagery on roadside memorial markers. Research suggests some states ban roadside markers outright as a matter of safety, without regard to symbols or imagery. Other states, including Florida, have programs or policies for roadside markers that use a standard round sign with a safety message, such as, "Drive Safely," with the deceased person's name on the sign.

<sup>51</sup> These are National Highway Performance Program funds and Surface Transportation Block Grant Program funds. *See* 23 U.S.C. 144(h)(5) (2015).

<sup>52</sup> Telephone conversation with the FDOT staff, January 26, 2017.

<sup>53</sup> Section 335.074(2), F.S.

<sup>54</sup> Section 335.074(3)(b), F.S., requires each governmental entity to report its inspections to the FDOT.

<sup>55</sup> *See* the FDOT Procedure 850-010-030-j, section 3.2. (Copy on file in the Senate Transportation Committee.)

<sup>56</sup> Telephone conversation with the FDOT staff February 1, 2017.

<sup>57</sup>Section 334.044(24), F.S., defines "State Highway System" as the interstate system and all other roads within the state that were under the jurisdiction of the state on June 10, 1995, and roads constructed by an agency of the state for the State Highway System, plus roads transferred to the state's jurisdiction after that date by mutual consent with another governmental entity, but not including roads so transferred from the state's jurisdiction. These facilities are facilities to which access is regulated.

Still other states appear to allow roadside memorials for a limited time, after which they are removed, but whether those memorials may display belief system symbols or imagery is not clear. Arizona's Roadside Memorial *Policy* allows markers to "incorporate various types of symbols."<sup>58</sup>

Emblems of belief are allowed under certain conditions in National Cemeteries. The U.S. Department of Veterans Affairs National Cemetery Administration (Administration) prohibits graphics, logos, or symbols on government-furnished headstones or markers placed in National Cemeteries, other than the available emblems of belief, the Civil War Union Shield, the Civil War Confederate Southern Cross of Honor, and the Medal of Honor insignias.

An "emblem of belief" is defined in federal regulations to mean an emblem that represents the decedent's religious affiliation or sincerely held religious belief system, or a sincerely held belief system that was functionally equivalent to a religious belief system in the life of the decedent. In the absence of evidence to the contrary, the Veterans Administration will accept as genuine an applicant's statement regarding the sincerity of the religious or functionally equivalent belief system of a deceased eligible individual. The religion or belief system represented by an emblem need not be associated with or endorsed by a church, group or organized denomination. Emblems of belief do not include social, cultural, ethnic, civic, fraternal, trade, commercial, political, professional or military emblems.<sup>59, 60</sup>

Emblems of belief for inscription on government-furnished headstones and markers may be requested by the decedent's next of kin, a person authorized in writing by the next of kin, or a personal representative authorized in writing by the decedent.<sup>61</sup>

After establishing the decedent's initial eligibility, emblems of belief not available for inscription on headstones and markers may be requested by application that contains:

- Certification by the applicant that the proposed new emblem represents the decedent's religious affiliation or sincerely held religious belief system, or a sincerely held belief system that was functionally equivalent to a religious belief system in the life of the decedent;<sup>62</sup> and
- A three-inch diameter digitized black and white representation of the requested emblem that can be reproduced in a production-line environment.<sup>63</sup>

In the absence of evidence to the contrary, the Administration will accept as genuine an applicant's statement regarding the sincerity of the religious or functionally equivalent belief system. If a dispute arises, federal regulation provides for resolution first in accordance with any specific instructions given by the decedent, second in accordance with the instructions of the

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<sup>58</sup> Copy available at: <http://azdot.gov/docs/default-source/about/roadside-memorial-policy.pdf?sfvrsn=0>. (Last visited April 5, 2017.)

<sup>59</sup> 38 C.F.R. 38.632(b)(2) (7-1-16).

<sup>60</sup> See the Administration's website, which reflects the currently approved emblems of belief, available at: <https://www.cem.va.gov/hmm/emblems.asp>. (Last visited April 14, 2017.)

<sup>61</sup> 38 C.F.R. 38.632(b)(1) (7-1-16).

<sup>62</sup> 38 C.F.R. 38.632(e)(1) (7-1-16).

<sup>63</sup> 38 C.F.R. 38.632(e)(2) (7-1-16).

decedent's surviving spouse and, if no surviving spouse, in accordance with the agreement and written consent of the decedent's living next of kin.<sup>64</sup>

***Effect of Proposed Changes:***

**Section 7** of the bill creates s. 335.094, F.S., relating to highway memorial markers, modeled after the National Cemetery regulations. Recognizing the FDOT's mission to provide a safe transportation system, the bill expresses Legislative intent that the FDOT allow the use of highway memorial markers at or near the location of traffic-related fatalities on the State Highway System to raise public awareness and remind motorists to drive safely, by memorializing people who have died as a result of a traffic-related crash.

The FDOT is required to establish a process, including any forms deemed necessary, for submitting applications for installation of memorial markers. The bill authorizes the following individuals to submit applications:

- A member of the decedent's family, which includes the decedent's spouse; a child, parent, or sibling of the decedent, whether biological, adopted, or step relation; and any lineal or collateral descendant of the decedent; or
- Any individual who is responsible under the laws of this state for the disposition of the unclaimed remains of the decedent or for other matters relating to the interment or memorialization of the decedent.

The FDOT must establish criteria for the design and fabrication of the markers, including, but not limited to, marker components, fabrication material, and size.

At no charge to the applicant, the FDOT is authorized to install a marker described as a round aluminum sign panel with white background and black letters uniformly inscribed "Drive Safely, In Memory Of" followed by the decedent's name.

On request of the applicant and payment of a reasonable fee set by the FDOT to offset production costs, the marker may incorporate the available emblems of belief approved by the National Cemetery Administration. An applicant may request a new emblem not specifically approved by the Administration for inscription on a marker as follows:

- The applicant must certify that the propose new emblem represents the decedent's religious affiliation or sincerely held religious belief system, or a sincerely held belief system that was functionally equivalent to a religious belief system in the life of the decedent.
- In the absence of evidence to the contrary, the FDOT is directed to accept as genuine an applicant's statement of the religious or functionally equivalent belief system of a decedent.

If the FDOT determines that any application is incomplete, the FDOT is directed to notify the applicant in writing of the missing information, and that no further action on the application will be taken until the missing information is provided.

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<sup>64</sup> 38 C.F.R. 38.632(g) (7-1-16).

For any approved application, the FDOT is directed to place a memorial marker at or near the location of the fatality in a fashion that reduces driver distraction and positions the marker as near the right-of-way line as possible.

Lastly, the bill provides that memorial markers are intended to remind passing motorists of the dangers of unsafe driving and are not intended for visitation, and directs the FDOT to remove a marker if the FDOT determines its presence creates a safety hazard. In such cases, the FDOT is directed to post a notice near where the marker was located indicating the marker has been removed and provide contact information for pickup of the marker. The FDOT must store any removed marker for 60 days and may thereafter, at its discretion, dispose of any marker not claimed.

### **Fast Response Contracts Cap (Section 8)**

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

##### *FDOT Contracting Authority*

Generally, the FDOT is authorized to enter into contracts for the construction and maintenance of all roads designated as part of the State Highway System, the State Park Road System, or of any roads placed under its supervision by law. This authorization includes construction and maintenance contracts for rest areas, weigh stations, and other structures, including roads, parking areas, supporting facilities and associated buildings used in connection with such facilities. With certain exceptions, these contracts must be advertised for competitive bidding, and such contracts generally must be awarded to the lowest responsible bidder.<sup>65</sup>

##### *Required Surety Bond*

A successful bidder on a construction or maintenance contract is required to post a surety bond in an amount equal to the awarded contract price with certain exceptions. One exception is the FDOT's authorization to waive all or a portion of the bond requirement if the contract price is \$250,000 or less, and if the FDOT determines that the project is of a noncritical nature and that nonperformance will not endanger public health, safety, or property.<sup>66</sup> With respect to construction contracts, the FDOT may waive all or a portion of a bond for contracts of \$150,000 or less if the FDOT makes the same determination.<sup>67</sup>

##### *Fast Response Contracting Cap*

One of the exceptions to the competitive bidding requirement currently authorizes the FDOT, under certain conditions, to enter into construction and maintenance contracts, up to the amount of \$120,000, without advertising and receiving competitive bids. The FDOT may exercise this authority when the FDOT determines that doing so is in the best interest of the public for reasons

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<sup>65</sup> Section 337.11, F.S.

<sup>66</sup> Section 337.18(1), F.S.

<sup>67</sup> Section 337.14(2), F.S.

of public concern, economy, or improved operations or safety, and only when circumstances dictate rapid completion of the work:

- To ensure timely completion of projects or avoidance of undue delay for other projects;
- To accomplish minor repairs or construction and maintenance activities for which time is of the essence and for which significant cost savings would occur; or
- To accomplish nonemergency work necessary to ensure avoidance of adverse conditions that affect the safe and efficient flow of traffic.<sup>68</sup>

The FDOT is required to make a good faith effort to obtain two or more quotes, if available, from qualified contractors before entering into any contract and give consideration to disadvantaged business enterprise participation. If, however, the work exists within the limits of an existing contract, the FDOT must make a good faith effort to negotiate and enter into a contract with the prime contractor on the existing contract. These contracts fund projects such as sinkhole repairs that protect roadways and other infrastructure, traffic railing and guardrail repairs needed to protect the safety of the traveling public, and drainage and inlet work that prevents roadway flooding during heavy rain.

When first enacted in 1999, the threshold amount was set at \$60,000,<sup>69</sup> and the Legislature increased that amount to the current \$120,000 in 2002.<sup>70</sup>

#### *Construction Costs and Inflation*

The FDOT advises that the usefulness of this statute has been limited by increased construction costs due to inflation and notes the only issue with meeting the conditions outlined in the statute is the current \$120,000 cap. The FDOT performed an analysis to reach an approximate estimate of the current \$120,000 contract cap converted to present-day costs, concluding that the current cap, adjusted for inflation, amounts to over \$200,000.<sup>71</sup> The FDOT advises that increasing the current cap to \$250,000 “will account for increased construction costs and extend the Department’s ability to quickly respond to construction and maintenance needs that are in the best interest of safety and the economy.”<sup>72</sup>

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

**Section 8** amends s. 337.11(6)(c), F.S., to increase the current \$120,000 threshold amount to \$250,000. The FDOT will be authorized to enter into maintenance and construction contracts, after making the necessary determination and when circumstances dictate rapid completion of the work, up to a contract amount of \$250,000. The FDOT’s described authority to waive all or a portion of a required surety bond remains unchanged.

<sup>68</sup> Section 337.11(6)(c), F.S.

<sup>69</sup> Ch. 99-385, Laws of Fla.

<sup>70</sup> Ch. 2002-20, Laws of Fla.

<sup>71</sup> See the FDOT’s Office of Policy Planning document, *Advisory Inflation Factors for Previous Years (1987-2016)*, available at: <http://www.fdot.gov/planning/policy/costs/retrocostinflation.pdf>. (Last visited January 25, 2017.)

<sup>72</sup> See the FDOT’s 2017 Legislative Proposal, *Rapid-Response Contracts-Price Increase*. (On file in the Senate Transportation Committee.)

## Turnpike Revenue Bonds/Bond Validation (Sections 9 and 15)

### *Present Situation:*

#### *Bond Validation*

The Division of Bond Finance (DBF) is authorized to issue revenue bonds on behalf of the FDOT to finance or refinance the cost of legislatively approved turnpike projects in accordance with s. 11(f), Art. VII of the State Constitution.<sup>73</sup> The state or its agencies may issue revenue bonds without a vote of the electors to finance or refinance the cost of state fixed capital outlay projects<sup>74</sup> authorized by law, and purposes incidental thereto, which bonds are payable solely from funds other than state tax revenues; e.g., toll revenues.<sup>75</sup> The DBF must submit a proposed bond issuance for approval by the State Board of Administration.<sup>76</sup> The Board, by resolution, may authorize the DBF to issue bonds on behalf of a state agency at one time or from time to time,<sup>77</sup> and the Board must approve all bonds to be issued by the DBF as to fiscal sufficiency.<sup>78</sup>

Once approved, such bonds must be validated under ch. 75, F.S.<sup>79</sup> In a bond validation proceeding, the entity authorized by law to issue bonds files a complaint to establish its authority to incur bonded debt, as well as the legality of all proceedings in connection with the bond issuance.<sup>80</sup> A final judgment validating such bonds is “forever conclusive” and may not be challenged in any court by any person or party.<sup>81</sup>

As described by the DBF with specific reference to Turnpike bonds:

Bond validation is a judicial procedure through which the legality of a proposed bond issue may be determined in advance of its issuance. It serves to assure bondholders that future court proceedings will not invalidate a government’s pledge to repay the bonds. Validation is generally not necessary for established borrowing programs, such as Turnpike bonds, where any legal issues relating to the bonds have been resolved previously. Validation is optional for almost all bonds issued by the Division of Bond Finance, including Public Education Capital Outlay Bonds and University Revenue Bonds. If a constitutional or statutory

<sup>73</sup> Section 338.227(3), F.S.

<sup>74</sup> Defined in s. 216.011(1)(p), F.S., to mean the appropriation category used to fund real property (land, buildings, including appurtenances, fixtures and fixed equipment, structures, etc.), including additions, replacements, major repairs, and renovations to real property which materially extend its useful life or materially improve or change its functional use and including furniture and equipment necessary to furnish and operate a new or improved facility, when appropriated by the Legislature in the fixed capital outlay appropriation category.

<sup>75</sup> See also s. 215.59(2) and s. 215.79, F.S.

<sup>76</sup> The State Board of Administration, created by the Florida Constitution, is governed by the Governor as the Chair of the Board of Trustees, the Chief Financial Officer, and the Attorney General. The Board is one of several boards and commissions making up the Florida Cabinet system. The Florida Cabinet consists of the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture.

<sup>77</sup> Section 215.68, (1), F.S.

<sup>78</sup> Section 215.73, F.S.

<sup>79</sup> Section 215.82(2), F.S.

<sup>80</sup> See s. 75.02, F.S.

<sup>81</sup> Section 75.09, F.S.

question arises for a proposed bond issue, a complaint for validation may be filed in circuit court even if validation is not required.<sup>82</sup>

### *Required Notice Publication*

In any action to validate bonds issued pursuant to s. 338.227, F.S., the complaint must be filed in the circuit court of Leon County, and the notice required by s. 75.06, F.S., must be published in a newspaper of general circulation *in Leon County and in two other newspapers of general circulation in the state.*<sup>83</sup> The complaint and order of the circuit court must be served only on the state attorney of the circuit in which the action is pending (the Second Circuit).

Section 75.06(2), F.S., requires the clerk, before the date set for hearing on a complaint to validate Turnpike bonds, to publish a copy of the court's order requiring appearance at the hearing in Leon County at least once each week for two consecutive weeks, commencing with the first publication, which may not be less than 20 days before the date set for hearing, *in a newspaper in each of the counties where the proceeds of the bonds are to be expended, and in a newspaper published in Leon County.*<sup>84</sup>

However, if publication pursuant to s. 215.82, F.S., would require publication in more newspapers than would publication pursuant to s. 75.06, F.S., then publication pursuant to s. 75.06, F.S., controls.<sup>85</sup> The currently required publication is dependent upon the geographic reach of the project(s) for which funding through bond issuance is sought.

### *Effect of Proposed Changes:*

The bill leaves validation of turnpike bonds to the discretion of the DBF and limits provisions relating to publication of the required notice.

**Section 9** creates subsection (5) of s. 338.227, F.S., to:

- Provide turnpike bonds issued pursuant to that section are not required to be validated pursuant to chapter 75, F.S., notwithstanding s. 215.82, F.S.;
- Provide for validation at the option of the DBF; and
- Require the notice under s. 75.06, F.S., to be published only in Leon County.

**Section 15** amends s. 215.82(2), F.S., to strike the reference to s. 338.227, F.S., and add a reference to the language in newly created s. 338.227(5), F.S.

## **Emergency Work Program Amendments (Section 10)**

### *Present Situation:*

#### *The FDOT's Work Program*

<sup>82</sup> See copy of email from the Florida Division of Bond Finance to House staff dated January 27, 2015 (On file with the Senate Committee on Transportation).

<sup>83</sup> Emphasis added.

<sup>84</sup> Emphasis added.

<sup>85</sup> See s. 215.82(2), F.S.

The FDOT is responsible for developing a five-year plan of transportation projects in partnership with other entities such as communities, metropolitan planning organizations, local governments, other state and federal agencies, modal partners, and regional entities. Each of the FDOT's districts develops a "district work program," which is a five-year listing of transportation projects planned for each fiscal year and submitted to the FDOT's central office for review. The central office then develops a "tentative work program" (TWP) based on the district work programs. The TWP is a future five-year listing of all projects planned for each fiscal year, setting forth all projects by phase to be undertaken during the ensuing fiscal year and planned for the successive four fiscal years. On July 1 of each year, the FDOT adopts the "adopted work program," (AWP) which is the five-year listing of all projects planned for each fiscal year, including the current fiscal year.<sup>86</sup>

The TWPs and AWP's must set out the proposed commitments and planned expenditures for the projects listed and be based on a complete, balanced financial plan.<sup>87</sup> Commitments<sup>88</sup> generally must be planned so as to deplete the estimated resources for the fiscal year.<sup>89</sup> Budgeting in excess of revenues received from various sources is prohibited.<sup>90</sup> The FDOT may include in each new TWP proposed changes to the projects contained in the previous AWP but is required to minimize changes to the four common fiscal years contained in the previous AWP and the new TWP.<sup>91</sup>

#### *Amending the Adopted Work Program*

The AWP may be amended, subject to certain procedures. The FDOT may amend the AWP to transfer fixed capital outlay appropriations for projects within the same appropriations category or between appropriations categories, including the following:

- To delete any project or project phase estimated to cost over \$150,000;
- To add a project estimated to cost over \$500,000;
- To advance or defer to another fiscal year a right-of-way phase, a construction phase, or a public transportation project phase estimated to cost over \$1.5 million, with certain exceptions; or
- To advance or defer to another fiscal year any preliminary engineering phase or design phase estimated to cost over \$500,000, with certain exceptions.<sup>92, 93</sup>

<sup>86</sup> See s. 339.135, F.S.

