

Tab 1	CS/SB 90 by CU, Perry (CO-INTRODUCERS) Garcia, Mayfield, Rodriguez, Campbell, Baxley, Stewart, Taddeo; (Compare to H 00033) Use of Wireless Communications Devices While Driving					
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949778	D	S	UNFAV	ATD, Gibson	Delete everything after	01/23 08:01 PM
554432	AA	S	UNFAV	ATD, Thurston	btw L.103 - 104:	01/23 08:01 PM
902176	A	S	RCS	ATD, Thurston	btw L.38 - 39:	01/23 08:01 PM
125822	A	S	WD	ATD, Thurston	btw L.103 - 104:	01/23 08:01 PM

Tab 2	SB 160 by Bean; (Compare to CS/H 00787) Specialty License Plates/Ducks Unlimited and Fallen Law Enforcement Officers					
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699638	D	S	RS	ATD, Bean	Delete everything after	01/24 12:31 PM
490654	SD	S	RCS	ATD, Bean	Delete everything after	01/24 12:31 PM

Tab 3	SB 1130 by Powell; (Similar to H 07033) Land Acquisition Trust Fund within the Department of State					
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

**APPROPRIATIONS SUBCOMMITTEE ON
TRANSPORTATION, TOURISM, AND ECONOMIC
DEVELOPMENT**

Senator Simpson, Chair
Senator Powell, Vice Chair

MEETING DATE: Tuesday, January 23, 2018
TIME: 9:00—11:00 a.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Office Building

MEMBERS: Senator Simpson, Chair; Senator Powell, Vice Chair; Senators Benacquisto, Bradley, Gainer, Galvano, Gibson, Rader, Stargel, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 90 Communications, Energy, and Public Utilities / Perry (Similar S 72, Compare H 33, H 121)	Use of Wireless Communications Devices While Driving; Revising the legislative intent relating to the authorization of law enforcement officers to stop motor vehicles and issue citations to persons who are texting while driving; requiring deposit of fines into the Emergency Medical Services Trust Fund; requiring a law enforcement officer to inform a person who is stopped for texting while driving of the person's right to decline a search of his or her wireless communications device, etc. CU 10/24/2017 Fav/CS TR 01/10/2018 Favorable ATD 01/23/2018 Fav/CS AP	Fav/CS Yeas 8 Nays 2
2	SB 160 Bean (Compare CS/H 787)	Specialty License Plates/Ducks Unlimited and Fallen Law Enforcement Officers ; Establishing an annual use fee for the Ducks Unlimited license plate; revising the distribution of proceeds for the Fallen Law Enforcement Officers license plate, etc. TR 11/14/2017 Favorable ATD 01/17/2018 Not Considered ATD 01/23/2018 Fav/CS AP	Fav/CS Yeas 10 Nays 0
3	SB 1130 Powell (Similar H 7033)	Land Acquisition Trust Fund within the Department of State; Re-creating the Land Acquisition Trust Fund within the Department of State without modification; abrogating provisions relating to the termination of the trust fund, to conform, etc. EP 01/16/2018 Favorable ATD 01/23/2018 Favorable AP	Favorable Yeas 10 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: PCS/CS/SB 90 (418368)

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

SUBJECT: Use of Wireless Communications Devices While Driving

DATE: January 25, 2018 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wiehle</u>	<u>Caldwell</u>	<u>CU</u>	Fav/CS
2.	<u>Jones</u>	<u>Miller</u>	<u>TR</u>	Favorable
3.	<u>Wells/Hrdlicka</u>	<u>Hrdlicka</u>	<u>ATD</u>	Recommend: Fav/CS
4.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 90 amends s. 316.305, F.S., to authorize a law enforcement officer to enforce the ban on texting while driving without first detaining the operator of the motor vehicle for suspected violation of another provision. The bill requires:

- All penalties collected for a violation of the ban to be remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health (DOH).
- A law enforcement officer who has stopped a person for texting while driving to inform the person of the right to decline a search of his or her wireless communications device.
- Law enforcement agencies to record the driver's race and ethnicity on the citation and report such information to the Department of Highway Safety and Motor Vehicles. The department must report at least statewide totals of such information annually starting February 1, 2019.

Due to the redistribution of the civil penalty revenues associated with texting while driving, the bill will decrease revenues otherwise distributed to the General Revenue Fund, a number of state trust funds, the clerks of court, and municipalities. The Emergency Medical Services Trust Fund of the DOH will have an increase in revenues for distribution.

The bill takes effect October 1, 2018.

II. Present Situation:

Florida Ban on Texting While Driving Law

Section 316.305, F.S., is the “Florida Ban on Texting While Driving Law.” It bans a person from operating a motor vehicle while using a wireless communications device¹ in specified ways. Enforcement is permitted only as a secondary action when an operator of a motor vehicle has been detained for a suspected violation of another provision of ch. 316, F.S., the “Florida Uniform Traffic Control Law,” ch. 320, F.S., relating to motor vehicle licenses, or ch. 322, F.S., relating to driver licenses.

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

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

Any person who violates the ban commits a noncriminal traffic infraction. A first violation is punishable as a nonmoving violation, and a second or subsequent violation within 5 years after the date of a prior conviction is punishable as a moving violation.⁴

¹ The statute defines the term “wireless communications device” to mean any handheld device used or capable of being used in a handheld manner, that is designed or intended to receive or transmit text or character-based messages, access or store data, or connect to the Internet or any communications service as defined in s. 812.15, F.S., and that allows text communications.

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

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

⁴ In 2016 there were 1,404 citations issued for a nonmoving violation and 29 citations issued for a moving violation of the ban. See Department of Highway Safety and Motor Vehicles, *Annual Uniform Traffic Citation Report*, available at <https://services.flhsmv.gov/specialtyplates/uniformtrafficcitationreport> (last visited Jan.16, 2018).

Drivers convicted of unlawful use of a wireless communications device that results in a crash will have six points assessed against their driver license,⁵ and drivers convicted of unlawful use of a wireless communications device within a school safety zone are assessed an additional two points.⁶

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

Texting While Driving Bans in Other States

As of July 2017, texting while driving violations are enforced as a "primary" offense in 43 states, meaning that in those states a law enforcement officer does not first have to detain the operator of the motor vehicle for suspected violation of another motor vehicle-related law in order to enforce the texting while driving law.⁷

Traffic Infraction Civil Penalties

Section 318.18, F.S., provides for penalties for traffic infractions and establishes a penalty of \$30 for a nonmoving traffic violation and \$60 for a moving violation.⁸

Section 318.21, F.S., requires counties to distribute all traffic infraction civil penalties monthly to various trust funds or entities, including distributing 7.2 percent to the Department of Revenue for deposit in the Department of Health's Emergency Medical Services Trust Fund. Funds deposited into the Emergency Medical Services Trust Fund are dispensed for specific purposes set forth in s. 401.113, F.S., to improve and expand prehospital emergency medical services in the state. The other various trust funds or entities receiving a portion of the penalties include the:

- Child Welfare Training Trust Fund;
- Juvenile Justice Training Trust Fund;
- Municipalities;
- General Revenue Fund;
- Additional Court Cost Clearing Trust Fund;
- Brain and Spinal Cord Injury Program Trust Fund;
- Florida Endowment Foundation for Vocational Rehabilitation;
- Circuit Court Clerks; and
- Special Improvement Districts of the Seminole or Miccosukee Indian Tribes.

⁵ Section 322.27(3)(d)3., F.S.

⁶ Section 322.27(3)(d)11., F.S.

⁷ Governors Highway Safety Association, *Distracted Driving Laws by State* (July 2017), available at http://www.ghsa.org/sites/default/files/2017-07/DistractedDrivingLawChart_July17.pdf (last visited Jan. 19, 2018).

⁸ After court costs, the final amount paid could be up to \$108 for a nonmoving traffic violation and up to \$158 for a moving violation. See The Florida Court Clerks and Comptrollers, *Distribution Schedule* (July 2017), available at http://c.ymcdn.com/sites/www.flclerks.com/resource/resmgr/publicationsanddocuments/2017_Distribution_Schedule_7.pdf (last visited Jan. 19, 2018).

Searches of Wireless Communication Devices

The Fourth Amendment of the United States Constitution and Art. I, s. 12 of the State Constitution guarantee an individual's right to be free from unreasonable searches and seizures. A law enforcement officer may request an individual's consent to search the individual's wireless communications device, and the individual has the right to grant or deny consent. Courts have held that an officer has no duty to inform an individual that he or she has the right to refuse consent to the search and proof that an individual independently had such knowledge of his or her right to refuse is not necessary. However, a court can take into account, as a factor in determining whether consent was given freely and voluntarily, such information or knowledge.⁹

If an officer places an individual under arrest, the officer may assume possession of the wireless communications device but, in general, has no authority to search the device as a search incident to arrest and must obtain a search warrant based upon probable cause in order to search the device.¹⁰

III. Effect of Proposed Changes:

The bill authorizes enforcement of the texting while driving ban as a "primary" offense. Under the bill, a law enforcement officer may detain an operator of a motor vehicle for suspected violation of the texting while driving ban without having first detained the operator for suspected violation of another motor vehicle-related law.

The bill requires that a law enforcement officer who has stopped a person for texting while driving inform the person of his or her right to decline a search of his or her wireless communications device. Further, the bill requires the law enforcement officer to record the person's race and ethnicity if the officer issues a citation for violation of the ban. Sheriffs, municipal law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies are required to maintain the recorded race and ethnicity information and report it to the Department of Highway Safety and Motor Vehicles. The department must report at least statewide totals of such information by local, state, and state university law enforcement agencies annually starting February 1, 2019. The report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The bill requires that all penalties collected for a violation of the ban on texting while driving be remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health.

The bill takes effect October 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁹ *State v. Diaz*, 549 So.2d 759, 760-761 (3rd DCA, 1989).

¹⁰ *Smallwood v. State*, 113 So.3d 724, 740 (Fla. 2013).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

Operators of motor vehicles who are texting while driving will have an increased likelihood of being cited for a violation of the ban, and being required to pay civil penalties.

