

Tab 1	CS/SB 676 by TR, Baxley (CO-INTRODUCERS) Pizzo, Harrell, Stewart, Berman, Garcia; (Compare to H 00249) Special and Specialty License Plates						
254928	A	S	RCS	ATD, Baxley	Delete L.317 - 553:	04/09 05:08 PM	

Tab 2	CS/SB 754 by TR, Diaz; (Similar to CS/H 00139) Motor Vehicle and Vessel Registration Data						
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Tab 3	SB 862 by Gruters; (Similar to CS/CS/H 00695) Digital License Plate Pilot Program						
299924	A	S	RCS	ATD, Gruters	Delete L.59 - 132:	04/09 05:08 PM	

Tab 4	SB 1412 by Perry; (Similar to H 01113) Traffic and Pedestrian Safety						
501570	A	S	RCS	ATD, Perry	Delete L.42 - 68:	04/09 05:08 PM	

Tab 5	CS/SB 1560 by CM, Ausley; (Compare to CS/H 00753) Broadband Internet Service						
109060	A	S	RCS	ATD, Ausley	Delete L.106 - 445:	04/12 03:23 PM	

Tab 6	CS/SB 2004 by CM, Burgess; Broadband Internet						
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

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

Senator Gainer, Chair
Senator Hooper, Vice Chair

MEETING DATE: Thursday, April 8, 2021
TIME: 9:00—11:00 a.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Gainer, Chair; Senator Hooper, Vice Chair; Senators Ausley, Boyd, Cruz, Garcia, Gibson, Mayfield, Perry, Taddeo, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A1 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W PENSACOLA STREET, TALLAHASSEE, FL 32301			
1	CS/SB 676 Transportation / Baxley (Compare H 249, CS/H 451, H 501, H 533, H 599, S 292, S 612, S 860, S 940, S 958, S 1168, S 1200, S 1322)	Special and Specialty License Plates; Providing an exception to the requirement that specialty license plate annual use fees and interest earned from those fees be expended only in this state; revising distribution and application of annual fees from the sale of Florida Indian River Lagoon license plates; revising distribution of annual use fees from the sale of Divine Nine license plates; authorizing such plates to be personalized and to be displayed on certain vehicles; revising requirements for the issuance of certain special license plates, etc. TR 03/16/2021 Fav/CS ATD 04/08/2021 Fav/CS AP	Fav/CS Yeas 11 Nays 0
2	CS/SB 754 Transportation / Diaz (Similar CS/H 139)	Motor Vehicle and Vessel Registration Data; Requiring tax collectors, third parties contracted with tax collectors, and license tag agents to enter into a memorandum of understanding with the Department of Highway Safety and Motor Vehicles and make certain determinations regarding registration applicants; requiring the department to ensure that certain technology used by tax collectors protects customer privacy and data; authorizing the department to provide certain technology to tax collectors, upon request, in order to provide data access and uniform interface functionalities for registration renewal transactions; authorizing the department to provide certain technology to tax collectors, upon request, in order to provide data access and uniform interface functionalities for registration renewal transactions, etc. TR 03/24/2021 Fav/CS ATD 04/08/2021 Favorable AP	Favorable Yeas 11 Nays 0

COMMITTEE MEETING EXPANDED AGENDAAppropriations Subcommittee on Transportation, Tourism, and Economic Development
Thursday, April 8, 2021, 9:00—11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 862 Gruters (Similar CS/CS/H 695)	Digital License Plate Pilot Program; Deleting provisions relating to the authority of the Department of Highway Safety and Motor Vehicles to conduct a pilot program to evaluate the designs, concepts, and technologies for alternative license plates; creating the Digital License Plate Pilot Program within the department; authorizing the department to contract with digital license plate providers; specifying requirements for digital license plates and for digital license plate providers, etc. TR 03/03/2021 Favorable ATD 04/08/2021 Fav/CS AP	Fav/CS Yeas 7 Nays 4
4	SB 1412 Perry (Similar H 1113)	Traffic and Pedestrian Safety; Citing this act as the "Sophia Nelson Pedestrian Safety Act"; requiring a traffic engineering study to be conducted which recommends installation of a specified pedestrian crosswalk before such installation occurs; requiring a pedestrian crosswalk on a public highway, street, or road which is located at any point other than at an intersection with another public highway, street, or road to conform to specified requirements; providing coordination requirements for certain devices and signals; requiring that traffic control signal devices at adjacent intersections be taken into consideration, etc. TR 03/24/2021 Favorable ATD 04/08/2021 Fav/CS AP	Fav/CS Yeas 8 Nays 3
5	CS/SB 1560 Commerce and Tourism / Ausley (Compare CS/H 753, H 1339)	Broadband Internet Service; Revising the duties of the Florida Office of Broadband within the Department of Economic Opportunity; requiring the office to develop geographic information system maps in collaboration with specified entities and consistent with certain federal reporting standards by a specified date; establishing the Broadband Deployment Task Force within the office for a specified purpose; requiring the office to publish certain information related to grant applications and grant awards on its website; requiring the office to establish a process to identify eligible households to receive federal Emergency Broadband Benefit Program funds under certain circumstances, etc. CM 03/15/2021 Fav/CS ATD 04/08/2021 Fav/CS AP	Fav/CS Yeas 11 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Thursday, April 8, 2021, 9:00—11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
6	CS/SB 2004 Commerce and Tourism / Burgess	Broadband Internet; Requiring the Florida Office of Broadband's strategic plan to include short-term and long-term goals for increasing the availability of and access to broadband Internet service in this state; requiring the updated plan to be submitted to the Governor, the Chief Justice of the Supreme Court, and the Legislature by a specified date; requiring the office to provide technical and planning assistance related to broadband infrastructure to rural communities, etc. CM 03/15/2021 Fav/CS ATD 04/08/2021 Favorable AP	Favorable Yeas 11 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 676 (108614)

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

SUBJECT: Special and Specialty License Plates

DATE: April 9, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Vickers	TR	Fav/CS
2.	Wells	Hrdlicka	ATD	Recommend: Fav/CS
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 676 creates 14 new specialty license plates: Florida State Parks; Support Healthcare Heroes; Inter Miami CF; Toastmasters; Gopher Tortoise; Orlando United; Biscayne Bay; Disease Prevention and Early Detection; Honor Flight; Ethical Ecotourism; Protect Marine Wildlife; Margaritaville; 30A.com/Scenic Walton; and Florida Swims.

The bill also creates one new special military plate for recipients of the Army of Occupation Award, amends three existing specialty license plates (Florida Indian River Lagoon, Wildlife Foundation of Florida, and Divine Nine), and revises requirements for the issuance of certain special license plates.

According to the DHSMV, the bill will have a negative, but insignificant, fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The bill is effective October 1, 2021.

II. Present Situation:

Specialty License Plates

Presently, there are 121 specialty license plates available for purchase in Florida¹ and another 33 specialty license plates available for pre-sale.² 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 the required license taxes and service fees.³ The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.⁴

In order to establish a specialty license plate, s. 320.08053, F.S., requires the following actions within certain timelines after the plate is approved by law:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue pre-sale vouchers for the specialty license plate; and
- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 3,000 voucher sales, or in the case of an out-of-state college or university license plate, 4,000 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 from the DHSMV.⁵

New specialty license plates that have been approved by law but are awaiting issuance will be issued in the order they appear in s. 320.08058, F.S., provided that they have met the presale requirement. If the next awaiting specialty license plate has not met the presale requirement, the department will proceed in the order provided in s. 320.08058, F.S., to identify the next qualified specialty license plate that has met the presale requirement.⁶

If the Legislature has approved 150 or more specialty license plates, then the DHSMV may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued so that the number of plates being issued does not exceed 150.⁷

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

¹ A list of Florida's specialty license plates is available on the DHSMV website (*Florida License Plates Brochure*) at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited March 19, 2021).

² A list of Florida's pre-sale specialty license plates is available on the DHSMV website at <https://www.flhsmv.gov/motor-vehicles-tags-titles/personalized-specialty-license-plates/specialty-license-plates/pre-sale-data/> (last visited March 19, 2021).

³ Section 320.08056(3)(d), F.S., provides that except if specifically provided in s. 320.08056(4), the annual use fee for a specialty license plate is \$25.

⁴ See s. 320.08058, F.S.

⁵ Section 320.08053(2)(b), F.S.

⁶ Section 320.08053(3)(a), F.S.

⁷ Section 320.08053(3)(b), F.S.

United States Armed Forces and veterans-related specialty plates.⁸ 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.⁹

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.¹⁰

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.¹¹ 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.¹²

However, effective July 1, 2023, the requirement increases so that the DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 3,000 or in the case of an out-of-state college or university license plate, 4,000, for at least 12 consecutive months. The DHSMV must mail a warning letter to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 3,000, or in the case of an out-of-state college or university license plate, 4,000. This does not apply to in-state collegiate license plates established under s. 320.08058(3), F.S., license plates of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, specialty license plates for which annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, or Florida professional sports team license plates established under s. 320.08058(9), F.S.¹³

Existing Specialty License Plates

Florida Indian River Lagoon Specialty License Plate

Section 320.08058(10), F.S., provides that the first \$5 million in revenues collected annually from the Florida Indian River Lagoon (IRL) license plate must be transferred to the St. Johns River Water Management District. The district must account for these funds separate from all other funds received and must distribute the funds to the applicants awarded funds.

⁸ Section 320.08056(10)(a), F.S.

⁹ Section 320.08062, F.S.

¹⁰ Section 320.08056(7), F.S.

¹¹ Section 320.08056(8)(a), F.S.

¹² Section 320.08056(8)(b), F.S.

¹³ Section 320.08056(8)(a), F.S.

The application for award of the Florida IRL license plate annual use fees is administered by the St. Johns River and South Florida Water Management Districts for IRL projects and in accordance with their contracting and purchasing policies and procedures, within the select restrictions on how the fees are to be used.¹⁴

Section 320.08058(10)(d), F.S., provides that it is the intent of the Legislature that revenues generated by the Florida IRL license plate annual use fees must not be used as replacement funds for Surface Water Improvement and Management Act funds, but must be used solely for the enhancement of the IRL area.

Fish & Wildlife Foundation of Florida Specialty License Plate

The Fish & Wildlife Foundation of Florida, Inc., a nonprofit 501(c)(3) organization, was formed on September 29, 1994, “to support the health and well-being of Florida’s fish and wildlife resources and their habitats.” The foundation is the citizen-support organization of the Florida Fish and Wildlife Conservation Commission and works with a variety of other public and private organizations to achieve science-based conservation, research, education, and outdoor recreation goals. The foundation awards grants that focus on “providing outdoor education and recreational opportunities for youth, combatting invasive species like lionfish, improving management of wildlife habitats and fisheries, protecting Florida’s freshwater springs, and improving public access to hunting, fishing, and boating resources.”¹⁵

Divine Nine Specialty License Plate

Section 320.08058(101), F.S., requires the annual use fees from the Divine Nine license plates to be distributed as follows:

- Five percent of the proceeds to the United Negro College Fund, Inc., for college scholarships for Florida residents attending Florida’s historically black colleges and universities.
- The remaining 95 percent of the proceeds to one of the participating fraternities or sororities as selected by the purchaser of the plate. Each of those organizations may use 10 percent for marketing the plate.

Because each of the nine fraternities and sororities under the Divine Nine license plate has its own official plate, the total sales of all the license plates created under s. 320.08058(101), F.S., is combined for the purpose of meeting the minimum license plate sales threshold and for determining the license plate limits.

Military Service Special License Plates

Currently, s. 320.089, F.S., authorizes 23 special license plates available to military service members or veterans for certain types of military service. Examples of service include veteran of the U.S. Armed Forces, World War II veteran, and woman veteran. While anyone who pays the appropriate fees may purchase most specialty license plates, a person must provide proof of eligibility to obtain a military special license plate.

¹⁴ Section 320.08058(10)(c), F.S.

¹⁵ Fish & Wildlife Foundation of Florida, *About Us*, <https://wildlifeflorida.org/our-mission/> (last visited April 1, 2021). See also s. 379.223, F.S.

Military special license plates are each stamped with words consistent with the type of special license plate issued. A likeness of the related campaign medal or badge appears on the plate followed by the license plate serial number.

Applicants for special license plates are required to pay the annual license tax¹⁶ with the exception of certain disabled veterans who qualify for the Pearl Harbor, Purple Heart, or Prisoner of War plate, to whom such plates are issued at no cost.¹⁷ The first \$100,000 of the revenue generated annually from the issuance of special use plates is deposited into the Grants and Donations Trust Fund under the Veterans' Nursing Homes of Florida Act. Any additional revenue is deposited into the Operations and Maintenance Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans.¹⁸

Army of Occupation Medal

The Army Occupation Medal was established in 1946 to recognize servicemembers who had performed occupation service after World War II. The medal was awarded for 30 days of consecutive service while the servicemember was assigned to Germany, Austria, Italy, Japan, and Korea during specific periods of time during 1945 to 1990.¹⁹ “Because of the legal status of West Berlin, as an occupied territory until the unification of Germany, the Army of Occupation Medal was issued for forty-five years making it one of the longest active military awards of both the Second World War and the Cold War.”²⁰ The medal was designed by Mr. Thomas Hudson Jones and was originally intended only for members of the United States Army. When the United States Air Force was created, the use of the medal was expanded in 1948 to include those members as well. The first medal was presented to General Eisenhower on April 2, 1947. The ribbon design uses the color black to represent Germany and the color red to represent Japan. There is also a related Navy Occupation Service Medal for servicemembers of the United States Navy and Marines.²¹

Emergency Medical Services Trust Fund

Funds deposited into the Emergency Medical Services Trust Fund must be used solely to improve and expand prehospital emergency medical services in the state. The Department of

¹⁶ The annual license tax is provided in s. 320.08, F.S.

¹⁷ Section 320.089(2)(a), F.S.

¹⁸ Section 320.089(1)(c), F.S.

¹⁹ United States Army Veteran Medals, *U.S. Army Service, Campaign Medals and Foreign Awards Information*, <https://veteranmedals.army.mil/awardg&d.nsf/374fbd64688777ab385256b6600590a90/48884fdf2638ab8185256b660066c86a!OpenDocument> (last visited April 2, 2021).

²⁰ Military Wiki, *Army of Occupation Medal*, https://military.wikia.org/wiki/Army_of_Occupation_Medal (last visited April 2, 2021)

²¹ *Ibid* and *supra* note 20.

Health (DOH) must annually dispense funds contained in the Emergency Medical Services Trust Fund as follows:

- Forty-five percent of funds must be divided among the counties according to the proportion of the combined amount deposited in the trust fund from the county.²² These funds may not be used to match grant funds identified below. An individual board of county commissioners may distribute these funds to emergency medical services organizations and youth athletic organizations within the county, as it deems appropriate;
- Forty percent of funds must be used by the DOH for making matching grants to local agencies, municipalities, emergency medical services organizations, and youth athletic organizations for the purpose of conducting research, increasing existing levels of emergency medical services, evaluation, community education, injury-prevention programs, and training in cardiopulmonary resuscitation and other lifesaving and first aid techniques; and
- Fifteen percent of funds must be used by the DOH for capital equipment outlay, personnel, community education, evaluation, and other costs associated with the administration of ch. 401, F.S. (Medical Telecommunications and Transportation). Any funds not annually used for this purpose must be used for making additional rural grant funds available.²³

Community Organizations

Florida State Parks Foundation, Inc.

The Florida State Parks Foundation, Inc., founded in 1993, supports the Florida State Park system through programs that preserve and protect state parks, educate visitors about the value of state parks, encourage community engagement and active use of state parks, and provide financial support to supplement state funding. The foundation is a nonprofit Florida corporation organized under s. 501(3)(c) of the Internal Revenue Code.²⁴

Inter Miami CF

The Inter Miami CF Foundation Corporation²⁵ is an organization which uses “the game of soccer as a catalyst for positive change in the South Florida community.” It focuses on education, inclusion, and wellness for kids and young adults in underserved communities. The Inter Miami CF Foundation Corporation uses the soccer club’s reach, expertise, and resources to strategically plan and execute sports-based development and direct-service community programs, initiatives, and events.²⁶

²² Funds for the trust fund come from a \$5 fine from crashes involving damage to a vehicle or other property and reckless driving incidents, portions of civil penalty fines for traffic infractions imposed by county courts, and a \$25 fine for driving or boating under the influence.

²³ Section 401.113, F.S.

²⁴ Florida State Parks Foundation, *Mission*, <https://floridastateparksfoundation.org/About-Us1> (last visited April 2, 2021).

²⁵ Department of State, Sunbiz.org, Detail by Entity Name, *Inter Miami CF Foundation Corp.*, Document No. P20000013003. Throughout this analysis, references to Department of State, Division of Corporations documents filed by entities can be found by searching at <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited April 4, 2021) by entity name or by document number.

²⁶ See Department of State, Sunbiz.org, Detail by Entity Name, *Inter Miami CF Foundation Corporation, Articles of Incorporation*. The corporation is registered with the state as a for profit corporation, but its articles state that it is a nonprofit, charitable organization. The filing with the state may be incorrect.

Toastmasters International

Toastmasters began as a series of speaking clubs organized by Ralph C. Smedley while he was working for the YMCA. Mr. Smedley was director of education at the YMCA and he saw a need for the men in the community to learn how to speak, conduct meetings, plan programs, and work on committees. He decided to organize a club where they could learn these skills in a social environment. He named this group the Toastmasters Club, at the time “toastmaster” was a popular term to refer to a person who gave toasts at banquets and other occasions.²⁷ Since 1924, Toastmasters has helped people from diverse backgrounds become more confident speakers, communicators, and leaders.

“Toastmasters International is a nonprofit educational organization that teaches public speaking and leadership skills through a worldwide network of clubs.” The membership of the organization is over 364,000 people in over 16,200 clubs in 145 countries.²⁸ Toastmasters International is not registered with the Florida Department of State Division of Corporations.

The Ralph C. Smedley Memorial Fund was established in 1965 to honor Mr. Smedley’s legacy and to provide opportunities for future Toastmasters. Though initially the fund was intended for local impact, the international organization still maintains the fund’s original purpose – to advance communication and leadership education through the research, development, and distribution of educational programs and materials.²⁹

Wildlands Conservation, Inc.

The Wildlands Conservation is a nonprofit organization founded in 2003³⁰ to specialize in conservation planning and policy, land management, land protection, research, education, and outreach. The Wildlands Conservation works on conservation projects throughout Florida. It strives to work with landowners and others around the state to maximize land conservation and minimize costly impacts.³¹ For example, the organization offers gopher tortoise relocation in an attempt to save tortoises from sites permitted for development. The organization is committed to ensuring that gopher tortoise survey and relocation work is done thoroughly and as professionally as possible to protect gopher tortoises across the state.³²

Mental Health Association of Central Florida, Inc.

The Mental Health Association of Central Florida³³ has been serving the mental health needs of Orange, Osceola, Seminole, Brevard, and Lake counties since 1946. Their mission is to provide

²⁷ Toastmasters International, *History: The Toastmasters Journey*, <https://www.toastmasters.org/about/history> (last visited April 4, 2021).

²⁸ Toastmasters International, *All About Toastmasters*, <https://www.toastmasters.org/about/all-about-toastmasters> (last visited April 4, 2021).

²⁹ Toastmasters International, *Ralph C. Smedley Memorial Fund*, <https://www.toastmasters.org/about/smedley-fund> (last visited April 4, 2021).

³⁰ Department of State, Sunbiz.org, Detail by Entity Name, *Wildlands Conservation, Inc.*, Document No. N03000002778.

³¹ Wildlands Conservation, <http://www.wildlandsconservation.org/> (last visited April 4, 2021).

³² Wildlands Conservation, *Gopher Tortoise Conservation*, <https://www.wildlandsconservation.org/gopher-tortoise-conservation/> (last visited April 4, 2021).

³³ Department of State, Sunbiz.org, Detail by Entity Name, *The Mental Health Association of Central Florida, Inc.*, Document No. 709672.

mental health services, support, and information to the Orlando and surrounding Central Florida community.³⁴

onePULSE Foundation, Inc.

The onePULSE Foundation³⁵ is a nonprofit organization established to create a sanctuary of hope following the tragic day of June 12, 2016. The foundation was created to honor the 117 victims and the first responders and healthcare professionals who treated them. The foundation is intended to support a memorial, a museum, educational programs, and endowed scholarships. All donations are used for the construction and operation of the National Pulse Memorial and Museum, educational programs, and 49 Legacy Scholarships.³⁶

26 Health, Inc.

26 Health³⁷ is a nonprofit organization established in 2011. The organization provides comprehensive physical and mental health services to individuals in the lesbian, gay, bisexual, and transgender community who live in and around the Central Florida area, regardless of their ability to pay. In part, it offers medical care, mental health care, adoption counseling, and other multidisciplinary services.³⁸

The Miami Foundation, Inc.

The Miami Foundation,³⁹ founded in 1967, seeks to encourage philanthropy and charitable giving in Miami by maintaining an endowment to meet current and future emerging charitable needs. It currently manages around \$350 million in assets. The organization work to make grants in broad program areas including education, health, human services, arts and culture, the environment, and community and economic development. The organization also mobilizes special initiatives to address the current needs of the community.⁴⁰

SFC Charitable Foundation, Inc.

The SFC Charitable Foundation, Inc., was founded in 1994.⁴¹ The foundation, also known as Singing for Change, is a private foundation established in 1995 by Jimmy Buffett, as a way of saying thank you to the friends, fans, and concert-goers around the country who have loyally supported his music career.⁴²

Initially funded with contributions from Jimmy Buffett's 1995 summer tour, Singing for Change continues to receive one dollar from each concert ticket sold during his tours. Funds are used to provide grants to small, grassroots organizations located primarily in communities where

³⁴ Mental Health Association of Central Florida, *The Mission of The Mental Health Association of Central Florida*, <https://www.mhacf.org/> (last visited April 4, 2021).

³⁵ Department of State, Sunbiz.org, Detail by Entity Name, *onePULSE Foundation, Inc.*, Document No. N16000006750.

³⁶ OnePULSE Foundation, *About Us*, <https://onepulsefoundation.org/onepulse-foundation/> (last visited April 4, 2021).

³⁷ Department of State, Sunbiz.org, Detail by Entity Name, *26 Health, Inc.*, Document No. N11000003516. *See also at 10/22/2019 – Amendment and Name Change.*

³⁸ 26 Health, <https://26health.org/> (last visited April 4, 2021).

³⁹ Department of State, Sunbiz.org, Detail by Entity Name, *The Miami Foundation, Inc.*, Document No. N50007.

⁴⁰ *See generally* The Miami Foundation, <https://miamifoundation.org/> (last visited April 4, 2021).

⁴¹ Department of State, Sunbiz.org, Detail by Entity Name, *SFC Charitable Foundation, Inc.*, Document No. N94000005329.

⁴² Singing For Change, <https://www.singingforchange.org/> (last visited April 4, 2021).

concerts are held. Singing for Change has disbursed over \$11 million in grants in its over 25-year history.⁴³

Protect Wild Dolphins Alliance, Inc.

Protect Wild Dolphins Alliance, Inc., also known as Protect Wild Dolphins,⁴⁴ supports and conducts research, scientific, and educational activities for the protection and preservation of marine mammals. Activities include rescue, rehabilitation, and release to the wild programs as well as a program for a safe haven for unwanted and/or surplus dolphins and other marine mammals. “Protect Wild Dolphins Alliance rescues and rehabilitates stranded marine mammals in order to advance science and education in marine wildlife health and conservation and believes in the humane treatment of all sick and injured marine animals.” The organization seeks to advance the One Ocean One Health concept in order to protect ocean heritage.⁴⁵

The Women’s Breast & Heart Initiative, Florida Affiliate, Inc.

The Women’s Breast & Heart Initiative⁴⁶ was established in 2005 with a goal to provide at-risk women access to early detection and proper treatment for breast cancer by going door-to-door with outreach efforts. The organization operates a grassroots campaign of education and screening initiatives to encourage and support social responsibility, community organization, and the good health of women. The organization works to establish a network of dedicated and compassionate volunteers through strategic partnerships with local colleges and universities, health care partners, and professional entities.⁴⁷

Honor Flight

Honor Flight’s mission is to transport America’s veterans to Washington, D.C., to visit the memorials dedicated to honoring them. It is a national network of independent hubs working together to further this mission. The network currently serves veterans from World War II, the Korean War, and the Vietnam War, as well as terminally ill veterans who served during any era.⁴⁸ Florida’s Honor Flight Network hubs are Collier-Lee, First Coast, Central Florida, West Central Florida, South Florida, Tallahassee, Southeast Florida, Southwest Florida, Space Coast, and the Villages.⁴⁹

Florida Society for Ethical Ecotourism

In 1998, the CREW Land and Water Trust and the Florida Department of Environmental Protection Rookery Bay National Estuarine Research Reserve received a grant from the Advisory Council of Environmental Education, within the Florida Game and Fresh Water Fish Commission, to provide an educational workshop for ecotour providers of Southwest Florida. As

⁴³ *Id.*

⁴⁴ Department of State, Sunbiz.org, Detail by Entity Name, *Protect Wild Dolphins Alliance, Inc.*, Document No. N94000001086; and Fictitious Name Detail, *Protect Wild Dolphins*, Registration No. G20000005363.

⁴⁵ Protect Wild Dolphins Alliance, <https://protectwilddolphinsalliance.com/index.html> (last visited April 4, 2021).

⁴⁶ Department of State, Sunbiz.org, Detail by Entity Name, *The Women’s Breast & Heart Initiative, Florida Affiliate, Inc.*, Document No. N05000011278.

⁴⁷ The Women’s Breast & Heart Initiative, *About Us*, <https://flbreasthealth.com/about-us/> (last visited April 4, 2021).

⁴⁸ Honor Flight Network, *About Us*, <https://www.honorflight.org/about-us.html> (last visited April 4, 2021).

⁴⁹ Honor Flight Network, *Regional Honor Flight Hubs*, <https://www.honorflight.org/regional-honor-flight-hubs.html#florida> (last visited April 4, 2021).

a result of the grant, a day-long Southwest Florida Eco/Heritage Tourism Workshop took place in downtown Ft. Myers in which 85 people participated.⁵⁰

Following the workshop, a group of volunteers from Southwest Florida communities met and formed the Society for Ethical Ecotourism in Southwest Florida. In 2011 they changed their name to the Florida Society for Ethical Ecotourism, Inc.⁵¹ The Florida Society for Ethical Ecotourism, Inc., is registered as an active nonprofit corporation with the DOS.⁵²

Paddle Florida, Inc.

Paddle Florida, Inc., is a nonprofit corporation⁵³ organized to support canoeing and kayaking in Florida. The organization supports multi-day paddling/camping trips in each of Florida's five water management districts, showcasing the state's natural beauty and rich cultural heritage while promoting water conservation, wildlife preservation, springs restoration, and waterways protection. Paddle Florida seeks to promote Florida as an international destination for nature-based tourism.⁵⁴

Scenic Walton, Inc.

Scenic Walton, Inc., is a nonprofit corporation⁵⁵ created in 2008 as a chapter of Scenic America. The organization works to preserve Walton County's scenic beauty by improving landscaping along commercial corridors, working towards underground utilities, promoting pedestrian and cycling paths, removing litter, and controlling billboards and signage.⁵⁶

Swimming Pool Education and Safety Foundation, Inc.

Swimming Pool Education and Safety Foundation, Inc., also known as Florida Swims Foundation,⁵⁷ is a nonprofit organization that funds swimming lessons and distributes safety information throughout the state. The foundation awards scholarships to college students and provides grants for swimming lessons. The foundation also collaborates with local organizations, such as the YMCA and Boys & Girls Clubs, to bring water safety measures and swimming lessons to families with young children.⁵⁸

⁵⁰ Florida Society for Ethical Ecotourism, *History of the "Florida Society for Ethical Ecotourism"*, <https://www.floridasee.com/docs/Florida%20SEE%20History.pdf> (last visited April 4, 2021).

⁵¹ *Id.*

⁵² Department of State, Sunbiz.org, Detail by Entity Name, *Florida Society for Ethical Ecotourism, Inc.*, Document No. N0100000235.

⁵³ Department of State, Sunbiz.org, Detail by Entity Name, *Paddle Florida, Inc.*, Document No. N1100000503.

⁵⁴ Paddle Florida, <http://www.paddleflorida.org/> (last visited April 4, 2021).

⁵⁵ Department of State, Sunbiz.org, Detail by Entity Name, *Scenic Walton, Inc.*, Document No. N0800009559.

⁵⁶ Scenic Walton, <https://www.scenic.org/chapters-affiliates/walton/> (last visited April 7, 2021),

⁵⁷ Department of State, Sunbiz.org, Detail by Entity Name, *Swimming Pool Education And Safety Foundation Inc.*, Document No. N0700000242; and Fictitious Name Detail, *Florida Swims*, Registration No. G19000066440.

⁵⁸ Florida Swimming Pool Association, *SPESF*, <https://floridapoolpro.portals7.gomembers.com/About/FloridaSwimsFoundation.aspx> (last visited April 7, 2021).

III. Effect of Proposed Changes:

Existing Specialty License Plates (Section 3)

Florida Indian River Lagoon Specialty License Plate

The Indian River Lagoon (IRL) was formally established as an Estuary of National Significance and joined the National Estuary Program in 1991 under the sponsorship of the St. Johns and South Florida Water Management Districts. The IRL National Estuary Program is part of a national network of 28 estuary programs established under the Federal Clean Water Act and administered nationally by the United States Environmental Protection Agency.⁵⁹

The IRL Council was established in February 2015 as a special district of Florida. The IRL Council includes representatives of five counties bordering the lagoon (Volusia, Brevard, St. Lucie, and Martin counties and the Indian River County Lagoon Coalition), the St. Johns River and South Florida Water Management Districts, and the Florida Department of Environmental Protection.⁶⁰

The bill amends s. 320.08058(10), F.S., to direct the distribution of the first \$5 million collected each year to the IRL Council, instead of the St. Johns River Water Management District. The bill provides that the Legislature intends for the license plate to provide a continuous source of funding in the area due to:

- The creation of the IRL Council and subsequent adoption of a comprehensive conservation and management plan in 2019 developed by the council and local, state, and federal partners;
- The St. Johns Water Management District continued support of competitive cost-share projects in counties administered by the council; and
- The legislative support of the restoration efforts of the IRL National Estuary Program and its partners.

IRL Council is responsible for accounting for the transfer and distribution of proceeds from the sale of the plate. The bill directs the IRL Council to administer projects in Volusia, Brevard, and Indian River Counties from funds derived from the appropriate percentage of license plate revenues and for the South Florida Water Management District to administer projects in St. Lucie, Martin, and Palm Beach Counties. The expands the use of the funds to include monitoring projects.

Specific to counties, the bill provides that:

- In Volusia County, project implementation may occur in all estuarine waters extending north to and including the IRL National Estuary Program's Indian River Lagoon-Halifax River planning boundary amendments that include the Tomoka Basin.
- In Palm Beach County, second priority is amended to be given to projects within adjacent estuarine waters, *including* the Loxahatchee River and other tributaries to the Indian River Lagoon.

⁵⁹ One Lagoon, *The Indian River Lagoon NEP*, <https://onelagoon.org/irlnep/> (last visited April 4, 2021).

⁶⁰ *Id.*

The bill provides that it is the intent of the Legislature that proceeds from the sale of the plate not be used as replacement funds for other available funding sources, not just funds from the Surface Water Improvement and Management Act. The proceeds of the plate must be used solely for the enhancement of the lagoon *and* tributaries in the IRL watershed, as defined by the IRL National Estuary Program project boundary defined in the IRL Comprehensive Conservation and Management Plan or as provided in the bill.

Wildlife Foundation of Florida Specialty License Plate

The bill amends s. 320.08058(46), F.S., to update the name of the Florida Fish and Wildlife Conservation Commission citizen support organization to the Fish & Wildlife Foundation of Florida, Inc. The bill expands the uses of the proceeds from the sale of the plate to be used to fund programs and projects that promote hunting and shooting sports. The bill allows the proceeds to be *encumbered* instead of *used* for the allowed activities. Unencumbered funds from one year may be carried over to the following year, but must be spent within 2 years of receipt or dedicated to a project within 2 years of receipt in the form of a contract, a grant award, or an approved plan by the governing board of the Fish & Wildlife Foundation of Florida, Inc.

Divine Nine Specialty License Plate

The mission of the Association to Preserve African American Society, History, and Tradition is to collect, preserve, and exhibit historical artifacts and information which illustrate the meaningful role African Americans have played in Florida more specifically in the Orlando area. The association operates the Wells' Built Museum and "is dedicated to collecting and exhibiting memorabilia which commemorate the achievements of African Americans educators, athletes, musicians, religious, civic, and cultural leaders."⁶¹

The bill amends s. 320.08058(101), F.S., to repeal distributions to the various Divine Nine organizations and instead directs the distribution of 10 percent of the proceeds from sales of the plate to the Association to Preserve African-American Society, History, and Tradition, Inc., solely for the marketing of the plate.

The bill also limits eligibility for issuance of a Divine Nine license plate to a person who is a resident of Florida, the registered owner of a motor vehicle, and a member of the applicable organization. The person must also present proof of membership in the organization, which may be established by:

- A card distributed by the organization indicating the person's membership in the organization; or
- A written letter on the organization's letterhead which is signed by the organization's national president or his or her designated official and which states that the person was inducted into the organization.

Proof of membership in an eligible organization is required only for initial issuance of a Divine Nine license plate. A person need not present such proof for renewal of the license plate.

⁶¹ Department of State, Sunbiz.org, Detail by Entity Name, *The Association to Preserve African American Society, History and Tradition, Inc.*, Document No. N51255. GuideStar, *Association to Preserve African American Society, History and Tradition, Inc.*, <https://www.guidestar.org/profile/59-3205047> (last visited April 4, 2021).

In addition, a Divine Nine license plate:

- May be personalized; and
- May not be transferred between vehicle owners.

New Specialty License Plates (Section 3)

Florida State Parks License Plate

The bill creates the Florida State Parks license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Explore Our State Parks” appears at the bottom of the plate.

The annual use fees are distributed to the Florida State Parks Foundation, Inc., to be used as follows:

- Up to 10 percent for administrative costs and to market the plate.
- The remainder for preserving, protecting, sustaining, and growing Florida state parks.

Support Healthcare Heroes License Plate

The bill creates the Support Healthcare Heroes license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Support Healthcare Heroes” appears at the bottom of the plate.

The annual use fees are distributed annually into the Emergency Medical Services Trust Fund within the Department of Health to provide financial support for prehospital medical services pursuant to s. 401.113, F.S.

Inter Miami CF License Plate

The bill creates the Florida Inter Miami CF license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Inter Miami CF” appears at the bottom of the plate.

The annual use fees are distributed to the Inter Miami CF Foundation Corporation, a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to be used as follows:

- Up to 10 percent to promote and market the plate.
- The remainder to plan and execute sports-based development and direct-service community programs, initiatives, and events.

Currently, it appears that Florida Inter Miami CF is registered with the state as a for profit corporation, but its articles state that it is a nonprofit, charitable organization. The filing with the state may be incorrect.

Toastmasters License Plate

The bill creates the Florida Toastmasters International license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “www.Toastmasters.org” appears at the bottom of the plate.

The annual use fees are distributed to the Ralph C. Smedley Memorial Fund of Toastmasters International to be used as follows:

- Twenty-five percent to develop charitable and educational programs for the indigent, homeless, visually and hearing disabled, incarcerated, and youth populations that are unable to afford or to participate in established Toastmasters programs.
 - Up to 5 percent of this distribution for administrative costs.
- Seventy-five percent proportionally redistributed to the divisions of Districts 47, 48, 77, and 84 of Toastmasters International which reside in this state.
 - Up to 5 percent of this distribution to market the plate.
 - The remainder for educators, nonprofits, governmental organizations, scholarships, materials, and computers and other equipment for the purpose of implementing the charitable and educational programs for the indigent, homeless, visually and hearing disabled, incarcerated, and youth populations that are unable to afford or to participate in the established Toastmasters programs.

Gopher Tortoise License Plate

The bill creates the Florida Gopher Tortoise license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Protect the Gopher Tortoise” appears at the bottom of the plate.