<sup>87</sup> Section 339.135(3)(a), F.S.

<sup>88</sup> The FDOT operates on a cash flow-commitment basis. Multi-year transportation projects begin before the total amount of cash is available to fund the entire project. Future revenues are used to pay for a project as actual expenditures occur. The FDOT measures and evaluates anticipated future revenues against total and planned project commitments. See the FDOT's *Work Program 101* computer based training available at: <http://wbt.dot.state.fl.us/ois/WorkProgram101CBT/index.shtm>. (Last visited December 2, 2016.)

<sup>89</sup> Section 339.135(3)(b), F.S.

<sup>90</sup> Section 339.315(3)(c), F.S.

<sup>91</sup> Section 339.315(4)(b)3., F.S.

<sup>92</sup> Section 339.135(7)(c), F.S.

<sup>93</sup> FDOT Districts may loan funds between districts, under specified conditions. Such loans constitute an amendment to the AWP per s. 339.135(7)(b), F.S., and are subject to the same budget amendment threshold amounts contained in s. 339.135(7)(c), F.S. The FDOT is required to index the thresholds to the Consumer Price Index or similar inflation indicators no more frequently than once a year, subject to specified notice and review procedures



If the FDOT proposes any amendment to the AWP described above the FDOT must submit the proposed amendment to the Governor for approval.<sup>94</sup> The FDOT must notify:

- The chairs of the appropriations and transportation committees;
- Each member of the Legislature representing a district affected by the proposed amendment; and
- Each affected metropolitan planning organization (MPO) and unit of local government, if not notified in connection with the 14-day comment period.<sup>95</sup>

Current law prohibits the Governor from approving a proposed amendment until 14 days following the notification to the committee chairs, Legislative members, MPOs, and local governments.<sup>96</sup> If either of the appropriations committee chairs, the Senate President, or the House Speaker objects in writing to a proposed amendment within 14 days following the notification and specifies the reason for the objection, the Governor must disapprove the proposed amendment.<sup>97</sup>

Any work program amendment that also requires the transfer of fixed capital outlay<sup>98</sup> appropriations between categories within the FDOT, or the increase of an appropriation category, is subject to the approval of the Legislative Budget Commission (LBC), if not subject to legislation enacted in 2016.<sup>99</sup> The 2016 legislation required LBC approval of any work program amendment in excess of \$3 million that also adds a new project, or phase thereof, to the AWP.<sup>100</sup>

#### *Emergency Work Program Amendments*

Recognizing that circumstances can arise that would make the above-described processes unworkable, existing law makes provision for emergencies. Notwithstanding the notification and approval requirements described above and the requirement for LBC review of amendments transferring fixed capital outlay appropriations between categories,<sup>101</sup> current law authorizes the FDOT secretary to request AWP amendments when an emergency<sup>102</sup> exists and the emergency relates to the repair or rehabilitation of any state transportation facility. The Governor may grant approval and amend the FDOT's approved budget if a delay due to the notification requirements described above would be detrimental to the interests of the state. The FDOT must immediately

<sup>94</sup> If the amendment deletes or defers a capacity project construction phase, affected counties and cities must be given a 14-day comment period prior to the amendment being submitted to the Governor. Section 339.135(7)(d)1., F.S.

<sup>95</sup> Section 339.135(7)(d)2., F.S.

<sup>96</sup> Section 339.135(7)(d)3., F.S.

<sup>97</sup> Section 339.135(7)(d)4., F.S.

<sup>98</sup> Defined in s. 216.011(1)(p), F.S., to mean the appropriation category used to fund real property (land, buildings, including appurtenances, fixtures and fixed equipment, structures, etc.), including additions, replacements, major repairs, and renovations to real property which materially extend its useful life or materially improve or change its functional use and including furniture and equipment necessary to furnish and operate a new or improved facility, when appropriated by the Legislature in the fixed capital outlay appropriation category.

<sup>99</sup> Section 339.135(7)(g), F.S.

<sup>100</sup> Section 339.135(7)(h), F.S.

<sup>101</sup> Section 339.135(7)(e), F.S., also expressly notwithstanding the provisions of s. 216.772(2), F.S., relating to certain other notice, review, and objection procedures with respect to appropriations, and s. 216.351, F.S., providing that subsequent inconsistent laws supersede that chapter only by express reference to that section.

<sup>102</sup> Defined by s. 252.34(4), F.S., to mean any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

notify the committee chairs and the affected Legislative members, MPOs, and local governments, and provide written justification for the emergency action within seven days after approval.<sup>103</sup>

The FDOT notes that this exemption ensures that emergency repairs proceed quickly, protecting the safety and convenience of the traveling public.<sup>104</sup> However, when the 2016 legislation was enacted to require LBC approval of any work program amendment in excess of \$3 million that also adds a new project, or phase thereof, to the AWP, no exception from the notification, approval, and LBC-review requirements was granted for emergencies. The FDOT seeks to clarify that emergency work program amendments are also exempt from the LBC approval requirement of the 2016 legislation. In Fiscal Year 2016-2017 so far, the FDOT advises only one work program amendment was submitted for LBC review that, under the proposed revision, would not have been submitted.<sup>105</sup>

***Effect of Proposed Changes:***

**Section 10** amends s. 339.135(7)(e), F.S., relating to emergency amendment of the FDOT's work program, to insert a cross-reference to subsection (h), relating to the 2016 requirement for LBC review and approval of any work program amendment in excess of \$3 million that also adds a new project, or phase thereof, to the AWP. This revision results in an exception to LBC review and approval of such amendments in the case of emergencies, under the conditions specified in current law.

**Florida Highway Beautification Council Repeal/FDOT Grant Program (Section 11)**

***Present Situation:***

*The Council's Role*

Section 339.2405, F.S., established the Florida Highway Beautification Council (Council) within the FDOT in 1987. The Council consists of seven members appointed by and serving at the pleasure of the Governor, with each chair selected by the Council members and serving a two-year term. Currently, all appointed members must be residents of this state. Of the seven members, two must be private citizens and one each must be:

- A licensed landscape architect;
- A representative of the Florida Federation of Garden Clubs, Inc.;
- A representative of the Florida Nurserymen and Grower Association;
- An FDOT representative designated by the FDOT secretary; and
- A representative of the Department of Agriculture and Consumer Services.

The Council is required to meet at least semiannually and may prescribe, amend, and repeal bylaws. The Council's duties are to:

<sup>103</sup> Current law prohibits amending the AWP for emergency purposes unless the FDOT's comptroller certifies the availability of sufficient funds. Section 339.135(7)(e), F.S.

<sup>104</sup> See the FDOT's 2017 Legislative Proposal, *Work Program Amendments-LBC/Emergency Projects*. (On file in the Senate Transportation Committee.)

<sup>105</sup> See the FDOT's response to staff questions. (On file in the Senate Transportation Committee.)

- Provide information to local governments and local highway beautification councils about the state highway beautification grants program;
- Accept and review grant requests from local governments;
- Establish rules for evaluating and prioritizing the grant requests;
- Maintain a prioritized list of approved grant requests;
- Assess the feasibility of planting and maintain indigenous wildflowers and plants, instead of sod groundcovers, along the rights-of-way of state roads and highways;
- At the request of the FDOT secretary, review and make recommendations on any other highway beautification matters; and
- Annually submit to the FDOT secretary a proposal recommending the level of grant funding.

Local councils may be created by local governmental entities or by the Legislature. The local government or governments of the area in which the project is located must approve a grant request before its submission to the Council. After receiving recommendations from the Council, the FDOT secretary must award grants to local governmental entities in the order they appear on the Council's prioritized list and in accordance with available funding.<sup>106</sup>

Beautification grants may be requested only for projects to beautify through landscaping roads on the State Highway System. A grant request must identify all costs associated with the project, including sprinkler systems, plant materials, equipment, and labor. Grant funds must provide for the costs of purchase and installation of a sprinkler system and the cost of plant materials and fertilizer. Grant funds may provide for the costs for labor associated with the installation of plantings.

Each local government that receives a grant is responsible for paying any costs for water, sprinkler system maintenance, and landscaped area maintenance in accordance with a maintenance agreement with the FDOT. Except as provided in the grant, each local government is also responsible for paying any costs for labor associated with plant installation. The FDOT is authorized to provide by contract services to maintain such landscaping at a level not to exceed the cost of routine maintenance of an equivalent un-landscaped area.

#### *The FDOT's Role*

The FDOT reports that each FDOT District appoints a District Highway Beautification Council Grant Manager (District Manager). The District Manager works with the District Landscape Architect and the State Transportation Landscape Architect (STLA), promoting the grant program and assisting applicants through the grant process. Each District Manager compiles and submits to the STLA a district-wide list of all applications received, and the STLA then compiles a statewide list. After the Council ranks each project, the STLA produces a Ranked Listing of the

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<sup>106</sup> Section 334.044(26), F.S., requires the FDOT to allocate no less than 1.5 percent of the amount contracted for roadway and bridge construction projects for the purchase of plant materials. The FDOT advises that highway beautification grant funds are included in its calculation of the 1.5 percent requirement. See the FDOT's response to staff questions. (On file in the Senate Transportation Committee.)

projects. Grants are awarded in the ranked order until the remaining budget is insufficient to fund the next ranked project.<sup>107</sup>

#### *Recent Grant Funding and Council Expenses*

The line items for highway beautification included in the FDOT's budget for the most recent five Fiscal Years is as follows:

<u>Fiscal Year</u>	<u>Line-Item</u>
2012-2013	\$1,000,000
2013-2014	\$1,000,000
2014-2015	\$1,800,000
2015-2016	\$1,817,000
2016-2017	\$1,800,000 <sup>108</sup>

The FDOT is required to provide staff support services to the Council. For Fiscal Years 2012-13 through 2016-17, the FDOT advises it expended \$167,500 for administrative costs and travel to support the Council.<sup>109</sup>

#### *Effect of Proposed Changes*

The bill repeals the Florida Highway Beautification Council and creates the Florida Highway Beautification Grant Program within the FDOT, with the FDOT secretary awarding grants to local governmental entities for beautification of roads on the State Highway System based on the FDOT's prioritized list.

**Section 11** amends s. 339.2405, F.S., creating the Grant Program within the FDOT and repealing all of the provisions relating to the Council, its membership, chair selection, meeting frequency, quorum requirements, compensation, and bylaws, etc.

The current Council duties are transferred to the FDOT, with the exception of assessing the feasibility of planting and maintaining indigenous wildflowers and plants, instead of sod groundcovers, using data from other states. The bill removes the required assessment, as it has been accomplished. The FDOT continues its efforts to improve aesthetics and driver safety while lowering maintenance costs through its Wildflower and Natural Areas Program.<sup>110</sup>

Also removed to conform to the repeal of the Council is its authorization to make recommendations on other highway beautification matters and direction to the FDOT secretary to provide staff support services to the Council. Authorization to create local councils remains in place. The FDOT would rank the requests, rather than the Council, and the FDOT secretary

<sup>107</sup> See the FDOT's 2017 Legislative Proposal, *Repeal of the Florida Highway Beautification Council*. (On file in the Senate Transportation Committee.)

<sup>108</sup> *Id.*

<sup>109</sup> See the FDOT's *Estimated Admin and Travel Expense to Administer the Grants*. (On file in the Senate Transportation Committee.)

<sup>110</sup> See the FDOT website for further information on the current program, including links to the referenced report, a history of the program, the FDOT's current wildflower procedure, and other related details available at: <http://www.fdot.gov/designsupport/wildflowers/default.shtm>. (Last visited March 2, 2017.)

would award grants based on the FDOT's prioritized list of approved grant requests, until the remaining budget is insufficient to fund the next ranked project.

### **South Florida Regional Transportation Authority (SFRTA) Funding and Contracting (Sections 712-14 and 16)**

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

##### *The SFRTA and Funding*

The SFRTA, created in 2003, is an agency of the state established in part II of ch. 343, F.S. The governing body of ten voting members includes:

- One county commissioner each, elected by the county commission from Broward, Miami-Dade, and Palm Beach Counties;
- One citizen who is not a commission member, appointed by each county commission;
- An FDOT district secretary or his designee appointed by the FDOT secretary; and
- Three citizens appointed by the Governor.

Members serve four-year terms, except that the terms of the Governor's appointees must be concurrent.

The SFRTA is authorized to coordinate, develop, and operate a regional transportation system in the tri-county area of Broward, Miami-Dade, and Palm Beach Counties. The SFRTA provides commuter rail service (Tri-Rail) for residents and visitors in the area served. Statutory provisions require each of the three counties served to provide no less than \$2.67 million annually, dedicated by each governing body by October 1 of each year, which funds may be used for capital, operations, and maintenance.<sup>111</sup> Additionally, current law requires each county to annually fund SFRTA operations in an amount no less than \$1.565 million.<sup>112</sup>

Further, if the SFRTA, by December 31, 2015, had not received federal matching funds based on the dedicated \$2.67 million in tri-county funding, current law provides that funding is repealed. The SFRTA's 2016 Comprehensive Annual Financial Report reflects that the three counties contributed approximately \$1.6 million each towards the SFRTA's operating budget in Fiscal Years 2015 and 2016.<sup>113</sup> Thus, it appears the SFRTA received no federal matching funds, and the counties are no longer required to provide the annual \$2.67 million to the SFRTA.

The SFRTA is currently responsible for dispatching, maintenance, and inspection of the South Florida Rail Corridor.<sup>114</sup> Having assumed such responsibility, the FDOT is required to annually transfer to the SFRTA a total of \$42.1 million as follows:

- \$15 million for SFRTA operations, maintenance, and dispatch; and

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<sup>111</sup> Section 348.58(1), F.S.

<sup>112</sup> Section 348.58(3), F.S.

<sup>113</sup> *Supra* note 89.

<sup>114</sup> *Transportation Authority Monitoring and Oversight Fiscal Year 2015 Report*, pp. 197-199, available at: <http://www.ftc.state.fl.us/documents/reports/TAMO/FY2015Report.pdf>. (Last visited March 2, 2017.)

- \$27.1 million for operating assistance, corridor track maintenance, and contract maintenance for the SFRTA.<sup>115</sup>

According to a Florida Transportation Commission report, the FDOT has agreed to cover 100 percent of annual maintenance costs up to \$14.4 million, with shared costs in excess of that amount, pursuant to an Operating Agreement between the FDOT and the SFRTA setting out agreed-upon percentages.<sup>116</sup> The SFRTA's 2016 Comprehensive Annual Financial Report indicates that of the \$102,201,506 million in total revenue for 2016, the FDOT contributed \$55,260,036 million or 54.1 percent.<sup>117</sup>

#### *The FDOT's Oversight Role*

The SFRTA may not commit any funds provided by the FDOT without the FDOT's approval. The FDOT may not unreasonably withhold approval. At least 90 days before advertising any procurement or renewing any existing contract using state funds for payment, the SFRTA must notify the FDOT of the proposed procurement or renewal and the proposed terms. If the FDOT objects in writing within 60 days of receipt of the notice, the SFRTA may not proceed. Failure of the FDOT to object within 60 days is deemed consent.<sup>118</sup> To enable the FDOT's evaluation of the SFRTA's proposed uses of state funds, the SFRTA must annually provide the FDOT with its proposed budget and with any additional documentation or information required by the FDOT.<sup>119</sup>

#### *Recent Contracting*

According to the SFRTA, services for the operation of Tri-Rail are currently provided through four separate contracts covering train operations, maintenance of equipment, train dispatching, and station maintenance. Those contracts expire in June of this year. The SFRTA made a decision to bundle the four contracts into one and, on September 22, 2016, issued a Request for Proposals (RFP). Eighty percent of the scoring of the proposals was to be based on technical ability to do the work; 20 percent was to be based on price. The RFP cautioned proposers not to condition their prices. Proposals were due by December 16, 2016.<sup>120</sup>

According to the SFRTA, five of the six proposers submitted with their price proposals "extraneous" pages with labels such as "Proposal Exceptions," "Exceptions to RFP," and "Pricing Assumptions."<sup>121</sup> Other examples included pages indicating that their price did not include the cost of certain requirements in the RFP or that the price assumed facts that contradicted the RFP.<sup>122</sup> The SFRTA's procurement director determined five of the six proposers had materially and significantly conditioned their proposals — specifically, their price — and that

<sup>115</sup> Section 348.58(4)(a)1., F.S.

<sup>116</sup> *Supra* note 86, p. 197.

<sup>117</sup> At p. 25, available at: [http://www.sfrta.fl.gov/docs/overview/Fiscal-Year-2016\\_Comprehensive-Annual-Financial-Report-FINAL.pdf](http://www.sfrta.fl.gov/docs/overview/Fiscal-Year-2016_Comprehensive-Annual-Financial-Report-FINAL.pdf). (Last visited March 2, 2017.)

<sup>118</sup> Section 348.58(4)(c)1., F.S.

<sup>119</sup> Section 348.58(4)(c)2., F.S.

<sup>120</sup> See the SFRTA presentation to the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 16, 2017, available at:

[http://www.flsenate.gov/media/VideoPlayer?EventID=2443575804\\_2017021204](http://www.flsenate.gov/media/VideoPlayer?EventID=2443575804_2017021204). (Last visited March 2, 2017.)

<sup>121</sup> *Id.* at (52:29).

<sup>122</sup> *Id.* at (53:18).

the proposals were therefore nonresponsive and should be rejected, based on requirements in the RFP.<sup>123</sup>

On January 27, 2017, the SFRTA's governing board approved a Notice of Intent of Contract Award for Request for Proposal 16-010 "Operating Services," reflecting a determination to enter into a contract with an initial seven-year term, plus a three-year renewal option, for a price of \$511,418,271.65.<sup>124</sup>

A request for an injunction to block Tri-Rail from awarding the contract was rejected following issuance of a temporary injunction to enable judicial review of allegations of unfair disqualification. The judge in the case ruled that the plaintiff failed to show any entitlement to a preliminary injunction and had not established a likelihood of success on the merits of their case."<sup>125</sup> Four of the five rejected bidders have timely filed a bid protest with the SFRTA, which is currently under review.<sup>126</sup>

### **The Florida Single Audit Act/Agreements Funded with Federal or State Assistance**

Section 215.97, F.S., creates the Florida Single Audit Act. Among its stated purposes is to establish uniform state audit requirements for state financial assistance provided by state agencies to nonstate entities to carry out state projects.