C. Government Sector Impact:

The Emergency Medical Services Trust Fund of the Department of Health will receive 100 percent of the civil penalties imposed relating to violations of texting while driving instead of only the current 7.2 percent. This will result in an indeterminate increase in revenues deposited into that trust fund. The other current recipients will no longer receive any of the revenues associated with the civil penalties, resulting in indeterminate decreases in revenues distributed to the following:

- Child Welfare Training Trust Fund;
- Juvenile Justice Training Trust Fund;
- Municipalities;
- General Revenue Fund;
- Additional Court Cost Clearing Trust Fund;
- Brain and Spinal Cord Injury Program Trust Fund;
- Florida Endowment Foundation for Vocational Rehabilitation;
- Circuit Court Clerks; and
- Special Improvement Districts of the Seminole or Miccosukee Indian Tribes.

The fiscal impact on the Department of Highway Safety and Motor Vehicles to collect reported data from law enforcement agencies on race and ethnicity of persons who violate the texting while driving ban and to issue an annual report is not known at this time, but is expected to be minimal.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 316.305 of the Florida Statutes.

IX. Additional Information:

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

Recommended CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on January 23, 2018:

The recommended committee substitute requires a law enforcement officer to record a person's race and ethnicity if the officer issues a citation for violation of the ban on texting while driving. Law enforcement agencies must report such information to the Department of Highway Safety and Motor Vehicles, and the department must report at least statewide totals annually starting on February 1, 2019.

CS by Communications, Energy, and Public Utilities on October 24, 2017:

- Requires that a law enforcement officer who has stopped a person for texting while driving inform the person of the right to decline a search of his or her wireless communications device.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
01/23/2018	.	
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Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Gibson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 316.305, Florida Statutes, is amended to
read:

316.305 Wireless communications devices; prohibition.—

(1) This section may be cited as the "Florida Ban on
Handheld Wireless Communications ~~Texting~~ While Driving Law."

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



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11 (a) Improve roadway safety for all vehicle operators,
12 vehicle passengers, bicyclists, pedestrians, and other road
13 users.

14 (b) Prevent crashes related to the act of using a wireless
15 communications device ~~text messaging~~ while driving a motor
16 vehicle.

17 (c) Reduce injuries, deaths, property damage, health care
18 costs, health insurance rates, and automobile insurance rates
19 related to motor vehicle crashes.

20 (d) Authorize law enforcement officers to stop motor
21 vehicles and issue citations ~~as a secondary offense~~ to persons
22 who are using a wireless communications device ~~texting~~ while
23 driving.

24 (3) (a) A person may not operate a motor vehicle while:

25 1. Dialing, or talking or listening on, a wireless
26 communications device for the purpose of interpersonal
27 communication;

28 2. Manually typing or entering multiple letters, numbers,
29 symbols, or other characters into a wireless communications
30 device or while sending or reading data on such a device for the
31 purpose of nonvoice interpersonal communication, including, but
32 not limited to, communication methods known as texting, e-
33 mailing, and instant messaging; or

34 3. Using a wireless communications device to view or post
35 an electronic message or initiate a command to the Internet.

36
37 As used in this section, the term "wireless communications
38 device" means any handheld device that is used or capable of
39 being used in a handheld manner; ~~it~~ that is designed or intended



949778

40 to receive interpersonal communication, ~~or~~ transmit text or
41 character-based messages, access or store data, or connect to
42 the Internet or any communications service as defined in s.
43 812.15; and that allows text communications. For the purposes of
44 this paragraph, a motor vehicle that is stationary is not being
45 operated and is not subject to the prohibition in this
46 paragraph.

47 (b) Paragraph (a) does not apply to a motor vehicle
48 operator who is:

49 1. Performing official duties as an operator of an
50 authorized emergency vehicle as defined in s. 322.01, a law
51 enforcement or fire service professional, or an emergency
52 medical services professional.

53 2. Reporting an emergency or criminal or suspicious
54 activity to law enforcement authorities.

55 3. Receiving messages that are:

56 a. Related to the operation or navigation of the motor
57 vehicle;

58 b. Safety-related information, including emergency,
59 traffic, or weather alerts;

60 c. Data used primarily by the motor vehicle; or

61 d. Radio broadcasts.

62 4. Using a device or system for navigation purposes.

63 ~~5. Conducting wireless interpersonal communication that~~
64 ~~does not require manual entry of multiple letters, numbers, or~~
65 ~~symbols, except to activate, deactivate, or initiate a feature~~
66 ~~or function.~~

67 ~~6. Conducting wireless interpersonal communication that~~
68 ~~does not require reading text messages, except to activate,~~



949778

69 ~~deactivate, or initiate a feature or function.~~

70 5.7. Operating an autonomous vehicle, as defined in s.
71 316.003, in autonomous mode.

72 6. Conducting wireless interpersonal communication through
73 the use of a hands-free electronic device. The term "hands-free
74 electronic device" means a mobile electronic device that has an
75 internal feature or function, or that is equipped with an
76 attachment or addition, regardless of whether the attachment or
77 addition is a permanent part of such mobile electronic device,
78 by which a user engages in conversation without the use of
79 either hand.

80 (c) Only in the event of a crash resulting in death or
81 personal injury, a user's billing records for a wireless
82 communications device or the testimony of or written statements
83 from appropriate authorities obtaining ~~receiving~~ such
84 communications ~~messages~~ may be admissible as evidence in any
85 proceeding to determine whether a violation of paragraph (a) has
86 been committed.

87 (4) (a) Any person who violates paragraph (3) (a) commits a
88 noncriminal traffic infraction, punishable as a nonmoving
89 violation as provided in chapter 318.

90 (b) Any person who commits a second or subsequent violation
91 of paragraph (3) (a) within 5 years after the date of a prior
92 conviction for a violation of paragraph (3) (a) commits a
93 noncriminal traffic infraction, punishable as a moving violation
94 as provided in chapter 318.

95 (5) Notwithstanding s. 318.21, all proceeds collected
96 pursuant to s. 318.18 for a violation of this section must be
97 remitted to the Department of Revenue for deposit into the



949778

98 Department of Health Emergency Medical Services Trust Fund
99 ~~Enforcement of this section by state or local law enforcement~~
100 ~~agencies must be accomplished only as a secondary action when an~~
101 ~~operator of a motor vehicle has been detained for a suspected~~
102 ~~violation of another provision of this chapter, chapter 320, or~~
103 ~~chapter 322.~~

104 Section 2. This act shall take effect October 1, 2018.

105
106 ===== T I T L E A M E N D M E N T =====

107 And the title is amended as follows:

108 Delete everything before the enacting clause
109 and insert:

110 A bill to be entitled
111 An act relating to wireless communications devices
112 while driving; amending s. 316.305, F.S.; renaming the
113 short title as the "Florida Ban on Handheld Wireless
114 Communications While Driving Law"; revising
115 legislative intent; prohibiting a person from
116 operating a motor vehicle while dialing, or talking or
117 listening on, a wireless communications device for the
118 purpose of interpersonal communication or while using
119 a wireless communications device to view or post an
120 electronic message or initiate a command to the
121 Internet; revising the definition of the term
122 "wireless communications device"; revising the
123 exceptions to the prohibition against operating a
124 motor vehicle while using a wireless communications
125 device; defining the term "hands-free electronic
126 device"; requiring certain fines to be deposited into



949778

127 the Department of Health Emergency Medical Services
128 Trust Fund; deleting a provision requiring that
129 enforcement of the wireless communications device
130 prohibition be accomplished only as a secondary
131 action; providing an effective date.



554432

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
01/23/2018	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Thurston) recommended the following:

1 **Senate Amendment to Amendment (949778) (with title**
2 **amendment)**

3
4 Between lines 103 and 104
5 insert:

6 (6) When a law enforcement officer issues a citation for a
7 violation of this section, the law enforcement officer must
8 record the race and ethnicity of the violator. All law
9 enforcement agencies must maintain such information and report



554432

10 the information to the department in a form and manner
11 determined by the department. Beginning February 1, 2019, the
12 department shall annually report the data collected under this
13 subsection to the Governor, the President of the Senate, and the
14 Speaker of the House of Representatives. The data collected must
15 be reported at least by statewide totals for local law
16 enforcement agencies, state law enforcement agencies, and state
17 university law enforcement agencies. The statewide total for
18 local law enforcement agencies shall combine the data for the
19 county sheriffs and the municipal law enforcement agencies.

20
21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 Delete line 131

24 and insert:

25 action; requiring a law enforcement officer to record
26 the race and ethnicity of a violator when issuing a
27 citation for a violation of this section; requiring
28 all law enforcement agencies to maintain such
29 information and forward the information to the
30 Department of Highway Safety and Motor Vehicles in a
31 form and manner determined by the department;
32 beginning on a specified date, requiring the
33 department to annually report the data to the Governor
34 and Legislature; providing requirements for the
35 report; providing an effective date.



902176

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2018	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Thurston) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 38 and 39

insert:

(7) When a law enforcement officer issues a citation for a violation of this section, the law enforcement officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain such information and report



902176

10 the information to the department in a form and manner
11 determined by the department. Beginning February 1, 2019, the
12 department shall annually report the data collected under this
13 subsection to the Governor, the President of the Senate, and the
14 Speaker of the House of Representatives. The data collected must
15 be reported at least by statewide totals for local law
16 enforcement agencies, state law enforcement agencies, and state
17 university law enforcement agencies. The statewide total for
18 local law enforcement agencies shall combine the data for the
19 county sheriffs and the municipal law enforcement agencies.

20
21 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

22 And the directory clause is amended as follows:

23 Delete line 21

24 and insert:

25 subsections (6) and (7) are added to that section, to read:

26

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

28 And the title is amended as follows:

29 Between lines 14 and 15

30 insert:

31 requiring a law enforcement officer to record the race
32 and ethnicity of a violator when issuing a citation
33 for a violation of this section; requiring all law
34 enforcement agencies to maintain such information and
35 forward the information to the Department of Highway
36 Safety and Motor Vehicles in a form and manner
37 determined by the department; beginning on a specified
38 date, requiring the department to annually report the



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data to the Governor and Legislature; providing
requirements for the report;



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/23/2018	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Thurston) recommended the following:

1 **Senate Amendment to Amendment (949778) (with title**
2 **amendment)**

3
4 Between lines 103 and 104
5 insert:

6 (6) When a law enforcement officer issues a citation for a
7 violation of this section, the law enforcement officer must
8 record the race and ethnicity of the violator. All law



125822

9 enforcement agencies must maintain such information and report
10 the information to the department in a form and manner
11 determined by the department. Beginning February 1, 2019, the
12 department shall annually report the data collected under this
13 subsection to the Governor, the President of the Senate, and the
14 Speaker of the House of Representatives. The data collected must
15 be reported at least by statewide totals for local law
16 enforcement agencies, state law enforcement agencies, and state
17 university law enforcement agencies. The statewide total for
18 local law enforcement agencies shall combine the data for the
19 county sheriffs and the municipal law enforcement agencies.