The annual use fees are distributed to the Wildlands Conservation, Inc., to fund gopher tortoise and commensal species research, education, and conservation, as well as upland habitat protection, restoration, and management in this state. Distributions must be used as follows:

- Up to 10 percent for administrative costs of the gopher tortoise protection program and to market the plate.
- The remainder to use and distribute to eligible Florida-based scientific, conservation, and educational organizations for gopher tortoise and upland habitat research, conservation, and management.

Orlando United License Plate

The bill creates the Florida Orlando United license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Orlando United” appears at the bottom of the plate.

The bill directs the annual use fees to be distributed as follows:

- Five percent to the Mental Health Association of Central Florida, Inc., to market the plate.
- Thirty-one percent to the Mental Health Association of Central Florida, Inc.
 - Up to 5 percent of this distribution for administrative costs.
 - The remainder to offer free personalized counseling to any person affected by the shooting at the Pulse nightclub in Orlando on June 12, 2016.
- Two percent to onePULSE Foundation, Inc., to market the plate.
- Thirty-one percent to onePULSE Foundation, Inc.
 - Up to 5 percent of this distribution for administrative costs.
 - The remainder to support the construction and maintenance of the onePULSE Foundation Memorial.

- Thirty-one percent to 26 Health, Inc.
 - Up to 5 percent of this distribution for administrative costs.
 - The remainder to offer free personalized counseling to any person affected by the shooting at the Pulse nightclub in Orlando on June 12, 2016.

Biscayne Bay License Plate

The bill creates the Florida Biscayne Bay license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Protect Biscayne Bay” appears at the bottom of the plate.

The annual use fees are distributed to the Miami Foundation, Inc., to be used as follows:

- Up to 10 percent:
 - For direct reimbursement of administrative costs, startup costs, and costs incurred in the development approval process of the plate; all vendors associated with administrative costs must be selected by competitive bid; and
 - To promote and market the plate.
- The remainder to raise awareness and support the mission and efforts of conserving Biscayne Bay. The Miami Foundation Board of Trustees must approve and is accountable for all such expenditures.

Disease Prevention & Early Detection License Plate

The bill creates the Florida Disease Prevention & Early Detection license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Disease Prevention & Early Detection” appears at the bottom of the plate.

The annual use fees are distributed to the Women’s Breast & Heart Initiative, Florida Affiliate, Inc., to be used as follows:

- Up to 10 percent to promote and market the plate.
- The remainder to provide increased education and awareness relating to early detection, prevention, and screening of breast and heart issues.

Honor Flight License Plate

The bill creates the Florida Honor Flight license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Honor Flight” appears at the bottom of the plate.

The annual use fees are distributed equally among the Honor Flight Network hubs in this state to be used as follows:

- Up to 10 percent to promote and market the plate.
- The remainder to further the Honor Flight Network’s mission of transporting military veterans to Washington, D.C., in order to visit the memorials dedicated to honoring those who have served and sacrificed for the United States.

The bill also amends s. 320.08056(10)(a), F.S., (**Section 2**) to exclude the Honor Flight license plate from the restriction that all fees and any interest earned from the fees may be expended only for use in this state.

Ethical Ecotourism License Plate

The bill creates the Florida Ethical Ecotourism license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and words approved by the DHSMV appear at the bottom of the plate.

The annual use fees are distributed equally between the Florida Society for Ethical Ecotourism and Paddle Florida, Inc., to be used as follows:

- Up to 10 percent for administrative costs and to market the plate.
- The remainder:
 - By Florida Society for Ethical Ecotourism to provide environmental education and awareness that encourage behaviors that contribute to the sustainability of Florida’s natural ecosystems and resources; and
 - By Paddle Florida, Inc., to raise awareness about water conservation, wildlife preservation, restoration of springs, and protection of waterways in Florida.

Protect Marine Wildlife License Plate

The bill creates the Protect Marine Wildlife license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Protect Marine Wildlife” appears at the bottom of the plate.

The annual use fees are distributed to the Protect Wild Dolphins Alliance, Inc., to be used as follows:

- Up to 10 percent for administrative costs and to promote and market the plate.
- The remainder to fund the organization’s conservation, research, and educational programs that focus on the conservation of Florida’s threatened and protected marine wildlife species.

Margaritaville License Plate

The bill creates the Margaritaville license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Margaritaville” appears at the bottom of the plate.

The annual use fees are distributed to the SFC Charitable Foundation, Inc., to be used as follows:

- Up to 10 percent for administrative costs and to promote and market the plate.
- The remainder to be used to:
 - Provide grants to nonprofit organizations in communities impacted by natural or manmade disasters for purposes of recovery, rebuilding, and future sustainability; and
 - Promote and inspire local grassroots leaders who work to improve the quality of life in those impacted communities and other communities in this state.

30A.com/Scenic Walton License Plate

The bill creates the 30A.com/Scenic Walton license plate. The plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Support Scenic Walton” appears at the bottom of the plate.

The annual use fees are distributed to Scenic Walton, Inc., to be used as follows:

- Up to 10 percent for administrative costs and to market the plate.
- The remainder to preserve and enhance the beauty and safety of Walton County.

Florida Swims License Plate

The bill creates the Florida Swims license plate. The plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Swim for Life” appears at the bottom of the plate.

The annual use fees are distributed to the Swimming Pool and Education Foundation, Inc., doing business as Florida Swims, to be used as follows:

- Up to 10 percent for administrative costs and to market the plate.
- The remainder to promote swimming pool and water safety and to provide grants and scholarships for childhood swimming lessons in the state.

Special License Plates (Section 4)

The bill amends s. 320.0807(5), F.S., to repeal the time limitation on applicants for a license plate stamped “Senate President” and “House Speaker.” Currently, limits the plate to applicants that served as President of the Senate or Speaker of the House of Representatives prior to January 1, 2021.

Military Service Special License Plates (Section 5)***Army of Occupation Veterans License Plate***

The bill amends s. 320.089, F.S., to create the Army of Occupation Veterans license plate. An owner or lessee of an automobile or truck for private use, a truck weighing not more than 7,999 pounds, or a recreational vehicle⁶² which is not used for hire or commercial use can apply to the DHSMV for such a plate. The applicant must be:

- A resident of Florida.
- A current or former member of the United States military who was permanently assigned to occupation forces in specific overseas locations during the Cold War between May 9, 1945, and October 2, 1990.

The applicant must also provide proof of active membership or former active duty status during the period at one of the locations and pay the license tax for the vehicle to be issued a plate. Proof that the applicant was awarded the Army of Occupation Medal will be sufficient to establish eligibility for the license plate.

⁶² As provided for in s. 320.08(9)(c) or (d), F.S.

The plate will be stamped with the words “Army of Occupation” and a likeness of the Army of Occupation Medal, followed by the registration license number of the plate.

Miscellaneous

The bill amends s. 320.08053(3)(b), F.S., (**Section 1**) to clarify that the DHSMV may not *issue any new specialty license plates, instead of make the plates available for design or issuance, until there are less than 150 issued specialty license plates.*

The bill has an effective date of October 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None. Section 320.08056(3)(d), F.S., currently provides that the annual use fee for a specialty license plate is \$25, except as otherwise provided.

B. Private Sector Impact:

Once the license plates goes into production, organizations authorized for a distribution from the proceeds of the sale of the license plate will benefit.

Current law prohibits the redesign of a specialty license plate unless the inventory of the license plate has been depleted. However, the organization may purchase the remaining

inventory of the specialty license plate from the DHSMV at the DHSMV's cost.⁶³ Should any of the organizations associated with specialty license plates that have been amended desire to redesign their plates they may be required to purchase the remaining inventory of its specialty license plates at the DHSMV's cost prior to the authorized redesign of these specialty license plates.

C. Government Sector Impact:

Programming will be required initially to allow the DHSMV to accept vouchers, but the DHSMV may not finalize a design or issue the new license plate if the 150 cap is reached prior to the license plate selling 3,000 vouchers. The amount of programming is determined by the number of plates and the number of distributions per plate. One specialty license plate with a single distribution recipient will require between 200 to 250 hours of programming. Additional distributions will generally require an additional 5 to 10 hours per distribution.⁶⁴

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.⁶⁵

The first \$100,000 of the revenue generated annually from the issuance of special use plates under s. 320.089, F.S., (to now include the Army of Occupation Veterans license plate) is deposited into the Grants and Donations Trust Fund under the Veterans' Nursing Homes of Florida Act to be used by the home for the benefit of the home and its residents.⁶⁶ Any additional revenue is deposited into the Operations and Maintenance Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans.⁶⁷ There may be indeterminate, positive fiscal impacts to these trust funds to the extent that eligible individuals choose to purchase these license plates.

Additionally, the DHSMV states the cost to perform an audit every 3 years of each specialty license plate may result in an insignificant workload impact that can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁶³ Section 320.08056(9), F.S.

⁶⁴ DHSMV, *2021 Agency Legislative Bill Analysis SB 676*, February 25, 2021 (on file with the Senate Committee on Transportation).

⁶⁵ Section 320.08056(7), F.S.

⁶⁶ Section 296.38(2), F.S., requires the home to use the funds in the Grants and Donations Trust Fund "for the common benefit of the residents of the home, such as recreational equipment, improved facilities, recreational supplies, and goods and services offered or available to all residents."

⁶⁷ Section 320.089(1), F.S.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.08053, 320.08056, 320.08058, 320.0807, and 320.089.

IX. Additional Information:

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

CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 8, 2021:

The committee substitute:

- Creates two new specialty license plates (30A and Florida Swims)
- Removes unnecessary language related to allowing placement of plates on vehicles for the Divine Nine plate.
- Reduces the allowed marketing amount for the Gopher Tortoise Plate from 15 percent to 10 percent, consistent with other plates;
- Corrects the reference to Two Spirit Health Services, Inc., to 26 Health, Inc., as a recipient from the proceeds of the Orlando United plate.
- Removes obsolete language and specifically directs the distributions to the organizations for the Protect Marine Wildlife and Margaritaville plates.
- Clarifies that DHSMV does not have to *issue* any new specialty license plates until a sufficient number of plates are discontinued.

CS by Transportation on March 16, 2021:

- Creates 12 new specialty license plates;
- Creates one new military plate for recipients of the Army of Occupation Award;
- Amends three existing specialty license plates; and
- Amends the requirements for the issuance of certain special license plates.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2021	.	
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	.	

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

Senate Amendment (with title amendment)

Delete lines 317 - 553

and insert:

2. May not be transferred between vehicle owners.

License plates created pursuant to this subsection shall have
their plate sales combined for the purpose of meeting the
minimum license plate sales threshold in s. 320.08056(8)(a) and



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10 for determining the license plate limit in s. 320.08053(3)(b).
11 License plates created pursuant to this subsection must be
12 ordered directly from the department.

13 (112) FLORIDA STATE PARKS LICENSE PLATES.-

14 (a) The department shall develop a Florida State Parks
15 license plate as provided in this section and s. 320.08053. The
16 plate must bear the colors and design approved by the
17 department. The word "Florida" must appear at the top of the
18 plate, and the words "Explore Our State Parks" must appear at
19 the bottom of the plate.

20 (b) The annual use fees from the sale of the plate shall be
21 distributed to the Florida State Parks Foundation, Inc., a
22 nonprofit Florida corporation under s. 501(c)(3) of the Internal
23 Revenue Code, to be used to preserve, protect, sustain, and grow
24 Florida state parks. Up to 10 percent of the proceeds may be
25 used for marketing of the plate and costs directly associated
26 with administration of the foundation.

27 (113) SUPPORT HEALTHCARE HEROES LICENSE PLATES.-

28 (a) The department shall develop a Support Healthcare
29 Heroes license plate as provided in this section and s.
30 320.08053. The plate must bear the colors and design approved by
31 the department. The word "Florida" must appear at the top of the
32 plate, and the words "Support Healthcare Heroes" must appear at
33 the bottom of the plate.

34 (b) The annual use fees from the sale of the plate shall be
35 distributed annually into the Emergency Medical Services Trust
36 Fund within the Department of Health to provide financial
37 support for prehospital medical services pursuant to s. 401.113.

38 (114) INTER MIAMI CF LICENSE PLATES.-



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39 (a) The department shall develop an Inter Miami CF license
40 plate as provided in this section and s. 320.08053. The plate
41 must bear the colors and design approved by the department. The
42 word "Florida" must appear at the top of the plate, and the
43 words "Inter Miami CF" must appear at the bottom of the plate.

44 (b) The annual use fees from the sale of the plate shall be
45 distributed to Inter Miami CF Foundation Corporation, a
46 nonprofit corporation under s. 501(c)(3) of the Internal Revenue
47 Code, which may use a maximum of 10 percent of the proceeds to
48 promote and market the plate. The remainder of the proceeds
49 shall be used by Inter Miami CF Foundation Corporation to plan
50 and execute sports-based development and direct-service
51 community programs, initiatives, and events.

52 (115) TOASTMASTERS LICENSE PLATES.—

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

59 (b) The annual use fees from the sale of the plate shall be
60 distributed to the Ralph C. Smedley Memorial Fund of
61 Toastmasters International, a s. 501(c)(3) nonprofit
62 organization, of which:

63 1. Twenty-five percent shall be used to develop charitable
64 and educational programs for the indigent, homeless, visually
65 and hearing disabled, incarcerated, and youth populations that
66 are unable to afford or to participate in established
67 Toastmasters programs. Up to 5 percent of this distribution may



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68 be used for administrative expenses.

69 2. Seventy-five percent shall be proportionally
70 redistributed to the divisions of Districts 47, 48, 77, and 84
71 of Toastmasters International which reside in this state. Up to
72 5 percent of this distribution may be used for marketing of the
73 plate, and the remainder shall be used for educators,
74 nonprofits, governmental organizations, scholarships, materials,
75 and computers and other equipment for the purpose of
76 implementing the charitable and educational programs for the
77 indigent, homeless, visually and hearing disabled, incarcerated,
78 and youth populations that are unable to afford or to
79 participate in the established Toastmasters programs.

80 (116) GOPHER TORTOISE LICENSE PLATES.-

81 (a) The department shall develop a Gopher Tortoise license
82 plate as provided in this section and s. 320.08053. The plate
83 must bear the colors and design approved by the department. The
84 word "Florida" must appear at the top of the plate, and the
85 words "Protect the Gopher Tortoise" must appear at the bottom of
86 the plate.

87 (b) The annual use fees from the sale of the plate shall be
88 distributed to Wildlands Conservation, Inc., a nonprofit
89 corporation under s. 501(c)(3) of the Internal Revenue Code, to
90 fund gopher tortoise and commensal species research, education,
91 and conservation, as well as upland habitat protection,
92 restoration, and management in this state. Up to 10 percent of
93 the funds received by Wildlands Conservation, Inc., may be used
94 for marketing of the plate and costs directly associated with
95 the administration of the gopher tortoise protection program.
96 Wildlands Conservation, Inc., shall use and distribute the funds



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97 to eligible Florida-based scientific, conservation, and
98 educational organizations for gopher tortoise and upland habitat
99 research, conservation, and management.

100 (117) ORLANDO UNITED LICENSE PLATES.-

101 (a) The department shall develop an Orlando United license
102 plate as provided in this section and s. 320.08053. The plate
103 must bear the colors and design approved by the department. The
104 word "Florida" must appear at the top of the plate, and the
105 words "Orlando United" must appear at the bottom of the plate.

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

108 1. Five percent shall be distributed to the Mental Health
109 Association of Central Florida, Inc., to be used for marketing
110 of the license plate.

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

117 3. Two percent shall be distributed to onePULSE Foundation,
118 Inc., a charitable, nonprofit organization under s. 501(c)(3) of
119 the Internal Revenue Code, to be used for marketing of the
120 license plate.

121 4. Thirty-one percent shall be distributed to onePULSE
122 Foundation, Inc. Of this amount, up to 5 percent may be used for
123 administrative expenses, and the remainder shall be used to
124 support the construction and maintenance of the onePULSE
125 Foundation Memorial.



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126 5. Thirty-one percent shall be distributed to 26 Health,
127 Inc. Of this amount, up to 5 percent may be used for
128 administrative expenses, and the remainder shall be used to
129 offer free personalized counseling to any person affected by the
130 shooting at the Pulse nightclub in Orlando on June 12, 2016.

131 (118) BISCAYNE BAY LICENSE PLATES.—

132 (a) The department shall develop a Biscayne Bay license
133 plate as provided in this section and s. 320.08053. The plate
134 must bear the colors and design approved by the department. The
135 word "Florida" must appear at the top of the plate, and the
136 words "Protect Biscayne Bay" must appear at the bottom of the
137 plate.

138 (b) The annual use fees from the sale of the plate shall be
139 distributed to The Miami Foundation, Inc., a Florida nonprofit
140 corporation, to be used as follows:

141 1. Up to 10 percent of the fees may be used for promotion
142 and marketing of the license plate and for direct reimbursement
143 for administrative costs, startup costs, and costs incurred in
144 the development and approval process of the license plate. All
145 vendors associated with administrative costs shall be selected
146 by competitive bid.

147 2. The remaining fees shall be used to raise awareness and
148 support the mission and efforts of conserving Biscayne Bay. The
149 Miami Foundation Board of Trustees must approve and is
150 accountable for all such expenditures.

151 (119) DISEASE PREVENTION & EARLY DETECTION LICENSE PLATES.—

152 (a) The department shall develop a Disease Prevention &
153 Early Detection license plate as provided in this section and s.
154 320.08053. The plate must bear the colors and design approved by



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155 the department. The word "Florida" must appear at the top of the
156 plate, and the words "Disease Prevention & Early Detection" must
157 appear at the bottom of the plate.

158 (b) The license plate annual use fees shall be distributed
159 to The Women's Breast & Heart Initiative, Florida Affiliate,
160 Inc., a Florida nonprofit corporation, which may use a maximum
161 of 10 percent of the proceeds to promote and market the plate.
162 The remainder of the proceeds shall be used by The Women's
163 Breast & Heart Initiative, Florida Affiliate, Inc., to provide
164 increased education and awareness relating to early detection,
165 prevention, and screening of breast and heart issues.

166 (120) HONOR FLIGHT LICENSE PLATES.—

167 (a) The department shall develop an Honor Flight license
168 plate as provided in this section and s. 320.08053. The plate
169 must bear the colors and design approved by the department. The
170 word "Florida" must appear at the top of the plate, and the
171 words "Honor Flight" must appear at the bottom of the plate.

172 (b) The annual use fees from the sale of the plate shall be
173 distributed equally among the Honor Flight Network hubs in this
174 state, each of which is a nonprofit corporation under s.
175 501(c)(3) of the Internal Revenue Code, to be used as follows:

176 1. Up to 10 percent of the fees may be used for promotion
177 and marketing of the license plate.

178 2. The remaining fees shall be used to further the Honor
179 Flight Network's mission of transporting military veterans to
180 Washington, D.C., in order to visit the memorials dedicated to
181 honoring those who have served and sacrificed for the United
182 States.

183 (121) ETHICAL ECOTOURISM LICENSE PLATES.—



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184 (a) The department shall develop an Ethical Ecotourism
185 license plate as provided in this section and s. 320.08053. The
186 word "Florida" must appear at the top of the plate, and words
187 approved by the department must appear at the bottom of the
188 plate.

189 (b) The annual use fees from the sale of the plate must be
190 distributed equally between the Florida Society for Ethical
191 Ecotourism and Paddle Florida, Inc., each of which may use up to
192 10 percent of such proceeds for administrative costs and the
193 marketing of the plate. The remaining proceeds must be used by
194 the Florida Society for Ethical Ecotourism to provide
195 environmental education and awareness that encourage behaviors
196 that contribute to the sustainability of Florida's natural
197 ecosystems and resources and by Paddle Florida, Inc., to raise
198 awareness about water conservation, wildlife preservation,
199 restoration of springs, and protection of waterways in this
200 state.

201 (122) PROTECT MARINE WILDLIFE LICENSE PLATES.—

202 (a) The department shall develop a Protect Marine Wildlife
203 license plate as provided in this section and s. 320.08053. The
204 plate must bear the colors and design approved by the
205 department. The word "Florida" must appear at the top of the
206 plate, and the words "Protect Marine Wildlife" must appear at
207 the bottom of the plate.

208 (b) The annual use fees shall be distributed to the Protect
209 Wild Dolphins Alliance, Inc., which may use up to 10 percent of
210 the proceeds for administration, promotion, and marketing of the
211 plate. All remaining proceeds shall be used by the Protect Wild
212 Dolphins Alliance, Inc., to fund its conservation, research, and



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213 educational programs that focus on the conservation of Florida's
214 threatened and protected marine wildlife species.

215 (123) MARGARITAVILLE LICENSE PLATES.—

216 (a) The department shall develop a Margaritaville license
217 plate as provided in this section and s. 320.08053. The plate
218 must bear the colors and design approved by the department. The
219 word "Florida" must appear at the top of the plate, and the word
220 "Margaritaville" must appear at the bottom or the side of the
221 plate.

222 (b) The annual use fees shall be distributed to the SFC
223 Charitable Foundation, Inc., which may use up to 10 percent of
224 the proceeds for administration, promotion, and marketing of the
225 specialty license plate. All remaining proceeds shall be used by
226 the SFC Charitable Foundation, Inc., to provide grants to
227 nonprofit organizations in communities impacted by natural or
228 manmade disasters for purposes of recovery, rebuilding, and
229 future sustainability and to promote and inspire local
230 grassroots leaders who work to improve the quality of life in
231 those communities and other communities in this state.

232 (124) 30A.COM/SCENIC WALTON LICENSE PLATES.—

233 (a) The department shall develop a 30A.com/Scenic Walton
234 license plate as provided in this section and s. 320.08053. The
235 plate must bear the colors and design approved by the
236 department. The word "Florida" must appear at the top of the
237 plate, and the words "Support Scenic Walton" must appear at the
238 bottom of the plate.

239 (b) The annual use fees from the sale of the plate shall be
240 distributed to Scenic Walton, Inc., a nonprofit Florida
241 corporation under s. 501(c)(3) of the Internal Revenue Code, to



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242 be used to preserve and enhance the beauty and safety of Walton
243 County. Up to 10 percent of the fees may be used for marketing
244 of the plate and costs directly associated with administration
245 of Scenic Walton, Inc.

246 (125) FLORIDA SWIMS LICENSE PLATES.—

247 (a) The department shall develop a Florida Swims license
248 plate as provided in this section and s. 320.08053. The plate
249 must bear the colors and design approved by the department. The
250 word "Florida" must appear at the top of the plate, and the
251 words "Swim for Life" must appear at the bottom of the plate.

252 (b) The annual use fees from the sale of the plate shall be
253 distributed to Swimming Pool Education and Safety Foundation,
254 Inc., doing business as Florida Swims, a nonprofit organization
255 under s. 501(c) (3) of the Internal Revenue Code, which may use
256 up to 10 percent of the fees for administration and marketing of
257 the plate. The remaining proceeds shall be used by the Swimming
258 Pool Education and Safety Foundation, Inc., doing business as
259 Florida Swims, to promote swimming pool and water safety and to
260 provide grants and scholarships for childhood swimming lessons
261 in Florida.

262 Section 3. Paragraph (b) of subsection (3) of section
263 320.08053, Florida Statutes, is amended to read:

264 320.08053 Establishment of specialty license plates.—

265 (3)

266 (b) If the Legislature has approved 150 or more specialty
267 license plates, the department may not issue ~~make~~ any new
268 specialty license plates ~~available for design or issuance~~ until
269 a sufficient number of plates are discontinued pursuant to s.
270 320.08056(8) such that the number of plates being issued does



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271 not exceed 150. Notwithstanding s. 320.08056(8) (a), the 150-
272 license-plate limit includes license plates above the minimum
273 sales threshold and those exempt from that threshold.

274

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

276 And the title is amended as follows:

277 Delete lines 15 - 21

278 and insert:

279 such plates to be personalized; prohibiting the
280 transfer of such plates between vehicle owners;
281 requiring the Department of Highway Safety and Motor
282 Vehicles to develop certain specialty license plates;
283 providing for the distribution and use of fees
284 collected from the sale of such plates; amending s.
285 320.08053, F.S.; clarifying when the department may
286 not issue new specialty license plates; amending s.
287 320.0807, F.S.;

By the Committee on Transportation; and Senators Baxley, Pizzo,
and Harrell

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1 A bill to be entitled
2 An act relating to special and specialty license
3 plates; amending s. 320.08056, F.S.; providing an
4 exception to the requirement that specialty license
5 plate annual use fees and interest earned from those
6 fees be expended only in this state; amending s.
7 320.08058, F.S.; revising legislative intent; revising
8 distribution and application of annual fees from the
9 sale of Florida Indian River Lagoon license plates;
10 revising distribution of annual use fees from the sale
11 of Wildlife Foundation of Florida license plates;
12 revising distribution of annual use fees from the sale
13 of Divine Nine license plates; providing eligibility
14 requirements for issuance of such plates; authorizing
15 such plates to be personalized and to be displayed on
16 certain vehicles; prohibiting the transfer of such
17 plates between vehicle owners; requiring the
18 Department of Highway Safety and Motor Vehicles to
19 develop certain specialty license plates; providing
20 for the distribution and use of fees collected from
21 the sale of such plates; amending s. 320.0807, F.S.;
22 revising requirements for the issuance of certain
23 special license plates; amending s. 320.089, F.S.;
24 authorizing the department to issue Army of Occupation
25 license plates; specifying qualifications and
26 requirements for the license plates; providing an
27 effective date.
28
29 Be It Enacted by the Legislature of the State of Florida:

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30
31 Section 1. Paragraph (a) of subsection (10) of section
32 320.08056, Florida Statutes, is amended to read:
33 320.08056 Specialty license plates.—
34 (10) (a) A specialty license plate annual use fee collected
35 and distributed under this chapter, or any interest earned from
36 those fees, may not be used for commercial or for-profit
37 activities nor for general or administrative expenses, except as
38 authorized by s. 320.08058 or to pay the cost of the audit or
39 report required by s. 320.08062(1). The fees and any interest
40 earned from the fees may be expended only for use in this state
41 unless the annual use fee is derived from the sale of United
42 States Armed Forces and veterans-related specialty license
43 plates pursuant to paragraph (3) (d) for the Support Our Troops,
44 ~~and~~ American Legion, and Honor Flight license plates; paragraphs
45 (4) (b), (q), and (v) for the Florida Salutes Veterans, United
46 States Marine Corps, and Military Services license plates,
47 respectively; and s. 320.0891 for the U.S. Paratrooper license
48 plate.
49 Section 2. Subsections (10), (46), and (101) of section
50 320.08058, Florida Statutes, are amended, and subsections (112)
51 through (123) are added to that section, to read:
52 320.08058 Specialty license plates.—
53 (10) FLORIDA INDIAN RIVER LAGOON LICENSE PLATES.—
54 (a) Because the Indian River Lagoon system has been
55 targeted by the state as a priority water body for restoration
56 and preservation since the 1987 Surface Water Improvement and
57 Management Act, and because the St. Johns River and South
58 Florida Water Management Districts have joined with local,

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59 regional, and state partners to create the Indian River Lagoon
 60 (IRL) Council by Interlocal Agreement in 2015 to serve as the
 61 host agency for the Indian River Lagoon National Estuary
 62 Program, and because the program has worked with local, state,
 63 and federal partners to develop and adopt the Indian River
 64 Lagoon Comprehensive Conservation and Management Plan in 2019,
 65 and because the St. Johns River Water Management District has
 66 been distributing funds collected from the plate from Volusia,
 67 Brevard, and Indian River Counties to support competitive local
 68 cost-share projects in each of these counties administered by
 69 the IRL Council, including jointly developed a management plan
 70 that includes water quality improvement, habitat restoration,
 71 and public awareness and education, and because the United
 72 States Environmental Protection Agency has declared the Indian
 73 River Lagoon to be an estuary of national significance, and
 74 because coastal lagoon activities relating to saltwater fishing
 75 account for a multibillion dollar economic base, and because the
 76 Legislature supports the restoration efforts of the Indian River
 77 Lagoon National Estuary Program and its partners ~~water~~
 78 ~~management districts,~~ the Legislature intends for the
 79 ~~establishes a~~ Florida Indian River Lagoon license plate to
 80 ~~provide for the purpose of providing~~ a continuous funding source
 81 to support this worthwhile effort and to heighten public
 82 awareness of this economically significant resource. Florida
 83 Indian River Lagoon license plates must contain the fish
 84 "snook," which has been used as the Indian River Lagoon Surface
 85 Water Improvement and Management logo, ~~suspended over seagrass,~~
 86 and must bear the colors and design approved by the department.
 87 (b) The license plate annual use fees are to be distributed

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88 annually as follows:
 89 1. The first \$5 million collected annually must be
 90 transferred to the IRL Council, which must separately ~~St. Johns~~
 91 ~~River Water Management District. The district shall account for~~
 92 ~~the transferred these funds, and such separate from all other~~
 93 ~~funds received. These funds must be distributed as follows:~~
 94 a. Based on Florida Indian River Lagoon license plate sales
 95 data from each county tax collector for Volusia, Brevard, Indian
 96 River, St. Lucie, Martin, and Palm Beach Counties, each county's
 97 total number of Florida Indian River Lagoon license plates sold
 98 between October 1 and September 30 must represent a percentage
 99 of the six-county total, calculated as follows: the total number
 100 sold for county A divided by the total number sold for counties
 101 A, B, C, D, E, and F is multiplied by 100. The percentage
 102 determined for St. Lucie, Martin, and Palm Beach Counties must
 103 be totaled, and that total percentage of the statewide Florida
 104 Indian River Lagoon license plate revenues must be transferred
 105 to the South Florida Water Management District special Indian
 106 River Lagoon License Plate Revenue Account and distributed
 107 proportionately among St. Lucie, Martin, and Palm Beach
 108 Counties. The remaining funds in the IRL Council ~~St. Johns River~~
 109 ~~Water Management District~~ Revenue Account must be divided
 110 proportionately between Volusia, Brevard, and Indian River
 111 Counties.
 112 b. The IRL Council shall administer ~~Each water management~~
 113 ~~district is responsible for administering~~ projects in Volusia,
 114 Brevard, and Indian River ~~its respective~~ Counties from funds
 115 derived from ~~funded with~~ the appropriate percentage of license
 116 plate revenues. The South Florida Water Management District

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117 shall administer projects in St. Lucie, Martin, and Palm Beach
 118 Counties.

119 2. Up to 5 percent of the proceeds from the annual use fee
 120 may be used for continuing promotion and marketing of the
 121 license plate.

122 3. Any additional fees must be deposited into the General
 123 Revenue Fund. Fees are not to be deposited into the general
 124 revenue funds of the IRL Council ~~water management districts~~.

125 (c) The application of Florida Indian River Lagoon license
 126 plate annual use fees is to be administered by the IRL Council
 127 ~~St. Johns River~~ and the South Florida Water Management District
 128 ~~Districts~~ for Indian River Lagoon projects ~~and~~ in accordance
 129 with their contracting and purchasing policies and procedures,
 130 with the following restrictions:

131 1. An annual amount of the total license plate use fees
 132 must be earmarked for each of the six lagoon basin counties, as
 133 determined in sub-subparagraph (b)1.a., to be expended in those
 134 counties on habitat restoration, including water quality
 135 improvement, monitoring, and environmental education projects.
 136 At least 80 percent of the use fees must be used for restoration
 137 projects, and not more than 20 percent may be used for
 138 environmental education and monitoring projects in each county.
 139 These project funds may serve as matching funds for other local,
 140 state, or federal funds or grants. Unencumbered funds from one
 141 year may be carried over to the following year but must be
 142 dedicated to a project within 2 years in the form of a contract,
 143 an interlocal agreement, or an approved plan by the governing
 144 board of the respective district.

145 2. Florida Indian River Lagoon license plate annual use

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146 fees may not be used for administrative salaries or overhead
 147 within the IRL Council or the South Florida Water Management
 148 District; ~~the water management districts, nor~~ for any general
 149 coordination fees or overhead ~~that outside of the districts~~
 150 ~~which~~ is not specifically related to a project; ~~nor~~ for any
 151 projects which are considered to be research, studies,
 152 inventories, or evaluations; ~~or, nor~~ for administrative salaries
 153 or overhead related to environmental education or ongoing
 154 regular maintenance. Annual use fees may be used for acquisition
 155 of rights-of-way specific to the implementation of restoration
 156 or improvement projects, if acquisition expenditures do not
 157 exceed 20 percent of a county's appropriation.

158 3. In Volusia County, project implementation may occur in
 159 all estuarine waters extending north to and including the Indian
 160 River Lagoon National Estuary Program's Indian River Lagoon-
 161 Halifax River planning boundary amendments that include the
 162 Tomoka Basin.

163 4. In Palm Beach County, first priority must be given to
 164 projects within the Indian River Lagoon. Second priority must be
 165 given to projects within adjacent estuarine waters, including
 166 the Loxahatchee River and other tributaries to the Indian River
 167 Lagoon.

168 (d) It is the intent of the Legislature that revenues
 169 generated by the Florida Indian River Lagoon license plate
 170 annual use fees must not be used as replacement funds for other
 171 available funding sources ~~Surface Water Improvement and~~
 172 ~~Management Act funds~~, but must be used solely for the
 173 enhancement of the Indian River Lagoon and tributaries in the
 174 Indian River Lagoon watershed as defined by the Indian River

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175 Lagoon National Estuary Program project boundary defined in the
 176 Indian River Lagoon Comprehensive Conservation and Management
 177 Plan or as provided in this section area.

178 (46) WILDLIFE FOUNDATION OF FLORIDA LICENSE PLATES.—

179 (a) The department shall develop a Wildlife Foundation of
 180 Florida license plate as provided in this section. The word
 181 “Florida” must appear at the top of the plate, and the words
 182 “Wildlife Foundation of Florida” must appear at the bottom of
 183 the plate.

184 (b) The annual revenues from the sales of the license plate
 185 shall be distributed to the Fish & Wildlife Foundation of
 186 Florida, Inc., a citizen support organization created pursuant
 187 to s. 379.223. Such annual revenues must be used in the
 188 following manner:

189 1. Seventy-five percent must be encumbered used to fund
 190 programs and projects within the state that preserve open space
 191 and wildlife habitat, promote conservation, promote hunting and
 192 shooting sports, improve wildlife habitat, and establish open
 193 space for the perpetual use of the public. Unencumbered funds
 194 from one year may be carried over to the following year, but
 195 must be spent within 2 years of receipt or dedicated to a
 196 project within 2 years of receipt in the form of a contract, a
 197 grant award, or an approved plan by the governing board of the
 198 Fish & Wildlife Foundation of Florida, Inc.

199 2. Twenty-five percent may be used for promotion,
 200 marketing, and administrative costs directly associated with
 201 operation of the foundation.

202 ~~(c) When the provisions of subparagraph (b)1. are met,~~
 203 ~~these annual revenues shall be used for the purposes of~~

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204 ~~subparagraph (b)2-~~

205 (101) DIVINE NINE LICENSE PLATES.—

206 (a) The department shall develop a Divine Nine license
 207 plate as provided in this section and s. 320.08053 using a
 208 standard template and a unique logo, graphic, or color for each
 209 of the organizations listed in sub-subparagraphs (b)3.a.-i.
 210 ~~(b)2.a.-i.~~ The plate must bear the colors and design approved by
 211 the department, and must include the official logo, graphic, or
 212 color as appropriate for each organization. The word “Florida”
 213 must appear at the top of the plate, and the words “Divine Nine”
 214 must appear at the bottom of the plate.

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

217 1. Five percent of the proceeds shall be distributed to the
 218 United Negro College Fund, Inc., for college scholarships for
 219 Florida residents attending Florida’s historically black
 220 colleges and universities.

221 2. Ten percent of the proceeds shall be distributed to the
 222 Association to Preserve African-American Society, History, and
 223 Tradition, Inc., solely for the marketing of the plate.

224 ~~3.2-~~ The remaining ~~85~~ 95 percent of the proceeds shall be
 225 distributed to one of the following organizations as selected by
 226 the purchaser of the plate who, upon fulfilling the requirements
 227 of paragraph (c), shall receive a license plate with the logo,
 228 graphic, or color associated with the appropriate recipient
 229 organization:

230 a. Alpha Phi Alpha Fraternity, Inc.—

231 ~~(F)~~ Eighty-five percent shall be distributed to the Florida
 232 Federation of Alpha Chapters, Inc., to promote community

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233 awareness and action through educational, economic, and cultural
234 service activities within this state.