- "State financial assistance" is defined to mean state resources, not including federal financial assistance and state matching on federal programs, provided to a nonstate entity to carry out a state project, including the types of state resources stated in the rules of the Department of Financial Services established in consultation with all state awarding agencies. State financial assistance may be provided directly by state awarding agencies or indirectly by nonstate entities. The term does not include procurement contracts used to buy goods or services from vendors and contracts to operate state-owned and contractor-operated facility.
- "Nonstate entity" means a local government entity, higher education entity, nonprofit organization, or for-profit organization that receives state financial assistance.

Section 215.971, F.S., requires an agreement that provides state financial assistant to a recipient or subrecipient to include all of the following:

- A scope of work that clearly establishes the tasks to be performed;
- A division of the agreement into deliverables that must be received and accepted in writing by the agency before payment. Deliverables must be directly related to the scope of work. The agreement must specify the required minimum level of service to be performed and criteria for evaluating completion of each deliverable;

<sup>123</sup> *Id.* at (51:15).

<sup>124</sup> Available at: <http://www.sfrta.fl.gov/docs/Procurement/Posting-Notice-Operating-Services.pdf>. (Last visited March 3, 2017.)

<sup>125</sup> *See Transdev Services, Inc., et al., v. South Florida Regional Transportation Authority*, Case No.: 17-000877 CACE(21), Broward County Circuit Court, public copy available at: <https://www.browardclerk.org/Web2/WebForms/Document.aspx?CaseID=ODc4NTc2MA%3d%3d-%2fxl4ct%2bcVyo%3d&CaseNumber=CACE17000877&FragmentID=MjM3NTk1MzQ%3d-tV6MANspieA%3d&DtFile=01/17/2017&DocName=Order&PgCnt=22&UserName=&UserType=Anonymous>. (Last visited March 24, 2017.)

<sup>126</sup> Telephone conversation with the SFRTA staff, March 24, 2017.

- Specification of the financial consequences for failure to perform the minimum level of service.
- Specification that a recipient may expend funds only for allowable costs, and that any balance of unobligated funds and any funds paid in excess of the amount to which the recipient is entitled must be refunded to the state agency; and
- Any additional information required by the Florida Single Audit Act.

In 2016, the FDOT’s Inspector General engaged in an effort “to determine the nature and extent of SFRTA’s expenditures and whether their financial records were in compliance with applicable laws, rules, and regulations.”<sup>127</sup> Based on the SFRTA’s response, the Inspector General requested a determination from the Department of Financial Services whether appropriations to the SFRTA constitute “state financial assistance.”<sup>128</sup> The Inspector General’s report found:

SFRTA, as determined by the Department of Financial Services (DFS), is a Special District and a nonstate entity that is a recipient of state financial assistance.<sup>129</sup> We determined the Operating Agreement<sup>130</sup> between SFRTA and the department does not fully comply with mandatory provisions required by Section 215.971, F.S. nor does it contain the procurement provisions outlined in Chapter 287, F.S. We also determined \$153 million of state appropriations was omitted from audit coverage in accordance with the Florida Single Audit Act for fiscal years 2010/11 to 2014/15. Additionally, SFRTA did not provide a standard operating budget-to-actual expenditure report based upon the use of each grant or funding source.<sup>131</sup>

***Effect of Proposed Changes:***

The bill places restrictions on the SFRTA’s contracting authority and use of state funds and revises the FDOT’s oversight role.

**Section 13** amends s. 343.54, F.S., to prohibit the SFRTA from entering into, extending, or renewing any contract or other agreement under that part without the FDOT’s prior review and written approval of the SFRTA’s proposed expenditures, if such contract or agreement may be funded, in whole or in part, with FDOT-provided funds. The prohibition applies notwithstanding

<sup>127</sup> See *Audit Report No. 141-4002*, available at: <http://www.fdot.gov/ig/Reports/14I-4002%20Final.pdf>. (Last visited March 18, 2017.)

<sup>128</sup> *Audit Report* at 7.

<sup>129</sup> The DFS determined the SFRTA had for nine years submitted financial audit reports per s. 28.39, F.S., as a special district; that a special district as defined by statute is a unit of government created for a special purpose by a special act with jurisdiction to operate within a limited geographic boundary; that the SFRTA was created by the South Florida Regional Transportation Authority Act for the special purpose of operating and managing a transit system in Broward, Miami-Dade and Palm Beach Counties; and that the law limits operations to those counties. The DFS also noted the SFRTA is a state project (a state program that provides state financial assistance to a nonstate organization) that must be assigned a Catalog of State Financial Assistance number and, finally, since state law created the SFRTA to carry out a state project, the SFRTA is a recipient of state financial assistance. *Audit Report*, Appendix J.

<sup>130</sup> The report notes a June 2013 operating agreement between the FDOT and the SFRTA for continuing SFRC operating rights for a 14-year period that included SFRTA’s agreement to conduct all activities in accordance with applicable federal and state laws and regulations and the operating rules, policies, and procedures adopted pursuant to such laws and regulations. *Id.* at 5.

<sup>131</sup> *Audit Report* at 1.



any provision of that part, which contains the SFRTA's authorization to enter into contracts. The SFRTA must obtain the FDOT's approval, under the funding condition specified, to enter into, extend, or renew any contract or other agreement.

**Section 14** amends s. 343.48(4)(c)1., F.S., to remove the current statutory language:

- Prohibiting the FDOT from unreasonably withholding its approval of the SFRTA's commitment of FDOT-provided funds;
- Requiring the SFRTA to notify the FDOT of a proposed procurement or renewal before advertising any procurement or renewing any existing contract that will rely on state funds;
- Requiring the FDOT to object in writing and, if timely, prohibiting the SFRTA from proceeding with the procurement or renewal;
- Providing that the FDOT's failure to timely object constitutes consent; and
- Providing no-impairment-of-contract language for contracts existing as of June 30, 2012.

This section replaces the notice and objection process with language deeming funds provided to the authority by the FDOT under that section to be state financial assistance provided to a nonstate entity to carry out a state project subject to the provisions of ss. 215.97 and 215.971, F.S. The FDOT is directed to provide the funds in accordance with the terms of a written agreement to be entered into between the SFRTA and the FDOT. The agreement must provide for FDOT review, approval, and audit of the SFRTA's expenditure of such funds and must include such other provisions as are required by applicable law. The FDOT is expressly authorized to advance the SFRTA one-fourth of the total funding provided under that section for a state fiscal year at the beginning of each state fiscal year. Thereafter, the bill requires monthly payments over the fiscal year on a reimbursement basis as supported by invoices and such additional documentation and information as the FDOT may reasonably require, and a reconciliation of the advance against remaining invoices in the last quarter of the fiscal year.

This section of the bill also modifies the SFRTA's existing obligation to provide the FDOT with its proposed budget and any additional documentation or information required by the FDOT for its evaluation of SFRTA-proposed uses of state funds by requiring the SFRTA to *promptly* provide such documentation or information.

**Section 12** amends s. 343.52, F.S., to define "department" within Part II of ch. 343, F.S. to mean the Department of Transportation.

**Section 16** of the bill amends s. 343.53, F.S., revising a cross-reference to conform to changes made in the act.

### **Transportation Disadvantaged Services/Transportation Network Companies (Section 17)**

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

The Legislature created the Transportation Disadvantaged (TD) Program in Part I of ch. 427, F.S., in 1979.<sup>132</sup> The TD Program coordinates a network of local and state programs providing transportation services for elderly, disabled, and low-income citizens. In 1989, the Legislature

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<sup>132</sup> 79-180, L.O.F.

created the Commission for the Transportation Disadvantaged (commission) as an independent entity within the Florida Department of Transportation.<sup>133</sup> The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged,<sup>134</sup> with the goal of such coordination to assure the cost-effective provision of transportation by qualified community transportation coordinators<sup>135</sup> or transportation operators.<sup>136</sup> The commission describes the program as “a shared-ride service which, depending on location, may be provided using the fixed route transit or paratransit (door-to-door) service.”<sup>137</sup>

Section 427.011(9), F.S., defines “paratransit” to mean those elements of public transit that provide service between specific origins and destinations selected by the individual user with such service being provided at a time agreed upon by the user and provider of the service. That section also specifies that paratransit services are provided by taxis, limousines, “dial-a-ride,” buses, and other demand-responsive operations characterized by their nonscheduled, nonfixed route nature. Paratransit service has its own challenges, however, such as waiting long periods of time for a ride home after a doctor’s visit or problems getting to a fixed route stop.

Some communities are employing TNCs, such as Uber, Lyft, and SideCar, to improve mobility for transportation disadvantaged persons. For example, the Massachusetts Bay Transportation Authority partnered with Uber and Lyft to provide paratransit services.<sup>138</sup> Here in Florida, the Pinellas Suncoast Transit Authority (PSTA) recently expanded a small pilot project to the entire county. Branded as Direct Connect, the program is designed to give low-cost rides to designated bus stops using Uber, United Taxi, and Lyft.<sup>139</sup> However, current state law does not expressly include TNCs as a provider of transportation disadvantaged services.

***Effect of Proposed Changes:***

**Section 17** amends s. 427.011, F.S., to re-order the definitions alphabetically, re-numbering current subsection (9) as subsection (7), and includes TNCs as a provider of paratransit service, thereby allowing TNCs to provide transportation disadvantaged services.

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<sup>133</sup> 89-376, L.O.F.

<sup>134</sup> A “transportation disadvantaged person” is a person who because of physical or mental disability, income status, or age is unable to transport himself or herself or to purchase transportation and is, therefore, dependent on others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk as defined in s. 411.202, F.S. Section 427.011(1), F.S.

<sup>135</sup> Section 427.011(5), F.S.

<sup>136</sup> A “transportation operator” is one or more public, private for-profit, or private nonprofit entities engaged by the community transportation coordinator to provide service to transportation disadvantaged persons pursuant to a coordinated system service plan. Section 427.011(6), F.S.

<sup>137</sup> See the Commission’s website available at: <http://www.fdot.gov/ctd/communitytransystem.htm>. (Last visited March 27, 2017.)

<sup>138</sup> See *Uber, Lyft partner with transportation authority to offer paratransit customers service in Boston*, available at: [https://www.washingtonpost.com/news/dr-gridlock/wp/2016/09/16/uber-lyft-partner-with-city-to-offer-paratransit-customers-on-demand-service-in-boston/?utm\\_term=.0a9f1dca38bb](https://www.washingtonpost.com/news/dr-gridlock/wp/2016/09/16/uber-lyft-partner-with-city-to-offer-paratransit-customers-on-demand-service-in-boston/?utm_term=.0a9f1dca38bb). (Last visited April 13, 2017.)

<sup>139</sup> See *PSTA Expands Partnership with Uber, Lyft Across Pinellas County*, available at: <https://patch.com/florida/stpete/psta-expands-partnership-uber-lyft-across-pinellas-county>. (Last visited April 14, 2017.)

## **Federal Pilot Program Enrollment**

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

Section 334.044, F.S., sets out a number of the FDOT's powers and duties. Among those are the FDOT's power and duty to:

- Conduct research studies and collect data necessary for the improvement of the state transportation system;
- Conduct research and demonstration projects relative to innovative transportation technologies; and
- Identify, obtain, and administer all federal funds available to the FDOT for all transportation purposes.

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

**Section 18** of the bill creates an unspecified section of Florida law authorizing the Secretary of Transportation to enroll the State of Florida in any federal pilot program or project for the collection and study of data for the review of federal or state roadway safety, infrastructure sustainability, congestion mitigation, transportation system efficiency, autonomous vehicle technology, or capacity challenges.

While research reveals no provision of law expressly authorizing the FDOT to enroll the state in any federal pilot program or project, the FDOT's existing powers and duties appear to grant sufficient authority for the FDOT to enroll the state in a federal pilot program or project relating to the collection and study of data for review of the identified subject matters.

**Section 19** provides the act take effect on July 1, 2017.

## **IV. Constitutional Issues:**

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

Section 18(a), Article VII, of the Florida Constitution provides that no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and unless: funds have been appropriated that have been estimated at the time of enactment to be sufficient to fund such expenditure; the legislature authorizes or has authorized a county or municipality to enact a funding source not available for such county or municipality on February 1, 1989, that can be used to generate the amount of funds estimated to be sufficient to fund such expenditure by a simple majority vote of the governing body of such county or municipality; the law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature; the expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments; or the law is either required to comply with a federal requirement or required for eligibility for a federal entitlement, which federal requirement specifically contemplates actions by counties or municipalities for compliance.

Article VII, section 18(d) of the Florida Constitution provides laws adopted to require funding of pension benefits existing on the effective date of this section, criminal laws, election laws, the general appropriations act, special appropriations acts, laws reauthorizing but not expanding then-existing statutory authority, laws having insignificant fiscal impact, and laws creating, modifying, or repealing noncriminal infractions, are exempt from the requirements of this section.

An exemption from the mandates provision may apply if the expected fiscal impact on municipalities/counties is less than \$2 million. Because the fiscal impact is anticipated to be less than \$2 million, the bill appears to be exempt from the mandate requirements.

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

None.

**C. Trust Funds Restrictions:**

None.

**D. Other Constitutional Issues:**

The provisions relating to highway memorial markers and incorporation of emblems of belief may be subject to challenge under the First Amendment of the U.S. Constitution.<sup>140</sup> If such a legal challenge is made, case law does not provide clear direction as to the legal standard to be used as different “tests” of constitutionality have been applied in establishment clause cases based on various fact patterns leading to an inconsistency in results.<sup>141</sup>

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Section 2: The trucking industry may realize an insignificant positive fiscal impact resulting from the additional weight allowance for natural gas vehicles due to potentially fewer overweight citations.

Section 3: Riders in autonomous vehicles used by TNCs to provide transportation may benefit from the bill’s required insurance coverage. The insurance industry may benefit from increased sales.

<sup>140</sup> Congress shall make no law respecting an establishment of religion....” U.S. Const. amend. I.

<sup>141</sup> *Utah Highway Patrol Association v. American Atheists, Inc.*, decided October 31, 2011, available at: <https://www.supremecourt.gov/opinions/11pdf/10-1276.pdf>. (Last visited April 5, 2017.)

Section 7: Applicants requesting memorial markers incorporating emblems of belief may be required to pay the fee to be set by the FDOT to offset production costs.

Section 8: The FDOT notes an indeterminate positive fiscal impact to the extent a private sector company is awarded a fast response contract and is not required to obtain a surety bond.<sup>142</sup>

C. Government Sector Impact:

Section 2: The FDOT may realize a loss of revenues relating to fewer overweight citations being written. This revenue loss may be offset to an extent by reduced regulatory costs. A potential withholding of federal funds is avoided.

Section 6: The FDOT will incur additional administrative expenses associated with developing the federally required bridge inspection policies and criteria, seeking FHWA approval, and revising relevant policies and procedures, which expenses are expected to be absorbed within existing resources. The FDOT expects cost savings to the extent the FHWA approves bridges for extended inspection frequencies. The FDOT estimates approximately \$500,000 in inspection services could be redirected to bridge repair, rehabilitation, and/or replacement.<sup>143</sup>

Section 7: The FDOT may experience administrative expenses associated with the memorial marker program, offset by the authorized fee for markers incorporating emblems of belief, in an indeterminate amount.

Section 9: The DBF may avoid some costs if it is not required to validate turnpike revenue bonds.

Section 11: Based on costs for Fiscal Years 2012-13 through 2016-17, the FDOT is expected to realize a positive fiscal impact of approximately \$33,400 annually resulting from repeal of the Florida Highway Beautification Council, due to removal of the FDOT's duty to provide for administrative costs and travel to support the Council. The FDOT will absorb administrative expenses associated with revising Rule Chapter 14-40, F.A.C., and implementing the grant program, within existing resources.

Sections 13 and 14: The FDOT and the SFRTA may incur additional administrative expenses associated with the FDOT's review, written approval, and audit of the SFRTA's proposed expenditures using any funding provided to the SFRTA under s. 343.58(4), F.S., as well as administrative expenses associated with the requires reimbursement and reconciliation process.

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<sup>142</sup> See the FDOT's 2017 Legislative Proposal, *Rapid Response Contracts – Price Cap Increase*. (On file in the Senate Transportation Committee.)

<sup>143</sup> See the FDOT's 2017 Legislative Proposal, *Bridge Inspection Frequency*. (On file in the Senate Transportation Committee.)

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends the following sections of the Florida Statutes: 316.545, 335.074, 337.11, 338.227, 339.135, 339.2405, 343.52, 343.54, 343.58, 215.82, and 343.53.

**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 April 13, 2017:**

The recommended CS:

- Directs the FDOT, in consultation with the Department of Highway Safety and Motor Vehicles (DHSMV), to develop a Florida Smart City Challenge grant program;
- Revises autonomous vehicle alert system requirements, consistent with current law, to clarify that an autonomous vehicle may operate in autonomous mode without a person physically present in the vehicle;
- Directs the FDOT to establish a process for applications for placement of roadside memorial markers at or near the location of traffic-related fatalities on the State Highway System to raise public awareness and remind motorists to drive safely.
- Applies certain insurance coverage requirements, should legislation addressing insurance for transportation network companies (TNCs) become law, to autonomous vehicles used by TNCs to provide transportation, regardless of whether a human operator is physically present in the vehicle when the ride occurs;
- Removes the provisions requiring the SFRTA to terminate the Operating Services contract and:
  - Deems funds provided by the FDOT to the SFRTA to be state financial assistance subject to specified accountability requirements;
  - Requires the FDOT to provide funds to the SFRTA in accordance with a written agreement containing certain provisions;
  - Authorizes the FDOT to advance funds to the SFRTA at the start of each fiscal year, with monthly payments for maintenance and dispatch on the South Florida Rail Corridor over the fiscal year on a reimbursement basis;
- Expressly includes transportation network companies (TNCs) in the list of providers of services for the transportation disadvantaged; and
- Authorizes the FDOT Secretary to enroll the state in any federal pilot program or project for the collection and study of specified types of transportation-related data.