20
21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 Delete line 131

24 and insert:

25 action; requiring a law enforcement officer to record
26 the race and ethnicity of a violator when issuing a
27 citation for a violation of this section; requiring
28 all law enforcement agencies to maintain such
29 information and forward the information to the
30 Department of Highway Safety and Motor Vehicles in a
31 form and manner determined by the department;
32 beginning on a specified date, requiring the
33 department to annually report the data to the Governor
34 and Legislature; providing requirements for the
35 report; providing an effective date.

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

579-00930-18

201890c1

1 A bill to be entitled
 2 An act relating to the use of wireless communications
 3 devices while driving; amending s. 316.305, F.S.;
 4 revising the legislative intent relating to the
 5 authorization of law enforcement officers to stop
 6 motor vehicles and issue citations to persons who are
 7 texting while driving; requiring deposit of fines into
 8 the Emergency Medical Services Trust Fund; deleting a
 9 provision requiring that enforcement of the Florida
 10 Ban on Texting While Driving Law be accomplished only
 11 as a secondary action; requiring a law enforcement
 12 officer to inform a person who is stopped for texting
 13 while driving of the person's right to decline a
 14 search of his or her wireless communications device;
 15 providing an effective date.
 16
 17 Be It Enacted by the Legislature of the State of Florida:
 18
 19 Section 1. Paragraph (d) of subsection (2) and subsection
 20 (5) of section 316.305, Florida Statutes, are amended, and
 21 subsection (6) is added to that section, to read:
 22 316.305 Wireless communications devices; prohibition.—
 23 (2) It is the intent of the Legislature to:
 24 (d) Authorize law enforcement officers to stop motor
 25 vehicles and issue citations ~~as a secondary offense~~ to persons
 26 who are texting while driving.
 27 (5) Notwithstanding s. 318.21, all proceeds collected
 28 pursuant to s. 318.18 for a violation of this section shall be
 29 remitted to the Department of Revenue for deposit into the

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

579-00930-18

201890c1

30 Emergency Medical Services Trust Fund of the Department of
 31 Health Enforcement of this section by state or local law
 32 enforcement agencies must be accomplished only as a secondary
 33 action when an operator of a motor vehicle has been detained for
 34 a suspected violation of another provision of this chapter,
 35 chapter 320, or chapter 322.
 36 (6) A law enforcement officer shall inform a person who is
 37 stopped for texting while driving of the person's right to
 38 decline a search of his or her wireless communications device.
 39 Section 2. This act shall take effect October 1, 2018.

Page 2 of 2

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



The Florida Senate

Committee Agenda Request

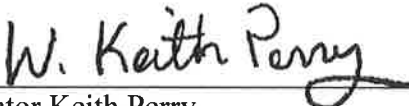
To: Senator Wilton Simpson, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: January 10, 2018

I respectfully request that **Senate Bill #90**, relating to use of wireless communications devices while driving be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.



Senator Keith Perry
Florida Senate, District 8

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/23/2018

Meeting Date

SB 90

Bill Number (if applicable)

Topic Use of Wireless Communications while driving

Amendment Barcode (if applicable)

Name Matt Puckett

Job Title Lobbyist

Address 300 East Brevard Street

Phone _____

Street

Tallahassee

FL

32301

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing Florida Police Benevolent Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/23/18

Meeting Date

90

Bill Number (if applicable)

Topic Use of Wireless Communications

Amendment Barcode (if applicable)

Name Doug Bell

Job Title

Address 119 S. Monroe St.

Phone 205-9000

Street

TLH

FL

State

Zip

Email doug.bell@mhdfirm.com

City

Speaking: [] For [] Against [] Information

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

Representing Florida Chapter American Academy of Pediatrics

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [X] Yes [] No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

90

Bill Number (if applicable)

Meeting Date

Topic Texting / Driving

Amendment Barcode (if applicable)

Name MONTE STEVENS

Job Title

Address 123 S. ADAMS ST

Phone 6714401

Street

TALLAHASSEE FL 32301

Email Stevens@SoStrategy.com

City

State

Zip

Speaking: For Against Information

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

Representing AAA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/23/18
Meeting Date

SB90
Bill Number (if applicable)

Topic Wireless Device

Amendment Barcode (if applicable)

Name Elizabeth Hoyland

Job Title VP of children + Youth American Legion Auxiliary

Address 1115 41st St So

Phone 727 482 0873

Street

Gulfport
City

FL
State

33707
Zip

Email _____

Speaking: For Against Information

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

Representing American Legion Auxiliary District 16

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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APPEARANCE RECORD

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

1/23/18
Meeting Date

SB90
Bill Number (if applicable)

Topic WIRELESS DEVICE

Amendment Barcode (if applicable)

Name ANJANETTE ELLWOOD

Job Title VP OF LARGO HIGH PTSA

Address

Phone 727-410-2708

Street

LARGO FL 33771

Email aellwo1@gmail.com

City

State

Zip

Speaking: For Against Information

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

Representing LARGO HIGH SCHOOL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

1/29/18

SB 90

Meeting Date

Bill Number (if applicable)

Topic Texting while Driving^{no}

Amendment Barcode (if applicable)

Name Karen Mazzola

Job Title Region Rep, FLPTA

Address 204 S Somerset Ct

Phone 407-314-5699

Street Sanford State FL Zip 32773

Email ~~Mazzola~~ region.rep2a@floridapta.org

Speaking: For Against Information

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

Representing FLPTA Seminole County Council PTA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1-23-18

Meeting Date

NO
90

Bill Number (if applicable)

Topic Texting while Driving

Amendment Barcode (if applicable)

Name Matt Dunagan

Job Title Deputy Director

Address 2017 Mahan Drive

Phone 850 877 2026

Street

Tallahassee

FL

32308

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing Florida Sheriffs 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.

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THE FLORIDA SENATE

APPEARANCE RECORD

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

1-23-18

Meeting Date

Bill Number (if applicable)

Topic Texting while driving

Amendment Barcode (if applicable)

Name Felita Tuff Duval County Council PTA

Job Title

Address Street

Phone (904) 566-9438

City

State

Zip

Email President@dccpta.org

Speaking: [] For [] Against [] Information

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

Representing Duval County Council PTA

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/23/18

Meeting Date

SB 90

Bill Number (if applicable)

Topic Wireless Communications while driving

Amendment Barcode (if applicable)

Name Logan McFaddin

Job Title Leg Affairs

Address 215 S MARCOE ST
Street

Phone 850-545-2242

Tallahassee FL 32301
City State Zip

Email logan.mcfaddin@pciaa.net

Speaking: For Against Information

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

Representing Property and Casualty Association of America

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)

APPEARANCE RECORD

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

SB 90

Bill Number (if applicable)

1/23 Meeting Date

Amendment Barcode (if applicable)

Topic

Name Debbie Sawoa - Szostak

Job Title Vice President / Legislative Chair

Address 13885 Meares Dr

Street

City

Largo

State

FL

Zip

33774

Phone

727-641-7479

Email

debbiespta@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against

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

Representing

Oakhurst Elementary

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

1/23/13

Meeting Date

SB 90

Bill Number (if applicable)

Topic No texting while driving

Amendment Barcode (if applicable)

Name Rachel Nester

Job Title

Address 3319 W. San Pedro St

Phone 813-846-0511

Street

Tampa, FL 33629

City

State

Zip

Email rachnester@gmail.com

Speaking: For Against Information

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

Representing Hillsborough County PTA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

1/23/18
Meeting Date

SB-70
Bill Number (if applicable)

Topic No texting while Driving

Amendment Barcode (if applicable)

Name Kim Klac

Job Title _____

Address 3605 W San Luis St.

Phone 813-777-4720

Street
Tampa FL 33629
City State Zip

Email k+klac@gmail.com

Speaking: For Against Information

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

Representing Hillsborough City PTA

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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APPEARANCE RECORD

1-23-18

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

SB 90

Bill Number (if applicable)

Meeting Date

Topic Texting & Driving

Amendment Barcode (if applicable)

Name Katherine Miller

Job Title 1

Address 4623 Alisa Circle W E

Phone 813-263-9347

Street St. Petersburg FL 33703

Email Raeganmiller@yahoo.com

City State Zip

Speaking: [] For [] Against [] Information

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

Representing Pinellas County Council PTA

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.

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APPEARANCE RECORD

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

1-23-18

Meeting Date

Bill Number (if applicable)

Topic Texting While Driving

Amendment Barcode (if applicable)

Name Amy Hynes

Job Title

Address 11035 Rivergate Tr

Phone 904-772-4122

Street

City Jay

State FL

Zip 32223

Email

Speaking: [] For [] Against [] Information

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

Representing

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1.23.18

Meeting Date

SB 90

Bill Number (if applicable)

Topic Texting while driving

Amendment Barcode (if applicable)

Name Damaris Allen

Job Title _____

Address 115 S. Lois Ave

Street

Phone 813.843.6210

Tampa, FL 33609

City

State

Zip

Email allendamaris@gmail.com

Speaking: For Against Information

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

Representing Coleman Middle School PTA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/23/18 Meeting Date

SB 90 Bill Number (if applicable)

Topic Texting While Driving

Amendment Barcode (if applicable)

Name Brita Wilkins Lincoln

Job Title

Address 5003 Garrick Ct Street

Phone 813 541-6256

Tampa FL 33624 City State Zip

Email bwilkinslincoln@tampabay.rr.com

Speaking: For Against Information

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

Representing Walker Middle Magnet, Hillsborough County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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TAB 1

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-23-2018

Meeting Date

SB 90

Bill Number (if applicable)

Topic Texting while Driving

Amendment Barcode (if applicable)

Name Becky Afonso

Job Title EXECUTIVE DIRECTOR

Address 250 STATHMORE AVE

Phone 813-748-1513

Street

OLDSMAR

City

FL

State

34677

Zip

Email Becky@floridabicycle.org

Speaking: For Against Information

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

Representing FLORIDA BICYCLE 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.