235 ~~(II) Ten percent shall be distributed to the Florida~~
236 ~~Federation of Alpha Chapters, Inc., solely for the marketing of~~
237 ~~the plate.~~

238 b. Alpha Kappa Alpha Sorority, Inc.

239 ~~(I) Eighty-five percent shall be distributed to the Alpha~~
240 ~~Kappa Alpha Educational Advancement Foundation, Inc., to promote~~
241 ~~community awareness and action through educational, economic,~~
242 ~~and cultural service activities within this state.~~

243 ~~(II) Ten percent shall be distributed to the Alpha Kappa~~
244 ~~Alpha Educational Advancement Foundation, Inc., solely for the~~
245 ~~marketing of the plate.~~

246 c. Kappa Alpha Psi Fraternity, Inc.

247 ~~(I) Eighty-five percent shall be distributed to the~~
248 ~~Southern Province of Kappa Alpha Psi Fraternity, Inc., to~~
249 ~~promote community awareness and action through educational,~~
250 ~~economic, and cultural service activities within this state.~~

251 ~~(II) Ten percent shall be distributed to the Southern~~
252 ~~Province of Kappa Alpha Psi Fraternity, Inc., solely for the~~
253 ~~marketing of the plate.~~

254 d. Omega Psi Phi Fraternity, Inc.

255 ~~(I) Eighty-five percent shall be distributed to the State~~
256 ~~of Florida Omega Friendship Foundation, Inc., to promote~~
257 ~~community awareness and action through educational, economic,~~
258 ~~and cultural service activities within this state.~~

259 ~~(II) Ten percent shall be distributed to the State of~~
260 ~~Florida Omega Friendship Foundation, Inc., solely for the~~
261 ~~marketing of the plate.~~

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262 e. Delta Sigma Theta Sorority, Inc.

263 ~~(I) Eighty-five percent shall be distributed to the Delta~~
264 ~~Research and Educational Foundation, Inc., to promote community~~
265 ~~awareness and action through educational, economic, and cultural~~
266 ~~service activities within this state.~~

267 ~~(II) Ten percent shall be distributed to the Delta Research~~
268 ~~and Educational Foundation, Inc., solely for the marketing of~~
269 ~~the plate.~~

270 f. Phi Beta Sigma Fraternity, Inc.

271 ~~(I) Eighty-five percent shall be distributed to the TMB~~
272 ~~Charitable Foundation, Inc., to promote community awareness and~~
273 ~~action through educational, economic, and cultural service~~
274 ~~activities within this state.~~

275 ~~(II) Ten percent shall be distributed to the TMB Charitable~~
276 ~~Foundation, Inc., solely for the marketing of the plate.~~

277 g. Zeta Phi Beta Sorority, Inc.

278 ~~(I) Eighty-five percent shall be distributed to the Florida~~
279 ~~Pearls, Inc., to promote community awareness and action through~~
280 ~~educational, economic, and cultural service activities within~~
281 ~~this state.~~

282 ~~(II) Ten percent shall be distributed to the Florida~~
283 ~~Pearls, Inc., solely for the marketing of the plate.~~

284 h. Sigma Gamma Rho Sorority, Inc.

285 ~~(I) Eighty-five percent shall be distributed to the Sigma~~
286 ~~Gamma Rho Sorority National Education Fund, Inc., to promote~~
287 ~~community awareness and action through educational, economic,~~
288 ~~and cultural service activities within this state.~~

289 ~~(II) Ten percent shall be distributed to the Sigma Gamma~~
290 ~~Rho Sorority National Education Fund, Inc., solely for the~~

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291 ~~marketing of the plate.~~

292 i. Iota Phi Theta Fraternity, Inc.—

293 ~~(I)~~ Eighty-five percent shall be distributed to the
294 National Iota Foundation, Inc., to promote community awareness
295 and action through educational, economic, and cultural service
296 activities within this state.

297 ~~(II) Ten percent shall be distributed to the National Iota
298 Foundation, Inc., solely for the marketing of the plate.~~

299 (c)1. To be eligible for issuance of a Divine Nine license
300 plate representing an organization listed in sub-subparagraphs
301 (b)3.a.-i., a person must be a resident of this state who is the
302 registered owner of a motor vehicle and who is a member of the
303 applicable organization. The person must also present proof of
304 membership in the organization, which may be established by:

305 a. A card distributed by the organization indicating the
306 person's membership in the organization; or

307 b. A written letter on the organization's letterhead which
308 is signed by the organization's national president or his or her
309 designated official and which states that the person was
310 inducted into the organization.

311 2. Proof of membership in an organization listed in sub-
312 paragraphs (b)3.a.-i. is required only for initial issuance
313 of a Divine Nine license plate. A person need not present such
314 proof for renewal of the license plate.

315 (d) A Divine Nine license plate:

316 1. May be personalized.

317 2. Notwithstanding any other law to the contrary, may be
318 displayed on a privately owned passenger motor vehicle, pickup
319 truck, boat, or pleasure motor vehicle, including, but not

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320 limited to, a recreational vehicle.

321 3. May not be transferred between vehicle owners.

322
323 License plates created pursuant to this subsection shall have
324 their plate sales combined for the purpose of meeting the
325 minimum license plate sales threshold in s. 320.08056(8) (a) and
326 for determining the license plate limit in s. 320.08053(3) (b).
327 License plates created pursuant to this subsection must be
328 ordered directly from the department.

329 (112) FLORIDA STATE PARKS LICENSE PLATES.—

330 (a) The department shall develop a Florida State Parks
331 license plate as provided in this section and s. 320.08053. The
332 plate must bear the colors and design approved by the
333 department. The word "Florida" must appear at the top of the
334 plate, and the words "Explore Our State Parks" must appear at
335 the bottom of the plate.

336 (b) The annual use fees from the sale of the plate shall be
337 distributed to the Florida State Parks Foundation, Inc., a
338 nonprofit Florida corporation under s. 501(c) (3) of the Internal
339 Revenue Code, to be used to preserve, protect, sustain, and grow
340 Florida state parks. Up to 10 percent of the proceeds may be
341 used for marketing of the plate and costs directly associated
342 with administration of the foundation.

343 (113) SUPPORT HEALTHCARE HEROES LICENSE PLATES.—

344 (a) The department shall develop a Support Healthcare
345 Heroes license plate as provided in this section and s.
346 320.08053. The plate must bear the colors and design approved by
347 the department. The word "Florida" must appear at the top of the
348 plate, and the words "Support Healthcare Heroes" must appear at

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349 the bottom of the plate.

350 (b) The annual use fees from the sale of the plate shall be
 351 distributed annually into the Emergency Medical Services Trust
 352 Fund within the Department of Health to provide financial
 353 support for prehospital medical services pursuant to s. 401.113.

354 (114) INTER MIAMI CF LICENSE PLATES.—

355 (a) The department shall develop an Inter Miami CF license
 356 plate as provided in this section and s. 320.08053. The plate
 357 must bear the colors and design approved by the department. The
 358 word "Florida" must appear at the top of the plate, and the
 359 words "Inter Miami CF" must appear at the bottom of the plate.

360 (b) The license plate annual use fees shall be distributed
 361 to Inter Miami CF Foundation Corporation, a nonprofit
 362 corporation under s. 501(c)(3) of the Internal Revenue Code,
 363 which may use a maximum of 10 percent of the proceeds to promote
 364 and market the plate. The remainder of the proceeds shall be
 365 used by Inter Miami CF Foundation Corporation to plan and
 366 execute sports-based development and direct-service community
 367 programs, initiatives, and events.

368 (115) TOASTMASTERS LICENSE PLATES.—

369 (a) The department shall develop a Toastmasters license
 370 plate as provided in this section and s. 320.08053. The plate
 371 must bear the colors and design approved by the department. The
 372 word "Florida" must appear at the top of the plate, and the
 373 words "www.Toastmasters.org" must appear at the bottom of the
 374 plate.

375 (b) The annual use fees from the sale of the plate shall be
 376 distributed to the Ralph C. Smedley Memorial Fund of
 377 Toastmasters International, a s. 501(c)(3) nonprofit

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378 organization, of which:

379 1. Twenty-five percent shall be used to develop charitable
 380 and educational programs for the indigent, homeless, visually
 381 and hearing disabled, incarcerated, and youth populations that
 382 are unable to afford or to participate in established
 383 Toastmasters programs. Up to 5 percent of this distribution may
 384 be used for administrative expenses.

385 2. Seventy-five percent shall be proportionally
 386 redistributed to the divisions of Districts 47, 48, 77, and 84
 387 of Toastmasters International which reside in this state. Up to
 388 5 percent of this distribution may be used for marketing of the
 389 plate, and the remainder shall be used for educators,
 390 nonprofits, governmental organizations, scholarships, materials,
 391 and computers and other equipment for the purpose of
 392 implementing the charitable and educational programs for the
 393 indigent, homeless, visually and hearing disabled, incarcerated,
 394 and youth populations that are unable to afford or to
 395 participate in the established Toastmasters programs.

396 (116) GOPHER TORTOISE LICENSE PLATES.—

397 (a) The department shall develop a Gopher Tortoise license
 398 plate as provided in this section and s. 320.08053. The plate
 399 must bear the colors and design approved by the department. The
 400 word "Florida" must appear at the top of the plate, and the
 401 words "Protect the Gopher Tortoise" must appear at the bottom of
 402 the plate.

403 (b) The annual use fees from the sale of the plate shall be
 404 distributed to Wildlands Conservation, Inc., a nonprofit
 405 corporation under s. 501(c)(3) of the Internal Revenue Code, to
 406 fund gopher tortoise and commensal species research, education,

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407 and conservation, as well as upland habitat protection,
 408 restoration, and management in this state. Up to 15 percent of
 409 the funds received by Wildlands Conservation, Inc., may be used
 410 for marketing of the plate and costs directly associated with
 411 the administration of the gopher tortoise protection program.
 412 Wildlands Conservation, Inc., shall use and distribute the funds
 413 to eligible Florida-based scientific, conservation, and
 414 educational organizations for gopher tortoise and upland habitat
 415 research, conservation, and management.

416 (117) ORLANDO UNITED LICENSE PLATES.-

417 (a) The department shall develop an Orlando United license
 418 plate as provided in this section and s. 320.08053. The plate
 419 must bear the colors and design approved by the department. The
 420 word "Florida" must appear at the top of the plate, and the
 421 words "Orlando United" must appear at the bottom of the plate.

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

424 1. Five percent shall be distributed to the Mental Health
 425 Association of Central Florida, Inc., to be used for marketing
 426 of the license plate.

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

433 3. Two percent shall be distributed to onePULSE Foundation,
 434 Inc., a charitable, nonprofit organization under s. 501(c)(3) of
 435 the Internal Revenue Code, to be used for marketing of the

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436 license plate.

437 4. Thirty-one percent shall be distributed to onePULSE
 438 Foundation, Inc. Of this amount, up to 5 percent may be used for
 439 administrative expenses, and the remainder shall be used to
 440 support the construction and maintenance of the onePULSE
 441 Foundation Memorial.

442 5. Thirty-one percent shall be distributed to Two Spirit
 443 Health Services, Inc. Of this amount, up to 5 percent may be
 444 used for administrative expenses, and the remainder shall be
 445 used to offer free personalized counseling to any person
 446 affected by the shooting at the Pulse nightclub in Orlando on
 447 June 12, 2016.

448 (118) BISCAYNE BAY LICENSE PLATES.-

449 (a) The department shall develop a Biscayne Bay license
 450 plate as provided in this section and s. 320.08053. The plate
 451 must bear the colors and design approved by the department. The
 452 word "Florida" must appear at the top of the plate, and the
 453 words "Protect Biscayne Bay" must appear at the bottom of the
 454 plate.

455 (b) The annual use fees from the sale of the plate shall be
 456 distributed to The Miami Foundation, Inc., a Florida nonprofit
 457 corporation, to be used as follows:

458 1. Up to 10 percent of the fees may be used for promotion
 459 and marketing of the license plate and for direct reimbursement
 460 for administrative costs, startup costs, and costs incurred in
 461 the development and approval process of the license plate. All
 462 vendors associated with administrative costs shall be selected
 463 by competitive bid.

464 2. The remaining fees shall be used to raise awareness and

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465 support the mission and efforts of conserving Biscayne Bay. The
 466 Miami Foundation Board of Trustees must approve and is
 467 accountable for all such expenditures.

468 (119) DISEASE PREVENTION & EARLY DETECTION LICENSE PLATES.-

469 (a) The department shall develop a Disease Prevention &
 470 Early Detection license plate as provided in this section and s.
 471 320.08053. The plate must bear the colors and design approved by
 472 the department. The word "Florida" must appear at the top of the
 473 plate, and the words "Disease Prevention & Early Detection" must
 474 appear at the bottom of the plate.

475 (b) The license plate annual use fees shall be distributed
 476 to The Women's Breast & Heart Initiative, Florida Affiliate,
 477 Inc., a Florida nonprofit corporation, which may use a maximum
 478 of 10 percent of the proceeds to promote and market the plate.
 479 The remainder of the proceeds shall be used by The Women's
 480 Breast & Heart Initiative, Florida Affiliate, Inc., to provide
 481 increased education and awareness relating to early detection,
 482 prevention, and screening of breast and heart issues.

483 (120) HONOR FLIGHT LICENSE PLATES.-

484 (a) The department shall develop an Honor Flight license
 485 plate as provided in this section and s. 320.08053. The plate
 486 must bear the colors and design approved by the department. The
 487 word "Florida" must appear at the top of the plate, and the
 488 words "Honor Flight" must appear at the bottom of the plate.

489 (b) The annual use fees from the sale of the plate shall be
 490 distributed equally among the Honor Flight Network hubs in this
 491 state, each of which is a nonprofit corporation under s.
 492 501(c) (3) of the Internal Revenue Code, to be used as follows:

493 1. Up to 10 percent of the fees may be used for promotion

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494 and marketing of the license plate.

495 2. The remaining fees shall be used to further the Honor
 496 Flight Network's mission of transporting military veterans to
 497 Washington, D.C., in order to visit the memorials dedicated to
 498 honoring those who have served and sacrificed for the United
 499 States.

500 (121) ETHICAL ECOTOURISM LICENSE PLATES.-

501 (a) The department shall develop an Ethical Ecotourism
 502 license plate as provided in this section and s. 320.08053. The
 503 word "Florida" must appear at the top of the plate, and words
 504 approved by the department must appear at the bottom of the
 505 plate.

506 (b) The annual use fees from the sale of the plate must be
 507 distributed equally between the Florida Society for Ethical
 508 Ecotourism and Paddle Florida, Inc., each of which may use up to
 509 10 percent of such proceeds for administrative costs and the
 510 marketing of the plate. The remaining proceeds must be used by
 511 the Florida Society for Ethical Ecotourism to provide
 512 environmental education and awareness that encourage behaviors
 513 that contribute to the sustainability of Florida's natural
 514 ecosystems and resources and by Paddle Florida, Inc., to raise
 515 awareness about water conservation, wildlife preservation,
 516 restoration of springs, and protection of waterways in this
 517 state.

518 (122) PROTECT MARINE WILDLIFE LICENSE PLATES.-

519 (a) The department shall develop a Protect Marine Wildlife
 520 license plate as provided in this section and s. 320.08053. The
 521 plate must bear the colors and design approved by the
 522 department. The word "Florida" must appear at the top of the

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523 plate, and the words "Protect Marine Wildlife" must appear at
 524 the bottom of the plate.

525 (b)1. The department shall retain all annual use fees from
 526 the sale of the plate until all startup costs for developing and
 527 issuing the plate have been recovered.

528 2. Thereafter, up to 10 percent of the annual use fee
 529 revenue may be used for administration, promotion, and marketing
 530 of the specialty license plate. All remaining proceeds shall be
 531 used by the Protect Wild Dolphins Alliance, Inc., to fund its
 532 conservation, research, and educational programs that focus on
 533 the conservation of Florida's threatened and protected marine
 534 wildlife species.

535 (123) MARGARITAVILLE LICENSE PLATES.-

536 (a) The department shall develop a Margaritaville license
 537 plate as provided in this section and s. 320.08053. The plate
 538 must bear the colors and design approved by the department. The
 539 word "Florida" must appear at the top of the plate, and the word
 540 "Margaritaville" must appear at the bottom or the side of the
 541 plate.

542 (b)1. The department shall retain all annual use fees from
 543 the sale of the plate until all startup costs for developing and
 544 issuing the plate have been recovered.

545 2. Thereafter, up to 10 percent of the annual use fee
 546 revenue may be used for administration, promotion, and marketing
 547 of the specialty license plate. All remaining proceeds shall be
 548 used by the SFC Charitable Foundation, Inc., to provide grants
 549 to nonprofit organizations in communities impacted by natural or
 550 manmade disasters for purposes of recovery, rebuilding, and
 551 future sustainability and to promote and inspire local

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552 grassroots leaders who work to improve the quality of life in
 553 those communities and other communities in this state.

554 Section 3. Subsection (5) of section 320.0807, Florida
 555 Statutes, is amended to read:

556 320.0807 Special license plates for Governor and federal
 557 and state legislators.-

558 (5) Upon application by any current or former President of
 559 the Senate and payment of the fees prescribed by s. 320.0805,
 560 the department may issue a license plate stamped "Senate
 561 President" followed by the number assigned by the department or
 562 chosen by the applicant if it is not already in use. Upon
 563 application by any current or former Speaker of the House of
 564 Representatives and payment of the fees prescribed by s.
 565 320.0805, the department may issue a license plate stamped
 566 "House Speaker" followed by the number assigned by the
 567 department or chosen by the applicant if it is not already in
 568 use. ~~The applicant must have served as President of the Senate~~
 569 ~~or Speaker of the House of Representatives prior to January 1,~~
 570 ~~2021.~~

571 Section 4. Section 320.089, Florida Statutes, is amended to
 572 read:

573 320.089 Veterans of the United States Armed Forces; members
 574 of National Guard; survivors of Pearl Harbor; Purple Heart medal
 575 recipients; Bronze Star recipients; active or retired United
 576 States Armed Forces reservists; Combat Infantry Badge, Combat
 577 Medical Badge, or Combat Action Badge recipients; Combat Action
 578 Ribbon recipients; Air Force Combat Action Medal recipients;
 579 Distinguished Flying Cross recipients; former prisoners of war;
 580 Korean War Veterans; Vietnam War Veterans; Operation Desert

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581 Shield Veterans; Operation Desert Storm Veterans; Operation
 582 Enduring Freedom Veterans; Operation Iraqi Freedom Veterans;
 583 Women Veterans; World War II Veterans; ~~and~~ Navy Submariners; and
 584 Army of Occupation Veterans; special license plates; fee.—

585 (1) (a) Each owner or lessee of an automobile or truck for
 586 private use or recreational vehicle as specified in s.
 587 320.08(9) (c) or (d), which is not used for hire or commercial
 588 use, who is a resident of the state and a veteran of the United
 589 States Armed Forces, a Woman Veteran, a World War II Veteran, a
 590 Navy Submariner, an active or retired member of the Florida
 591 National Guard, a survivor of the attack on Pearl Harbor, a
 592 recipient of the Purple Heart medal, a recipient of the Bronze
 593 Star, an active or retired member of any branch of the United
 594 States Armed Forces Reserve, or a recipient of the Combat
 595 Infantry Badge, Combat Medical Badge, Combat Action Badge,
 596 Combat Action Ribbon, Air Force Combat Action Medal, or
 597 Distinguished Flying Cross, upon application to the department,
 598 accompanied by proof of release or discharge from any branch of
 599 the United States Armed Forces, proof of active membership or
 600 retired status in the Florida National Guard, proof of
 601 membership in the Pearl Harbor Survivors Association or proof of
 602 active military duty in Pearl Harbor on December 7, 1941, proof
 603 of being a Purple Heart medal recipient, proof of being a Bronze
 604 Star recipient, proof of active or retired membership in any
 605 branch of the United States Armed Forces Reserve, or proof of
 606 membership in the Combat Infantrymen's Association, Inc., proof
 607 of being a recipient of the Combat Infantry Badge, Combat
 608 Medical Badge, Combat Action Badge, Combat Action Ribbon, Air
 609 Force Combat Action Medal, or Distinguished Flying Cross, and

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610 upon payment of the license tax for the vehicle as provided in
 611 s. 320.08, shall be issued a license plate as provided by s.
 612 320.06 which, in lieu of the serial numbers prescribed by s.
 613 320.06, is stamped with the words "Veteran," "Woman Veteran,"
 614 "WWII Veteran," "Navy Submariner," "National Guard," "Pearl
 615 Harbor Survivor," "Combat-wounded veteran," "Bronze Star," "U.S.
 616 Reserve," "Combat Infantry Badge," "Combat Medical Badge,"
 617 "Combat Action Badge," "Combat Action Ribbon," "Air Force Combat
 618 Action Medal," or "Distinguished Flying Cross," as appropriate,
 619 and a likeness of the related campaign medal or badge, followed
 620 by the serial number of the license plate. Additionally, the
 621 Purple Heart plate may have the words "Purple Heart" stamped on
 622 the plate and the likeness of the Purple Heart medal appearing
 623 on the plate.

624 (b) The military members listed in paragraph (a) are
 625 eligible to be issued special veteran's motorcycle license
 626 plates. The veteran's motorcycle license plate design shall be
 627 the same as the design for the motor vehicle "Veteran" and
 628 "Woman Veteran" special license plate. The word "Veteran" or
 629 "Woman Veteran" shall be displayed at the bottom of the
 630 motorcycle license plate.

631 (c) Notwithstanding any other provision of law to the
 632 contrary, beginning with fiscal year 2002-2003 and annually
 633 thereafter, the first \$100,000 in general revenue generated from
 634 the sale of license plates issued under this section shall be
 635 deposited into the Grants and Donations Trust Fund, as described
 636 in s. 296.38(2), to be used for the purposes established by law
 637 for that trust fund. Any additional general revenue generated
 638 from the sale of such plates shall be deposited into the

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639 Operations and Maintenance Trust Fund within the Department of
 640 Veterans' Affairs and used to support program operations that
 641 benefit veterans or the operation, maintenance, or construction
 642 of domiciliary and nursing homes for veterans, subject to the
 643 requirements of chapter 216.

644 (d) Any revenue generated from the sale of Woman Veteran
 645 license plates must be deposited into the Operations and
 646 Maintenance Trust Fund administered by the Department of
 647 Veterans' Affairs pursuant to s. 20.375(3) and must be used
 648 solely for the purpose of creating and implementing programs to
 649 benefit women veterans. Notwithstanding any provisions of law to
 650 the contrary, an applicant for a Pearl Harbor Survivor license
 651 plate or a Purple Heart license plate who also qualifies for a
 652 disabled veteran's license plate under s. 320.084 shall be
 653 issued the appropriate special license plate without payment of
 654 the license tax imposed by s. 320.08.

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

666 (a) A citizen of the United States who served as a member
 667 of the Armed Forces of the United States or the armed forces of

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668 a nation allied with the United States who was held as a
 669 prisoner of war at such time as the Armed Forces of the United
 670 States were engaged in combat, or his or her unremarried
 671 surviving spouse, may be issued the special license plate
 672 provided for in this subsection without payment of the license
 673 tax imposed by s. 320.08.

674 (b) A person who was serving as a civilian with the consent
 675 of the United States Government, or a person who was a member of
 676 the Armed Forces of the United States while he or she was not a
 677 United States citizen and was held as a prisoner of war when the
 678 Armed Forces of the United States were engaged in combat, or his
 679 or her unremarried surviving spouse, may be issued the special
 680 license plate provided for in this subsection upon payment of
 681 the license tax imposed by s. 320.08.

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

695 (4) The owner or lessee of an automobile or truck for
 696 private use, a truck weighing not more than 7,999 pounds, or a

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697 recreational vehicle as specified in s. 320.08(9)(c) or (d)
 698 which is not used for hire or commercial use who is a resident
 699 of this state and a current or former member of the United
 700 States Armed Forces who was deployed and served in Korea during
 701 the Korean War as defined in s. 1.01(14), upon application to
 702 the department accompanied by proof of active membership or
 703 former active duty status during the Korean War and payment of
 704 the license tax for the vehicle as provided in s. 320.08, shall
 705 be issued a license plate as provided by s. 320.06 which, in
 706 lieu of the registration license number prescribed by s. 320.06,
 707 is stamped with the words "Korean War Veteran" and a likeness of
 708 the Korean Service Medal, followed by the registration license
 709 number of the plate. Proof that the applicant was awarded the
 710 Korean Service Medal is sufficient to establish eligibility for
 711 the license plate.

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

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726 license number of the plate. Proof that the applicant was
 727 awarded the Vietnam Service Medal is sufficient to establish
 728 eligibility for the license plate.

729 (6) The owner or lessee of an automobile or truck for
 730 private use, a truck weighing not more than 7,999 pounds, or a
 731 recreational vehicle as specified in s. 320.08(9)(c) or (d)
 732 which is not used for hire or commercial use who is a resident
 733 of this state and a current or former member of the United
 734 States military who was deployed and served in Saudi Arabia,
 735 Kuwait, or another area of the Persian Gulf during Operation
 736 Desert Shield or Operation Desert Storm; in Afghanistan during
 737 Operation Enduring Freedom; or in Iraq during Operation Iraqi
 738 Freedom, upon application to the department accompanied by proof
 739 of active membership or former active duty status during one of
 740 these operations and payment of the license tax for the vehicle
 741 as provided in s. 320.08, shall be issued a license plate as
 742 provided by s. 320.06 which, in lieu of the registration license
 743 number prescribed by s. 320.06, is stamped with the words
 744 "Operation Desert Shield," "Operation Desert Storm," "Operation
 745 Enduring Freedom," or "Operation Iraqi Freedom," as appropriate,
 746 and a likeness of the related campaign medal followed by the
 747 registration license number of the plate. Proof that the
 748 applicant was awarded the Southwest Asia Service Medal, Iraq
 749 Campaign Medal, Afghanistan Campaign Medal, or Global War on
 750 Terrorism Expeditionary Medal is sufficient to establish
 751 eligibility for the appropriate license plate.

752 (7) The owner or lessee of an automobile or truck for
 753 private use, a truck weighing not more than 7,999 pounds, or a
 754 recreational vehicle as specified in s. 320.08(9)(c) or (d)

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755 which is not used for hire or commercial use who is a resident
756 of this state and a current or former member of the United
757 States military who was permanently assigned to occupation
758 forces in specific overseas locations during the Cold War
759 between May 9, 1945, and October 2, 1990, upon application to
760 the department accompanied by proof of active membership or
761 former active duty status during this period at one of these
762 locations and payment of the license tax for the vehicle as
763 provided in s. 320.08, shall be issued a license plate as
764 provided by s. 320.06 which, in lieu of the registration license
765 number prescribed by s. 320.06, is stamped with the words "Army
766 of Occupation" and a likeness of the subject medal, followed by
767 the registration license number of the plate. Proof that the
768 applicant was awarded the Army of Occupation Medal is sufficient
769 to establish eligibility for the license plate.

770 Section 5. This act shall take effect October 1, 2021.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR DENNIS BAXLEY

12th District

COMMITTEES:

Ethics and Elections, *Chair*
Appropriations Subcommittee on Criminal and Civil Justice
Community Affairs
Criminal Justice
Health Policy
Judiciary
Rules

JOINT COMMITTEE:

Joint Legislative Auditing Committee, *Alternating Chair*

March 16, 2021

The Honorable Chair George Gainer
408 Senate Office Building
Tallahassee, Florida 32399

Dear Chair Gainer,

I would like to request that CS/SB 676 Florida State Parks License Plate be heard in the next Transportation Appropriation Committee meeting.

This bill creates the Florida State Parks license plate, Indian River Lagoon license plate, Wildlife Foundation of Florida license plate, Divine Nine license plate, Healthcare Heroes license plate, Inter Miami CF license plate, Toastmasters license plate, Gopher Tortoise license plate, Orlando United license plate, Biscayne Bay license plate, Disease Prevention & Early Detection license plate, Honor Flight license plate, Ethical & Ecotourism license plate, Protect Marine Wildlife license plate, Margaritaville license plate and the Veterans license plate.

Thank you for your favorable consideration.

Onward & Upward,

A handwritten signature in blue ink that reads "Dennis K. Baxley".

Senator Dennis K. Baxley
Senate District 12

DKB/dd

REPLY TO:

- 206 South Hwy 27/441, Lady Lake, Florida 32159 (352) 750-3133
- 315 SE 25th Avenue, Ocala, Florida 34471 (352) 789-6720
- 320 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: www.flsenate.gov

Wilton Simpson
President of the Senate

Aaron Bean
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 754

INTRODUCER: Transportation Committee and Senator Diaz

SUBJECT: Motor Vehicle and Vessel Registration Data

DATE: April 7, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Vickers</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Favorable</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 754 requires the Department of Highway Safety and Motor Vehicles (DHSMV) to provide integration of other tax collection systems of tax collectors and their vendors with the Florida Real Time Vehicle Information System (FRVIS) with respect to motor vehicle, mobile home, trailer, and vessel registration renewals. Specifically the bill:

- Authorizes the DHSMV, upon a tax collector's request, to provide ancillary technology to integrate other tax collection systems used by tax collectors in order to provide tax collectors with data access and uniform interface functionalities for registration renewal transactions performed at a tax collector's office or online through a tax collector's website;
- Requires the DHSMV to provide a tax collectors' vendor with the ability to record registration renewals in FRVIS in real time and with the ability to do bulk data reporting; and
- Requires the DHSMV to ensure that the ancillary technology and other tax collection systems protect consumer data and privacy.

The bill may have a significant negative but indeterminate, impact on the DHSMV associated with the expansion of the FRVIS data access and interface functionality. See Section V. Fiscal Impact Statement.

The bill takes effect on July 1, 2021.

II. Present Situation:

Tax Collectors as Agents of the DHSMV

Chapters 320, 322, and 328, F.S., provide that tax collectors are agents of the DHSMV for the limited purposes of providing motor vehicle and driver license services. Specifically, with regards to the issuance of registration certificates, license plates, and validation stickers (motor vehicle services), the tax collectors in the several counties of the state are “authorized agents of the department ... subject to the requirements of the law.”¹ This principal/agent relationship is established by written agreement in the form of a memorandum of understanding (MOU) between the DHSMV and tax collectors throughout the state, providing that tax collectors are acting as agents of the DHSMV carrying out state law duties at a local level in a uniform and accountable manner.

While the tax collector itself is not a state agency, in its role as an authorized agent of the DHSMV it is considered a “state agency” when acting pursuant to s. 320.03, F.S., in providing motor vehicle services.² The Florida Attorney General has also concluded that tax collectors are under the direction and control of the DHSMV when providing services under chs. 320 (motor vehicle licenses) and 322 (driver licenses), F.S.³

Sixty-five counties currently have elected tax collectors who are constitutional officers.⁴ Broward and Miami-Dade counties currently have appointed tax collectors under each county’s charter government.⁵

In 2018, a constitutional amendment passed that requires Volusia, Broward, and Miami-Dade County tax collector offices to be elected positions.⁶ The tax collector in Volusia County took office in 2021 and the Broward and Miami-Dade County tax collectors will take office in 2025. Currently, the motor vehicle services in these charter counties are predominately provided by third party vendors that have an agreement with the county to charge an additional county service fee set by the county commission.⁷ Collectively referred to as LPA, these vendors are

¹ Section 320.03(1), F.S.

² *Dealer Tag Agency, Inc. v. First Hillsborough County Auto Tag Agency, Inc.*, 14 So. 3d 1238, 1240 (Fla. 2d DCA 2009). But note that the court held that the “fact that the Tax Collector is described as an “authorized agent” of the DHSMV for the provisions of section 320.03 does not make it a state agency for the provisions of chapters 287 and 120.” *Id.* at 1240.

³ “The tax collector, who acts as the agent of and under the direction and control of the department in the sale of motor vehicle license plates, is not acting as a county officer ...” FL AGO 74-101 (Apr. 1, 1974).

⁴ Volusia County formerly had an appointed tax collector. However, pursuant to ss. 1(d) and 6(g), Art. VIII of the State Constitution and effective January 5, 2021, Volusia County has an elected tax collector.

⁵ Pursuant to ss. 1(d) and 6(g), Art. VIII of the State Constitution, Broward and Miami Dade counties will have elected tax collectors effective January 7, 2025.

⁶ See Department of State, Division of Elections, *State and Local Government Structure and Operation – Amendment 10*, available at <https://dos.elections.myflorida.com/initiatives/initdetail.asp?account=11&seqnum=24> (last visited Apr. 3, 2021). See also s. 322.02(1), F.S., related to administration of driver license services, requiring tax collectors who are constitutional officers to implement driver license services, while charter county tax collectors can transition on a limited basis as determined by the DHSMV.

⁷ In determining the appropriateness of public funding for equipment used by LPAs, the Attorney General noted for purposes of s. 320.03, F.S., that “license tag agencies are the agents of the respective county tax collectors...[and that no] pecuniary benefit inures to such agents or subagents.” FL AGO 82-81 (Oct. 11, 1982). The opinion also states that the “license tag agencies in question are the agents of the county tax collector and as such subagents of the department...”

often referred to as private tag agencies, license plate agents, license tag agencies, and private license plate agencies.⁸

Sixteen counties have, or have until recently had, contracts with LPAs to operate 57 offices to perform title and registration services for motor vehicles, mobile homes, and vessels, as follows:⁹

- Alachua – 1
- Bay – 1
- Broward – 7
- Highlands – 1
- Hillsborough – 1
- Jefferson – 2
- Lee – 1 (opens in 2021)
- Leon – 1
- Manatee – 1
- Miami-Dade – 25
- Orange – 4
- Palm Beach – 2
- Pasco – 1
- Pinellas – 3
- Polk – 3
- Volusia – 3¹⁰

Many tax collectors in Florida hire information technology vendors to assist with mailing, cashiering, deploying kiosks, providing online services, and performing other duties. “When requested by a tax collector, the [DHSMV] routinely provides access to data, both in real-time and through batch processes, to the tax collector’s vendors for the purpose of providing support to the requesting tax collector.” Data that contains personal information¹¹ which is confidential pursuant to the federal Driver’s Privacy Protection Act of 1994 may only be released as authorized by law.¹²

To ensure compliance with Driver’s Privacy Protection Act, the DHSMV practices data minimization – the DHSMV only provides personal information from driver license records to agents and vendors when it is directly relevant to accomplish a specified task deemed necessary by the DHSMV or law. “Once the specified purpose has been completed, this practice requires that shared data is securely destroyed or otherwise rendered unreadable. Data minimization also decreases risks of data loss and breaches.”¹³

Registration Duties of Tax Collectors

Motor Vehicles

Tax collectors are authorized agents of the DHSMV that issue registration certificates, registration license plates, validation stickers, and mobile home stickers to applicants.¹⁴ The DHSMV may require each tax collector to give a bond, payable to the DHSMV, conditioned that the tax collector faithfully and truly perform the duties imposed upon him or her according to the requirements of law and the rules and regulations of the DHSMV.¹⁵ Each tax collector must keep a full and complete record and account of all validation stickers, mobile home stickers, or other

⁸ Various combinations of these words are used interchangeably.

⁹ DHSMV, *2021 Agency Legislative Bill Analysis SB 754*, (Mar. 5, 2021), p. 3 (on file with the Senate Committee on Transportation).

¹⁰ These LPA offices operated prior to the elected Volusia County tax collector taking office on January 5, 2021. Currently, these offices are winding down operations and were to close by February 4, 2021.

¹¹ Under the DPPA, “personal information” is “information that identifies an individual, including an individual’s photograph, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver’s status.” 18 U.S.C. 2725 (2000). *See also* s. 322.143, F.S.

¹² *See* 18 U.S.C. s. 2721 et seq.

¹³ DHSMV, *2021 Agency Legislative Bill Analysis SB 754*, (Mar. 5, 2021), p. 3.

¹⁴ Section 320.03(1), F.S.