**CS by Transportation March 28, 2017:**

A technical amendment to the original bill was adopted to clarify that the 2,000-pound weight allowance for natural gas-powered trucks is in addition to the 500-pound weight allowance for idle reduction technology.

**B. Amendments:**

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2017	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Section 316.0898, Florida Statutes, is created to read:

316.0898 Florida Smart City Challenge grant program.-

(1) The Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, shall develop the Florida Smart City Challenge grant program and shall





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11 establish grant award requirements for municipalities or regions  
12 for the purpose of receiving grant awards. Grant applicants must  
13 demonstrate and document the adoption of emerging technologies  
14 and their impact on the transportation system and must address  
15 at least the following focus areas:

16 (a) Autonomous vehicles.

17 (b) Connected vehicles.

18 (c) Sensor-based infrastructure.

19 (d) Collecting and using data.

20 (e) Electric vehicles, including charging stations.

21 (f) Developing strategic models and partnerships.

22 (2) The goals of the grant program include, but are not  
23 limited to:

24 (a) Identifying transportation challenges and identifying  
25 how emerging technologies can address those challenges.

26 (b) Determining the emerging technologies and strategies  
27 that have the potential to provide the most significant impacts.

28 (c) Encouraging municipalities to take significant steps to  
29 integrate emerging technologies into their day-to-day  
30 operations.

31 (d) Identifying the barriers to implementing the grant  
32 program and communicating those barriers to the Legislature and  
33 appropriate agencies and organizations.

34 (e) Leveraging the initial grant to attract additional  
35 public and private investments.

36 (f) Increasing the state's competitiveness in the pursuit  
37 of grants from the United States Department of Transportation,  
38 the United States Department of Energy, and other federal  
39 agencies.



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40 (g) Committing to the continued operation of programs  
41 implemented in connection with the grant.

42 (h) Serving as a model for municipalities nationwide.

43 (i) Documenting the costs and impacts of the grant program  
44 and lessons learned during implementation.

45 (j) Identifying solutions that will demonstrate local or  
46 regional economic impact.

47 (3) The Department of Transportation shall develop  
48 eligibility, application, and selection criteria for the program  
49 grants and a plan for the promotion of the grant program to  
50 municipalities or regions of this state as an opportunity to  
51 compete for grant funding, including the award of grants to a  
52 single recipient and secondary grants to specific projects of  
53 merit within other applications. The Department of  
54 Transportation may contract with a third party that demonstrates  
55 knowledge and expertise in the focuses and goals of this section  
56 to provide guidance in the development of the requirements of  
57 this section.

58 (4) On or before January 1, 2018, the Department of  
59 Transportation shall submit the grant program guidelines and  
60 plans for promotion of the grant program to the Governor, the  
61 President of the Senate, and the Speaker of the House of  
62 Representatives.

63 (5) This section expires July 1, 2018.

64 Section 2. Present paragraphs (c) and (d) of subsection (3)  
65 of section 316.545, Florida Statutes, are redesignated as  
66 paragraphs (d) and (e), respectively, and a new paragraph (c) is  
67 added to that subsection, to read:

68 316.545 Weight and load unlawful; special fuel and motor



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69 fuel tax enforcement; inspection; penalty; review.-

70 (3)

71 (c)1. For a vehicle fueled by natural gas, the fine is  
72 calculated by reducing the actual gross vehicle weight by the  
73 certified weight difference between the natural gas tank and  
74 fueling system and a comparable diesel tank and fueling system.  
75 Upon the request of a weight inspector or a law enforcement  
76 officer, the vehicle operator shall present a written  
77 certification that identifies the weight of the natural gas tank  
78 and fueling system and the difference in weight of a comparable  
79 diesel tank and fueling system. The written certification must  
80 originate from the vehicle manufacturer or the installer of the  
81 natural gas tank and fueling system.

82 2. The actual gross vehicle weight for vehicles fueled by  
83 natural gas may not exceed 82,000 pounds, excluding the weight  
84 allowed for idle-reduction technology under paragraph (b).

85 3. This paragraph does not apply to vehicles described in  
86 s. 316.535(6).

87 Section 3. Effective upon the same date that SB 340 or  
88 similar legislation takes effect, if such legislation is adopted  
89 in the 2017 Regular Session or any extension thereof and becomes  
90 a law, section 316.851, Florida Statutes, is created to read:

91 316.851 Autonomous vehicles; providing prearranged rides.-

92 (1) An autonomous vehicle used by a transportation network  
93 company to provide a prearranged ride must be covered by  
94 automobile insurance as required by s. 627.748, regardless of  
95 whether a human operator is physically present within the  
96 vehicle when the ride occurs. When an autonomous vehicle is  
97 logged on to a digital network but is not engaged in a



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98 prearranged ride, the autonomous vehicle must maintain insurance  
99 coverage as defined in s. 627.748(7) (b).

100 (2) An autonomous vehicle used to provide a transportation  
101 service shall carry in the vehicle proof of coverage satisfying  
102 the requirements of this section at all times while operating in  
103 autonomous mode.

104 Section 4. Section 316.853, Florida Statutes, is created to  
105 read:

106 316.853 Automated mobility districts.-

107 (1) For the purpose of this section, an "automated mobility  
108 district" means a master planned development or combination of  
109 contiguous developments in which the deployment of autonomous  
110 vehicles as defined in s. 316.003 as the basis for a shared  
111 mobility system is a stated goal or objective of the development  
112 or developments.

113 (2) The Department of Transportation shall designate  
114 automated mobility districts.

115 (3) In determining the eligibility of a community for  
116 designation as an automated mobility district, the Department of  
117 Transportation shall consider applicable criteria from federal  
118 agencies for automated mobility districts and apply those  
119 criteria to eligible developments in this state.

120 Section 5. Paragraph (a) of subsection (1) of section  
121 319.145, Florida Statutes, is amended to read:

122 319.145 Autonomous vehicles.-

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

126 (a) Have a system to safely alert the operator if an



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127 autonomous technology failure is detected while the autonomous  
128 technology is engaged. When an alert is given, the system must:

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

131 2. If the human operator does not, or is not able to, take  
132 control of the autonomous vehicle, or if a human operator is not  
133 physically present in the vehicle, be capable of bringing the  
134 vehicle to a complete stop.

135 Section 6. Subsection (2) of section 335.074, Florida  
136 Statutes, is amended to read:

137 335.074 Safety inspection of bridges.-

138 (2) At regular intervals as required by the Federal Highway  
139 Administration not to exceed 2 years, each bridge on a public  
140 transportation facility shall be inspected for structural  
141 soundness and safety for the passage of traffic on such bridge.  
142 The thoroughness with which bridges are to be inspected shall  
143 depend on such factors as age, traffic characteristics, state of  
144 maintenance, and known deficiencies. The governmental entity  
145 having maintenance responsibility for any such bridge shall be  
146 responsible for having inspections performed and reports  
147 prepared in accordance with the provisions contained herein.

148 Section 7. Paragraph (c) of subsection (6) of section  
149 337.11, Florida Statutes, is amended to read:

150 337.11 Contracting authority of department; bids; emergency  
151 repairs, supplemental agreements, and change orders; combined  
152 design and construction contracts; progress payments; records;  
153 requirements of vehicle registration.-

154 (6)

155 (c) When the department determines that it is in the best



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156 interest of the public for reasons of public concern, economy,  
157 improved operations, or safety, and only for contracts for  
158 construction and maintenance which do not exceed \$250,000 when  
159 circumstances dictate rapid completion of the work, the  
160 department may, ~~up to the amount of \$120,000,~~ enter into  
161 contracts ~~for construction and maintenance~~ without advertising  
162 and receiving competitive bids. The department may enter into  
163 such contracts only upon a determination that the work is  
164 necessary for one of the following reasons:

165 1. To ensure timely completion of projects or avoidance of  
166 undue delay for other projects;

167 2. To accomplish minor repairs or construction and  
168 maintenance activities for which time is of the essence and for  
169 which significant cost savings would occur; or

170 3. To accomplish nonemergency work necessary to ensure  
171 avoidance of adverse conditions that affect the safe and  
172 efficient flow of traffic.

173

174 The department shall make a good faith effort to obtain two or  
175 more quotes, if available, from qualified contractors before  
176 entering into any contract. The department shall give  
177 consideration to disadvantaged business enterprise  
178 participation. However, when the work exists within the limits  
179 of an existing contract, the department shall make a good faith  
180 effort to negotiate and enter into a contract with the prime  
181 contractor on the existing contract.

182 Section 8. Subsection (5) is added to section 338.227,  
183 Florida Statutes, to read:

184 338.227 Turnpike revenue bonds.—



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185           (5) Notwithstanding s. 215.82, bonds issued pursuant to  
186 this section are not required to be validated pursuant to  
187 chapter 75 but may be validated at the option of the Division of  
188 Bond Finance. Any complaint about such validation must be filed  
189 in the circuit court of the county in which the seat of state  
190 government is situated, and the clerk shall publish the notice  
191 as required by s. 75.06 only in the county in which the  
192 complaint is filed. The complaint and order of the circuit court  
193 must be served on the state attorney of the circuit in which the  
194 action is pending.

195           Section 9. Paragraph (e) of subsection (7) of section  
196 339.135, Florida Statutes, is amended to read:

197           339.135 Work program; legislative budget request;  
198 definitions; preparation, adoption, execution, and amendment.—

199           (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

200           (e) Notwithstanding paragraphs (d), ~~and~~ (g), and (h) and  
201 ss. 216.177(2) and 216.351, the secretary may request the  
202 Executive Office of the Governor to amend the adopted work  
203 program when an emergency exists, as defined in s. 252.34, and  
204 the emergency relates to the repair or rehabilitation of any  
205 state transportation facility. The Executive Office of the  
206 Governor may approve the amendment to the adopted work program  
207 and amend that portion of the department's approved budget if a  
208 delay incident to the notification requirements in paragraph (d)  
209 would be detrimental to the interests of the state. However, the  
210 department shall immediately notify the parties specified in  
211 paragraph (d) and provide such parties written justification for  
212 the emergency action within 7 days after approval by the  
213 Executive Office of the Governor of the amendment to the adopted



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214 work program and the department's budget. The adopted work  
215 program may not be amended under this subsection without  
216 certification by the comptroller of the department that there  
217 are sufficient funds available pursuant to the 36-month cash  
218 forecast and applicable statutes.

219 Section 10. Section 339.2405, Florida Statutes, is amended  
220 to read:

221 339.2405 Florida Highway Beautification Grant Program  
222 Council.—

223 (1) There is created within the Department of  
224 Transportation the Florida Highway Beautification Grant Program  
225 for the purpose of awarding grants to local governmental  
226 entities for beautification of roads on the State Highway System  
227 as provided in subsections (3) and (4). The department shall  
228 ~~Council. It shall consist of seven members appointed by the~~  
229 ~~Governor. All appointed members must be residents of this state.~~  
230 ~~One member must be a licensed landscape architect, one member~~  
231 ~~must be a representative of the Florida Federation of Garden~~  
232 ~~Clubs, Inc., one member must be a representative of the Florida~~  
233 ~~Nurserymen and Growers Association, one member must be a~~  
234 ~~representative of the department as designated by the head of~~  
235 ~~the department, one member must be a representative of the~~  
236 ~~Department of Agriculture and Consumer Services, and two members~~  
237 ~~must be private citizens. The members of the council shall serve~~  
238 ~~at the pleasure of the Governor.~~

239 ~~(2) Each chair shall be selected by the council members and~~  
240 ~~shall serve a 2-year term.~~

241 ~~(3) The council shall meet no less than semiannually at the~~  
242 ~~call of the chair or, in the chair's absence or incapacity, at~~





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243 ~~the call of the head of the department. Four members shall~~  
244 ~~constitute a quorum for the purpose of exercising all of the~~  
245 ~~powers of the council. A vote of the majority of the members~~  
246 ~~present shall be sufficient for all actions of the council.~~

247 ~~(4) The council members shall serve without pay but shall~~  
248 ~~be entitled to per diem and travel expenses pursuant to s.~~  
249 ~~112.061.~~

250 ~~(5) A member of the council may not participate in any~~  
251 ~~discussion or decision to recommend grants to any qualified~~  
252 ~~local government with which the member is associated as a member~~  
253 ~~of the governing body or as an employee or with which the member~~  
254 ~~has entered into a contractual arrangement.~~

255 ~~(6) The council may prescribe, amend, and repeal bylaws~~  
256 ~~governing the manner in which the business of the council is~~  
257 ~~conducted.~~

258 ~~(7) (a) The duties of the council shall be to:~~

259 ~~(a)1.~~ Provide information to local governments and local  
260 highway beautification councils regarding the state highway  
261 beautification grants program.

262 ~~(b)2.~~ Accept grant requests from local governments.

263 ~~(c)3.~~ Review grant requests for compliance with department  
264 council rules.

265 ~~(d)4.~~ Establish rules for evaluating and prioritizing the  
266 grant requests. The rules must include, but are not limited to,  
267 an examination of each grant's aesthetic value, cost-  
268 effectiveness, level of local support, feasibility of  
269 installation and maintenance, and compliance with state and  
270 federal regulations. Rules adopted by the department council  
271 which it uses to evaluate grant applications must take into



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272 consideration the contributions made by the highway  
273 beautification project in preventing litter.

274 (e)~~5.~~ Maintain a prioritized list of approved grant  
275 requests. The list must include recommended funding levels for  
276 each request and, if staged implementation is appropriate,  
277 funding requirements for each stage shall be provided.

278 ~~6. Assess the feasibility of planting and maintaining~~  
279 ~~indigenous wildflowers and plants, instead of sod groundcovers,~~  
280 ~~along the rights-of-way of state roads and highways. In making~~  
281 ~~such assessment, the council shall utilize data from other~~  
282 ~~states which include indigenous wildflower and plant species in~~  
283 ~~their highway vegetative management systems.~~

284 ~~(b) The council may, at the request of the head of the~~  
285 ~~department, review and make recommendations on any other highway~~  
286 ~~beautification matters relating to the State Highway System.~~

287 ~~(8) The head of the department shall provide from existing~~  
288 ~~personnel such staff support services to the council as are~~  
289 ~~necessary to enable the council to fulfill its duties and~~  
290 ~~responsibilities.~~

291 (2)~~(9)~~ Local highway beautification councils may be created  
292 by local governmental entities or by the Legislature. Prior to  
293 being submitted to the department council, a grant request must  
294 be approved by the local government or governments of the area  
295 in which the project is located.

296 (3)~~(10)~~ The head of the department, ~~after receiving~~  
297 ~~recommendations from the council,~~ shall award grants to local  
298 governmental entities that have submitted grant requests for  
299 beautification of roads on the State Highway System and which  
300 requests are on the ~~council's~~ approved list. The grants shall be



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301 awarded in the order they appear on the ~~council's~~ prioritized  
302 list and in accordance with available funding.

303 (4)~~(11)~~ State highway beautification grants may be  
304 requested only for projects to beautify through landscaping  
305 roads on the State Highway System. The grant request shall  
306 identify all costs associated with the project, including  
307 sprinkler systems, plant materials, equipment, and labor. A  
308 grant shall provide for the costs of purchase and installation  
309 of a sprinkler system, the cost of plant materials and  
310 fertilizer, and may provide for the costs for labor associated  
311 with the installation of the plantings. Each local government  
312 that receives a grant is ~~shall be~~ responsible for any costs for  
313 water, for the maintenance of the sprinkler system, for the  
314 maintenance of the landscaped areas in accordance with a  
315 maintenance agreement with the department, and, except as  
316 otherwise provided in the grant, for any costs for labor  
317 associated with the installation of the plantings. The  
318 department may provide, by contract, services to maintain such  
319 landscaping at a level not to exceed the cost of routine  
320 maintenance of an equivalent unlandscaped area.

321 ~~(12) The council shall annually submit to the head of the~~  
322 ~~Department of Transportation a proposal recommending the level~~  
323 ~~of grant funding.~~

324 Section 11. Section 343.52, Florida Statutes, is reordered  
325 and amended to read:

326 343.52 Definitions.—As used in this part, the term:

327 (2)~~(1)~~ "Authority" means the South Florida Regional  
328 Transportation Authority.

329 (3)~~(2)~~ "Board" means the governing body of the authority.



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330 (4) "Department" means the Department of Transportation.

331 (1)~~(3)~~ "Area served" means Miami-Dade, Broward, and Palm  
332 Beach Counties. However, this area may be expanded by mutual  
333 consent of the authority and the board of county commissioners  
334 of Monroe County. The authority may not expand into any  
335 additional counties without the department's prior written  
336 approval.

337 (8)~~(4)~~ "Transit system" means a system used for the  
338 transportation of people and goods by means of, without  
339 limitation, a street railway, an elevated railway having a fixed  
340 guideway, a commuter railroad, a subway, motor vehicles, or  
341 motor buses, and includes a complete system of tracks, stations,  
342 and rolling stock necessary to effectuate passenger service to  
343 or from the surrounding regional municipalities.

344 (7)~~(5)~~ "Transit facilities" means property, avenues of  
345 access, equipment, or buildings built and installed in Miami-  
346 Dade, Broward, and Palm Beach Counties which are required to  
347 support a transit system.

348 (6) "Member" means the individuals constituting the board.

349 (5)~~(7)~~ "Feeder transit services" means a transit system  
350 that transports passengers to or from stations within or across  
351 counties.