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S-001 (10/14/14)

TAB 1

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/23/18
Meeting Date

90
Bill Number (if applicable)

Topic Texting while Driving

Amendment Barcode (if applicable)

Name Zayne Smith

Job Title Associate State Director

Address 200 W. College Ave -
Street

Phone 850 228-4243

Tally FL 32301
City State Zip

Email zsmith@aarpa.org

Speaking: For Against Information

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

Representing AARP

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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TABI

THE FLORIDA SENATE
APPEARANCE RECORD

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

01/23/2018

Meeting Date

90

Bill Number (if applicable)

Topic Texting While Driving

Amendment Barcode (if applicable)

Name Carl Mikyska

Job Title Executive Director

Address 605 Suwannee St MS 28B

Phone 850/414-4062

Street

Tallahassee, FL

City

State

Zip

Email carl.mikyska@mpoac.org

Speaking: For Against Information

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

Representing FL MPO Advisory Council

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

TAB 1

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/23/18

Meeting Date

SB 90

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Corinne Mixon

Job Title Government Consultant

Address 119 S Monroe St #202
Street

Phone 850-681-6788

Tallahassee FL 32301
City State Zip

Email _____

Speaking: For Against Information

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

Representing Florida Academy of physician assistants

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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TAB 1

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/23/18

Meeting Date

CS/SB 90

Bill Number (if applicable)

Topic Use of wireless devices while driving

Amendment Barcode (if applicable)

Name William Cotterall

Job Title Attorney

Address 207 W. Park Ave

Phone 850 391 9730

Street

Tallahassee

FL

32301

Email

City

State

Zip

Speaking: [] For [] Against [] Information

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

Representing Florida Justice 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.

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TAB 1

THE FLORIDA SENATE

APPEARANCE RECORD

1/23/18

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

SB90

Bill Number (if applicable)

Topic No Texting and driving

Amendment Barcode (if applicable)

Name Jennifer Southerland

Job Title Parent Educator

Address 15211 Merlinglen Place

Phone 813 654 6763

Lithia FL 33547
City State Zip

Email jenspearl@gmail.com

Speaking: For Against Information

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

Representing County PTA | Hillsborough County PTA

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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TAB 1

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/23/18

Meeting Date

90

Bill Number (if applicable)

Topic Use of Wireless Communication Devices while Driving

Amendment Barcode (if applicable)

Name Edward Briggs

Job Title Consultant

Address 117 E. College Ave.

Phone 850-933-5994

Street

Tallahassee

FL

32301

Email edward@rsaconsultingllc.com

City

State

Zip

Speaking: For Against Information

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

Representing Uber Technologies, Inc.

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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TAB1

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/23/18
Meeting Date

SB 90
Bill Number (if applicable)

Topic Wireless Communication while Driving

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior VP

Address 516 W Adams St

Phone 224-7173

Street

TLH FL 32301

Email bbevis@aifl.com

City

State

Zip

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.

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THE FLORIDA SENATE

APPEARANCE RECORD

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

1/23/18

Meeting Date

SB 90

Bill Number (if applicable)

Topic Texting while Driving

Amendment Barcode (if applicable)

Name Teresa Potter

Job Title _____

Address 3614 W Vasconia St

Phone 813 787 7328

Street

Tampa

City

FL

State

33629

Zip

Email teresapotter1@gmail.com

Speaking: For Against Information

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

Representing Hillsborough County PTA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

1-23-18

Meeting Date

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

90

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Jess McCarty

Job Title Assistant County Attorney

Address 111 NW 1st Street, Suite 2810

Phone 305-979-7110

Street

Miami

FL

33128

Email jmm2@miamidade.gov

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.

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THE FLORIDA SENATE

APPEARANCE RECORD

1/23/18

Meeting Date

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

SB 90

Bill Number (if applicable)

Topic No Texting While Driving

Amendment Barcode (if applicable)

Name Laura Fellman

Job Title

Address 7654 Solimar Cir

Phone 561 445 4000

Street Boca Raton FL 33433

Email LauraFpta@gmail.com

Speaking: [] For [] Against [] Information

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

Representing Florida PTA

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1-23-18

Meeting Date

SB 90

Bill Number (if applicable)

Topic Texting and Driving

Amendment Barcode (if applicable)

Name Jason Karasevich

Job Title _____

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email _____

Speaking: For Against Information

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

Representing Anthony Phoenix Branca Foundation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/23/2018

90

Meeting Date

Bill Number (if applicable)

Topic Use of Wireless Communications Devices While Driving

Amendment Barcode (if applicable)

Name Samantha Sexton

Job Title VP of Legislatiev and Regulatory Affairs

Address 201 S. Monroe Street, Suite 835

Phone 321-544-1577

Street

Tallahassee

FL

32301

Email samantha.sexton@piff.net

City

State

Zip

Speaking: For Against Information

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

Representing Personal Insurance Federation of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

1/23

Meeting Date

~~SB~~ SB 90

Bill Number (if applicable)

Topic No texting while Driving

Amendment Barcode (if applicable)

Name Mindy Taylor (or Taylor)

Job Title Parent

Address 3304 W. Waulcraft Ave.

Phone 813-230-1979

Street

Tampa FL 33611

Email mindy.taylor@live.com

City

State

Zip

Speaking: For Against Information

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

Representing HB Plant High School PTA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1-23-18

Meeting Date

SB 90

Bill Number (if applicable)

Topic SB 90

Amendment Barcode (if applicable)

Name Eileen SEGAL

Job Title Past President Miami Dade PTA

Address 19355 Turnberry Way

Phone 305-494-4526

Street

Adventure

FL

33180

Email ESEGALPTA@aol.com

City

State

Zip

Speaking: For Against Information

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

Representing PTA MIAMI DADE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

11/23/18
Meeting Date

90
Bill Number (if applicable)

Topic Use of Wireless Devices

Amendment Barcode (if applicable)

Name Devon West

Job Title Policy Advisor

Address 115 S. Andrews Ave.

Phone 954.789.9943

Street
City Ft. Lauderdale State FL Zip 33301

Email dewest@broward.org

Speaking: For Against Information

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

Representing Broward County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/23/18

Meeting Date

SB90

Bill Number (if applicable)

Topic No Texting While Driving

Amendment Barcode (if applicable)

Name Jessica Hociara

Job Title PTA

Address 2009 E Seward St
Street

Phone 845-326-6430

Tampa FL 33604
City State Zip

Email Jhociara@gmail.com

Speaking: For Against Information

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

Representing Maniscalco Elementary PTA

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)

TAB 1

THE FLORIDA SENATE
APPEARANCE RECORD

1/23/18

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

SB 90

Meeting Date

Bill Number (if applicable)

Topic Textin, White David, - Privacy

Amendment Barcode (if applicable)

Name Henry N. Lawrence III

Job Title citizen advocate

Address 1725 Palmetto Av

Phone 850-258-1276

Street Palmetto City FL 32401

Email hn/bicyclo@gmail.com

City State Zip

Speaking: For Against Information

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

Representing Florida Bicycle Assn & UNF Justice Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

SB 90

Meeting Date

Bill Number (if applicable)

Topic

Texting and Driving

Amendment Barcode (if applicable)

Name

Leslie Dughi

Job Title

Address

101 E College Ave
Street

Phone

222-6391

Email

City

State

Zip

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

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

Representing

Florida Insurance Council
and Enterprise Rental Car

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

1/23/18

Meeting Date

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

SB 90

Bill Number (if applicable)

Topic Texting and Driving

Amendment Barcode (if applicable)

Name Demetrius Branca

Job Title President APB Foundation

Address _____
Street

Phone 850 339 8213

City

State

Zip

Email Demetrius@APB
Foundation
Com

Speaking: For Against Information

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

Representing Anthony Phoenix Branca Foundation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

TAB 1

THE FLORIDA SENATE

APPEARANCE RECORD

1/23/18

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

SB 90

Meeting Date

Bill Number (if applicable)

Topic TEXTING WHILE DRIVING

Amendment Barcode (if applicable)

Name KEYNA CORY

Job Title LOBBYIST

Address 730 E. PARK AVE

Phone 850 681-1065

Street TALLAHASSEE FL 32301

Email Keynacory@paconsultants.com

City State Zip

Speaking: [X] For [] Against [] Information

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

Representing NATIONAL WASTE + RECYCLING ASSN - FL CHAPTER

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

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

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TAB1

THE FLORIDA SENATE

APPEARANCE RECORD

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

1-23-18

Meeting Date

SB 90

Bill Number (if applicable)

Topic Texting while Driving Primary Offense Amendment Barcode (if applicable)

Name Rik + Debbie Wanninkhof

Job Title Scientist/Teacher

Address 255 W. Heather Dr

Street

Phone 305-992-7470

Key Biscayne FL 33149

City

State

Zip

Email debbie.wanninkhof@gmail.com

Speaking: For Against Information

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

Representing Self

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.

TAB 1

THE FLORIDA SENATE

APPEARANCE RECORD

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

January 23, 2018

Meeting Date

90

Bill Number (if applicable)

Topic Primary enforcement of texting while driving

Amendment Barcode (if applicable)

Name H Lee Moffitt

Job Title Attorney at Law

Address 3327 NW Perimeter Road

Phone 813 760-57123

Street

Palm City

FL

34990

Email MrSpeaker@aol.com

City

State

Zip

Speaking: For Against Information

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

Representing AutoNation

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.

APPEARANCE RECORD

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

01/23/18

Meeting Date

~~Deliberate~~ Texting Bill

Bill Number (if applicable)

Topic Texting

Amendment Barcode (if applicable)

Name Evelyn Ray-Rogers

Job Title Insurance Agent Managing Partner

Address 9530 Regency Sq Blvd

Phone 904-642-3333

Street

City

State

Zip

Jacksonville FL 32225

Email rayrogersinsurance@gmail.com

Speaking: For Against Information

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

Representing Self. Member of Delta Sigma Theta Sorority

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.