¹⁵ Section 320.03(2), F.S.

properties received by him or her from the DHSMV.¹⁶ The Florida Real Time Vehicle Information System must be installed in every tax collector's and license tag agent's office in accordance with a schedule established by the DHSMV in consultation with the tax collectors and contingent upon funds being made available for the system by the state.¹⁷

Vessels

Tax collectors must issue registration certificates and vessel numbers and decals to applicants, subject to the requirements of law and in accordance with the rules of the DHSMV.¹⁸ Each tax collector must keep a full and complete record and account of all vessel decals or other properties received by him or her from the DHSMV and must make prompt remittance of moneys collected by them at the times and in the manner prescribed by law.¹⁹

Florida Real Time Vehicle Information System (FRVIS)

The FRVIS is the DHSMV's database system used to title and register all motor vehicles, mobile homes, trailers, and vessels in Florida. The system is composed of two processing environments. The first is a distributed environment that consists of the servers at local tax collector and LPAs that process tag, title, and registration transactions throughout the state. The second environment is the host portion that consists of the back-end processing that is conducted centrally at the DHSMV's primary data center.²⁰

The FRVIS facilitates the collection of taxes and fees for tags, titles, and registrations. There is a \$0.50 fee on each motor vehicle, mobile home, and vessel registration to cover the operation of the FRVIS, and that fee is deposited into the Highway Safety Operating Trust Fund.²¹ According to the DHSMV, the FRVIS processed approximately 407.3 million transactions for the collection of approximately \$2.99 billion in revenue from taxes and fees associated with tags, titles, and registrations for motor vehicles and vessels during Fiscal Year 2019-2020, including amounts retained by local tax collector and tag agent offices.²² These funds are distributed through the FRVIS to various state agencies, including the DHSMV, and non-state entities in accordance with law.²³

Any tax collector or LPA opening a new office or expanding existing offices initially purchases the equipment needed for title and registration services in that office. Periodically after the initial purchase, when equipment become outdated, the DHSMV refreshes the equipment and pays the cost of the new equipment, contingent upon appropriated funds, for both tax collector and LPA offices. "LPAs reimburse the [DHSMV] for reoccurring circuit costs (i.e., Internet access) for

¹⁶ Section 320.03(3), F.S.

¹⁷ Section 320.03(4)(b), F.S.

¹⁸ Section 328.73(1), F.S.

¹⁹ Section 328.73(2), F.S.

²⁰ Auditor General, *Department of Highway Safety and Motor Vehicles, Florida Real Time Vehicle Information System (FRVIS): Information Technology Operational Audit*, p. 2 (Apr. 2014), available at https://flauditor.gov/pages/pdf_files/2014-183.pdf (last visited Apr. 3, 2021).

²¹ Sections 320.03(5) and 328.73(3), F.S.

²² Email from Kevin Jacobs, Legislative Affairs Director, Department of Highway Safety and Motor Vehicles to Senate Committee on Transportation staff, *FW: FRVIS* (Mar. 16, 2021) (on file with the Senate Committee on Transportation).

²³ See Florida Revenue Estimating Conference, *2020 Florida Tax Handbook*, pp. 47, 139, and 198, available at <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2020.pdf> (last visited Apr. 3, 2021).

each location, unless the LPA office is colocated with a tax collector's office and the circuit is shared."²⁴

The DHSMV administers the FRVIS in consultation with the Florida Tax Collectors, Inc., to ensure that each county tax collector's office is equipped with the necessary information technology to support the operation of the FRVIS.²⁵ Only the DHSMV, tax collectors, and LPAs have access to the FRVIS. Access to the DHSMV systems and data is governed by various MOUs between the DHSMV, tax collectors, and third party vendors or agents of the tax collectors. The MOUs document how the data will be used and protected, ensuring compliance with various state and federal laws, including the federal Driver's Privacy Protection Act.²⁶

FRVIS Interfaces

Over the years, the DHSMV has created a number of custom interfaces to the FRVIS. These interfaces include:²⁷

- The Electronic Filing System²⁸ and Electronic Temporary Registration system²⁹ which allow motor vehicle and vessel dealers the ability to conduct tag and title transactions at their dealerships;
- The motor vehicle kiosk interface to allow tax collector vendors the ability to place motor vehicle registration kiosks in their offices and in off-site locations such as Publix; and
- The Motor Vehicle Eligibility Web Service to provide tax collectors with a real time application interface to assist with processing both mailed motor vehicle renewals and motor vehicle renewals processed through their proprietary standalone websites.

Other Significant DHSMV Systems and Data Exchanges

The DHSMV also operates various other driving and traffic records systems including:³⁰

- Online Registration and Identity Operating Network for issuing driver licenses and identification cards;
- An electronic crash reporting system for law enforcement to submit crash reports; and
- A uniform traffic citation processing system utilized by the clerks of court to submit traffic citations.

The DHSMV also maintains dozens of data exchanges with governmental and private entities to provide access to real time data to improve customer service and efficiency of operations. In addition to tax collectors, the DHSMV works with other external stakeholders, including state and local law enforcement, clerks of court, supervisors of elections, other states through the American Association of Motor Vehicle Administrators systems, the Department of State, the Department of Transportation, insurance companies, expressway tolling authorities, automobile

²⁴ DHSMV, *2021 Agency Legislative Bill Analysis SB 754*, (Mar. 5, 2021), p. 3.

²⁵ Section 320.03(5), F.S.

²⁶ DHSMV, *2021 Agency Legislative Bill Analysis SB 754*, (Mar. 5, 2021), p. 3-4.

²⁷ DHSMV, *2021 Agency Legislative Bill Analysis SB 754*, (Mar. 5, 2021), p. 4.

²⁸ The Electronic Filing System has been created using the new Online Registration and Identity Operating Network architecture which is being used for the Motorist Modernization Project.

²⁹ Section 320.131(8) and (9), F.S.

³⁰ DHSMV, *2021 Agency Legislative Bill Analysis SB 754*, (Mar. 5, 2021), p. 4.

dealers, and various other technology companies. These stakeholders rely on the DHSMV data or systems to efficiently conduct their business.³¹

External stakeholders and their vendors routinely submit requests to the DHSMV to modify its motor vehicle, driver license, and traffic records systems and interfaces to meet the stakeholder's needs. When a stakeholder requests a modification to an existing system or creation of a new system or interface, the DHSMV must evaluate the:

- Benefits of the modification, new system, or new interface to customers of the DHSMV and tax collectors, to third party system users, and to the tax collectors' vendors;
- The cost to implement the change;
- Previously existing legislative, tax collector, or DHSMV priorities; and
- Requested implementation schedule.³²

Collection of Electronic Mail Addresses

In addition to residential street addresses, the DHSMV is authorized to collect and store (in the FRVIS) e-mail addresses. E-mail addresses may be used, in lieu of the United States Postal Service, to provide certain renewal notices, including registration renewal notices, driver license renewal notices, and vessel registration renewal notices.³³ E-mail addresses collected by the DHSMV pursuant to s. 319.40(3), F.S., (relating to motor vehicle, mobile home, and trailer titling) and s. 320.95(2), F.S., (relating to motor vehicle, mobile home and trailer registrations) are exempt from disclosure pursuant to s. 119.07(1), F.S., and s. 24(1), Article I of the State Constitution.³⁴

III. Effect of Proposed Changes:

The bill amends s. 320.03, F.S., to require each third party contracted with a tax collector who has online computer access to the DHSMV's systems or data to enter into a memorandum of understanding with the DHSMV.

In implementing FRVIS, the DHSMV, in consultation with the Florida Tax Collectors, Inc., is required to ensure that all ancillary technology and other tax collection systems, such as systems used by approved vendors of tax collectors, protect customer privacy and data.

The bill amends ss. 320.03 and 328.73, F.S., to authorize the DHSMV to modify existing systems to integrate other tax collection systems used by tax collectors when requested by a tax collector. This integration must provide the tax collector with data access and uniform interface functionalities for registration renewal transactions³⁵ performed at the tax collector's office or online through the tax collector's website. Other tax collection systems would include technology systems provided by a tax collector's approved vendors.

³¹ *Id.*

³² *Id.*

³³ Sections 319.40, 320.95, 322.08(10), 328.30, and 328.80, F.S.

³⁴ Section 119.0712(2)(c), F.S.

³⁵ The bill defines this to mean issuance of motor vehicle, mobile home, and trailer registration certificates, registration license plates, validation stickers, vessel registration certificates, and vessel numbers and decals

The DHSMV is authorized to determine the best manner to deliver the data access and uniform interface functionalities. The DHSMV must also provide the ability to record and process registration renewal transactions in the FRVIS in real time and bulk data reporting for registrations, including each applicant's e-mail address. Access to the bulk data would also include personal information from license records. The provided data and functionality may be used only for purposes of fulfilling the tax collector's statutory duties and may not be resold or used for any other purpose.

The bill requires that the data access and uniform interface functionalities must be developed no later than July 1, 2023.

The bill has an effective date of July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Tax collector-approved agents and vendors, may experience a positive indeterminate fiscal impact as a result of improved operational efficiencies and service due to having the ability to record motor vehicle, mobile home, and vessel registration renewals in the FRVIS.

C. Government Sector Impact:

Tax collectors may experience a positive indeterminate fiscal impact as a result of improved operational efficiencies and service due to having the ability to record motor vehicle, mobile home, and vessel registration renewals in the FRVIS.

The DHSMV has been updating its systems over the past several years through its Motorist Modernization project. Phase II of the project began recently and is intended to redevelop all systems and processes supporting titling and registration. The expected timeframe for Phase II is completion by Fiscal Year 2023-2024 and the total budget is \$53 million.

Upon the request of any tax collector, the bill requires the DHSMV to create and maintain interfaces to support the integration of the tax collector's vendors' technology systems and provide the vendors with the ability to record motor vehicle, mobile home, trailer, and vessel registration renewals in the FRVIS in real-time. The bill requires the new functionality to be complete by July 1, 2023. This may conflict with the current plan for Phase II of the Motorist Modernization project and cause project delays.

The bill will result in a significant negative impact to the Highway Safety Operating Trust Fund and may impair the DHSMV's ability to fund all current activities, including current FRVIS and interface costs, Motorist Modernization project costs, and tax collector and LPA equipment refreshers and internet connections, and the new activities required under the bill, to create additional interfaces to the FRVIS for tax collectors' vendor-provided systems.³⁶

Complying with the requirement to integrate a vendors technology systems may impact the DHSMV's ability to maintain the FRVIS within current resources. Presently, the DHSMV manages its resources for the FRVIS to maintain the system's functionality and capabilities to benefit the widest array of users. The potential new interfaces may limit the DHSMV's ability to prioritize use of resources for the FRVIS, including to make enhancements required by federal law and to make enhancements that would benefit law enforcement, automobile dealers, and other stakeholders.³⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill requires the DHSMV to provide the tax collector and his or her approved vendor with the ability to record registration renewals in the state system in real time. Neither the DHSMV's websites nor the tax collectors' websites currently update a cashiered renewal transaction in real time. This functionality is included in Motorist Modernization Phase II, which is expected to be

³⁶ DHSMV, *2021 Agency Legislative Bill Analysis SB 754*, (Mar. 5, 2021), p. 10.

³⁷ *Id.*

completed by Fiscal Year 2023-2024. The timing required by the bill may conflict with this programming.³⁸

The bill authorizes the DHSMV to provide tax collectors and their approved third-party vendors' data access and interface functionality that includes bulk data transfers. This potentially could undermine the DHSMV's data minimization policies. Those policies are designed to protect customers against data loss, including personally identifying information, and to ensure compliance with the federal Drivers Privacy Protection Act.³⁹

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.03 and 328.73.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Committee on Transportation on March 24, 2021:

- Authorizes tax collectors to contract with vendors for technology services in order to provide electronic and telephonic motor vehicle and vessel titling transactions to customers;
- Defines a vendor-built technology system for motor vehicle, mobile home, and vessel renewal transactions as a “tax collection system;”
- Provides that if requested by a tax collector, the DHSMV is authorized to provide ancillary technology to integrate other tax collection systems used by tax collectors in order to provide tax collectors with data access and uniform interface functionalities for registration renewal transactions performed at a tax collector's office or online through a tax collector's website;
- Requires the DHSMV to provide a tax collectors' vendor with the ability to record registration renewals in the FRVIS in real time and with the ability to do bulk data reporting;
- Removed language in the underlying bill which provided for data access and interface functionalities to the tax collectors and third parties contracting with a tax collector, that other third parties receive from the DHSMV; and
- Removed language in the underlying bill which provided that a tax collector and third parties contracting with a tax collector may collect electronic mail addresses.

B. Amendments:

None.

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

³⁸ *Id.* at pp. 6 and 11.

³⁹ *Id.*

By the Committee on Transportation; and Senator Diaz

596-03302-21

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1 A bill to be entitled
 2 An act relating to motor vehicle and vessel
 3 registration data; amending s. 320.03, F.S.; requiring
 4 tax collectors, third parties contracted with tax
 5 collectors, and license tag agents to enter into a
 6 memorandum of understanding with the Department of
 7 Highway Safety and Motor Vehicles and make certain
 8 determinations regarding registration applicants;
 9 requiring the department to ensure that certain
 10 technology used by tax collectors protects customer
 11 privacy and data; authorizing the department to
 12 provide certain technology to tax collectors, upon
 13 request, in order to provide data access and uniform
 14 interface functionalities for registration renewal
 15 transactions; providing requirements for the
 16 department; authorizing use of such data and
 17 functionalities for certain purposes; requiring
 18 development of data access and uniform interface
 19 functionalities by a certain date; defining the term
 20 "registration renewal transactions"; amending s.
 21 328.73, F.S.; authorizing the department to provide
 22 certain technology to tax collectors, upon request, in
 23 order to provide data access and uniform interface
 24 functionalities for registration renewal transactions;
 25 providing requirements for the department; authorizing
 26 use of such data and functionalities for certain
 27 purposes; requiring development of data access and
 28 uniform interface functionalities by a certain date;
 29 defining the term "registration renewal transactions";

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30 providing an effective date.
 31
 32 Be It Enacted by the Legislature of the State of Florida:
 33
 34 Section 1. Paragraph (a) of subsection (4) and subsection
 35 (5) of section 320.03, Florida Statutes, are amended to read:
 36 320.03 Registration; duties of tax collectors;
 37 International Registration Plan.—
 38 (4) (a) Each tax collector, third party contracted with a
 39 tax collector, or license tag agent who has online computer
 40 access to the department's systems or department data center or
 41 other reasonable access thereto shall enter into a memorandum of
 42 understanding with the department and shall, except when the
 43 department has issued a registration renewal notice, upon
 44 receipt of an application for the registration of any motor
 45 vehicle, determine from the driver file of the applicant whether
 46 the applicant's driver license has been canceled, suspended, or
 47 revoked and, if so, whether the applicant has surrendered his or
 48 her license to the department as required by s. 322.251. If the
 49 applicant has not surrendered his or her license in accordance
 50 with ~~the provisions of~~ that section, the tax collector must
 51 ~~shall~~ refuse to register the vehicle until such time as the
 52 applicant surrenders his or her driver license to the
 53 department.
 54 (5) (a) In addition to the fees required under s. 320.08, a
 55 fee of 50 cents must ~~shall~~ be charged on every license
 56 registration sold to cover the costs of the Florida Real Time
 57 Vehicle Information System. The fees collected must ~~shall~~ be
 58 deposited into the Highway Safety Operating Trust Fund to be

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59 used exclusively to fund the system. The fee may only be used to
 60 fund the system equipment, software, personnel associated with
 61 the maintenance and programming of the system, and networks used
 62 in the offices of the county tax collectors as agents of the
 63 department and the ancillary technology necessary to integrate
 64 the system with other tax collection systems. The department
 65 shall administer this program upon consultation with the Florida
 66 Tax Collectors, Inc., to ensure that each county tax collector's
 67 office is technologically equipped and functional for the
 68 operation of the Florida Real Time Vehicle Information System
 69 and to ensure that all ancillary technology and other tax
 70 collection systems used by tax collectors protect customer
 71 privacy and data. Any designated revenue collected to support
 72 functions of the county tax collectors and not used in a given
 73 year must remain exclusively in the trust fund as a carryover to
 74 the following year.

75 (b) Upon a tax collector's request, the department is
 76 authorized to provide ancillary technology to integrate other
 77 tax collection systems used by tax collectors in order to
 78 provide tax collectors with data access and uniform interface
 79 functionalities for registration renewal transactions performed
 80 at a tax collector's office or online through a tax collector's
 81 website. The department shall prescribe the best manner of
 82 delivering the data access and uniform interface functionalities
 83 to tax collectors for the purpose of processing registration
 84 renewal transactions and shall provide the ability to record and
 85 process registration renewal transactions in the state system in
 86 real time and bulk data reporting for vehicle registrations,
 87 including each applicant's electronic mail address collected

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88 pursuant to s. 320.95. Such data and functionalities may be used
 89 only for purposes of fulfilling the tax collector's statutory
 90 duties pursuant to this chapter, chapter 319, chapter 322, or
 91 chapter 328 and may not be resold or used for any other purpose.
 92 Such data access and uniform interface functionalities must be
 93 developed no later than July 1, 2023. For the purposes of this
 94 paragraph, the term "registration renewal transactions" means
 95 issuance of motor vehicle, mobile home, and trailer registration
 96 certificates, registration license plates, and validation
 97 stickers.

98 Section 2. Subsection (1) of section 328.73, Florida
 99 Statutes, is amended to read:

100 328.73 Registration; duties of tax collectors.—

101 (1) (a) The tax collectors in the counties of the state, as
 102 authorized agents of the department, shall issue registration
 103 certificates and vessel numbers and decals to applicants,
 104 subject to the requirements of law and in accordance with rules
 105 of the department.

106 (b) Upon a tax collector's request, the department is
 107 authorized to provide ancillary technology to integrate other
 108 tax collection systems used by tax collectors in order to
 109 provide tax collectors with data access and uniform interface
 110 functionalities for registration renewal transactions performed
 111 at a tax collector's office or online through a tax collector's
 112 website. The department shall prescribe the best manner of
 113 delivering the data access and uniform interface functionalities
 114 to tax collectors for the purpose of processing registration
 115 renewal transactions and shall provide the ability to record and
 116 process registration renewal transactions in the state system in

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117 real time and bulk data reporting for vessel registrations,
118 including each applicant's electronic mail address collected
119 pursuant to s. 320.95. Such data and functionalities may be used
120 only for purposes of fulfilling the tax collector's statutory
121 duties pursuant to this chapter, chapter 319, chapter 320, or
122 chapter 322 and may not be resold or used for any other purpose.
123 Such data access and uniform interface functionalities must be
124 developed no later than July 1, 2023. For the purposes of this
125 paragraph, the term "registration renewal transactions" means
126 issuance of vessel registration certificates, vessel numbers,
127 and decals.

128 Section 3. This act shall take effect July 1, 2021.

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 862 (147652)

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

SUBJECT: Digital License Plate Pilot Program

DATE: April 9, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Vickers</u>	<u>TR</u>	Favorable
2.	<u>Wells</u>	<u>Hrdlicka</u>	<u>ATD</u>	Recommend: Fav/CS
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 862 creates the Digital License Plate Pilot Program within the Department of Highway Safety and Motor Vehicles (DHSMV). The new program authorizes the DHSMV to contract with digital license plate providers and specifies requirements for digital license plates and digital license plate providers. The previous authorization for a pilot program to evaluate the designs, concepts, and technologies for alternative license plates is repealed.

Beginning July 1, 2022, any motor vehicle registered under ch. 320, F.S., must be allowed to be equipped with a digital license in lieu of a physical license plate.

The bill may have an indeterminate, likely insignificant, negative fiscal impact to the DHSMV. See Section V. Fiscal Impact Statement.

The bill takes effect upon becoming a law.

II. Present Situation:

All vehicles required to be licensed in Florida generally must display a license plate assigned to the it on the rear of the vehicle. No license plates other than those furnished by the state may be used.¹

The DHSMV administers the issuance of motor vehicle license plates as a part of the tag and registration requirements specified in ch. 320, F.S. License plates are issued for a 10-year period and are replaced upon renewal at the end of the 10-year period. The license plate fee for both an original issuance and replacement is \$28.00, which is deposited in the Highway Safety Operating Trust Fund.² An advance replacement fee of \$2.80 is applied to the annual vehicle registration and is credited towards the next replacement; the fee is deposited in the Highway Safety Operating Trust Fund.³

Current state law provides for several types of license plates. In addition to plates issued for governmental or business purposes, the DHSMV offers four basic types of plates to the general public:

- Standard Plates: The standard license plate currently comes in three configurations: the county name designation, the state motto designation, or the state slogan designation.
- Specialty License Plates:⁴ Specialty license plates generate revenue for various colleges, universities, charities, causes, and civic organizations.
- Personalized Prestige License Plates:⁵ Personalized license plates allow motorists to define the alpha numeric design (up to seven characters) on a standard plate that must be approved by the DHSMV.
- Special Use License Plates: Certain members of the general public may be eligible to apply for special use license plates if they are able to document their eligibility pursuant to various sections of ch. 320, F.S. This category of plates primarily includes special military license plates as well as plates for the handicapped. Examples include the Purple Heart, National Guard, United States Armed Forces, Pearl Harbor, and Iraqi Freedom plates.

Most license plates are equipped with validation stickers that reflect the period of valid registration, which expire on midnight on the last day of the registration period and are issued upon payment of the proper license tax amount and fees.⁶ Current state law provides that license plates must be made of metal specially treated with a retro-reflection material and must have a specified design that increases nighttime visibility and legibility.⁷

Digital License Plates

“Aside from the expected changes from a metal plate to a digital screen (including the digital screen, circuitry, a power source, and a housing), the Digital License Plate includes mobile

¹ Section 316.605(1), F.S.

² Sections 320.06 and 320.0607, F.S.

³ Section 320.06(1)(b)1., F.S.

⁴ Section 320.08058, F.S.

⁵ Section 320.0805, F.S.

⁶ Section 320.06(1)(b) and (c), F.S.

⁷ Section 320.06(3)(a), F.S.

phone technology for over the-air updates, Global Positioning System (GPS), and accelerometers to read when the vehicle is in motion.” The mounting bracket typically uses specially shaped “security screws” to prevent unauthorized removal of the plate. If the plate is removed from the bracket, the plate is programmed to display a blank screen.⁸

ReviverMX, Inc. (Reviver) appears to currently be the only manufacturer of a digital license plate product. Currently, two states allow digital license plates for use by the public, California and Arizona.⁹ The digital license plates are purchased from the manufacturer and are not available through the states’ agencies.¹⁰

ReviverMX, Inc.

Reviver is the developer of a platform that integrates a digital license plate and a smart phone app. The company sells two types of digital license plates: the Rplate and the Rplate Pro. Both are legal for sale in California and Arizona.¹¹ Approximately 4,000 vehicles are equipped with Rplates in California and Arizona.¹² It is expected that Michigan, Texas, and Georgia are preparing to start pilot programs.¹³

According to Reviver by making the license plate a digital screen, Rplate allows people to display their own state-approved messages. It can also display warnings that the car has been stolen or show an Amber or Silver Alert, if a state decides to allow that functionality. Reviver also allows Rplate users to pay their registration fees through Reviver.¹⁴

According to Neville Boston, founder of Reviver, the Rplates have the functionality to be used by some businesses as mini-billboards to advertise their products or services and to provide public service messages, such as street closure notifications or to show an ad for a city service. However, the Rplate will be able to do so only when the vehicle comes to a stop for four seconds or longer. The license plate number will still appear on the screen when messages appear, but it will be smaller and in the upper right corner of the screen.^{15, 16}

⁸ California Department of Motor Vehicles, *Report on Alternative Registration Products Pilot Program*, at 9-10, August 2019, <https://www.dmv.ca.gov/portal/uploads/2020/04/AlternativeRegistrationProducts.pdf> (last visited April 3, 2021).

⁹ Sebastian Blanco, *Digital License Plates Coming to Michigan in 2021 after Debut in California*, Car and Driver, November 28, 2020, <https://www.caranddriver.com/news/a34748524/digital-license-plates-coming-2021/> (last visited April 3, 2021).

¹⁰ Arizona Department of Transportation, *Digital License Plate Program*, <https://azdot.gov/motor-vehicles/vehicle-services/plates-and-placards/digital-license-plate-program> (last visited April 3, 2021).

¹¹ Reviver, *Reviver Announces Florida Has Filed Legislation Authorizing its Digital License Plates*, PR News Wire, February 9, 2021, <https://www.prnewswire.com/news-releases/reviverannounces-florida-has-filed-legislation-authorizing-its-digital-license-plates-301224838.html> (last visited April 3, 2021).

¹² Sebastian Blanco, *Digital License Plates Coming to Michigan in 2021 after Debut in California*.

¹³ DHSMV, *2021 Agency Legislative Bill Analysis SB 862*, p. 3, March 5, 2021 (on file with the Senate Committee on Transportation).

¹⁴ *Ibid.*

¹⁵ Tony Bizjak, *California debuts ‘digital’ license plates. Here’s what they’ll cost you.*, Sacbee, May 28, 2018, <https://www.sacbee.com/news/local/transportation/back-seat-driver/article211828814.html> (last visited April 3, 2021).

¹⁶ California Senate, Senate Rules Committee, *SB 806 Senate Floor Analysis*, p. 4, September 3, 2013, https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201320140SB806 (last visited April 3, 2021).

Rplate installers do not have access to retrieve information from the application and can only input the vehicle identification number (VIN) of the vehicle and serial number of the individual Rplate unit. “The Rconnect application is protected by encryption and standard password authentication for both participants and installers.”¹⁷ “Aside from the hardware components related to the physical display of an image, the main technological feature of the Rplate... is that it uses mobile phone technology. When the digital license plate is installed on the mounting bracket, the Rplate... sends a mobile phone signal to [Reviver] to update the digital license plate with the license number assigned by the [state].”¹⁸ This capability would allow a mobile service provider to triangulate where a vehicle is located, like with any mobile phones, but Reviver would not be able to the same.¹⁹

Purchasers of the Reviver Rplates incur two costs; the price of the screen itself and the subscription connection service fee. The basic Reviver Rplate is powered by a five year battery and is \$499 plus \$55 per year, or \$17.95 per month with a 36 month agreement; the Reviver Rplate Pro is \$599 plus \$75 per year, or \$24.95 per month with a 36 month agreement. The Reviver Rplate Pro is wired to a vehicle’s power source and provides additional options such as telematics through its built in GPS system.²⁰

California

In 2013, the California Department of Motor Vehicles (DMV) was authorized to establish a pilot program to assess and review the use of alternative products for vehicle registration currently issued by the DMV (license plates, stickers, tabs, and registration cards). The purpose of the pilot was to allow the DMV to examine the functionality of alternatives to standard registration products and to evaluate the cost-effectiveness and feasibility of implementation. In 2015, the DMV awarded and executed a non-competitive bid contract with Reviver for a digital license plate pilot program.²¹

The implementation of Rplate through the digital license plate pilot program also included a digital license plate mobile application, Rconnect. Rconnect was designed to provide automated services to digital license plate customers, including billing, and to provide access to vehicle telematics, if available. Telematics is a process of using GPS and other measurements to produce intelligence on where the vehicle is and where it has been, the vehicle’s speed when driving, driving habits, and other measurements regarding a vehicle’s operation. As required by California law, the DMV collected no information regarding the current location or movement of vehicles with digital license plates.²²

The digital license plate uses existing information technology connections with the DMV through the state’s system to enable digital license plate installers in dealers and shops to associate the VIN with the serial number of the Rplate unit. By doing so, the VIN and serial

¹⁷ California Department of Motor Vehicles, *Report on Alternative Registration Products Pilot Program*, at p. 11.

¹⁸ *Ibid.*

¹⁹ *Ibid* at p. 12.

²⁰ Reviver, *Shop*, <https://www.reviver.com/shop/> (last visited April 4, 2021).

²¹ California Department of Motor Vehicles, *Report on Alternative Registration Products Pilot Program*.

²² *Ibid* at p. 11.

number transmitted by Rconnect would allow for a search of the DMV records to display the correct license plate number on the digital license plate.²³

The California pilot program became operational in December 2015, with five vehicles. In 2017, the pilot program grew to approximately 85 vehicles. In 2018, participation increased to approximately 1,400 vehicles. The pilot program was projected by California to conclude in July 2020 with participation of approximately 1,500 vehicles.²⁴

Arizona

While drivers in Arizona can now purchase a digital license plate for their vehicles, the state first conducted a pilot program beginning in early 2017. The Arizona Department of Transportation (ADOT) worked with Reviver to administer the pilot to test the functionality, durability, and viability of digital license plates in Arizona's areas with extreme high and low temperatures and to test the ability to operate in areas with low/no cellular connectivity. Arizona's pilot was limited to 10 ADOT-owned vehicles throughout the state. The ADOT selected vehicles with higher monthly mileage to ensure that plate display devices were adequately exposed to the elements.²⁵

During this pilot project, the ADOT collaborated with the Arizona Department of Public Safety, which performed readability and functionality testing. The pilot found digital license plates:

- Readable from a distance of 100 feet during daylight;
- Readable at night;
- Do not have glare that cause the plates to be difficult to read;
- Continue to operate when disconnected from the power source; and
- Maintain functionality and readability in extreme temperatures.²⁶

As of January 2019, the digital license plate program was fully authorized and made available to the public for use as an alternative registration product. Reviver communicates with the ADOT's database through a web service, where the company transmits a specific set of information. Based on that submitted information, the database authenticates whether the customer has valid registration and allows Reviver to indicate that verified owners have a digital license plate. The statewide adoption of the product was at no cost to the state.²⁷

Florida

In 2012, the DHSMV was authorized to implement a pilot program to evaluate designs, concepts, and technologies for alternative license plates. If the DHSMV implemented a pilot program, the purpose would be to investigate the feasibility and use of alternative license plate technologies and the long-term cost impact to the consumer. The pilot would be limited to license plates used on government-owned motor vehicles. While the DHSMV has researched and studied alternative license plates, it has not implemented a pilot program at this time. This was

²³ *Id.*

²⁴ *Ibid.* at p. 1.

²⁵ *Ibid.* at p. 14.

²⁶ *Ibid.* at p. 15.

²⁷ *Id.*

due, in part, to a lack of available and proven technology and the significant cost to purchase a digital license plate.²⁸

III. Effect of Proposed Changes:

Section 1 repeals s. 320.06(5), F.S., related to the current authority of the DHSMV to conduct a pilot program to evaluate the designs, concepts, and technologies for alternative license plates.

Section 2 amends s. 320.07, F.S., to provide that an owner of a digital license plate is not subject to the penalties for failure to display a validation sticker if the vehicle was operated in compliance with ch. 320, F.S., and any rules adopted by the DHSMV governing the placement of digital license plates and registration renewal.

Section 3 creates s. 320.08069, F.S., to create a Digital License Plate Pilot Program within the DHSMV. The purpose of the program is to evaluate the design, concepts, and technologies available for digital license plates and to determine the feasibility of digital license plates. The DHSMV is allowed to contract with one or more digital license plate providers²⁹ for the issuance of digital license plates, including any services related to the issuance of digital license plates.

Beginning July 1, 2021, the DHSMV must administer the program and limit it to installation and use of digital license plates on government-owned motor vehicles as described in s. 320.0655, F.S. These vehicles include any motor vehicle owned or exclusively operated by the state or by any county, municipality, or other governmental entity and any motor vehicle owned and exclusively operated by a volunteer fire department.

By July 1, 2022, the DHSMV must allow a motor vehicle registered under ch. 320, F.S., to be equipped with a digital license plate in lieu of a physical license plate. The purchaser of the digital license plate must first obtain a physical license plate before obtaining the digital license plate. It is expected that the digital license plate will be required to have the same number as the physical license plate.

A digital license plate is defined as an electronic display designed to display the same required information for a physical license plate and be plated on a registered motor vehicle in lieu of a physical license plate. Except as otherwise provided under the program, a digital license plate is subject to the same laws of this state applicable to a physical license plate. The bill requires a digital license plate issued under the program to:

- Meet the specifications and requirements adopted under the program;
- Include the same information required to be included on a physical license plate and legibly display that information at all times and in all light conditions; and
- Have wireless connectivity capability.

Digital license plates issued are exempt from physical requirements such as being made of metal specially treated with a retro-reflection material and having a specified design that increases

²⁸ DHSMV, *2021 Agency Legislative Bill Analysis SB 862*, p. 2.

²⁹ The bill defines a digital license plate provider as a person or an entity engaged in the business of providing digital license plate hardware and services to motor vehicle owners.

nighttime visibility and legibility.³⁰ The DHSMV can allow the display of the motor vehicle's validation in the upper right corner of the digital license plate in lieu of the physical validation sticker. The validation display must include the owner's birth month, the license plate number, and the year of expiration or appropriate renewal period if the owner is not a natural person.

The DHSMV may establish procedures for displaying the following information on a digital license plate:

- An emergency alert or other public safety alert issued by a governmental entity, including an alert pursuant to s. 937.021, F.S.;
- Static logo displays, including unique displays for fleet license plates, digital versions of specialty license plates, special license plates for military service, and special license plates for the Governor and federal and state legislators; and
- Other displays that the DHMSV, in consultation with law enforcement agencies, determines are in the interest of public safety.

The DHSMV is also allowed to authorize the use of a digital license plate for electronic toll collection, if approved by the Department of Transportation or another tolling authority, or to display a parking permit.

The bill requires a digital license plate provider with whom the DHSMV contracts to:

- Maintain an inventory of the digital license plates issued by the provider in this state;
- Make a digital version of each specialty license plate authorized by the DHSMV available;
- Promptly update validation display to reflect the current registration period for the motor vehicle, if authorized to display the validation in lieu of a validation sticker; and
- Upon request of the DHSMV, suspend the validation display or indicate on the plate that the registration for the motor vehicle has expired.

The bill requires the contract between the digital license plate provider and the DHSMV to include provisions governing the protection of personal and motor vehicle registration data that is obtained by the digital license plate provider in the performance of its services.

To purchase a digital license plate, the consumer must purchase it directly from a digital license plate provider. The consumer is also responsible for paying to the DHSMV all applicable motor vehicle fees.

The bill authorizes the DHSMV to adopt rules to implement the program.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

³⁰ Section 320.06(3)(a), F.S., sets forth these requirements.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None. The bill does not increase or change fees for registration of motor vehicles. Vehicle owners who voluntarily decide to purchase a digital license plate, as allowed beginning July 1, 2022, would purchase the plate directly from the digital license plate provider.

B. Private Sector Impact:

Reviver appears to currently be the only manufacturer of a digital license plate product. The size and extent of a digital license plate pilot program and any subsequent expansion to any motor vehicle registered under ch. 320, F.S., beginning July 1, 2022, would have a positive fiscal impact to the company.

C. Government Sector Impact:

The bill may have an indeterminate, likely insignificant, negative fiscal impact to the DHSMV with the expectation being that programming and implementation will be conducted between the vendor and the consumer. The DHSMV does not currently plan on programming connectivity between the proposed digital license plates and the DHSMV systems and will continue with current procedures for original and renewal license plate transactions.³¹

VI. Technical Deficiencies:

None.

³¹ E-mail to Senate Committee on Transportation staff from Kevin Jacobs, Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, SB 862, February 25, 2021 (on file with the Senate Committee on Transportation).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections the Florida Statutes: 320.06 and 320.07.

This bill creates section 320.08069 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 8, 2021:**

The committee substitute:

- Requires the purchaser of a digital license plate to first obtain a physical license plate.
- Requires the contract that the department enters into with a digital license plate provider to include provisions governing the protection of personal and motor vehicle registration data.
- Provides that the digital license plate may be used for electronic toll collection if the DOT approves.
- Clarifies that special license plates for military service may be displayed on digital license plates.
- Removes the requirement for the department to distribute \$4 from the sale of a digital license plate to the nonprofit corporation in s. 946.504, F.S.
- Removes the allowance for the digital license plate to display information in smaller type when the vehicle is parked.
- Provides that a consumer must purchase a digital license plate directly from a digital license plate provider. The consumer will also be required to pay the department all applicable motor vehicle fees.
- Makes other technical changes.

B. Amendments:

None.



299924

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2021	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 59 - 132

and insert:

1. Display the information required in this chapter to be included on a physical license plate; and

2. Be placed on a motor vehicle registered under this chapter in lieu of a physical license plate.

(b) "Digital license plate provider" means a person or an entity engaged in the business of providing digital license



299924

11 plate hardware and services to motor vehicle owners.

12 (2) APPLICABILITY.—Except as otherwise provided by this
13 section or a rule adopted under this section, a digital license
14 plate issued under this section is subject to the laws of this
15 state applicable to a physical license plate; however, digital
16 license plates issued under this section are exempt from s.
17 320.06(3)(a).