352 Section 12. Present subsections (4) and (5) of section  
353 343.54, Florida Statutes, are redesignated as subsections (5)  
354 and (6), respectively, and a new subsection (4) is added to that  
355 section, to read:

356 343.54 Powers and duties.—

357 (4) Notwithstanding any other provision of this part, the  
358 authority may not enter into, extend, or renew any contract or



359 other agreement under this part without the department's prior  
360 review and written approval of the authority's proposed  
361 expenditures if such contract or agreement may be funded, in  
362 whole or in part, with funds provided by the department.

363 Section 13. Paragraph (c) of subsection (4) of section  
364 343.58, Florida Statutes, is amended to read:

365 343.58 County funding for the South Florida Regional  
366 Transportation Authority.—

367 (4) Notwithstanding any other provision of law to the  
368 contrary and effective July 1, 2010, until as provided in  
369 paragraph (d), the department shall transfer annually from the  
370 State Transportation Trust Fund to the South Florida Regional  
371 Transportation Authority the amounts specified in subparagraph  
372 (a)1. or subparagraph (a)2.

373 (c)1. Funds provided to the authority by the department  
374 under this subsection constitute state financial assistance  
375 provided to a nonstate entity to carry out a state project  
376 subject to the provisions of ss. 215.97 and 215.971. The  
377 department shall provide the funds in accordance with the terms  
378 of a written agreement to be entered into between the authority  
379 and the department which shall provide for department review,  
380 approval and audit of authority expenditure of such funds, and  
381 shall include such other provisions as are required by  
382 applicable law. The department is specifically authorized to  
383 agree to advance the authority one-fourth of the total funding  
384 provided under this subsection for a state fiscal year at the  
385 beginning of each state fiscal year, with monthly payments over  
386 the fiscal year on a reimbursement basis as supported by  
387 invoices and such additional documentation and information as



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388 ~~the department may reasonably require, and a reconciliation of~~  
389 ~~the advance against remaining invoices in the last quarter of~~  
390 ~~the fiscal year may not be committed by the authority without~~  
391 ~~the approval of the department, which may not be unreasonably~~  
392 ~~withheld. At least 90 days before advertising any procurement or~~  
393 ~~renewing any existing contract that will rely on state funds for~~  
394 ~~payment, the authority shall notify the department of the~~  
395 ~~proposed procurement or renewal and the proposed terms thereof.~~  
396 ~~If the department, within 60 days after receipt of notice,~~  
397 ~~objects in writing to the proposed procurement or renewal,~~  
398 ~~specifying its reasons for objection, the authority may not~~  
399 ~~proceed with the proposed procurement or renewal. Failure of the~~  
400 ~~department to object in writing within 60 days after notice~~  
401 ~~shall be deemed consent. This requirement does not impair or~~  
402 ~~cause the authority to cancel contracts that exist as of June~~  
403 ~~30, 2012.~~

404       2. To enable the department to evaluate the authority's  
405 proposed uses of state funds, the authority shall annually  
406 provide the department with its proposed budget for the  
407 following authority fiscal year and shall promptly provide the  
408 department with any additional documentation or information  
409 required by the department for its evaluation of the proposed  
410 uses of the state funds.

411       Section 14. Subsection (2) of section 215.82, Florida  
412 Statutes, is amended to read:

413       215.82 Validation; when required.—

414       (2) Any bonds issued pursuant to this act which are  
415 validated shall be validated in the manner provided by chapter  
416 75. In actions to validate bonds to be issued in the name of the



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417 State Board of Education under s. 9(a) and (d), Art. XII of the  
418 State Constitution and bonds to be issued pursuant to chapter  
419 259, the Land Conservation Program, the complaint shall be filed  
420 in the circuit court of the county where the seat of state  
421 government is situated, the notice required to be published by  
422 s. 75.06 shall be published only in the county where the  
423 complaint is filed, and the complaint and order of the circuit  
424 court shall be served only on the state attorney of the circuit  
425 in which the action is pending. In any action to validate bonds  
426 issued pursuant to s. 1010.62 or issued pursuant to s. 9(a)(1),  
427 Art. XII of the State Constitution or issued pursuant to s.  
428 215.605 ~~or s. 338.227~~, the complaint shall be filed in the  
429 circuit court of the county where the seat of state government  
430 is situated, the notice required to be published by s. 75.06  
431 shall be published in a newspaper of general circulation in the  
432 county where the complaint is filed and in two other newspapers  
433 of general circulation in the state, and the complaint and order  
434 of the circuit court shall be served only on the state attorney  
435 of the circuit in which the action is pending; provided,  
436 however, that if publication of notice pursuant to this section  
437 would require publication in more newspapers than would  
438 publication pursuant to s. 75.06, such publication shall be made  
439 pursuant to s. 75.06.

440 Section 15. Paragraph (d) of subsection (2) of section  
441 343.53, Florida Statutes, is amended to read:

442 343.53 South Florida Regional Transportation Authority.—

443 (2) The governing board of the authority shall consist of  
444 10 voting members, as follows:

445 (d) If the authority's service area is expanded pursuant to



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446 s. 343.54(6) ~~s. 343.54(5)~~, the county containing the new service  
447 area shall have two members appointed to the board as follows:

448 1. The county commission of the county shall elect a  
449 commissioner as that commission's representative on the board.  
450 The commissioner must be a member of the county commission when  
451 elected and for the full extent of his or her term.

452 2. The Governor shall appoint a citizen member to the board  
453 who is not a member of the county commission but who is a  
454 resident and a qualified elector of that county.

455 Section 16. Section 427.011, Florida Statutes, is reordered  
456 and amended to read:

457 427.011 Definitions.—For the purposes of ss. 427.011-  
458 427.017:

459 (9)~~(1)~~ "Transportation disadvantaged" means those persons  
460 who because of physical or mental disability, income status, or  
461 age are unable to transport themselves or to purchase  
462 transportation and are, therefore, dependent upon others to  
463 obtain access to health care, employment, education, shopping,  
464 social activities, or other life-sustaining activities, or  
465 children who are handicapped or high-risk or at-risk as defined  
466 in s. 411.202.

467 (5)~~(2)~~ "Metropolitan planning organization" means the  
468 organization responsible for carrying out transportation  
469 planning and programming in accordance with the provisions of 23  
470 U.S.C. s. 134, as provided in 23 U.S.C. s. 104(f)(3).

471 (1)~~(3)~~ "Agency" means an official, officer, commission,  
472 authority, council, committee, department, division, bureau,  
473 board, section, or any other unit or entity of the state or of a  
474 city, town, municipality, county, or other local governing body





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475 or a private nonprofit transportation service-providing agency.

476 ~~(11)(4)~~ "Transportation improvement program" means a staged  
477 multiyear program of transportation improvements, including an  
478 annual element, which is developed by a metropolitan planning  
479 organization or designated official planning agency.

480 ~~(2)(5)~~ "Community transportation coordinator" means a  
481 transportation entity recommended by a metropolitan planning  
482 organization, or by the appropriate designated official planning  
483 agency as provided for in ss. 427.011-427.017 in an area outside  
484 the purview of a metropolitan planning organization, to ensure  
485 that coordinated transportation services are provided to the  
486 transportation disadvantaged population in a designated service  
487 area.

488 ~~(12)(6)~~ "Transportation operator" means one or more public,  
489 private for-profit, or private nonprofit entities engaged by the  
490 community transportation coordinator to provide service to  
491 transportation disadvantaged persons pursuant to a coordinated  
492 system service plan.

493 ~~(3)(7)~~ "Coordinating board" means an advisory entity in  
494 each designated service area composed of representatives  
495 appointed by the metropolitan planning organization or  
496 designated official planning agency, to provide assistance to  
497 the community transportation coordinator relative to the  
498 coordination of transportation services.

499 (8) "Purchasing agency" means a department or agency whose  
500 head is an ex officio, nonvoting adviser to the commission, or  
501 an agency that purchases transportation services for the  
502 transportation disadvantaged.

503 ~~(7)(9)~~ "Paratransit" means those elements of public transit



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504 which provide service between specific origins and destinations  
505 selected by the individual user with such service being provided  
506 at a time that is agreed upon by the user and provider of the  
507 service. Paratransit service is provided by taxis, limousines,  
508 "dial-a-ride," buses, transportation network companies, and  
509 other demand-responsive operations that are characterized by  
510 their nonscheduled, nonfixed route nature.

511 (10) "Transportation disadvantaged funds" means any local  
512 government, state, or available federal funds that are for the  
513 transportation of the transportation disadvantaged. Such funds  
514 may include, but are not limited to, funds for planning,  
515 Medicaid transportation, administration, operation, procurement,  
516 and maintenance of vehicles or equipment and capital  
517 investments. Transportation disadvantaged funds do not include  
518 funds for the transportation of children to public schools.

519 (4)~~(11)~~ "Coordination" means the arrangement for the  
520 provision of transportation services to the transportation  
521 disadvantaged in a manner that is cost-effective, efficient, and  
522 reduces fragmentation and duplication of services.

523 (6)~~(12)~~ "Nonsponsored transportation disadvantaged  
524 services" means transportation disadvantaged services that are  
525 not sponsored or subsidized by any funding source other than the  
526 Transportation Disadvantaged Trust Fund.

527 Section 17. The Secretary of Transportation may enroll the  
528 State of Florida in any federal pilot program or project for the  
529 collection and study of data for the review of federal or state  
530 roadway safety, infrastructure sustainability, congestion  
531 mitigation, transportation system efficiency, autonomous vehicle  
532 technology, or capacity challenges.



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533 Section 18. Except as otherwise provided in this act, this  
534 act shall take effect July 1, 2017.

535

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

537 And the title is amended as follows:

538 Delete everything before the enacting clause  
539 and insert:

540 A bill to be entitled  
541 An act relating to transportation; creating s.  
542 316.0898, F.S.; requiring the Department of  
543 Transportation, in consultation with the Department of  
544 Highway Safety and Motor Vehicles, to develop the  
545 Florida Smart City Challenge grant program; specifying  
546 requirements for grant program applicants;  
547 establishing goals for the grant program; requiring  
548 the Department of Transportation to develop specified  
549 criteria for the program grants and a plan for  
550 promotion of the grant program; authorizing the  
551 Department of Transportation to contract with a third  
552 party that demonstrates certain knowledge and  
553 expertise for a specified purpose; requiring the  
554 Department of Transportation to submit certain  
555 information regarding the grant program to the  
556 Governor and the Legislature by a specified date;  
557 providing for repeal; amending s. 316.545, F.S.;  
558 providing for the calculation of fines for unlawful  
559 weight and load for a vehicle fueled by natural gas;  
560 requiring the vehicle operator to present a certain  
561 written certification upon request by a weight



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562 inspector or law enforcement officer; prescribing a  
563 maximum actual gross vehicle weight for vehicles  
564 fueled by natural gas; providing applicability;  
565 creating s. 316.851, F.S.; requiring an autonomous  
566 vehicle used by a transportation network company to be  
567 covered by automobile insurance, subject to certain  
568 requirements; requiring an autonomous vehicle used to  
569 provide a transportation service to carry in the  
570 vehicle proof of coverage satisfying certain  
571 requirements at all times while operating in  
572 autonomous mode; creating s. 316.853, F.S.; defining  
573 the term "automated mobility district"; requiring the  
574 Department of Transportation to designate automated  
575 mobility districts; requiring the department to  
576 consider applicable criteria from federal agencies for  
577 automated mobility districts in determining  
578 eligibility of a community for the designation;  
579 amending s. 319.145, F.S.; requiring an autonomous  
580 vehicle registered in this state to be capable of  
581 bringing the vehicle to a full stop when an alert is  
582 given if the human operator does not, or is not able  
583 to, take control of the autonomous vehicle, or if a  
584 human operator is not physically present in the  
585 vehicle; amending s. 335.074, F.S.; requiring bridges  
586 on public transportation facilities to be inspected  
587 for certain purposes at regular intervals as required  
588 by the Federal Highway Administration; amending s.  
589 337.11, F.S.; increasing the allowable amount for  
590 contracts for construction and maintenance which the



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591 department may enter into, in certain circumstances,  
592 without advertising and receiving competitive bids;  
593 amending s. 338.227, F.S.; providing that certain  
594 bonds are not required to be validated but may be  
595 validated at the option of the Division of Bond  
596 Finance; providing filing, notice, and service  
597 requirements for complaints and circuit court orders  
598 concerning such validation; amending s. 339.135, F.S.;  
599 providing an additional exception related to the  
600 amendment of adopted work programs when an emergency  
601 exists; amending s. 339.2405, F.S.; replacing the  
602 Florida Highway Beautification Council within the  
603 department with the Florida Highway Beautification  
604 Grant Program; providing the purpose of the program;  
605 providing duties of the department; conforming  
606 provisions to changes made by the act; amending s.  
607 343.52, F.S.; defining the term "department"; amending  
608 s. 343.54, F.S.; prohibiting the South Florida  
609 Regional Transportation Authority from entering into,  
610 extending, or renewing certain contracts or other  
611 agreements without the department's prior review and  
612 written approval if such contracts or agreements may  
613 be funded with funds provided by the department;  
614 amending s. 343.58, F.S.; providing that certain funds  
615 provided to the authority by the department constitute  
616 state financial assistance for specified purposes,  
617 subject to certain requirements; requiring the  
618 department to provide certain funds in accordance with  
619 the terms of an agreement between the authority and



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620 the department; authorizing the department to advance  
621 the authority a certain amount of the total funding  
622 for a state fiscal year at the beginning of each state  
623 fiscal year, subject to certain requirements;  
624 requiring the authority to promptly provide the  
625 department any documentation or information, in  
626 addition to the proposed annual budget, which is  
627 required by the department for its evaluation of the  
628 proposed uses of state funds; amending s. 215.82,  
629 F.S.; conforming a provision to changes made by the  
630 act; amending s. 343.53, F.S.; conforming a cross-  
631 reference; amending s. 427.011, F.S.; revising the  
632 definition of the term "paratransit"; authorizing the  
633 Secretary of Transportation to enroll the State of  
634 Florida in federal pilot programs or projects for the  
635 collection and study of data for the review of federal  
636 or state roadway safety, infrastructure  
637 sustainability, congestion mitigation, transportation  
638 system efficiency, autonomous vehicle technology, or  
639 capacity challenges; providing effective dates, one of  
640 which is contingent.



896800

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/17/2017	.	
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Appropriations Subcommittee on Transportation, Tourism, and  
Economic Development (Brandes) recommended the following:

1           **Senate Amendment to Amendment (744514) (with title**  
2 **amendment)**

3  
4           Between lines 86 and 87  
5 insert:

6           Section 3. Subsection (1) of section 316.85, Florida  
7 Statutes, is amended to read:

8           316.85 Autonomous vehicles; operation.—

9           (1) A person who possesses a valid driver license may  
10 operate an autonomous vehicle, or may engage autonomous



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11 technology to operate an autonomous vehicle, in autonomous mode  
12 on roads in this state if the vehicle is equipped with  
13 autonomous technology, as defined in s. 316.003. A person who  
14 does not possess a valid driver license may engage autonomous  
15 technology to operate an autonomous vehicle in autonomous mode  
16 only if the vehicle is equipped with autonomous technology, as  
17 defined in s. 316.003, and if the vehicle has no capability or  
18 means by which the person inside the vehicle is able to take  
19 control of the vehicle's operation or to disengage the  
20 autonomous technology, regardless of where the person is seated  
21 within the vehicle.

22  
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25       Between lines 564 and 565  
26 insert:

27       amending s. 316.85, F.S.; authorizing a person who  
28       possesses a valid driver license to engage autonomous  
29       technology to operate an autonomous vehicle under a  
30       specified circumstance; authorizing a person who does  
31       not possess a valid driver license to engage  
32       autonomous technology to operate an autonomous vehicle  
33       in autonomous mode under certain circumstances;





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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2017	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Articles) recommended the following:

1           **Senate Amendment to Amendment (744514) (with title**  
2 **amendment)**

3  
4           Between lines 147 and 148  
5 insert:

6           Section 7. Effective October 1, 2017, section 335.094,  
7 Florida Statutes, is created to read:

8           335.094 Highway memorial markers; public safety awareness.-  
9           (1) In recognition of the department's mission to provide a  
10 safe transportation system, the Legislature intends that the



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11 department allow the use of highway memorial markers at or near  
12 the location of traffic-related fatalities on the State Highway  
13 System to raise public awareness and remind motorists to drive  
14 safely by memorializing people who have died as a result of a  
15 traffic-related crash.

16 (2) The department shall establish a process, including any  
17 forms deemed necessary by the department, for submitting  
18 applications for installation of a memorial marker as authorized  
19 in this section. Applications may be submitted to the department  
20 by:

21 (a) A member of the decedent's family, which includes the  
22 decedent's spouse; a child, parent, or sibling of the decedent,  
23 whether biological, adopted, or step relation; and any lineal or  
24 collateral descendant of the decedent; or

25 (b) Any individual who is responsible under the laws of  
26 this state for the disposition of the unclaimed remains of the  
27 decedent or for other matters relating to the interment or  
28 memorialization of the decedent.

29 (3) The department shall establish criteria for the design  
30 and fabrication of memorial markers, including, but not limited  
31 to, marker components, fabrication material, and size.

32 (4) (a) The department may install a round aluminum sign  
33 panel with white background and black letters uniformly  
34 inscribed "Drive Safely, In Memory Of" followed by the  
35 decedent's name at no charge to the applicant.

36 (b) Upon the request of the applicant and payment of a  
37 reasonable fee set by the department to offset production costs,  
38 memorial markers may incorporate the available emblems of belief  
39 approved by the United States Department of Veterans Affairs



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40 National Cemetery Administration. For purposes of this section,  
41 an "emblem of belief" means an emblem that represents the  
42 decedent's religious affiliation or sincerely held religious  
43 belief system, or a sincerely held belief system that was  
44 functionally equivalent to a religious belief system in the life  
45 of the decedent. The religion or belief system represented by an  
46 emblem need not be associated with or endorsed by a church,  
47 group, or organized denomination. The term does not include  
48 emblems, graphics, logos, or symbols that relate to social,  
49 cultural, ethnic, civic, fraternal, trade, commercial,  
50 political, professional, or military status.