TAB 1
1/23/18
Meeting Date

THE FLORIDA SENATE
APPEARANCE RECORD

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

SB 90
Bill Number (if applicable)

Topic Texting while Driving

Amendment Barcode (if applicable)

Name David L. Perry

Job Title Chief of Police Florida State Univ

Address 830 W. Jefferson St.

Phone 850 644 1240

Tallahassee FL 32304
City State Zip

Email dlperry@fsu.edu

Speaking: For Against Information

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

Representing Florida Police Chiefs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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TAB 1

1/23/18

Meeting Date

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

SB 90

Bill Number (if applicable)

THE FLORIDA SENATE
APPEARANCE RECORD

Topic _____

Amendment Barcode (if applicable)

Name Bruce Kershner

Job Title _____

Address 231 West Bay Avenue

Phone 407 830-1882

Street
Longwood FL 32750
City State Zip

Email BKershner@att.net

Speaking: For Against Information

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

Representing NACM Improved Construction Practices Committee

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)

TAB 1

THE FLORIDA SENATE

APPEARANCE RECORD

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

11/23/18

Meeting Date

SB 90

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Jennifer Hatfield

Job Title _____

Address 411 Lenore Ct

Phone 941-345-3263

Street

Rockledge FL 32955

City

State

Zip

Email jen@jhatfieldandassociates.com

Speaking: For Against Information

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

Representing FL Swimming Pool 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.

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S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: PCS/SB 160 (352294)

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

SUBJECT: Specialty License Plates/Ducks Unlimited and Fallen Law Enforcement Officers

DATE: January 25, 2018 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Favorable
2.	Wells	Hrdlicka	ATD	Recommend: Fav/CS
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 160 directs the Department of Highway Safety and Motor Vehicles (DHSMV) to develop the following specialty license plates:

- Ducks Unlimited,
- Dan Marino Campus,
- Donate Life Florida, and
- Florida State Bee Keepers Association.

The bill also:

- Revises the design of the Special Olympics specialty license plate,
- Discontinues the Donate Organs – Pass it On specialty license plate,
- Revises the design of the Lighthouse Association specialty license plate, and
- Amends the distribution of the Fallen Law Enforcement Officers specialty license plate.

The DHSMV estimates programming and implementation of the bill will cost \$28,740. The DHSMV is authorized to retain revenues from the first proceeds of sales to defray departmental costs.

The bill takes effect October 1, 2018.

II. Present Situation:

Specialty License Plates

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

In order to establish a specialty license plate and after the plate is approved by law, s. 20.08053, F.S., requires the following actions within certain timelines:

- 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 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 of the plate may begin.

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

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

DHSMV Costs Defrayed

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of specialty plates to defray its costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.⁷

¹ A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited Dec. 13, 2017).

² Section 320.08056, F.S.

³ Section 320.08058, F.S.

⁴ Section 320.08053(2)(b), F.S.

⁵ Section 320.08056(10)(a), F.S.

⁶ Section 320.08062, F.S.

⁷ Section 320.08056(7), F.S.

Discontinuance of Specialty Plates

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

Ducks Unlimited, Inc.¹⁰

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 2017, the organization reported receiving revenues and support of nearly \$224 million, with 83 percent going to wetlands and waterfowl conservation and education.¹¹

Currently, the Ducks Unlimited specialty license plate is available in 21 states.¹²

Dan Marino Foundation¹³

The Dan Marino Foundation is a nonprofit organization dedicated to improving the lives of persons with autism and or other developmental disabilities. The Foundation was founded in 1992 by Dan and Claire Marino shortly after their son's autism diagnosis.

Opened in 2013, Marino Campus is a 10-month, non-residential program for young adults with autism and other developmental disabilities. Marino Campus offers three programs of study: computer technology, hospitality, and retail. Class instruction combined with real-world internships prepare Marino Campus students to obtain industry-leading certifications.

Joshua Abbot Organ and Tissue Donor Registry¹⁴

Florida's organ, tissue, and eye donor registry is named for Joshua Abbott, the recipient of a lung transplant who passed away in 2006. In 2009, the Agency for Health Care Administration chose

⁸ Section 320.08056(8)(a), F.S.

⁹ Section 320.08056(8)(b), F.S.

¹⁰ See Ducks Unlimited website, <http://www.ducks.org/> (last visited Dec. 14, 2017).

¹¹ Ducks Unlimited website, *2017 Annual Report*, <http://www.ducks.org/about-ducks-unlimited/ducks-unlimited-financial-information/du-2017-annual-report> (last visited Jan. 3, 2018).

¹² DHSMV, *2018 Agency Legislative Bill Analysis – SB 160* (Oct. 23, 2017) (on file with the Senate Committee on Transportation).

¹³ See The Dan Marino Foundation website, <https://danmarinofoundation.org/> (last visited Jan. 23, 2018).

¹⁴ See Joshua Abbott Organ and Tissue Donor Registry website, <https://www.donatelifeflorida.org/about/> (last visited Jan. 23, 2018).

Donate Life Florida to create a statewide donor registry to increase registry enrollment and educate Floridians about donation.

Donate Life Florida is a charitable organization established in 1997 and is “dedicated to motivating Floridians to designate themselves as organ, tissue and eye donors, so lives are saved and enhanced through donation and transplantation.”¹⁵

Florida State Beekeepers Association¹⁶

The Florida State Beekeepers Association is “dedicated to keeping Florida apiculture strong and healthy now and for future generations.” The mission of the association is to:

- Provide resources for the improvement of beekeeping by using proven techniques and procedures in the management of honey bees and to share this knowledge with everyone interested in the art of beekeeping.
- Promote the development of practical beekeeping methods in the state of Florida.
- Act in the interest of Florida beekeepers in protecting and carrying on statewide beekeeping affairs.
- Act as a medium for and to aid in cooperative and mutual beekeeping methods.
- Act as the representative of the Florida beekeepers in state and national beekeeping affairs.¹⁷

Florida Special Olympics Specialty License Plate

The Special Olympics specialty license plate was first offered in 1994 and, according to the Special Olympics website, “has raised over \$1 million dollars to benefit Florida’s children and adults with intellectual disabilities.”¹⁸ To date, the plate has 3,064 active registrations.¹⁹ The first \$5 million collected annually must be forwarded to the Florida Developmental Disabilities Council to be used solely for the Special Olympics. Any additional fees must be deposited into the General Revenue Fund.²⁰

Transplant Foundation, Inc.²¹

Transplant Foundation, Inc., was a privately funded organization established in 1987 by transplant recipients. The foundation’s mission was “to educate the community on the importance of organ donation and to fund transplant research.” The foundation is no longer in existence.

¹⁵ *Id.*

¹⁶ See The Florida State Bee Keepers Association website, <http://www.floridabeekeepers.org/> (last visited Jan. 23, 2018).

¹⁷ *Id.*

¹⁸ See Special Olympics Florida License Plate website, <https://specialolympicsflorida.org/get-involved/fundraise/special-olympics-florida-license-plate/> (last visited Jan 23, 2018).

¹⁹ See DHSMV, *Monthly Active Specialty Plates*, available at <https://services.flhsmv.gov/specialtyplates/ActivePlates.aspx> (last visited Jan. 23, 2018).

²⁰ Section 320.08058(7), F.S.

²¹ See Transplant Foundation website, <http://www.transplantfoundation.org/> (last visited Jan. 23, 2018).

Lighthouse Association

The Lighthouse Association specialty license plate was created by law in 2008. As of December 2017, the plate had 4,737 active registrations.²² Proceeds from the plate are distributed to the Florida Lighthouse Association. A maximum of 10 percent of the proceeds are used to promote and market the plate, and the remaining proceeds are used by the association to fund preservation, restoration, and protection of the 29 historic lighthouses remaining in the state.²³

Fallen Law Enforcement Officers Specialty License Plate

The Fallen Law Enforcement Officers specialty license plate was created by law in 2014.²⁴ As of October 9, 2017, the plate had 6,551 active registrations.²⁵ Proceeds from sale of the plate are distributed to the Police and Kids Foundation, Inc. A maximum of 10 percent of the proceeds may be used to promote and market the plate, and the remaining proceeds must be invested and reinvested by the foundation. The foundation is only authorized to use the interest earnings from such investments for the operations.²⁶

III. Effect of Proposed Changes:

Ducks Unlimited Specialty License Plate

The bill directs the DHSMV to create a Ducks Unlimited specialty license plate, with an annual fee of \$25 to be distributed to Ducks Unlimited, Inc. The organization may use up to 5 percent of the fees for administrative costs and marketing of the specialty license plate, and at least 95 percent of the 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.

The plate must bear the colors and design approved by the DHSMV, with the word "Florida" at the top of the plate and the words "Conserving Florida Wetlands" at the bottom of the plate.

Dan Marino Campus Specialty License Plate

The bill directs the DHSMV to create a Dan Marino Campus specialty license plate, with an annual fee of \$25 to be distributed to the Dan Marino Foundation. The foundation may use up to 10 percent of the fees for administrative costs and marketing of the plate. The balance of the fees must be used to assist Floridians with developmental disabilities in becoming employed, independent, and productive and to promote and funds education scholarships and awareness of these services.

The plate must bear the colors and design approved by the DHSMV, with the word "Florida" at the top of the plate and the words "Marino Campus" at the bottom of the plate.

²² See DHSMV, *Monthly Active Specialty Plates*, available at <https://services.flhsmv.gov/specialtyplates/ActivePlates.aspx> (last visited Jan. 23, 2018).

²³ Section 320.08058(65).

²⁴ Chapter 2014-168, Laws of Florida.

²⁵ DHSMV Analysis *supra* note 12.

²⁶ Section 320.08058(80), F.S.

Donate Life Florida Specialty License Plate

The bill directs the DHSMV to create a Donate Life Florida specialty license plate, with an annual fee of \$25 to be distributed to Donate Life Florida. The organization may use up to 10 percent of the fees for marketing and administrative costs related to the plate. The balance of the fees must be used educate Florida residents on the importance of organ, tissue, and eye donation and for the continued maintenance of the Joshua Abbott Organ and Tissue Donor Registry.