18 (3) DIGITAL LICENSE PLATE PILOT PROGRAM.—

19 (a) Beginning July 1, 2021, the department shall administer
20 the program. The program must be limited to installation and use
21 of digital license plates on government-owned motor vehicles as
22 described in s. 320.0655.

23 (b) By July 1, 2022, the department shall allow any motor
24 vehicle registered under this chapter to be equipped with a
25 digital license plate in lieu of a physical license plate issued
26 under s. 320.06. However, the purchaser of a digital license
27 plate must first obtain a physical license plate from the
28 department before obtaining a digital license plate from a
29 digital license plate provider.

30 (c) The department may contract with one or more digital
31 license plate providers for the issuance of digital license
32 plates, including any services related to the issuance of
33 digital license plates. The contract shall include provisions
34 governing the protection of personal and motor vehicle
35 registration data obtained by a digital license plate provider
36 in the performance of its services.

37 (d) The department may authorize the display of the motor
38 vehicle's validation on each digital license plate in lieu of
39 the validation sticker. The validation must display the owner's



40 birth month, the license plate number, and the year of
41 expiration or appropriate renewal period if the owner is not a
42 natural person. The validation must be displayed in the upper
43 right corner of the digital license plate.

44 (e) The department may authorize the use of a digital
45 license plate for electronic toll collection, if such use has
46 been approved by the Department of Transportation or other
47 appropriate tolling authority, or to display a parking permit.

48 (f) The department may establish procedures for displaying
49 the following information on a digital license plate:

50 1. An emergency alert or other public safety alert issued
51 by a governmental entity, including an alert pursuant to s.
52 937.021;

53 2. Static logo displays, including unique displays for
54 fleet license plates, digital versions of specialty license
55 plates as described in s. 320.08058, and special license plates
56 for military service authorized in s. 320.089, and for the
57 Governor and federal and state legislators as authorized in s.
58 320.0807; and

59 3. Other displays that the department, in consultation with
60 law enforcement agencies, determines are in the interest of
61 public safety.

62 (4) DIGITAL LICENSE PLATE REQUIREMENTS.—A digital license
63 plate issued under this section must:

64 (a) Meet the specifications and requirements adopted under
65 subsection (3);

66 (b) Include the same information required to be included on
67 a physical license plate and legibly display that information at
68 all times and in all light conditions; and



- 69 (c) Have wireless connectivity capability.
- 70 (5) DIGITAL LICENSE PLATE PROVIDERS.—A digital license
- 71 plate provider with whom the department contracts shall:
- 72 (a) Maintain an inventory of digital license plates issued
- 73 in this state by the digital license plate provider;
- 74 (b) Make available a digital version of each specialty
- 75 license plate authorized by the department; and
- 76 (c) If a digital license plate displays a validation,
- 77 promptly update the display of the validation to reflect the
- 78 current registration period for the motor vehicle and, upon
- 79 request of the department, suspend the display of the validation
- 80 or indicate on the digital license plate that the registration
- 81 for the motor vehicle has expired.
- 82 (6) DIGITAL LICENSE PLATE CONSUMERS.—A consumer who chooses
- 83 to purchase a digital license plate must purchase a digital
- 84 license plate directly from a digital license plate provider. In
- 85 addition to any fees associated with the purchase of a digital
- 86 license plate, the consumer is also responsible for paying to
- 87 the department all applicable motor vehicle fees in this
- 88 chapter, including any annual use fees pursuant to s. 320.08046
- 89 associated with any specialty license plate the consumer wishes
- 90 to display on the digital license plate.
- 91 (7) RULEMAKING.—The department may adopt rules to implement

92
93 ===== T I T L E A M E N D M E N T =====

94 And the title is amended as follows:

95 Delete line 21

96 and insert:

97 providers; providing requirements for consumers of



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98
99

digital license plates; authorizing the department to
adopt rules;

By Senator Gruters

23-00933-21

2021862__

1 A bill to be entitled
 2 An act relating to the Digital License Plate Pilot
 3 Program; amending s. 320.06, F.S.; deleting provisions
 4 relating to the authority of the Department of Highway
 5 Safety and Motor Vehicles to conduct a pilot program
 6 to evaluate the designs, concepts, and technologies
 7 for alternative license plates; amending s. 320.07,
 8 F.S.; exempting owners of digital license plates from
 9 certain penalties; creating s. 320.08069, F.S.;
 10 creating the Digital License Plate Pilot Program
 11 within the department; providing the purpose of the
 12 program; defining terms; providing applicability;
 13 requiring the department to begin administering the
 14 program on a specified date; authorizing the
 15 department to contract with digital license plate
 16 providers; providing additional authorizations to the
 17 department relating to the pilot program; providing
 18 for the distribution of fees from the sale of digital
 19 license plates; specifying requirements for digital
 20 license plates and for digital license plate
 21 providers; authorizing the department to adopt rules;
 22 providing an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Subsection (5) of section 320.06, Florida
 27 Statutes, is amended to read:

28 320.06 Registration certificates, license plates, and
 29 validation stickers generally.-

Page 1 of 5

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

23-00933-21

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30 ~~(5) The department may conduct a pilot program to evaluate~~
 31 ~~the designs, concepts, and technologies for alternative license~~
 32 ~~plates. For purposes of the pilot program, the department shall~~
 33 ~~investigate the feasibility and use of alternative license plate~~
 34 ~~technologies and the long term cost impact to the consumer. The~~
 35 ~~pilot program shall be limited to license plates that are used~~
 36 ~~on government-owned motor vehicles as described in s. 320.0655.~~
 37 ~~Such license plates are exempt from the requirements in~~
 38 ~~paragraph (3)(a).~~

39 Section 2. Subsection (7) is added to section 320.07,
 40 Florida Statutes, to read:

41 320.07 Expiration of registration; renewal required;
 42 penalties.-

43 (7) An owner of a digital license plate as described in s.
 44 320.08069 is not subject to the penalties of this section for
 45 failure to display a validation if the vehicle was operated in
 46 compliance with this chapter and any rules adopted by the
 47 department governing the placement of digital license plates and
 48 registration renewal.

49 Section 3. Section 320.08069, Florida Statutes, is created
 50 to read:

51 320.08069 Digital License Plate Pilot Program.-There is
 52 created within the department the Digital License Plate Pilot
 53 Program. The purpose of the program is to evaluate the design,
 54 concepts, and technologies available for digital license plates
 55 and to determine the feasibility of digital license plates.

56 (1) DEFINITIONS.-As used in this section, the term:

57 (a) "Digital license plate" means an electronic display
 58 that is designed to:

Page 2 of 5

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

23-00933-21

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59 1. Display the information required to be included on a
60 physical license plate; and

61 2. Be placed on a motor vehicle registered under this
62 chapter in lieu of a physical license plate.

63 (b) "Digital license plate provider" means a person or an
64 entity engaged in the business of providing digital license
65 plate hardware and services to motor vehicle owners.

66 (2) APPLICABILITY.—Except as otherwise provided by this
67 section or a rule adopted under this section, a digital license
68 plate issued under this section is subject to the laws of this
69 state applicable to a physical license plate; however, digital
70 license plates issued under this section are exempt from s.
71 320.06(3) (a).

72 (3) DIGITAL LICENSE PLATE PILOT PROGRAM.—

73 (a) Beginning July 1, 2021, the department shall administer
74 the pilot program. The pilot program must be limited to
75 installation and use of digital license plates on government-
76 owned motor vehicles as described in s. 320.0655.

77 (b) By July 1, 2022, the department shall allow a motor
78 vehicle registered under this chapter to be equipped with a
79 digital license plate in lieu of a physical license plate issued
80 under s. 320.06.

81 (c) The department may contract with one or more digital
82 license plate providers for the issuance of digital license
83 plates, including any services related to the issuance of
84 digital license plates.

85 (d) The department may authorize the display of the motor
86 vehicle's validation on each digital license plate in lieu of
87 the validation sticker. The validation must display the owner's

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88 birth month, the license plate number, and the year of
89 expiration or appropriate renewal period if the owner is not a
90 natural person. The validation must be displayed in the upper
91 right corner of the digital plate.

92 (e) The department may authorize the use of a digital
93 license plate for electronic toll collection or to display a
94 parking permit.

95 (f) The department may establish procedures for displaying
96 the following information on a digital license plate:

97 1. An emergency alert or other public safety alert issued
98 by a governmental entity, including an alert pursuant to s.
99 937.021;

100 2. Static logo displays, including unique displays for
101 fleet license plates, digital versions of specialty license
102 plates, and special license plates for the Governor and federal
103 and state legislators; and

104 3. Other displays that the department, in consultation with
105 law enforcement agencies, determines are in the interest of
106 public safety.

107 (g) The department shall distribute \$4 from the sale of
108 each digital license plate to the nonprofit corporation
109 specified under s. 946.504 on a quarterly basis.

110 (4) DIGITAL LICENSE PLATE REQUIREMENTS.—A digital license
111 plate issued under this section must:

112 (a) Meet the specifications and requirements adopted under
113 subsection (3);

114 (b) Include the same information required to be included on
115 a physical license plate and legibly display that information at
116 all times and in all light conditions; however, the digital

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117 license plate may display the information in a smaller type size
118 when the motor vehicle is parked; and

119 (c) Have wireless connectivity capability.

120 (5) DIGITAL LICENSE PLATE PROVIDERS.—A digital license
121 plate provider with whom the department contracts shall:

122 (a) Maintain an inventory of the digital license plates
123 issued by the digital license plate provider in this state;

124 (b) Make available a digital version of each specialty
125 license plate authorized by the department; and

126 (c) If a digital license plate displays a validation,
127 promptly update the display of the validation to reflect the
128 current registration period for the motor vehicle and, upon
129 request of the department, suspend the display of the validation
130 or indicate on the digital license plate that the registration
131 for the motor vehicle has expired.

132 (6) RULEMAKING.—The department may adopt rules to implement
133 this section.

134 Section 4. This act shall take effect upon becoming a law.



The Florida Senate

Committee Agenda Request

To: Senator George Gainer, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: March 17, 2021

I respectfully request that **Senate Bill #862**, relating to Digital License Plate Pilot Program, be placed on the:

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

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Joe Gruters".

Joe Gruters

Cc: Jennifer Hrdlicka, Staff Director
Robert Fourqurean, Committee Administrative Assistant

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Reset Form

THE FLORIDA SENATE

APPEARANCE RECORD

4/8/21

Meeting Date

862

Bill Number (if applicable)

Topic Digital License Plate Pilot Program

Amendment Barcode (if applicable)

Name Cory Guzzo

Job Title Lobbyist

Address 108 S Monroe St

Phone 850-681-0024

Street

Tallahassee

FL

32301

Email cory@flapartners.com

City

State

Zip

Speaking: For Against Information

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

Representing Reviver Auto

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: PCS/SB 1412 (289006)

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

SUBJECT: Traffic and Pedestrian Safety

DATE: April 9, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Price</u>	<u>Vickers</u>	<u>TR</u>	Favorable
2.	<u>McAuliffe</u>	<u>Hrdlicka</u>	<u>ATD</u>	Recommend: Fav/CS
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 1412 seeks to address vehicular and pedestrian safety with respect to pedestrian crosswalks located at any point other than at an intersection with another public highway, street, or road, which are referred to as midblock crosswalks. The bill requires, before installation of a midblock crosswalk on a public highway, street, or road after October 1, 2021, a traffic engineering study to be conducted, signed, and sealed by a Florida licensed professional engineer which recommends the installation.

Notwithstanding any other law, the bill requires a midblock crosswalk:

- On a public roadway that has a posted speed limit of 30 miles per hour (mph) or more to conform to certain national standards and applicable Florida Department of Transportation (FDOT) standards and to include a pedestrian-facing sign containing language stating duties applicable to a pedestrian; and
- On a public roadway posted at 29 mph or less to include a pedestrian-facing sign containing language stating duties applicable to a pedestrian.

By October 1, 2022, the bill requires the FDOT to submit to the federal government a request for authorization to allow certain traffic control devices at midblock crosswalks that use yellow indications to be replaced by red indications. If the request is granted, the state, county, or municipality with jurisdiction, as appropriate, must replace all such traffic control devices having yellow indications with traffic control devices that use red indications within 12 months after the

date of federal authorization. If the request is denied, the jurisdictional entity must remove all such traffic control devices from each midblock crosswalk described in the bill by October 1, 2025.

By October 1, 2024, the entity with jurisdiction over a public roadway with a midblock crosswalk that is in existence on October 1, 2021, must ensure that the crosswalk is controlled by coordinated traffic control signal devices and pedestrian control signals as required under the bill. Alternatively, the entity with jurisdiction may remove any such existing crosswalk.

The bill also provides a finding that the act fulfills an important state interest.

The bill will likely have a significant negative fiscal impact to state and local governments to meet the requirements of the bill by October 1, 2024, for midblock crosswalks existing on October 1, 2021. See Section V. “Fiscal Impact Statement” for details.

The bill takes effect October 1, 2021.

II. Present Situation:

The MUTCD and FDOT Specifications

Traffic control signal devices provide for the control of vehicular and pedestrian traffic. They assign the right-of-way to various traffic movements and influence pedestrian and vehicular traffic flow. When properly designed such devices provide for the orderly movement of traffic, increase the traffic capacity of an intersection, reduce the frequency and severity of crashes, provide for predictable movement of traffic and pedestrians, and interrupt heavy traffic at intervals to permit vehicles and pedestrians to cross safely.¹

The Manual on Uniform Traffic Control Devices (MUTCD) “is a compilation of national standards for all traffic control devices, including road markings, highway signs, and traffic signals.” States are currently required to adopt the 2009 edition of the MUTCD (which includes revisions and interim approvals) as the legal state standard for traffic control devices.² Florida law requires the FDOT to adopt the MUTCD as the uniform system of traffic control devices for use on the streets and highways of this state.³ The FDOT has additional specifications that apply to given roadway markings, highway signs, and traffic signals and that are recognized by the Federal Highway Administration.⁴

The MUTCD provides transportation engineers with information necessary to make appropriate decisions regarding the use of all traffic control devices. There are both provisions that are

¹ See Federal Highway Administration (FHWA), *Manual on Uniform Traffic Control Devices for Streets and Highways*, Part 4: Highway Traffic Signals, Section 4B.03, available at <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf> (last visited April 7, 2021).

² FHWA, under *Current Edition of Manual on Uniform Traffic Control Devices for Streets and Highways*, available at <https://mutcd.fhwa.dot.gov/index.htm> (last visited March 27, 2021).

³ Section 316.0745, F.S.

⁴ See FHWA, *MUTCDs & Traffic Control Devices Information by State, Florida*, available at https://mutcd.fhwa.dot.gov/resources/state_info/florida/fl.htm (last visited March 20, 2021), and Fla. Admin. Code R. 14-15.010 (2012).

mandatory and provisions that require the use of engineering judgment. Part 4 of the MUTCD addresses highway traffic signals and recites a basic tenant found throughout the MUTCD: “The selection and use of traffic control signals should be based on an engineering study of roadway, traffic, and other conditions.” Further, “[e]ngineering judgment should be applied in the review of operating traffic control signals to determine whether the type of installation and the timing program meet the current requirements of all forms of traffic.”⁵

Midblock Crosswalks

Crosswalks at any location other than at an intersection are referred to as “midblock” crosswalks, crossings, or locations in the MUTCD (and in this analysis).⁶ The design treatment of traffic control and pedestrian signals takes various forms and can range, for example, from a flashing yellow pedestrian crossing signal to use of full (red, yellow, and green displays) traffic control signals.

The MUTCD contains a number of provisions relating to installing traffic control signals at midblock crosswalks. For example, these provisions direct the entity with jurisdiction over the crosswalk to consider detailed criteria related to:

- The distances to the nearest traffic control signal, side streets, and highways;⁷ and
- The number of vehicles using and the number of pedestrians crossing the street per hour.⁸

The MUTCD contains other applicable provisions. However, the focus of the MUTCD is that installation of a traffic control signal at any location, including midblock locations, must be based on an engineering study of traffic conditions, pedestrian characteristics, and physical characteristics of the particular location. The same focus is present in the MUTCD with respect to related pedestrian signals at any location, including midblock locations. “The design and operation of traffic control signals shall take into consideration the needs of pedestrians as well as vehicular traffic.”⁹

Pedestrian Hybrid Beacons

A pedestrian hybrid beacon, also known as a high-intensity activated crosswalk beacon (HAWK beacon), is a special type of hybrid beacon used to warn and control traffic at an unsignalized location to assist pedestrians in crossing a street or highway at a marked crosswalk. A HAWK beacon can be installed for at a location that:

- Does not meet conditions to install a traffic signal; or
- Meets conditions to install a traffic signal but a decision is made to not install a traffic control signal.

If used, HAWK beacons must be used in conjunction with signs and pavement markings to warn and control traffic at locations where pedestrians enter or cross a street or highway. A HAWK

⁵ *Supra* note 1 at Section 4B.02.

⁶ *See also* s. 316.003(16)(b), F.S., which defines a crosswalk, in part, as any portion of a roadway at an intersection *or elsewhere* distinctly indicated for pedestrian crossing by lines or other markings on the surface.

⁷ *Supra* note 1 at Section 4D.01.

⁸ *Supra* note 1 at Section 4C.05.

⁹ *Supra* note 1 at Section 4D.03.

beacon may only be installed at a marked crosswalk.¹⁰ The device uses a sequence of both yellow and red indications, providing yellow indications upon pedestrian activation to warn approaching traffic and then red indications to warn traffic to stop.¹¹ Indications facing the pedestrian include a signal that displays a steady upraised hand to indicate “don’t walk” (on when the traffic signal is flashing yellow) and a walking person to indicate “walk” (on when the traffic signal is steady red).

Rectangular Rapid-Flashing Beacons (RRFBs)

Warning beacons may be used as emphasis for midblock crosswalks.¹² The standard for these beacons are circular yellow lights. According to the FDOT, on the state highway system midblock crosswalks are either “controlled (pedestrian traffic signal or pedestrian hybrid beacon) or uncontrolled traffic control devices such as pedestrian-activated flashing beacons, rectangular rapid flashing beacons (RRFBs), in-roadway lights, in-street signs, pedestrian warning signs, and/or pedestrian crosswalk markings only.”¹³ Concerns have been raised about RRFBs at midblock crosswalks which are activated by a pedestrian wishing to cross a roadway, but which do not use red indications to warn approaching vehicular traffic of pedestrian presence and to come to a stop.

In contrast to pedestrian hybrid beacons¹⁴ that use red indications, an RRFB is “a traffic control device consisting of two rapidly and alternately flashing rectangular *yellow* indications having LED array-based pulsing light sources that function as a warning beacon.”¹⁵ The FHWA has granted the FDOT interim approval for optional use of certain pedestrian-activated RRFBs at uncontrolled marked crosswalks, including midblock crosswalks, to supplement standard pedestrian and school crossing warning signs, but under specifically detailed conditions.¹⁶ Most

¹⁰ *Supra* note 1 at Section 4F.01.

¹¹ *Supra* note 1 at Figure 4F-3, showing a graphic of the sequence of a pedestrian hybrid beacon.

¹² *Supra* note 1 at 4L.03. “Warning Beacons that are actuated by pedestrians, bicyclists, or other road users may be used as appropriate to provide additional warning to vehicles approaching a crossing or other location.”

¹³ See FDOT 2021 Agency Legislative Bill Analysis HB 1113, updated March 11, 2021, at p. 3 (on file in the Senate Transportation Committee).

¹⁴ A pedestrian hybrid beacon is a special type of hybrid beacon used to warn and control traffic at an unsignalized location to assist pedestrians in crossing a street or highway at a marked crosswalk. A pedestrian hybrid beacon may be considered for installation to facilitate pedestrian crossings at a location that does not meet traffic signal warrants, or at a location that meets traffic signal warrants but a decision is made to not install a traffic control signal. If used, pedestrian hybrid beacons must be used in conjunction with signs and pavement markings to warn and control traffic at locations where pedestrians enter or cross a street or highway. A pedestrian hybrid beacon may only be installed at a marked crosswalk. *Supra* note 1 at Section 4F.01. See also Figure 4F-3, showing a graphic of the sequence of a pedestrian hybrid beacon, which uses both yellow and red indications, providing yellow indications upon pedestrian activation to warn approaching traffic and then red indications to warn traffic to stop.

¹⁵ FDOT, *Traffic Engineering Manual*, 2021, at *Treatments for Pedestrian Crosswalks at Midblock and Unsignalized Intersections*, Section 5.2 at 5.2.3, available at https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/traffic/trafficservices/studies/tem/tem-2021/traffic-engineering-manual.pdf?sfvrsn=c52cf4fb_0 (last visited March 27, 2021).

¹⁶ See FHWA, *Interim Approval 21 – Rectangular Rapid-Flashing Beacons at Crosswalks*, March 20, 2018, available at https://mutcd.fhwa.dot.gov/resources/interim_approval/ia21/index.htm (last visited March 20, 2021). Interim approval is necessary because the “RRFB does not meet the current standards for flashing warning beacons as contained in the 2009 edition of the MUTCD, Chapter 4L, which requires a warning beacon to be circular in shape and either 8 or 12 inches in diameter, to flash at a rate of approximately once per second, and to be located no less than 12 inches outside the nearest edge of the warning sign it supplements. The RRFB uses rectangular-shaped high-intensity light-emitting-diode (LED)-based

relevantly, each RRFB unit must consist of two rapidly flashing rectangular-shaped *yellow* indications with an LED-array-based light source, designed, located, and operated in accordance with additional detailed requirements.¹⁷

The FHWA granted its approval based in part on a conclusion that the “RRFB offers significant potential safety and cost benefits because it achieves high rates of compliance at a low relative cost in comparison to other more restrictive devices that provide comparable results, such as full midblock signalization or pedestrian hybrid beacons.”¹⁸

The FDOT advises that research and safety studies reflect beneficial results from use of RRFBs (and other uncontrolled traffic control devices) in midblock crosswalks and cites a current survey indicating that of 28 states responding, all allow the use of RRFBs at midblock crosswalks.¹⁹

Pedestrian and Driver Duties

In general, pedestrians are required by law to obey traffic control signal devices and pedestrian control signals.²⁰ If sidewalks are provided and no impediment exists to the pedestrian’s use of it, a pedestrian is barred from walking on a roadway that is paved for vehicular traffic.²¹ Otherwise, when practicable, pedestrians must walk only on the shoulder on the left side of the roadway in relation to the pedestrian’s direction of travel, facing traffic that may approach from the opposite direction.²² A pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.²³ Between intersections at which traffic control signals are in place, a pedestrian may not cross a roadway at any place except at a marked crosswalk.²⁴ A pedestrian crossing a roadway at any point other than within a marked crosswalk must yield to vehicles.²⁵

A driver of a vehicle must stop for a pedestrian who is walking in the crosswalk when either a traffic control signal or a signage directs the driver to stop. In the absence of a signal or signage, a driver must yield to a pedestrian who is on the half of the roadway on which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.²⁶ Every driver must exercise due care to avoid colliding with any pedestrian.²⁷

III. Effect of Proposed Changes:

Section 1 cites the act as the “Sophia Nelson Pedestrian Safety Act.”

indications, flashes rapidly in a combination wig-wag and simultaneous flash pattern, and may be mounted immediately adjacent to the crossing sign.”

¹⁷ *Id.* under *Conditions of Interim Approval*.

¹⁸ *Id.* under *FHWA Evaluation of Results*.

¹⁹ *Supra* note 12.

²⁰ Section 316.130(1) and (2), F.S.

²¹ Section 316.130(3), F.S.

²² Section 316.130(4), F.S.

²³ Section 316.130(8), F.S.

²⁴ Section 316.130(11), F.S.

²⁵ Section 316.130(10), F.S.

²⁶ Section 316.130(7), F.S.

²⁷ Section 316.130(15), F.S.

In December of 2019, 12-year-old Sophia Nelson was struck and killed by a vehicle while attempting to cross State Road A1A near Ellwood Avenue in Satellite Beach, using a midblock crosswalk. No criminal charges were brought against the driver due to a lack of any evidence that the driver was operating the vehicle in a dangerous or reckless manner. Sophia is survived by her parents, Mark and Jill Nelson, who have supported legislation relating to mid-block crosswalks to reduce driver confusion and increase pedestrian safety.²⁸

Section 2 creates s. 316.0756, F.S., requiring, before installation of a midblock crosswalk on a public highway, street, or road after October 1, 2021, a traffic engineering study to be conducted, signed, and sealed by a Florida licensed professional engineer which recommends the installation. Notwithstanding any other law, the bill requires:

- A midblock crosswalk on a public highway, street, or road that has a posted speed limit of 30 miles per hour (mph) or more to conform to the requirements of chapters 4D, 4E,²⁹ and 4F³⁰ of the most recent MUTCD³¹ and other applicable FDOT standards, manuals, and specifications and must include a pedestrian-facing sign containing language stating duties applicable to a pedestrian, as provided in ch. 316, F.S.
- A midblock crosswalk on a public highway, street, or road that has a posted speed limit of 29 mph or less to include a pedestrian-facing sign containing language stating duties applicable to a pedestrian, as provided ch. 316, F.S.

Additionally, the bill requires traffic control signal devices and pedestrian control signals at midblock crosswalks on roads with a posted speed limit of 30 mph or more to be coordinated with traffic control signal devices at intersections adjacent to the crosswalk. The traffic control signal devices at intersections adjacent to the crosswalk must be taken into consideration as provided in the most recent MUTCD and other applicable FDOT standards, manuals, and specifications.

By October 1, 2022, the bill requires the FDOT to submit to the federal government a request for authorization to allow yellow RRFB traffic control devices to be replaced by red RRFB traffic control devices. If the request is granted, the jurisdictional entity must replace all yellow RRFB traffic control devices at each midblock crosswalk described in the bill with red RRFB traffic control devices, within 12 months after the date of federal authorization. If the request is denied, the jurisdictional entity must remove all yellow RRFB traffic control devices from each midblock crosswalk described in the bill by October 1, 2025.

By October 1, 2024, the entity with jurisdiction over a public highway, street, or road with a midblock crosswalk that is in existence on October 1, 2021, shall ensure that the crosswalk is controlled by coordinated traffic control signal devices and pedestrian control signals as required

²⁸ See Florida Today, *Sophia Nelson's family forgives driver in fatal A1A crosswalk crash in Satellite Beach*, February 27, 2020, available at <https://www.floridatoday.com/story/news/2020/02/27/sophia-nelsons-family-forgives-driver-fatal-a-1-a-crosswalk-crash-satellite-beach/4895616002/> (retrieved March 27, 2021).

²⁹ For example, see *supra* note 1 at Figure 4D-2 and Figure 4E-1. These are the traffic control signals with Red/Yellow/Green light displays and the Walk/Don't Walk pedestrian signals customarily seen at intersections.

³⁰ For example, see *supra* note 1 at Figure 4F-3, showing a graphic of the sequence of a pedestrian hybrid or HAWK beacon.

³¹ The "most recent" MUTCD is the 2009 edition. See *supra* note 4.

under the bill. Alternatively, the entity with jurisdiction may remove any such existing crosswalk.

According to the FDOT, both controlled and uncontrolled midblock crosswalks on the state highway system are “typically justified and installed as a result of a signed and sealed traffic engineering or safety study.” To meet the requirements of the MUTCD and the FDOT’s standards, a minimum of 133 pedestrians in the peak hour must be present to justify a fully signalized midblock crosswalk. “This requirement typically would not be met for the majority of existing uncontrolled [midblock crosswalks], and therefore the [midblock crosswalks] would be removed from the roadway.”³²

To implement the bill, the FDOT’s efforts would be limited to sites on the state highway system. The FDOT states that because it has few, if any, midblock crosswalks on state roads with a posted speed limit of less than 30 mph, the bill would require removal or retrofit of most, if not all, midblock crosswalks on state roads.³³

Section 3 includes a Legislative finding and declaration that the act fulfills an important state interest.

The bill takes effect October 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a) of the Florida Constitution provides that no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless the Legislature has determined that such law fulfills an important state interest and unless, among other exceptions, the expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments. The bill applies to both state and local governments and includes a legislative determination that it fulfills an important state interest as required by the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

³² *Supra* note 12 at p. 6.

³³ *Id.*

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Unknown.

C. Government Sector Impact:

Essentially the bill requires midblock crosswalks on roadways with speed limits of 30 mph or higher to be changed to full signal, HAWK beacon, or removed.

The number, and the design and treatment, of midblock crosswalks on local roads is unknown. The bill presents an indeterminate but likely significant, negative fiscal impact to counties and municipalities responsible for studying, retrofitting, or removing midblock crosswalks in accordance with the bill's requirements. For midblock crosswalks in existence on October 1, 2021, the local governments have until October 1, 2024, to meet the requirements of the bill.

The FDOT provided the following estimates with respect to midblock crosswalks on the state highway system:³⁴

- Controlled midblock crosswalks:
 - Total with traffic signals = 7
 - Total with pedestrian hybrid beacons = 15
- Uncontrolled midblock crosswalks:
 - Total with warning signs and pavement markings only = 83
 - Total with yellow circular flashing beacons = 5
 - Total with Yellow RFRBs = 231

For midblock crosswalks in existence on October 1, 2021, the FDOT has until October 1, 2024, to meet the requirements of the bill. With respect to cost, prior to the addition of HAWK beacons to the bill, the FDOT estimated a total cost of approximately \$14.9 million to study, retrofit, or remove midblock crosswalks on the state highway system by October 1, 2024. The FDOT also estimated \$159,000 in annual recurring costs.³⁵ With the addition of HAWK beacons, the estimated cost is not yet known, but is expected to be higher than originally estimated.

³⁴ *Supra* note 12 at pp. 4-5.

³⁵ *Id.* at p. 9. *See also* pp. 8-9 for a breakdown of the estimated cost.

The costs to state and local governments to meet the requirements of the bill related to upgrade of midblock crosswalks with yellow indications upon federal authorization is indeterminate at this time. If the federal authorization occurs, the upgrades must happen within 12 months; if the federal authorization is denied, then the traffic control devices at each midblock crosswalk must be removed by October 1, 2025.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The FDOT advises:

- Pedestrians would have significantly fewer locations to cross state roads and only be able to legally cross at intersections. Pedestrian travel times may increase generally and specifically at locations retrofitted to full pedestrian traffic signals near adjacent signalized intersections due to the required traffic signal coordination. Connectivity between pedestrian “generators” and “attractors,” including some schools, may be disrupted.
- On roads with one or more midblock crosswalks, vehicle delay may decrease. However, removing midblock crosswalks and associated countermeasures may increase pedestrian crashes and result in increased pedestrian fatalities and serious injuries. For uncontrolled midblock crosswalks replaced with a pedestrian traffic signal, fatal and serious injury pedestrian crashes may decrease, but less serious rear-end vehicle crashes typically increase with installation of a traffic signal.³⁶

VIII. Statutes Affected:

This bill creates section 316.0756 of the Florida Statutes.

IX. Additional Information:

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

CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 8, 2021:

The committee substitute specifies that the required traffic engineering study must not only be conducted by a Florida-licensed professional engineer but also signed and sealed by that engineer; adds that midblock crosswalks must also conform with MUTCD chapter 4F relating to pedestrian hybrid beacons; and clarifies that coordination of signals and crosswalks must be taken into consideration as provided in FDOT standards and manuals as well.

³⁶ *Id.*

B. Amendments:

None.

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



501570

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2021	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 42 - 68
and insert:
study must be conducted, signed, and sealed by a Florida licensed professional engineer which recommends the installation of such crosswalk.

(b) Notwithstanding any law to the contrary:

1. A pedestrian crosswalk on a public highway, street, or road that has a posted speed limit of 30 miles per hour or more



501570

11 which is located at any point other than at an intersection with
12 another public highway, street, or road must conform to the
13 requirements of chapters 4D, 4E, and 4F of the most recent
14 Manual on Uniform Traffic Control Devices and other applicable
15 Department of Transportation standards, manuals, and
16 specifications and must include a pedestrian-facing sign
17 containing language stating duties applicable to a pedestrian,
18 as provided in this chapter.

19 2. A pedestrian crosswalk on a public highway, street, or
20 road that has a posted speed limit of 29 miles per hour or less
21 which is located at any point other than at an intersection with
22 another public highway, street, or road must include a
23 pedestrian-facing sign containing language stating duties
24 applicable to a pedestrian, as provided in this chapter.

25 (c) Traffic control signal devices and pedestrian control
26 signals at crosswalk locations described in subparagraph (b)1.
27 must be coordinated with traffic control signal devices at
28 intersections adjacent to the crosswalk, and such traffic
29 control signal devices at intersections adjacent to the
30 crosswalk must be taken into consideration as provided in the
31 most recent Manual on Uniform Traffic Control Devices and other
32 applicable Department of Transportation standards, manuals, and
33 specifications.

By Senator Perry

8-01079C-21

20211412__

A bill to be entitled

An act relating to traffic and pedestrian safety; providing a short title; creating s. 316.0756, F.S.; requiring a traffic engineering study to be conducted which recommends installation of a specified pedestrian crosswalk before such installation occurs; requiring a pedestrian crosswalk on a public highway, street, or road which is located at any point other than at an intersection with another public highway, street, or road to conform to specified requirements; providing coordination requirements for certain devices and signals; requiring that traffic control signal devices at adjacent intersections be taken into consideration; requiring, by a specified date, the entity with jurisdiction over a public highway, street, or road with a certain pedestrian crosswalk to ensure that the crosswalk conforms to specified requirements; authorizing such entity, alternatively, to remove any such crosswalk; requiring, by a specified date, the Department of Transportation to submit a certain request for authorization to the Federal Government; requiring applicable entities to replace specified traffic control devices within a specified timeframe after the date of federal authorization; requiring applicable entities to remove specified traffic control devices by a specified date under certain conditions; providing a declaration of important state interest; providing an effective date.

Page 1 of 4

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

8-01079C-21

20211412__

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

Section 1. This act may be cited as the "Sophia Nelson Pedestrian Safety Act."

Section 2. Section 316.0756, Florida Statutes, is created to read:

316.0756 Traffic control signal devices and pedestrian control signals at crosswalks other than at intersections.-

(1) (a) Before the installation of a pedestrian crosswalk after October 1, 2021, on a public highway, street, or road which is located at any point other than at an intersection with another public highway, street, or road, a traffic engineering study must be conducted by a Florida licensed professional engineer which recommends the installation of such crosswalk.

(b) Notwithstanding any law to the contrary:

1. A pedestrian crosswalk on a public highway, street, or road that has a posted speed limit of 30 miles per hour or more which is located at any point other than at an intersection with another public highway, street, or road must conform to the requirements of chapters 4D and 4E of the most recent Manual on Uniform Traffic Control Devices and other applicable Department of Transportation standards, manuals, and specifications and must include a pedestrian-facing sign containing language stating duties applicable to a pedestrian, as provided in this chapter.

2. A pedestrian crosswalk on a public highway, street, or road that has a posted speed limit of 29 miles per hour or less which is located at any point other than at an intersection with another public highway, street, or road must include a

Page 2 of 4

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

8-01079C-21 20211412__

59 pedestrian-facing sign containing language stating duties
60 applicable to a pedestrian, as provided in this chapter.

61 (c) Traffic control signal devices and pedestrian control
62 signals at crosswalk locations described in subparagraph (b)1.
63 must be coordinated with traffic control signal devices at
64 intersections adjacent to the crosswalk, and such traffic
65 control signal devices at intersections adjacent to the
66 crosswalk must be taken into consideration as provided in the
67 most recent Manual on Uniform Traffic Control Devices and other
68 applicable Department of Transportation specifications.

69 (2) By October 1, 2024, the entity with jurisdiction over a
70 public highway, street, or road with a crosswalk described in
71 subsection (1) which is in existence on October 1, 2021, shall
72 ensure that such crosswalk is controlled by coordinated traffic
73 control signal devices and pedestrian control signals as
74 required under subsection (1). Alternatively, the entity with
75 jurisdiction may remove any such existing crosswalk.

76 (3) By October 1, 2022, the Department of Transportation
77 shall submit to the Federal Government a request for
78 authorization to allow yellow rectangular rapid flashing beacon
79 traffic control devices to be replaced by red rectangular rapid
80 flashing beacon traffic control devices. If the Federal
81 Government grants the request, the applicable entity must
82 replace all yellow rectangular rapid flashing beacon traffic
83 control devices at each crosswalk described in subsection (1) or
84 subsection (2) with red rectangular rapid flashing beacon
85 traffic control devices within 12 months after the date of
86 federal authorization. If the Federal Government denies the
87 request, the applicable entity must remove all yellow

Page 3 of 4

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

8-01079C-21 20211412__

88 rectangular rapid flashing beacon traffic control devices from
89 each crosswalk described in subsection (1) or subsection (2) by
90 October 1, 2025.