51 (c) An applicant may request a new emblem of belief not  
52 specifically approved by the United States Department of  
53 Veterans Affairs National Cemetery Administration for  
54 inscription on a memorial marker as follows:

55 1. The applicant must certify that the proposed new emblem  
56 of belief represents the decedent's religious affiliation or  
57 sincerely held religious belief system, or a sincerely held  
58 belief system that was functionally equivalent to a religious  
59 belief system in the life of the decedent.

60 2. In the absence of evidence to the contrary, the  
61 department shall accept as genuine an applicant's statement of  
62 the religious or functionally equivalent belief system of a  
63 decedent.

64 (d) If the department determines that any application under  
65 this section is incomplete, the department must notify the  
66 applicant in writing of any missing information and must notify  
67 the applicant in writing that no further action on the  
68 application will be taken until the missing information is



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69 provided.

70 (5) The department shall place a memorial marker for any  
71 approved application at or near the location of the fatality in  
72 a fashion that reduces driver distraction and positions the  
73 marker as near the right-of-way line as possible.

74 (6) Memorial markers are intended to remind passing  
75 motorists of the dangers of unsafe driving and are not intended  
76 for visitation. The department shall remove a memorial marker if  
77 the department determines the presence of the marker creates a  
78 safety hazard. In such cases, the department shall post a notice  
79 near where the marker was located indicating that the marker has  
80 been removed and provide contact information for pickup of the  
81 marker. The department shall store any removed markers for at  
82 least 60 days. If after 60 days the memorial is not claimed, the  
83 department may dispose of the marker as it deems necessary.

84  
85 ===== T I T L E A M E N D M E N T =====

86 And the title is amended as follows:

87 Delete line 588

88 and insert:

89 by the Federal Highway Administration; creating s.  
90 335.094, F.S.; providing legislative intent; requiring  
91 the department to establish a process, including any  
92 forms deemed necessary by the department, for  
93 submitting applications for installation of a memorial  
94 marker; specifying persons who may submit such  
95 applications to the department; requiring the  
96 department to establish criteria for the design and  
97 fabrication of memorial markers; authorizing the



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98 department to install a certain sign at no charge to  
99 an applicant; providing that memorial markers may  
100 incorporate the available emblems of belief approved  
101 by the United States Department of Veterans Affairs  
102 National Cemetery Administration upon the request of  
103 the applicant and payment of a reasonable fee set by  
104 the department to offset production costs; defining  
105 the term "emblem of belief"; authorizing an applicant  
106 to request a new emblem of belief not specifically  
107 approved by the United States Department of Veterans  
108 Affairs National Cemetery Administration for  
109 inscription on a memorial marker, subject to certain  
110 requirements; requiring the department, under certain  
111 circumstances, to notify an applicant of any missing  
112 information and that no further action on the  
113 application will be taken until the missing  
114 information is provided; providing requirements for  
115 placement of the memorial marker by the department;  
116 requiring the department to remove a memorial marker  
117 if the department determines the presence of the  
118 marker creates a safety hazard, subject to certain  
119 requirements; amending s.

By the Committee on Transportation; and Senators Gainer and Rouson

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1 A bill to be entitled  
 2 An act relating to transportation; amending s.  
 3 316.545, F.S.; providing for the calculation of fines  
 4 for unlawful weight and load for a vehicle fueled by  
 5 natural gas; requiring the vehicle operator to present  
 6 a certain written certification upon request by a  
 7 weight inspector or law enforcement officer;  
 8 prescribing a maximum actual gross vehicle weight for  
 9 vehicles fueled by natural gas; providing  
 10 applicability; amending s. 335.074, F.S.; requiring  
 11 bridges on public transportation facilities to be  
 12 inspected for certain purposes at regular intervals as  
 13 required by the Federal Highway Administration;  
 14 amending s. 337.11, F.S.; increasing the allowable  
 15 amount for contracts for construction and maintenance  
 16 which the Department of Transportation may enter into,  
 17 in certain circumstances, without advertising and  
 18 receiving competitive bids; amending s. 338.227, F.S.;  
 19 providing that certain bonds are not required to be  
 20 validated but may be validated at the option of the  
 21 Division of Bond Finance; providing filing, notice,  
 22 and service requirements for complaints and circuit  
 23 court orders concerning such validation; amending s.  
 24 339.135, F.S.; providing an additional exception  
 25 related to the amendment of adopted work programs when  
 26 an emergency exists; amending s. 339.2405, F.S.;  
 27 replacing the Florida Highway Beautification Council  
 28 within the department with the Florida Highway  
 29 Beautification Grant Program; providing the purpose of

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30 the program; providing duties of the department,  
 31 including the establishment of rules related to grant  
 32 requests; conforming provisions to changes made by the  
 33 act; amending s. 343.52, F.S.; defining the term  
 34 "department"; amending s. 343.54, F.S.; prohibiting  
 35 the South Florida Regional Transportation Authority  
 36 from entering into, extending, or renewing certain  
 37 contracts or other agreements without the department's  
 38 prior review and written approval if such contracts or  
 39 agreements may be funded with funds provided by the  
 40 department; amending s. 343.58, F.S.; prohibiting  
 41 specified funds provided to the authority by the  
 42 department from being committed by the authority  
 43 without the prior review and written approval by the  
 44 department of the authority's expenditures; deleting  
 45 requirements relating to notification by the authority  
 46 to the department of a proposed procurement or of a  
 47 renewal of any existing contract that will rely on  
 48 state funds for payment; requiring the authority to  
 49 promptly provide the department any documentation or  
 50 information, in addition to the proposed annual  
 51 budget, which is required by the department for its  
 52 evaluation of the proposed uses of state funds;  
 53 prohibiting certain funding from being provided to the  
 54 authority by the department until the authority  
 55 terminates a Notice of Intent of Contract Award for a  
 56 specified request for proposal; requiring the  
 57 authority, before entering into a new contract for the  
 58 services that were the subject of such request for

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59 proposal, to obtain the department's written approval  
 60 of all terms and conditions of the new procurement and  
 61 contract for such services; amending s. 215.82, F.S.;  
 62 conforming a provision to changes made by the act;  
 63 amending s. 343.53, F.S.; conforming a cross-  
 64 reference; providing an effective date.

65  
 66 Be It Enacted by the Legislature of the State of Florida:

67  
 68 Section 1. Present paragraphs (c) and (d) of subsection (3)  
 69 of section 316.545, Florida Statutes, are redesignated as  
 70 paragraphs (d) and (e), respectively, and a new paragraph (c) is  
 71 added to that subsection, to read:

72 316.545 Weight and load unlawful; special fuel and motor  
 73 fuel tax enforcement; inspection; penalty; review.-

74 (3)

75 (c)1. For a vehicle fueled by natural gas, the fine is  
 76 calculated by reducing the actual gross vehicle weight by the  
 77 certified weight difference between the natural gas tank and  
 78 fueling system and a comparable diesel tank and fueling system.  
 79 Upon the request of a weight inspector or a law enforcement  
 80 officer, the vehicle operator shall present a written  
 81 certification that identifies the weight of the natural gas tank  
 82 and fueling system and the difference in weight of a comparable  
 83 diesel tank and fueling system. The written certification must  
 84 originate from the vehicle manufacturer or the installer of the  
 85 natural gas tank and fueling system.

86 2. The actual gross vehicle weight for vehicles fueled by  
 87 natural gas may not exceed 82,000 pounds, excluding the weight

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88 allowed for idle-reduction technology under paragraph (b).

89 3. This paragraph does not apply to vehicles described in  
 90 s. 316.535(6).

91 Section 2. Subsection (2) of section 335.074, Florida  
 92 Statutes, is amended to read:

93 335.074 Safety inspection of bridges.-

94 (2) At regular intervals as required by the Federal Highway  
 95 Administration ~~not to exceed 2 years~~, each bridge on a public  
 96 transportation facility shall be inspected for structural  
 97 soundness and safety for the passage of traffic on such bridge.  
 98 The thoroughness with which bridges are to be inspected shall  
 99 depend on such factors as age, traffic characteristics, state of  
 100 maintenance, and known deficiencies. The governmental entity  
 101 having maintenance responsibility for any such bridge shall be  
 102 responsible for having inspections performed and reports  
 103 prepared in accordance with the provisions contained herein.

104 Section 3. Paragraph (c) of subsection (6) of section  
 105 337.11, Florida Statutes, is amended to read:

106 337.11 Contracting authority of department; bids; emergency  
 107 repairs, supplemental agreements, and change orders; combined  
 108 design and construction contracts; progress payments; records;  
 109 requirements of vehicle registration.-

110 (6)

111 (c) When the department determines that it is in the best  
 112 interest of the public for reasons of public concern, economy,  
 113 improved operations, or safety, and only for contracts for  
 114 construction and maintenance which do not exceed \$250,000 when  
 115 circumstances dictate rapid completion of the work, the  
 116 department may, ~~up to the amount of \$120,000,~~ enter into

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117 contracts ~~for construction and maintenance~~ without advertising  
 118 and receiving competitive bids. The department may enter into  
 119 such contracts only upon a determination that the work is  
 120 necessary for one of the following reasons:

- 121 1. To ensure timely completion of projects or avoidance of
- 122 undue delay for other projects;
- 123 2. To accomplish minor repairs or construction and
- 124 maintenance activities for which time is of the essence and for
- 125 which significant cost savings would occur; or
- 126 3. To accomplish nonemergency work necessary to ensure
- 127 avoidance of adverse conditions that affect the safe and
- 128 efficient flow of traffic.

129  
 130 The department shall make a good faith effort to obtain two or  
 131 more quotes, if available, from qualified contractors before  
 132 entering into any contract. The department shall give  
 133 consideration to disadvantaged business enterprise  
 134 participation. However, when the work exists within the limits  
 135 of an existing contract, the department shall make a good faith  
 136 effort to negotiate and enter into a contract with the prime  
 137 contractor on the existing contract.

138 Section 4. Subsection (5) is added to section 338.227,  
 139 Florida Statutes, to read:

140 338.227 Turnpike revenue bonds.—

141 (5) Notwithstanding s. 215.82, bonds issued pursuant to  
 142 this section are not required to be validated pursuant to  
 143 chapter 75 but may be validated at the option of the Division of  
 144 Bond Finance. Any complaint about such validation must be filed  
 145 in the circuit court of the county in which the seat of state

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146 government is situated, and the clerk shall publish the notice  
 147 as required by s. 75.06 only in the county in which the  
 148 complaint is filed. The complaint and order of the circuit court  
 149 must be served on the state attorney of the circuit in which the  
 150 action is pending.

151 Section 5. Paragraph (e) of subsection (7) of section  
 152 339.135, Florida Statutes, is amended to read:

153 339.135 Work program; legislative budget request;  
 154 definitions; preparation, adoption, execution, and amendment.—

155 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

156 (e) Notwithstanding paragraphs (d), ~~and~~ (g), and (h) and  
 157 ss. 216.177(2) and 216.351, the secretary may request the  
 158 Executive Office of the Governor to amend the adopted work  
 159 program when an emergency exists, as defined in s. 252.34, and  
 160 the emergency relates to the repair or rehabilitation of any  
 161 state transportation facility. The Executive Office of the  
 162 Governor may approve the amendment to the adopted work program  
 163 and amend that portion of the department's approved budget if a  
 164 delay incident to the notification requirements in paragraph (d)  
 165 would be detrimental to the interests of the state. However, the  
 166 department shall immediately notify the parties specified in  
 167 paragraph (d) and provide such parties written justification for  
 168 the emergency action within 7 days after approval by the  
 169 Executive Office of the Governor of the amendment to the adopted  
 170 work program and the department's budget. The adopted work  
 171 program may not be amended under this subsection without  
 172 certification by the comptroller of the department that there  
 173 are sufficient funds available pursuant to the 36-month cash  
 174 forecast and applicable statutes.



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175 Section 6. Section 339.2405, Florida Statutes, is amended  
176 to read:

177 339.2405 Florida Highway Beautification Grant Program  
178 Council.-

179 (1) There is created within the Department of  
180 Transportation the Florida Highway Beautification Grant Program  
181 for the purpose of awarding grants to local governmental  
182 entities for beautification of roads on the State Highway System  
183 as provided in subsections (3) and (4). The department shall  
184 Council. It shall consist of seven members appointed by the  
185 Governor. All appointed members must be residents of this state.  
186 One member must be a licensed landscape architect, one member  
187 must be a representative of the Florida Federation of Garden  
188 Clubs, Inc., one member must be a representative of the Florida  
189 Nurserymen and Growers Association, one member must be a  
190 representative of the department as designated by the head of  
191 the department, one member must be a representative of the  
192 Department of Agriculture and Consumer Services, and two members  
193 must be private citizens. The members of the council shall serve  
194 at the pleasure of the Governor.

195 ~~(2) Each chair shall be selected by the council members and~~  
196 ~~shall serve a 2-year term.~~

197 ~~(3) The council shall meet no less than semiannually at the~~  
198 ~~call of the chair or, in the chair's absence or incapacity, at~~  
199 ~~the call of the head of the department. Four members shall~~  
200 ~~constitute a quorum for the purpose of exercising all of the~~  
201 ~~powers of the council. A vote of the majority of the members~~  
202 ~~present shall be sufficient for all actions of the council.~~

203 ~~(4) The council members shall serve without pay but shall~~

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204 ~~be entitled to per diem and travel expenses pursuant to s.~~  
205 ~~112.061.~~

206 ~~(5) A member of the council may not participate in any~~  
207 ~~discussion or decision to recommend grants to any qualified~~  
208 ~~local government with which the member is associated as a member~~  
209 ~~of the governing body or as an employee or with which the member~~  
210 ~~has entered into a contractual arrangement.~~

211 ~~(6) The council may prescribe, amend, and repeal bylaws~~  
212 ~~governing the manner in which the business of the council is~~  
213 ~~conducted.~~

214 ~~(7)(a) The duties of the council shall be to:~~

215 ~~(a)1- Provide information to local governments and local~~  
216 ~~highway beautification councils regarding the state highway~~  
217 ~~beautification grants program.~~

218 ~~(b)2- Accept grant requests from local governments.~~

219 ~~(c)3- Review grant requests for compliance with department~~  
220 ~~council rules.~~

221 ~~(d)4- Establish rules for evaluating and prioritizing the~~  
222 ~~grant requests. The rules must include, but are not limited to,~~  
223 ~~an examination of each grant's aesthetic value, cost-~~  
224 ~~effectiveness, level of local support, feasibility of~~  
225 ~~installation and maintenance, and compliance with state and~~  
226 ~~federal regulations. Rules adopted by the department council~~  
227 ~~which it uses to evaluate grant applications must take into~~  
228 ~~consideration the contributions made by the highway~~  
229 ~~beautification project in preventing litter.~~

230 ~~(e)5- Maintain a prioritized list of approved grant~~  
231 ~~requests. The list must include recommended funding levels for~~  
232 ~~each request and, if staged implementation is appropriate,~~

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233 funding requirements for each stage shall be provided.

234 ~~6. Assess the feasibility of planting and maintaining~~  
 235 ~~indigenous wildflowers and plants, instead of sod groundcovers,~~  
 236 ~~along the rights-of-way of state roads and highways. In making~~  
 237 ~~such assessment, the council shall utilize data from other~~  
 238 ~~states which include indigenous wildflower and plant species in~~  
 239 ~~their highway vegetative management systems.~~

240 ~~(b) The council may, at the request of the head of the~~  
 241 ~~department, review and make recommendations on any other highway~~  
 242 ~~beautification matters relating to the State Highway System.~~

243 ~~(8) The head of the department shall provide from existing~~  
 244 ~~personnel such staff support services to the council as are~~  
 245 ~~necessary to enable the council to fulfill its duties and~~  
 246 ~~responsibilities.~~

247 (2)(9) Local highway beautification councils may be created  
 248 by local governmental entities or by the Legislature. Prior to  
 249 being submitted to the department council, a grant request must  
 250 be approved by the local government or governments of the area  
 251 in which the project is located.

252 (3)(10) The head of the department, ~~after receiving~~  
 253 ~~recommendations from the council~~, shall award grants to local  
 254 governmental entities that have submitted grant requests for  
 255 beautification of roads on the State Highway System and which  
 256 requests are on the ~~council's~~ approved list. The grants shall be  
 257 awarded in the order they appear on the ~~council's~~ prioritized  
 258 list and in accordance with available funding.

259 (4)(11) State highway beautification grants may be  
 260 requested only for projects to beautify through landscaping  
 261 roads on the State Highway System. The grant request shall

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262 identify all costs associated with the project, including  
 263 sprinkler systems, plant materials, equipment, and labor. A  
 264 grant shall provide for the costs of purchase and installation  
 265 of a sprinkler system, the cost of plant materials and  
 266 fertilizer, and may provide for the costs for labor associated  
 267 with the installation of the plantings. Each local government  
 268 that receives a grant is ~~shall be~~ responsible for any costs for  
 269 water, for the maintenance of the sprinkler system, for the  
 270 maintenance of the landscaped areas in accordance with a  
 271 maintenance agreement with the department, and, except as  
 272 otherwise provided in the grant, for any costs for labor  
 273 associated with the installation of the plantings. The  
 274 department may provide, by contract, services to maintain such  
 275 landscaping at a level not to exceed the cost of routine  
 276 maintenance of an equivalent unlandscaped area.

277 ~~(12) The council shall annually submit to the head of the~~  
 278 ~~Department of Transportation a proposal recommending the level~~  
 279 ~~of grant funding.~~

280 Section 7. Section 343.52, Florida Statutes, is reordered  
 281 and amended to read:

282 343.52 Definitions.—As used in this part, the term:

283 (2)(1) "Authority" means the South Florida Regional  
 284 Transportation Authority.

285 (3)(2) "Board" means the governing body of the authority.

286 (4) "Department" means the Department of Transportation.

287 (1)(3) "Area served" means Miami-Dade, Broward, and Palm  
 288 Beach Counties. However, this area may be expanded by mutual  
 289 consent of the authority and the board of county commissioners  
 290 of Monroe County. The authority may not expand into any

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291 additional counties without the department's prior written  
292 approval.