The plate must bear the colors and design approved by the DHSMV, with the word “Florida” at the top of the plate and the words “Donors Save Lives” at the bottom of the plate.

Florida State Beekeepers Association Specialty License Plate

The bill directs the DHSMV to create a Florida State Beekeeper Association specialty license plate, with an annual fee of \$25 to be distributed to the Florida State Beekeepers Association. The association may use up to 18 percent of the fees for direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process of the license plate, and for marketing costs of the plate. All vendors associated with the administrative costs shall be selected by competitive bid. The remaining funds shall be used to raise awareness of the importance of beekeeping to Florida agriculture by funding honeybee research, education, outreach, and husbandry. The Florida State Beekeepers Association board of managers must approve and is accountable for all such expenditures.

The plate must bear the colors and design approved by the DHSMV, with the word “Florida” at the top of the plate and the words “Save the Bees” at the bottom of the plate.

Florida Special Olympics Specialty License Plate

The bill directs the DHSMV to redesign the Florida Special Olympics specialty license plate. The word “Florida” must be centered at the top of the plate and the words “Be a Fan” must be centered at the bottom of the plate. The current plate requires the word “Florida” to be centered at the top of the plate and the words “Everyone Wins” to be centered at the bottom of the plate.

Donate Organs – Pass it On Specialty License Plate

The bill discontinues the sale of the Donate Organs – Pass it On specialty license plate as the Transplant Foundation, Inc., is no longer in existence.

Lighthouse Association Specialty License Plate

The bill directs the DHSMV to redesign the Lighthouse Association specialty license plate. The word “Florida” must appear at the top of the plate and the words “SaveOurLighthouses.org” must appear at the bottom of the plate. The current plate requires the words “Visit Our Lights” to appear at the bottom of the plate.

Fallen Law Enforcement Officers Specialty License Plate

The bill amends the distribution of the Fallen Law Enforcement Officers specialty license plate by authorizing the Police and Kids Foundation, Inc., to use up to 10 percent of proceeds from the sale of the specialty license plate for marketing and the remainder for the foundation's operations, activities, programs, and projects.

The bill takes effect October 1, 2018.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

Individuals who choose to purchase a specialty license plate will pay a \$25 annual use fee in addition to appropriate license taxes and fees.

C. Government Sector Impact:

The DHSMV estimates programming and implementation expenditures will be \$28,740.²⁷ 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.²⁸

VI. Technical Deficiencies:

None.

²⁷ Email from DHSMV, Jan. 24, 2018, on file with the staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development.

²⁸ Section 320.08056(7), F.S.

VII. Related Issues:

None.

VIII. Statutes Affected:

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

IX. Additional Information:

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

Recommended CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on January 23, 2018:

The committee substitute:

- Creates the Dan Marino Campus, Donate Life Florida, and Florida State Beekeepers specialty license plates;
- Discontinues the Donate Organs – Pass it On specialty license plate; and
- Revises the design of the Lighthouse Association and Florida Special Olympics specialty license plates.

- B. **Amendments:**

None.



699638

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
01/24/2018	.	
	.	
	.	
	.	

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. Paragraphs (ffff) and (gggg) are added to
subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

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

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



699638

11 (gggg) Dan Marino Campus license plate, \$25.

12 Section 2. Paragraph (a) of subsection (65) and paragraph
13 (b) of subsection (80) of section 320.08058, Florida Statutes,
14 are amended, and subsections (84) and (85) are added to that
15 section, to read:

16 320.08058 Specialty license plates.—

17 (65) LIGHTHOUSE ASSOCIATION LICENSE PLATES.—

18 (a) The department shall develop a Lighthouse Association
19 license plate as provided in this section. The word "Florida"
20 must appear at the top of the plate, and the words
21 "SaveOurLighthouses.org ~~Visit Our Lights~~" must appear at the
22 bottom of the plate.

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

24 (b) The annual use fees shall be distributed to the Police
25 and Kids Foundation, Inc., which may use up to ~~a maximum of~~ 10
26 percent of the proceeds for marketing ~~to promote and market~~ the
27 plate. All remaining proceeds shall be distributed to and used
28 by the Police and Kids Foundation, Inc., for its operations,
29 activities, programs, and projects ~~The remainder of the proceeds~~
30 ~~shall be used by the Police and Kids Foundation, Inc., to invest~~
31 ~~and reinvest, and the interest earnings shall be used for the~~
32 ~~operation of the Police and Kids Foundation, Inc.~~

33 (84) DUCKS UNLIMITED LICENSE PLATES.—

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



699638

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

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

46 2. A minimum of 95 percent shall be used in this state to
47 support the mission and efforts of Ducks Unlimited, Inc., to
48 conserve, restore, and manage Florida wetlands and associated
49 habitats for the benefit of waterfowl, other wildlife, and
50 people.

51 (85) DAN MARINO CAMPUS LICENSE PLATES.—

52 (a) The department shall develop a Dan Marino Campus
53 license plate as provided in this section and s. 320.08053. The
54 plate must bear the colors and design approved by the
55 department. The word "Florida" must appear at the top of the
56 plate, and the words "Marino Campus" must appear at the bottom
57 of the plate.

58 (b) The annual use fees from the sale of the plate shall be
59 distributed to the Dan Marino Foundation, a Florida nonprofit
60 corporation, which may use up to 10 percent of such fees for
61 administrative costs and marketing of the plate. The balance of
62 the fees shall be used by the Dan Marino Foundation to assist
63 Floridians with developmental disabilities in becoming employed,
64 independent, and productive and to promote and fund education
65 scholarships and awareness of these services.

66 Section 3. This act shall take effect October 1, 2018.

67
68 ===== T I T L E A M E N D M E N T =====



699638

69 And the title is amended as follows:

70 Delete everything before the enacting clause
71 and insert:

72 A bill to be entitled

73 An act relating to specialty license plates; amending
74 s. 320.08056, F.S.; establishing an annual use fee for
75 the Ducks Unlimited and Dan Marino Campus license
76 plates; amending s. 320.08058, F.S.; revising the
77 design of the Lighthouse Association license plate;
78 revising the distribution of proceeds for the Fallen
79 Law Enforcement Officers license plate; requiring the
80 Department of Highway Safety and Motor Vehicles to
81 develop a Ducks Unlimited and a Dan Marino Campus
82 license plate; providing for distribution and use of
83 fees collected from the sale of the plates; providing
84 an effective date.



490654

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2018	.	
	.	
	.	
	.	

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

Senate Substitute for Amendment (699638) (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (eee) of subsection (4) of section 320.08056, Florida Statutes, is amended, present paragraphs (fff) through (eeee) of that subsection are redesignated as paragraphs (eee) through (dddd), respectively, a new paragraph (eeee) and paragraphs (ffff), (gggg), and (hhhh) are added to



490654

11 that subsection, and paragraph (a) of subsection (10) of that
12 section is amended, to read:

13 320.08056 Specialty license plates.—

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

16 ~~(ccc) Donate Organs Pass It On License Plate, \$25.~~

17 (eee) Ducks Unlimited license plate, \$25.

18 (ffff) Dan Marino Campus license plate, \$25.

19 (gggg) Donate Life Florida license plate, \$25.

20 (hhhh) Florida State Beekeepers Association license plate,
21 \$25.

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

33 Section 2. Present subsections (58) through (83) of section
34 320.08058, Florida Statutes, are redesignated as subsections
35 (57) through (82), respectively, paragraph (a) of subsection
36 (7), subsection (57), paragraph (a) of present subsection (65),
37 and paragraph (b) of present subsection (80) are amended, and a
38 new subsection (83) and subsections (84), (85), and (86) are
39 added to that section, to read:



490654

40 320.08058 Specialty license plates.—

41 (7) SPECIAL OLYMPICS FLORIDA LICENSE PLATES.—

42 (a) Special Olympics Florida license plates must contain
43 the official Special Olympics Florida logo and must bear a
44 design and colors that are approved by the department. The word
45 “Florida” must be centered at the top ~~bottom~~ of the plate, and
46 the words “Be a Fan” ~~“Everyone Wins”~~ must be centered at the
47 bottom ~~top~~ of the plate.

48 ~~(57) DONATE ORGANS-PASS IT ON LICENSE PLATES.—~~

49 ~~(a) The department shall develop a Donate Organs-Pass It On~~
50 ~~license plate as provided in this section. The word “Florida”~~
51 ~~must appear at the top of the plate, and the words “Donate~~
52 ~~Organs-Pass It On” must appear at the bottom of the plate.~~

53 ~~(b) The annual use fees shall be distributed to Transplant~~
54 ~~Foundation, Inc., and shall use up to 10 percent of the proceeds~~
55 ~~from the annual use fee for marketing and administrative costs~~
56 ~~that are directly associated with the management and~~
57 ~~distribution of the proceeds. The remaining proceeds shall be~~
58 ~~used to provide statewide grants for patient services, including~~
59 ~~preoperative, rehabilitative, and housing assistance; organ~~
60 ~~donor education and awareness programs; and statewide medical~~
61 ~~research.~~

62 ~~(64)~~ ~~(65)~~ LIGHTHOUSE ASSOCIATION LICENSE PLATES.—

63 (a) The department shall develop a Lighthouse Association
64 license plate as provided in this section. The word “Florida”
65 must appear at the top of the plate, and the words
66 “SaveOurLighthouses.org Visit Our Lights” must appear at the
67 bottom of the plate.

68 ~~(79)~~ ~~(80)~~ FALLEN LAW ENFORCEMENT OFFICERS LICENSE PLATES.—



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69 (b) The annual use fees shall be distributed to the Police
70 and Kids Foundation, Inc., which may use up to a maximum of 10
71 percent of the proceeds for marketing to promote and market the
72 plate. All remaining proceeds shall be distributed to and used
73 by the Police and Kids Foundation, Inc., for its operations,
74 activities, programs, and projects ~~The remainder of the proceeds~~
75 ~~shall be used by the Police and Kids Foundation, Inc., to invest~~
76 ~~and reinvest, and the interest earnings shall be used for the~~
77 ~~operation of the Police and Kids Foundation, Inc.~~

78 (83) DUCKS UNLIMITED LICENSE PLATES.-

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

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

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

91 2. A minimum of 95 percent shall be used in this state to
92 support the mission and efforts of Ducks Unlimited, Inc., to
93 conserve, restore, and manage Florida wetlands and associated
94 habitats for the benefit of waterfowl, other wildlife, and
95 people.