91 Section 3. The Legislature finds and declares that this act
92 fulfills an important state interest.

93 Section 4. This act shall take effect October 1, 2021.

Page 4 of 4

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



The Florida Senate

Committee Agenda Request

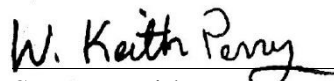
To: Senator George Gainer, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: March 24, 2021

I respectfully request that **Senate Bill #1412**, relating to Traffic and Pedestrian Safety, 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

04.08.21

Meeting Date

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

1412

Bill Number (if applicable)

Topic Traffic's Pedestrian Safety

Amendment Barcode (if applicable)

Name Ken Williams

Job Title _____

Address 7411 Meadow Dr

Phone 813-493-7685

Street

Tampa FL 33634

Email _____

City

State

Zip

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.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: PCS/CS/SB 1560 (419562)

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

SUBJECT: Broadband Internet Service

DATE: April 12, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harmsen</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Hrdlicka</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1560 expands the duties of the Florida Office of Broadband (Office) within the Department of Economic Opportunity (DEO) to further the development of broadband Internet service in Florida.

The bill requires the Office to undertake two mapping programs: one that identifies Florida's geographic availability of broadband and one that inventory assets that may be used for the further buildout of broadband infrastructure. The first maps are due June 30, 2022.

The bill creates the Broadband Opportunity Program, administered by the Office, to award grants for the expansion of broadband Internet service in unserved and underserved areas of Florida. The program is subject to appropriation.

The bill also creates the Broadband Deployment Task Force within the Office to support and provide recommendations to the Office for the deployment of broadband Internet throughout Florida. The task force is required to identify federal funding sources and gaps in service areas and recommend to the office strategies for expansion, among other duties. The task force is required to submit a report of its findings and recommendations for inclusion in the DEO annual report.

The bill expands the Office's local technology planning teams' duties to focus on rural, unserved, and underserved areas; and requires the Office to identify potentially eligible households for the federal Emergency Broadband Benefit Program and provide other information to them.

The increased duties required by the bill will have a significant negative fiscal impact on the agency. The DEO estimates a cost of about \$3.7 million in Fiscal Year 2021-2022 and a recurring cost of about \$1.7 million. The bill makes no appropriations for the increased workload, including the mapping; the task force; or the grant program, which is subject to appropriation.

The bill is effective July 1, 2021.

II. Present Situation:

Broadband Internet Deployment

Fixed and mobile broadband Internet services provide access to numerous employment, education, entertainment, and health care opportunities.¹ Access to a sufficient internet connection has only grown more important during the COVID-19 pandemic, which requires many Americans to connect to their family and friends, schooling, work, and even medical appointments over the internet.²

While Florida's urban areas are served at a fixed broadband coverage rate of 98 percent, its rural areas are served at a rate of 78.6 percent.³ This disparity is caused primarily by high per-unit construction costs required to build broadband infrastructure across larger swaths of rural geographic areas.⁴ Communities that lack broadband access can have difficulty attracting new capital investment.⁵ Additionally, data indicates that low-income households disproportionately lack access to broadband Internet service, which puts children in those households at risk of falling behind.⁶

Broadband internet is a high speed internet that is faster than dial-up access and is always on; in 2015, the Federal Communications Commission (FCC) defined broadband as 25/3 megabits per

¹ U.S. Federal Communications Commission (FCC), *2018 Broadband Deployment Report*, at 1 (Feb. 2, 2018), available at <https://docs.fcc.gov/public/attachments/FCC-18-10A1.pdf> (last visited Mar. 28, 2021).

² FCC, *Emergency Broadband Benefit Report and Order*, at 2-3 (Feb. 26, 2021), available at <https://docs.fcc.gov/public/attachments/FCC-21-29A1.pdf> (last visited Mar. 28, 2021).

³ FCC, *2021 Broadband Deployment Report*, at 58 (Jan. 19, 2021), available at <https://docs.fcc.gov/public/attachments/FCC-21-18A1.pdf> (last visited Mar. 28, 2021). For purposes of this data, "fixed broadband services" are measured at 25 megabits per second downstream and 3 megabits per second upstream.

⁴ National Telecommunications and Information Administration, American Broadband Initiative, *Milestones Report*, at 11 (Feb. 13, 2019), available at https://broadbandusa.ntia.doc.gov/sites/default/files/resource-files/american_broadband_initiative_milestones_report_feb_2019_0.pdf (last visited Mar. 28, 2021). See also Congressional Research Service (CRS), *Broadband Internet Access and the Digital Divide: Federal Assistance Programs*, at 7 (Oct. 25, 2019), available at <https://fas.org/sgp/crs/misc/RL30719.pdf> (last visited Mar. 28, 2021).

⁵ CRS, *Broadband Internet Access and the Digital Divide: Federal Assistance Programs*, *supra* note 4 at 8.

⁶ New American Economy Research Fund, *Back to School: A Look at the Internet Access Gap* (Aug. 6, 2020), available at <https://research.newamericaneconomy.org/report/internet-access-covid-19/> (last visited Mar. 15, 2021).

second (Mbps), i.e., 25 Mbps (download rate) and 3 Mbps (upload rate).⁷ Consumers can receive Broadband internet through several different technologies, including a digital subscriber line (DSL), a cable modem, fiber, wireless, satellite, and broadband over power lines.⁸

Federal Broadband Initiatives

FCC Digital Opportunity Data Collection Program

The FCC collects and monitors data on broadband deployment in order to identify underserved and unserved localities in the United States.⁹ In August 2019, the FCC adopted the Digital Opportunity Data Collection Program, which modernized the collection of broadband deployment data by creating granular coverage maps, as opposed to census tract maps, and by implementing a process to accept public data to confirm the maps' accuracy.¹⁰ In March 2020, Congress ratified the FCC's Data Collection Program with passage of the Broadband Data Act, which requires the FCC to establish a semiannual collection of geographically granular broadband coverage data to use to create coverage maps.¹¹ Congress allocated \$65 million to the FCC to achieve this mapping project in December 2020.¹²

To create these geographic service maps, the FCC collects information from service providers according to specific reporting standards. The service providers must report their service coverage areas, including where their services were available to residences or businesses, and the speed and latency at which their services are delivered.¹³ The FCC also set up a website to allow for public input regarding consumers' experiences with broadband.¹⁴ The FCC anticipates completing initial, targeted mapping by July 2021.¹⁵

FCC's Rural Digital Opportunity Fund

In January 2020, the FCC established the Rural Digital Opportunity Fund to fund the deployment of broadband networks in rural America over the next decade. The first phase of the fund began in 2020 and made available up to \$16 billion to target census blocks that are wholly unserved by fixed broadband speeds of at least 25 Mbps downstream and 3 Mbps upstream (25/3 Mbps).¹⁶

⁷ CRS, *State Broadband Initiatives: Selected State and Local Approaches as Potential Models for Federal Initiatives to Address the Digital Divide*, at 2-3 (Apr. 6, 2020), available at <https://crsreports.congress.gov/product/pdf/R/R46307> (last visited Mar. 15, 2021).

⁸ CRS, *Broadband Internet Access and the Digital Divide: Federal Assistance Programs*, *supra* note 4 at 1.

⁹ FCC, *Establishing the Digital Opportunity Data Collection*, at 1-2 (Jan. 19, 2021), available at <https://www.fcc.gov/document/fcc-takes-next-step-collect-more-precise-broadband-mapping-data> (last visited Mar. 28, 2021).

¹⁰ *Id.* at 3.

¹¹ 47 U.S.C. 642(a)(1)(A) and (a)(2) (2020).

¹² Marguerite Reardon, CNET, *FCC Chair Rosenworcel Launches Broadband Mapping Taskforce* (Feb. 17, 2021), available at <https://www.cnet.com/news/fcc-chair-rosenworcel-launches-broadband-mapping-task-force/> (last visited Mar. 28, 2021).

¹³ FCC, *Establishing the Digital Opportunity Data Collection*, *supra* note 15 at 5, 8-16.

¹⁴ FCC, *Broadband Data Collection Consumer Information*, available at <https://www.fcc.gov/BroadbandData/consumers> (last visited Apr. 1, 2021).

¹⁵ FCC, *Carr Welcomes New, Four-Month Timeline for Broadband Maps*, available at <https://docs.fcc.gov/public/attachments/DOC-370911A1.pdf> (last visited Apr. 1, 2021).

¹⁶ FCC, *FCC Launches \$20 Billion Rural Digital Opportunity Fund* (Feb. 7, 2020), available at <https://www.fcc.gov/document/fcc-launches-20-billion-rural-digital-opportunity-fund-0> (last visited Mar. 28, 2021).

Florida entities received over \$190 million (to be distributed over the next 10 years) in this first round of funding.¹⁷

Phase II of the Fund will target underserved localities, as identified by the FCC's Digital Opportunity Data Collection Program.¹⁸ Using this more precise data, the second phase of FCC grants will make available at least \$4.4 billion to target geographic areas where some locations lack access to 25/3 Mbps broadband.¹⁹

FCC's Emergency Broadband Benefit Program

Congress appropriated \$3.2 billion in December 2020 to expand broadband access via subsidies for broadband service to students, families, and unemployed workers.²⁰ Eligible households can receive a discount of up to \$50 per month off their broadband service bill for service and associated equipment. A household is eligible to receive a subsidy if any member of the household: qualifies for the Lifeline program, receives benefits under the free or reduce-price school lunch program, received a Federal Pell Grant, experienced a substantial loss of income in the last year and had a total household income in 2020 below \$99,000 for single filers and \$198,000 for joint filers, or meets criteria to participate in service providers' existing low-income or COVID-19 programs.²¹ The program will conclude when all the funding has been expended or six months after the end of the public health emergency.²²

U.S. Department of Agriculture Programs

The U.S. Department of Agriculture (USDA) has several rural utilities programs to provide a variety of loans and grants to build and expand broadband networks.²³ The ReConnect Program offers federal loans, grants, and loan/grant combinations to facilitate broadband deployment to rural areas without access to sufficient broadband service. Eligible entities include cooperatives and nonprofits, for-profit companies, and state and local governments and their agencies and political subdivisions. Applicants for a grant or a loan/grant combination under the ReConnect Program must submit a scoring sheet by which USDA may analyze nine separate evaluation criteria to score the application. One of the evaluation criteria is whether the proposed project is in a state with a broadband plan that has been updated within the previous 5 years.²⁴

¹⁷ Federal Communications Commission, *Auction 904 Winning Bidders: Attachment A*, available at <https://www.fcc.gov/document/auction-904-winning-bidders> (last visited Mar. 28, 2021).

¹⁸ See, FCC, *FCC Launches \$20 Billion Rural Digital Opportunity Fund*, *supra* note 20 at 3.

¹⁹ FCC, *FCC Launches \$20 Billion Rural Digital Opportunity Fund*, *supra* note 20 at 4.

²⁰ National Conference of State Legislatures (NCSL), *COVID-19 Economic Relief Bill: Broadband Provisions* (Jan. 4, 2021), available at <https://www.ncsl.org/ncsl-in-dc/publications-and-resources/covid-19-economic-relief-bill-stimulus.aspx> (last visited Mar. 28, 2021).

²¹ FCC, *Emergency Broadband Benefit Program*, <https://www.fcc.gov/broadbandbenefit> (last visited Mar. 28, 2021).

²² See FCC, *FCC Adopts Report and Order for Emergency Broadband Benefit Program*, available at <https://www.fcc.gov/document/fcc-adopts-report-and-order-emergency-broadband-benefit-program-0> (last visited Mar. 31, 2021).

²³ USDA, *Telecom Programs*, available at <https://www.rd.usda.gov/programs-services/all-programs/telecom-programs> (last visited Mar. 28, 2021).

²⁴ See USDA, *ReConnect Loan and Grant Program*, available at <https://www.usda.gov/reconnect#anchor1> (last visited Mar. 28, 2021).

Miscellaneous Federal Broadband Initiatives

Federal assets to assist with the expansion and promotion of broadband comes from a variety of sources, for example:²⁵

- The FCC’s E-Rate Universal Service Fund subsidizes telephone service (including broadband Internet access) to low-income households, high-cost areas, rural healthcare providers, and eligible schools and libraries;²⁶
- The U.S. Department of Housing and Urban Development²⁷ and Department of Education²⁸ offer block grants that can support broadband infrastructure;
- The Department of the Interior launched a mapping tool to allow service providers to locate federal property available for infrastructure development;²⁹ and
- The National Telecommunications and Information Administration within the U.S. Department of Commerce is working to improve coordination between federal programs that fund broadband and statewide efforts.³⁰

The COVID-19 relief bill passed by Congress in December 2020³¹ included the following funding to expand broadband Internet access for students, families, and unemployed workers:³²

- \$300 million for rural broadband;³³
- \$250 million for the FCC’s telehealth program;³⁴
- \$285 million to fund a pilot program to assist with broadband issues at historically Black colleges and universities;³⁵

²⁵ See generally, National Telecommunications and Information Administration (NTIA), *American Broadband Initiative, Progress Report* (June 2020), available at https://www.ntia.doc.gov/files/ntia/publications/abi_progress_report_june2020.pdf (last visited Mar. 28, 2021).

²⁶ FCC, *E-Rate: Universal Service Program for Schools and Libraries* (Sep. 16, 2020), available at <https://www.fcc.gov/consumers/guides/universal-service-program-schools-and-libraries-e-rate> (last visited Mar. 28, 2021).

²⁷ U.S. Department of Housing and Urban Development, *State CDBG Program Broadband Infrastructure FAQs* (Jan. 7, 2016), available at <https://files.hudexchange.info/resources/documents/State-CDBG-Program-Broadband-Infrastructure-FAQs.pdf> (last visited Mar. 28, 2021).

²⁸ U.S. Department of Education, *Rural and Low-Income School Program*, available at <https://www2.ed.gov/programs/reaprlisp/index.html> (last visited Mar. 28, 2021).

²⁹ U.S. Department of Interior, *Supporting Broadband Tower Facilities in Rural America on Federal Properties Managed at Interior*, available at <https://www.doi.gov/broadband> (last visited Mar. 28, 2021).

³⁰ Broadband USA, *State Broadband Leaders Network* (Dec. 19, 2018), available at <https://broadbandusa.ntia.doc.gov/ntia-resources/state-broadband-leaders-network-sbln> (last visited Mar. 28, 2021).

³¹ Consolidated Appropriations Act of 2021, H.R. 133, 116th Cong. (2021).

³² NCSL, *COVID-19 Economic Relief Bill: Broadband*, *supra* note 24..

³³ See generally, NTIA, *Overview of Consolidated Appropriations Act, 2021: Broadband Infrastructure Deployment Grants*, available at <https://broadbandusa.ntia.doc.gov/ntia-common-content/overview-consolidated-appropriations-act-2021> (last visited Mar. 28, 2021). These grants will be available to support infrastructure for the deployment of fixed broadband service in a census block with at least one household or business that does not have access to internet at a speed of 25/3Mbps or higher.

³⁴ FCC, *COVID-19 Telehealth Program* (Feb. 9, 2021), available at <https://www.fcc.gov/covid-19-telehealth-program> (last visited Mar. 28, 2021).

³⁵ See generally, NTIA, *Minority Broadband Initiative*, available at <https://www.ntia.doc.gov/category/minority-broadband-initiative> (last visited Mar. 28, 2021).

- \$1.9 billion for “rip and replace” efforts related to Huawei and ZTE equipment in U.S. networks;³⁶ and
- \$1 billion in grants for tribal broadband programs.³⁷

Additionally, the American Rescue Plan, signed into law on March 11, 2021, includes multiple appropriations that can be used for broadband infrastructure, such as \$10 billion for the Capital Projects Fund to provide grants to states for the costs of capital projects, like broadband infrastructure and \$130.2 billion for Community Development Block Grants that can be used for community development projects, including broadband infrastructure.³⁸

Other State Action

All 50 states have created either a task force, commission, or authority to coordinate broadband expansion.³⁹ One organization has studied the work of several state broadband offices authorities and determined that effective practices include stakeholder outreach and engagement at both the state and local levels; thorough development of a policy framework with well-defined goals; adoption of a state broadband plan; and helping communities identify their broadband goals and needs to better connect them with satisfactory resources.⁴⁰

Florida’s Office of Broadband

In 2020 the Legislature created the Florida Office of Broadband (Office) within the Department of Economic Opportunity (DEO).⁴¹ The Office is tasked with developing, marketing, and promoting broadband Internet service in the state.

Specifically, the Office must:

- Create a strategic plan for increasing the use of broadband Internet service in Florida which must include a process to review and verify public input regarding transmission speeds and availability of broadband Internet service throughout the state;
- Build local technology planning teams representing, among others, libraries, schools, colleges and universities, local health care providers, private businesses, community

³⁶ B. Braverman, M. Browne, and J. Mark, *Let Her Rip! FCC Adopts Remove-and-Replace Rules* (Jan. 15, 2021), available at <https://www.dwt.com/insights/2021/01/fcc-huawei-zte-rip-and-replace-rules> (last visited Mar. 28, 2021). See also, FCC, *Second Report and Order in re: Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs* (Dec. 10, 2020), available at <https://docs.fcc.gov/public/attachments/FCC-20-176A1.pdf> (last visited Mar. 28, 2021).

³⁷ See generally, NTIA, *NTIA Announces Tribal Consultations on New Program to Increase Broadband Access Across Indian Country* (Feb. 5, 2021), available at <https://www.ntia.gov/blog/2021/ntia-announces-tribal-consultations-new-program-increase-broadband-access-across-indian> (last visited Mar. 28, 2021).

³⁸ Pub. L. No. 112-2, ss. 603 and 604 (117th Congress) (H.R. 1319). U.S. Treasury, *FACT SHEET: The American Rescue Plan Will Deliver Immediate Economic Relief to Families*, available at <https://home.treasury.gov/news/press-releases/jy0069> (last visited Apr. 2, 2021).

³⁹ NCSL, *State Broadband Task Forces, Commissions or Authorities and Other Broadband Resources* (June 2020), available at <https://www.ncsl.org/research/telecommunications-and-information-technology/state-broadband-task-forces-commissions.aspx> (last visited Mar. 28, 2021).

⁴⁰ Kathryn de Wit, Pew Charitable Trusts, *How States are Expanding Broadband Access* (Feb. 27, 2020), available at <https://www.pewtrusts.org/en/research-and-analysis/reports/2020/02/how-states-are-expanding-broadband-access> (last visited Mar. 15, 2021).

⁴¹ Chapter 2020-26, Laws of Fla.

organizations, economic development organizations, local governments, tourism, parks and recreation, and agriculture;

- Encourage the use of broadband Internet service, especially in rural, unserved, and underserved⁴² areas of the state through grant programs; and
- Monitor, participate in, and provide input in proceedings of the FCC and other federal agencies related to the geographic availability and deployment of broadband Internet service as necessary to ensure that Florida's rural, unserved, and underserved areas are best positioned to benefit from federal and state broadband deployment programs.⁴³

The DEO may apply for and accept federal grant funds, enter into necessary or useful contracts, and establish any committee or workgroup to further the above goals.⁴⁴

III. Effect of Proposed Changes:

Office of Broadband Mapping Requirements (Section 1, amending s. 364.0135, F.S.)

The bill expands the Office's duties to require it to develop geographical information system (GIS) maps of Florida's broadband Internet service availability by June 30, 2022, and to update the mapping annually thereafter. The mapping must be consistent with the FCC's Digital Opportunity Data Collection Program and be made in consultation with other state agencies, local governments, service providers, private businesses, educational institutions, and community organizations and leaders.

The maps must specifically identify:

- Where broadband-capable networks currently exist and where broadband Internet service is available to Florida's consumers.
- The download and upload rates at which service providers make broadband Internet service available to Florida's businesses and individuals.
- Gaps in Florida's broadband Internet service coverage—especially any areas that are underserved or unserved within rural areas of opportunity.⁴⁵
- Any other mapping information that another Florida agency has already compiled.
- Locations where broadband Internet service is not available, or is provided at speeds below 25/3 Mbps, as identified by public input.

The bill permits the Office to collaborate with Enterprise Florida, Inc., state agencies, local governments, private businesses, and community organizations to create a process to collect and verify public data regarding the availability of broadband Internet service. The bill repeals the current requirement in s. 364.0135(4)(a), F.S., that the Office include a process to review and

⁴² Section 364.0135(2)(d), F.S., defines the term "underserved" to mean a geographic area of this state in which there is no provider of broadband Internet service that offers a connection to the Internet with a capacity for transmission at a consistent speed of at least 10 Mbps downstream and at least 1 Mbps upstream

⁴³ Section 364.0135(4), F.S.

⁴⁴ Section 364.0135(5), F.S.

⁴⁵ The currently designated rural areas of opportunity (RAOs) are the Northwest RAO, the South Central RAO, and the North Central RAO. See DEO, *Rural Areas of Opportunity*, available at <http://www.floridajobs.org/community-planning-and-development/rural-community-programs/rural-areas-of-opportunity> (last visited Mar. 28, 2021).

verify public input regarding transmission speeds and availability of broadband Internet service in its strategic plan.

The Office must also verify any mapping data it receives from another governmental entity or a contractor by comparing it to the source of the data and by evaluating the collection methodology, study organization, and verification processes. If a contractor is used, the governmental entity must also describe the contractor collecting the data.

The bill also requires the Office to create another GIS map by June 30, 2022, that details Florida's broadband infrastructure assets. This map must include the location of any state and federal physical or funding assets that can be used for expanding broadband infrastructure by, e.g., burying or stringing fiber optic cable. Such assets include municipally or city-owned towers, public transportation corridors, capital projects, community-owned land and infrastructure (such as utility poles), and federal E-rate funding commitments.

Florida Broadband Opportunity Program (Section 2, amending s. 364.0136, F.S.)

The bill creates the Broadband Opportunity Program, which will award grants of up to \$5 million per project to applicants who seek to expand access to broadband Internet service in unserved and underserved areas of the state. The Office will administer the grant program. Entities may apply for grants to fund the installation or deployment of infrastructure that supports broadband Internet service in underserved or unserved areas. Eligible entities to apply for a grant include businesses and Indian tribes. The grant program is subject to appropriation and state funds may not be used to install or deploy broadband Internet service in a geographic area that already has service from at least one provider.

Applicants must submit a grant application to the Office, which must include:

- A description of the project area;
- A description of the kind and amount of broadband Internet service infrastructure that is proposed;
- Evidence demonstrating the unserved or underserved nature of the project area and the number of households and businesses that would have new access to broadband Internet service or that would have upgraded broadband Internet service as a result of the grant;
- A list of significant community institutions that would benefit from the grant;
- The total cost of the project and the timeframe in which it would be completed;
- Sources of funding or in-kind contributions that would supplement any awarded grant; and
- Any other information required by the Office.

The Office must publish the criteria and quantitative scoring system it will use to evaluate applications and award grants each fiscal year. The criteria and quantitative scoring system must include the criteria listed in the bill, as discussed below.

After it receives grant program applications, the Office must publish the proposed areas to be served and the proposed broadband Internet speed at which the area will be served. A broadband Internet service provider that provides existing service in, or adjacent to, a proposed project area

may challenge the grant program applicant's plan. The challenge must be made within 45 days of the Office publishing the application information and demonstrate that:

- The provider currently has deployed broadband Internet service to retail customers within the proposed project area;
- The provider has begun construction to provide broadband Internet service to retail customers within the proposed project area within the timeframe proposed by the applicant; or
- The provider commits to providing broadband Internet service to retail customers within the proposed project area within the timeframe proposed by the applicant.

The Office must notify the applicant if a challenge is made. If the Office determines that the challenge is valid, the Office may not fund the challenged project. If a challenger fails to fulfill its commitment to provide broadband Internet service in accordance with its challenge, it is excluded from submitting another challenge for the next two grant cycles, unless the Office determines the failure to fulfill the commitment was due to circumstances beyond provider's control.

The Office must prioritize applications that:

- Offer broadband Internet service to community institutions including libraries, educational institutions, public safety facilities, and healthcare facilities;
- Facilitate the use of telemedicine and electronic health records;
- Serve economically distressed areas of the state;
- Provide for scalability to transmission speeds of at least 100/10 Mbps;
- Actively promote the adoption of the newly available broadband Internet services in the community;
- Provide evidence of strong support for the project from citizens, government, businesses, and institutions in the community;
- Provide access to broadband Internet service to the greatest number of unserved and underserved households and businesses;
- Leverage greater amounts of funding for the project from private or federal sources; or
- Demonstrate consistency with the Office's strategic plan.⁴⁶

The Office must attempt to award grants to qualified applicants in all regions of the state. The Office cannot award grants:

- To provide broadband Internet service to an area that already has broadband Internet service from at least one provider.
- To a governmental entity, rural electric cooperative or its broadband affiliate, or an educational institution or affiliate, for the purpose of providing broadband Internet service to any residential or commercial premises, unless other broadband Internet service providers have not deployed broadband Internet service to the unserved or underserved area.
- For the purpose of serving any retail end user that already has access to broadband Internet service.
- To any entity if, when combined with any other federal, state, or local funds, the grant will constitute more than 50 percent of the project's funding.

⁴⁶ The Office has not published a strategic plan at this time.

The Office must enter into an agreement with the applicant that is awarded a grant under the grant program. The agreement must specify the total amount of the grant, performance conditions, payment schedule, and sanctions for failure to meet performance conditions, including, but not limited to, requiring the return of grant funds.

By October 15, 2022, and each year thereafter, the Office must publish on its website and include in the DEO's annual report under s. 20.60, F.S.:

- A list of all grant applications it received during the previous fiscal year and for each application:
 - The results of any quantitative weighting or scoring system the Office used to award grants or rank the applications.
 - The grant amount requested.
 - The grant amount awarded, if any.
 - A report on the progress of each grant recipient in acquiring and installing infrastructure that supports the provision of broadband Internet service in the project areas for which the grant was awarded and in securing adoption of such service in each project area.
- All written challenges during the previous fiscal year.

Florida Broadband Deployment Task Force (Section 1, amending s. 364.0135(5), F.S.)

The bill creates a Broadband Deployment Task Force to support and provide recommendations to the Office for the deployment of broadband Internet service throughout Florida, including addressing rural infrastructure issues and urban adoption strategies.

The task force members must have an interest and significant expertise in broadband and the bill establishes the membership as follows:

- One member each from the Department of Agriculture and Consumer Services, the Department of Management Services, the Department of Transportation, the Department of Education, the Department of Health, and the Office of Technology and Information Services within the Department of Environmental Protection, all of whom will be appointed by his or her respective agency head;
- One member from the Florida Association of Counties to represent underserved or unserved rural communities, who will be appointed by the DEO's executive director;
- One member of the Florida League of Cities to represent underserved or unserved rural communities, who will be appointed by the DEO's executive director;
- Two members of the public—one who lives in an underserved area and one who lives in an unserved area of Florida—who will be appointed by the Governor; and
- One member from each of the following types of broadband industry providers, who will all be appointed by the Governor: a wireless provider, a wireline provider, a broadband satellite provider, a cable provider, a rural local exchange carrier, and a competitive local exchange carrier.

The initial task force members must be appointed by September 1, 2021. The DEO is required to provide administrative and technical assistance to the task force.

The bill outlines the following specific duties for the task force:

- Identify federal funding sources to assist with the expansion or improvement of broadband Internet in Florida;
- Identify geographic gaps in Florida’s broadband Internet service coverage;
- Identify specific projects to further deploy broadband Internet service throughout Florida;
- Develop strategies and recommendations to the Office for inclusion in the strategic plan to:
 - Expand broadband Internet service to rural areas of opportunity—including establishing partnerships with local governments, other state and federal entities, electric utilities, businesses, and the public;
 - Address areas in the state which have broadband Internet service, but where such service is not affordable, as part of an urban strategy;
 - Enable outreach and establish partnerships to best use the federal Emergency Broadband Benefit Program; and
- Coordinate with state agencies and other governmental entities that have oversight in broadband Internet activities or that control potential funding opportunities.

By October 15, the task force is required to submit an annual report that details its findings and recommendations to the DEO for inclusion in its annual report. The Office must also publish the report on its website. The task force expires three years after its members are required to be appointed, on September 1, 2024.

Office of Broadband’s Role in the Emergency Broadband Benefit Program (Section 3, creating s. 364.0137, F.S.)

The bill requires the Office to establish a process to identify households that may be eligible to receive a subsidy under the federal Emergency Broadband Benefit Program. The Office must also, when possible, provide notice to identified households that they may be eligible to receive assistance under the program along with information on other state or federal resources that may provide assistance with debt relief.

The bill adopts the federal Emergency Broadband Benefit Program recipient eligibility language, as discussed above in the Present Situation.

The bill requires providers to provide the subsidies in compliance with the federal program. A provider cannot disqualify an eligible household because a member of the household owes payments to the provider or has owed payments in the past. The bill continues to mirror the federal law by requiring that the subsidy must be up to \$50, but no more than the standard rate for service and associated equipment.

Local Technology Planning Teams

Current law requires the Office to create local technology planning teams or partnerships, the membership of which consists of representatives of education, health care, private business, agriculture, economic development organizations, local government, and tourism. Current law does not provide a specific purpose or goal for these teams. The bill adds language that targets

the teams' work to unserved and underserved communities—especially fiscally constrained counties. The bill outlines the following duties for the teams:

- Work with rural communities to help them understand their current service availability;
- Locate unserved and underserved businesses or residents;
- Identify assets that may be used to further deploy broadband;
- Build partnerships with broadband service providers;
- Identify opportunities to increase the use and deployment of broadband in the community; and
- Be proactive in fiscally constrained counties to identify and provide assistance with applications for federal broadband grants.

Miscellaneous

Legislative Findings

The bill updates the legislative findings to state that Florida's sustainable adoption of broadband Internet service is essential to all its residents, rather than beneficial to specific entities.

Definitions

The bill adds a definition of the term “unserved” to mean a geographic area of Florida in which there is no provider of broadband Internet service that offers a connection to the Internet with a capacity for transmission at a speed of 25/3 Mbps—the speed used by the FCC to define sufficient broadband Internet.

The bill also amends the definition of “underserved” to mean a geographic area of Florida in which there is no internet service provider that offers a connection to the Internet with a capacity for transmission at a speed of 100/10 Mbps. This is higher than any current definition of broadband.

Public Records

The bill adds language that clarifies that any information that is already confidential or exempt from public disclosure under ch. 119, F.S., when held by the DEO retains that confidentiality or exemption when given to the DEO by a broadband service provider pursuant to s. 364.0135, F.S.

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.⁴⁷ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.⁴⁸

Chapter 119, F.S., known as the Public Records Act, provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that Florida

⁴⁷ Art. I, s. 24(a), Fla. Const.

⁴⁸ *Id.*

agencies must provide access to its public records.⁴⁹ The Legislature may exempt specific types of public records from public access requirements;⁵⁰ the exemption must state with specificity the public necessity that justifies the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.⁵¹ For example, s. 288.075(3) and (4), F.S., make trade secrets held by an economic development agency and proprietary confidential business information held by an economic development agency, respectively, confidential and exempt from s. 119.071(1), F.S.

Effective Date

The bill takes effect on July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

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

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁴⁹ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁵⁰ Art. I, s. 24(c), Fla. Const.

⁵¹ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

B. Private Sector Impact:

The bill may ultimately help to provide more affordable broadband Internet service to Florida's communities by increasing related infrastructure and identifying funding sources to subsidize other related costs. The bill will benefit eligible providers by assisting them to expand their services.

Households eligible for the federal Emergency Broadband Benefit Program may benefit from notification by the DEO of their potential eligibility for the program.

C. Government Sector Impact:

The bill creates several new duties for the DEO, including:

- Undertaking GIS mapping for both broadband Internet service availability and broadband infrastructure assets;
- Gathering public input for the service availability map;
- Providing administrative and technical support to the task force created within the Office;
- Administering the Broadband Opportunity Program; and
- Identifying and providing information to potentially eligible households for the federal Emergency Broadband Benefit Program.

The bill does not appropriate the Office any resources or funding to complete these expanded duties. To staff the Office to meet these new duties, the DEO estimates the need for 3 FTE and 1 OPS, at a total cost of about \$321,000 recurring.⁵²

The DEO estimates that to hire a vendor and complete project setup for the GIS mapping would cost about \$1 million in Fiscal Year 2021-2022 and \$500,000 recurring for yearly maintenance and updates. Related to the broadband infrastructure asset mapping, the DEO estimates that to hire a vendor and complete project setup for the asset mapping would cost about \$1 million in Fiscal Year 2021-2022 and \$500,000 recurring for yearly maintenance and updates.

To establish the task force, host and conduct the meetings, pay for travel and per diem expenses, and complete the annual report, the DEO estimates a cost of \$300,000 recurring. The task force is required to verify any mapping data it receives from another governmental entity or contractor; the DEO anticipates hiring a vendor to assist with this requirement, with an initial setup cost of \$1 million in in Fiscal Year 2021-2022.

Related to the new duties that the bill prescribes to local technology planning teams, the DEO estimates a recurring cost of \$100,000 to provide administrative support and cover the costs of meeting and other related expenses.

⁵² Fiscal impacts attributed to DEO estimates are from DEO, *Fiscal Request – SB 1560 Broadband Internet Service* (April 5, 2021) (on file with the Senate Transportation, Tourism, and Economic Development Appropriations Subcommittee).

The bill does not appropriate any funds to the Broadband Opportunity Program, created in the bill to provide grants to support the growth of broadband Internet infrastructure in Florida. The bill provides that this program is subject to appropriation. At this time, no funding is provided in SB 2500 for this program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Section 20.052, F.S., sets forth requirements for advisory bodies created by law. The body must be created only when found to be necessary and beneficial to furthering a public purpose, and it must be terminated when that need or benefit no longer exists. The body may not be created unless it meets a statutorily defined purpose; its powers and responsibilities conform with s. 20.03, F.S., as discussed below; its members are appointed to 4-year staggered terms; and its members serve without additional compensation or honorarium, unless otherwise expressly provided, and are authorized to receive only per diem and reimbursement for travel.

The bill states that the task force shall operate in a manner consistent with s. 20.052, F.S. The bill does not expressly provide for task force member terms, whether the members are authorized to receive per diem or travel reimbursement, or the duration of the task force. By operating in a manner consistent with s. 20.052, F.S., the term of task force members is 4 years, though the application of staggered terms is not clear, and task force members serve without additional compensation, but are entitled to per diem or travel reimbursement.

Section 20.03, F.S., defines a “task force” as an advisory body that is created by a specific statutory enactment for a time not to exceed 3 years and that will cease to exist after it completes its assignment. The task force created in the bill expires three years after its members are appointed, on September 1, 2024.

The confidentiality and public record exemption language in s. 364.0135(6), F.S., of the bill appears to reiterate current confidentiality and public record exemption language that already exist elsewhere in law. Therefore, this language appears to be duplicative and unnecessary.

The DEO may lack expertise to be able to identify potentially eligible households for the federal Emergency Broadband Benefit Program and to direct consumers to state or federal resources that may provide assistance with debt relief as required by the bill.

VIII. Statutes Affected:

The bill substantially amends section 364.0135 of the Florida Statutes.

The bill creates the following sections of the Florida Statutes: 364.0136 and 364.0137.

IX. Additional Information:

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

CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 8, 2021:

The committee substitute does the following:

- Removes duplicative language related to public input;
- Clarifies that the Office of Technology and Information Services is within the Department of Environmental Protection (task force member);
- Clarifies the duties of the task force and directs strategies developed to be recommended to the Office of Broadband for inclusion in its strategic plan;
- Requires the annual report by the task force to be submitted by October 15 for inclusion in the DEO annual report and also to be published on the Office’s website;
- Sets the task force to expire 3 years after appointments are required to be made – on September 1, 2024;
- Clarifies that current law related to priority to grants by the Office does not apply to the new Broadband Opportunity Grant Program;
- Allows for leverage of federal funding for grants under the grant program; and
- Requires the annual report by the Office on the grant program to be submitted by October 15 for inclusion in the DEO annual report and clarifies the timeframe for the information (by fiscal year).