293 ~~(8)(4)~~ "Transit system" means a system used for the  
294 transportation of people and goods by means of, without  
295 limitation, a street railway, an elevated railway having a fixed  
296 guideway, a commuter railroad, a subway, motor vehicles, or  
297 motor buses, and includes a complete system of tracks, stations,  
298 and rolling stock necessary to effectuate passenger service to  
299 or from the surrounding regional municipalities.

300 ~~(7)(5)~~ "Transit facilities" means property, avenues of  
301 access, equipment, or buildings built and installed in Miami-  
302 Dade, Broward, and Palm Beach Counties which are required to  
303 support a transit system.

304 ~~(6)(6)~~ "Member" means the individuals constituting the  
305 board.

306 ~~(5)(7)~~ "Feeder transit services" means a transit system  
307 that transports passengers to or from stations within or across  
308 counties.

309 Section 8. Present subsections (4) and (5) of section  
310 343.54, Florida Statutes, are redesignated as subsections (5)  
311 and (6), respectively, and a new subsection (4) is added to that  
312 section, to read:

313 343.54 Powers and duties.-

314 (4) Notwithstanding any other provision of this part, the  
315 authority may not enter into, extend, or renew any contract or  
316 other agreement under this part without the department's prior  
317 review and written approval of the authority's proposed  
318 expenditures if such contract or agreement may be funded, in  
319 whole or in part, with funds provided by the department.

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320 Section 9. Paragraph (c) of subsection (4) of section  
321 343.58, Florida Statutes, is amended, and paragraph (e) is added  
322 to that subsection, to read:

323 343.58 County funding for the South Florida Regional  
324 Transportation Authority.-

325 (4) Notwithstanding any other provision of law to the  
326 contrary and effective July 1, 2010, until as provided in  
327 paragraph (d), the department shall transfer annually from the  
328 State Transportation Trust Fund to the South Florida Regional  
329 Transportation Authority the amounts specified in subparagraph  
330 (a)1. or subparagraph (a)2.

331 (c)1. Funds provided to the authority by the department  
332 under this subsection may not be committed by the authority  
333 without the prior review and written approval by ~~of~~ the  
334 department of the authority's expenditures, ~~which may not be~~  
335 ~~unreasonably withheld. At least 90 days before advertising any~~  
336 ~~procurement or renewing any existing contract that will rely on~~  
337 ~~state funds for payment, the authority shall notify the~~  
338 ~~department of the proposed procurement or renewal and the~~  
339 ~~proposed terms thereof. If the department, within 60 days after~~  
340 ~~receipt of notice, objects in writing to the proposed~~  
341 ~~procurement or renewal, specifying its reasons for objection,~~  
342 ~~the authority may not proceed with the proposed procurement or~~  
343 ~~renewal. Failure of the department to object in writing within~~  
344 ~~60 days after notice shall be deemed consent. This requirement~~  
345 ~~does not impair or cause the authority to cancel contracts that~~  
346 ~~exist as of June 30, 2012.~~

347 2. To enable the department to evaluate the authority's  
348 proposed uses of state funds, the authority shall annually

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349 provide the department with its proposed budget for the  
 350 following authority fiscal year and shall promptly provide the  
 351 department with any additional documentation or information  
 352 required by the department for its evaluation of the proposed  
 353 uses of the state funds.

354 (e) Funding may not be provided to the authority by the  
 355 department under this subsection until the authority withdraws,  
 356 cancels, or otherwise terminates the authority's Notice of  
 357 Intent of Contract Award for Request for Proposal 16-010  
 358 "Operating Services," approved by the authority's board on  
 359 January 27, 2017. Before entering into a new contract for the  
 360 services that were the subject of the Request for Proposal 16-  
 361 010, the authority must obtain the department's written approval  
 362 of all terms and conditions of a new procurement and contract  
 363 for the services that were the subject of such request for  
 364 proposal to ensure that the authority has sufficient revenues to  
 365 fund the contract.

366 Section 10. Subsection (2) of section 215.82, Florida  
 367 Statutes, is amended to read:

368 215.82 Validation; when required.—

369 (2) Any bonds issued pursuant to this act which are  
 370 validated shall be validated in the manner provided by chapter  
 371 75. In actions to validate bonds to be issued in the name of the  
 372 State Board of Education under s. 9(a) and (d), Art. XII of the  
 373 State Constitution and bonds to be issued pursuant to chapter  
 374 259, the Land Conservation Program, the complaint shall be filed  
 375 in the circuit court of the county where the seat of state  
 376 government is situated, the notice required to be published by  
 377 s. 75.06 shall be published only in the county where the

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378 complaint is filed, and the complaint and order of the circuit  
 379 court shall be served only on the state attorney of the circuit  
 380 in which the action is pending. In any action to validate bonds  
 381 issued pursuant to s. 1010.62 or issued pursuant to s. 9(a)(1),  
 382 Art. XII of the State Constitution or issued pursuant to s.  
 383 215.605 ~~or s. 338.227~~, the complaint shall be filed in the  
 384 circuit court of the county where the seat of state government  
 385 is situated, the notice required to be published by s. 75.06  
 386 shall be published in a newspaper of general circulation in the  
 387 county where the complaint is filed and in two other newspapers  
 388 of general circulation in the state, and the complaint and order  
 389 of the circuit court shall be served only on the state attorney  
 390 of the circuit in which the action is pending; provided,  
 391 however, that if publication of notice pursuant to this section  
 392 would require publication in more newspapers than would  
 393 publication pursuant to s. 75.06, such publication shall be made  
 394 pursuant to s. 75.06.

395 Section 11. Paragraph (d) of subsection (2) of section  
 396 343.53, Florida Statutes, is amended to read:

397 343.53 South Florida Regional Transportation Authority.—

398 (2) The governing board of the authority shall consist of  
 399 10 voting members, as follows:

400 (d) If the authority's service area is expanded pursuant to  
 401 s. 343.54(6) ~~s. 343.54(5)~~, the county containing the new service  
 402 area shall have two members appointed to the board as follows:

403 1. The county commission of the county shall elect a  
 404 commissioner as that commission's representative on the board.  
 405 The commissioner must be a member of the county commission when  
 406 elected and for the full extent of his or her term.

Page 14 of 15

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

596-03007-17

20171118c1

407           2. The Governor shall appoint a citizen member to the board  
408 who is not a member of the county commission but who is a  
409 resident and a qualified elector of that county.

410           Section 12. This act shall take effect July 1, 2017.

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/13/2017  
Meeting Date

SB 1118  
Bill Number (if applicable)

744574  
Amendment Barcode (if applicable)

Topic TORI-RAIL

Name JACK CORY

Job Title

Address 730 Park Ave

Phone 850-893-0995

Street  
Tulsa OK

Email JACK@CORY.PA.Y

City State Zip

Speaking:  For  Against  Information

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

Representing Stiles Corporation

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

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

Topic TR1-RAIL

Name JACK COOBY

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

Address 730 Pond AO Phone 893-0997  
Street

Tallah FL 32311 Email \_\_\_\_\_  
City State Zip

Bill Number (if applicable)  
744514  
Amendment Barcode (if applicable)

Speaking:  For  Against  Information

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

Representing Student Coopy

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)

4-13/17  
Meeting Date

1118  
Bill Number (if applicable)

744514  
Amendment Barcode (if applicable)

Topic \_\_\_\_\_

Name Dick Alexander

Job Title Exec. V.P.

Address 7340 Algonquin Dr.  
Street

Phone 513-325-0225

Cincinnati OH 45243  
City State Zip

Email dick.alexander@transdex.com

Speaking:  For  Against  Information

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

Representing Transdex

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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



THE FLORIDA SENATE

APPEARANCE RECORD

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

4-13-17

Meeting Date

1118 ~~1118~~

Bill Number (if applicable)

744514

Amendment Barcode (if applicable)

Topic \_\_\_\_\_

Name Tom MARTIN

Job Title Head of Business Development + Sales

Address 101 Gibraltar Road, Suite 112  
Street  
Horseshoe PA 19044  
City State Zip

Phone 607-664-7375

Email ethomas.martin@e.cail.com  
5ombardier.com

Speaking:  For  Against  Information

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

Representing Bombardier

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4-13-17

Meeting Date

1118  
Bill Number (if applicable)

744574  
Amendment Barcode (if applicable)

Topic SFRTA program

Name ED Turanick

Job Title Attorney

Address 401 S. Jackson

Street

Phone 813 777 2847

Tampa

City

FL

State

Zip

Email ed.turanick@attorney.com

Speaking:  For  Against  Information

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

Representing Translev

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4/13/17

Meeting Date

SB 1118

Bill Number (if applicable)

744514

Amendment Barcode (if applicable)

Topic SFRTA

Name Joe Mantilla

Job Title Sr Managing Director - Dentons Law Firm

Address \_\_\_\_\_

Street

Phone 321-246-5224

City

State

Zip

Email Joseph.Mantilla@dentons.com

Speaking:  For  Against  Information

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

Representing Bombardier

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

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

1118  
Bill Number (if applicable)

Topic Smart City Challenge Grant

744514  
Amendment Barcode (if applicable)

Name Jay Liles

Job Title Consultant

Address PO Box 6870

Phone 850/294-5004

Tallahassee FL 32314  
City State Zip

Email jililes@fwfonline.org

Speaking:  For  Against  Information

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

Representing Seaside Institute

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4/13/17  
Meeting Date

Both 1118  
Bill Number (if applicable)  
744514  
Amendment Barcode (if applicable)

Topic Transportation

Name Justin Day

Job Title Director

Address 701 S Howard Ave, Suite 106-326  
Street

Phone 850 222 8900

Tampa FL 33606  
City State Zip

Email jd@cardenaspartners.com

Speaking:  For  Against  Information

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

Representing Associated Industries of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/13/17

Meeting Date

1118

Bill Number (if applicable)

Topic FDOT / High-Rail

Amendment Barcode (if applicable)

Name Charles Dudley

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

Address 108 S. Monroe St,

Phone 681 0024

Street

Tall.

FL

32301

Email cdudley@flaPartners.com

City

State

Zip

Speaking:  For  Against  Information

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

Representing Her 20B

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

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

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

---

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

---

BILL: SB 1390

INTRODUCER: Senator Latvala

SUBJECT: Transportation Facility Designations

DATE: April 7, 2017

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	<b>Favorable</b>
2.	McKinnon	Pitts	ATD	<b>Recommend: Favorable</b>
3.			AP	

---

**I. Summary:**

SB 1390 designates the portion of U.S. 19A/S.R. 595 between Tarpon Avenue and the Pasco County line in Pinellas County as “Officer Charles ‘Charlie K’ Kondek, Jr., Memorial Highway” and directs the Florida Department of Transportation (FDOT) to erect suitable markers.

The estimated cost to the FDOT to install the designation markers required by this bill is \$1,000. See section V, “Fiscal Impact Statement” for details.

The bill takes effect July 1, 2017.

**II. Present Situation:**

Section 334.071, F.S., provides that legislative designations of transportation facilities are for honorary or memorial purposes, or to distinguish a particular facility. Such designations are not to be construed as requiring any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes.<sup>1</sup>

When the Legislature establishes road or bridge designations, the Florida Department of Transportation (FDOT) is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation, and to erect any other markers it deems appropriate for the transportation facility.<sup>2</sup>

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the

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<sup>1</sup> Section 334.071(1), F.S.

<sup>2</sup> Section 334.071(2), F.S.

designated road or bridge segment is located in more than one city or county, each affected local government must pass resolutions supporting the designations before installation of the markers.<sup>3</sup>

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

The bill designates the portion of U.S. 19A/S.R. 595 between Tarpon Avenue and the Pasco County line in Pinellas County as “Officer Charles ‘Charlie K’ Kondek, Jr., Memorial Highway” and directs the Florida Department of Transportation (FDOT) to erect suitable markers for the described designation.

Officer Charles ‘Charlie K’ Kondek, Jr., served the citizens of the City of Tarpon Springs as a law enforcement officer for over 17 years. On December 21, 2014, while investigating a noise nuisance complaint, Officer Kondek was ambushed by an armed adversary, exchanged gunfire, and paid the ultimate sacrifice while in service to his community.

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

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

None.

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

None.

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

None.

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

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

None.

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

None.

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

The estimated cost to erect the designation markers required by this bill is \$1,000, based on the assumption that two markers are required at a cost to the FDOT of no less than \$500 each. The estimate includes sign fabrication, installation, and maintenance over time but does not include any additional expenses related to maintenance of traffic, dedication event costs, or replacement necessitated by damage, vandalism, or storm events.

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<sup>3</sup> Section 334.071(3), F.S.



**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates an undesignated section of Florida Law.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.

**C. Amendments:**

None.

By Senator Latvala

16-00881-17

20171390\_\_

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A bill to be entitled

An act relating to transportation facility designations; providing an honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. Officer Charles "Charlie K" Kondek, Jr., Memorial Highway designated; Department of Transportation to erect suitable markers.-

(1) That portion of U.S. 19A/S.R. 595 between Tarpon Avenue and the Pasco County line in Pinellas County is designated as "Officer Charles 'Charlie K' Kondek, Jr., Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Officer Charles "Charlie K" Kondek, Jr., Memorial Highway as described in subsection (1).

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

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

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

---

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

---

BILL: SB 1416

INTRODUCER: Senator Young

SUBJECT: Enhanced Safety for School Crossings

DATE: April 5, 2017

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	<b>Favorable</b>
2.	McKinnon	Pitts	ATD	<b>Recommend: Favorable</b>
3.			AP	

---

**I. Summary:**

SB 1416 requires the Florida Department of Transportation (FDOT) to evaluate the viability and cost of a uniform system of pavement markings and signage for use on all state and local arterial or collector roads within a one-mile radius of all public and private schools for the purpose of designating safe school crossing locations.

The FDOT may incur insignificant expenses associated with conducting the evaluation required by the bill.

The bill takes effect July 1, 2017.

**II. Present Situation:**

**School Zones**

Section 316.1895(1), F.S., directs the FDOT to adopt a uniform system of traffic control devices and pedestrian control devices for use on the streets and highways surrounding all schools, public and private. Pursuant to direction in s. 316.0745, F.S., the FDOT has adopted the Manual on Uniform Traffic Control Devices (MUTCD) as the uniform system.<sup>1</sup> The FDOT is required to transmit the manual containing all specifications and requirements with respect to the uniform system to the governing body of each county and municipality in the state. The FDOT and each county and municipality must maintain such traffic and pedestrian control devices in conformity with the uniform system.<sup>2</sup>

---

<sup>1</sup> The MUTCD is the national standard for all traffic control devices installed on any street, highway, bikeway, or private road open to travel and is intended to obtain basic uniformity of traffic control devices.

<sup>2</sup> Section 316.1895(2), F.S.

On request from the appropriate local government, the FDOT must install and maintain<sup>3</sup> traffic and pedestrian control devices on state-maintained roads for all prekindergarten early-intervention schools that receive federal funding through the Head Start program.<sup>4</sup> The FDOT must maintain a school zone located on a state-maintained primary or secondary road, but the FDOT may enter into agreements with counties or municipalities under which the local governmental entities maintain such zones.<sup>5</sup> A county must maintain a school zone located outside of any municipality and on a county road. A municipality must maintain a school zone located in the municipality.<sup>6</sup>

Permanent signs designating school zones and school zone speed limits must be uniform in size and color and must clearly designate on the signs the times during which the restrictive speed limit is enforced. Flashing beacons activated by a time clock or other automatic device, or manually activated, may be used as an alternative to posting the times during which the restrictive speed limit is enforced. Any school zone established, or any school zone in which the signing has been replaced, on or after July 1, 2008, must have a sign stating “Speeding Fines Doubled” installed within the school zone. The FDOT is required to establish adequate standards for the sign.<sup>7</sup> A school zone speed limit may not be less than 15 miles per hour except by local regulation. A school zone speed limit may not be more than 20 miles per hour in an urbanized area.<sup>8</sup>

Portable signs designating school zones and school zone speed limits must be uniform in size and color and may be erected on the roadway only during those hours when students are arriving at and leaving regularly scheduled school sessions. The FDOT must establish adequate standards for the signs.<sup>9</sup>

### **Safe Routes to Schools Program**

The FDOT operates a Safe Routes to Schools program<sup>10</sup> for which the FDOT has set aside \$7 million a year for 10 years beginning this year.<sup>11</sup> The FDOT describes the program as follows:

<sup>3</sup> “Maintained” is defined with respect to any school zone to mean the care and maintenance of all school zone signs, markers, traffic control devices, and pedestrian control devices. Section 316.1895(3)(d), F.S.

<sup>4</sup> Section 316.1895(3), F.S. Head Start programs promote school readiness of children ages birth to five from low-income families. See the U.S. Department of Health & Human Services website available at: <https://www.acf.hhs.gov/ohs/about/head-start>. (Last visited March 22, 2017.)

<sup>5</sup> Section 316.1895(3)(a), F.S.

<sup>6</sup> Section 316.1895(3)(b) and (c), F.S.

<sup>7</sup> Section 316.1895(6), F.S.

<sup>8</sup> Section 316.1895(5), F.S. “Urbanized area” is defined in s. 334.03, F.S., to mean a geographic region comprising as a minimum the area inside an urban place of 50,000 or more persons, as designated by the U.S. Bureau of the Census, expanded to include adjacent developed areas as provided for by Federal Highway Administration regulations. Urban areas with a population of fewer than 50,000 persons that are located within the expanded boundary of an urbanized area are not separately recognized.

<sup>9</sup> Section 316.1895(7), F.S.

<sup>10</sup> The program is authorized under s. 335.066, F.S., as the Safe *Paths* to Schools Program, but it is the same program. This program receives a portion of the 15 percent of proceeds from concession agreements for the sponsorship of state greenways and trails under s. 260.0144, F.S. A portion of the proceeds is also directed for use in the FDOT’s Traffic and Bicycle Safety Program.