96 (84) DAN MARINO CAMPUS LICENSE PLATES.-

97 (a) The department shall develop a Dan Marino Campus



490654

98 license plate as provided in this section and s. 320.08053. The
99 plate must bear the colors and design approved by the
100 department. The word "Florida" must appear at the top of the
101 plate, and the words "Marino Campus" must appear at the bottom
102 of the plate.

103 (b) The annual use fees from the sale of the plate shall be
104 distributed to the Dan Marino Foundation, a Florida nonprofit
105 corporation, which may use up to 10 percent of such fees for
106 administrative costs and marketing of the plate. The balance of
107 the fees shall be used by the Dan Marino Foundation to assist
108 Floridians with developmental disabilities in becoming employed,
109 independent, and productive and to promote and fund education
110 scholarships and awareness of these services.

111 (85) DONATE LIFE FLORIDA LICENSE PLATES.-

112 (a) The department shall develop a Donate Life Florida
113 license plate as provided in this section and s. 320.08053. The
114 plate must bear the colors and design approved by the
115 department. The word "Florida" must appear at the top of the
116 plate, and the words "Donors Save Lives" must appear at the
117 bottom of the plate.

118 (b) The annual use fees from the sale of the plate shall be
119 distributed to Donate Life Florida, which may use up to 10
120 percent of the proceeds for marketing and administrative costs.
121 The remaining proceeds shall be used by Donate Life Florida to
122 educate Florida residents on the importance of organ, tissue,
123 and eye donation and for the continued maintenance of the Joshua
124 Abbott Organ and Tissue Donor Registry.

125 (86) FLORIDA STATE BEEKEEPERS ASSOCIATION LICENSE PLATES.-

126 (a) The department shall develop a Florida State Beekeepers



490654

127 Association license plate as provided in s. 320.08053 and this
128 section. The plate must bear the colors and design approved by
129 the department. The word "Florida" must appear at the top of the
130 plate, and the words "Save the Bees" must appear at the bottom
131 of the plate.

132 (b) The annual use fees shall be distributed to the Florida
133 State Beekeepers Association, a Florida nonprofit corporation.
134 The Florida State Beekeepers Association may use up to 18
135 percent of the annual use fees for:

136 1. Direct reimbursement for administrative costs, startup
137 costs, and costs incurred in the development and approval
138 process of the license plate. All vendors associated with the
139 administrative costs shall be selected by competitive bid.

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

141 (c) The remaining funds shall be distributed to the Florida
142 State Beekeepers Association and shall be used to raise
143 awareness of the importance of beekeeping to Florida agriculture
144 by funding honeybee research, education, outreach, and
145 husbandry. The Florida State Beekeepers Association board of
146 managers must approve and is accountable for all such
147 expenditures.

148 Section 3. This act shall take effect October 1, 2018.

149
150 ===== T I T L E A M E N D M E N T =====

151 And the title is amended as follows:

152 Delete everything before the enacting clause
153 and insert:

154 A bill to be entitled

155 An act relating to specialty license plates; amending



490654

156 s. 320.08056, F.S.; deleting the annual use fee for
157 the Donate Organs-Pass It On license plate;
158 establishing an annual use fee for certain specialty
159 license plates; conforming cross-references; amending
160 s. 320.08058, F.S.; revising the design of the Special
161 Olympics Florida license plate; deleting the Donate
162 Organs-Pass It On license plate; revising the design
163 of the Lighthouse Association license plate; revising
164 the distribution of proceeds for the Fallen Law
165 Enforcement Officers license plate; requiring the
166 Department of Highway Safety and Motor Vehicles to
167 develop certain specialty license plates; providing
168 for distribution and use of fees collected from the
169 sale of such plates; providing an effective date.

By Senator Bean

4-00283-18

2018160__

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

Page 1 of 2

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

4-00283-18

2018160__

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., to conserve, restore, and manage Florida wetlands and associated habitats for the benefit of waterfowl, other wildlife, and people.

Section 3. This act shall take effect October 1, 2018.

Page 2 of 2

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



The Florida Senate

Committee Agenda Request

To: Senator Wilton Simpson, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: December 4, 2017

I respectfully request that **Senate Bill # 160**, relating to Specialty License Plates, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Aaron Bean".

Senator Aaron Bean
Florida Senate, District 4

TAB 2

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/23/2018

Meeting Date

SB 160

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Pierce Schuessler

Job Title Metz Husband Daughton

Address 119 South Monroe Street Suite 200

Phone 8505099977

Street

Tallahassee

FL

32312

Email pierce.schuessler@mhdfirm.com

City

State

Zip

Speaking: For Against Information

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

Representing Donate Life Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/23/18

Meeting Date

SB160

Bill Number (if applicable)

Topic Specialty License Plate

Amendment Barcode (if applicable)

Name Brittany Dover

Job Title Ducks Unlimited

Address 119 S. Monroe St

Phone (850) 879-2641

City

FL

State

32301

Zip

Email

Speaking: For Against Information

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

Representing 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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

160 Amendment
Bill Number (if applicable)

Meeting Date _____

Topic Dan Marino Campus Plate Amendment Amendment Barcode (if applicable) _____

Name Susan Goldstein

Job Title Advocate / Lobbyist for Dan Marino Foundation

Address 215 W. College Ave #411 Phone (954) 830-6300

Street Tallahassee State FL Zip 32301

Email skgoldstein@hotmail.com

Speaking: For Against Information

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

Representing Dan Marino Foundation / Marino Campus

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 1130

INTRODUCER: Senator Powell

SUBJECT: Land Acquisition Trust Fund within the Department of State

DATE: January 22, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Favorable
2.	Wells	Hrdlicka	ATD	Recommend: Favorable
3.			AP	

I. Summary:

SB 1130 re-creates, without modification, the Land Acquisition Trust Fund within the Department of State and repeals the scheduled termination of the trust fund. The bill has no impact on state or local funds.

II. Present Situation:

Trust Funds

Article III, s. 19(f) of the State Constitution requires the termination of a trust fund within four years of the effective date of the act authorizing the initial creation of the trust fund, unless the trust fund is specifically exempted by the constitution.

Land Acquisition Trust Fund within the Department of State

In 2014, Florida voters approved "Amendment One," a constitutional amendment to provide a dedicated funding source for water and land conservation and restoration. The amendment requires that starting on July 1, 2015, and for 20 years thereafter, 33 percent of net revenues derived from documentary stamp taxes be deposited into the Land Acquisition Trust Fund.

To implement Art. X, s. 28 of the State Constitution, the Legislature passed ch. 2015-229, Laws of Florida. This act, in part, amended the following sections of law:

- Section 201.15, F.S., to conform to the constitutional requirement that the Land Acquisition Trust Fund receive at least 33 percent of net revenues derived from documentary stamp taxes.
- Section 375.041, F.S., to designate the Land Acquisition Trust Fund within the Department of Environmental Protection as the trust fund to serve as the constitutionally mandated depository for the required percentage of documentary stamp tax revenues.

- Section 379.212, F.S., to limit revenues deposited into the Land Acquisition Trust Fund within the Fish and Wildlife Conservation Commission to only those transferred from the Land Acquisition Trust Fund within the Department of Environmental Protection to maintain the integrity of such funds.¹

Additionally, to ensure that funds transferred from the Land Acquisition Trust Fund within the Department of Environmental Protection are tracked from distribution to expenditure the Legislature created two additional land acquisition trust funds, one within the Department of Agriculture and Consumer Services and one within the Department of State.²

Specifically, s. 20.106, F.S., was created to establish the Land Acquisition Trust Fund within the Department of State to be used as a depository for funds received from the Land Acquisition Trust Fund within the Department of Environmental Protection and for the expenditure of such funds for the purposes set forth in Art. X, s. 28 of the State Constitution. The effective date of the act initially creating the trust fund was July 1, 2015.

In accordance with Art. III, s. 19(f)(2) of the State Constitution, the Land Acquisition Trust Fund within the Department of State is scheduled to be terminated on July 1, 2019, unless terminated sooner.

III. Effect of Proposed Changes:

To ensure that the Land Acquisition Trust Fund within the Department of State is not terminated, the bill re-creates such trust fund without modification.

The bill repeals the scheduled termination of the trust fund codified in s. 20.106(5), F.S.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

Article III, s. 19(f)(1) of the State Constitution requires a bill that creates or re-creates a trust fund to pass by three-fifths vote of the membership of each house of the legislature in a separate bill for that purpose only.

¹ Chapter 2015-229, ss. 9, 50, and 60, Laws of Fla.

² Chapters 2015-230 and 2015-231, Laws of Fla.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of the Florida Statutes.

This bill repeals subsection 20.106(5) of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Powell

30-00911A-18

20181130__

1 A bill to be entitled
2 An act relating to trust funds; re-creating the Land
3 Acquisition Trust Fund within the Department of State
4 without modification; repealing s. 20.106(5), F.S.,
5 abrogating provisions relating to the termination of
6 the trust fund, to conform; providing an effective
7 date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10

11 Section 1. The Land Acquisition Trust Fund within the
12 Department of State, FLAIR number 45-2-2423, which is to be
13 terminated pursuant to s. 19(f)(2), Article III of the State
14 Constitution on July 1, 2019, is re-created.

15 Section 2. Subsection (5) of section 20.106, Florida
16 Statutes, is repealed.

17 Section 3. This act shall take effect July 1, 2018.



The Florida Senate

Committee Agenda Request

To: Staff Director, Jennifer Hrdlicka
Committee on Appropriations Subcommittee on Transportation, Tourism, and
Economic Development

Subject: Committee Agenda Request

Date: January 16, 2018

I respectfully request that **Senate Bill #1130**, relating to the termination of the trust fund, to conform, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Bobby Powell".