CS by Commerce and Tourism on March 15, 2021:

The CS creates the Broadband Opportunity Program to award grants to support broadband Internet infrastructure in underserved and unserved areas of Florida. The Grant Program will be administered by the Office and is subject to appropriation.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/12/2021	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 106 - 445
and insert:
state. ~~The plan must include a process to review and verify public input regarding transmission speeds and availability of broadband Internet service throughout the state.~~

(b) Build and facilitate local technology planning teams or partnerships with members representing cross-sections of the



10 community, which may include, but are not limited to,
11 representatives from the following organizations and industries:
12 libraries, K-12 education, colleges and universities, local
13 health care providers, private businesses, community
14 organizations, economic development organizations, local
15 governments, tourism, parks and recreation, and agriculture. The
16 local technology planning teams or partnerships shall work with
17 rural communities to help the communities understand their
18 current broadband availability, locate unserved and underserved
19 businesses and residents, identify assets relevant to broadband
20 deployment, build partnerships with broadband service providers,
21 and identify opportunities to leverage assets and reduce
22 barriers to the deployment of broadband Internet services in the
23 community. The teams or partnerships must be proactive in
24 fiscally constrained counties in identifying and providing
25 assistance with applying for federal grants for broadband
26 Internet service.

27 (c) Encourage the use of broadband Internet service,
28 especially in the rural, unserved, or underserved communities of
29 this ~~the~~ state through grant programs having effective
30 strategies to facilitate the statewide deployment of broadband
31 Internet service. For any grants to be awarded, priority must be
32 given to projects that:

33 1. Provide access to broadband education, awareness,
34 training, access, equipment, and support to libraries, schools,
35 colleges and universities, health care providers, and community
36 support organizations.

37 2. Encourage the sustainable adoption of broadband in
38 primarily underserved areas by removing barriers to entry.



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39 3. Work toward encouraging investments in establishing
40 affordable and sustainable broadband Internet service in
41 underserved areas of this ~~the~~ state.

42 4. Facilitate the development of applications, programs,
43 and services, including, but not limited to, telework,
44 telemedicine, and e-learning to increase the usage of, and
45 demand for, broadband Internet service in this ~~the~~ state.

46 (d) Monitor, participate in, and provide input in
47 proceedings of the Federal Communications Commission and other
48 federal agencies related to the geographic availability and
49 deployment of broadband Internet service in this ~~the~~ state as
50 necessary to ensure that this information is accurately
51 presented and that rural, unserved, and underserved areas of
52 this ~~the~~ state are best positioned to benefit from federal and
53 state broadband deployment programs.

54 (e) By June 30, 2022, develop geographic information system
55 maps of broadband Internet service availability throughout this
56 state. The office shall collaborate with broadband service
57 providers, state agencies, local governmental entities, private
58 businesses, educational institutions, and community
59 organizations and leaders to develop such maps.

60 1. The maps must do all of the following:

61 a. Be consistent with the Digital Opportunity Data
62 Collection program reporting standards established by the
63 Federal Communications Commission.

64 b. Identify where broadband-capable networks exist and
65 broadband Internet service is available to end users.

66 c. Identify download and upload transmission speeds made
67 available to businesses and individuals in this state.



68 d. Identify gaps in broadband Internet service coverage,
69 specifying underserved and unserved areas within those areas of
70 this state designated as a rural area of opportunity under s.
71 288.0656(2).

72 e. Include any other mapping information already compiled
73 by other state agencies.

74 f. Be updated annually.

75 2. Any mapping data received from another governmental
76 entity or a contractor must be verified. Such data must be
77 verified against the source of the data and whether such entity
78 is able to demonstrate that it has employed a sound and reliable
79 methodology in the collection, organization, and verification of
80 the data it has submitted to the office. If a governmental
81 entity enters into a valid contract with a contractor to collect
82 broadband availability data, the entity must describe the third
83 party providing the data as well as the methodology used to
84 collect, organize, and verify the availability data provided.

85 3. The office must establish a mechanism to receive and
86 verify public input which identifies locations in which
87 broadband Internet service is not available, including locations
88 in which broadband Internet service is provided at data
89 transmission speeds below the standard established by the
90 Federal Communications Commission for broadband Internet
91 service. Upon verification, the office shall adjust its
92 geographic information system maps to reflect information
93 received from the public. In developing and implementing this
94 mechanism, the office may work in collaboration with, and
95 receive staffing support and other resources from, Enterprise
96 Florida, Inc., state agencies, local governments, private



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97 businesses, and community organizations.

98 (f) By June 30, 2022, develop a broadband infrastructure
99 asset map that includes, but is not limited to:

100 1. State and federal assets, including, but not limited to,
101 municipally or city-owned towers that may be used by providers;
102 rights-of-way that may be made available for easier and less
103 expensive access to burying or stringing fiber optic cable;
104 public transportation corridors; capital projects that may be
105 used as an opportunity to lay new fiber optic conduit for future
106 activation; and federal E-rate funding commitments; and

107 2. Community-owned land and infrastructure, including, but
108 not limited to, land that may be leased and utility poles that
109 may be used to expand broadband networks.

110 (g) Administer the Broadband Opportunity Program
111 established in s. 364.0136.

112 (5) BROADBAND DEPLOYMENT TASK FORCE.—The Broadband
113 Deployment Task Force, a task force as defined in s. 20.03(8),
114 is established within the department to support and provide
115 recommendations to the office for the deployment of broadband
116 Internet service throughout this state, including, but not
117 limited to, rural buildout and urban adoption strategies. The
118 department shall provide administrative and technical assistance
119 to the task force in the performance of its duties. The task
120 force shall operate in a manner consistent with s. 20.052.

121 (a) The task force shall be composed of the following
122 members, who must be appointed by September 1, 2021, and who
123 must have an interest and significant expertise in broadband
124 Internet services:

125 1. One member from each of the following state agencies,



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126 who shall be appointed by his or her agency head: the Department
127 of Agriculture and Consumer Services, the Department of
128 Management Services, the Department of Transportation, the
129 Department of Education, the Department of Health, and the
130 Office of Technology and Information Services within the
131 Department of Environmental Protection.

132 2. One member from the Florida Association of Counties as a
133 representative of underserved or unserved rural communities, who
134 is recommended by the association and appointed by the executive
135 director.

136 3. One member from the Florida League of Cities as a
137 representative of underserved or unserved rural communities, who
138 is recommended by the league and appointed by the executive
139 director.

140 4. Two members of the public who are appointed by the
141 Governor, including one member who resides in an underserved
142 area of this state and one member who resides in an unserved
143 area of this state.

144 5. One member from each of the following segments of the
145 broadband industry, who shall be appointed by the Governor: a
146 wireless provider, a wireline provider, a broadband satellite
147 provider, a cable provider, a rural local exchange carrier, and
148 a competitive local exchange carrier.

149 (b) Any vacancy on the task force must be filled in the
150 same manner as the original appointment.

151 (c) The task force shall identify:

152 1. Any available federal funding sources for the expansion
153 or improvement of broadband Internet services in this state.

154 2. Any gaps in broadband Internet service coverage for any



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155 area of this state.

156 3. Specific projects that will accomplish the deployment of
157 broadband Internet service throughout this state.

158 (d) The task force shall develop strategies and make
159 recommendations to the office for inclusion in its strategic
160 plan to:

161 1. Expand broadband Internet service to any area of this
162 state designated as a rural area of opportunity, including, but
163 not limited to, methods of building partnerships with local
164 governments, other state and federal entities, electric
165 utilities, the business community, and the public to support
166 broadband Internet service in such areas.

167 2. Address areas of this state which have broadband
168 Internet service, but where such service is not affordable, as
169 part of an urban strategy.

170 3. Enable outreach and establish partnerships to facilitate
171 maximum use of the federal Emergency Broadband Benefit Program
172 within the Consolidated Appropriations Act, 2021, Pub. L. No.
173 116-260 and regulations adopted thereunder.

174 (e) The task force may coordinate with state agencies and
175 other governmental entities with oversight in broadband Internet
176 activities or potential funding opportunities.

177 (f) The task force shall submit an annual report of its
178 findings and recommendations by October 15 to the department for
179 inclusion in its annual report required under s. 20.60. The
180 office must also publish the report on its website.

181 (g) This subsection expires on September 1, 2024.

182 (6) CONFIDENTIALITY.—Any information that is confidential
183 or exempt from public disclosure under chapter 119 when in the



184 possession of the department retains its status as confidential
185 or exempt from disclosure under chapter 119 when provided by a
186 broadband service provider under this section.

187 (7)(5) ADMINISTRATION.—The department may:

188 (a) Apply for and accept federal funds for purposes of this
189 section.

190 (b) Enter into contracts necessary or useful to carry out
191 the purposes of this section.

192 (c) Establish any committee or workgroup to administer and
193 carry out the purposes of this section.

194 Section 2. Section 364.0136, Florida Statutes, is created
195 to read:

196 364.0136 Broadband Opportunity Program.—

197 (1) The Broadband Opportunity Program is established within
198 the Florida Office of Broadband within the Department of
199 Economic Opportunity to award grants to applicants who seek to
200 expand broadband Internet service to unserved and underserved
201 areas of this state. The office must administer and act as
202 fiscal agent for the program and is responsible for receiving
203 and reviewing applications and awarding grants. Funding for the
204 program shall be subject to appropriation.

205 (2) Grants awarded under this section shall fund the
206 installation or deployment of infrastructure that supports the
207 provision of broadband Internet service. State funds may not be
208 used to install or deploy broadband Internet service to a
209 geographic area in which broadband Internet service is already
210 deployed by at least one provider.

211 (3) Applicants eligible for grant awards include:

212 (a) Corporations, limited liability companies, general



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213 partnerships, and limited partnerships that are organized under
214 the laws of this state or otherwise authorized to transact
215 business in this state.

216 (b) Indian tribes.

217 (4) The office may not award, directly or indirectly,
218 grants under this section to a governmental entity, a rural
219 electric cooperative or its broadband affiliate, or an
220 educational institution or affiliate to provide broadband
221 Internet service to any residential or commercial premises,
222 unless other broadband Internet service providers have not
223 deployed service to an unserved or underserved area.

224 (5) An eligible applicant shall submit a grant application
225 to the office on a form prescribed by the office. A grant
226 application must include all of the following information:

227 (a) A description of the project area.

228 (b) A description of the kind and amount of broadband
229 Internet service infrastructure which is proposed.

230 (c) Evidence demonstrating the unserved or underserved
231 nature of the project area.

232 (d) The number of households and businesses which would
233 have access to broadband Internet service as a result of the
234 grant.

235 (e) A list of significant community institutions that would
236 benefit from the grant.

237 (f) The total cost of the project and the timeframe in
238 which it would be completed.

239 (g) A list identifying sources of funding or in-kind
240 contributions that would supplement any awarded grant.

241 (h) Any other information required by the office.



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242 (6) (a) At least 30 days before the first day grant
243 applications may be submitted each fiscal year, the office shall
244 publish on its website the specific criteria and quantitative
245 scoring system it will use to evaluate or rank grant
246 applications. Such criteria and quantitative scoring system must
247 include the criteria set forth in subsection (7).

248 (b) Within 3 business days after the close of the grant
249 application process, the office shall publish on its website,
250 from each grant application submitted, the proposed unserved or
251 underserved areas to be served and the proposed broadband
252 Internet speeds of the areas to be served.

253 (c) A broadband Internet service provider that provides
254 existing service in or adjacent to a proposed project area may
255 submit to the office, within 45 days after publication of the
256 information under paragraph (b), a written challenge to an
257 application. The challenge must contain information
258 demonstrating that:

259 1. The provider currently has deployed broadband Internet
260 service to retail customers within the project area;

261 2. The provider has begun construction to provide broadband
262 Internet service to retail customers within the proposed project
263 area within the timeframe proposed by the applicant; or

264 3. The provider commits to providing broadband Internet
265 service to retail customers within the proposed project area
266 within the timeframe proposed by the applicant.

267 (d) Within 3 business days after the submission of a
268 written challenge, the office shall notify the applicant, in
269 writing, of the challenge.

270 (e) The office shall evaluate each challenge submitted



271 under this subsection. If the office determines that the
272 provider currently has deployed, has begun construction to
273 provide, or commits to provide broadband Internet service in the
274 proposed project area, the office may not fund the challenged
275 project.

276 (f) If the office denies funding to an applicant as a
277 result of a broadband Internet service provider's challenge, and
278 the provider does not fulfill its commitment to provide
279 broadband Internet service in the unserved or underserved area,
280 the office may not consider another challenge from the provider
281 for the next two grant application cycles, unless the office
282 determines that the failure to fulfill the commitment was due to
283 circumstances beyond the provider's control.

284 (7) (a) Notwithstanding s. 364.0135(4) (c), in evaluating
285 grant applications and awarding grants, the office must give
286 priority to applications that:

287 1. Offer broadband Internet service to important community
288 institutions, including, but not limited to, libraries,
289 educational institutions, public safety facilities, and health
290 care facilities;

291 2. Facilitate the use of telemedicine and electronic health
292 records;

293 3. Serve economically distressed areas of this state, as
294 measured by indices of unemployment, poverty, or population loss
295 which are significantly greater than the statewide average;

296 4. Provide for scalability to transmission speeds of at
297 least 100 megabits per second download and 10 megabits per
298 second upload;

299 5. Include a component to actively promote the adoption of



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300 the newly available broadband Internet service in the community;

301 6. Provide evidence of strong support for the project from
302 residents, government, businesses, and institutions in the
303 community;

304 7. Provide access to broadband Internet service to the
305 greatest number of unserved and underserved households and
306 businesses;

307 8. Leverage greater amounts of funding for a project from
308 private or federal sources; or

309 9. Demonstrate consistency with the strategic plan adopted
310 under s. 364.0135.

311 (b) The office must endeavor to award grants to qualified
312 applications serving all regions of this state.

313 (8) (a) A grant awarded under this section may not be used
314 to serve any retail end user that already has access to
315 broadband Internet service.

316 (b) A grant awarded under this section, when combined with
317 any state, local, or federal funds, may not fund more than 50
318 percent of the total cost of a project.

319 (c) A single project may not be awarded a grant in excess
320 of \$5 million.

321 (9) For each grant awarded, the office shall enter into an
322 agreement with the applicant. The agreement must specify the
323 total amount of the grant, performance conditions that must be
324 met to obtain the grant, the schedule of payment, and sanctions
325 that would apply for failure to meet performance conditions,
326 including, but not limited to, requiring the return of grant
327 funds.

328 (10) By October 15, 2022, and each year thereafter, the



329 office shall publish on its website and include in the
330 department's annual report required under s. 20.60 all of the
331 following information:

332 (a) A list of all grant applications received during the
333 previous fiscal year and for each application:

334 1. The results of any quantitative weighting or scoring
335 system the office used to award grants or rank the applications.

336 2. The grant amounts requested.

337 3. The grant amounts awarded, if any.

338 4. A report on the progress of each grant recipient in
339 acquiring and installing infrastructure that supports the
340 provision of broadband Internet service in the project areas for
341 which that grant was awarded and in securing adoption of such
342 service in each project area.

343 (b) All written challenges filed during the previous fiscal
344 year

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

347 And the title is amended as follows:

348 Delete lines 27 - 48

349 and insert:

350 to the department by a specified date for inclusion in
351 its annual report; providing for expiration of the
352 task force; providing that certain information
353 provided to the department from broadband service
354 providers retains its exemption from public
355 disclosure; creating s. 364.0136, F.S.; creating the
356 Broadband Opportunity Program within the office;
357 providing for administration of the program; providing



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358 requirements for grant awards; providing eligibility
359 requirements; providing application requirements;
360 requiring the office to publish certain information
361 related to grant applications and grant awards on its
362 website; authorizing grant applications to be
363 challenged under certain circumstances; specifying
364 contents of a challenge; providing procedures to be
365 used by the office in evaluating challenges; providing
366 direction for prioritizing grant funding; specifying
367 conditions for the award of grants; requiring the
368 office to enter into an agreement containing specified
369 information with each grant recipient; requiring the
370 office to publish specified information annually on
371 its website and include the information in the
372 department's annual report; creating s. 364.0137,
373 F.S.; defining

By the Committee on Commerce and Tourism; and Senator Ausley

577-02879-21

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1 A bill to be entitled
 2 An act relating to broadband Internet service;
 3 amending s. 364.0135, F.S.; revising legislative
 4 findings; defining terms; revising the duties of the
 5 Florida Office of Broadband within the Department of
 6 Economic Opportunity; requiring local technology
 7 planning teams or partnerships to work with rural
 8 communities for specified purposes; requiring the
 9 office to develop geographic information system maps
 10 in collaboration with specified entities and
 11 consistent with certain federal reporting standards by
 12 a specified date; specifying required contents of the
 13 maps; requiring the department to annually update such
 14 maps and establish a mechanism to receive and verify
 15 governmental and public input related to broadband
 16 Internet service; authorizing the department to work
 17 collaboratively with specified entities in developing
 18 the mechanism; requiring the office to develop a
 19 broadband infrastructure asset map by a specified
 20 date; specifying required contents of the map;
 21 establishing the Broadband Deployment Task Force
 22 within the office for a specified purpose; requiring
 23 the department to provide administrative and technical
 24 assistance to the task force; providing for the
 25 membership and duties of the task force; requiring the
 26 task force to submit annual progress reports to the
 27 Governor and the Legislature by a specified date;
 28 providing that certain information provided to the
 29 department from broadband service providers retains

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

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30 its exemption from public disclosure; creating s.
 31 364.0136, F.S.; creating the Broadband Opportunity
 32 Program within the office; providing for
 33 administration of the program; providing requirements
 34 for grant awards; providing eligibility requirements;
 35 providing application requirements; requiring the
 36 office to publish certain information related to grant
 37 applications and grant awards on its website;
 38 authorizing grant applications to be challenged under
 39 certain circumstances; specifying contents of a
 40 challenge; providing procedures to be used by the
 41 office in evaluating challenges; providing direction
 42 for prioritizing grant funding; specifying conditions
 43 for the award of grants; requiring the office to enter
 44 into an agreement containing specified information
 45 with each grant recipient; requiring the office to
 46 publish specified information annually on its website
 47 and provide the information to the Governor and
 48 Legislature; creating s. 364.0137, F.S.; defining
 49 terms; requiring the office to establish a process to
 50 identify eligible households to receive federal
 51 Emergency Broadband Benefit Program funds under
 52 certain circumstances; providing for direct subsidy
 53 payments; providing for household participation in the
 54 program; requiring the office to provide certain
 55 information to potentially eligible households;
 56 providing an effective date.

57
 58 Be It Enacted by the Legislature of the State of Florida:

Page 2 of 17

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Section 1. Section 364.0135, Florida Statutes, is amended to read:

364.0135 Promotion of broadband adoption; Florida Office of Broadband.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that the sustainable adoption of broadband Internet service is critical to the economic and business development of this the state and is essential beneficial for all residents of this state, libraries, schools, colleges and universities, health care providers, and community organizations.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Department" means the Department of Economic Opportunity.

(b) "Office" means the Florida Office of Broadband.

(c) "Sustainable adoption" means the ability for communications service providers to offer broadband services in all areas of this the state by encouraging adoption and use utilization levels that allow for these services to be offered in the free market absent the need for governmental subsidy.

(d) "Task force" means the Broadband Deployment Task Force within the office.

(e)(d) "Underserved" means a geographic area of this the state in which there is no provider of broadband Internet service that offers a connection to the Internet with a capacity for transmission at a consistent speed of at least 100 10 megabits per second downstream and at least 10 megabits 1 megabit per second upstream.

(f) "Unservd" means a geographic area of this state in

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which there is no provider of broadband Internet service that offers a connection to the Internet with a capacity for transmission at a consistent speed of at least 25 megabits per second downstream and at least 3 megabits per second upstream.

(3) STATE AGENCY.—The department is designated as the lead state agency to facilitate the expansion of broadband Internet service in this the state. The department shall work collaboratively with private businesses and receive staffing support and other resources from Enterprise Florida, Inc., state agencies, local governments, and community organizations.

(4) FLORIDA OFFICE OF BROADBAND.—The Florida Office of Broadband is created within the Division of Community Development in the department for the purpose of developing, marketing, and promoting broadband Internet services in this the state. The office, in the performance of its duties, shall do all of the following:

(a) Create a strategic plan that has goals and strategies for increasing the use of broadband Internet service in this the state. The plan must include a process to review and verify public input regarding transmission speeds and availability of broadband Internet service throughout this the state.

(b) Build and facilitate local technology planning teams or partnerships with members representing cross-sections of the community, which may include, but are not limited to, representatives from the following organizations and industries: libraries, K-12 education, colleges and universities, local health care providers, private businesses, community organizations, economic development organizations, local governments, tourism, parks and recreation, and agriculture. The

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117 local technology planning teams or partnerships shall work with
 118 rural communities to help the communities understand their
 119 current broadband availability, locate unserved and underserved
 120 businesses and residents, identify assets relevant to broadband
 121 deployment, build partnerships with broadband service providers,
 122 and identify opportunities to leverage assets and reduce
 123 barriers to the deployment of broadband Internet services in the
 124 community. The teams or partnerships must be proactive in
 125 fiscally constrained counties in identifying and providing
 126 assistance with applying for federal grants for broadband
 127 Internet service.

128 (c) Encourage the use of broadband Internet service,
 129 especially in the rural, unserved, or underserved communities of
 130 this ~~the~~ state through grant programs having effective
 131 strategies to facilitate the statewide deployment of broadband
 132 Internet service. For any grants to be awarded, priority must be
 133 given to projects that:

134 1. Provide access to broadband education, awareness,
 135 training, access, equipment, and support to libraries, schools,
 136 colleges and universities, health care providers, and community
 137 support organizations.

138 2. Encourage the sustainable adoption of broadband in
 139 primarily underserved areas by removing barriers to entry.

140 3. Work toward encouraging investments in establishing
 141 affordable and sustainable broadband Internet service in
 142 underserved areas of this ~~the~~ state.

143 4. Facilitate the development of applications, programs,
 144 and services, including, but not limited to, telework,
 145 telemedicine, and e-learning to increase the usage of, and

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146 demand for, broadband Internet service in this ~~the~~ state.

147 (d) Monitor, participate in, and provide input in
 148 proceedings of the Federal Communications Commission and other
 149 federal agencies related to the geographic availability and
 150 deployment of broadband Internet service in this ~~the~~ state as
 151 necessary to ensure that this information is accurately
 152 presented and that rural, unserved, and underserved areas of
 153 this ~~the~~ state are best positioned to benefit from federal and
 154 state broadband deployment programs.

155 (e) By June 30, 2022, develop geographic information system
 156 maps of broadband Internet service availability throughout this
 157 state. The office shall collaborate with broadband service
 158 providers, state agencies, local governmental entities, private
 159 businesses, educational institutions, and community
 160 organizations and leaders to develop such maps.

161 1. The maps must do all of the following:

162 a. Be consistent with the Digital Opportunity Data
 163 Collection program reporting standards established by the
 164 Federal Communications Commission.

165 b. Identify where broadband-capable networks exist and
 166 broadband Internet service is available to end users.

167 c. Identify download and upload transmission speeds made
 168 available to businesses and individuals in this state.

169 d. Identify gaps in broadband Internet service coverage,
 170 specifying underserved and unserved areas within those areas of
 171 this state designated as a rural area of opportunity under s.
 172 288.0656(2).

173 e. Include any other mapping information already compiled
 174 by other state agencies.

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175 f. Be updated annually.

176 2. Any mapping data received from another governmental

177 entity or a contractor must be verified. Such data must be

178 verified against the source of the data and whether such entity

179 is able to demonstrate that it has employed a sound and reliable

180 methodology in the collection, organization, and verification of

181 the data it has submitted to the office. If a governmental

182 entity enters into a valid contract with a contractor to collect

183 broadband availability data, the entity must describe the third

184 party providing the data as well as the methodology used to

185 collect, organize, and verify the availability data provided.

186 3. The office must establish a mechanism to receive and

187 verify public input which identifies locations in which

188 broadband Internet service is not available, including locations

189 in which broadband Internet service is provided at data

190 transmission speeds below the standard established by the

191 Federal Communications Commission for broadband Internet

192 service. Upon verification, the board shall adjust its

193 geographic information system maps to reflect information

194 received from the public. In developing and implementing this

195 mechanism, the office may work in collaboration with, and

196 receive staffing support and other resources from, Enterprise

197 Florida, Inc., state agencies, local governments, private

198 businesses, and community organizations.

199 (f) By June 30, 2022, develop a broadband infrastructure

200 asset map that includes, but is not limited to:

201 1. State and federal assets, including, but not limited to,

202 municipally or city-owned towers that may be used by providers;

203 rights-of-way that may be made available for easier and less

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204 expensive access to burying or stringing fiber optic cable;

205 public transportation corridors; capital projects that may be

206 used as an opportunity to lay new fiber optic conduit for future

207 activation; and federal E-rate funding commitments; and

208 2. Community-owned land and infrastructure, including, but

209 not limited to, land that may be leased and utility poles that

210 may be used to expand broadband networks.

211 (g) Administer the Broadband Opportunity Program

212 established in s. 364.0136.

213 (5) BROADBAND DEPLOYMENT TASK FORCE.—The Broadband

214 Deployment Task Force, a task force as defined in s. 20.03(8),

215 is established within the department to support and provide

216 recommendations to the office for the deployment of broadband

217 Internet service throughout this state, including, but not

218 limited to, rural buildout and urban adoption strategies. The

219 department shall provide administrative and technical assistance

220 to the task force in the performance of its duties. The task

221 force shall operate in a manner consistent with s. 20.052.

222 (a) The task force shall be composed of the following

223 members, who must be appointed by September 1, 2021, and who

224 must have an interest and significant expertise in broadband

225 Internet services:

226 1. One member from each of the following state agencies,

227 who shall be appointed by his or her agency head: the Department

228 of Agriculture and Consumer Services, the Department of

229 Management Services, the Department of Transportation, the

230 Department of Education, the Department of Health, and the

231 Office of Technology and Information Services.

232 2. One member from the Florida Association of Counties as a

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233 representative of underserved or unserved rural communities, who
 234 is recommended by the association and appointed by the executive
 235 director.

236 3. One member from the Florida League of Cities as a
 237 representative of underserved or unserved rural communities, who
 238 is recommended by the league and appointed by the executive
 239 director.

240 4. Two members of the public who are appointed by the
 241 Governor, including one member who resides in an underserved
 242 area of this state and one member who resides in an unserved
 243 area of this state.

244 5. One member from each of the following segments of the
 245 broadband industry, who shall be appointed by the Governor: a
 246 wireless provider, a wireline provider, a broadband satellite
 247 provider, a cable provider, a rural local exchange carrier, and
 248 a competitive local exchange carrier.

249 (b) Any vacancy on the task force must be filled in the
 250 same manner as the original appointment.

251 (c) The task force shall:

252 1. Identify any available federal funding sources for the
 253 expansion or improvement of broadband Internet services in this
 254 state.

255 2. Identify any gaps in broadband Internet service coverage
 256 for any area of this state.

257 3. Develop strategies to expand broadband Internet service
 258 to any area of this state designated as a rural area of
 259 opportunity, including, but not limited to, methods of building
 260 partnerships with local governments, other state and federal
 261 entities, electric utilities, the business community, and the

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262 public to support broadband Internet service in such areas.

263 4. Develop an urban adoption strategy to address areas of
 264 this state which have broadband Internet service, but where such
 265 service is not affordable.

266 5. Identify specific projects that will accomplish the
 267 deployment of broadband Internet service throughout this state,
 268 including grants provided through the rural infrastructure fund
 269 pursuant to s. 288.0655(2)(b).

270 6. Coordinate with the Cabinet, state agencies, and other
 271 governmental entities with oversight in broadband Internet
 272 activities or potential funding opportunities.

273 7. Recommend outreach strategies and partnerships for
 274 maximum use of the federal Emergency Broadband Benefit Program
 275 within the Consolidated Appropriations Act, 2021, Pub. L. No.
 276 116-260 and regulations adopted thereunder.

277 (d) The task force shall submit a report of its findings
 278 and recommendations to the Governor, the President of the
 279 Senate, and the Speaker of the House of Representatives by
 280 December 30, 2022, and each year thereafter.

281 (6) CONFIDENTIALITY.—Any information that is confidential
 282 or exempt from public disclosure under chapter 119 when in the
 283 possession of the department retains its status as confidential
 284 or exempt from disclosure under chapter 119 when provided by a
 285 broadband service provider under this section.

286 (7)~~(5)~~ ADMINISTRATION.—The department may:

287 (a) Apply for and accept federal funds for purposes of this
 288 section.

289 (b) Enter into contracts necessary or useful to carry out
 290 the purposes of this section.

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291 (c) Establish any committee or workgroup to administer and
292 carry out the purposes of this section.

293 Section 2. Section 364.0136, Florida Statutes, is created
294 to read:

295 364.0136 Broadband Opportunity Program.—

296 (1) The Broadband Opportunity Program is established within
297 the Florida Office of Broadband within the Department of
298 Economic Opportunity to award grants to applicants who seek to
299 expand broadband Internet service to unserved and underserved
300 areas of this state. The office must administer and act as
301 fiscal agent for the program and is responsible for receiving
302 and reviewing applications and awarding grants. Funding for the
303 program shall be subject to appropriation.

304 (2) Grants awarded under this section shall fund the
305 installation or deployment of infrastructure that supports the
306 provision of broadband Internet service. State funds may not be
307 used to install or deploy broadband Internet service to a
308 geographic area in which broadband Internet service is already
309 deployed by at least one provider.

310 (3) Applicants eligible for grant awards include:

311 (a) Corporations, limited liability companies, general
312 partnerships, and limited partnerships that are organized under
313 the laws of this state or otherwise authorized to transact
314 business in this state.

315 (b) Indian tribes.

316 (4) The office may not award, directly or indirectly,
317 grants under this section to a governmental entity, a rural
318 electric cooperative or its broadband affiliate, or an
319 educational institution or affiliate to provide broadband

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320 Internet service to any residential or commercial premises,
321 unless other broadband Internet service providers have not
322 deployed service to an unserved or underserved area.

323 (5) An eligible applicant shall submit a grant application
324 to the office on a form prescribed by the office. A grant
325 application must include all of the following information:

326 (a) A description of the project area.

327 (b) A description of the kind and amount of broadband
328 Internet service infrastructure which is proposed.

329 (c) Evidence demonstrating the unserved or underserved
330 nature of the project area.

331 (d) The number of households and businesses which would
332 have access to broadband Internet service as a result of the
333 grant.

334 (e) A list of significant community institutions that would
335 benefit from the grant.

336 (f) The total cost of the project and the timeframe in
337 which it would be completed.

338 (g) A list identifying sources of funding or in-kind
339 contributions that would supplement any awarded grant.

340 (h) Any other information required by the office.

341 (6) (a) At least 30 days before the first day grant
342 applications may be submitted each fiscal year, the office shall
343 publish on its website the specific criteria and quantitative
344 scoring system it will use to evaluate or rank grant
345 applications. Such criteria and quantitative scoring system must
346 include the criteria set forth in subsection (7).

347 (b) Within 3 business days after the close of the grant
348 application process, the office shall publish on its website,

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349 from each grant application submitted, the proposed unserved or
 350 underserved areas to be served and the proposed broadband
 351 Internet speeds of the areas to be served.

352 (c) A broadband Internet service provider that provides
 353 existing service in or adjacent to a proposed project area may
 354 submit to the office, within 45 days after publication of the
 355 information under paragraph (b), a written challenge to an
 356 application. The challenge must contain information
 357 demonstrating that:

358 1. The provider currently has deployed broadband Internet
 359 service to retail customers within the project area;

360 2. The provider has begun construction to provide broadband
 361 Internet service to retail customers within the proposed project
 362 area within the timeframe proposed by the applicant; or

363 3. The provider commits to providing broadband Internet
 364 service to retail customers within the proposed project area
 365 within the timeframe proposed by the applicant.

366 (d) Within 3 business days after the submission of a
 367 written challenge, the office shall notify the applicant, in
 368 writing, of the challenge.

369 (e) The office shall evaluate each challenge submitted
 370 under this subsection. If the office determines that the
 371 provider currently has deployed, has begun construction to
 372 provide, or commits to provide broadband Internet service in the
 373 proposed project area, the office may not fund the challenged
 374 project.

375 (f) If the office denies funding to an applicant as a
 376 result of a broadband Internet service provider's challenge, and
 377 the provider does not fulfill its commitment to provide

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378 broadband Internet service in the unserved or underserved area,
 379 the office may not consider another challenge from the provider
 380 for the next two grant application cycles, unless the office
 381 determines that the failure to fulfill the commitment was due to
 382 circumstances beyond the provider's control.

383 (7) (a) In evaluating grant applications and awarding
 384 grants, the office must give priority to applications that:

385 1. Offer broadband Internet service to important community
 386 institutions, including, but not limited to, libraries,
 387 educational institutions, public safety facilities, and health
 388 care facilities;

389 2. Facilitate the use of telemedicine and electronic health
 390 records;

391 3. Serve economically distressed areas of this state, as
 392 measured by indices of unemployment, poverty, or population loss
 393 which are significantly greater than the statewide average;

394 4. Provide for scalability to transmission speeds of at
 395 least 100 megabits per second download and 10 megabits per
 396 second upload;

397 5. Include a component to actively promote the adoption of
 398 the newly available broadband Internet service in the community;

399 6. Provide evidence of strong support for the project from
 400 residents, government, businesses, and institutions in the
 401 community;

402 7. Provide access to broadband Internet service to the
 403 greatest number of unserved and underserved households and
 404 businesses;

405 8. Leverage greater amounts of funding for a project from
 406 private sources; or

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407 9. Demonstrate consistency with the strategic plan adopted
 408 under s. 364.0135.

409 (b) The office must endeavor to award grants to qualified
 410 applications serving all regions of this state.

411 (8) (a) The office may not award any grant to an otherwise
 412 eligible grant applicant to provide broadband Internet service
 413 in a project area for which any other federal funding has been
 414 awarded.

415 (b) A grant awarded under this section may not be used to
 416 serve any retail end user that already has access to broadband
 417 Internet service.

418 (c) A grant awarded under this section, when combined with
 419 any state or local funds, may not fund more than 50 percent of
 420 the total cost of a project.

421 (d) A single project may not be awarded a grant in excess
 422 of \$5 million.

423 (9) For each grant awarded, the office shall enter into an
 424 agreement with the applicant. The agreement must specify the
 425 total amount of the grant, performance conditions that must be
 426 met to obtain the grant, the schedule of payment, and sanctions
 427 that would apply for failure to meet performance conditions,
 428 including, but not limited to, requiring the return of grant
 429 funds.

430 (10) By January 1, 2023, and each year thereafter, the
 431 office shall publish on its website and provide to the Governor,
 432 the President of the Senate, and the Speaker of the House of
 433 Representatives all of the following information:

434 (a) A list of all grant applications received during the
 435 previous fiscal year and for each application:

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436 1. The results of any quantitative weighting or scoring
 437 system the office used to award grants or rank the applications.

438 2. The grant amounts requested.

439 3. The grant amounts awarded, if any.

440 4. A report on the progress of each grant recipient in
 441 acquiring and installing infrastructure that supports the
 442 provision of broadband Internet service in the project areas for
 443 which that grant was awarded and in securing adoption of such
 444 service in each project area.

445 (b) All written challenges filed during the previous year
 446 and the results of those challenges.

447 Section 3. Section 364.0137, Florida Statutes, is created
 448 to read:

449 364.0137 Broadband assistance funds.—

450 (1) For purposes of this section, the term:

451 (a) "Broadband service provider" means a provider of
 452 broadband Internet access service in this state.

453 (b) "Federal broadband program" means the Emergency
 454 Broadband Benefit Program within the Consolidated Appropriations
 455 Act, 2021, Pub. L. No. 116-260 and regulations adopted
 456 thereunder.

457 (2) In order to assist participating broadband service
 458 providers in identifying potential recipients for broadband
 459 assistance funds under the federal broadband program, the
 460 Florida Office of Broadband, as created in s. 364.0135, must
 461 establish a process to quickly identify potential eligible
 462 households to receive such funds.

463 (3) An eligible broadband service provider that
 464 participates in and receives funds under the federal broadband

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465 program must provide direct subsidy payments by providing
466 monthly discounts for eligible households as set forth in the
467 federal broadband program. A provider may not disqualify a
468 household because a member of the household has any past or
469 present arrearages with a broadband provider. Such discounts may
470 be no more than the standard rate for an Internet service
471 offering and associated equipment, in an amount equal to that
472 set forth in the federal broadband program.