<sup>11</sup> Under MAP-21, federal Highway Safety Program funds were transferred to the Surface Transportation Program for Safe Routes funding. The FDOT coordinates the statewide program using the federal funds. Telephone conversation with the FDOT staff, March 24, 2017.

Safe Routes to School is a growing movement that has taken hold in communities throughout the United States. The concept is to increase the number of children who walk or bicycle to school by funding projects that remove the barriers currently preventing them from doing so. Those barriers include lack of infrastructure, unsafe infrastructure, and a lack of programs that promote walking and bicycling through education/encouragement programs aimed at children, parents, and the community.<sup>12</sup>

Eligible projects include planning, design, and construction of infrastructure-related projects that will substantially improve the ability of students to walk and bicycle to school. The projects should directly support increased safety and convenience for school children in grades K-12. Eligible applicants are public, private, and tribal schools serving kindergarten through high school who have partnered with a “maintaining agency.” That agency is a government agency with the ability to:

- Enter into a legal agreement with the FDOT,
- Design and construct the project in accordance with all federal requirements,
- Provide the initial funding for the project before being reimbursed, and
- Maintain the completed infrastructure project.<sup>13</sup>

### III. Effect of Proposed Changes:

The bill requires the FDOT to evaluate the viability and cost of a uniform system of specific, high-visibility pavement markings and signage for use on all state and local arterial roads<sup>14</sup> and collector roads<sup>15</sup> within a one-mile radius of all private and public schools. The bill authorizes the FDOT in its evaluation to consider implementation of new technology or innovations that enhance pedestrian and crosswalk visibility.

### IV. Constitutional Issues:

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

None.

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

None.

<sup>12</sup> See the FDOT’s website available at: [http://www.fdot.gov/safety/2A-Programs/Safe-Routes\\_Funding.shtm](http://www.fdot.gov/safety/2A-Programs/Safe-Routes_Funding.shtm). (Last visited March 22, 2017.)

<sup>13</sup> See the FDOT’s website for additional details available at: [http://www.fdot.gov/safety/2A-Programs/Safe-Routes\\_ProgramGuidelines.shtm](http://www.fdot.gov/safety/2A-Programs/Safe-Routes_ProgramGuidelines.shtm). (Last visited March 22, 2017.)

<sup>14</sup> Section 334.03(1), F.S., defines “arterial road” as a route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. Every United States numbered highway is an arterial road.

<sup>15</sup> Defined in s. 334.03(4), F.S., as a route providing service which is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FDOT may incur insignificant expenses associated with conducting the evaluation required by the bill.

**VI. Technical Deficiencies:**

The bill requires the FDOT to conduct the specified evaluation but does not require a report on its evaluation to be provided to a specific entity.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates the following section of the Florida Statutes: 316.1896.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Young

18-01248A-17

20171416\_\_

1 A bill to be entitled

2 An act relating to enhanced safety for school  
3 crossings; creating s. 316.1896, F.S.; requiring the  
4 Department of Transportation to evaluate the viability  
5 and cost of a uniform system of high-visibility  
6 markings and signage for designation of safe school  
7 crossings, subject to certain requirements;  
8 authorizing the department to consider in its  
9 evaluation implementation of new technology or  
10 innovations that enhance pedestrian and crosswalk  
11 visibility; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Section 316.1896, Florida Statutes, is created  
16 to read:

17 316.1896 Safe school crossing locations; evaluation by  
18 Department of Transportation.—The Department of Transportation  
19 shall evaluate the viability and cost of a uniform system of  
20 specific, high-visibility pavement markings and signage for use  
21 on arterial roads or collector roads, as defined in s. 334.03,  
22 within a 1-mile radius of all schools, public and private, to  
23 designate safe school crossing locations. In its evaluation, the  
24 department may consider implementation of new technology or  
25 innovations that enhance pedestrian and crosswalk visibility.

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

# CourtSmart Tag Report

Room: EL 110

Case No.:

Type:

Caption: Appropriations Subcommittee on Transportation, Tourism, and Economic Development Judge:

Started: 4/13/2017 1:05:31 PM

Ends: 4/13/2017 1:56:44 PM

Length: 00:51:14

1:05:30 PM Chairman Brandes  
1:05:48 PM CAA, Karen Manning calls roll  
1:05:59 PM Quorum present  
1:06:13 PM Chairman Brandes  
1:06:42 PM Tab 4 - SB 842 South Florida Regional Transportation Authority  
1:06:49 PM Senator Artilles  
1:07:48 PM Amendment 183241  
1:08:18 PM Chairman Brandes  
1:08:27 PM Senator Powell  
1:08:35 PM Senator Artilles  
1:09:19 PM Senator Thurston  
1:09:34 PM Senator Artilles  
1:10:42 PM Chairman Brandes  
1:10:45 PM Senator Gibson  
1:11:09 PM Senator Artilles  
1:11:22 PM Chairman Brandes  
1:11:31 PM Dave Ericks, South Florida Regional Transportation Authority (SFRTA)  
1:12:32 PM Senator Gibson  
1:12:48 PM FDOT - Shannan Schuessler, Legislative Affairs Director  
1:13:07 PM Senator Gibson  
1:13:16 PM Ms. Schuessler  
1:13:17 PM Senator Artilles  
1:13:59 PM Chairman Brandes  
1:14:10 PM Joe Mantilla, Senior Managing Director, Bombardier, speaks in opposition  
1:14:29 PM Ed Turanchik, Transdev, waives against  
1:14:40 PM Dick Alexander, Executive Vice-President, waives in opposition  
1:15:01 PM Amendment adopted  
1:15:09 PM Tom Martin waives in opposition to bill  
1:15:20 PM Lisa Bacot, Florida Public Transportation Association waives in support  
1:15:23 PM Russell Roberts, Vice President Government Affairs, Florida East Coast Industries, waives in support  
1:15:37 PM Jess McCarty, Asst. County Attorney, Miami-Dade County, in support  
1:15:43 PM Dave Ericks, SFRTA, waives in support  
1:15:50 PM Senator Gibson  
1:16:26 PM Senator Artilles  
1:17:03 PM Chairman Brandes  
1:17:37 PM Roll Call  
1:17:58 PM CS/SB 842 reported favorably  
1:18:17 PM Tab 6 - CS/SB 1118 - Transportation  
1:18:25 PM Senator Gainer  
1:18:32 PM Senator Powell  
1:18:37 PM Senator Brandes with strike-all amendment Barcode 744514  
1:19:58 PM Senator Powell  
1:20:09 PM Jack Cory, Stiles Corporation, in support  
1:20:17 PM Dick Alexander, Executive Vice President Transdev, speaks against  
1:23:06 PM Senator Artilles  
1:23:17 PM Mr. Alexander  
1:23:43 PM Senator Artilles  
1:24:06 PM Mr. Alexander  
1:24:10 PM Senator Artilles  
1:24:15 PM Mr. Alexander  
1:25:02 PM Senator Artilles  
1:25:18 PM Mr. Alexander



1:25:27 PM Senator Artiles  
1:25:33 PM Mr. Alexander  
1:25:40 PM Senator Artiles  
1:25:41 PM Mr. Alexander  
1:25:45 PM Senator Powell  
1:25:56 PM Tim Martin, Business Development, Bombardier  
1:29:15 PM Senator Powell  
1:29:33 PM Senator Artiles  
1:29:40 PM Mr. Martin  
1:29:51 PM Senator Artiles  
1:29:57 PM Mr. Martin  
1:30:14 PM Senator Powell  
1:30:19 PM Senator Thurston  
1:30:39 PM Mr. Martin  
1:31:20 PM Senator Powell  
1:31:45 PM Ed Turanchik, Transdev, for information  
1:33:12 PM Senator Powell  
1:34:12 PM Joe Mantilla in opposition  
1:35:31 PM Senator Powell  
1:35:33 PM Justin Day, Director, Associated Industries of Florida, waives in support  
1:35:42 PM Jay Liles,, Associated Industries of Florida waives in support  
1:37:09 PM Senator Simpson  
1:37:19 PM Senator Powell  
1:37:33 PM Senator Gibson  
1:37:59 PM Senator Brandes  
1:39:10 PM Senator Powell  
1:39:12 PM Senator Artiles - AA 580884  
1:40:00 PM Senator Powell  
1:40:06 PM Senator Gibson  
1:40:25 PM Senator Simpson  
1:40:30 PM Senator Powell  
1:40:34 PM Senator Gibson  
1:40:47 PM Senator Artiles  
1:41:13 PM Senator Powell  
1:41:35 PM Senator Gainer  
1:41:42 PM Ms. Scheussler  
1:42:16 PM Senator Powell  
1:42:30 PM Senator Artiles  
1:42:38 PM Senator Gibson  
1:42:43 PM AA 580884 Adopted  
1:42:50 PM AA 896800 W/D by Senator Brandes  
1:43:32 PM Senator Rader  
1:43:39 PM Ms. Scheussler  
1:44:08 PM Senator Rader  
1:44:28 PM Ms. Scheussler  
1:44:38 PM Senator Powell  
1:44:45 PM Charles Dudley, Herzog, waives in support  
1:44:53 PM Justin Day, AIF, waives in support  
1:45:10 PM Senator Powell  
1:45:17 PM Senator Gainer  
1:45:24 PM Senator Powell  
1:45:26 PM Roll call  
1:45:33 PM CS/SB 1118 reported favorably  
1:46:02 PM Senator Brandes  
1:46:06 PM Tab 3- CS/SB 368 Transportation Facility Designations  
1:46:09 PM Senator Montford SA 649020  
1:46:40 PM Senator Brandes  
1:46:47 PM Senator Artiles amendment Barcode 388982  
1:46:59 PM Senator Brandes  
1:47:04 PM Amendment adopted  
1:47:23 PM Senator Montford  
1:47:26 PM Roll call

**1:47:32 PM** CS/SB 368 reported favorably  
**1:47:51 PM** Tab 7- SB 1390 Transportation Facility Designations  
**1:48:03 PM** Senator Simpson  
**1:49:14 PM** Senator Powell  
**1:49:24 PM** Roll call  
**1:49:38 PM** SB 1390 reported favorably  
**1:50:02 PM** Senator Powell  
**1:50:04 PM** Tab 2- CS/SB 56 Specialty License Plates  
**1:50:13 PM** Senator Simpson  
**1:50:20 PM** Delete-all Barcode 629434  
**1:50:33 PM** Senator Powell  
**1:50:41 PM** Lena Juarez Florida Beekeepers Association waives in support  
**1:50:47 PM** Brittany Dover, Ducks Unlimited, waives in support  
**1:50:52 PM** Senator Powell  
**1:51:06 PM** Roll call  
**1:51:27 PM** SB 1390 reported favorably  
**1:51:43 PM** Senator Rader  
**1:51:48 PM** Tab 1-CS/SB 32 Relief of the Estate of Danielle Maudsley by the Department of Highway Safety and Motor Vehicles  
**1:52:00 PM** Senator Gibson  
**1:52:36 PM** Senator Powell  
**1:52:50 PM** Roll call  
**1:53:09 PM** CS/SB 32 reported favorably  
**1:53:14 PM** Tab 5-CS/SB 1086 Transportation Disadvantaged  
**1:53:21 PM** Senator Garcia  
**1:54:42 PM** Senator Powell  
**1:54:54 PM** Roll call  
**1:55:04 PM** CS/SB 1086 reported favorably  
**1:55:24 PM** Tab 8-SB 1416 Enhanced Safety for School Crossings  
**1:55:30 PM** Senator Young  
**1:55:49 PM** Senator Powell  
**1:55:59 PM** Roll call  
**1:56:11 PM** SB 1416 reported favorably  
**1:56:32 PM** Motion to adjourn by Senator Passidomo  
**1:56:34 PM** Meeting adjourned

TAS



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Military and Veterans Affairs, Space, and Domestic Security, *Chair*  
Appropriations  
Appropriations Subcommittee on Transportation, Tourism, and Economic Development  
Commerce and Tourism  
Judiciary  
Regulated Industries  
Joint Legislative Auditing Committee

**SENATOR AUDREY GIBSON**  
6th District

February 22, 2017

Senator Jeff Brandes, Chair  
Appropriations Subcommittee on  
Transportation, Tourism, and Economic Development  
201 The Capitol  
404 South Monroe Street  
Tallahassee, Florida 32399-1100

Chair Brandes:

I respectfully request that SB 32, a claims bill on behalf of Danielle Maudsley, relating to alleged negligence by the Florida Highway Patrol, be placed on the next committee agenda.

SB 32, requires \$1,750,000.00 to be paid upon approval of the claims bill minus payments required to satisfy outstanding Medicaid liens. This bill passed unanimously in the first committee.

Thank you for your time and consideration.

Sincerely,

Audrey Gibson  
State Senator  
District 6

SENATE APPROPRIATIONS  
RECEIVED  
17 FEB 22 PM 2:42  
STAFF DIR. STAFF

**REPLY TO:**

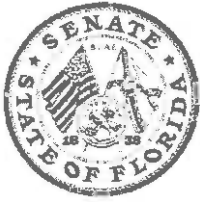
- 101 E. Union Street, Suite 104, Jacksonville, Florida 32202 (904)359-2553 FAX: (904) 359-2532
- 405 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore

ATD



The Florida Senate

## Committee Agenda Request

**To:** Senator Jeff Brandes, Chair  
Appropriations Subcommittee on Transportation, Tourism, and Economic  
Development

**Subject:** Committee Agenda Request

**Date:** February 24, 2017

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I respectfully request that **Senate Bill # 56**, relating to Specialty License Plates, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Aaron Bean".

---

Senator Aaron Bean  
Florida Senate, District 4



The Florida Senate

## Committee Agenda Request

**To:** Senator Jeff Brandes, Chair  
Senate Appropriations Subcommittee on Transportation, Tourism,  
and Economic Development

**Subject:** Committee Agenda Request

**Date:** February 22, 2017

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I respectfully request that **Senate Bill #368**, relating to Transportation Designations, be placed on the:

- committee agenda once received, and at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Bill Montford".

---

Senator Bill Montford  
Florida Senate, District 3



The Florida Senate

## Committee Agenda Request

**To:** Senator Jeff Brandes, Chair  
Appropriations Subcommittee on Transportation, Tourism, and Economic  
Development


**Subject:** Committee Agenda Request

**Date:** March 23, 2017

---

I respectfully request that **Senate Bill #842**, relating to South Florida Regional Transportation Authority, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

  
\_\_\_\_\_  
Senator Frank Artiles  
Florida Senate, District 40

PTD



The Florida Senate  
State Senator René García  
36<sup>th</sup> District

Please reply to:

District Office:

1490 West 68 Street  
Suite # 201  
Hialeah, FL 33014  
Phone# (305) 364-3100

March 29<sup>th</sup>, 2017

The Honorable Jeff Brandes  
Chairman, Appropriations Subcommittee on Transportation, Tourism and Economic  
Development  
201 The Capitol  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Dear Senator Brandes,

Please have this letter serve as my formal request to have **SB 1086: Transportation Disadvantaged** be heard during the next scheduled Appropriations Subcommittee on Transportation, Tourism, and Economic Development Meeting. Should you have any questions or concerns, please do not hesitate to contact my office.

Sincerely,

State Senator René García  
District 36

CC: Teddi Pitts  
Karen Manning

A7D



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Transportation, *Chair*  
Commerce and Tourism, *Vice Chair*  
Appropriations  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Banking and Insurance

## JOINT COMMITTEE:

Joint Administrative Procedures Committee

**SENATOR GEORGE B. GAINER**  
2nd District

March 29, 2017

Re: SB 1118

Dear Chair Brandes,

I am respectfully requesting Senate Bill 1118, a bill related to Transportation, be placed on the agenda for your Appropriations Subcommittee on Transportation, Tourism, and Economic Development.

I appreciate your consideration of this bill and I look forward to working with you and the Appropriations Subcommittee on Transportation, Tourism, and Economic Development. If there are any questions or concerns, please do not hesitate to call my office at (850) 487-5002.

Thank You,

A handwritten signature in cursive script that reads "George B. Gainer".

Senator George Gainer  
District 2

Cc. Teddi Pitts, Karen Manning, Chris Spencer, Vanessa Thompson, Melissa Hertzfeld

REPLY TO:

□ 302 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore

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ATD





# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Appropriations, *Chair*  
Commerce and Tourism  
Environmental Preservation and Conservation  
Rules

**JOINT COMMITTEE:**  
Joint Legislative Budget Commission,  
*Alternating Chair*

## SENATOR JACK LATVALA

16th District

March 22, 2017

The Honorable Jeff Brandes  
416 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chairman Brandes,

I respectfully request you place Senate Bill 1390, relating to Transportation Facility Designations, on your Appropriations Subcommittee on Transportation, Tourism, and Economic Development agenda at your earliest convenience.

Should you have any questions or concerns regarding this legislation, please do not hesitate to contact me personally.

Sincerely,

A handwritten signature in cursive script that reads "Jack Latvala".

Jack Latvala  
Senator, 16<sup>th</sup> District

cc: Teddi Pitts, Staff Director

**REPLY TO:**

- 26133 U.S. Highway 19 North, Suite 201, Clearwater, Florida 33763 (727) 793-2797 FAX: (727) 793-2799
- 412 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Health Policy, *Chair*  
Appropriations Subcommittee on Pre-K - 12  
Education, *Vice Chair*  
Commerce and Tourism  
Communications, Energy, and Public Utilities  
Regulated Industries

### JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

**SENATOR DANA YOUNG**  
18th District

March 29, 2017

Senator Jeff Brandes, Chair  
Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development  
201 The Capitol  
404 S. Monroe Street  
Tallahassee, Florida 32399-1100

Dear Chairman Brandes,

My Senate Bill 1416, Enhanced Safety for School Crossings has been referred to your committee for a hearing. I respectfully request that this bill be placed on your next available agenda.

Thank you for your consideration of this request. If I need to provide you with more information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Dana Young".

Dana Young  
State Senator – 18<sup>th</sup> District

cc: Teddi Pitts, Staff Director – Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development

#### REPLY TO:

- 1211 N. Westshore Blvd, Suite 409, Tampa, Florida 33607 (813) 281-5507
- 316 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore

ADD