Senator Bobby Powell
Florida Senate, District 30

CourtSmart Tag Report

Room: EL 110

Case No.:

Type:

Caption: Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development Judge:

Started: 1/23/2018 9:04:28 AM

Ends: 1/23/2018 10:38:28 AM

Length: 01:34:01

9:04:41 AM Sen. Simpson (Chair)
9:04:47 AM Roll call
9:04:53 AM Quorum
9:05:30 AM Sen. Simpson
9:05:48 AM TAB 3 - S1130 - Land Aquisition Trust Fund within the Dept of Sate Fees Charged by Tax by Sen. Powell
9:06:04 AM Sen. Powell
9:06:16 AM Sen. Simpson
9:06:30 AM Sen. Powell waives close
9:06:36 AM Roll Call
9:07:12 AM S1130 reported favorably
9:07:16 AM Sen. Gibson
9:07:45 AM Sen. Simpson
9:08:04 AM Sen. Gibson
9:08:23 AM Sen. Simpson
9:09:25 AM TAB 2 - S160 - Specialty License Plates/Ducks Unlimited and Fallen Law Enforcement Officers by Sen. Bean
9:09:27 AM Sen. Simpson
9:09:28 AM Sen. Bean
9:10:19 AM Sen. Simpson
9:10:21 AM AM 699638
9:10:28 AM AM 490654
9:10:28 AM Sen. Simpson
9:10:29 AM Sen. Bean
9:11:11 AM Sen. Simpson
9:11:28 AM Susan Goldstein, Dan Marino Foundation, waives in support
9:11:29 AM Pierce Schuessler, Metz Husband Daughton, waives in support
9:11:32 AM Bethany Dover, Ducks Unlimited, waives in support
9:11:38 AM Sen. Simpson
9:11:39 AM AM 490654 Adopted
9:11:42 AM Sen. Rader
9:11:51 AM Sen. Simpson
9:13:04 AM Sen. Gainer
9:13:18 AM Sen. Simpson
9:13:59 AM CS S160 reported favorably
9:14:38 AM TAB 1 - CS/S90 - Use of Wireless Communications Devices while Driving, by Sen. Perry
9:14:39 AM Sen. Simpson
9:14:42 AM Sen. Powell
9:16:34 AM Sen. Simpson
9:17:02 AM AM 949778 by Gibson
9:17:45 AM AM 554432 by Thurston
9:17:58 AM Sen. Powell
9:18:22 AM Sen. Thurston
9:19:22 AM Sen. Powell
9:19:28 AM Sen. Thurston
9:19:45 AM Sen. Simpson
9:20:04 AM Sen. Thurston waives close
9:20:10 AM Sen. Simspon
9:20:25 AM Sen. Perry
9:21:22 AM Sen. Simpson
9:21:27 AM Sen. Gibson
9:24:14 AM Sen. Simpson
9:25:10 AM AM 949778 not adopted

9:25:23 AM Sen. Simpson
9:25:33 AM AM 902176 by Sen. Thurston
9:26:03 AM Sen. Simpson
9:26:24 AM Sen. Rader
9:27:10 AM Sen. Thurston
9:27:31 AM Sen. Rader
9:27:57 AM Sen. Thurston
9:28:48 AM Sen. Simpson
9:28:53 AM Sen. Stargel
9:29:11 AM Sen. Thurston
9:30:01 AM Sen. Simpson
9:30:05 AM Sen. Stargel
9:30:08 AM Sen. Thurston
9:30:40 AM Sen. Stargel
9:30:47 AM Sen. Thurston
9:31:51 AM Sen. Simpson
9:31:55 AM Sen. Perry
9:32:07 AM Sen. Thurston waives close
9:32:11 AM AM 902176 adopted
9:32:16 AM Sen. Simpson
9:32:23 AM Sen. Rader
9:33:07 AM Sen Perry
9:33:26 AM Sen. Rader
9:33:57 AM Sen. Perry
9:34:08 AM Sen. Rader
9:34:12 AM Sen. Perry
9:34:20 AM Sen. Rader
9:34:24 AM Sen. Perry
9:34:27 AM Sen. Rader
9:34:54 AM Sen. Perry
9:35:32 AM Sen. Simpson
9:35:36 AM Sen. Gibson
9:35:40 AM Sen. Perry
9:35:59 AM Sen. Gibson
9:36:03 AM Sen. Perry
9:36:18 AM Sen. Gibson
9:36:20 AM Sen. Perry
9:36:27 AM Sen. Gibson
9:36:37 AM Sen. Perry
9:36:52 AM Sen. Simpson
9:36:57 AM Sen. Gibson
9:37:24 AM Sen. Perry
9:37:28 AM Sen. Simpson
9:37:34 AM Sen. Benacquisto
9:38:03 AM Sen. Perry
9:38:09 AM Sen. Simpson
9:38:18 AM Matt Puckett, Florida Police Benevolant Assn., speaking in support
9:38:26 AM Jennifer Hatfield, speaking in favor
9:38:34 AM Bruce Kershner, NACM Improved Construction Practices Committee, spoke in favor
9:40:38 AM David Perry, Chief of Police, FSU, Florida Police Chiefs Assn., speaking in favor
9:40:45 AM Sen. Simpson
9:41:45 AM Sen. Powell
9:41:57 AM David Perry
9:42:38 AM David Perry
9:42:50 AM David Perry
9:43:05 AM Sen. Powell
9:43:09 AM David Perry
9:43:23 AM Sen. Simpson
9:43:27 AM Sen. Gainer
9:43:45 AM David Perry
9:44:06 AM Sen. Gainer
9:44:18 AM David Perry

9:44:46 AM Sen. Simpson
9:44:48 AM Sen. Gibson
9:45:10 AM Sen. Gibson
9:45:14 AM David Perry
9:45:21 AM Sen. Gibson
9:45:27 AM David Perry
9:45:38 AM Sen. Gibson
9:45:45 AM David Perry
9:46:19 AM Sen. Simpson
9:46:24 AM Sen. Stargel
9:46:46 AM David Perry
9:47:22 AM Sen. Stargel
9:47:34 AM David Perry
9:47:37 AM Sen. Simpson
9:52:29 AM Evelyn Ray Rogers, Insurance Agent, speaking in opposition
9:52:33 AM Sen. Simpson
9:52:49 AM H. Lee Moffitt, Attorney at Law, Autonation, speaking in favor
9:59:12 AM Rick and Debbie Wanninkhof, Scientist/Teacher, speaking in favor
9:59:59 AM Sen. Simpson
10:00:56 AM Kenya Corey, National Waste and Recycling Assn, speaking in favor
10:01:30 AM Demetrius Branca, Pres, Anthony Phoenix Branca Foundation, speaking in favor
10:10:15 AM Sen. Simpson
10:10:46 AM Leslie Dughi, Florida Insurance Council, waives in support
10:10:48 AM Henry N. Lawrence, III, Florida Bicycle Assn and UUF Justice Florida, speaking in favor
10:11:08 AM Jessica Kociara, Maniscalco Elementary PTA, waives in support
10:11:10 AM Devon West, Policy Advisor, Broward County, waives in support
10:11:17 AM Eileen Segal, Past President, Miami-Dade PTA, waives in support
10:11:26 AM Mindy Taylor, HB Plant High School PTA, waives in support
10:11:35 AM Samantha Sexton, VP of Legislative and Regulatory Affairs, Personal Insurance Federation of Florida
10:11:43 AM Jason Karasevich, Anthony Phoenix Branca Foundation, waives in support
10:11:52 AM Laura Fellman, Florida PTA, waives in support
10:11:56 AM Jess McCarty, Assistant Attorney, Miami-Dade County, waives in support
10:12:01 AM Teresa Potter, Hillsborough County PTA, waives in support
10:12:07 AM Brewster Bevis, Senior VP, Associated Industries of Florida, waives in support
10:12:15 AM Edward Briggs, Consultant, Uber Technologies, Inc., waives in support
10:12:26 AM Jennifer Southerland, Parent Educator, Hillsborough County PTA, waives in support
10:12:30 AM William Cotterall, Attorney, Florida Justice Assn., waives in support
10:12:35 AM Corinne Mixon, Government Consultant, Florida Academy of Physician Assistants, waives in support
10:12:48 AM Carl Miyska, Executive Dir., FL MPO Advisory Council, waives in support
10:12:52 AM Zayne Smith, Associate State Dir., AARP, waives in support
10:13:00 AM Becky Afonso, Executive Dir., Florida Bicycle Assn., waives in support
10:13:09 AM Brita Wilkins Lincoln, Walker Middle Magnet Hillsborough County, waives in support
10:13:17 AM Damaris Allen, Coleman Middle School PTA, waives in support
10:13:25 AM Amy Hynes, waives in opposition
10:13:35 AM Katherine Miller, Pinellas County Council PTA, waives in support
10:13:43 AM Kim Klace, Hillsborough City PTA, waives in support
10:13:51 AM Rachel Nester, Hillsborough County PTA, waives in support
10:14:05 AM Debbie Sawa-Szostak, VP/Legislative Chair, Oakhurst Elementary, waives in support
10:14:09 AM Logan McFaddin, Legislative Affairs, Property and Casualty Assn. of America, waives in support
10:14:11 AM Felila Tuft, Duval County Council, PTA, waives in support
10:14:24 AM Matt Dunagan, Deputy Director, Florida Sheriffs Assn., waives in support
10:14:33 AM Karen Mazzola, Region Rep., FI PTA, Seminole County Council PTA, waives in support
10:14:48 AM Anjanette Ellwood, VP of Largo High PTSA, waives in support
10:14:54 AM Elizabeth Hoyland, VP of Children and Youth American Legion Auxilary, waives in support
10:15:01 AM Monte Stevens, AAA, waives in support
10:15:06 AM Doug Bell, Florida Chapter American Academy of Pediatrics, waives in support
10:15:15 AM Sen. Simpson
10:15:19 AM Sen. gibson
10:20:15 AM Sen. Simpson
10:20:28 AM Sen. Simpson
10:20:33 AM Sen. Rader
10:25:35 AM Sen. Simpson

10:25:43 AM Sen. Powell
10:30:07 AM Sen. Simpson
10:30:16 AM Sen. Thurston
10:32:35 AM Sen. Simpson
10:32:38 AM Sen. Gainer
10:34:12 AM Sen. Simpson
10:34:27 AM Sen Perry
10:37:43 AM Sen. Simpson
10:37:50 AM Roll call
10:38:16 AM CS S90 reported favorably
10:38:21 AM Adjourn