473 (4) To be eligible for direct subsidy payments, an eligible
474 household must demonstrate low income. Such eligible households
475 include those in which at least one member of the household is
476 eligible for the National School Lunch Program or the School
477 Breakfast Program, as provided in s. 595.402, has experienced a
478 substantial loss of income since February 29, 2020, has received
479 a federal Pell Grant, is eligible for the federal Lifeline
480 program, or meets participation requirements for a service
481 provider's existing low-income or COVID-19 program, subject to
482 any other eligibility requirements required by the Federal
483 Communications Commission.

484 (5) Where possible, the office shall provide potentially
485 eligible households with notice of their potential eligibility
486 to receive financial assistance under the federal broadband
487 program and shall also direct the members of those households to
488 other state or federal resources that may provide assistance
489 with debt relief.

490 Section 4. This act shall take effect July 1, 2021.



The Florida Senate

Committee Agenda Request

To: Senator George Gainer, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic Development

Cc: Jennifer Hrdlicka, Staff Director
Robert Fourqurean, Committee Administrative Assistant

Subject: Committee Agenda Request

Date: March 18, 2021

I respectfully request that **Senate Bill #1560**, relating to Broadband Internet Service, be placed on the:

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

This bill works to comprehensively address unserved and underserved areas of the state, especially rural areas, to ensure broadband is widely available. Additionally, the legislation creates a task force comprised of subject matter experts to assist with these complex broadband issues.

Loranne Ausley

Senator Loranne Ausley
Florida Senate, District 3

THE FLORIDA SENATE
APPEARANCE RECORD

4-8-21

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

1560

Meeting Date

Bill Number (if applicable)

Topic SB 1560 - Broadband

Amendment Barcode (if applicable)

Name Chris Doolin

Job Title Consultant

Address 1018 Thomasville Rd Ste 102B

Phone 5085492

Street

Tallahassee, Fla

32308

City

State

Zip

Email cdoolin@doolinandassoc
Co.

Speaking: For Against Information

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

Representing SMALL COUNTY COALITION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

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THE FLORIDA SENATE

APPEARANCE RECORD

4/8/21

Meeting Date

SB 1560

Bill Number (if applicable)

Topic Broadband Internet Service

Amendment Barcode (if applicable)

Name Charlie Dudley

Job Title Attorney

Address 108 S Monroe St

Phone 850-681-0024

Street

Tallahassee

FL

32301

Email cdudley@flapartners.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Internet and Television

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/8/21

Meeting Date

SB 1560

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name JEFF SCALA

Job Title Associate Director of Public Policy

Address 100 S Monroe St

Phone (850) 922-4300

Street

Tallahassee

City

FL

State

32301

Zip

Email jscala@fl-counties.com

Speaking: For Against Information

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

Representing Florida Association of Counties

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

8 April 2021

Meeting Date

1560

Bill Number (if applicable)

Topic Broadband Internet Service

Amendment Barcode (if applicable)

Name James Mosteller

Job Title Advocacy Associate

Address 215 S Monroe Street, Suite 420

Phone 8507273712

Street

Tallahassee

FL

32301

Email James@afloridapromise.org

City

State

Zip

Speaking: For Against Information

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

Representing The Foundation for Florida's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/8/21

Meeting Date

SB 1560

Bill Number (if applicable)

Topic Broadband Internet service

Amendment Barcode (if applicable)

Name Brita "Breeta" Lincoln

Job Title Legislative Committee

Address 1747 Orlando Central Pkwy Phone 407/855-7604

Street

Orlando FL 32809 Email bwilkins.lincoln@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 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.

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: CS/SB 2004

INTRODUCER: Commerce and Tourism Committee and Senator Burgess

SUBJECT: Broadband Internet

DATE: April 7, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harmsen</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Hrdlicka</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Favorable</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

PLEASE MAKE SELECTION

I. Summary:

CS/SB 2004 requires the Office of Broadband (Office) within the Department of Economic Opportunity to address additional areas in its strategic plan. Specifically, the Office must develop short-term and long-term goals and strategies to increase the availability of and access to broadband Internet service in Florida; incorporate federal broadband activities that may improve Florida's broadband Internet service; and identify available federal funding for the expansion or improvement of broadband Internet service. The bill requires the Office to complete and submit its strategic plan by June 30, 2022.

Additionally, the bill requires the Office to provide technical and planning assistance to Florida's rural communities' broadband Internet infrastructure projects.

The bill provides an appropriation of \$1.4 million in nonrecurring funds for Fiscal Year 2021-2022.

II. Present Situation:

Broadband Internet Deployment

Fixed and mobile broadband Internet services provide access to numerous employment, education, entertainment, and health care opportunities.¹ Access to a sufficient internet connection has only grown more important during the COVID-19 pandemic, which requires many Americans to connect to their family and friends, schooling, work, and even medical appointments over the internet.²

While Florida's urban areas are served at a fixed broadband coverage rate of 98 percent, its rural areas are served at a rate of 78.6 percent.³ This disparity is caused primarily by high per-unit construction costs required to build broadband infrastructure across larger swaths of rural geographic areas.⁴ Communities that lack broadband access can have difficulty attracting new capital investment.⁵ Additionally, data indicates that low-income households disproportionately lack access to broadband Internet service, which puts children in those households at risk of falling behind.⁶

Broadband internet is a high speed internet that is faster than dial-up access and is always on; in 2015, the Federal Communications Commission (FCC) defined broadband as 25/3 megabits per second (Mbps), i.e., 25 Mbps (download rate) and 3 Mbps (upload rate).⁷ Consumers can receive Broadband internet through several different technologies, including a digital subscriber line (DSL), a cable modem, fiber, wireless, satellite, and broadband over power lines.⁸

Other State Action

All 50 states have created either a task force, commission, or authority to coordinate broadband expansion.⁹ One organization has studied the work of several state broadband offices authorities

¹ U.S. Federal Communications Commission (FCC), *2018 Broadband Deployment Report*, at 1 (Feb. 2, 2018), available at <https://docs.fcc.gov/public/attachments/FCC-18-10A1.pdf> (last visited Mar. 28, 2021).

² FCC, *Emergency Broadband Benefit Report and Order*, at 2-3 (Feb. 26, 2021), available at <https://docs.fcc.gov/public/attachments/FCC-21-29A1.pdf> (last visited Mar. 28, 2021).

³ FCC, *2021 Broadband Deployment Report*, at 58 (Jan. 19, 2021), available at <https://docs.fcc.gov/public/attachments/FCC-21-18A1.pdf> (last visited Mar. 28, 2021). For purposes of this data, "fixed broadband services" are measured at 25 megabits per second downstream and 3 megabits per second upstream.

⁴ National Telecommunications and Information Administration, American Broadband Initiative, *Milestones Report*, at 11 (Feb. 13, 2019), available at https://broadbandusa.ntia.doc.gov/sites/default/files/resource-files/american_broadband_initiative_milestones_report_feb_2019_0.pdf (last visited Mar. 28, 2021). See also Congressional Research Service (CRS), *Broadband Internet Access and the Digital Divide: Federal Assistance Programs*, at 7 (Oct. 25, 2019), available at <https://fas.org/sgp/crs/misc/RL30719.pdf> (last visited Mar. 28, 2021).

⁵ CRS, *Broadband Internet Access and the Digital Divide: Federal Assistance Programs*, *supra* note 4 at 8.

⁶ New American Economy Research Fund, *Back to School: A Look at the Internet Access Gap* (Aug. 6, 2020), available at <https://research.newamericaneconomy.org/report/internet-access-covid-19/> (last visited Mar. 28, 2021).

⁷ CRS, *State Broadband Initiatives: Selected State and Local Approaches as Potential Models for Federal Initiatives to Address the Digital Divide*, at 2-3 (Apr. 6, 2020), available at <https://crsreports.congress.gov/product/pdf/R/R46307> (last visited Mar. 28, 2021).

⁸ CRS, *Broadband Internet Access and the Digital Divide: Federal Assistance Programs*, *supra* note 4 at 1.

⁹ National Conference of State Legislatures (NCSL), *State Broadband Task Forces, Commissions or Authorities and Other Broadband Resources* (June 2020), <https://www.ncsl.org/research/telecommunications-and-information-technology/state-broadband-task-forces-commissions.aspx> (last visited Mar. 28, 2021).

and determined that effective practices include stakeholder outreach and engagement at both the state and local levels; thorough development of a policy framework with well-defined goals; adoption of a state broadband plan; and helping communities identify their broadband goals and needs to better connect them with satisfactory resources.¹⁰

Florida's Office of Broadband

In 2020 the Legislature created the Florida Office of Broadband (Office) within the Department of Economic Opportunity (DEO).¹¹ The Office is tasked with developing, marketing, and promoting broadband Internet service in the state.

Specifically, the Office must:

- Create a strategic plan for increasing the use of broadband Internet service in Florida which must include a process to review and verify public input regarding transmission speeds and availability of broadband Internet service throughout the state;
- Build local technology planning teams representing, among others, libraries, schools, colleges and universities, local health care providers, private businesses, community organizations, economic development organizations, local governments, tourism, parks and recreation, and agriculture;
- Encourage the use of broadband Internet service, especially in rural, unserved, and underserved¹² areas of the state through grant programs; and
- Monitor, participate in, and provide input in proceedings of the FCC and other federal agencies related to the geographic availability and deployment of broadband Internet service as necessary to ensure that Florida's rural, unserved, and underserved areas are best positioned to benefit from federal and state broadband deployment programs.¹³

The DEO may apply for and accept federal grant funds, enter into necessary or useful contracts, and establish any committee or workgroup to further the above goals.¹⁴

Federal Broadband Initiatives

FCC Digital Opportunity Data Collection Program

The FCC collects and monitors data on broadband deployment in order to identify underserved and unserved localities in the United States.¹⁵ In August 2019, the FCC adopted the Digital Opportunity Data Collection Program, which modernized the collection of broadband deployment data by creating granular coverage maps, as opposed to census tract maps, and by

¹⁰ Kathryn de Wit, Pew Charitable Trusts, *How States are Expanding Broadband Access* (Feb. 27, 2020), available at <https://www.pewtrusts.org/en/research-and-analysis/reports/2020/02/how-states-are-expanding-broadband-access> (last visited Mar. 28, 2021).

¹¹ Chapter 2020-26, Laws of Fla.

¹² Section 364.0135(2)(d), F.S., defines the term "underserved" to mean a geographic area of this state in which there is no provider of broadband Internet service that offers a connection to the Internet with a capacity for transmission at a consistent speed of at least 10 Mbps downstream and at least 1 Mbps upstream

¹³ Section 364.0135(4), F.S.

¹⁴ Section 364.0135(5), F.S.

¹⁵ FCC, *Establishing the Digital Opportunity Data Collection*, at 1-2 (Jan. 19, 2021), available at <https://www.fcc.gov/document/fcc-takes-next-step-collect-more-precise-broadband-mapping-data> (last visited Mar. 28, 2021).

implementing a process to accept public data to confirm the maps' accuracy.¹⁶ In March 2020, Congress ratified the FCC's Data Collection Program with passage of the Broadband Data Act, which requires the FCC to establish a semiannual collection of geographically granular broadband coverage data to use to create coverage maps.¹⁷ Congress allocated \$65 million to the FCC to achieve this mapping project in December 2020.¹⁸

To create these geographic service maps, the FCC collects information from service providers according to specific reporting standards. The service providers must report their service coverage areas, including where their services were available to residences or businesses, and the speed and latency at which their services are delivered.¹⁹ The FCC also set up a website to allow for public input regarding consumers' experiences with broadband.²⁰ The FCC anticipates completing initial, targeted mapping by July 2021.²¹

FCC's Rural Digital Opportunity Fund

In January 2020, the FCC established the Rural Digital Opportunity Fund to fund the deployment of broadband networks in rural America over the next decade. The first phase of the fund began in 2020 and made available up to \$16 billion to target census blocks that are wholly unserved by fixed broadband speeds of at least 25 Mbps downstream and 3 Mbps upstream (25/3 Mbps).²² Florida entities received over \$190 million (to be distributed over the next 10 years) in this first round of funding.²³

Phase II of the Fund will target underserved localities, as identified by the FCC's Digital Opportunity Data Collection Program.²⁴ Using this more precise data, the second phase of FCC grants will make available at least \$4.4 billion to target geographic areas where some locations lack access to 25/3 Mbps broadband.²⁵

FCC's Emergency Broadband Benefit Program

Congress appropriated \$3.2 billion in December 2020 to expand broadband access via subsidies for broadband service to students, families, and unemployed workers.²⁶ Eligible households can receive a discount of up to \$50 per month off their broadband service bill for service and associated equipment. A household is eligible to receive a subsidy if any member of the

¹⁶ *Id.* at 3.

¹⁷ 47 U.S.C. 642(a)(1)(A) and (a)(2) (2020).

¹⁸ Marguerite Reardon, CNET, *FCC Chair Rosenworcel Launches Broadband Mapping Taskforce* (Feb. 17, 2021), available at <https://www.cnet.com/news/fcc-chair-rosenworcel-launches-broadband-mapping-task-force/> (last visited Mar. 28, 2021).

¹⁹ FCC, *Establishing the Digital Opportunity Data Collection*, *supra* note 15 at 5, 8-16.

²⁰ FCC, *Broadband Data Collection Consumer Information*, available at <https://www.fcc.gov/BroadbandData/consumers> (last visited Apr. 1, 2021).

²¹ FCC, *Carr Welcomes New, Four-Month Timeline for Broadband Maps*, available at <https://docs.fcc.gov/public/attachments/DOC-370911A1.pdf> (last visited Apr. 1, 2021).

²² FCC, *FCC Launches \$20 Billion Rural Digital Opportunity Fund* (Feb. 7, 2020), available at <https://www.fcc.gov/document/fcc-launches-20-billion-rural-digital-opportunity-fund-0> (last visited Mar. 28, 2021).

²³ Federal Communications Commission, *Auction 904 Winning Bidders: Attachment A*, available at <https://www.fcc.gov/document/auction-904-winning-bidders> (last visited Mar. 28, 2021).

²⁴ *See*, FCC, *FCC Launches \$20 Billion Rural Digital Opportunity Fund*, *supra* note 20 at 3.

²⁵ FCC, *FCC Launches \$20 Billion Rural Digital Opportunity Fund*, *supra* note 20 at 4.

²⁶ NCSL, *COVID-19 Economic Relief Bill: Broadband Provisions* (Jan. 4, 2021), available at <https://www.ncsl.org/ncsl-in-dc/publications-and-resources/covid-19-economic-relief-bill-stimulus.aspx> (last visited Mar. 28, 2021).

household: qualifies for the Lifeline program, receives benefits under the free or reduce-price school lunch program, received a Federal Pell Grant, experienced a substantial loss of income in the last year and had a total household income in 2020 below \$99,000 for single filers and \$198,000 for joint filers, or meets criteria to participate in service providers' existing low-income or COVID-19 programs.²⁷ The program will conclude when all the funding has been expended or six months after the end of the public health emergency.²⁸

U.S. Department of Agriculture Programs

The U.S. Department of Agriculture (USDA) has several rural utilities programs to provide a variety of loans and grants to build and expand broadband networks.²⁹ The ReConnect Program offers federal loans, grants, and loan/grant combinations to facilitate broadband deployment to rural areas without access to sufficient broadband service. Eligible entities include cooperatives and nonprofits, for-profit companies, and state and local governments and their agencies and political subdivisions. Applicants for a grant or a loan/grant combination under the ReConnect Program must submit a scoring sheet by which USDA may analyze nine separate evaluation criteria to score the application. One of the evaluation criteria is whether the proposed project is in a state with a broadband plan that has been updated within the previous 5 years.³⁰

Miscellaneous Federal Broadband Initiatives

Federal assets to assist with the expansion and promotion of broadband comes from a variety of sources, for example:³¹

- The FCC's E-Rate Universal Service Fund subsidizes telephone service (including broadband Internet access) to low-income households, high-cost areas, rural healthcare providers, and eligible schools and libraries;³²
- The U.S. Department of Housing and Urban Development³³ and Department of Education³⁴ offer block grants that can support broadband infrastructure;
- The Department of the Interior launched a mapping tool to allow service providers to locate federal property available for infrastructure development;³⁵ and

²⁷ FCC, *Emergency Broadband Benefit Program*, <https://www.fcc.gov/broadbandbenefit> (last visited Mar. 28, 2021).

²⁸ See FCC, *FCC Adopts Report and Order for Emergency Broadband Benefit Program*, available at <https://www.fcc.gov/document/fcc-adopts-report-and-order-emergency-broadband-benefit-program-0> (last visited Mar. 31, 2021).

²⁹ USDA, *Telecom Programs*, available at <https://www.rd.usda.gov/programs-services/all-programs/telecom-programs> (last visited Mar. 28, 2021).

³⁰ See USDA, *ReConnect Loan and Grant Program*, available at <https://www.usda.gov/reconnect#anchor1> (last visited Mar. 28, 2021).

³¹ See generally, National Telecommunications and Information Administration (NTIA), *American Broadband Initiative, Progress Report* (June 2020), available at https://www.ntia.doc.gov/files/ntia/publications/abi_progress_report_june2020.pdf (last visited Mar. 28, 2021).

³² FCC, *E-Rate: Universal Service Program for Schools and Libraries* (Sep. 16, 2020), <https://www.fcc.gov/consumers/guides/universal-service-program-schools-and-libraries-e-rate> (last visited Mar. 28, 2021).

³³ U.S. Department of Housing and Urban Development, *State CDBG Program Broadband Infrastructure FAQs* (Jan. 7, 2016), <https://files.hudexchange.info/resources/documents/State-CDBG-Program-Broadband-Infrastructure-FAQs.pdf> (last visited Mar. 28, 2021).

³⁴ U.S. Department of Education, *Rural and Low-Income School Program*, available at <https://www2.ed.gov/programs/reaprlisp/index.html> (last visited Mar. 28, 2021).

³⁵ U.S. Department of Interior, *Supporting Broadband Tower Facilities in Rural America on Federal Properties Managed at Interior*, available at <https://www.doi.gov/broadband> (last visited Mar. 28, 2021).

- The National Telecommunications and Information Administration within the U.S. Department of Commerce is working to improve coordination between federal programs that fund broadband and statewide efforts.³⁶

Additionally, the latest COVID-19 relief bill passed by Congress in December 2020³⁷ included the following funding to expand broadband Internet access for students, families, and unemployed workers:³⁸

- \$300 million for rural broadband;³⁹
- \$250 million for the FCC’s telehealth program;⁴⁰
- \$285 million to fund a pilot program to assist with broadband issues at historically Black colleges and universities;⁴¹
- \$10 billion for the Capital Projects Fund to provide grants to states for the costs of capital projects, like broadband infrastructure.⁴²
- \$1.9 billion for “rip and replace” efforts related to Huawei and ZTE equipment in U.S. networks;⁴³ and
- \$1 billion in grants for tribal broadband programs.⁴⁴

Additionally, the American Rescue Plan, signed into law on March 11, 2021, includes multiple appropriations that can be used for broadband infrastructure, such as \$10 billion for the Capital Projects Fund to provide grants to states for the costs of capital projects, like broadband infrastructure and \$130.2 billion for Community Development Block Grants that can be used for community development projects, including broadband infrastructure.⁴⁵

³⁶ Broadband USA, *State Broadband Leaders Network* (Dec. 19, 2018), <https://broadbandusa.ntia.doc.gov/ntia-resources/state-broadband-leaders-network-sbln> (last visited Mar. 28, 2021).

³⁷ Consolidated Appropriations Act of 2021, H.R. 133, 116th Cong. (2021).

³⁸ NCSL, *COVID-19 Economic Relief Bill: Broadband*, *supra* note 24..

³⁹ See generally, NTIA, *Overview of Consolidated Appropriations Act, 2021: Broadband Infrastructure Deployment Grants*, available at <https://broadbandusa.ntia.doc.gov/ntia-common-content/overview-consolidated-appropriations-act-2021> (last visited Mar. 28, 2021). These grants will be available to support infrastructure for the deployment of fixed broadband service in a census block with at least one household or business that does not have access to internet at a speed of 25/3Mbps or higher.

⁴⁰ FCC, *COVID-19 Telehealth Program* (Feb. 9, 2021), available at <https://www.fcc.gov/covid-19-telehealth-program> (last visited Mar. 28, 2021).

⁴¹ See generally, NTIA, *Minority Broadband Initiative*, <https://www.ntia.doc.gov/category/minority-broadband-initiative> (last visited Mar. 28, 2021).

⁴² U.S. Treasury, *FACT SHEET: The American Rescue Plan Will Deliver Immediate Economic Relief to Families*, available at <https://home.treasury.gov/news/press-releases/jy0069> (last visited Apr. 2, 2021).

⁴³ B. Braverman, M. Browne, and J. Mark, *Let Her Rip! FCC Adopts Remove-and-Replace Rules* (Jan. 15, 2021), <https://www.dwt.com/insights/2021/01/fcc-huawei-zte-rip-and-replace-rules> (last visited Mar. 28, 2021). See also, FCC, *Second Report and Order in re: Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs* (Dec. 10, 2020), available at <https://docs.fcc.gov/public/attachments/FCC-20-176A1.pdf> (last visited Mar. 28, 2021).

⁴⁴ See generally, NTIA, *NTIA Announces Tribal Consultations on New Program to Increase Broadband Access Across Indian Country* (Feb. 5, 2021), <https://www.ntia.gov/blog/2021/ntia-announces-tribal-consultations-new-program-increase-broadband-access-across-indian> (last visited Mar. 28, 2021).

⁴⁵ Pub. L. No. 112-2, ss. 603 and 604 (117th Congress) (H.R. 1319). U.S. Treasury, *FACT SHEET: The American Rescue Plan Will Deliver Immediate Economic Relief to Families*, available at <https://home.treasury.gov/news/press-releases/jy0069> (last visited Apr. 2, 2021).

III. Effect of Proposed Changes:

The Office is currently required to draft a strategic plan for increasing the use of broadband Internet service in Florida. **Section 1** of the bill adds additional subject matter areas that the Office must address in the strategic plan, specifically:

- Short and long-term goals that increase and improve the availability of and access to broadband Internet service in Florida;
- Federal broadband activities, specifically those implemented by the FCC, that may improve broadband Internet service in Florida; and
- Federal funding sources that may be used to expand or improve broadband Internet service in Florida.

The bill requires that the Office complete and submit its strategic plan to the Governor, Chief Justice of the Supreme Court, the President of the Senate, and the Speaker of the House of Representatives by June 30, 2022. The plan must be updated biennially thereafter.

Section 1 of the bill also expands the Office's duties to include the provision of technical and planning assistance relating to broadband infrastructure to rural communities.

Section 2 appropriates \$1.4 million in nonrecurring funds from the State Economic Enhancement and Development Trust Fund to the Department of Economic Opportunity for the 2021-2022 fiscal year. The department must use these funds to commission a broadband feasibility study and to develop a strategic plan as required by s. 364.0135, F.S.

Section 3 provides that the bill takes effect on July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

The Office's planning and execution of its duties may help localities secure funding for broadband Internet service, which will positively impact citizens' business and personal needs. Additionally, communities with sufficient broadband Internet service may better attract or retain business.

C. Government Sector Impact:

The bill appropriates \$1.4 million in nonrecurring funds from the State Economic Enhancement and Development Trust Fund to the DEO to commission a broadband feasibility study and develop a broadband strategic plan, as required by s. 364.0135, F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 364.0135 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Commerce and Tourism on March 15, 2021:**

The CS appropriates \$1.4 million in nonrecurring funds for the fiscal year 2021-2022 from the State Economic Enhancement and Development Trust Fund to the DEO for the specific purposes of commissioning a broadband feasibility study and developing a strategic plan.

B. Amendments:

None.

By the Committee on Commerce and Tourism; and Senator Burgess

577-02868-21

20212004c1

1 A bill to be entitled
 2 An act relating to broadband Internet; amending s.
 3 364.0135, F.S.; requiring the Florida Office of
 4 Broadband's strategic plan to include short-term and
 5 long-term goals for increasing the availability of and
 6 access to broadband Internet service in this state;
 7 providing requirements for the development of the
 8 plan; requiring the updated plan to be submitted to
 9 the Governor, the Chief Justice of the Supreme Court,
 10 and the Legislature by a specified date; requiring the
 11 plan to be updated biennially; requiring the office to
 12 provide technical and planning assistance related to
 13 broadband infrastructure to rural communities;
 14 providing an appropriation; providing an effective
 15 date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Subsection (4) of section 364.0135, Florida
 20 Statutes, is amended to read:

21 364.0135 Promotion of broadband adoption; Florida Office of
 22 Broadband.—

23 (4) FLORIDA OFFICE OF BROADBAND.—The Florida Office of
 24 Broadband is created within the Division of Community
 25 Development in the department for the purpose of developing,
 26 marketing, and promoting broadband Internet services in the
 27 state. The office, in the performance of its duties, shall do
 28 all of the following:

29 (a) Create a strategic plan that has short-term and long-

Page 1 of 4

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

577-02868-21

20212004c1

30 term goals and strategies for increasing and improving the
 31 availability of and access to use of broadband Internet service
 32 in this the state. In development of the plan, the department
 33 shall incorporate applicable federal broadband activities,
 34 including any efforts or initiatives of the Federal
 35 Communications Commission, to improve broadband Internet service
 36 in this state. The plan must include a process to review and
 37 verify public input regarding transmission speeds and
 38 availability of broadband Internet service throughout the state.
 39 The plan must also identify available federal funding sources
 40 for the expansion or improvement of broadband. The strategic
 41 plan must be submitted to the Governor, the Chief Justice of the
 42 Supreme Court, the President of the Senate, and the Speaker of
 43 the House of Representatives by June 30, 2022. The strategic
 44 plan must be updated biennially thereafter.

45 (b) Build and facilitate local technology planning teams or
 46 partnerships with members representing cross-sections of the
 47 community, which may include, but are not limited to,
 48 representatives from the following organizations and industries:
 49 libraries, K-12 education, colleges and universities, local
 50 health care providers, private businesses, community
 51 organizations, economic development organizations, local
 52 governments, tourism, parks and recreation, and agriculture.

53 (c) Provide technical and planning assistance related to
 54 broadband infrastructure to rural communities.

55 (d)-(e) Encourage the use of broadband Internet service,
 56 especially in the rural, unserved, or underserved communities of
 57 the state through grant programs having effective strategies to
 58 facilitate the statewide deployment of broadband Internet

Page 2 of 4

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577-02868-21 20212004c1

59 service. For any grants to be awarded, priority must be given to
60 projects that:

61 1. Provide access to broadband education, awareness,
62 training, access, equipment, and support to libraries, schools,
63 colleges and universities, health care providers, and community
64 support organizations.

65 2. Encourage the sustainable adoption of broadband in
66 primarily underserved areas by removing barriers to entry.

67 3. Work toward encouraging investments in establishing
68 affordable and sustainable broadband Internet service in
69 underserved areas of the state.

70 4. Facilitate the development of applications, programs,
71 and services, including, but not limited to, telework,
72 telemedicine, and e-learning to increase the usage of, and
73 demand for, broadband Internet service in the state.

74 (e)~~(d)~~ Monitor, participate in, and provide input in
75 proceedings of the Federal Communications Commission and other
76 federal agencies related to the geographic availability and
77 deployment of broadband Internet service in the state as
78 necessary to ensure that this information is accurately
79 presented and that rural, unserved, and underserved areas of the
80 state are best positioned to benefit from federal and state
81 broadband deployment programs.

82 Section 2. For the 2021-2022 fiscal year, the sum of \$1.4
83 million in nonrecurring funds is appropriated from the State
84 Economic Enhancement and Development Trust Fund to the
85 Department of Economic Opportunity for the purpose of
86 commissioning a broadband feasibility study and developing a
87 strategic plan as required in s. 364.0135, Florida Statutes.

Page 3 of 4

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577-02868-21 20212004c1

88 Section 3. This act shall take effect July 1, 2021.

Page 4 of 4

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The Florida Senate

Committee Agenda Request

To: Senator George Gainer, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: March 18, 2021

I respectfully request that **Senate Bill #2004**, relating to Broadband Internet, be placed on the:

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

A handwritten signature in blue ink that reads "Danny".

Senator Danny Burgess
Florida Senate, District 20

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

4/8/21

Meeting Date

SB 2004

Bill Number (if applicable)

Topic Broadband Internet

Amendment Barcode (if applicable)

Name Charlie Dudley

Job Title Attorney

Address 108 S Monroe St

Phone 850-681-0024

Street

Tallahassee

FL

32301

Email cdudley@flapartners.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Internet and Television

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

8 April 2021

Meeting Date

2004

Bill Number (if applicable)

Topic Office of Broadband

Amendment Barcode (if applicable)

Name James Mosteller

Job Title Advocacy Associate

Address 215 S Monroe Street, Suite 420

Phone 8507273712

Street

Tallahassee

FL

32301

Email James@afloridapromise.org

City

State

Zip

Speaking: For Against Information

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

Representing The Foundation for Florida's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/8/21

Meeting Date

SB 2004

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name JEFF SCALA

Job Title Associate Director of Public Policy

Address 100 S Monroe St

Phone (850) 922-4300

Street

Tallahassee

City

FL

State

32301

Zip

Email jscala@fl-counties.com

Speaking: For Against Information

Waive Speaking: In Support Against

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

Representing Florida Association of Counties

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/8/21

Meeting Date

SB 2004

Bill Number (if applicable)

Topic Broadband Internet

Amendment Barcode (if applicable)

Name Brita "Breeta" Lincoln

Job Title Legislative Committee

Address 1747 Orlando Central Pkwy Phone 407/855-7604

Street

Orlando

City

FL

State

32809

Zip

Email bwilkinslincoln@gmail.com

Speaking: For Against Information

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

Representing Florida 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.

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

THE FLORIDA SENATE
APPEARANCE RECORD

4-8-21

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

2004

Meeting Date

Bill Number (if applicable)

Topic SB 2004 - Broadband

Amendment Barcode (if applicable)

Name Chris Doolin

Job Title Consultant

Address 1018 THOMASVILLE RD STE 102B

Phone 508-5492

Street

Tallahassee Fla

32308

Email cdoolin@doolinandassociates.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against

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

Representing Small County Coalition

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.

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

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

Started: 4/8/2021 9:00:56 AM

Ends: 4/8/2021 10:57:17 AM

Length: 01:56:22

9:01:04 AM	Sen. Gainer (Chair)
9:02:33 AM	S 754
9:02:50 AM	Sen. Diaz
9:03:39 AM	Sen. Cruz
9:04:02 AM	Sen. Diaz
9:04:28 AM	Sen. Cruz
9:04:48 AM	Sen. Diaz
9:05:53 AM	Sen. Gibson
9:06:49 AM	Sen. Diaz
9:09:06 AM	S 676
9:09:09 AM	Sen. Baxley
9:12:05 AM	Am. 254928
9:13:35 AM	Sen. Hooper
9:15:03 AM	Sen. Baxley
9:15:55 AM	Sen. Taddeo
9:16:57 AM	Sen. Mayfield
9:18:48 AM	Sen. Baxley
9:21:14 AM	S 862
9:21:18 AM	Sen. Gruters
9:22:30 AM	Am. 299924
9:24:10 AM	Sen. Gibson
9:24:23 AM	Sen. Gruters
9:24:47 AM	Sen. Gibson
9:25:10 AM	Sen. Gruters
9:25:33 AM	Sen. Gibson
9:25:52 AM	Sen. Gruters
9:26:17 AM	Sen. Gibson
9:26:22 AM	Sen. Gruters
9:26:42 AM	Sen. Gibson
9:27:04 AM	Sen. Gruters
9:28:14 AM	Sen. Boyd
9:28:33 AM	Sen. Gruters
9:29:07 AM	Sen. Taddeo
9:29:50 AM	Sen. Gruters
9:30:14 AM	Sen. Taddeo
9:30:59 AM	Sen. Gruters
9:31:21 AM	Sen. Taddeo
9:31:49 AM	Sen. Gruters
9:32:18 AM	Sen. Cruz
9:32:47 AM	Sen. Gruters
9:33:11 AM	Sen. Cruz
9:33:41 AM	Sen. Gruters
9:34:51 AM	Sen. Gibson
9:35:26 AM	Sen. Gruters
9:36:05 AM	Sen. Gibson
9:36:16 AM	Sen. Gruters
9:36:57 AM	Sen. Gibson
9:37:14 AM	Sen. Gruters
9:37:20 AM	Sen. Cruz
9:37:40 AM	Sen. Gruters
9:37:48 AM	Sen. Boyd
9:38:02 AM	Sen. Mayfield

9:39:52 AM Sen. Gruters
9:43:05 AM Sen. Taddeo
9:43:26 AM Sen. Gruters
9:43:44 AM Sen. Hooper
9:45:50 AM Sen. Mayfield
9:47:28 AM Sen. Boyd
9:48:28 AM Sen. Gibson
9:51:25 AM Sen. Cruz
9:52:10 AM Sen. Taddeo
9:54:03 AM Sen. Gainer
9:54:17 AM Sen. Gruters
9:59:10 AM S 2004
9:59:14 AM Sen. Burgess
10:01:06 AM Sen. Wright
10:01:57 AM Sen. Burgess
10:02:50 AM Sen. Hooper
10:03:09 AM Sen. Burgess
10:03:38 AM Charlie Dudley, Attorney, Florida Internet and Television (waives in support)
10:03:46 AM James Mosteller, Advocacy Associate, The Foundation for Florida's Future (waives in support)
10:03:53 AM Jeff Scala, Associate Director of Public Policy, Florida Association of Counties (waives in support)
10:04:03 AM Brita Lincoln, Legislative Committee, Florida Parent Teacher Association (waives in support)
10:04:16 AM Chris Doolin, Consultant, Small County Coalition (waives in support)
10:04:46 AM Sen. Ausley
10:05:39 AM Sen. Gibson
10:07:16 AM Sen. Burgess
10:08:31 AM S 1412
10:08:44 AM Sen. Perry
10:10:03 AM Am. 501570
10:11:25 AM Sen. Hooper
10:12:06 AM Sen. Perry
10:12:21 AM Sen. Hooper
10:13:05 AM Sen. Perry
10:14:42 AM Sen. Ausley
10:15:32 AM Sen. Perry
10:16:40 AM Sen. Ausley
10:17:01 AM Sen. Perry
10:17:12 AM Sen. Gibson
10:18:01 AM Sen. Perry
10:18:45 AM Sen. Gibson
10:19:06 AM Sen. Perry
10:19:52 AM Sen. Cruz
10:21:21 AM Sen. Perry
10:23:15 AM Sen. Cruz
10:23:27 AM Sen. Perry
10:23:34 AM Sen. Taddeo
10:24:02 AM Sen. Perry
10:24:41 AM Sen. Taddeo
10:24:54 AM Sen. Perry
10:25:02 AM Sen. Taddeo
10:25:39 AM Sen. Perry
10:26:39 AM Sen. Taddeo
10:27:00 AM Sen. Perry
10:27:01 AM Sen. Taddeo
10:27:10 AM Sen. Perry
10:27:29 AM Ken Williams, Citizen
10:30:21 AM Sen. Gainer
10:31:10 AM Sen. Garcia
10:32:17 AM Sen. Ausley
10:33:38 AM Sen. Hooper
10:39:20 AM Sen. Gibson
10:41:07 AM Sen. Cruz
10:42:36 AM Sen. Taddeo

10:46:11 AM Sen. Gainer
10:47:05 AM Sen. Perry
10:49:45 AM S 1560
10:49:53 AM Sen. Ausley
10:51:59 AM Am. 109060
10:53:18 AM Chris Doolin, Consultant, Small County Coalition
10:54:34 AM Charlie Dudley, Attorney, Florida Internet and Television (waives in support)
10:54:44 AM James Mosteller, Advocacy Associate, The Foundation for Florida's Future (waives in support)
10:54:51 AM Brita Lincoln, Legislative Committee, Florida Parent Teacher Association (waives in support)
10:55:05 AM Jeff Scala, Associate Director of Public Policy, Florida Association of Counties (waives in support)
10:56:16 AM Sen. Taddeo
10:56:25 AM Sen. Perry
10:56:36 AM Sen. Gainer